

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 49**

**Representative Smith, R.**

**Cosponsors: Representatives Duffey, Ginter, Hambley, Hill, Lanese,**

**Manning, Patton, Perales, Reineke, Ryan, Scherer, Sprague**

**Speaker Rosenberger**

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1181.17, and 1181.18 of the Revised Code; to amend 460  
sections 329.04 and 2329.66 of the Revised Code 461  
effective December 31, 2017; to repeal the version 462  
of section 118.023 of the Revised Code that is 463  
scheduled to take effect September 29, 2017; to 464  
amend sections 109.572, 3701.83, 4713.10, 4713.56, 465  
4731.07, 4731.224, and 4776.01 of the Revised Code 466  
effective January 21, 2018; to repeal section 467  
5166.35 of the Revised Code effective January 1, 468  
2019; to amend for the purpose of codifying and 469  
changing the number of Section 369.540 of Am. Sub. 470  
H.B. 64 of the 131st General Assembly to section 471  
3333.95 of the Revised Code; to amend for the 472  
purpose of codifying and changing the number of 473  
Section 529.10 of S.B. 310 of the 131st General 474  
Assembly to section 123.211 of the Revised Code; 475  
to amend Sections 205.10 and 205.20 of Sub. H.B. 476  
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as subsequently amended, Sections 125.10 and 484  
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subsequently amended; and to repeal Section 7 of 491  
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General Assembly to make operating appropriations 494  
for the biennium beginning July 1, 2017, and 495  
ending June 30, 2019, and to provide authorization 496  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 101.01.** That sections 101.27, 101.34, 102.01, 102.02, 499  
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6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 652  
6301.11, 6301.12, and 6301.18 be amended; sections 103.42 653  
(103.416), 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 654  
3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), 655  
4731.092 (4731.091), and 5162.64 (5162.63) be amended for the 656  
purpose of adopting new section numbers as indicated in 657  
parentheses; and new sections 3319.229, 3742.43, 5162.64, and 658  
5739.18 and sections 9.58, 9.581, 9.582, 9.583, 9.584, 102.023, 659  
103.417, 107.036, 107.56, 107.71, 109.112, 109.38, 109.381, 660  
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5168.84, 5168.85, 5168.86, 5502.1321, 5516.20, 5703.0510, 5703.94, 682  
5709.101, 5709.48, 5709.49, 5709.50, 5717.07, 5735.50, 5747.031, 683  
5747.503, 5747.504, 5748.10, 5751.021, 5902.09, 5902.20, 5907.17, 684  
6111.561, 6111.61, 6111.62, 6301.111, 6301.112, 6301.20, and 685  
6301.21 of the Revised Code be enacted to read as follows: 686

Sec. 9.58. As used in sections 9.58 to 9.584 of the Revised 687  
Code: 688

(A) "Eligible project" means any capital improvement project 689  
located in this state that is designed to enhance, aid, provide, 690  
or promote transportation, economic development, housing, health 691  
care, recreation, education, government operations, culture, 692  
research, or purposes or activities authorized by Section 13 or 16 693  
of Article VIII, Ohio Constitution. 694

(B) "Foreign entity" means a state of the United States other 695  
than this state, or a political subdivision or governmental entity 696  
created by, or pursuant to the laws of, a state of the United 697  
States other than this state. The term does not include a foreign 698  
nation. 699

(C) "Governmental agency" means a department, division, or 700  
other unit of state government of this state or a municipal 701  
corporation, county, township, port authority, transportation 702  
improvement district, water or sewer district, solid waste 703

management district, school district or other public school, 704  
health district, park district, soil and water conservation 705  
district, water conservancy district, regional transit authority, 706  
airport authority, or other political subdivision or public 707  
corporation, district, agency, authority, or commission created 708  
pursuant to the laws of this state or pursuant to an interstate 709  
compact or agreement authorized under the laws of this state. 710

Sec. 9.581. (A) A foreign entity shall not directly or 711  
indirectly provide financing for an eligible project, through 712  
bonded indebtedness or otherwise, unless the foreign entity does 713  
both of the following: 714

(1) Within two business days after the foreign entity 715  
initially contacts or is contacted by the person or governmental 716  
agency proposing the project, the foreign entity notifies either 717  
of the following, as applicable, of its interest in the project: 718

(a) If the project will be located within the territory of a 719  
port authority, the port authority; 720

(b) If the project will not be located within the territory 721  
of a port authority, the county within which the project will be 722  
located. 723

(2) Upon entering into a financing agreement, the foreign 724  
entity provides written confirmation to the port authority or 725  
county, as applicable, that an agreement has been reached and that 726  
all of the following conditions are met: 727

(a) The interest or interest equivalent payable on the 728  
financing is intended to be excluded from gross income for federal 729  
income tax purposes. 730

(b) The financing for the project does not require public 731  
approval under section 147(f) of Title 26 of the United States 732  
Code and is not a current refunding of a project that required 733

such public approval. 734

(c) The laws of the foreign entity do not prohibit this state 735  
or a political subdivision or governmental entity created by, or 736  
pursuant to the laws of, this state from providing similar 737  
financing for a capital improvement project located in that 738  
foreign entity or place more onerous conditions or restrictions on 739  
providing that financing than those set forth in division (A) of 740  
this section. 741

(B) Division (A) of this section does not apply if, in 742  
addition to financing the project in this state, the foreign 743  
entity is currently financing a similar project for the same 744  
person in another state. 745

Sec. 9.582. A governmental agency shall not directly or 746  
indirectly utilize a foreign entity to provide financing for an 747  
eligible project, through the issuance of bonded indebtedness or 748  
otherwise, unless the foreign entity complies with section 9.581 749  
of the Revised Code. 750

Sec. 9.583. If a foreign entity provides financing for an 751  
eligible project without complying with section 9.581 of the 752  
Revised Code, the foreign entity shall pay to the appropriate port 753  
authority or county an amount equal to seventy-five per cent of 754  
all fees charged by the foreign entity to provide the financing, 755  
as and when those fees accrue, or, if greater in the aggregate, an 756  
amount equal to all fees the port authority or county would have 757  
charged to provide the financing based on a predetermined fee 758  
schedule, as and when those fees would become due under that 759  
schedule. 760

Sec. 9.584. If a foreign entity provides financing for an 761  
eligible project without complying with section 9.581 of the 762  
Revised Code, the director of development services or the 763

appropriate port authority or county may bring an action for 764  
injunctive relief pursuant to Chapter 2727. of the Revised Code 765  
against the foreign entity. Upon proof by clear and convincing 766  
evidence of a failure to comply with section 9.581 of the Revised 767  
Code, the director, port authority, or county shall be entitled to 768  
such injunctive relief. Any injunction granted pursuant to this 769  
section shall have statewide effect. 770

**Sec. 101.27.** (A)(1) Every member of the senate, except the 771  
members elected president, president pro tempore, assistant 772  
president pro tempore, majority whip, minority leader, assistant 773  
minority leader, minority whip, and assistant minority whip, shall 774  
receive as compensation a salary of fifty-one thousand six hundred 775  
seventy-four dollars a year during the senator's term of office. 776  
Every member of the house of representatives, except the members 777  
elected speaker, speaker pro tempore, majority floor leader, 778  
assistant majority floor leader, majority whip, assistant majority 779  
whip, minority leader, assistant minority leader, minority whip, 780  
and assistant minority whip, shall receive as compensation a 781  
salary of fifty-one thousand six hundred seventy-four dollars a 782  
year during the representative's term of office. Such salaries 783  
shall be paid in equal monthly installments during such term. All 784  
monthly payments shall be made on or before the fifth day of each 785  
month. Upon the death of any member of the general assembly during 786  
the member's term of office, any unpaid salary due such member for 787  
the remainder of the member's term shall be paid to the member's 788  
surviving spouse, children, mother, or father, in the order in 789  
which the relationship is set forth in this section in monthly 790  
installments. 791

(2) Each member shall receive a travel reimbursement per mile 792  
each way, at the same mileage rate allowed for the reimbursement 793  
of travel expenses of state agents as provided by rule of the 794  
director of budget and management pursuant to division (B) of 795

section 126.31 of the Revised Code, for mileage not more than once 796  
a week during the session for travel incurred by a member from and 797  
to the member's place of residence, by the most direct highway 798  
route of public travel to and from the seat of government, and to 799  
and from a location outside the seat of government if the 800  
legislature convenes for session at that location, to be paid 801  
quarterly on the last day of March, June, September, and December 802  
of each year. If session is held at the seat of government and at 803  
a location outside the seat of government in the same week, a 804  
member is entitled to a travel reimbursement for that week for 805  
either travel to the session held at the seat of government or at 806  
a location outside the seat of government, whichever distance was 807  
farther for a member to travel. A member entitled to a 808  
reimbursement under this division may decline the reimbursement. 809

(3) The member of the senate elected president and the member 810  
of the house of representatives elected speaker shall each receive 811  
as compensation a salary of eighty thousand five hundred 812  
forty-nine dollars a year during the president's or speaker's term 813  
of office. 814

The member of the senate elected president pro tempore, the 815  
member of the senate elected minority leader, the member of the 816  
house of representatives elected speaker pro tempore, and the 817  
member of the house of representatives elected minority leader 818  
shall each receive as compensation a salary of seventy-three 819  
thousand four hundred ninety-three dollars a year during the 820  
member's term of office. The member of the house of 821  
representatives elected majority floor leader and the member of 822  
the senate elected assistant president pro tempore shall each 823  
receive as compensation a salary of sixty-nine thousand two 824  
hundred twenty-seven dollars a year during the member's term of 825  
office. The member of the senate elected assistant minority leader 826  
and the member of the house of representatives elected assistant 827

minority leader shall each receive as compensation a salary of 828  
sixty-seven thousand ninety-nine dollars a year during the 829  
member's term of office. The member of the senate elected majority 830  
whip and the member of the house of representatives elected 831  
assistant majority floor leader shall each receive a salary of 832  
sixty-four thousand nine hundred sixty-seven dollars a year during 833  
the member's term of office. The member of the senate elected 834  
minority whip, the member of the house of representatives elected 835  
majority whip, and the member of the house of representatives 836  
elected minority whip shall each receive as compensation a salary 837  
of sixty thousand seven hundred six dollars a year during the 838  
member's term of office. The member of the house of 839  
representatives elected assistant majority whip shall receive as 840  
compensation a salary of fifty-six thousand four hundred 841  
forty-three dollars a year during the member's term of office. The 842  
member of the house of representatives elected assistant minority 843  
whip and the member of the senate elected assistant minority whip 844  
shall each receive a salary of fifty-four thousand sixty dollars a 845  
year during the member's term of office. 846

(4) The chairperson of the finance committee of each house 847  
shall receive an additional sum of ten thousand dollars annually. 848  
The chairperson of each standing committee of each house other 849  
than the finance committee shall receive an additional sum of six 850  
thousand five hundred dollars annually. The chairperson of each 851  
standing subcommittee of a finance committee shall receive an 852  
additional sum of six thousand five hundred dollars annually. The 853  
vice-chairperson of the finance committee of each house shall 854  
receive an additional sum of five thousand five hundred dollars 855  
annually. The ranking minority member of the finance committee of 856  
each house shall receive an additional sum of six thousand five 857  
hundred dollars annually. The ranking minority member of each 858  
standing subcommittee of a finance committee shall receive an 859  
additional sum of five thousand dollars annually. The chairperson 860

of each standing subcommittee of each house other than a standing 861  
subcommittee of the finance committee shall receive an additional 862  
sum of five thousand dollars annually. The vice-chairperson and 863  
ranking minority member of each standing committee of each house 864  
other than the finance committee shall each receive an additional 865  
sum of five thousand dollars annually. Except for the ranking 866  
minority member of each standing subcommittee of a finance 867  
committee, the ranking minority member of each standing 868  
subcommittee of each house shall receive an additional sum of two 869  
thousand five hundred dollars annually. 870

No member may receive more than one additional sum for 871  
serving as chairperson, vice-chairperson, or ranking minority 872  
member of a standing committee or standing subcommittee, 873  
regardless of the number of standing committees or standing 874  
subcommittees on which the member serves as chairperson, 875  
vice-chairperson, or ranking minority member. 876

(5) If a member is absent without leave, or is not excused on 877  
the member's return, there shall be deducted from the member's 878  
compensation twenty dollars for each day's absence. 879

(B) Each calendar year from 2002 through 2008, the salary 880  
amounts under divisions (A)(1) and (3) of this section shall be 881  
increased by the lesser of the following: 882

(1) Three per cent; 883

(2) The percentage increase, if any, in the consumer price 884  
index over the twelve-month period that ends on the thirtieth day 885  
of September of the immediately preceding year, rounded to the 886  
nearest one-tenth of one per cent. 887

(C) As used in this section: 888

(1) "Consumer price index" means the consumer price index 889  
prepared by the United States bureau of labor statistics (U.S. 890  
city average for urban wage earners and clerical workers: all 891



items, 1982-1984=100), or, if that index is no longer published, a generally available comparable index.

(2) "Finance committee" means the finance committee of the senate and the finance-appropriations committee of the house of representatives.

**Sec. 101.34.** (A) There is hereby created a joint legislative ethics committee to serve the general assembly. The committee shall be composed of twelve members, six each from the two major political parties, and each member shall serve on the committee during the member's term as a member of that general assembly. Six members of the committee shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than three from the same political party, and six members of the committee shall be members of the senate appointed by the president of the senate, not more than three from the same political party. A vacancy in the committee shall be filled for the unexpired term in the same manner as an original appointment. The members of the committee shall be appointed within fifteen days after the first day of the first regular session of each general assembly and the committee shall meet and proceed to recommend an ethics code not later than thirty days after the first day of the first regular session of each general assembly.

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the

committee, and the speaker of the house of representatives shall 923  
appoint the vice-chairperson of the committee from among the house 924  
members of the committee. The chairperson, vice-chairperson, and 925  
members of the committee shall serve until their respective 926  
successors are appointed or until they are no longer members of 927  
the general assembly. 928

The committee shall meet at the call of the chairperson or 929  
upon the written request of seven members of the committee. 930

(B) The joint legislative ethics committee: 931

(1) Shall recommend a code of ethics that is consistent with 932  
law to govern all members and employees of each house of the 933  
general assembly and all candidates for the office of member of 934  
each house; 935

(2) May receive and hear any complaint that alleges a breach 936  
of any privilege of either house, or misconduct of any member, 937  
employee, or candidate, or any violation of the appropriate code 938  
of ethics; 939

(3) May obtain information with respect to any complaint 940  
filed pursuant to this section and to that end may enforce the 941  
attendance and testimony of witnesses, and the production of books 942  
and papers; 943

(4) May recommend whatever sanction is appropriate with 944  
respect to a particular member, employee, or candidate as will 945  
best maintain in the minds of the public a good opinion of the 946  
conduct and character of members and employees of the general 947  
assembly; 948

(5) May recommend legislation to the general assembly 949  
relating to the conduct and ethics of members and employees of and 950  
candidates for the general assembly; 951

(6) Shall employ an executive director for the committee and 952

may employ other staff as the committee determines necessary to 953  
assist it in exercising its powers and duties. The executive 954  
director and staff of the committee shall be known as the office 955  
of legislative inspector general. At least one member of the staff 956  
of the committee shall be an attorney at law licensed to practice 957  
law in this state. The appointment and removal of the executive 958  
director shall require the approval of at least eight members of 959  
the committee. 960

(7) May employ a special counsel to assist the committee in 961  
exercising its powers and duties. The appointment and removal of a 962  
special counsel shall require the approval of at least eight 963  
members of the committee. 964

(8) Shall act as an advisory body to the general assembly and 965  
to individual members, candidates, and employees on questions 966  
relating to ethics, possible conflicts of interest, and financial 967  
disclosure; 968

(9) Shall provide for the proper forms on which a statement 969  
required pursuant to section 102.02 or 102.021 of the Revised Code 970  
shall be filed and instructions as to the filing of the statement; 971

(10) Exercise the powers and duties prescribed under sections 972  
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 973  
sections 121.60 to 121.69 of the Revised Code; 974

(11) Adopt, in accordance with section 111.15 of the Revised 975  
Code, any rules that are necessary to implement and clarify 976  
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 977

(C) There is hereby created in the state treasury the joint 978  
legislative ethics committee fund. All money collected from 979  
registration fees and late filing fees prescribed under sections 980  
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 981  
into the state treasury to the credit of the fund. Money credited 982  
to the fund and any interest and earnings from the fund shall be 983

used solely for the operation of the joint legislative ethics 984  
committee and the office of legislative inspector general and for 985  
the purchase of data storage and computerization facilities for 986  
the statements filed with the committee under sections 101.73, 987  
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 988

(D) The chairperson of the joint legislative ethics committee 989  
shall issue a written report, not later than the thirty-first day 990  
of January of each year, to the speaker and minority leader of the 991  
house of representatives and to the president and minority leader 992  
of the senate that lists the number of committee meetings and 993  
investigations the committee conducted during the immediately 994  
preceding calendar year and the number of advisory opinions it 995  
issued during the immediately preceding calendar year. 996

(E) Any investigative report that contains facts and findings 997  
regarding a complaint filed with the joint legislative ethics 998  
committee and that is prepared by the staff of the committee or a 999  
special counsel to the committee shall become a public record upon 1000  
its acceptance by a vote of the majority of the members of the 1001  
committee, except for any names of specific individuals and 1002  
entities contained in the report. If the committee recommends 1003  
disciplinary action or reports its findings to the appropriate 1004  
prosecuting authority for proceedings in prosecution of the 1005  
violations alleged in the complaint, the investigatory report 1006  
regarding the complaint shall become a public record in its 1007  
entirety. 1008

(F)(1) Any file obtained by or in the possession of the 1009  
former house ethics committee or former senate ethics committee 1010  
shall become the property of the joint legislative ethics 1011  
committee. Any such file is confidential if either of the 1012  
following applies: 1013

(a) It is confidential under section 102.06 of the Revised 1014  
Code or the legislative code of ethics. 1015

(b) If the file was obtained from the former house ethics committee or from the former senate ethics committee, it was confidential under any statute or any provision of a code of ethics that governed the file.

(2) As used in this division, "file" includes, but is not limited to, evidence, documentation, or any other tangible thing.

(G) There is hereby created in the state treasury the joint legislative ethics committee investigative and financial disclosure fund. Investment earnings of the fund shall be credited to the fund. ~~Money in~~ All moneys credited to the fund shall be used solely for ~~the operations~~ expenses related to the investigative and financial disclosure functions of the committee ~~in conducting investigations.~~

**Sec. 102.01.** As used in this chapter:

(A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission,

authority, bureau or other instrumentality of the state, a county, 1046  
city, village, or township, the five state retirement systems, or 1047  
any other governmental entity. "Public agency" does not include a 1048  
department, division, institution, board, commission, authority, 1049  
or other instrumentality of the state or a county, municipal 1050  
corporation, township, or other governmental entity that functions 1051  
exclusively for cultural, educational, historical, humanitarian, 1052  
advisory, or research purposes; that does not expend more than ten 1053  
thousand dollars per calendar year, excluding salaries and wages 1054  
of employees; and whose members are uncompensated. "Public agency" 1055  
does not include the nonprofit corporation formed under section 1056  
187.01 of the Revised Code. 1057

(D) "Immediate family" means a spouse residing in the 1058  
person's household and any dependent child. 1059

(E) "Income" includes gross income as defined and used in the 1060  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 1061  
amended, interest and dividends on obligations or securities of 1062  
any state or of any political subdivision or authority of any 1063  
state or political subdivision, and interest or dividends on 1064  
obligations of any authority, commission, or instrumentality of 1065  
the United States. 1066

(F) Except as otherwise provided in division (A) of section 1067  
102.08 of the Revised Code, "appropriate ethics commission" means: 1068

(1) For matters relating to members of the general assembly, 1069  
employees of the general assembly, employees of the legislative 1070  
service commission, candidates for the office of member of the 1071  
general assembly, and public members appointed to the Ohio 1072  
constitutional modernization commission under section 103.63 of 1073  
the Revised Code, the joint legislative ethics committee; 1074

(2) For matters relating to judicial officers and employees, 1075  
and candidates for judicial office, the board of commissioners on 1076

grievances and discipline of the supreme court; 1077

(3) For matters relating to all other persons, the Ohio 1078  
ethics commission. 1079

(G)(1) "Anything of value" has the same meaning as provided 1080  
in section 1.03 of the Revised Code and includes, but is not 1081  
limited to, a contribution as defined in section 3517.01 of the 1082  
Revised Code. 1083

(2)(a) Except as otherwise provided in division (G)(2)(b) of 1084  
this section and except as used in division (M)(1) of section 1085  
102.03 of the Revised Code, "anything of value" does not include 1086  
payment of event registration fees, actual travel and lodging 1087  
expenses, or meals, food, and beverages provided to a public 1088  
official or employee by a national, state, or regional 1089  
organization to which a state agency or political subdivision, 1090  
including any state legislative agency or state institution of 1091  
higher education, as defined in section 3345.011 of the Revised 1092  
Code, pays membership dues, at a meeting or convention of that 1093  
organization. 1094

(b) "Anything of value" includes payment of actual travel 1095  
expenses, including expenses incurred with the travel for lodging, 1096  
meals, food, and beverages, to a person who is a member of the 1097  
board of a state retirement system, a state retirement system 1098  
investment officer, or an employee of a state retirement system 1099  
whose position involves substantial and material exercise of 1100  
discretion in the investment of retirement system funds, as 1101  
described in division (H)(2) of section 102.03 of the Revised 1102  
Code. 1103

(H) "Honorarium" means any payment made in consideration for 1104  
any speech given, article published, or attendance at any public 1105  
or private conference, convention, meeting, social event, meal, or 1106  
similar gathering. "Honorarium" does not include ceremonial gifts 1107

or awards that have insignificant monetary value; unsolicited 1108  
gifts of nominal value or trivial items of informational value; or 1109  
earned income from any person, other than a legislative agent, for 1110  
personal services that are customarily provided in connection with 1111  
the practice of a bona fide business, if that business initially 1112  
began before the public official or employee conducting that 1113  
business was elected or appointed to the public official's or 1114  
employee's office or position of employment. 1115

(I) "Employer" means any person who, directly or indirectly, 1116  
engages an executive agency lobbyist or legislative agent. 1117

(J) "Executive agency decision," "executive agency lobbyist," 1118  
and "executive agency lobbying activity" have the same meanings as 1119  
in section 121.60 of the Revised Code. 1120

(K) "Legislation," "legislative agent," "financial 1121  
transaction," and "actively advocate" have the same meanings as in 1122  
section 101.70 of the Revised Code. 1123

(L) "Expenditure" has the same meaning as in section 101.70 1124  
of the Revised Code when used in relation to activities of a 1125  
legislative agent, and the same meaning as in section 121.60 of 1126  
the Revised Code when used in relation to activities of an 1127  
executive agency lobbyist. 1128

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 1129  
(H) of this section, all of the following shall file with the 1130  
appropriate ethics commission the disclosure statement described 1131  
in this division on a form prescribed by the appropriate 1132  
commission: every person who is elected to or is a candidate for a 1133  
state, county, or city office and every person who is appointed to 1134  
fill a vacancy for an unexpired term in such an elective office; 1135  
all members of the state board of education; the director, 1136  
assistant directors, deputy directors, division chiefs, or persons 1137  
of equivalent rank of any administrative department of the state; 1138



the president or other chief administrative officer of every state 1139  
institution of higher education as defined in section 3345.011 of 1140  
the Revised Code; the executive director and the members of the 1141  
capitol square review and advisory board appointed or employed 1142  
pursuant to section 105.41 of the Revised Code; all members of the 1143  
Ohio casino control commission, the executive director of the 1144  
commission, all professional employees of the commission, and all 1145  
technical employees of the commission who perform an internal 1146  
audit function; the individuals set forth in division (B)(2) of 1147  
section 187.03 of the Revised Code; the chief executive officer 1148  
and the members of the board of each state retirement system; each 1149  
employee of a state retirement board who is a state retirement 1150  
system investment officer licensed pursuant to section 1707.163 of 1151  
the Revised Code; the members of the Ohio retirement study council 1152  
appointed pursuant to division (C) of section 171.01 of the 1153  
Revised Code; employees of the Ohio retirement study council, 1154  
other than employees who perform purely administrative or clerical 1155  
functions; the administrator of workers' compensation and each 1156  
member of the bureau of workers' compensation board of directors; 1157  
the bureau of workers' compensation director of investments; the 1158  
chief investment officer of the bureau of workers' compensation; 1159  
all members of the board of commissioners on grievances and 1160  
discipline of the supreme court and the ethics commission created 1161  
under section 102.05 of the Revised Code; every business manager, 1162  
treasurer, or superintendent of a city, local, exempted village, 1163  
joint vocational, or cooperative education school district or an 1164  
educational service center; every person who is elected to or is a 1165  
candidate for the office of member of a board of education of a 1166  
city, local, exempted village, joint vocational, or cooperative 1167  
education school district or of a governing board of an 1168  
educational service center that has a total student count of 1169  
twelve thousand or more as most recently determined by the 1170  
department of education pursuant to section 3317.03 of the Revised 1171

Code; every person who is appointed to the board of education of a 1172  
municipal school district pursuant to division (B) or (F) of 1173  
section 3311.71 of the Revised Code; all members of the board of 1174  
directors of a sanitary district that is established under Chapter 1175  
6115. of the Revised Code and organized wholly for the purpose of 1176  
providing a water supply for domestic, municipal, and public use, 1177  
and that includes two municipal corporations in two counties; 1178  
every public official or employee who is paid a salary or wage in 1179  
accordance with schedule C of section 124.15 or schedule E-2 of 1180  
section 124.152 of the Revised Code; members of the board of 1181  
trustees and the executive director of the southern Ohio 1182  
agricultural and community development foundation; all members 1183  
appointed to the Ohio livestock care standards board under section 1184  
904.02 of the Revised Code; all entrepreneurs in residence 1185  
assigned by the LeanOhio office in the department of 1186  
administrative services under section 125.65 of the Revised Code 1187  
and every other public official or employee who is designated by 1188  
the appropriate ethics commission pursuant to division (B) of this 1189  
section. 1190

(2) The disclosure statement shall include all of the 1191  
following: 1192

(a) The name of the person filing the statement and each 1193  
member of the person's immediate family and all names under which 1194  
the person or members of the person's immediate family do 1195  
business; 1196

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 1197  
section and except as otherwise provided in section 102.022 of the 1198  
Revised Code, identification of every source of income, other than 1199  
income from a legislative agent identified in division 1200  
(A)(2)(b)(ii) of this section, received during the preceding 1201  
calendar year, in the person's own name or by any other person for 1202  
the person's use or benefit, by the person filing the statement, 1203

and a brief description of the nature of the services for which 1204  
the income was received. If the person filing the statement is a 1205  
member of the general assembly, the statement shall identify the 1206  
amount of every source of income received in accordance with the 1207  
following ranges of amounts: zero or more, but less than one 1208  
thousand dollars; one thousand dollars or more, but less than ten 1209  
thousand dollars; ten thousand dollars or more, but less than 1210  
twenty-five thousand dollars; twenty-five thousand dollars or 1211  
more, but less than fifty thousand dollars; fifty thousand dollars 1212  
or more, but less than one hundred thousand dollars; and one 1213  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 1214  
section shall not be construed to require a person filing the 1215  
statement who derives income from a business or profession to 1216  
disclose the individual items of income that constitute the gross 1217  
income of that business or profession, except for those individual 1218  
items of income that are attributable to the person's or, if the 1219  
income is shared with the person, the partner's, solicitation of 1220  
services or goods or performance, arrangement, or facilitation of 1221  
services or provision of goods on behalf of the business or 1222  
profession of clients, including corporate clients, who are 1223  
legislative agents. A person who files the statement under this 1224  
section shall disclose the identity of and the amount of income 1225  
received from a person who the public official or employee knows 1226  
or has reason to know is doing or seeking to do business of any 1227  
kind with the public official's or employee's agency. 1228

(ii) If the person filing the statement is a member of the 1229  
general assembly, the statement shall identify every source of 1230  
income and the amount of that income that was received from a 1231  
legislative agent during the preceding calendar year, in the 1232  
person's own name or by any other person for the person's use or 1233  
benefit, by the person filing the statement, and a brief 1234  
description of the nature of the services for which the income was 1235  
received. Division (A)(2)(b)(ii) of this section requires the 1236

disclosure of clients of attorneys or persons licensed under 1237  
section 4732.12 of the Revised Code, or patients of persons 1238  
~~certified~~ licensed under section 4731.14 of the Revised Code, if 1239  
those clients or patients are legislative agents. Division 1240  
(A)(2)(b)(ii) of this section requires a person filing the 1241  
statement who derives income from a business or profession to 1242  
disclose those individual items of income that constitute the 1243  
gross income of that business or profession that are received from 1244  
legislative agents. 1245

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 1246  
of this section, division (A)(2)(b)(i) of this section applies to 1247  
attorneys, physicians, and other persons who engage in the 1248  
practice of a profession and who, pursuant to a section of the 1249  
Revised Code, the common law of this state, a code of ethics 1250  
applicable to the profession, or otherwise, generally are required 1251  
not to reveal, disclose, or use confidences of clients, patients, 1252  
or other recipients of professional services except under 1253  
specified circumstances or generally are required to maintain 1254  
those types of confidences as privileged communications except 1255  
under specified circumstances. Division (A)(2)(b)(i) of this 1256  
section does not require an attorney, physician, or other 1257  
professional subject to a confidentiality requirement as described 1258  
in division (A)(2)(b)(iii) of this section to disclose the name, 1259  
other identity, or address of a client, patient, or other 1260  
recipient of professional services if the disclosure would 1261  
threaten the client, patient, or other recipient of professional 1262  
services, would reveal details of the subject matter for which 1263  
legal, medical, or professional advice or other services were 1264  
sought, or would reveal an otherwise privileged communication 1265  
involving the client, patient, or other recipient of professional 1266  
services. Division (A)(2)(b)(i) of this section does not require 1267  
an attorney, physician, or other professional subject to a 1268  
confidentiality requirement as described in division 1269

(A)(2)(b)(iii) of this section to disclose in the brief 1270  
description of the nature of services required by division 1271  
(A)(2)(b)(i) of this section any information pertaining to 1272  
specific professional services rendered for a client, patient, or 1273  
other recipient of professional services that would reveal details 1274  
of the subject matter for which legal, medical, or professional 1275  
advice was sought or would reveal an otherwise privileged 1276  
communication involving the client, patient, or other recipient of 1277  
professional services. 1278

(c) The name of every corporation on file with the secretary 1279  
of state that is incorporated in this state or holds a certificate 1280  
of compliance authorizing it to do business in this state, trust, 1281  
business trust, partnership, or association that transacts 1282  
business in this state in which the person filing the statement or 1283  
any other person for the person's use and benefit had during the 1284  
preceding calendar year an investment of over one thousand dollars 1285  
at fair market value as of the thirty-first day of December of the 1286  
preceding calendar year, or the date of disposition, whichever is 1287  
earlier, or in which the person holds any office or has a 1288  
fiduciary relationship, and a description of the nature of the 1289  
investment, office, or relationship. Division (A)(2)(c) of this 1290  
section does not require disclosure of the name of any bank, 1291  
savings and loan association, credit union, or building and loan 1292  
association with which the person filing the statement has a 1293  
deposit or a withdrawable share account. 1294

(d) All fee simple and leasehold interests to which the 1295  
person filing the statement holds legal title to or a beneficial 1296  
interest in real property located within the state, excluding the 1297  
person's residence and property used primarily for personal 1298  
recreation; 1299

(e) The names of all persons residing or transacting business 1300  
in the state to whom the person filing the statement owes, in the 1301

person's own name or in the name of any other person, more than 1302  
one thousand dollars. Division (A)(2)(e) of this section shall not 1303  
be construed to require the disclosure of debts owed by the person 1304  
resulting from the ordinary conduct of a business or profession or 1305  
debts on the person's residence or real property used primarily 1306  
for personal recreation, except that the superintendent of 1307  
financial institutions shall disclose the names of all 1308  
state-chartered savings and loan associations and of all service 1309  
corporations subject to regulation under division (E)(2) of 1310  
section 1151.34 of the Revised Code to whom the superintendent in 1311  
the superintendent's own name or in the name of any other person 1312  
owes any money, and that the superintendent and any deputy 1313  
superintendent of banks shall disclose the names of all 1314  
state-chartered banks and all bank subsidiary corporations subject 1315  
to regulation under section 1109.44 of the Revised Code to whom 1316  
the superintendent or deputy superintendent owes any money. 1317

(f) The names of all persons residing or transacting business 1318  
in the state, other than a depository excluded under division 1319  
(A)(2)(c) of this section, who owe more than one thousand dollars 1320  
to the person filing the statement, either in the person's own 1321  
name or to any person for the person's use or benefit. Division 1322  
(A)(2)(f) of this section shall not be construed to require the 1323  
disclosure of clients of attorneys or persons licensed under 1324  
section 4732.12 of the Revised Code, or patients of persons 1325  
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1326  
the disclosure of debts owed to the person resulting from the 1327  
ordinary conduct of a business or profession. 1328

(g) Except as otherwise provided in section 102.022 of the 1329  
Revised Code, the source of each gift of over seventy-five 1330  
dollars, or of each gift of over twenty-five dollars received by a 1331  
member of the general assembly from a legislative agent, received 1332  
by the person in the person's own name or by any other person for 1333

the person's use or benefit during the preceding calendar year, 1334  
except gifts received by will or by virtue of section 2105.06 of 1335  
the Revised Code, or received from spouses, parents, grandparents, 1336  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1337  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1338  
fathers-in-law, mothers-in-law, or any person to whom the person 1339  
filing the statement stands in loco parentis, or received by way 1340  
of distribution from any inter vivos or testamentary trust 1341  
established by a spouse or by an ancestor; 1342

(h) Except as otherwise provided in section 102.022 of the 1343  
Revised Code, identification of the source and amount of every 1344  
payment of expenses incurred for travel to destinations inside or 1345  
outside this state that is received by the person in the person's 1346  
own name or by any other person for the person's use or benefit 1347  
and that is incurred in connection with the person's official 1348  
duties, except for expenses for travel to meetings or conventions 1349  
of a national or state organization to which any state agency, 1350  
including, but not limited to, any legislative agency or state 1351  
institution of higher education as defined in section 3345.011 of 1352  
the Revised Code, pays membership dues, or any political 1353  
subdivision or any office or agency of a political subdivision 1354  
pays membership dues; 1355

(i) Except as otherwise provided in section 102.022 of the 1356  
Revised Code, identification of the source of payment of expenses 1357  
for meals and other food and beverages, other than for meals and 1358  
other food and beverages provided at a meeting at which the person 1359  
participated in a panel, seminar, or speaking engagement or at a 1360  
meeting or convention of a national or state organization to which 1361  
any state agency, including, but not limited to, any legislative 1362  
agency or state institution of higher education as defined in 1363  
section 3345.011 of the Revised Code, pays membership dues, or any 1364  
political subdivision or any office or agency of a political 1365

subdivision pays membership dues, that are incurred in connection 1366  
with the person's official duties and that exceed one hundred 1367  
dollars aggregated per calendar year; 1368

(j) If the disclosure statement is filed by a public official 1369  
or employee described in division (B)(2) of section 101.73 of the 1370  
Revised Code or division (B)(2) of section 121.63 of the Revised 1371  
Code who receives a statement from a legislative agent, executive 1372  
agency lobbyist, or employer that contains the information 1373  
described in division (F)(2) of section 101.73 of the Revised Code 1374  
or division (G)(2) of section 121.63 of the Revised Code, all of 1375  
the nondisputed information contained in the statement delivered 1376  
to that public official or employee by the legislative agent, 1377  
executive agency lobbyist, or employer under division (F)(2) of 1378  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1379

(3) A person may file a statement required by this section in 1380  
person, by mail, or by electronic means. 1381

(4) A person who is required to file a statement under this 1382  
section shall file that statement according to the following 1383  
deadlines, as applicable: 1384

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1385  
and (d) of this section, the person shall file the statement not 1386  
later than the fifteenth day of May of each year. 1387

(b) A Subject to divisions (A)(4)(b)(i) and (ii) of this 1388  
section, a person who is a candidate for elective office shall 1389  
file the statement no later than the thirtieth day before the 1390  
primary, special, or general election at which the candidacy is to 1391  
be voted on, whichever election occurs soonest, ~~except that a.~~ 1392

(i) A person who is a write-in candidate shall file the 1393  
statement no later than the twentieth day before the earliest 1394  
election at which the person's candidacy is to be voted on. 1395

(ii) A person who is a candidate for the nomination of a 1396



political party for an office and who subsequently receives a 1397  
certificate of nomination under section 3513.02, 3513.30, 1398  
3513.301, or 3513.312 of the Revised Code because the person's 1399  
primary race is uncontested shall file the statement no later than 1400  
the thirtieth day before the primary election at which the 1401  
person's candidacy would have been voted on if the race had been 1402  
contested. 1403

(c) A person who is appointed to fill a vacancy for an 1404  
unexpired term in an elective office shall file the statement 1405  
within fifteen days after the person qualifies for office. 1406

(d) A person who is appointed or employed after the fifteenth 1407  
day of May, other than a person described in division (A)(4)(c) of 1408  
this section, shall file an annual statement within ninety days 1409  
after appointment or employment. 1410

(5) No person shall be required to file with the appropriate 1411  
ethics commission more than one statement or pay more than one 1412  
filing fee for any one calendar year. 1413

(6) The appropriate ethics commission, for good cause, may 1414  
extend for a reasonable time the deadline for filing a statement 1415  
under this section. 1416

(7) A statement filed under this section is subject to public 1417  
inspection at locations designated by the appropriate ethics 1418  
commission except as otherwise provided in this section. 1419

(B) The Ohio ethics commission, the joint legislative ethics 1420  
committee, and the board of commissioners on grievances and 1421  
discipline of the supreme court, using the rule-making procedures 1422  
of Chapter 119. of the Revised Code, may require any class of 1423  
public officials or employees under its jurisdiction and not 1424  
specifically excluded by this section whose positions involve a 1425  
substantial and material exercise of administrative discretion in 1426  
the formulation of public policy, expenditure of public funds, 1427

enforcement of laws and rules of the state or a county or city, or 1428  
the execution of other public trusts, to file an annual statement 1429  
under division (A) of this section. The appropriate ethics 1430  
commission shall send the public officials or employees written 1431  
notice of the requirement not less than thirty days before the 1432  
applicable filing deadline unless the public official or employee 1433  
is appointed after that date, in which case the notice shall be 1434  
sent within thirty days after appointment, and the filing shall be 1435  
made not later than ninety days after appointment. 1436

Disclosure statements filed under this division with the Ohio 1437  
ethics commission by members of boards, commissions, or bureaus of 1438  
the state for which no compensation is received other than 1439  
reasonable and necessary expenses shall be kept confidential. 1440  
Disclosure statements filed with the Ohio ethics commission under 1441  
division (A) of this section by business managers, treasurers, and 1442  
superintendents of city, local, exempted village, joint 1443  
vocational, or cooperative education school districts or 1444  
educational service centers shall be kept confidential, except 1445  
that any person conducting an audit of any such school district or 1446  
educational service center pursuant to section 115.56 or Chapter 1447  
117. of the Revised Code may examine the disclosure statement of 1448  
any business manager, treasurer, or superintendent of that school 1449  
district or educational service center. Disclosure statements 1450  
filed with the Ohio ethics commission under division (A) of this 1451  
section by the individuals set forth in division (B)(2) of section 1452  
187.03 of the Revised Code shall be kept confidential. The Ohio 1453  
ethics commission shall examine each disclosure statement required 1454  
to be kept confidential to determine whether a potential conflict 1455  
of interest exists for the person who filed the disclosure 1456  
statement. A potential conflict of interest exists if the private 1457  
interests of the person, as indicated by the person's disclosure 1458  
statement, might interfere with the public interests the person is 1459  
required to serve in the exercise of the person's authority and 1460

duties in the person's office or position of employment. If the 1461  
commission determines that a potential conflict of interest 1462  
exists, it shall notify the person who filed the disclosure 1463  
statement and shall make the portions of the disclosure statement 1464  
that indicate a potential conflict of interest subject to public 1465  
inspection in the same manner as is provided for other disclosure 1466  
statements. Any portion of the disclosure statement that the 1467  
commission determines does not indicate a potential conflict of 1468  
interest shall be kept confidential by the commission and shall 1469  
not be made subject to public inspection, except as is necessary 1470  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1471  
and except as otherwise provided in this division. 1472

(C) No person shall knowingly fail to file, on or before the 1473  
applicable filing deadline established under this section, a 1474  
statement that is required by this section. 1475

(D) No person shall knowingly file a false statement that is 1476  
required to be filed under this section. 1477

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1478  
section, the statement required by division (A) or (B) of this 1479  
section shall be accompanied by a filing fee of sixty dollars. 1480

(2) The statement required by division (A) of this section 1481  
shall be accompanied by the following filing fee to be paid by the 1482  
person who is elected or appointed to, or is a candidate for, any 1483  
of the following offices: 1484

For state office, except member of the		1485
state board of education	\$95	1486
For office of member of general assembly	\$40	1487
For county office	\$60	1488
For city office	\$35	1489
For office of member of the state board		1490
of education	\$35	1491

For office of member of a city, local,	1492
exempted village, or cooperative	1493
education board of	1494
education or educational service	1495
center governing board	\$30 1496
For position of business manager,	1497
treasurer, or superintendent of a	1498
city, local, exempted village, joint	1499
vocational, or cooperative education	1500
school district or	1501
educational service center	\$30 1502
(3) No judge of a court of record or candidate for judge of a	1503
court of record, and no referee or magistrate serving a court of	1504
record, shall be required to pay the fee required under division	1505
(E)(1) or (2) or (F) of this section.	1506
(4) For any public official who is appointed to a nonelective	1507
office of the state and for any employee who holds a nonelective	1508
position in a public agency of the state, the state agency that is	1509
the primary employer of the state official or employee shall pay	1510
the fee required under division (E)(1) or (F) of this section.	1511
(F) If a statement required to be filed under this section is	1512
not filed by the date on which it is required to be filed, the	1513
appropriate ethics commission shall assess the person required to	1514
file the statement a late filing fee of ten dollars for each day	1515
the statement is not filed, except that the total amount of the	1516
late filing fee shall not exceed two hundred fifty dollars.	1517
(G)(1) The appropriate ethics commission other than the Ohio	1518
ethics commission and the joint legislative ethics committee shall	1519
deposit all fees it receives under divisions (E) and (F) of this	1520
section into the general revenue fund of the state.	1521
(2) The Ohio ethics commission shall deposit all receipts,	1522
including, but not limited to, fees it receives under divisions	1523

(E) and (F) of this section, investigative or other fees, costs, 1524  
or other funds it receives as a result of court orders, and all 1525  
moneys it receives from settlements under division (G) of section 1526  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1527  
which is hereby created in the state treasury. All moneys credited 1528  
to the fund shall be used solely for expenses related to the 1529  
operation and statutory functions of the commission. 1530

(3) The joint legislative ethics committee shall deposit all 1531  
receipts it receives from the payment of financial disclosure 1532  
statement filing fees under divisions (E) and (F) of this section 1533  
into the joint legislative ethics committee investigative and 1534  
financial disclosure fund. 1535

(H) Division (A) of this section does not apply to a person 1536  
elected or appointed to the office of precinct, ward, or district 1537  
committee member under Chapter 3517. of the Revised Code; a 1538  
presidential elector; a delegate to a national convention; village 1539  
or township officials and employees; any physician or psychiatrist 1540  
who is paid a salary or wage in accordance with schedule C of 1541  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1542  
Code and whose primary duties do not require the exercise of 1543  
administrative discretion; or any member of a board, commission, 1544  
or bureau of any county or city who receives less than one 1545  
thousand dollars per year for serving in that position. 1546

**Sec. 102.022.** Each person who is an officer or employee of a 1547  
political subdivision, who receives compensation of less than 1548  
sixteen thousand dollars a year for holding an office or position 1549  
of employment with that political subdivision, and who is required 1550  
to file a statement under section 102.02 of the Revised Code; each 1551  
member of the board of trustees of a state institution of higher 1552  
education as defined in section 3345.011 of the Revised Code who 1553  
is required to file a statement under section 102.02 of the 1554

Revised Code; and each individual set forth in division (B)(2) of 1555  
section 187.03 of the Revised Code who is required to file a 1556  
statement under section 102.02 of the Revised Code, shall include 1557  
in that statement, in place of the information required by 1558  
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1559  
following information: 1560

(A) Exclusive of reasonable expenses, identification of every 1561  
source of income over five hundred dollars received during the 1562  
preceding calendar year, in the officer's or employee's own name 1563  
or by any other person for the officer's or employee's use or 1564  
benefit, by the person filing the statement, and a brief 1565  
description of the nature of the services for which the income was 1566  
received. This division shall not be construed to require the 1567  
disclosure of clients of attorneys or persons licensed under 1568  
section 4732.12 of the Revised Code or patients of persons 1569  
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1570  
division shall not be construed to require a person filing the 1571  
statement who derives income from a business or profession to 1572  
disclose the individual items of income that constitute the gross 1573  
income of the business or profession. 1574

(B) The source of each gift of over five hundred dollars 1575  
received by the person in the officer's or employee's own name or 1576  
by any other person for the officer's or employee's use or benefit 1577  
during the preceding calendar year, except gifts received by will 1578  
or by virtue of section 2105.06 of the Revised Code, received from 1579  
parents, grandparents, children, grandchildren, siblings, nephews, 1580  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1581  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1582  
any person to whom the person filing the statement stands in loco 1583  
parentis, or received by way of distribution from any inter vivos 1584  
or testamentary trust established by a spouse or by an ancestor. 1585

<u>Sec. 102.023. (A)(1) As used in this section:</u>	1586
<u>"State institution of higher education" has the meaning as defined in section 3345.011 of the Revised Code.</u>	1587
<u>"Textbook" means any required instructional tools, such as bound and electronic textbooks and software, used specifically for curricular content instruction in a course.</u>	1588
<u>(2) Except a person required to file a disclosure statement under section 102.02 of the Revised Code, every faculty member of a state institution of higher education that assigns a textbook for a course in which the faculty member teaches shall file a financial disclosure statement with the Ohio ethics commission.</u>	1589
<u>(B) The disclosure statement shall include all of the following:</u>	1590
<u>(1) The name of the faculty member filing the statement and each member of the faculty member's immediate family and all names under which the faculty member or members of the faculty member's immediate family do business;</u>	1591
<u>(2) The source of each gift of over twenty-five dollars received from any person that represents or has an interest in supplying or making available textbooks for purchase;</u>	1592
<u>(3) The identification of the source of payment of expenses incurred for travel to destinations inside or outside this state that is received by the faculty member in the faculty member's own name or by any other person for the faculty member's use or benefit that is incurred in connection with the faculty member's official duties, except for travel to meetings or conventions of a national or state organization to which any state institution of higher education pays membership dues;</u>	1593
<u>(4) The identification of the source of payment of expenses for meals and other beverages, other than for meals and other food</u>	1594
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and beverages provided at a meeting at which the faculty member 1616  
participated in a panel, seminar, or speaking engagement. 1617

(C) A faculty member may file a statement required under this 1618  
section in person, by mail, or by electronic means. 1619

(D) A faculty member required to file a statement under this 1620  
section shall file that statement not later than the fifteenth day 1621  
of May each year. 1622

(E) No faculty member shall be required to file with the Ohio 1623  
ethics commission more than one statement or pay more than one 1624  
filing fee for any one calendar year. 1625

(F) The Ohio ethics commission, for good cause, may extend 1626  
for a reasonable time the deadline for filing a statement under 1627  
this section. 1628

(G) A statement filed under this section is subject to public 1629  
inspection at locations designated by the Ohio ethics commission. 1630

(H) No faculty member shall knowingly fail to file, on or 1631  
before the filing deadline established under this section, a 1632  
statement required by this section. 1633

(I) No faculty member shall knowingly file a false statement 1634  
that is required to be filed under this section. 1635

(J) The statement required by division (A) of this section 1636  
shall be accompanied by a filing fee of thirty-five dollars to be 1637  
paid by the faculty member. 1638

(K) If a statement required to be filed under this section is 1639  
not filed by the date which it is required to be filed, the Ohio 1640  
ethics commission shall assess the faculty member required to file 1641  
the statement a late filing fee of ten dollars each day the 1642  
statement is not filed, except that the total amount of the late 1643  
filing fee shall not exceed two hundred fifty dollars. 1644

(L) The Ohio ethics commission shall deposit all receipts, 1645



including fees received under divisions (J) and (K) of this 1646  
section, investigation or other fees, costs, or other funds it 1647  
receives as a result of court orders into the Ohio ethics 1648  
commission fund. 1649

**Sec. 102.03.** (A)(1) No present or former public official or 1650  
employee shall, during public employment or service or for twelve 1651  
months thereafter, represent a client or act in a representative 1652  
capacity for any person on any matter in which the public official 1653  
or employee personally participated as a public official or 1654  
employee through decision, approval, disapproval, recommendation, 1655  
the rendering of advice, investigation, or other substantial 1656  
exercise of administrative discretion. 1657

(2) For twenty-four months after the conclusion of service, 1658  
no former commissioner or attorney examiner of the public 1659  
utilities commission shall represent a public utility, as defined 1660  
in section 4905.02 of the Revised Code, or act in a representative 1661  
capacity on behalf of such a utility before any state board, 1662  
commission, or agency. 1663

(3) For twenty-four months after the conclusion of employment 1664  
or service, no former public official or employee who personally 1665  
participated as a public official or employee through decision, 1666  
approval, disapproval, recommendation, the rendering of advice, 1667  
the development or adoption of solid waste management plans, 1668  
investigation, inspection, or other substantial exercise of 1669  
administrative discretion under Chapter 343. or 3734. of the 1670  
Revised Code shall represent a person who is the owner or operator 1671  
of a facility, as defined in section 3734.01 of the Revised Code, 1672  
or who is an applicant for a permit or license for a facility 1673  
under that chapter, on any matter in which the public official or 1674  
employee personally participated as a public official or employee. 1675

(4) For a period of one year after the conclusion of 1676

employment or service as a member or employee of the general 1677  
assembly, no former member or employee of the general assembly 1678  
shall represent, or act in a representative capacity for, any 1679  
person on any matter before the general assembly, any committee of 1680  
the general assembly, or the controlling board. Division (A)(4) of 1681  
this section does not apply to or affect a person who separates 1682  
from service with the general assembly on or before December 31, 1683  
1995. As used in division (A)(4) of this section "person" does not 1684  
include any state agency or political subdivision of the state. 1685

(5) As used in divisions (A)(1), (2), and (3) of this 1686  
section, "matter" includes any case, proceeding, application, 1687  
determination, issue, or question, but does not include the 1688  
proposal, consideration, or enactment of statutes, rules, 1689  
ordinances, resolutions, or charter or constitutional amendments. 1690  
As used in division (A)(4) of this section, "matter" includes the 1691  
proposal, consideration, or enactment of statutes, resolutions, or 1692  
constitutional amendments. As used in division (A) of this 1693  
section, "represent" includes any formal or informal appearance 1694  
before, or any written or oral communication with, any public 1695  
agency on behalf of any person. 1696

(6) Nothing contained in division (A) of this section shall 1697  
prohibit, during such period, a former public official or employee 1698  
from being retained or employed to represent, assist, or act in a 1699  
representative capacity for the public agency by which the public 1700  
official or employee was employed or on which the public official 1701  
or employee served. 1702

(7) Division (A) of this section shall not be construed to 1703  
prohibit the performance of ministerial functions, including, but 1704  
not limited to, the filing or amendment of tax returns, 1705  
applications for permits and licenses, incorporation papers, and 1706  
other similar documents. 1707

(8) Division (A) of this section does not prohibit a 1708

nonelected public official or employee of a state agency, as 1709  
defined in section 1.60 of the Revised Code, from becoming a 1710  
public official or employee of another state agency. Division (A) 1711  
of this section does not prohibit such an official or employee 1712  
from representing or acting in a representative capacity for the 1713  
official's or employee's new state agency on any matter in which 1714  
the public official or employee personally participated as a 1715  
public official or employee at the official's or employee's former 1716  
state agency. However, no public official or employee of a state 1717  
agency shall, during public employment or for twelve months 1718  
thereafter, represent or act in a representative capacity for the 1719  
official's or employee's new state agency on any audit or 1720  
investigation pertaining to the official's or employee's new state 1721  
agency in which the public official or employee personally 1722  
participated at the official's or employee's former state agency 1723  
through decision, approval, disapproval, recommendation, the 1724  
rendering of advice, investigation, or other substantial exercise 1725  
of administrative discretion. 1726

(9) Division (A) of this section does not prohibit a 1727  
nonelected public official or employee of a political subdivision 1728  
from becoming a public official or employee of a different 1729  
department, division, agency, office, or unit of the same 1730  
political subdivision. Division (A) of this section does not 1731  
prohibit such an official or employee from representing or acting 1732  
in a representative capacity for the official's or employee's new 1733  
department, division, agency, office, or unit on any matter in 1734  
which the public official or employee personally participated as a 1735  
public official or employee at the official's or employee's former 1736  
department, division, agency, office, or unit of the same 1737  
political subdivision. As used in this division, "political 1738  
subdivision" means a county, township, municipal corporation, or 1739  
any other body corporate and politic that is responsible for 1740  
government activities in a geographic area smaller than that of 1741

the state. 1742

(10) No present or former Ohio casino control commission 1743  
official shall, during public service or for two years thereafter, 1744  
represent a client, be employed or compensated by a person 1745  
regulated by the commission, or act in a representative capacity 1746  
for any person on any matter before or concerning the commission. 1747

No present or former commission employee shall, during public 1748  
employment or for two years thereafter, represent a client or act 1749  
in a representative capacity on any matter in which the employee 1750  
personally participated as a commission employee through decision, 1751  
approval, disapproval, recommendation, the rendering of advice, 1752  
investigation, or other substantial exercise of administrative 1753  
discretion. 1754

(B) No present or former public official or employee shall 1755  
disclose or use, without appropriate authorization, any 1756  
information acquired by the public official or employee in the 1757  
course of the public official's or employee's official duties that 1758  
is confidential because of statutory provisions, or that has been 1759  
clearly designated to the public official or employee as 1760  
confidential when that confidential designation is warranted 1761  
because of the status of the proceedings or the circumstances 1762  
under which the information was received and preserving its 1763  
confidentiality is necessary to the proper conduct of government 1764  
business. 1765

(C) No public official or employee shall participate within 1766  
the scope of duties as a public official or employee, except 1767  
through ministerial functions as defined in division (A) of this 1768  
section, in any license or rate-making proceeding that directly 1769  
affects the license or rates of any person, partnership, trust, 1770  
business trust, corporation, or association in which the public 1771  
official or employee or immediate family owns or controls more 1772  
than five per cent. No public official or employee shall 1773

participate within the scope of duties as a public official or 1774  
employee, except through ministerial functions as defined in 1775  
division (A) of this section, in any license or rate-making 1776  
proceeding that directly affects the license or rates of any 1777  
person to whom the public official or employee or immediate 1778  
family, or a partnership, trust, business trust, corporation, or 1779  
association of which the public official or employee or the public 1780  
official's or employee's immediate family owns or controls more 1781  
than five per cent, has sold goods or services totaling more than 1782  
one thousand dollars during the preceding year, unless the public 1783  
official or employee has filed a written statement acknowledging 1784  
that sale with the clerk or secretary of the public agency and the 1785  
statement is entered in any public record of the agency's 1786  
proceedings. This division shall not be construed to require the 1787  
disclosure of clients of attorneys or persons licensed under 1788  
section 4732.12 of the Revised Code, or patients of persons 1789  
~~certified~~ licensed under section 4731.14 of the Revised Code. 1790

(D) No public official or employee shall use or authorize the 1791  
use of the authority or influence of office or employment to 1792  
secure anything of value or the promise or offer of anything of 1793  
value that is of such a character as to manifest a substantial and 1794  
improper influence upon the public official or employee with 1795  
respect to that person's duties. 1796

(E) No public official or employee shall solicit or accept 1797  
anything of value that is of such a character as to manifest a 1798  
substantial and improper influence upon the public official or 1799  
employee with respect to that person's duties. 1800

(F) No person shall promise or give to a public official or 1801  
employee anything of value that is of such a character as to 1802  
manifest a substantial and improper influence upon the public 1803  
official or employee with respect to that person's duties. 1804

(G) In the absence of bribery or another offense under the 1805

Revised Code or a purpose to defraud, contributions made to a 1806  
campaign committee, political party, legislative campaign fund, 1807  
political action committee, or political contributing entity on 1808  
behalf of an elected public officer or other public official or 1809  
employee who seeks elective office shall be considered to accrue 1810  
ordinarily to the public official or employee for the purposes of 1811  
divisions (D), (E), and (F) of this section. 1812

As used in this division, "contributions," "campaign 1813  
committee," "political party," "legislative campaign fund," 1814  
"political action committee," and "political contributing entity" 1815  
have the same meanings as in section 3517.01 of the Revised Code. 1816

(H)(1) No public official or employee, except for the 1817  
president or other chief administrative officer of or a member of 1818  
a board of trustees of a state institution of higher education as 1819  
defined in section 3345.011 of the Revised Code, who is required 1820  
to file a financial disclosure statement under section 102.02 of 1821  
the Revised Code shall solicit or accept, and no person shall give 1822  
to that public official or employee, an honorarium. Except as 1823  
provided in division (H)(2) of this section, this division and 1824  
divisions (D), (E), and (F) of this section do not prohibit a 1825  
public official or employee who is required to file a financial 1826  
disclosure statement under section 102.02 of the Revised Code from 1827  
accepting and do not prohibit a person from giving to that public 1828  
official or employee the payment of actual travel expenses, 1829  
including any expenses incurred in connection with the travel for 1830  
lodging, and meals, food, and beverages provided to the public 1831  
official or employee at a meeting at which the public official or 1832  
employee participates in a panel, seminar, or speaking engagement 1833  
~~or provided to the public official or employee at a meeting or~~ 1834  
~~convention of a national organization to which any state agency,~~ 1835  
~~including, but not limited to, any state legislative agency or~~ 1836  
~~state institution of higher education as defined in section~~ 1837

~~3345.011 of the Revised Code, pays membership dues.~~ Except as 1838  
provided in division (H)(2) of this section, this division and 1839  
divisions (D), (E), and (F) of this section do not prohibit a 1840  
public official or employee who is not required to file a 1841  
financial disclosure statement under section 102.02 of the Revised 1842  
Code from accepting and do not prohibit a person from promising or 1843  
giving to that public official or employee an honorarium or the 1844  
payment of travel, meal, and lodging expenses if the honorarium, 1845  
expenses, or both were paid in recognition of demonstrable 1846  
business, professional, or esthetic interests of the public 1847  
official or employee that exist apart from public office or 1848  
employment, including, but not limited to, such a demonstrable 1849  
interest in public speaking and were not paid by any person or 1850  
other entity, or by any representative or association of those 1851  
persons or entities, that is regulated by, doing business with, or 1852  
seeking to do business with the department, division, institution, 1853  
board, commission, authority, bureau, or other instrumentality of 1854  
the governmental entity with which the public official or employee 1855  
serves. 1856

(2) No person who is a member of the board of a state 1857  
retirement system, a state retirement system investment officer, 1858  
or an employee of a state retirement system whose position 1859  
involves substantial and material exercise of discretion in the 1860  
investment of retirement system funds shall solicit or accept, and 1861  
no person shall give to that board member, officer, or employee, 1862  
payment of actual travel expenses, including expenses incurred 1863  
with the travel for lodging, meals, food, and beverages. 1864

(I) A public official or employee may accept travel, meals, 1865  
and lodging or expenses or reimbursement of expenses for travel, 1866  
meals, and lodging in connection with conferences, seminars, and 1867  
similar events related to official duties if the travel, meals, 1868  
and lodging, expenses, or reimbursement is not of such a character 1869

as to manifest a substantial and improper influence upon the 1870  
public official or employee with respect to that person's duties. 1871  
The house of representatives and senate, in their code of ethics, 1872  
and the Ohio ethics commission, under section 111.15 of the 1873  
Revised Code, may adopt rules setting standards and conditions for 1874  
the furnishing and acceptance of such travel, meals, and lodging, 1875  
expenses, or reimbursement. 1876

A person who acts in compliance with this division and any 1877  
applicable rules adopted under it, or any applicable, similar 1878  
rules adopted by the supreme court governing judicial officers and 1879  
employees, does not violate division (D), (E), or (F) of this 1880  
section. This division does not preclude any person from seeking 1881  
an advisory opinion from the appropriate ethics commission under 1882  
section 102.08 of the Revised Code. 1883

(J) For purposes of divisions (D), (E), and (F) of this 1884  
section, the membership of a public official or employee in an 1885  
organization shall not be considered, in and of itself, to be of 1886  
such a character as to manifest a substantial and improper 1887  
influence on the public official or employee with respect to that 1888  
person's duties. As used in this division, "organization" means a 1889  
church or a religious, benevolent, fraternal, or professional 1890  
organization that is tax exempt under subsection 501(a) and 1891  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1892  
"Internal Revenue Code of 1986." This division does not apply to a 1893  
public official or employee who is an employee of an organization, 1894  
serves as a trustee, director, or officer of an organization, or 1895  
otherwise holds a fiduciary relationship with an organization. 1896  
This division does not allow a public official or employee who is 1897  
a member of an organization to participate, formally or 1898  
informally, in deliberations, discussions, or voting on a matter 1899  
or to use the public official's or employee's official position 1900  
with regard to the interests of the organization on the matter if 1901



the public official or employee has assumed a particular 1902  
responsibility in the organization with respect to the matter or 1903  
if the matter would affect that person's personal, pecuniary 1904  
interests. 1905

(K) It is not a violation of this section for a prosecuting 1906  
attorney to appoint assistants and employees in accordance with 1907  
division (B) of section 309.06 and section 2921.421 of the Revised 1908  
Code, for a chief legal officer of a municipal corporation or an 1909  
official designated as prosecutor in a municipal corporation to 1910  
appoint assistants and employees in accordance with sections 1911  
733.621 and 2921.421 of the Revised Code, for a township law 1912  
director appointed under section 504.15 of the Revised Code to 1913  
appoint assistants and employees in accordance with sections 1914  
504.151 and 2921.421 of the Revised Code, or for a coroner to 1915  
appoint assistants and employees in accordance with division (B) 1916  
of section 313.05 of the Revised Code. 1917

As used in this division, "chief legal officer" has the same 1918  
meaning as in section 733.621 of the Revised Code. 1919

(L) No present public official or employee with a casino 1920  
gaming regulatory function shall indirectly invest, by way of an 1921  
entity the public official or employee has an ownership interest 1922  
or control in, or directly invest in a casino operator, management 1923  
company, holding company, casino facility, or gaming-related 1924  
vendor. No present public official or employee with a casino 1925  
gaming regulatory function shall directly or indirectly have a 1926  
financial interest in, have an ownership interest in, be the 1927  
creditor or hold a debt instrument issued by, or have an interest 1928  
in a contractual or service relationship with a casino operator, 1929  
management company, holding company, casino facility, or 1930  
gaming-related vendor. This section does not prohibit or limit 1931  
permitted passive investing by the public official or employee. 1932

As used in this division, "passive investing" means 1933

investment by the public official or employee by means of a mutual 1934  
fund in which the public official or employee has no control of 1935  
the investments or investment decisions. "Casino operator," 1936  
"holding company," "management company," "casino facility," and 1937  
"gaming-related vendor" have the same meanings as in section 1938  
3772.01 of the Revised Code. 1939

(M) A member of the Ohio casino control commission, the 1940  
executive director of the commission, or an employee of the 1941  
commission shall not: 1942

(1) Accept anything of value, including but not limited to a 1943  
gift, gratuity, emolument, or employment from a casino operator, 1944  
management company, or other person subject to the jurisdiction of 1945  
the commission, or from an officer, attorney, agent, or employee 1946  
of a casino operator, management company, or other person subject 1947  
to the jurisdiction of the commission; 1948

(2) Solicit, suggest, request, or recommend, directly or 1949  
indirectly, to a casino operator, management company, or other 1950  
person subject to the jurisdiction of the commission, or to an 1951  
officer, attorney, agent, or employee of a casino operator, 1952  
management company, or other person subject to the jurisdiction of 1953  
the commission, the appointment of a person to an office, place, 1954  
position, or employment; 1955

(3) Participate in casino gaming or any other amusement or 1956  
activity at a casino facility in this state or at an affiliate 1957  
gaming facility of a licensed casino operator, wherever located. 1958

In addition to the penalty provided in section 102.99 of the 1959  
Revised Code, whoever violates division (M)(1), (2), or (3) of 1960  
this section forfeits the individual's office or employment. 1961

**Sec. 102.05.** There is hereby created the Ohio ethics 1962  
commission consisting of six members, three of whom shall be 1963

members of each of the two major political parties, to be 1964  
appointed by the governor with the advice and consent of the 1965  
senate. Within thirty days of ~~the effective date of this section~~ 1966  
January 1, 1974, the governor shall make initial appointments to 1967  
the commission. Of the initial appointments made to the 1968  
commission, one shall be for a term ending one year after ~~the~~ 1969  
~~effective date of this section~~ January 1, 1974, and the other 1970  
appointments shall be for terms ending two, three, four, five, and 1971  
six years, respectively, after ~~the effective date of this section~~ 1972  
January 1, 1974. Thereafter, terms of office shall be for six 1973  
years, each term ending on the same day of the same month of the 1974  
year as did the term that it succeeds. Each member shall hold 1975  
office from the date of ~~his~~ appointment until the end of the term 1976  
for which ~~he~~ the member was appointed. Any member appointed to 1977  
fill a vacancy occurring prior to the expiration of the term for 1978  
which ~~his~~ the member's predecessor was appointed shall hold office 1979  
for the remainder of that term. 1980

No person shall be appointed to the commission or shall 1981  
continue to serve as a member of the commission if the person is 1982  
subject to section 102.02 or 102.023 of the Revised Code other 1983  
than by reason of ~~his~~ appointment to the commission or if the 1984  
person is a legislative agent registered under sections 101.70 to 1985  
101.79 of the Revised Code or an executive agency lobbyist 1986  
registered under sections 121.60 to 121.69 of the Revised Code. 1987  
Each member shall be paid seventy-five dollars for each meeting 1988  
held in the discharge of ~~his~~ official duties, except that no 1989  
member shall be paid more than eighteen hundred dollars in any 1990  
fiscal year. Each member shall be reimbursed for expenses actually 1991  
and necessarily incurred in the performance of ~~his~~ official 1992  
duties. 1993

The commission shall meet within two weeks after all members 1994  
have been appointed, at a time and place determined by the 1995

governor. At its first meeting, the commission shall elect a 1996  
~~chairman~~ chairperson and other officers that are necessary and 1997  
shall adopt rules for its procedures. After the first meeting, the 1998  
commission shall meet at the call of the ~~chairman~~ chairperson or 1999  
upon the written request of a majority of the members. A majority 2000  
of the members of the commission constitutes a quorum. The 2001  
commission shall not take any action without the concurrence of a 2002  
majority of the members of the commission. 2003

The commission may appoint and fix the compensation of an 2004  
executive director and other technical, professional, and clerical 2005  
employees that are necessary to carry out the duties of the 2006  
commission. 2007

The commission may appoint hearing examiners to conduct 2008  
hearings pursuant to section 102.06 of the Revised Code. The 2009  
hearing examiners have the same powers and authority in conducting 2010  
the hearings as is granted to the commission. Within thirty days 2011  
after the hearing, the hearing examiner shall submit to the 2012  
commission a written report of ~~his~~ the hearing examiner's findings 2013  
of fact and conclusions of law and a recommendation of the action 2014  
to be taken by the commission. The recommendation of the hearing 2015  
examiner may be approved, modified, or disapproved by the 2016  
commission, and no recommendation shall become the findings of the 2017  
commission until so ordered by the commission. The findings of the 2018  
commission shall have the same effect as if the hearing had been 2019  
conducted by the commission. Hearing examiners appointed pursuant 2020  
to this section shall possess the qualifications the commission 2021  
requires. Nothing contained in this section shall preclude the 2022  
commission from appointing a member of the commission to serve as 2023  
a hearing examiner. 2024

**Sec. 102.06.** (A) The appropriate ethics commission shall 2025  
receive and may initiate complaints against persons subject to 2026

this chapter concerning conduct alleged to be in violation of this 2027  
chapter or section 2921.42 or 2921.43 of the Revised Code. All 2028  
complaints except those by the commission shall be by affidavit 2029  
made on personal knowledge, subject to the penalties of perjury. 2030  
Complaints by the commission shall be by affidavit, based upon 2031  
reasonable cause to believe that a violation has occurred. 2032

(B) The appropriate ethics commission shall investigate 2033  
complaints, may investigate charges presented to it, and may 2034  
request further information, including the specific amount of 2035  
income from a source, from any person filing with the commission a 2036  
statement required by section 102.02 ~~or~~, 102.021, or 102.023 of 2037  
the Revised Code, if the information sought is directly relevant 2038  
to a complaint or charges received by the commission pursuant to 2039  
this section. This information is confidential, except that the 2040  
commission, in its discretion, may share information gathered in 2041  
the course of any investigation with, or disclose the information 2042  
to, the inspector general, any appropriate prosecuting authority, 2043  
any law enforcement agency, or any other appropriate ethics 2044  
commission. If the accused person is a member of the public 2045  
employees retirement board, state teachers retirement board, 2046  
school employees retirement board, board of trustees of the Ohio 2047  
police and fire pension fund, or state highway patrol retirement 2048  
board, or is a member of the bureau of workers' compensation board 2049  
of directors, the appropriate ethics commission, in its 2050  
discretion, also may share information gathered in the course of 2051  
an investigation with, or disclose the information to, the 2052  
attorney general and the auditor of state. The person so requested 2053  
shall furnish the information to the commission, unless within 2054  
fifteen days from the date of the request the person files an 2055  
action for declaratory judgment challenging the legitimacy of the 2056  
request in the court of common pleas of the county of the person's 2057  
residence, the person's place of employment, or Franklin county. 2058  
The requested information need not be furnished to the commission 2059

during the pendency of the judicial proceedings. Proceedings of 2060  
the commission in connection with the declaratory judgment action 2061  
shall be kept confidential except as otherwise provided by this 2062  
section. Before the commission proceeds to take any formal action 2063  
against a person who is the subject of an investigation based on 2064  
charges presented to the commission, a complaint shall be filed 2065  
against the person. If the commission finds that a complaint is 2066  
not frivolous, and there is reasonable cause to believe that the 2067  
facts alleged in a complaint constitute a violation of section 2068  
102.02, 102.021, 102.023, 102.03, 102.04, 102.07, 2921.42, or 2069  
2921.43 of the Revised Code, it shall hold a hearing. If the 2070  
commission does not so find, it shall dismiss the complaint and 2071  
notify the accused person in writing of the dismissal of the 2072  
complaint. The commission shall not make a report of its finding 2073  
unless the accused person requests a report. Upon the request of 2074  
the accused person, the commission shall make a public report of 2075  
its finding. The person against whom the complaint is directed 2076  
shall be given reasonable notice by certified mail of the date, 2077  
time, and place of the hearing and a statement of the charges and 2078  
the law directly involved and shall be given the opportunity to be 2079  
represented by counsel, to have counsel appointed for the person 2080  
if the person is unable to afford counsel without undue hardship, 2081  
to examine the evidence against the person, to produce evidence 2082  
and to call and subpoena witnesses in the person's defense, to 2083  
confront the person's accusers, and to cross-examine witnesses. 2084  
The commission shall have a stenographic record made of the 2085  
hearing. The hearing shall be closed to the public. 2086

(C)(1)(a) If, upon the basis of the hearing, the appropriate 2087  
ethics commission finds by a preponderance of the evidence that 2088  
the facts alleged in the complaint are true and constitute a 2089  
violation of section 102.02, 102.021, 102.023, 102.03, 102.04, 2090  
102.07, 2921.42, or 2921.43 of the Revised Code, it shall report 2091  
its findings to the appropriate prosecuting authority for 2092

proceedings in prosecution of the violation and to the appointing 2093  
or employing authority of the accused. If the accused person is a 2094  
member of the public employees retirement board, state teachers 2095  
retirement board, school employees retirement board, board of 2096  
trustees of the Ohio police and fire pension fund, or state 2097  
highway patrol retirement board, the commission also shall report 2098  
its findings to the Ohio retirement study council. 2099

(b) If the Ohio ethics commission reports its findings to the 2100  
appropriate prosecuting authority under division (C)(1)(a) of this 2101  
section and the prosecuting authority has not initiated any 2102  
official action on those findings within ninety days after 2103  
receiving the commission's report of them, the commission may 2104  
publicly comment that no official action has been taken on its 2105  
findings, except that the commission shall make no comment in 2106  
violation of the Rules of Criminal Procedure or about any 2107  
indictment that has been sealed pursuant to any law or those 2108  
rules. The commission shall make no comment regarding the merits 2109  
of its findings. As used in division (C)(1)(b) of this section, 2110  
"official action" means prosecution, closure after investigation, 2111  
or grand jury action resulting in a true bill of indictment or no 2112  
true bill of indictment. 2113

(2) If the appropriate ethics commission does not find by a 2114  
preponderance of the evidence that the facts alleged in the 2115  
complaint are true and constitute a violation of section 102.02, 2116  
102.021, 102.023, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of 2117  
the Revised Code or if the commission has not scheduled a hearing 2118  
within ninety days after the complaint is filed or has not finally 2119  
disposed of the complaint within six months after it has been 2120  
heard, it shall dismiss the complaint and notify the accused 2121  
person in writing of the dismissal of the complaint. The 2122  
commission shall not make a report of its finding unless the 2123  
accused person requests a report. Upon the request of the accused 2124

person, the commission shall make a public report of the finding, 2125  
but in this case all evidence and the record of the hearing shall 2126  
remain confidential unless the accused person also requests that 2127  
the evidence and record be made public. Upon request by the 2128  
accused person, the commission shall make the evidence and the 2129  
record available for public inspection. 2130

(D) The appropriate ethics commission, or a member of the 2131  
commission, may administer oaths, and the commission may issue 2132  
subpoenas to any person in the state compelling the attendance of 2133  
witnesses and the production of relevant papers, books, accounts, 2134  
and records. The commission shall issue subpoenas to compel the 2135  
attendance of witnesses and the production of documents upon the 2136  
request of an accused person. Section 101.42 of the Revised Code 2137  
shall govern the issuance of these subpoenas insofar as 2138  
applicable. Upon the refusal of any person to obey a subpoena or 2139  
to be sworn or to answer as a witness, the commission may apply to 2140  
the court of common pleas of Franklin county under section 2705.03 2141  
of the Revised Code. The court shall hold proceedings in 2142  
accordance with Chapter 2705. of the Revised Code. The commission 2143  
or the accused person may take the depositions of witnesses 2144  
residing within or without the state in the same manner as 2145  
prescribed by law for the taking of depositions in civil actions 2146  
in the court of common pleas. 2147

(E) At least once each year, the Ohio ethics commission shall 2148  
report on its activities of the immediately preceding year to the 2149  
majority and minority leaders of the senate and house of 2150  
representatives of the general assembly. The report shall indicate 2151  
the total number of complaints received, initiated, and 2152  
investigated by the commission, the total number of complaints for 2153  
which formal hearings were held, and the total number of 2154  
complaints for which formal prosecution was recommended or 2155  
requested by the commission. The report also shall indicate the 2156



nature of the inappropriate conduct alleged in each complaint and 2157  
the governmental entity with which any employee or official that 2158  
is the subject of a complaint was employed at the time of the 2159  
alleged inappropriate conduct. 2160

(F) All papers, records, affidavits, and documents upon any 2161  
complaint, inquiry, or investigation relating to the proceedings 2162  
of the appropriate ethics commission shall be sealed and are 2163  
private and confidential, except as otherwise provided in this 2164  
section and section 102.07 of the Revised Code. 2165

(G)(1) When a complaint or charge is before it, the Ohio 2166  
ethics commission or the appropriate prosecuting authority, in 2167  
consultation with the person filing the complaint or charge, the 2168  
accused, and any other person the commission or prosecuting 2169  
authority considers necessary, may compromise or settle the 2170  
complaint or charge with the agreement of the accused. The 2171  
compromise or settlement may include mediation, restitution, 2172  
rescission of affected contracts, forfeiture of any benefits 2173  
resulting from a violation or potential violation of law, 2174  
resignation of a public official or employee, or any other relief 2175  
that is agreed upon between the commission or prosecuting 2176  
authority and the accused. 2177

(2) Any settlement agreement entered into under division 2178  
(G)(1) of this section shall be in writing and be accompanied by a 2179  
statement of the findings of the commission or prosecuting 2180  
authority and the reasons for entering into the agreement. The 2181  
commission or prosecuting authority shall retain the agreement and 2182  
statement in the commission's or prosecuting authority's office 2183  
and, in the commission's or prosecuting authority's discretion, 2184  
may make the agreement, the statement, and any supporting 2185  
information public, unless the agreement provides otherwise. 2186

(3) If a settlement agreement is breached by the accused, the 2187  
commission or prosecuting authority, in the commission's or 2188

prosecuting authority's discretion, may rescind the agreement and 2189  
reinstitute any investigation, hearing, or prosecution of the 2190  
accused. No information obtained from the accused in reaching the 2191  
settlement that is not otherwise discoverable from the accused 2192  
shall be used in any proceeding before the commission or by the 2193  
appropriate prosecuting authority in prosecuting the violation. 2194  
Notwithstanding any other section of the Revised Code, if a 2195  
settlement agreement is breached, any statute of limitations for a 2196  
violation of this chapter or section 2921.42 or 2921.43 of the 2197  
Revised Code is tolled from the date the complaint or charge is 2198  
filed until the date the settlement agreement is breached. 2199

**Sec. 102.09.** (A) The secretary of state and the county board 2200  
of elections shall furnish, to each candidate for elective office 2201  
who is required to file a financial disclosure statement by 2202  
section 102.02 of the Revised Code, a financial disclosure form, 2203  
and shall notify the appropriate ethics commission, within fifteen 2204  
days of the name of the candidate, and of the subsequent 2205  
withdrawal, disqualification, or death of the candidate. The 2206  
candidate shall acknowledge receipt of the financial disclosure 2207  
form in writing. 2208

(B) The secretary of state and the county board of elections 2209  
shall furnish to each person who is appointed to fill a vacancy 2210  
for an unexpired term in an elective office, and who is required 2211  
to file a financial disclosure statement by section 102.02 of the 2212  
Revised Code, a financial disclosure form, and shall notify the 2213  
appropriate ethics commission within fifteen days of being 2214  
notified by the appointing authority, of the name and position of 2215  
the public official and the date of appointment. The person shall 2216  
acknowledge receipt of the financial disclosure form in writing. 2217

(C) The public agency or appointing authority that employs, 2218  
appoints, or promotes any public official or employee who, as a 2219

result of such employment, appointment, or promotion, is required 2220  
to file a financial disclosure statement by section 102.02 of the 2221  
Revised Code, shall, within fifteen days of the employment, 2222  
appointment, or promotion, furnish the public official or employee 2223  
with a financial disclosure form, and shall notify the appropriate 2224  
ethics commission of the name and position of the public official 2225  
or employee and the date of employment, appointment, or promotion. 2226  
The public official or employee shall acknowledge receipt of the 2227  
financial disclosure form in writing. 2228

(D) The state institution of higher education that employs a 2229  
faculty member who is required to file a financial disclosure 2230  
statement under section 102.023 of the Revised Code shall provide 2231  
the faculty member with a financial disclosure form. The financial 2232  
disclosure form shall be provided within fifteen days of a faculty 2233  
member being hired or promoted by the institution. The institution 2234  
shall notify the Ohio ethics commission of the name and position 2235  
of the faculty member and the date of employment or promotion. The 2236  
faculty member shall acknowledge receipt of the financial 2237  
disclosure form in writing. 2238

(E) Within fifteen days after any public official or employee 2239  
begins the performance of official duties, the public agency with 2240  
which the official or employee serves or the appointing authority 2241  
shall furnish the official or employee a copy of Chapter 102. and 2242  
section 2921.42 of the Revised Code, and may furnish such other 2243  
materials as the appropriate ethics commission prepares for 2244  
distribution. The official or employee shall acknowledge their 2245  
receipt in writing. The requirements of this division do not apply 2246  
at the time of reappointment or reelection. 2247

**Sec. 102.99.** (A) Whoever violates division (C) of section 2248  
102.02, division (H) of section 102.023, or division (C) of 2249  
section 102.031 of the Revised Code is guilty of a misdemeanor of 2250

the fourth degree. 2251

(B) Whoever violates division (D) of section 102.02, division 2252  
(I) of section 102.023, or section 102.021, 102.03, 102.04, or 2253  
102.07 of the Revised Code is guilty of a misdemeanor of the first 2254  
degree. 2255

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 2256  
103.417 of the Revised Code: 2257

(1) "JMOC" means the joint medicaid oversight committee 2258  
created under this section. 2259

(2) "State and local government medicaid agency" means all of 2260  
the following: 2261

(a) The department of medicaid; 2262

(b) The office of health transformation; 2263

(c) Each state agency and political subdivision with which 2264  
the department of medicaid contracts under section 5162.35 of the 2265  
Revised Code to have the state agency or political subdivision 2266  
administer one or more components of the medicaid program, or one 2267  
or more aspects of a component, under the department's 2268  
supervision; 2269

(d) Each agency of a political subdivision that is 2270  
responsible for administering one or more components of the 2271  
medicaid program, or one or more aspects of a component, under the 2272  
supervision of the department or a state agency or political 2273  
subdivision described in division (A)(2)(c) of this section. 2274

(B) There is hereby created the joint medicaid oversight 2275  
committee. JMOC shall consist of the following members: 2276

(1) Five members of the senate appointed by the president of 2277  
the senate, three of whom are members of the majority party and 2278  
two of whom are members of the minority party; 2279

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

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

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

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

(F) JMOC shall meet at the call of the JMOC chairperson. The chairperson shall call JMOC to meet not less often than once each

calendar month, unless the chairperson and ranking minority member 2312  
agree that the chairperson should not call JMOC to meet for a 2313  
particular month. 2314

(G) Notwithstanding section 101.26 of the Revised Code, the 2315  
members, when engaged in their duties as members of JMOC on days 2316  
when there is not a voting session of the member's house of the 2317  
general assembly, shall be paid at the per diem rate of one 2318  
hundred fifty dollars, and their necessary traveling expenses, 2319  
which shall be paid from the funds appropriated for the payment of 2320  
expenses of legislative committees. 2321

(H) ~~JMOC~~ The president and speaker, by mutual agreement, may 2322  
employ professional, technical, and clerical employees as are 2323  
necessary for JMOC to be able successfully and efficiently to 2324  
perform its duties. All such employees are in the unclassified 2325  
service and serve at ~~JMOC's~~ the president's and speaker's 2326  
pleasure. JMOC may contract for the services of persons who are 2327  
qualified by education and experience to advise, consult with, or 2328  
otherwise assist JMOC in the performance of its duties. 2329

(I) The JMOC chairperson, when authorized by JMOC and the 2330  
president and speaker, may issue subpoenas and subpoenas duces 2331  
tecum in aid of JMOC's performance of its duties. A subpoena may 2332  
require a witness in any part of the state to appear before JMOC 2333  
at a time and place designated in the subpoena to testify. A 2334  
subpoena duces tecum may require witnesses or other persons in any 2335  
part of the state to produce books, papers, records, and other 2336  
tangible evidence before JMOC at a time and place designated in 2337  
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 2338  
be issued, served, and returned, and has consequences, as 2339  
specified in sections 101.41 to 101.45 of the Revised Code. 2340

(J) The JMOC chairperson may administer oaths to witnesses 2341  
appearing before JMOC. 2342

~~Sec. 103.42 103.416.~~ (A) ~~During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee JMOC on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement and implementing inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.~~

~~(B)(1) The committee shall review any proposal by the department to include all or part of the services in all or part of the system before January 1, 2018. In conducting its review, the committee shall consider all of the following for each service to be included:~~

~~(a) The proposed timeline for including the service;~~

~~(b) Any issues related to medicaid recipients' access to the service;~~

~~(c) The adequacy of the network of providers of the service;~~

~~(d) Payment levels for the service.~~

~~(2) The committee shall vote on whether to approve or disapprove the proposal. If a majority of the committee members approve the proposal, the committee shall notify the department and the proposal may be implemented.~~

~~(C) Beginning July 1, 2018, the committee Code. When the inclusion of the services in the system begins to be implemented, JMOC on a periodic basis shall monitor the department's inclusion of the services in the system.~~

Sec. 103.417. Before the department of medicaid or another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or

more components of the medicaid program or one or more aspects of 2372  
a component, implements a proposal to increase, by rule or 2373  
otherwise, the medicaid payment rate for a medicaid service, the 2374  
department or other state agency shall submit the proposal to 2375  
JMOC. This applies regardless of whether the proposal involves a 2376  
change to the method by which the medicaid payment rate is to be 2377  
determined or specifies the actual amount of the rate increase. If 2378  
the proposal is to be implemented in part or whole by rule, the 2379  
department or other state agency shall include with the proposal a 2380  
copy of the proposed rule as filed in final form under section 2381  
119.04 of the Revised Code. 2382

Not later than thirty days after the date a proposal is 2383  
submitted to it under this section, JMOC shall do both of the 2384  
following: 2385

(A) Conduct a public hearing on the proposal; 2386

(B) For the purpose of section 5164.69 of the Revised Code, 2387  
vote on whether to permit or prohibit the implementation of the 2388  
proposal. 2389

**Sec. 103.45.** (A) The joint education oversight committee of 2390  
the house of representatives and senate is hereby created. The 2391  
committee shall authorize a plan of work, which shall include 2392  
research, review, study, and analysis of current or emerging 2393  
education policy issues important to the state, the available 2394  
policy options to address such issues, and the available data and 2395  
research to support such analysis and options. 2396

(B) The committee also may select, for review and evaluation, 2397  
education programs at school districts, other public schools, and 2398  
state institutions of higher education that receive state 2399  
financial assistance in any form. The reviews and evaluations may 2400  
include any of the following: 2401



(1) Assessment of the uses school districts, other public 2402  
schools, and state institutions of higher education make of state 2403  
money they receive, and a determination of the extent to which 2404  
that money improves student, district, school, or institutional 2405  
performance in the areas for which the money was intended to be 2406  
used; 2407

(2) Determination of whether an education program meets its 2408  
intended goals, has adequate operating or administrative 2409  
procedures and fiscal controls, encompasses only authorized 2410  
activities, has any undesirable or unintended effects, and is 2411  
efficiently managed; and 2412

(3) Examination of pilot programs developed and initiated in 2413  
school districts, at other public schools, and at state 2414  
institutions of higher education to determine whether the programs 2415  
suggest innovative, effective ways to deal with problems that may 2416  
exist in other districts, schools, or institutions of higher 2417  
education, or to create opportunities for success, and to assess 2418  
the fiscal costs and likely impact of adopting the programs 2419  
throughout the state. 2420

(C) The committee may prepare a report of the results of each 2421  
review and evaluation it conducts, make recommendations to the 2422  
general assembly and transmit the report and its recommendations 2423  
to the general assembly under section 101.68 of the Revised Code. 2424  
It also may submit the report and its recommendations to the 2425  
chairpersons and members of the standing committees of the house 2426  
of representatives and the senate principally responsible for 2427  
education policy. 2428

(D)(1) When the department of education proposes changes in 2429  
the full-time equivalency enrollment review and audit manual 2430  
required to be submitted to the committee under section 3301.65 of 2431  
the Revised Code, upon submission of the manual and the proposed 2432  
changes, the committee shall hold one or more public hearings at 2433

which school districts and schools may present testimony on their 2434  
ability and capacity to comply with the proposed standards, 2435  
procedures, timelines, and other requirements contained within the 2436  
manual. 2437

(2) Not later than the fifteenth day of June of each year the 2438  
department proposes changes in that manual, the committee shall 2439  
vote to determine whether districts and schools can reasonably 2440  
comply with the proposed standards, procedures, timelines, and 2441  
other requirements related to review or audit of full-time 2442  
equivalency student enrollment reporting. If the committee 2443  
determines that districts and schools cannot reasonably comply, 2444  
the proposed manual shall not become effective, and the department 2445  
shall use the prior year's standards, procedures, timelines, and 2446  
other requirements when reviewing or auditing full-time 2447  
equivalency student enrollment reporting. 2448

(3) Not later than the first day of July each year in which 2449  
the committee determines that schools are reasonably capable of 2450  
compliance with proposed changes in the standards, procedures, 2451  
timelines, and other requirements contained within the manual, the 2452  
committee shall prepare a report comparing the prior year's 2453  
standards, procedures, timelines, and other requirements with the 2454  
newest standards, procedures, timelines, and other requirements 2455  
and a summary of the testimony submitted in the public hearings 2456  
held pursuant to division (D)(1) of this section to the general 2457  
assembly in accordance with section 101.68 of the Revised Code. 2458

(E) If the general assembly directs the joint education 2459  
oversight committee to submit a study to the general assembly by a 2460  
particular date, the committee, upon a majority vote of its 2461  
members, may modify the scope and due date of the study to 2462  
accommodate the availability of data and resources. 2463

**Sec. 103.47.** ~~The joint education oversight committee~~ speaker 2464

of the house of representatives and the president of the senate, 2465  
by mutual agreement, may employ professional, technical, and 2466  
clerical employees as are necessary for the joint education 2467  
oversight committee to be able successfully and efficiently to 2468  
perform its duties. All the employees are in the unclassified 2469  
service and serve at the ~~committee's~~ speaker's and president's 2470  
pleasure. The committee may contract for the services of persons 2471  
who are qualified by education and experience to advise, consult 2472  
with, or otherwise assist the committee in the performance of its 2473  
duties. 2474

**Sec. 105.41.** (A) There is hereby created in the legislative 2475  
branch of government the capitol square review and advisory board, 2476  
consisting of twelve members as follows: 2477

(1) Two members of the senate, appointed by the president of 2478  
the senate, both of whom shall not be members of the same 2479  
political party; 2480

(2) Two members of the house of representatives, appointed by 2481  
the speaker of the house of representatives, both of whom shall 2482  
not be members of the same political party; 2483

(3) Four members appointed by the governor, with the advice 2484  
and consent of the senate, not more than three of whom shall be 2485  
members of the same political party, one of whom shall be the 2486  
chief of staff of the governor's office, one of whom shall 2487  
represent the Ohio arts council, one of whom shall represent the 2488  
Ohio history connection, and one of whom shall represent the 2489  
public at large; 2490

(4) One member, who shall be a former president of the 2491  
senate, appointed by the current president of the senate. If the 2492  
current president of the senate, in the current president's 2493  
discretion, decides for any reason not to make the appointment or 2494  
if no person is eligible or available to serve, the seat shall 2495

remain vacant. 2496

(5) One member, who shall be a former speaker of the house of 2497  
representatives, appointed by the current speaker of the house of 2498  
representatives. If the current speaker of the house of 2499  
representatives, in the current speaker's discretion, decides for 2500  
any reason not to make the appointment or if no person is eligible 2501  
or available to serve, the seat shall remain vacant. 2502

(6) The clerk of the senate and the clerk of the house of 2503  
representatives. 2504

(B) Terms of office of each appointed member of the board 2505  
shall be for three years, except that members of the general 2506  
assembly appointed to the board shall be members of the board only 2507  
so long as they are members of the general assembly and the chief 2508  
of staff of the governor's office shall be a member of the board 2509  
only so long as the appointing governor remains in office. Each 2510  
member shall hold office from the date of the member's appointment 2511  
until the end of the term for which the member was appointed. In 2512  
case of a vacancy occurring on the board, the president of the 2513  
senate, the speaker of the house of representatives, or the 2514  
governor, as the case may be, shall in the same manner prescribed 2515  
for the regular appointment to the commission, fill the vacancy by 2516  
appointing a member. Any member appointed to fill a vacancy 2517  
occurring prior to the expiration of the term for which the 2518  
member's predecessor was appointed shall hold office for the 2519  
remainder of the term. Any appointed member shall continue in 2520  
office subsequent to the expiration date of the member's term 2521  
until the member's successor takes office, or until a period of 2522  
sixty days has elapsed, whichever occurs first. 2523

(C) The board shall hold meetings in a manner and at times 2524  
prescribed by the rules adopted by the board. A majority of the 2525  
board constitutes a quorum, and no action shall be taken by the 2526  
board unless approved by at least six members or by at least seven 2527

members if a person is appointed under division (A)(4) or (5) of 2528  
this section. At its first meeting, the board shall adopt rules 2529  
for the conduct of its business and the election of its officers, 2530  
and shall organize by selecting officers other than a chairperson 2531  
as it considers necessary. In odd-numbered years, the majority 2532  
member from the senate shall serve as chairperson; in 2533  
even-numbered years, the majority member from the house of 2534  
representatives shall serve as chairperson. Board members shall 2535  
serve without compensation but shall be reimbursed for actual and 2536  
necessary expenses incurred in the performance of their duties. 2537

(D) The board may do any of the following: 2538

(1) Employ or hire on a consulting basis professional, 2539  
technical, and clerical employees as are necessary for the 2540  
performance of its duties. All employees of the board are in the 2541  
unclassified service and serve at the pleasure of the board. For 2542  
purposes of section 4117.01 of the Revised Code, employees of the 2543  
board shall be considered employees of the general assembly, 2544  
except that employees who are covered by a collective bargaining 2545  
agreement on September 29, 2011, shall remain subject to the 2546  
agreement until the agreement expires on its terms, and the 2547  
agreement shall not be extended or renewed. Upon expiration of the 2548  
agreement, the employees are considered employees of the general 2549  
assembly for purposes of section 4117.01 of the Revised Code and 2550  
are in the unclassified service and serve at the pleasure of the 2551  
board. 2552

(2) Hold public hearings at times and places as determined by 2553  
the board; 2554

(3) Adopt, amend, or rescind rules necessary to accomplish 2555  
the duties of the board as set forth in this section; 2556

(4) Sponsor, conduct, and support such social events as the 2557  
board may authorize and consider appropriate for the employees of 2558

the board, employees and members of the general assembly, 2559  
employees of persons under contract with the board or otherwise 2560  
engaged to perform services on the premises of capitol square, or 2561  
other persons as the board may consider appropriate. Subject to 2562  
the requirements of Chapter 4303. of the Revised Code, the board 2563  
may provide beer, wine, and intoxicating liquor, with or without 2564  
charge, for those events and may use funds only from the sale of 2565  
goods and services fund to purchase the beer, wine, and 2566  
intoxicating liquor the board provides; 2567

(5) Purchase a warehouse in which to store items of the 2568  
capitol collection trust and, whenever necessary, equipment or 2569  
other property of the board. 2570

(E) The board shall do all of the following: 2571

(1) Have sole authority to coordinate and approve any 2572  
improvements, additions, and renovations that are made to the 2573  
capitol square. The improvements shall include, but not be limited 2574  
to, the placement of monuments and sculpture on the capitol 2575  
grounds. 2576

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 2577  
Operate the capitol square, and have sole authority to regulate 2578  
all uses of the capitol square. The uses shall include, but not be 2579  
limited to, the casual and recreational use of the capitol square. 2580

(3) Employ, fix the compensation of, and prescribe the duties 2581  
of the executive director of the board and other employees the 2582  
board considers necessary for the performance of its powers and 2583  
duties; 2584

(4) Establish and maintain the capitol collection trust. The 2585  
capitol collection trust shall consist of furniture, antiques, and 2586  
other items of personal property that the board shall store in 2587  
suitable facilities until they are ready to be displayed in the 2588  
capitol square. 2589

(5) Perform repair, construction, contracting, purchasing, 2590  
maintenance, supervisory, and operating activities the board 2591  
determines are necessary for the operation and maintenance of the 2592  
capitol square; 2593

(6) Maintain and preserve the capitol square, in accordance 2594  
with guidelines issued by the United States secretary of the 2595  
interior for application of the secretary's standards for 2596  
rehabilitation adopted in 36 C.F.R. part 67; 2597

(7) Plan and develop a center at the capitol building for the 2598  
purpose of educating visitors about the history of Ohio, including 2599  
its political, economic, and social development and the design and 2600  
erection of the capitol building and its grounds; 2601

(8) Implement all security measures and operations for 2602  
capitol square as directed by the department of public safety 2603  
under section 5502.01 of the Revised Code. 2604

(F)(1) The board shall lease capital facilities improved by 2605  
the department of administrative services or financed by the 2606  
treasurer of state pursuant to Chapter 154. of the Revised Code 2607  
for the use of the board, and may enter into any other agreements 2608  
with the department, the Ohio public facilities commission, or any 2609  
other authorized governmental agency ancillary to improvement, 2610  
financing, or leasing of those capital facilities, including, but 2611  
not limited to, any agreement required by the applicable bond 2612  
proceedings authorized by Chapter 154. of the Revised Code. Any 2613  
lease of capital facilities authorized by this section shall be 2614  
governed by Chapter 154. of the Revised Code. 2615

(2) Fees, receipts, and revenues received by the board from 2616  
the state underground parking garage constitute available receipts 2617  
as defined in section 154.24 of the Revised Code, and may be 2618  
pledged to the payment of bond service charges on obligations 2619  
issued by the treasurer of state pursuant to Chapter 154. of the 2620

Revised Code to improve, finance, or purchase capital facilities 2621  
useful to the board. The treasurer of state may, with the consent 2622  
of the board, provide in the bond proceedings for a pledge of all 2623  
or a portion of those fees, receipts, and revenues as the 2624  
treasurer of state determines. The treasurer of state may provide 2625  
in the bond proceedings or by separate agreement with the board 2626  
for the transfer of those fees, receipts, and revenues to the 2627  
appropriate bond service fund or bond service reserve fund as 2628  
required to pay the bond service charges when due, and any such 2629  
provision for the transfer of those fees, receipts, and revenues 2630  
shall be controlling notwithstanding any other provision of law 2631  
pertaining to those fees, receipts, and revenues. 2632

(3) All moneys received by the treasurer of state on account 2633  
of the board and required by the applicable bond proceedings or by 2634  
separate agreement with the board to be deposited, transferred, or 2635  
credited to the bond service fund or bond service reserve fund 2636  
established by the bond proceedings shall be transferred by the 2637  
treasurer of state to such fund, whether or not it is in the 2638  
custody of the treasurer of state, without necessity for further 2639  
appropriation. 2640

(G)(1) Except as otherwise provided in division (G)(2) of 2641  
this section, all fees, receipts, and revenues received by the 2642  
board from the state underground parking garage shall be deposited 2643  
into the state treasury to the credit of the underground parking 2644  
garage operating fund, which is hereby created, to be used for the 2645  
purposes specified in division (F) of this section and for the 2646  
operation and maintenance of the garage. All investment earnings 2647  
of the fund shall be credited to the fund. 2648

(2) There is hereby created the parking garage automated 2649  
equipment fund, which shall be in the custody of the treasurer of 2650  
state but shall not be part of the state treasury. Money in the 2651  
fund shall be used to purchase the automated teller machine 2652



quality dollar bills needed for operation of the parking garage 2653  
automated equipment. The fund shall consist of fees, receipts, or 2654  
revenues received by the board from the state underground parking 2655  
garage; provided, however, that the total amount deposited into 2656  
the fund at any one time shall not exceed ten thousand dollars. 2657  
All investment earnings of the fund shall be credited to the fund. 2658

(H) All donations received by the board shall be deposited 2659  
into the state treasury to the credit of the capitol square 2660  
renovation gift fund, which is hereby created. The fund shall be 2661  
used by the board as follows: 2662

(1) To provide part or all of the funding related to 2663  
construction, goods, or services for the renovation of the capitol 2664  
square; 2665

(2) To purchase art, antiques, and artifacts for display at 2666  
the capitol square; 2667

(3) To award contracts or make grants to organizations for 2668  
educating the public regarding the historical background and 2669  
governmental functions of the capitol square. Chapters 125., 127., 2670  
and 153. and section 3517.13 of the Revised Code do not apply to 2671  
purchases made exclusively from the fund, notwithstanding anything 2672  
to the contrary in those chapters or that section. All investment 2673  
earnings of the fund shall be credited to the fund. 2674

(I) Except as provided in divisions (G), (H), and (J) of this 2675  
section, all fees, receipts, and revenues received by the board 2676  
shall be deposited into the state treasury to the credit of the 2677  
sale of goods and services fund, which is hereby created. Money 2678  
credited to the fund shall be used solely to pay costs of the 2679  
board other than those specified in divisions (F) and (G) of this 2680  
section. All investment earnings of the fund shall be credited to 2681  
the fund. 2682

(J) There is hereby created in the state treasury the capitol 2683

square improvement fund, to be used by the board to pay 2684  
construction, renovation, and other costs related to the capitol 2685  
square for which money is not otherwise available to the board. 2686  
Whenever the board determines that there is a need to incur those 2687  
costs and that the unencumbered, unobligated balance to the credit 2688  
of the underground parking garage operating fund exceeds the 2689  
amount needed for the purposes specified in division (F) of this 2690  
section and for the operation and maintenance of the garage, the 2691  
board may request the director of budget and management to 2692  
transfer from the underground parking garage operating fund to the 2693  
capitol square improvement fund the amount needed to pay such 2694  
construction, renovation, or other costs. The director then shall 2695  
transfer the amount needed from the excess balance of the 2696  
underground parking garage operating fund. 2697

(K) As the operation and maintenance of the capitol square 2698  
constitute essential government functions of a public purpose, the 2699  
board shall not be required to pay taxes or assessments upon the 2700  
square, upon any property acquired or used by the board under this 2701  
section, or upon any income generated by the operation of the 2702  
square. 2703

(L) As used in this section, "capitol square" means the 2704  
capitol building, senate building, capitol atrium, capitol 2705  
grounds, the state underground parking garage, and the warehouse 2706  
owned by the board. 2707

(M) The capitol annex shall be known as the senate building. 2708

(N) Any person may possess a firearm in a motor vehicle in 2709  
the state underground parking garage at the state capitol 2710  
building, if the person's possession of the firearm in the motor 2711  
vehicle is not in violation of section 2923.16 of the Revised Code 2712  
or any other provision of the Revised Code. Any person may store 2713  
or leave a firearm in a locked motor vehicle that is parked in the 2714  
state underground parking garage at the state capitol building, if 2715

the person's transportation and possession of the firearm in the 2716  
motor vehicle while traveling to the garage was not in violation 2717  
of section 2923.16 of the Revised Code or any other provision of 2718  
the Revised Code. 2719

~~Sec. 107.031. Until the first committee appointed under 2720  
division (C) of section 3317.012 of the Revised Code to reexamine 2721  
the cost of an adequate education makes its report to the office 2722  
of budget and management and the general assembly, the The 2723  
governor shall ensure that among the various budget 2724  
recommendations made by the governor and the director of budget 2725  
and management to the general assembly each biennium there are 2726  
recommendations for appropriations to the Ohio ~~school~~ facilities 2727  
construction commission, aggregating not less than three hundred 2728  
million dollars per fiscal year, ~~excluding recommendations for~~ 2729  
~~appropriations from the education facilities trust fund, created~~ 2730  
~~in section 183.26 of the Revised Code,~~ for constructing, 2731  
acquiring, replacing, reconstructing, or adding to classroom 2732  
facilities, as such term is defined in section 3318.01 of the 2733  
Revised Code. 2734~~

Sec. 107.036. (A) For each business incentive tax credit, the 2735  
main operating appropriations act shall contain a detailed 2736  
estimate of the total amount of credits that may be authorized in 2737  
each year, an estimate of the amount of credits expected to be 2738  
claimed in each year, and an estimate of the amount of credits 2739  
expected to remain outstanding at the end of the biennium. The 2740  
governor shall include such estimates in the state budget 2741  
submitted to the general assembly pursuant to section 107.03 of 2742  
the Revised Code. 2743

(B) As used in this section, "business incentive tax credit" 2744  
means all of the following: 2745

<u>(1) The job creation tax credit under section 122.17 of the Revised Code;</u>	2746
	2747
<u>(2) The job retention tax credit under section 122.171 of the Revised Code;</u>	2748
	2749
<u>(3) The historic preservation tax credit under section 149.311 of the Revised Code;</u>	2750
	2751
<u>(4) The motion picture tax credit under section 122.85 of the Revised Code;</u>	2752
	2753
<u>(5) The new markets tax credit under section 5725.33 of the Revised Code;</u>	2754
	2755
<u>(6) The research and development credit under section 166.21 of the Revised Code;</u>	2756
	2757
<u>(7) The small business investment credit under section 122.86 of the Revised Code.</u>	2758
	2759
 <b>Sec. 107.35.</b> <del>Not later than December 31, 2014, the</del> <u>The</u>	2760
governor's office of workforce transformation, with staff support	2761
and assistance from the departments of job and family services	2762
<del>and, education and the Ohio board of regents,</del> <u>higher education,</u>	2763
<u>and the opportunities for Ohioans with disabilities agency,</u> shall	2764
establish criteria to use for evaluating the performance of state	2765
and local workforce programs using basic, aligned workforce	2766
measures related to system efficiency and effectiveness. <u>The</u>	2767
<u>office shall include in the criteria a measure to determine the</u>	2768
<u>effectiveness of a workforce program in transitioning individuals</u>	2769
<u>participating in any federal, state, or local means-tested public</u>	2770
<u>assistance program to unsubsidized employment.</u> The office shall	2771
develop and make available on the internet through a web site a	2772
public dashboard to display metrics regarding the state's	2773
administration of primary workforce programs, including the	2774
following programs:	2775

(A) The adult basic and literacy education program;	2776
(B) Programs administered under the federal "Carl D. Perkins Career and Technical Education Act of 2006," 120 Stat. 683, 20 U.S.C. 2301 et seq., as amended;	2777 2778 2779
(C) State aid and scholarships <del>within the Ohio board of regents</del> <u>administered by the department of higher education;</u>	2780 2781
(D) Programs administered under title I of the federal <del>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended</del> <u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;</u>	2782 2783 2784 2785
(E) <u>The state vocational rehabilitation program administered under title I of the federal "Rehabilitation Act of 1973," 29 U.S.C. 701, et seq.</u>	2786 2787 2788
<u>Sec. 107.56. (A) As used in this section, "board or commission" means any of the following:</u>	2789 2790
<u>(1) The accountancy board;</u>	2791
<u>(2) The architects board;</u>	2792
<u>(3) The state cosmetology and barber board;</u>	2793
<u>(4) The board of embalmers and funeral directors;</u>	2794
<u>(5) The board of executives of long-term services and supports;</u>	2795 2796
<u>(6) The crematory review board;</u>	2797
<u>(7) The motor vehicle dealers board;</u>	2798
<u>(8) The motor vehicle repair board;</u>	2799
<u>(9) The motor vehicle salvage dealer's licensing board;</u>	2800
<u>(10) The Ohio athletic commission;</u>	2801
<u>(11) The Ohio construction industry licensing board;</u>	2802

<u>(12) The Ohio landscape architects board;</u>	2803
<u>(13) The Ohio real estate commission;</u>	2804
<u>(14) The real estate appraiser board;</u>	2805
<u>(15) The state auctioneers commission;</u>	2806
<u>(16) The state speech and hearing professionals board;</u>	2807
<u>(17) The manufactured homes commission;</u>	2808
<u>(18) The state board of education;</u>	2809
<u>(19) The state board of emergency medical, fire, and transportation services;</u>	2810 2811
<u>(20) The board of nursing;</u>	2812
<u>(21) The state board of pharmacy;</u>	2813
<u>(22) The state board of registration for professional engineers and surveyors;</u>	2814 2815
<u>(23) The state board of psychology;</u>	2816
<u>(24) The state chiropractic board;</u>	2817
<u>(25) The state dental board;</u>	2818
<u>(26) The state medical board;</u>	2819
<u>(27) The state veterinary medical licensing board;</u>	2820
<u>(28) The state vision professionals board;</u>	2821
<u>(29) The counselor, social worker, and marriage and family therapist board;</u>	2822 2823
<u>(30) The chemical dependency professionals board;</u>	2824
<u>(31) The Ohio occupational therapy, physical therapy, and athletic trainers board;</u>	2825 2826
<u>(32) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	2827 2828 2829

(B) The common sense initiative office shall review an action 2830  
taken or proposed by a board or commission that is subject to 2831  
review under this section and that is referred to the office 2832  
pursuant to division (C) of this section. 2833

(1) The following actions are subject to review under this 2834  
section: 2835

(a) Any action that directly or indirectly has an effect of 2836  
any of the following: 2837

(i) Fixing prices, limiting price competition, or increasing 2838  
prices in this state for the goods or services that are provided 2839  
by the occupation or industry regulated by the board or 2840  
commission; 2841

(ii) Dividing, allocating, or assigning customers, potential 2842  
customers, or geographic markets in this state among members of 2843  
the occupation or industry regulated by the board or commission; 2844

(iii) Excluding present or potential competitors from the 2845  
occupation or industry regulated by the board or commission; 2846

(iv) Limiting the output or supply in this state of any good 2847  
or service provided by the members of the occupation or industry 2848  
regulated by the board or commission. 2849

(b) Any other activity that could be subject to state or 2850  
federal antitrust law if the action were undertaken by a private 2851  
person or combination of private persons. 2852

(2) Except as provided in division (H) of this section, the 2853  
following actions are not subject to review under this section: 2854

(a) Denying an application to obtain a license because the 2855  
applicant has violated or has not complied with the Ohio Revised 2856  
Code or the Ohio Administrative Code; 2857

(b) Taking disciplinary action against an individual or 2858  
corporation that is licensed by a board or commission for 2859

<u>violations of the Ohio Revised Code or the Ohio Administrative</u>	2860
<u>Code.</u>	2861
<u>(C)(1) The following persons or entities may refer an action</u>	2862
<u>to the office for review under this section:</u>	2863
<u>(a) A board or commission that has taken or is proposing to</u>	2864
<u>take an action;</u>	2865
<u>(b) A person who is affected by an action taken by a board or</u>	2866
<u>commission or is likely to be affected by an action proposed by a</u>	2867
<u>board or commission;</u>	2868
<u>(c) A person who has been granted a stay pursuant to division</u>	2869
<u>(G) of this section.</u>	2870
<u>(2) A board or commission or person who refers an action to</u>	2871
<u>the office shall prepare a brief statement explaining the action</u>	2872
<u>and its consistency or inconsistency with state or federal</u>	2873
<u>antitrust law and file the statement with the office. If the</u>	2874
<u>action is in writing, the board or commission or person shall</u>	2875
<u>attach a copy of it to the statement. The person shall transmit a</u>	2876
<u>copy of the statement to the board or commission.</u>	2877
<u>(3) The referral of an action by a board or commission for</u>	2878
<u>review by the office does not constitute an admission that the</u>	2879
<u>action violates any state or federal law.</u>	2880
<u>(4) A person who is affected by an action taken by a board or</u>	2881
<u>commission or is likely to be affected by an action proposed by a</u>	2882
<u>board or commission shall refer the action to the office for</u>	2883
<u>review within thirty days after receiving notice of the action or</u>	2884
<u>proposed action.</u>	2885
<u>(5) If an ongoing action or an action proposed by a board or</u>	2886
<u>commission is referred to the office for review under this</u>	2887
<u>section, the board or commission shall cease the ongoing action or</u>	2888
<u>not take the proposed action until the office has approved of the</u>	2889



action pursuant to division (E) of this section and prepared and 2890  
transmitted the memorandum required under division (F) of this 2891  
section. 2892

(D) The office shall determine whether an action referred to 2893  
the office under this section is supported by, and consistent 2894  
with, a clearly articulated state policy as expressed in the 2895  
statutes creating the board or commission or the statutes and 2896  
rules setting forth the board's or commission's powers, authority, 2897  
and duties. If the office finds this to be the case, the office 2898  
shall determine whether the clearly articulated state policy is 2899  
merely a pretext by which the board or commission enables the 2900  
members of an occupation or industry the board or commission 2901  
regulates to engage in anticompetitive conduct that could be 2902  
subject to state or federal antitrust law if the action were taken 2903  
by a private person or combination of private persons. 2904

(E) After making the determinations required under division 2905  
(D) of this section, the office shall take one of the following 2906  
actions: 2907

(1) Approve the board or commission action if the office 2908  
determines that the action is pursuant to a clearly articulated 2909  
state policy and that the policy is not a pretext as described in 2910  
division (D) of this section. If the office approves the board's 2911  
or commission's action, the board or commission may proceed to 2912  
take or may continue the action. 2913

(2) Disapprove the board or commission action if the office 2914  
determines that the action is not pursuant to a clearly 2915  
articulated state policy or that if it is pursuant to a clearly 2916  
articulated state policy, that policy is a pretext as described in 2917  
division (D) of this section. If the office disapproves the 2918  
board's or commission's action, the action is void. 2919

(F) The office shall prepare a memorandum that explains the 2920

office's approval or disapproval. The office shall transmit a copy 2921  
of the memorandum to the person and the board or commission or to 2922  
the board or commission if only the board or commission is 2923  
involved. The office shall post the memorandum on the web site 2924  
maintained by the office. 2925

(G)(1) A person having standing to commence and prosecute a 2926  
state or federal antitrust action against a board or commission 2927  
shall exhaust the remedies provided by this section before 2928  
commencing such an action. This division shall not apply to the 2929  
attorney general, a county prosecuting attorney, or any assistant 2930  
prosecutor designated to assist a county prosecuting attorney. 2931

(2) The state, a board or commission, or a member of a board 2932  
or commission in the member's official capacity, may request a 2933  
stay of any lawsuit alleging that a board or commission engaged in 2934  
anticompetitive conduct by taking an action described in division 2935  
(B)(1) or (2) of this section that has not been previously 2936  
reviewed by the office under this section. If the lawsuit was 2937  
initiated by a person other than the attorney general, a county 2938  
prosecuting attorney, or any assistant prosecutor designated to 2939  
assist a county prosecuting attorney, the court shall grant the 2940  
request. If the lawsuit was initiated by the attorney general, a 2941  
county prosecuting attorney, or any assistant prosecutor 2942  
designated to assist a county prosecuting attorney, the court 2943  
shall deny the request. Any stay granted under this division will 2944  
continue in effect until the office has prepared and transmitted 2945  
the memorandum required under division (F) of this section. 2946

(H) The office shall review any action referred to the office 2947  
by a party who has been granted a stay pursuant to division (G) of 2948  
this section. 2949

(I) Notwithstanding any provision of this section to the 2950  
contrary, an action taken by a board or commission is not subject 2951  
to review under this section if the members of the board or 2952

commission who are members of the occupation or industry affected 2953  
by the action are prohibited by statute from hearing, considering, 2954  
deciding, or otherwise participating in the action. 2955

(J) The office shall adopt rules under Chapter 119. of the 2956  
Revised Code that are necessary for the implementation and 2957  
administration of this section. 2958

**Sec. 107.71.** (A) The Ohio institute of technology is 2959  
established in the office of the governor. The office shall do at 2960  
least all of the following: 2961

(1) Formulate and implement a state strategy to identify 2962  
methods for using technology, research, and development to create 2963  
positive results for citizens and businesses of this state and to 2964  
improve the operations of state government; 2965

(2) Prioritize, coordinate, and focus all state-funded 2966  
research including research funded by the department of higher 2967  
education, department of administrative services, department of 2968  
transportation, department of medicaid, department of job and 2969  
family services, and opportunities for Ohioans with disabilities 2970  
agency; 2971

(3) Identify emerging technologies and advocate for the 2972  
research and application of technologies that may have a 2973  
significant positive impact on the economy or workforce of this 2974  
state; 2975

(4) Advocate for and coordinate research sponsored by state 2976  
institutions of higher education regarding technologies that may 2977  
have a significant positive impact on the economy or workforce of 2978  
this state; 2979

(5) Identify methods to increase collaboration between state 2980  
institutions of higher education; private, not-for-profit 2981  
entities; and other private entities to accelerate product or 2982

patent incubation and commercialization of new and leading 2983  
technologies in the state; 2984

(6) Manage the continued implementation of the Ohio 2985  
innovation exchange and the Ohio federal research network; 2986

(7) Advise the governor on technology and issues relevant to 2987  
the duties of the office; and 2988

(8) Perform such other duties as may be prescribed by the 2989  
governor. 2990

The office shall issue a report to the governor and the 2991  
members of the general assembly annually not later than the last 2992  
day of December detailing the office's state strategy and the 2993  
office's progress toward initial and updated goals established 2994  
under the state strategy. 2995

(B) The governor shall appoint a chief innovation officer to 2996  
serve as executive director of the office, and such other staff as 2997  
may be necessary to manage the office and perform or oversee the 2998  
performance of the duties of the office. To qualify for 2999  
appointment as chief innovation officer, an individual shall have 3000  
significant expertise in as many of the following fields as 3001  
possible: biotechnology, information technology, medicine, 3002  
logistics and supply chain management, advanced manufacturing, 3003  
advanced materials, chemistry, robotics and sensors, aerospace, 3004  
cyber security, and transportation technologies. 3005

(C) As used in this section, "state institution of higher 3006  
education" has the meaning defined in section 3345.011 of the 3007  
Revised Code. 3008

**Sec. 109.112.** If the state of Ohio or any agency or officer 3009  
of the state is named in a court order to be the recipient of any 3010  
money collected or received by the attorney general under section 3011  
109.111 of the Revised Code, the attorney general shall notify the 3012

director of budget and management of the amount of money to be 3013  
collected or received under, and the terms of, the court order. 3014  
The director, in consultation with the attorney general, shall 3015  
determine the appropriate distribution of the money. Upon its 3016  
collection or receipt, the attorney general shall transfer the 3017  
money from the attorney general court order fund to the 3018  
appropriate fund or funds as determined by the director. 3019

Sec. 109.38. (A) As used in this section and section 109.381 3020  
of the Revised Code: 3021

(1) "Consumer reporting agency" has the same meaning as in 3022  
section 1681a(f) of the Fair Credit Reporting Act. 3023

(2) "Conviction of crime" means a conviction of, or a plea of 3024  
guilty to, an offense. 3025

(3) "Fair Credit Reporting Act" means 15 U.S.C. 1681 et seq., 3026  
as amended. 3027

(4) "Identified data repository" means either of the 3028  
following: 3029

(a) A person or entity that is a consumer reporting agency 3030  
and is known to a qualified third party as having a database that 3031  
includes publicly available records of convictions of crime and 3032  
from which consumer reports are prepared pursuant to the Fair 3033  
Credit Reporting Act; 3034

(b) Any person or entity, other than a consumer reporting 3035  
agency, that is known to a qualified third party as having a 3036  
database that includes publicly available records of convictions 3037  
of crime and that registers with a qualified third party for the 3038  
purpose of receiving notices of court orders of sealed or expunged 3039  
records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the 3040  
Revised Code and agreeing to remove those records and any 3041  
references to and information from those records from the person's 3042

or entity's database. 3043

(5) "Qualified third party" means a private entity that is 3044  
selected by the attorney general pursuant to this section. 3045

(B) The attorney general shall select a private entity as a 3046  
qualified third party for the purpose of receiving notices of 3047  
court orders of sealed or expunged records under section 2953.32, 3048  
2953.37, 2953.38, or 2953.53 of the Revised Code. A qualified 3049  
third party selected by the attorney general shall have the 3050  
following qualifications: 3051

(1) The entity has specific knowledge and expertise regarding 3052  
the operation of the Fair Credit Reporting Act. 3053

(2) The entity has prior experience in interacting and 3054  
cooperating with consumer reporting agencies regarding their 3055  
obligations for accuracy under section 1681e(b) of the Fair Credit 3056  
Reporting Act and reinvestigations of disputed information under 3057  
section 1681i of the Fair Credit Reporting Act to ensure the 3058  
accomplishment of the goal of updating the records, files, or 3059  
databases of the consumer reporting agencies that contain 3060  
references to, or information on, convictions of crime. 3061

(3) The entity has relationships with data aggregators, 3062  
public record vendors, and other companies that collect and 3063  
compile from various sources data or information in records of 3064  
convictions of crime to ensure their cooperation in maintaining 3065  
the legitimacy, accuracy, completeness, and security of that data 3066  
or information. 3067

(4) The entity has at least two years' experience in 3068  
processing and sending notices of sealed or expunged records of 3069  
convictions of crime to identified data repositories. 3070

(5) The entity is not an identified data repository or an 3071  
entity that is owned or controlled by an identified data 3072  
repository. 3073

(6) The entity meets all security clearances and security requirements imposed by the attorney general to ensure that the entity does not misuse any information received from the courts under section 109.381 of the Revised Code and that other persons do not have unauthorized access to that information. 3074  
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(C)(1) The qualified third party selected by the attorney general under this section shall serve as such qualified third party for a minimum of three years. The attorney general may either select another qualified third party at the end of any three-year period or retain the existing qualified third party for another three-year period. 3079  
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(2) Upon the selection or retention of a qualified third party under division (C)(1) of this section, the attorney general and the qualified third party shall enter into a contract that shall include all of the following: 3085  
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(a) The duties of the qualified third party under section 109.381 of the Revised Code; 3089  
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(b) The amount of the fee to be paid by an applicant for a court order to seal or expunge records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code who wishes to have the court send notice of the order to the qualified third party and to have the procedures under section 109.381 of the Revised Code apply to the records; 3091  
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(c) Any other provisions as determined by the attorney general in the rules promulgated under division (E) of this section. 3097  
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(3) The attorney general shall determine the proportion of the fee described in division (C)(2)(b) of this section that the qualified third party shall retain for its services under section 109.381 of the Revised Code and each proportion of the fee that the qualified third party shall remit to the clerk of the court 3100  
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that sent the notice of the order under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code, the attorney general, and the state treasury. 3105  
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(D) The attorney general shall have oversight of the functions and activities of the qualified third party under section 109.381 of the Revised Code. 3108  
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(E) The attorney general shall promulgate rules pursuant to Chapter 119. of the Revised Code to implement this section and section 109.381 of the Revised Code. 3111  
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**Sec. 109.381.** (A) Upon receiving a notice of a court order under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code sealing or expunging the records subject to the order, the qualified third party shall send a notice of that order to all of the following: 3114  
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(1) Identified data repositories; 3119

(2) Web sites and publications that the qualified third party knows utilize, display, publish, or disseminate any information from those records. 3120  
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(B) Immediately upon receipt of the notice from the qualified third party under division (A) of this section, the following shall apply: 3123  
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(1) An identified data repository that received the notice shall remove from its database all of the records that are subject to the court order sealing or expunging the records and all references to, and information from, those records. 3126  
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(2) The web sites and publications that received the notice shall remove from the web site or publication all of the records that are subject to the court order sealing or expunging the records and all references to, and information from, those records. 3130  
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Sec. 109.46. (A) As used in this section, "domestic violence program" means any of the following: 3135  
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(1) The nonprofit state domestic violence coalition designated by the family and youth services bureau of the United States department of health and human services; 3137  
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(2) A program operated by a nonprofit entity the primary purpose of which is to provide a broad range of services to victims of domestic violence that may include, but are not limited to, hotlines, emergency shelters, victim advocacy and support, justice systems advocacy, individual and group counseling for adults and children, or transitional service and education to prevent domestic violence. The program may provide some or all of the services described in this division. 3140  
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(B)(1) There is hereby created in the state treasury the domestic violence program fund consisting of money appropriated to the fund by the general assembly or donated to the fund. The attorney general shall administer the domestic violence program fund. The attorney general may not use more than five per cent of the moneys appropriated or deposited into the fund to pay costs associated with administering the fund, and shall use at least ninety-five per cent of the moneys appropriated or deposited into the fund for the purpose of providing funding to domestic violence programs under this section. 3148  
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(2) The attorney general shall adopt rules pursuant to Chapter 119. of the Revised Code that shall establish procedures for domestic violence programs to apply to the attorney general for funding from the domestic violence program fund and procedures for the attorney general to distribute money out of the fund to domestic violence programs. 3158  
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(C)(1) Priority of funding from the domestic violence program fund shall be given to the domestic violence programs in existence 3164  
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on and after July 1, 2017. 3166

(2) A domestic violence program that receives funds from the 3167  
domestic violence program fund shall use the funds received for 3168  
the following purposes: 3169

(a) To provide training and technical assistance to service 3170  
providers, if the program that receives the funds is the nonprofit 3171  
state domestic violence coalition specified in division (A)(1) of 3172  
this section; 3173

(b) To provide services to victims of domestic violence, 3174  
including, but not limited to, education to prevent domestic 3175  
violence, if the program that receives the funds is a nonprofit 3176  
entity described in division (A)(2) of this section. Funds 3177  
received under this division may also be used for general 3178  
operating support, including capital improvements and primary 3179  
prevention and risk reduction programs for the general population. 3180

(D)(1) There is hereby established in the office of the 3181  
attorney general the domestic violence advisory board. The board 3182  
shall consist of four members appointed by the attorney general as 3183  
follows: 3184

(a) One representative from the nonprofit state domestic 3185  
violence coalition specified in division (A)(1) of this section; 3186

(b) One representative each from a rural and an urban 3187  
nonprofit entity described in division (A)(2) of this section; 3188

(c) One survivor of domestic violence. 3189

(2) The domestic violence advisory board shall do both of the 3190  
following: 3191

(a) Provide advice and counsel to the attorney general in 3192  
determining the needs of victims of domestic violence and 3193  
developing a policy for the attorney general in the administration 3194  
of the domestic violence program fund created under this section; 3195

(b) Make recommendations to the attorney general in the 3196  
distribution of domestic violence program funds under this 3197  
section. 3198

(3) The members of the domestic violence advisory board shall 3199  
serve without compensation, but shall be reimbursed for travel and 3200  
other necessary expenses that are incurred in the conduct of their 3201  
official duties as members of the board. The members of the board 3202  
shall serve at the pleasure of the attorney general. 3203

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 3204  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3205  
a completed form prescribed pursuant to division (C)(1) of this 3206  
section, and a set of fingerprint impressions obtained in the 3207  
manner described in division (C)(2) of this section, the 3208  
superintendent of the bureau of criminal identification and 3209  
investigation shall conduct a criminal records check in the manner 3210  
described in division (B) of this section to determine whether any 3211  
information exists that indicates that the person who is the 3212  
subject of the request previously has been convicted of or pleaded 3213  
guilty to any of the following: 3214

(a) A violation of section 2903.01, 2903.02, 2903.03, 3215  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3216  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3217  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3218  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3219  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3220  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3221  
2925.06, or 3716.11 of the Revised Code, felonious sexual 3222  
penetration in violation of former section 2907.12 of the Revised 3223  
Code, a violation of section 2905.04 of the Revised Code as it 3224  
existed prior to July 1, 1996, a violation of section 2919.23 of 3225  
the Revised Code that would have been a violation of section 3226

2905.04 of the Revised Code as it existed prior to July 1, 1996, 3227  
had the violation been committed prior to that date, or a 3228  
violation of section 2925.11 of the Revised Code that is not a 3229  
minor drug possession offense; 3230

(b) A violation of an existing or former law of this state, 3231  
any other state, or the United States that is substantially 3232  
equivalent to any of the offenses listed in division (A)(1)(a) of 3233  
this section; 3234

(c) If the request is made pursuant to section 3319.39 of the 3235  
Revised Code for an applicant who is a teacher, any offense 3236  
specified in section 3319.31 of the Revised Code. 3237

(2) On receipt of a request pursuant to section 3712.09 or 3238  
3721.121 of the Revised Code, a completed form prescribed pursuant 3239  
to division (C)(1) of this section, and a set of fingerprint 3240  
impressions obtained in the manner described in division (C)(2) of 3241  
this section, the superintendent of the bureau of criminal 3242  
identification and investigation shall conduct a criminal records 3243  
check with respect to any person who has applied for employment in 3244  
a position for which a criminal records check is required by those 3245  
sections. The superintendent shall conduct the criminal records 3246  
check in the manner described in division (B) of this section to 3247  
determine whether any information exists that indicates that the 3248  
person who is the subject of the request previously has been 3249  
convicted of or pleaded guilty to any of the following: 3250

(a) A violation of section 2903.01, 2903.02, 2903.03, 3251  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3252  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3253  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3254  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3255  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3256  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3257  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3258

2925.22, 2925.23, or 3716.11 of the Revised Code; 3259

(b) An existing or former law of this state, any other state, 3260  
or the United States that is substantially equivalent to any of 3261  
the offenses listed in division (A)(2)(a) of this section. 3262

(3) On receipt of a request pursuant to section 173.27, 3263  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 3264  
or 5123.169 of the Revised Code, a completed form prescribed 3265  
pursuant to division (C)(1) of this section, and a set of 3266  
fingerprint impressions obtained in the manner described in 3267  
division (C)(2) of this section, the superintendent of the bureau 3268  
of criminal identification and investigation shall conduct a 3269  
criminal records check of the person for whom the request is made. 3270  
The superintendent shall conduct the criminal records check in the 3271  
manner described in division (B) of this section to determine 3272  
whether any information exists that indicates that the person who 3273  
is the subject of the request previously has been convicted of, 3274  
has pleaded guilty to, or (except in the case of a request 3275  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 3276  
Code) has been found eligible for intervention in lieu of 3277  
conviction for any of the following, regardless of the date of the 3278  
conviction, the date of entry of the guilty plea, or (except in 3279  
the case of a request pursuant to section 5164.34, 5164.341, or 3280  
5164.342 of the Revised Code) the date the person was found 3281  
eligible for intervention in lieu of conviction: 3282

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3283  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3284  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3285  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3286  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3287  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3288  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3289  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3290

2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3291  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3292  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3293  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3294  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3295  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3296  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 3297  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 3298  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 3299  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 3300  
2927.12, or 3716.11 of the Revised Code; 3301

(b) Felonious sexual penetration in violation of former 3302  
section 2907.12 of the Revised Code; 3303

(c) A violation of section 2905.04 of the Revised Code as it 3304  
existed prior to July 1, 1996; 3305

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 3306  
the Revised Code when the underlying offense that is the object of 3307  
the conspiracy, attempt, or complicity is one of the offenses 3308  
listed in divisions (A)(3)(a) to (c) of this section; 3309

(e) A violation of an existing or former municipal ordinance 3310  
or law of this state, any other state, or the United States that 3311  
is substantially equivalent to any of the offenses listed in 3312  
divisions (A)(3)(a) to (d) of this section. 3313

(4) On receipt of a request pursuant to section 2151.86 of 3314  
the Revised Code, a completed form prescribed pursuant to division 3315  
(C)(1) of this section, and a set of fingerprint impressions 3316  
obtained in the manner described in division (C)(2) of this 3317  
section, the superintendent of the bureau of criminal 3318  
identification and investigation shall conduct a criminal records 3319  
check in the manner described in division (B) of this section to 3320  
determine whether any information exists that indicates that the 3321

person who is the subject of the request previously has been 3322  
convicted of or pleaded guilty to any of the following: 3323

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3324  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3325  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3326  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3327  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3328  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3329  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3330  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3331  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3332  
of the Revised Code, a violation of section 2905.04 of the Revised 3333  
Code as it existed prior to July 1, 1996, a violation of section 3334  
2919.23 of the Revised Code that would have been a violation of 3335  
section 2905.04 of the Revised Code as it existed prior to July 1, 3336  
1996, had the violation been committed prior to that date, a 3337  
violation of section 2925.11 of the Revised Code that is not a 3338  
minor drug possession offense, two or more OVI or OVUAC violations 3339  
committed within the three years immediately preceding the 3340  
submission of the application or petition that is the basis of the 3341  
request, or felonious sexual penetration in violation of former 3342  
section 2907.12 of the Revised Code; 3343

(b) A violation of an existing or former law of this state, 3344  
any other state, or the United States that is substantially 3345  
equivalent to any of the offenses listed in division (A)(4)(a) of 3346  
this section. 3347

(5) Upon receipt of a request pursuant to section 5104.013 of 3348  
the Revised Code, a completed form prescribed pursuant to division 3349  
(C)(1) of this section, and a set of fingerprint impressions 3350  
obtained in the manner described in division (C)(2) of this 3351  
section, the superintendent of the bureau of criminal 3352  
identification and investigation shall conduct a criminal records 3353

check in the manner described in division (B) of this section to 3354  
determine whether any information exists that indicates that the 3355  
person who is the subject of the request has been convicted of or 3356  
pleaded guilty to any of the following: 3357

(a) A violation of section 2151.421, 2903.01, 2903.02, 3358  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 3359  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 3360  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 3361  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 3362  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 3363  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 3364  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 3365  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 3366  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 3367  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 3368  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 3369  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 3370  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 3371  
Revised Code, felonious sexual penetration in violation of former 3372  
section 2907.12 of the Revised Code, a violation of section 3373  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 3374  
violation of section 2919.23 of the Revised Code that would have 3375  
been a violation of section 2905.04 of the Revised Code as it 3376  
existed prior to July 1, 1996, had the violation been committed 3377  
prior to that date, a violation of section 2925.11 of the Revised 3378  
Code that is not a minor drug possession offense, a violation of 3379  
section 2923.02 or 2923.03 of the Revised Code that relates to a 3380  
crime specified in this division, or a second violation of section 3381  
4511.19 of the Revised Code within five years of the date of 3382  
application for licensure or certification. 3383

(b) A violation of an existing or former law of this state, 3384  
any other state, or the United States that is substantially 3385



equivalent to any of the offenses or violations described in 3386  
division (A)(5)(a) of this section. 3387

(6) Upon receipt of a request pursuant to section 5153.111 of 3388  
the Revised Code, a completed form prescribed pursuant to division 3389  
(C)(1) of this section, and a set of fingerprint impressions 3390  
obtained in the manner described in division (C)(2) of this 3391  
section, the superintendent of the bureau of criminal 3392  
identification and investigation shall conduct a criminal records 3393  
check in the manner described in division (B) of this section to 3394  
determine whether any information exists that indicates that the 3395  
person who is the subject of the request previously has been 3396  
convicted of or pleaded guilty to any of the following: 3397

(a) A violation of section 2903.01, 2903.02, 2903.03, 3398  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3399  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3400  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3401  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3402  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3403  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3404  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3405  
felonious sexual penetration in violation of former section 3406  
2907.12 of the Revised Code, a violation of section 2905.04 of the 3407  
Revised Code as it existed prior to July 1, 1996, a violation of 3408  
section 2919.23 of the Revised Code that would have been a 3409  
violation of section 2905.04 of the Revised Code as it existed 3410  
prior to July 1, 1996, had the violation been committed prior to 3411  
that date, or a violation of section 2925.11 of the Revised Code 3412  
that is not a minor drug possession offense; 3413

(b) A violation of an existing or former law of this state, 3414  
any other state, or the United States that is substantially 3415  
equivalent to any of the offenses listed in division (A)(6)(a) of 3416  
this section. 3417

(7) On receipt of a request for a criminal records check from 3418  
an individual pursuant to section 4749.03 or 4749.06 of the 3419  
Revised Code, accompanied by a completed copy of the form 3420  
prescribed in division (C)(1) of this section and a set of 3421  
fingerprint impressions obtained in a manner described in division 3422  
(C)(2) of this section, the superintendent of the bureau of 3423  
criminal identification and investigation shall conduct a criminal 3424  
records check in the manner described in division (B) of this 3425  
section to determine whether any information exists indicating 3426  
that the person who is the subject of the request has been 3427  
convicted of or pleaded guilty to a felony in this state or in any 3428  
other state. If the individual indicates that a firearm will be 3429  
carried in the course of business, the superintendent shall 3430  
require information from the federal bureau of investigation as 3431  
described in division (B)(2) of this section. Subject to division 3432  
(F) of this section, the superintendent shall report the findings 3433  
of the criminal records check and any information the federal 3434  
bureau of investigation provides to the director of public safety. 3435

(8) On receipt of a request pursuant to section 1321.37, 3436  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3437  
Code, a completed form prescribed pursuant to division (C)(1) of 3438  
this section, and a set of fingerprint impressions obtained in the 3439  
manner described in division (C)(2) of this section, the 3440  
superintendent of the bureau of criminal identification and 3441  
investigation shall conduct a criminal records check with respect 3442  
to any person who has applied for a license, permit, or 3443  
certification from the department of commerce or a division in the 3444  
department. The superintendent shall conduct the criminal records 3445  
check in the manner described in division (B) of this section to 3446  
determine whether any information exists that indicates that the 3447  
person who is the subject of the request previously has been 3448  
convicted of or pleaded guilty to any of the following: a 3449  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3450

2925.03 of the Revised Code; any other criminal offense involving 3451  
theft, receiving stolen property, embezzlement, forgery, fraud, 3452  
passing bad checks, money laundering, or drug trafficking, or any 3453  
criminal offense involving money or securities, as set forth in 3454  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3455  
the Revised Code; or any existing or former law of this state, any 3456  
other state, or the United States that is substantially equivalent 3457  
to those offenses. 3458

(9) On receipt of a request for a criminal records check from 3459  
the treasurer of state under section 113.041 of the Revised Code 3460  
or from an individual under section 4701.08, 4715.101, 4717.061, 3461  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3462  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3463  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3464  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3465  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.06, 4779.091, 3466  
or 4783.04 of the Revised Code, accompanied by a completed form 3467  
prescribed under division (C)(1) of this section and a set of 3468  
fingerprint impressions obtained in the manner described in 3469  
division (C)(2) of this section, the superintendent of the bureau 3470  
of criminal identification and investigation shall conduct a 3471  
criminal records check in the manner described in division (B) of 3472  
this section to determine whether any information exists that 3473  
indicates that the person who is the subject of the request has 3474  
been convicted of or pleaded guilty to any criminal offense in 3475  
this state or any other state. Subject to division (F) of this 3476  
section, the superintendent shall send the results of a check 3477  
requested under section 113.041 of the Revised Code to the 3478  
treasurer of state and shall send the results of a check requested 3479  
under any of the other listed sections to the licensing board 3480  
specified by the individual in the request. 3481

(10) On receipt of a request pursuant to section 1121.23, 3482

1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

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

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records

check with respect to any person for whom a criminal records check 3515  
is required under that section. The superintendent shall conduct 3516  
the criminal records check in the manner described in division (B) 3517  
of this section to determine whether any information exists that 3518  
indicates that the person who is the subject of the request 3519  
previously has been convicted of or pleaded guilty to any of the 3520  
following: 3521

(a) A violation of section 2903.01, 2903.02, 2903.03, 3522  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3523  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3524  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3525  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3526  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3527  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3528  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3529  
2925.22, 2925.23, or 3716.11 of the Revised Code; 3530

(b) An existing or former law of this state, any other state, 3531  
or the United States that is substantially equivalent to any of 3532  
the offenses listed in division (A)(12)(a) of this section. 3533

(13) On receipt of a request pursuant to section 3796.12 of 3534  
the Revised Code, a completed form prescribed pursuant to division 3535  
(C)(1) of this section, and a set of fingerprint impressions 3536  
obtained in a manner described in division (C)(2) of this section, 3537  
the superintendent of the bureau of criminal identification and 3538  
investigation shall conduct a criminal records check in the manner 3539  
described in division (B) of this section to determine whether any 3540  
information exists that indicates that the person who is the 3541  
subject of the request previously has been convicted of or pleaded 3542  
guilty to the following: 3543

(a) A disqualifying offense as specified in rules adopted 3544  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 3545  
the person who is the subject of the request is an administrator 3546

or other person responsible for the daily operation of, or an 3547  
owner or prospective owner, officer or prospective officer, or 3548  
board member or prospective board member of, an entity seeking a 3549  
license from the department of commerce under Chapter 3796. of the 3550  
Revised Code; 3551

(b) A disqualifying offense as specified in rules adopted 3552  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 3553  
the person who is the subject of the request is an administrator 3554  
or other person responsible for the daily operation of, or an 3555  
owner or prospective owner, officer or prospective officer, or 3556  
board member or prospective board member of, an entity seeking a 3557  
license from the state board of pharmacy under Chapter 3796. of 3558  
the Revised Code. 3559

(14) On receipt of a request required by section 3796.13 of 3560  
the Revised Code, a completed form prescribed pursuant to division 3561  
(C)(1) of this section, and a set of fingerprint impressions 3562  
obtained in a manner described in division (C)(2) of this section, 3563  
the superintendent of the bureau of criminal identification and 3564  
investigation shall conduct a criminal records check in the manner 3565  
described in division (B) of this section to determine whether any 3566  
information exists that indicates that the person who is the 3567  
subject of the request previously has been convicted of or pleaded 3568  
guilty to the following: 3569

(a) A disqualifying offense as specified in rules adopted 3570  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 3571  
the person who is the subject of the request is seeking employment 3572  
with an entity licensed by the department of commerce under 3573  
Chapter 3796. of the Revised Code; 3574

(b) A disqualifying offense as specified in rules adopted 3575  
under division (B)(14)(a) of section 3796.04 of the Revised Code 3576  
if the person who is the subject of the request is seeking 3577  
employment with an entity licensed by the state board of pharmacy 3578

under Chapter 3796. of the Revised Code. 3579

(B) Subject to division (F) of this section, the 3580  
superintendent shall conduct any criminal records check to be 3581  
conducted under this section as follows: 3582

(1) The superintendent shall review or cause to be reviewed 3583  
any relevant information gathered and compiled by the bureau under 3584  
division (A) of section 109.57 of the Revised Code that relates to 3585  
the person who is the subject of the criminal records check, 3586  
including, if the criminal records check was requested under 3587  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 3588  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 3589  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3590  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 3591  
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 3592  
5123.169, or 5153.111 of the Revised Code, any relevant 3593  
information contained in records that have been sealed under 3594  
section 2953.32 of the Revised Code; 3595

(2) If the request received by the superintendent asks for 3596  
information from the federal bureau of investigation, the 3597  
superintendent shall request from the federal bureau of 3598  
investigation any information it has with respect to the person 3599  
who is the subject of the criminal records check, including 3600  
fingerprint-based checks of national crime information databases 3601  
as described in 42 U.S.C. 671 if the request is made pursuant to 3602  
section 2151.86 or 5104.013 of the Revised Code or if any other 3603  
Revised Code section requires fingerprint-based checks of that 3604  
nature, and shall review or cause to be reviewed any information 3605  
the superintendent receives from that bureau. If a request under 3606  
section 3319.39 of the Revised Code asks only for information from 3607  
the federal bureau of investigation, the superintendent shall not 3608  
conduct the review prescribed by division (B)(1) of this section. 3609

(3) The superintendent or the superintendent's designee may 3610

request criminal history records from other states or the federal 3611  
government pursuant to the national crime prevention and privacy 3612  
compact set forth in section 109.571 of the Revised Code. 3613

(4) The superintendent shall include in the results of the 3614  
criminal records check a list or description of the offenses 3615  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3616  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 3617  
whichever division requires the superintendent to conduct the 3618  
criminal records check. The superintendent shall exclude from the 3619  
results any information the dissemination of which is prohibited 3620  
by federal law. 3621

(5) The superintendent shall send the results of the criminal 3622  
records check to the person to whom it is to be sent not later 3623  
than the following number of days after the date the 3624  
superintendent receives the request for the criminal records 3625  
check, the completed form prescribed under division (C)(1) of this 3626  
section, and the set of fingerprint impressions obtained in the 3627  
manner described in division (C)(2) of this section: 3628

(a) If the superintendent is required by division (A) of this 3629  
section (other than division (A)(3) of this section) to conduct 3630  
the criminal records check, thirty; 3631

(b) If the superintendent is required by division (A)(3) of 3632  
this section to conduct the criminal records check, sixty. 3633

(C)(1) The superintendent shall prescribe a form to obtain 3634  
the information necessary to conduct a criminal records check from 3635  
any person for whom a criminal records check is to be conducted 3636  
under this section. The form that the superintendent prescribes 3637  
pursuant to this division may be in a tangible format, in an 3638  
electronic format, or in both tangible and electronic formats. 3639

(2) The superintendent shall prescribe standard impression 3640  
sheets to obtain the fingerprint impressions of any person for 3641



whom a criminal records check is to be conducted under this 3642  
section. Any person for whom a records check is to be conducted 3643  
under this section shall obtain the fingerprint impressions at a 3644  
county sheriff's office, municipal police department, or any other 3645  
entity with the ability to make fingerprint impressions on the 3646  
standard impression sheets prescribed by the superintendent. The 3647  
office, department, or entity may charge the person a reasonable 3648  
fee for making the impressions. The standard impression sheets the 3649  
superintendent prescribes pursuant to this division may be in a 3650  
tangible format, in an electronic format, or in both tangible and 3651  
electronic formats. 3652

(3) Subject to division (D) of this section, the 3653  
superintendent shall prescribe and charge a reasonable fee for 3654  
providing a criminal records check under this section. The person 3655  
requesting the criminal records check shall pay the fee prescribed 3656  
pursuant to this division. In the case of a request under section 3657  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3658  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 3659  
the manner specified in that section. 3660

(4) The superintendent of the bureau of criminal 3661  
identification and investigation may prescribe methods of 3662  
forwarding fingerprint impressions and information necessary to 3663  
conduct a criminal records check, which methods shall include, but 3664  
not be limited to, an electronic method. 3665

(D) The results of a criminal records check conducted under 3666  
this section, other than a criminal records check specified in 3667  
division (A)(7) of this section, are valid for the person who is 3668  
the subject of the criminal records check for a period of one year 3669  
from the date upon which the superintendent completes the criminal 3670  
records check. If during that period the superintendent receives 3671  
another request for a criminal records check to be conducted under 3672  
this section for that person, the superintendent shall provide the 3673

results from the previous criminal records check of the person at 3674  
a lower fee than the fee prescribed for the initial criminal 3675  
records check. 3676

(E) When the superintendent receives a request for 3677  
information from a registered private provider, the superintendent 3678  
shall proceed as if the request was received from a school 3679  
district board of education under section 3319.39 of the Revised 3680  
Code. The superintendent shall apply division (A)(1)(c) of this 3681  
section to any such request for an applicant who is a teacher. 3682

(F)(1) Subject to division (F)(2) of this section, all 3683  
information regarding the results of a criminal records check 3684  
conducted under this section that the superintendent reports or 3685  
sends under division (A)(7) or (9) of this section to the director 3686  
of public safety, the treasurer of state, or the person, board, or 3687  
entity that made the request for the criminal records check shall 3688  
relate to the conviction of the subject person, or the subject 3689  
person's plea of guilty to, a criminal offense. 3690

(2) Division (F)(1) of this section does not limit, restrict, 3691  
or preclude the superintendent's release of information that 3692  
relates to the arrest of a person who is eighteen years of age or 3693  
older, to an adjudication of a child as a delinquent child, or to 3694  
a criminal conviction of a person under eighteen years of age in 3695  
circumstances in which a release of that nature is authorized 3696  
under division (E)(2), (3), or (4) of section 109.57 of the 3697  
Revised Code pursuant to a rule adopted under division (E)(1) of 3698  
that section. 3699

(G) As used in this section: 3700

(1) "Criminal records check" means any criminal records check 3701  
conducted by the superintendent of the bureau of criminal 3702  
identification and investigation in accordance with division (B) 3703  
of this section. 3704

(2) "Minor drug possession offense" has the same meaning as 3705  
in section 2925.01 of the Revised Code. 3706

(3) "OVI or OVUAC violation" means a violation of section 3707  
4511.19 of the Revised Code or a violation of an existing or 3708  
former law of this state, any other state, or the United States 3709  
that is substantially equivalent to section 4511.19 of the Revised 3710  
Code. 3711

(4) "Registered private provider" means a nonpublic school or 3712  
entity registered with the superintendent of public instruction 3713  
under section 3310.41 of the Revised Code to participate in the 3714  
autism scholarship program or section 3310.58 of the Revised Code 3715  
to participate in the Jon Peterson special needs scholarship 3716  
program. 3717

**Sec. 109.5721.** (A) As used in this section: 3718

(1) "Employment" includes volunteer service. 3719

(2) "Independent provider" has the same meaning as in section 3720  
5164.341 of the Revised Code. 3721

(3) "Licensure" means ~~the~~ either of the following: 3722

(a) The authorization, evidenced by a license, certificate, 3723  
registration, permit, or other authority that is issued or 3724  
conferred by a public office, to engage in a profession, 3725  
occupation, or occupational activity, to be a foster caregiver, or 3726  
to have control of and operate certain specific equipment, 3727  
machinery, or premises over which a public office has 3728  
jurisdiction; 3729

(b) The authorization evidenced by a license, certificate, 3730  
registration, permit, card, or other authority that is issued or 3731  
conferred by a licensing agency to a licensee or to an applicant 3732  
for an initial license by which the licensee or initial license 3733  
applicant has or claims the privilege to engage in a profession, 3734

occupation, or occupational activity, or except in the case of the 3735  
state dental board, to have control of and operate certain 3736  
specific equipment, machinery, or premises, over which the 3737  
licensing agency has jurisdiction. 3738

~~(3)~~(4) "Participating public office" means a public office 3739  
that requires a fingerprint background check as a condition of 3740  
employment with, licensure by, or approval for adoption by the 3741  
public office and that elects to receive notice under division 3742  
~~(C)~~(D) of this section in accordance with rules adopted by the 3743  
attorney general. "Participating public office" also means the 3744  
department of medicaid if it elects to receive notices under 3745  
division (D) of this section regarding independent providers. 3746

~~(4)~~(5) "Public office" has the same meaning as in section 3747  
117.01 of the Revised Code. 3748

~~(5)~~(6) "Participating private party" means any person or 3749  
private entity that is allowed to request a criminal records check 3750  
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 3751  
the Revised Code. 3752

(7) "Applicant for an initial license," "licensee," and 3753  
"licensing agency" have the same meanings as in section 4776.01 of 3754  
the Revised Code. 3755

(B) Within six months after August 15, 2007, the 3756  
superintendent of the bureau of criminal identification and 3757  
investigation shall establish and maintain a database of 3758  
fingerprints of individuals on whom the bureau has conducted 3759  
criminal records checks for either of the ~~purpose of determining~~ 3760  
following purposes: 3761

(1) To determine the individual's eligibility for employment 3762  
with, licensure by, or approval for adoption by a licensing 3763  
agency, public office, or participating private party; 3764

(2) To determine whether an applicant for a medicaid provider 3765

agreement as an independent provider is ineligible for the 3766  
medicaid provider agreement because of section 5164.341 of the 3767  
Revised Code. The 3768

(C) The superintendent shall maintain the database separate 3769  
and apart from other records maintained by the bureau. The 3770  
database shall be known as the retained applicant fingerprint 3771  
database. 3772

~~(C)~~(D) When the superintendent receives information that an 3773  
individual whose name is in the retained applicant fingerprint 3774  
database has been arrested for, convicted of, or pleaded guilty to 3775  
any offense, the superintendent shall promptly notify ~~any~~ the 3776  
following of the individual's arrest, conviction, or guilty plea: 3777

(1) Any licensing agency, participating public office, or 3778  
participating private party that employs, licensed, or approved 3779  
the individual of the arrest, conviction, or guilty plea; 3780

(2) The department of medicaid if the individual is an 3781  
independent provider. The 3782

(E)(1) A licensing agency, participating public office, or 3783  
participating private party that receives the a notification under 3784  
division (D) of this section, and its employees and officers, 3785  
shall use the information contained in the notification solely to 3786  
determine the individual's continued eligibility for ~~continued~~ 3787  
~~employment~~ the following: 3788

(a) Employment with the licensing agency, participating 3789  
public office, or participating private party, to retain licensure 3790  
issued; 3791

(b) Licensure by the licensing agency or participating public 3792  
office, or to be approved; 3793

(c) Approval for adoption by the participating public office; 3794

(d) A medicaid provider agreement as an independent provider. 3795

The 3796

(2) Except as provided in division (E) of section 5164.341 of 3797  
the Revised Code, information contained in the notification is 3798  
confidential and not a public record under section 149.43 of the 3799  
Revised Code and a licensing agency, participating public office, 3800  
or participating private party, and its employees and officers, 3801  
shall not disclose that information to any person for any ~~other~~ 3802  
purpose not specified in division (E)(1) of this section. 3803

~~(D)~~(F) If an individual has submitted fingerprint impressions 3804  
for employment with, licensure by, or approval for adoption by a 3805  
licensing agency, participating public office, or participating 3806  
private party and seeks employment with, licensure by, or approval 3807  
for adoption by another licensing agency, participating public 3808  
office, or participating private party, the other licensing 3809  
agency, participating public office, or participating private 3810  
party shall reprint the individual. If an individual has been 3811  
reprinted, the superintendent shall update that individual's 3812  
information accordingly. 3813

~~(E)~~(G) The bureau of criminal identification and 3814  
investigation and the participating public office or participating 3815  
private party shall use information contained in the retained 3816  
applicant fingerprint database and in the notice described in 3817  
division ~~(C)~~(D) of this section only for the purpose of ~~employment~~ 3818  
~~with, licensure by, or approval for adoption by the participating~~ 3819  
~~public office or participating private party~~ this section. This 3820  
information is otherwise confidential and not a public record 3821  
under section 149.43 of the Revised Code. 3822

~~(F)~~(H) The bureau of criminal identification and 3823  
investigation shall periodically conduct criminal records checks 3824  
on individuals who are licensees and whose names are in the 3825  
retained applicant fingerprint database to determine if an 3826  
individual has been arrested for, convicted of, or pleaded guilty 3827

to any offense since the individual's initial criminal records 3828  
check. The superintendent shall compile the names of such 3829  
individuals and the offenses the individuals were arrested for, 3830  
convicted of, or pleaded guilty to, and report that information to 3831  
the inspector general not later than December 31, 2017, and not 3832  
later than the last day of December of every year thereafter. 3833

(I) The attorney general shall adopt rules in accordance with 3834  
Chapter 119. of the Revised Code governing the operation and 3835  
maintenance of the database. The rules shall provide for, but not 3836  
be limited to, both of the following: 3837

(1) The expungement or sealing of records of ~~individuals~~ the 3838  
following: 3839

(a) Individuals who are deceased ~~or~~; 3840

(b) Individuals who are no longer employed, granted 3841  
licensure, or approved for adoption by the licensing agency, 3842  
participating public office, or participating private party that 3843  
required submission of the individual's fingerprints; 3844

(c) Individuals who are no longer independent providers. 3845

(2) The terms under which a licensing agency, public office, 3846  
or participating private party may elect to receive notification 3847  
under division ~~(C)~~(D) of this section, including payment of any 3848  
reasonable fee that may be charged for the purpose. 3849

~~(G)~~(J) No public office or employee of a public office shall 3850  
be considered negligent in a civil action solely because the 3851  
public office did not elect to be a participating public office. 3852

~~(H)~~(K)(1) No person shall knowingly use information contained 3853  
in or received from the retained applicant fingerprint database 3854  
for purposes not authorized by this section. 3855

(2) No person shall knowingly use information contained in or 3856  
received from the retained applicant fingerprint database with the 3857

intent to harass or intimidate another person. 3858

(3) Whoever violates division ~~(H)~~(K)(1) or ~~(H)~~(2) of this 3859  
section is guilty of unlawful use of retained applicant 3860  
fingerprint database records. A violation of division ~~(H)~~(K)(1) of 3861  
this section is a misdemeanor of the fourth degree. A violation of 3862  
division ~~(H)~~(K)(2) of this section is a misdemeanor of the first 3863  
degree. 3864

**Sec. 109.803.** (A)(1) Subject to ~~division~~ divisions (A)(2) and 3865  
(B) of this section, every appointing authority shall require each 3866  
of its appointed peace officers and troopers to complete up to 3867  
twenty-four hours of continuing professional training each 3868  
calendar year, as directed by the Ohio peace officer training 3869  
commission. The number of hours directed by the commission, up to 3870  
twenty-four hours, is intended to be a minimum requirement, and 3871  
appointing authorities are encouraged to exceed the number of 3872  
hours the commission directs as the minimum. The commission shall 3873  
set the required minimum number of hours based upon available 3874  
funding for reimbursement as described in this division. If no 3875  
funding for the reimbursement is available, no continuing 3876  
professional training will be required. 3877

(2) An appointing authority may submit a written request to 3878  
the peace officer training commission that requests for a calendar 3879  
year because of emergency circumstances an extension of the time 3880  
within which one or more of its appointed peace officers or 3881  
troopers must complete the required minimum number of hours of 3882  
continuing professional training set by the commission, as 3883  
described in division (A)(1) of this section. A request made under 3884  
this division shall set forth the name of each of the appointing 3885  
authority's peace officers or troopers for whom an extension is 3886  
requested, identify the emergency circumstances related to that 3887  
peace officer or trooper, include documentation of those emergency 3888



circumstances, and set forth the date on which the request is 3889  
submitted to the commission. A request shall be made under this 3890  
division not later than the fifteenth day of December in the 3891  
calendar year for which the extension is requested. 3892

Upon receipt of a written request made under this division, 3893  
the executive director of the commission shall review the request 3894  
and the submitted documentation. If the executive director of the 3895  
commission is satisfied that emergency circumstances exist for any 3896  
peace officer or trooper for whom a request was made under this 3897  
division, the executive director may approve the request for that 3898  
peace officer or trooper and grant an extension of the time within 3899  
which that peace officer or trooper must complete the required 3900  
minimum number of hours of continuing professional training set by 3901  
the commission. An extension granted under this division may be 3902  
for any period of time the executive director believes to be 3903  
appropriate, and the executive director shall specify in the 3904  
notice granting the extension the date on which the extension 3905  
ends. Not later than thirty days after the date on which a request 3906  
is submitted to the commission, for each peace officer and trooper 3907  
for whom an extension is requested, the executive director either 3908  
shall approve the request and grant an extension or deny the 3909  
request and deny an extension and shall send to the appointing 3910  
authority that submitted the request written notice of the 3911  
executive director's decision. 3912

If the executive director grants an extension of the time 3913  
within which a particular appointed peace officer or trooper of an 3914  
appointing authority must complete the required minimum number of 3915  
hours of continuing professional training set by the commission, 3916  
the appointing authority shall require that peace officer or 3917  
trooper to complete the required minimum number of hours of 3918  
training not later than the date on which the extension ends. 3919

(B) With the advice of the Ohio peace officer training 3920

commission, the attorney general shall adopt in accordance with 3921  
Chapter 119. of the Revised Code rules setting forth minimum 3922  
standards for continuing professional training for peace officers 3923  
and troopers and governing the administration of continuing 3924  
professional training programs for peace officers and troopers. 3925  
The rules adopted by the attorney general under division (B) of 3926  
this section shall do all of the following: 3927

(1) Allow peace officers and troopers to earn credit for up to four hours of continuing professional training for time spent while on duty providing drug use prevention education training that utilizes evidence-based curricula to students in school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code. 3928  
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(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency. 3936  
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(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement. 3945  
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(C) The attorney general shall transmit a certified copy of 3948  
any rule adopted under this section to the secretary of state. 3949

**Sec. 117.04.** The auditor of state shall appoint a deputy 3950  
auditor of state, whose appointment shall be in writing under the 3951

official seal of the auditor of state and recorded in the office 3952  
of the secretary of state. To be eligible for appointment as 3953  
deputy auditor of state, an individual shall hold a CPA 3954  
certificate as defined under section 4701.01 of the Revised Code. 3955

**Sec. 117.432.** (A) The general assembly recognizes that 3956  
uniform accounting procedures and charts of accounts improve 3957  
financial management while maintaining the principle of home rule 3958  
over local matters. It is the intent of the general assembly to 3959  
facilitate the ability of the public easily to compare public data 3960  
generated by the state and other public offices using this common 3961  
language. 3962

(B) Within two years after the effective date of this 3963  
section, the auditor of state shall establish, by rule adopted 3964  
under Chapter 119. of the Revised Code, appropriate uniform 3965  
accounting procedures and charts of accounts that may be used by 3966  
all public offices. Public offices that maintain their financial 3967  
records in accordance with the rules established by the auditor of 3968  
state under this section shall be declared by the auditor of state 3969  
to have earned a "DataOhio Transparency Award–Uniformity of 3970  
Accounting." 3971

(C) The auditor of state may use existing uniform accounting 3972  
procedures or charts of accounts, or may supplement or amend 3973  
existing uniform accounting procedures or charts of accounts, to 3974  
satisfy the requirements of division (B) of this section. 3975

**Sec. 117.58.** (A) As used in this section: 3976

(1) "Open format" has the meaning defined in section 149.61 3977  
of the Revised Code. 3978

(2) "Public record" has the meaning defined in section 149.43 3979  
of the Revised Code. 3980

(B)(1) The auditor of state shall establish, administer, and 3981

operate a web site to function as the state's primary online 3982  
catalog of public records and data sets of public records shared 3983  
for this purpose by any public office in the state. The web site 3984  
shall be registered as data.Ohio.gov. These public records and 3985  
data sets of public records shall be made available online and in 3986  
an open format, and may be cataloged through the use of links, 3987  
uploaded data files, streaming data, or other technologies that 3988  
allow convenient online public access. The web site may catalog or 3989  
store original data or processed data, including original public 3990  
records and aggregated or summarized content of data sets. 3991

(2) The auditor of state shall consult with the state 3992  
librarian regarding the collection, aggregation, presentation, and 3993  
accessibility of data in relation to the web site. 3994

(C) The auditor of state shall adopt rules under Chapter 119. 3995  
of the Revised Code that specify policies and procedures for the 3996  
administration and operation of data.Ohio.gov. The rules shall 3997  
include a requirement that the auditor of state may not charge a 3998  
fee for access to public records or data sets of public records at 3999  
data.Ohio.gov. The auditor of state shall make every effort to 4000  
ensure that public records or data sets of public records 4001  
cataloged online at data.Ohio.gov are accessible online in an open 4002  
format. 4003

**Sec. 120.08.** There is hereby created in the state treasury 4004  
the indigent defense support fund, consisting of money paid into 4005  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4006  
4511.19 of the Revised Code and pursuant to sections 2937.22, 4007  
2949.091, and 2949.094 of the Revised Code out of the additional 4008  
court costs imposed under those sections. The state public 4009  
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 4010  
the money in the fund for the purposes of reimbursing county 4011  
governments for expenses incurred pursuant to sections 120.18, 4012

120.28, and 120.33 of the Revised Code and operating its system 4013  
pursuant to division (C)(7) of section 120.04 of the Revised Code 4014  
and division (B) of section 120.33 of the Revised Code. 4015  
Disbursements from the fund to county governments shall be made at 4016  
least once per year and shall be allocated proportionately so that 4017  
each county receives an equal percentage of its total cost for 4018  
operating its county public defender system, its joint county 4019  
public defender system, its county appointed counsel system, or 4020  
its system operated under division (C)(7) of section 120.04 of the 4021  
Revised Code and division (B) of section 120.33 of the Revised 4022  
Code. The state public defender may use not more than ~~twelve~~ 4023  
seventeen per cent of the money in the fund for the purposes of 4024  
appointing assistant state public defenders, providing other 4025  
personnel, equipment, and facilities necessary for the operation 4026  
of the state public defender office, and providing training, 4027  
developing and implementing electronic forms, or establishing and 4028  
maintaining an information technology system used for the uniform 4029  
operation of this chapter. 4030

**Sec. 120.18.** (A) The county public defender commission's 4031  
report to the board of county commissioners shall be audited by 4032  
the county auditor. The board of county commissioners, after 4033  
review and approval of the audited report, may then certify it to 4034  
the state public defender for reimbursement. If a request for the 4035  
reimbursement of any operating expenditure incurred by a county 4036  
public defender office is not received by the state public 4037  
defender within sixty days after the end of the calendar month in 4038  
which the expenditure is incurred, the state public defender shall 4039  
not pay the requested reimbursement, unless the county has 4040  
requested, and the state public defender has granted, an extension 4041  
of the sixty-day time limit. Each request for reimbursement shall 4042  
include a certification by the county public defender that the 4043

persons provided representation by the county public defender's office during the period covered by the report were indigent and, for each person provided representation during that period, a financial disclosure form completed by the person on a form prescribed by the state public defender. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county public defender's office for the period of time covered by the certified report and a voucher for ~~forty~~ one hundred per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, ~~or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems, for the lesser amount required by section 120.34 of the Revised Code.~~ For the purposes of this section, "total cost" means total expenses minus costs and expenses reimbursable under section 120.35 of the Revised Code and any funds received by the county public defender commission pursuant to a contract, except a contract entered into with a municipal corporation pursuant to division (E) of section 120.14 of the Revised Code, gift, or grant.

(B) If the county public defender fails to maintain the standards for the conduct of the office established by rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the county public defender commission and the board of county commissioners of the county that the county public defender has

failed to comply with its rules or the standards of the state 4077  
public defender. Unless the county public defender commission or 4078  
the county public defender corrects the conduct of the county 4079  
public defender's office to comply with the rules and standards 4080  
within ninety days after the date of the notice, the state public 4081  
defender may deny payment of all or part of the county's 4082  
reimbursement from the state provided for in division (A) of this 4083  
section. 4084

**Sec. 120.28.** (A) The joint county public defender 4085  
commission's report to the joint board of county commissioners 4086  
shall be audited by the fiscal officer of the district. The joint 4087  
board of county commissioners, after review and approval of the 4088  
audited report, may then certify it to the state public defender 4089  
for reimbursement. If a request for the reimbursement of any 4090  
operating expenditure incurred by a joint county public defender 4091  
office is not received by the state public defender within sixty 4092  
days after the end of the calendar month in which the expenditure 4093  
is incurred, the state public defender shall not pay the requested 4094  
reimbursement, unless the joint board of county commissioners has 4095  
requested, and the state public defender has granted, an extension 4096  
of the sixty-day time limit. Each request for reimbursement shall 4097  
include a certification by the joint county public defender that 4098  
all persons provided representation by the joint county public 4099  
defender's office during the period covered by the request were 4100  
indigent and, for each person provided representation during that 4101  
period, a financial disclosure form completed by the person on a 4102  
form prescribed by the state public defender. The state public 4103  
defender shall also review the report and, in accordance with the 4104  
standards, guidelines, and maximums established pursuant to 4105  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4106  
prepare a voucher for fifty per cent of the total cost of each 4107  
joint county public defender's office for the period of time 4108

covered by the certified report and a voucher for  ~~fifty one~~ 4109  
 ~~hundred~~ per cent of the costs and expenses that are reimbursable 4110  
under section 120.35 of the Revised Code, if any,  ~~or, if the~~ 4111  
 ~~amount of money appropriated by the general assembly to reimburse~~ 4112  
 ~~counties for the operation of county public defender offices,~~ 4113  
 ~~joint county public defender offices, and county appointed counsel~~ 4114  
 ~~systems is not sufficient to pay fifty per cent of the total cost~~ 4115  
 ~~of all of the offices and systems, for the lesser amount required~~ 4116  
 ~~by section 120.34 of the Revised Code.~~ For purposes of this 4117  
section, "total cost" means total expenses minus costs and 4118  
expenses reimbursable under section 120.35 of the Revised Code and 4119  
any funds received by the joint county public defender commission 4120  
pursuant to a contract, except a contract entered into with a 4121  
municipal corporation pursuant to division (E) of section 120.24 4122  
of the Revised Code, gift, or grant. Each county in the district 4123  
shall be entitled to a share of such state reimbursement in 4124  
proportion to the percentage of the total cost it has agreed to 4125  
pay. 4126

(B) If the joint county public defender fails to maintain the 4127  
standards for the conduct of the office established by the rules 4128  
of the Ohio public defender commission pursuant to divisions (B) 4129  
and (C) of section 120.03 or the standards established by the 4130  
state public defender pursuant to division (B)(7) of section 4131  
120.04 of the Revised Code, the Ohio public defender commission 4132  
shall notify the joint county public defender commission and the 4133  
board of county commissioners of each county in the district that 4134  
the joint county public defender has failed to comply with its 4135  
rules or the standards of the state public defender. Unless the 4136  
joint public defender commission or the joint county public 4137  
defender corrects the conduct of the joint county public 4138  
defender's office to comply with the rules and standards within 4139  
ninety days after the date of the notice, the state public 4140  
defender may deny all or part of the counties' reimbursement from 4141



the state provided for in division (A) of this section. 4142

**Sec. 120.33.** (A) In lieu of using a county public defender or 4143  
joint county public defender to represent indigent persons in the 4144  
proceedings set forth in division (A) of section 120.16 of the 4145  
Revised Code, the board of county commissioners of any county may 4146  
adopt a resolution to pay counsel who are either personally 4147  
selected by the indigent person or appointed by the court. The 4148  
resolution shall include those provisions the board of county 4149  
commissioners considers necessary to provide effective 4150  
representation of indigent persons in any proceeding for which 4151  
counsel is provided under this section. The resolution shall 4152  
include provisions for contracts with any municipal corporation 4153  
under which the municipal corporation shall reimburse the county 4154  
for counsel appointed to represent indigent persons charged with 4155  
violations of the ordinances of the municipal corporation. 4156

(1) In a county that adopts a resolution to pay counsel, an 4157  
indigent person shall have the right to do either of the 4158  
following: 4159

(a) To select the person's own personal counsel to represent 4160  
the person in any proceeding included within the provisions of the 4161  
resolution; 4162

(b) To request the court to appoint counsel to represent the 4163  
person in such a proceeding. 4164

(2) The court having jurisdiction over the proceeding in a 4165  
county that adopts a resolution to pay counsel shall, after 4166  
determining that the person is indigent and entitled to legal 4167  
representation under this section, do either of the following: 4168

(a) By signed journal entry recorded on its docket, enter the 4169  
name of the lawyer selected by the indigent person as counsel of 4170  
record; 4171

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

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

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. With respect to capital cases, the court shall approve compensation and expenses in accordance with the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of this section. Each request for payment shall be accompanied by include a financial disclosure form ~~and an affidavit of indigency that are~~ completed by the indigent person

on ~~forms~~ a form prescribed by the state public defender. 4204  
Compensation and expenses shall not exceed the amounts fixed by 4205  
the board of county commissioners in the schedule adopted pursuant 4206  
to division (A)(3) of this section. No court shall approve 4207  
compensation and expenses that exceed the amount fixed pursuant to 4208  
division (A)(3) of this section. 4209

The fees and expenses approved by the court shall not be 4210  
taxed as part of the costs and shall be paid by the county. 4211  
However, if the person represented has, or may reasonably be 4212  
expected to have, the means to meet some part of the cost of the 4213  
services rendered to the person, the person shall pay the county 4214  
an amount that the person reasonably can be expected to pay. 4215  
Pursuant to section 120.04 of the Revised Code, the county shall 4216  
pay to the state public defender a percentage of the payment 4217  
received from the person in an amount proportionate to the 4218  
percentage of the costs of the person's case that were paid to the 4219  
county by the state public defender pursuant to this section. The 4220  
money paid to the state public defender shall be credited to the 4221  
client payment fund created pursuant to division (B)(5) of section 4222  
120.04 of the Revised Code. 4223

The county auditor shall draw a warrant on the county 4224  
treasurer for the payment of counsel in the amount fixed by the 4225  
court, plus the expenses the court fixes and certifies to the 4226  
auditor. The county auditor shall report periodically, but not 4227  
less than annually, to the board of county commissioners and to 4228  
the state public defender the amounts paid out pursuant to the 4229  
approval of the court. The board of county commissioners, after 4230  
review and approval of the auditor's report, or the county 4231  
auditor, with permission from and notice to the board of county 4232  
commissioners, may then certify it to the state public defender 4233  
for reimbursement. The state public defender may pay a requested 4234  
reimbursement only if the request for reimbursement ~~is accompanied~~ 4235

by includes a financial disclosure form and an affidavit of 4236  
indigency completed by the indigent person on ~~forms~~ a form 4237  
prescribed by the state public defender or if the court certifies 4238  
by electronic signature as prescribed by the state public defender 4239  
that a financial disclosure form and affidavit of indigency have 4240  
has been completed by the indigent person and ~~are~~ is available for 4241  
inspection. If a request for the reimbursement of the cost of 4242  
counsel in any case is not received by the state public defender 4243  
within ninety days after the end of the calendar month in which 4244  
the case is finally disposed of by the court, unless the county 4245  
has requested and the state public defender has granted an 4246  
extension of the ninety-day limit, the state public defender shall 4247  
not pay the requested reimbursement. The state public defender 4248  
shall also review the report and, in accordance with the 4249  
standards, guidelines, and maximums established pursuant to 4250  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4251  
prepare a voucher for fifty per cent of the total cost of each 4252  
county appointed counsel system in the period of time covered by 4253  
the certified report and a voucher for ~~fifty~~ one hundred per cent 4254  
of the costs and expenses that are reimbursable under section 4255  
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 4256  
~~appropriated by the general assembly to reimburse counties for the~~ 4257  
~~operation of county public defender offices, joint county public~~ 4258  
~~defender offices, and county appointed counsel systems is not~~ 4259  
~~sufficient to pay fifty per cent of the total cost of all of the~~ 4260  
~~offices and systems other than costs and expenses that are~~ 4261  
~~reimbursable under section 120.35 of the Revised Code, for the~~ 4262  
~~lesser amount required by section 120.34 of the Revised Code.~~ 4263

(5) If any county appointed counsel system fails to maintain 4264  
the standards for the conduct of the system established by the 4265  
rules of the Ohio public defender commission pursuant to divisions 4266  
(B) and (C) of section 120.03 or the standards established by the 4267  
state public defender pursuant to division (B)(7) of section 4268

120.04 of the Revised Code, the Ohio public defender commission 4269  
shall notify the board of county commissioners of the county that 4270  
the county appointed counsel system has failed to comply with its 4271  
rules or the standards of the state public defender. Unless the 4272  
board of county commissioners corrects the conduct of its 4273  
appointed counsel system to comply with the rules and standards 4274  
within ninety days after the date of the notice, the state public 4275  
defender may deny all or part of the county's reimbursement from 4276  
the state provided for in division (A)(4) of this section. 4277

(B) In lieu of using a county public defender or joint county 4278  
public defender to represent indigent persons in the proceedings 4279  
set forth in division (A) of section 120.16 of the Revised Code, 4280  
and in lieu of adopting the resolution and following the procedure 4281  
described in division (A) of this section, the board of county 4282  
commissioners of any county may contract with the state public 4283  
defender for the state public defender's legal representation of 4284  
indigent persons. A contract entered into pursuant to this 4285  
division may provide for payment for the services provided on a 4286  
per case, hourly, or fixed contract basis. 4287

(C) If a court appoints an attorney pursuant to this section 4288  
to represent a petitioner in a postconviction relief proceeding 4289  
under section 2953.21 of the Revised Code, the petitioner has 4290  
received a sentence of death, and the proceeding relates to that 4291  
sentence, the attorney who represents the petitioner in the 4292  
proceeding pursuant to the appointment shall be certified under 4293  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4294  
represent indigent defendants charged with or convicted of an 4295  
offense for which the death penalty can be or has been imposed. 4296

(D)(1) There is hereby created the capital case attorney fee 4297  
council, appointed as described in division (D)(2) of this 4298  
section. The council shall set an amount by case, or a rate on an 4299  
hourly basis, to be paid under this section to counsel in a 4300

capital case. 4301

(2) The capital case attorney fee council shall consist of 4302  
five members, all of whom shall be active judges serving on one of 4303  
the district courts of appeals in this state. Terms for council 4304  
members shall be the lesser of three years or until the member 4305  
ceases to be an active judge of a district court of appeals. The 4306  
initial terms shall commence ninety days after ~~the effective date~~ 4307  
~~of this amendment~~ September 28, 2016. The chief justice of the 4308  
supreme court shall appoint the members of the council, and shall 4309  
make all of the appointments not later than sixty days after ~~the~~ 4310  
~~effective date of this amendment~~ September 28, 2016. When any 4311  
vacancy occurs, the chief justice shall appoint an active judge of 4312  
a district court of appeals in this state to fill the vacancy for 4313  
the unexpired term, in the same manner as prescribed in this 4314  
division. The chief justice shall designate a chairperson from the 4315  
appointed members of the council. Members of the council shall 4316  
receive no additional compensation for their service as a member, 4317  
but may be reimbursed for expenses reasonably incurred in service 4318  
to the council, to be paid by the supreme court. The supreme court 4319  
may provide administrative support to the council. 4320

(3) The capital case attorney fee council initially shall 4321  
meet not later than one hundred twenty days after ~~the effective~~ 4322  
~~date of this amendment~~ September 28, 2016. Thereafter, the council 4323  
shall meet not less than annually. 4324

(4) Upon setting the amount or rate described in division 4325  
(D)(1) of this section, the chairperson of the capital case 4326  
attorney fee council promptly shall provide written notice to the 4327  
state public defender of the amount or rate so set. The amount or 4328  
rate so set shall become effective ninety days after the date on 4329  
which the chairperson provides that written notice to the state 4330  
public defender. The council shall specify that effective date in 4331  
the written notice provided to the state public defender. All 4332

amounts or rates set by the council shall be final, subject to 4333  
modification as described in division (D)(5) of this section, and 4334  
not subject to appeal. 4335

(5) The capital case attorney fee council may modify an 4336  
amount or rate set as described in division (D)(4) of this 4337  
section. The provisions of that division apply with respect to any 4338  
such modification of an amount or rate. 4339

**Sec. 120.34.** The total amount of money paid to all counties 4340  
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 4341  
of the Revised Code for the reimbursement of a percentage of the 4342  
counties' cost of operating county public defender offices, joint 4343  
county public defender offices, and county appointed counsel 4344  
systems shall not exceed the total amount appropriated for that 4345  
fiscal year by the general assembly for the reimbursement of the 4346  
counties for the operation of the offices and systems. ~~If the~~ 4347  
~~amount appropriated by the general assembly in any fiscal year is~~ 4348  
~~insufficient to pay fifty per cent of the total cost in the fiscal~~ 4349  
~~year of all county public defender offices, all joint county~~ 4350  
~~public defender offices, and all county appointed counsel systems,~~ 4351  
~~the amount of money paid in that fiscal year pursuant to sections~~ 4352  
~~120.18, 120.28, and 120.33 of the Revised Code to each county for~~ 4353  
~~the fiscal year shall be reduced proportionately so that each~~ 4354  
~~county is paid an equal percentage of its total cost in the fiscal~~ 4355  
~~year for operating its county public defender system, its joint~~ 4356  
~~county public defender system, and its county appointed counsel~~ 4357  
~~system.~~ 4358

~~The total amount of money paid to all counties in any fiscal~~ 4359  
~~year pursuant to section 120.35 of the Revised Code for the~~ 4360  
~~reimbursement of a percentage of the counties' costs and expenses~~ 4361  
~~of conducting the defense in capital cases shall not exceed the~~ 4362  
~~total amount appropriated for that fiscal year by the general~~ 4363

~~assembly for the reimbursement of the counties for conducting the 4364  
defense in capital cases. If the amount appropriated by the 4365  
general assembly in any fiscal year is insufficient to pay fifty 4366  
per cent of the counties' total costs and expenses of conducting 4367  
the defense in capital cases in the fiscal year, the amount of 4368  
money paid in that fiscal year pursuant to section 120.35 of the 4369  
Revised Code to each county for the fiscal year shall be reduced 4370  
proportionately so that each county is paid an equal percentage of 4371  
its costs and expenses of conducting the defense in capital cases 4372  
in the fiscal year. 4373~~

If any county receives an amount of money pursuant to section 4374  
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 4375  
excess of the amount of reimbursement it is entitled to receive 4376  
pursuant to this section, the state public defender shall request 4377  
the board of county commissioners to return the excess payment and 4378  
the board of county commissioners, upon receipt of the request, 4379  
shall direct the appropriate county officer to return the excess 4380  
payment to the state. 4381

Within thirty days of the end of each fiscal quarter, the 4382  
state public defender shall provide to the office of budget and 4383  
management and the ~~legislative budget office of the legislative 4384~~  
service commission an estimate of the amount of money that will be 4385  
required for the balance of the fiscal year to make the payments 4386  
required by sections 120.18, 120.28, 120.33, and 120.35 of the 4387  
Revised Code. 4388

**Sec. 120.35.** The state public defender shall, pursuant to 4389  
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 4390  
reimburse fifty one hundred per cent of all costs and expenses of 4391  
conducting the defense in capital cases. ~~If appropriations are 4392  
insufficient to pay fifty per cent of such costs and expenses, the 4393  
state public defender shall reimburse such costs and expenses as 4394~~



~~provided in section 120.34 of the Revised Code.~~ 4395

**Sec. 120.36.** (A)(1) Subject to division (A)(2), (3), (4), 4396  
(5), or (6) of this section, if a person who is a defendant in a 4397  
criminal case or a party in a case in juvenile court requests or 4398  
is provided a state public defender, a county or joint county 4399  
public defender, or any other counsel appointed by the court, the 4400  
court in which the criminal case is initially filed or the 4401  
juvenile court, whichever is applicable, shall assess, unless the 4402  
application fee is waived or reduced, a non-refundable application 4403  
fee of twenty-five dollars. 4404

The court shall direct the person to pay the application fee 4405  
to the clerk of court. The person shall pay the application fee to 4406  
the clerk of court at the time the person files ~~an affidavit of~~ 4407  
~~indigency or~~ a financial disclosure form with the court, a state 4408  
public defender, a county or joint county public defender, or any 4409  
other counsel appointed by the court or within seven days of that 4410  
date. If the person does not pay the application fee within that 4411  
seven-day period, the court shall assess the application fee at 4412  
sentencing or at the final disposition of the case. 4413

(2) For purposes of this section, a criminal case includes 4414  
any case involving a violation of any provision of the Revised 4415  
Code or of an ordinance of a municipal corporation for which the 4416  
potential penalty includes loss of liberty and includes any 4417  
contempt proceeding in which a court may impose a term of 4418  
imprisonment. 4419

(3) In a juvenile court proceeding, the court shall not 4420  
assess the application fee against a child if the court appoints a 4421  
guardian ad litem for the child or the court appoints an attorney 4422  
to represent the child at the request of a guardian ad litem. 4423

(4) The court shall not assess an application fee for a 4424  
postconviction proceeding or when the defendant files an appeal. 4425

(5)(a) Except when the court assesses an application fee 4426  
pursuant to division (A)(5)(b) of this section, the court shall 4427  
assess an application fee when a person is charged with a 4428  
violation of a community control sanction or a violation of a 4429  
post-release control sanction. 4430

(b) If a charge of violating a community control sanction or 4431  
post-release control sanction described in division (A)(5)(a) of 4432  
this section results in a person also being charged with violating 4433  
any provision of the Revised Code or an ordinance of a municipal 4434  
corporation, the court shall only assess an application fee for 4435  
the case that results from the additional charge. 4436

(6) If a case is transferred from one court to another court 4437  
and the person failed to pay the application fee to the court that 4438  
initially assessed the application fee, the court that initially 4439  
assessed the fee shall remove the assessment, and the court to 4440  
which the case was transferred shall assess the application fee. 4441

(7) The court shall assess an application fee pursuant to 4442  
this section one time per case. For purposes of assessing the 4443  
application fee, a case means one complete proceeding or trial 4444  
held in one court for a person on an indictment, information, 4445  
complaint, petition, citation, writ, motion, or other document 4446  
initiating a case that arises out of a single incident or a series 4447  
of related incidents, or when one individual is charged with two 4448  
or more offenses that the court handles simultaneously. The court 4449  
may waive or reduce the fee for a specific person in a specific 4450  
case upon a finding that the person lacks financial resources that 4451  
are sufficient to pay the fee or that payment of the fee would 4452  
result in an undue hardship. 4453

(B) No court, state public defender, county or joint county 4454  
public defender, or other counsel appointed by the court shall 4455  
deny a person the assistance of counsel solely due to the person's 4456  
failure to pay the application fee assessed pursuant to division 4457

(A) of this section. A person's present inability, failure, or refusal to pay the application fee shall not disqualify that person from legal representation.

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

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

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

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

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

(3) The dollar value of the application fees assessed

pursuant to division (A) of this section in the previous month;	4489
(4) The amount of assessed application fees collected in the previous month;	4490 4491
(5) The balance of unpaid assessed application fees at the open and close of the previous month.	4492 4493
(F) As used in this section:	4494
(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.	4495 4496 4497 4498 4499 4500 4501
(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	4502 4503
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	4504 4505 4506 4507
(B) As used in this section:	4508
(1) "Public body" means any of the following:	4509
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	4510 4511 4512 4513 4514 4515
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	4516 4517

(c) A court of jurisdiction of a sanitary district organized 4518  
wholly for the purpose of providing a water supply for domestic, 4519  
municipal, and public use when meeting for the purpose of the 4520  
appointment, removal, or reappointment of a member of the board of 4521  
directors of such a district pursuant to section 6115.10 of the 4522  
Revised Code, if applicable, or for any other matter related to 4523  
such a district other than litigation involving the district. As 4524  
used in division (B)(1)(c) of this section, "court of 4525  
jurisdiction" has the same meaning as "court" in section 6115.01 4526  
of the Revised Code. 4527

(2) "Meeting" means any prearranged discussion of the public 4528  
business of the public body by a majority of its members. 4529

(3) "Regulated individual" means either of the following: 4530

(a) A student in a state or local public educational 4531  
institution; 4532

(b) A person who is, voluntarily or involuntarily, an inmate, 4533  
patient, or resident of a state or local institution because of 4534  
criminal behavior, mental illness, an intellectual disability, 4535  
disease, disability, age, or other condition requiring custodial 4536  
care. 4537

(4) "Public office" has the same meaning as in section 4538  
149.011 of the Revised Code. 4539

(C) All meetings of any public body are declared to be public 4540  
meetings open to the public at all times. A member of a public 4541  
body shall be present in person at a meeting open to the public to 4542  
be considered present or to vote at the meeting and for purposes 4543  
of determining whether a quorum is present at the meeting. 4544

The minutes of a regular or special meeting of any public 4545  
body shall be promptly prepared, filed, and maintained and shall 4546  
be open to public inspection. The minutes need only reflect the 4547  
general subject matter of discussions in executive sessions 4548

authorized under division (G) or (J) of this section.	4549
(D) This section does not apply to any of the following:	4550
(1) A grand jury;	4551
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	4552 4553 4554
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	4555 4556 4557
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	4558 4559
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	4560 4561 4562 4563 4564 4565
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	4566 4567 4568
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	4569 4570 4571
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	4572 4573 4574
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	4575 4576 4577
(10) The executive committee of the emergency response	4578

commission when determining whether to issue an enforcement order 4579  
or request that a civil action, civil penalty action, or criminal 4580  
action be brought to enforce Chapter 3750. of the Revised Code; 4581

(11) The board of directors of the nonprofit corporation 4582  
formed under section 187.01 of the Revised Code or any committee 4583  
thereof, and the board of directors of any subsidiary of that 4584  
corporation or a committee thereof; 4585

(12) An audit conference conducted by the audit staff of the 4586  
department of job and family services with officials of the public 4587  
office that is the subject of that audit under section 5101.37 of 4588  
the Revised Code; 4589

(13) The occupational therapy section of the occupational 4590  
therapy, physical therapy, and athletic trainers board when 4591  
determining whether to suspend a license or limited permit without 4592  
a hearing pursuant to division (D) of section 4755.11 of the 4593  
Revised Code; 4594

(14) The physical therapy section of the occupational 4595  
therapy, physical therapy, and athletic trainers board when 4596  
determining whether to suspend a license without a hearing 4597  
pursuant to division (E) of section 4755.47 of the Revised Code; 4598

(15) The athletic trainers section of the occupational 4599  
therapy, physical therapy, and athletic trainers board when 4600  
determining whether to suspend a license without a hearing 4601  
pursuant to division (D) of section 4755.64 of the Revised Code; 4602

(16) Meetings of a drug overdose fatality review committee 4603  
established under section 307.631 of the Revised Code. 4604

(E) The controlling board, the tax credit authority, or the 4605  
minority development financing advisory board, when meeting to 4606  
consider granting assistance pursuant to Chapter 122. or 166. of 4607  
the Revised Code, in order to protect the interest of the 4608  
applicant or the possible investment of public funds, by unanimous 4609

vote of all board or authority members present, may close the 4610  
meeting during consideration of the following information 4611  
confidentially received by the authority or board from the 4612  
applicant: 4613

(1) Marketing plans; 4614

(2) Specific business strategy; 4615

(3) Production techniques and trade secrets; 4616

(4) Financial projections; 4617

(5) Personal financial statements of the applicant or members 4618  
of the applicant's immediate family, including, but not limited 4619  
to, tax records or other similar information not open to public 4620  
inspection. 4621

The vote by the authority or board to accept or reject the 4622  
application, as well as all proceedings of the authority or board 4623  
not subject to this division, shall be open to the public and 4624  
governed by this section. 4625

(F) Every public body, by rule, shall establish a reasonable 4626  
method whereby any person may determine the time and place of all 4627  
regularly scheduled meetings and the time, place, and purpose of 4628  
all special meetings. A public body shall not hold a special 4629  
meeting unless it gives at least twenty-four hours' advance notice 4630  
to the news media that have requested notification, except in the 4631  
event of an emergency requiring immediate official action. In the 4632  
event of an emergency, the member or members calling the meeting 4633  
shall notify the news media that have requested notification 4634  
immediately of the time, place, and purpose of the meeting. 4635

The rule shall provide that any person, upon request and 4636  
payment of a reasonable fee, may obtain reasonable advance 4637  
notification of all meetings at which any specific type of public 4638  
business is to be discussed. Provisions for advance notification 4639



may include, but are not limited to, mailing the agenda of 4640  
meetings to all subscribers on a mailing list or mailing notices 4641  
in self-addressed, stamped envelopes provided by the person. 4642

(G) Except as provided in divisions (G)(8) and (J) of this 4643  
section, the members of a public body may hold an executive 4644  
session only after a majority of a quorum of the public body 4645  
determines, by a roll call vote, to hold an executive session and 4646  
only at a regular or special meeting for the sole purpose of the 4647  
consideration of any of the following matters: 4648

(1) To consider the appointment, employment, dismissal, 4649  
discipline, promotion, demotion, or compensation of a public 4650  
employee or official, or the investigation of charges or 4651  
complaints against a public employee, official, licensee, or 4652  
regulated individual, unless the public employee, official, 4653  
licensee, or regulated individual requests a public hearing. 4654  
Except as otherwise provided by law, no public body shall hold an 4655  
executive session for the discipline of an elected official for 4656  
conduct related to the performance of the elected official's 4657  
official duties or for the elected official's removal from office. 4658  
If a public body holds an executive session pursuant to division 4659  
(G)(1) of this section, the motion and vote to hold that executive 4660  
session shall state which one or more of the approved purposes 4661  
listed in division (G)(1) of this section are the purposes for 4662  
which the executive session is to be held, but need not include 4663  
the name of any person to be considered at the meeting. 4664

(2) To consider the purchase of property for public purposes, 4665  
the sale of property at competitive bidding, or the sale or other 4666  
disposition of unneeded, obsolete, or unfit-for-use property in 4667  
accordance with section 505.10 of the Revised Code, if premature 4668  
disclosure of information would give an unfair competitive or 4669  
bargaining advantage to a person whose personal, private interest 4670  
is adverse to the general public interest. No member of a public 4671

body shall use division (G)(2) of this section as a subterfuge for 4672  
providing covert information to prospective buyers or sellers. A 4673  
purchase or sale of public property is void if the seller or buyer 4674  
of the public property has received covert information from a 4675  
member of a public body that has not been disclosed to the general 4676  
public in sufficient time for other prospective buyers and sellers 4677  
to prepare and submit offers. 4678

If the minutes of the public body show that all meetings and 4679  
deliberations of the public body have been conducted in compliance 4680  
with this section, any instrument executed by the public body 4681  
purporting to convey, lease, or otherwise dispose of any right, 4682  
title, or interest in any public property shall be conclusively 4683  
presumed to have been executed in compliance with this section 4684  
insofar as title or other interest of any bona fide purchasers, 4685  
lessees, or transferees of the property is concerned. 4686

(3) Conferences with an attorney for the public body 4687  
concerning disputes involving the public body that are the subject 4688  
of pending or imminent court action; 4689

(4) Preparing for, conducting, or reviewing negotiations or 4690  
bargaining sessions with public employees concerning their 4691  
compensation or other terms and conditions of their employment; 4692

(5) Matters required to be kept confidential by federal law 4693  
or regulations or state statutes; 4694

(6) Details relative to the security arrangements and 4695  
emergency response protocols for a public body or a public office, 4696  
if disclosure of the matters discussed could reasonably be 4697  
expected to jeopardize the security of the public body or public 4698  
office; 4699

(7) In the case of a county hospital operated pursuant to 4700  
Chapter 339. of the Revised Code, a joint township hospital 4701  
operated pursuant to Chapter 513. of the Revised Code, or a 4702

municipal hospital operated pursuant to Chapter 749. of the 4703  
Revised Code, to consider trade secrets, as defined in section 4704  
1333.61 of the Revised Code; 4705

(8) To consider confidential information related to the 4706  
marketing plans, specific business strategy, production 4707  
techniques, trade secrets, or personal financial statements of an 4708  
applicant for economic development assistance, or to negotiations 4709  
with other political subdivisions respecting requests for economic 4710  
development assistance, provided that both of the following 4711  
conditions apply: 4712

(a) The information is directly related to a request for 4713  
economic development assistance that is to be provided or 4714  
administered under any provision of Chapter 715., 725., 1724., or 4715  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4716  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4717  
the Revised Code, or that involves public infrastructure 4718  
improvements or the extension of utility services that are 4719  
directly related to an economic development project. 4720

(b) A unanimous quorum of the public body determines, by a 4721  
roll call vote, that the executive session is necessary to protect 4722  
the interests of the applicant or the possible investment or 4723  
expenditure of public funds to be made in connection with the 4724  
economic development project. 4725

If a public body holds an executive session to consider any 4726  
of the matters listed in divisions (G)(2) to (8) of this section, 4727  
the motion and vote to hold that executive session shall state 4728  
which one or more of the approved matters listed in those 4729  
divisions are to be considered at the executive session. 4730

A public body specified in division (B)(1)(c) of this section 4731  
shall not hold an executive session when meeting for the purposes 4732  
specified in that division. 4733

(H) A resolution, rule, or formal action of any kind is 4734  
invalid unless adopted in an open meeting of the public body. A 4735  
resolution, rule, or formal action adopted in an open meeting that 4736  
results from deliberations in a meeting not open to the public is 4737  
invalid unless the deliberations were for a purpose specifically 4738  
authorized in division (G) or (J) of this section and conducted at 4739  
an executive session held in compliance with this section. A 4740  
resolution, rule, or formal action adopted in an open meeting is 4741  
invalid if the public body that adopted the resolution, rule, or 4742  
formal action violated division (F) of this section. 4743

(I)(1) Any person may bring an action to enforce this 4744  
section. An action under division (I)(1) of this section shall be 4745  
brought within two years after the date of the alleged violation 4746  
or threatened violation. Upon proof of a violation or threatened 4747  
violation of this section in an action brought by any person, the 4748  
court of common pleas shall issue an injunction to compel the 4749  
members of the public body to comply with its provisions. 4750

(2)(a) If the court of common pleas issues an injunction 4751  
pursuant to division (I)(1) of this section, the court shall order 4752  
the public body that it enjoins to pay a civil forfeiture of five 4753  
hundred dollars to the party that sought the injunction and shall 4754  
award to that party all court costs and, subject to reduction as 4755  
described in division (I)(2) of this section, reasonable 4756  
attorney's fees. The court, in its discretion, may reduce an award 4757  
of attorney's fees to the party that sought the injunction or not 4758  
award attorney's fees to that party if the court determines both 4759  
of the following: 4760

(i) That, based on the ordinary application of statutory law 4761  
and case law as it existed at the time of violation or threatened 4762  
violation that was the basis of the injunction, a well-informed 4763  
public body reasonably would believe that the public body was not 4764  
violating or threatening to violate this section; 4765

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

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

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

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

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

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

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

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

(2) A veterans service commission shall not exclude an 4797  
applicant for, recipient of, or former recipient of financial 4798  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4799  
and shall not exclude representatives selected by the applicant, 4800  
recipient, or former recipient, from a meeting that the commission 4801  
conducts as an executive session that pertains to the applicant's, 4802  
recipient's, or former recipient's application for financial 4803  
assistance. 4804

(3) A veterans service commission shall vote on the grant or 4805  
denial of financial assistance under sections 5901.01 to 5901.15 4806  
of the Revised Code only in an open meeting of the commission. The 4807  
minutes of the meeting shall indicate the name, address, and 4808  
occupation of the applicant, whether the assistance was granted or 4809  
denied, the amount of the assistance if assistance is granted, and 4810  
the votes for and against the granting of assistance. 4811

**Sec. 121.48.** There is hereby created the office of the 4812  
inspector general, to be headed by the inspector general. 4813

The term of the inspector general serving on the effective 4814  
date of this amendment ends January 11, 2021. ~~The governor shall~~ 4815  
~~appoint the~~ inspector general shall be appointed by the governor 4816  
quadrennially thereafter, subject to section 121.49 of the Revised 4817  
Code and the advice and consent of the senate. ~~The inspector~~ 4818  
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4819  
~~of the appointing governor~~ of four years commencing on the second 4820  
Monday of January. The governor may remove the inspector general 4821  
from office only after delivering written notice to the inspector 4822  
general of the reasons for which the governor intends to remove 4823  
the inspector general from office and providing the inspector 4824  
general with an opportunity to appear and show cause why the 4825  
inspector general should not be removed. 4826

In addition to the duties imposed by section 121.42 of the 4827

Revised Code, the inspector general shall manage the office of the 4828  
inspector general. The inspector general shall establish and 4829  
maintain offices in Columbus. 4830

The inspector general may employ and fix the compensation of 4831  
one or more deputy inspectors general. Each deputy inspector 4832  
general shall serve for a term coinciding with the term of the 4833  
appointing inspector general, and shall perform the duties, 4834  
including the performance of investigations, that are assigned by 4835  
the inspector general. All deputy inspectors general are in the 4836  
unclassified service and serve at the pleasure of the inspector 4837  
general. 4838

In addition to deputy inspectors general, the inspector 4839  
general may employ and fix the compensation of professional, 4840  
technical, and clerical employees that are necessary for the 4841  
effective and efficient operation of the office of the inspector 4842  
general. All professional, technical, and clerical employees of 4843  
the office of the inspector general are in the unclassified 4844  
service and serve at the pleasure of the appointing inspector 4845  
general. 4846

The inspector general may enter into any contracts that are 4847  
necessary to the operation of the office of the inspector general. 4848  
The contracts may include, but are not limited to, contracts for 4849  
the services of persons who are experts in a particular field and 4850  
whose expertise is necessary to the successful completion of an 4851  
investigation. 4852

Not later than the first day of March in each year, the 4853  
inspector general shall publish an annual report summarizing the 4854  
activities of the inspector general's office during the previous 4855  
calendar year. The annual report shall not disclose the results of 4856  
any investigation insofar as the results are designated as 4857  
confidential under section 121.44 of the Revised Code. 4858

The inspector general shall provide copies of the inspector  
general's annual report to the governor and the general assembly.  
The inspector general also shall provide a copy of the annual  
report to any other person who requests the copy and pays a fee  
prescribed by the inspector general. The fee shall not exceed the  
cost of reproducing and delivering the annual report.

**Sec. 122.01.** (A) As used in the Revised Code, the "department  
of development" means the development services agency and the  
"director of development" means the director of development  
services. Whenever the department or director of development is  
referred to or designated in any statute, rule, contract, grant,  
or other document, the reference or designation shall be deemed to  
refer to the development services agency or director of  
development services, as the case may be.

(B) As used in this chapter:

(1) "Community problems" includes, but is not limited to,  
taxation, fiscal administration, governmental structure and  
organization, intergovernmental cooperation, education and  
training, employment needs, community planning and development,  
air and water pollution, public safety and the administration of  
justice, housing, mass transportation, community facilities and  
services, health, welfare, recreation, open space, and the  
development of human resources.

(2) "Edison center network" means the six cooperative,  
industry-connected, nonprofit organizations that have met all of  
the following criteria:

(a) Historically received funding under the Thomas Alva  
Edison grant program;

(b) Been in existence at least fifteen years as of the  
effective date of the amendment of this section;



(c) Experience delivering technical and networking services 4889  
to Ohio manufacturers. 4890

(3) "Professional personnel" means either of the following: 4891

(a) Personnel who have earned a bachelor's degree from a 4892  
college or university; 4893

(b) Personnel who serve as or have the working title of 4894  
director, assistant director, deputy director, assistant deputy 4895  
director, manager, office chief, assistant office chief, or 4896  
program director. 4897

~~(3)~~(4) "Technical personnel" means any of the following: 4898

(a) Personnel who provide technical assistance according to 4899  
their job description or in accordance with the Revised Code; 4900

(b) Personnel employed in the director of development 4901  
services' office or the legal office, communications office, 4902  
finance office, legislative affairs office, or human resources 4903  
office of the development services agency; 4904

(c) Personnel employed in the technology division of the 4905  
agency. 4906

**Sec. 122.071.** (A) The TourismOhio advisory board is hereby 4907  
established to advise the director of development services and the 4908  
director of the office of TourismOhio on strategies for promoting 4909  
tourism in this state. The board shall consist of the chief 4910  
investment officer of the nonprofit corporation formed under 4911  
section 187.01 of the Revised Code or the chief investment 4912  
officer's designee, the director of the office of TourismOhio, and 4913  
nine members to be appointed by the governor as provided in 4914  
division (B) of this section. All members of the board, except the 4915  
director of the office of TourismOhio, shall be voting members. 4916

(B)(1) The governor shall, within sixty days after ~~the~~ 4917  
~~effective date of this section~~ September 28, 2012, appoint to the 4918

TourismOhio advisory board one individual who is a representative 4919  
of convention and visitors' bureaus, one individual who is a 4920  
representative of the lodging industry, one individual who is a 4921  
representative of the restaurant industry, one individual who is a 4922  
representative of attractions, one individual who is a 4923  
representative of special events and festivals, one individual who 4924  
is a representative of agritourism, and three individuals who are 4925  
representatives of the tourism industry. Of the initial 4926  
appointments, two individuals shall serve a term of one year, 4927  
three individuals shall serve a term of two years, and the 4928  
remainder shall serve a term of three years. Thereafter, terms of 4929  
office shall be for three years. Each individual appointed to the 4930  
board shall be a United States citizen. 4931

(2) For purposes of division (B)(1) of this section, an 4932  
individual is a "representative of the tourism industry" if the 4933  
individual possesses five years or more executive-level experience 4934  
in the attractions, lodging, restaurant, transportation, or retail 4935  
industry or five years or more executive-level experience with a 4936  
destination marketing organization. 4937

(C)(1) Each member of the TourismOhio advisory board shall 4938  
hold office from the date of the member's appointment until the 4939  
end of the term for which the member is appointed. Vacancies that 4940  
occur on the board shall be filled in the manner prescribed for 4941  
regular appointments to the board. A member appointed to fill a 4942  
vacancy occurring prior to the expiration of the term for which 4943  
the member's predecessor was appointed shall hold office for the 4944  
remainder of that predecessor's term. A member shall continue in 4945  
office subsequent to the expiration date of the member's term 4946  
until the member's successor takes office or until sixty days have 4947  
elapsed, whichever occurs first. Any member appointed to the board 4948  
is eligible for reappointment. 4949

(2) The governor shall designate one member of the board as 4950

chairperson. 4951

(3) Members appointed to the board may be reimbursed for 4952  
actual and necessary expenses incurred in connection with their 4953  
official duties. 4954

**Sec. 122.08.** (A) There is hereby created within the 4955  
~~department of development~~ services agency an office to be known as 4956  
the office of small business and entrepreneurship. The office 4957  
shall be under the supervision of a manager appointed by the 4958  
director of development services. 4959

(B) The office shall do all of the following: 4960

(1) Act as liaison between the small business community and 4961  
state governmental agencies; 4962

(2) Furnish information and technical assistance to persons 4963  
and small businesses concerning the establishment and maintenance 4964  
of a small business, and concerning state laws and rules relevant 4965  
to the operation of a small business. In conjunction with these 4966  
duties, the office shall keep a record of all proposed and 4967  
currently effective state agency rules affecting small businesses, 4968  
and may testify before the joint committee on agency rule review 4969  
concerning any proposed rule affecting small businesses. 4970

(3) Prepare and publish the small business register under 4971  
section 122.081 of the Revised Code; 4972

(4) Receive complaints from small businesses concerning 4973  
governmental activity, compile and analyze those complaints, and 4974  
periodically make recommendations to the governor and the general 4975  
assembly on changes in state laws or agency rules needed to 4976  
eliminate burdensome and unproductive governmental regulation to 4977  
improve the economic climate within which small businesses 4978  
operate; 4979

(5) Receive complaints or questions from small businesses and 4980

direct those businesses to the appropriate governmental agency. 4981  
If, within a reasonable period of time, a complaint is not 4982  
satisfactorily resolved or a question is not satisfactorily 4983  
answered, the office shall, on behalf of the small business, make 4984  
every effort to secure a satisfactory result. For this purpose, 4985  
the office may consult with any state governmental agency and may 4986  
make any suggestion or request that seems appropriate. 4987

(6) Utilize, to the maximum extent possible, the printed and 4988  
electronic media to disseminate information of current concern and 4989  
interest to the small business community and to make known to 4990  
small businesses the services available through the office. The 4991  
office shall publish such books, pamphlets, and other printed 4992  
materials, and shall participate in such trade association 4993  
meetings, conventions, fairs, and other meetings involving the 4994  
small business community, as the manager considers appropriate. 4995

(7) Prepare a description of the activities of the office for 4996  
inclusion in the ~~department of development's~~ development services 4997  
agency's annual report to the governor and general assembly, ~~a~~ 4998  
~~description of the activities of the office and a report of the~~ 4999  
~~number of rules affecting small businesses that were recorded by~~ 5000  
~~the office during the preceding calendar year;~~ 5001

(8) Operate the Ohio first-stop business connection to assist 5002  
individuals in identifying and preparing applications for business 5003  
licenses, permits, and certificates and to serve as ~~the central~~ a 5004  
public distributor for all forms, applications, and other 5005  
information related to business licensing. Each state agency, 5006  
board, and commission shall cooperate in providing assistance, 5007  
information, and materials to enable the connection to perform its 5008  
duties under this division. 5009

(9) Provide information to individuals about the resources 5010  
available on the OhioMeansJobs web site and through the local 5011  
OhioMeansJobs one-stop systems established under section 6301.08 5012

of the Revised Code that connect businesses with job seekers. As 5013  
used in this division, "OhioMeansJobs" has the same meaning as in 5014  
section 6301.01 of the Revised Code. 5015

(C) The office may, upon the request of a state agency, 5016  
assist the agency with the preparation of any rule that will 5017  
affect small businesses. 5018

(D) The director of development services shall assign 5019  
employees and furnish equipment and supplies to the office as the 5020  
director considers necessary for the proper performance of the 5021  
duties assigned to the office. 5022

**Sec. 122.081.** (A) The office of small business and 5023  
entrepreneurship in the ~~department of~~ development services agency 5024  
shall prepare and publish a "small business register" or contract 5025  
with any person as provided in this section to prepare and publish 5026  
the register. The small business register shall contain the 5027  
following information regarding each proposed rule recorded by the 5028  
office of small business and entrepreneurship: 5029

(1) The title and administrative code rule number of the 5030  
proposed rule; 5031

(2) A brief summary of the proposed rule; 5032

(3) The date on which the proposed rule was recorded by the 5033  
office of small business and entrepreneurship; and 5034

(4) The name, address, and telephone number of an individual 5035  
or office within the agency that proposed the rule who can provide 5036  
information about the proposed rule. 5037

(B) The small business register shall be published on a 5038  
weekly basis. The information required under division (A) of this 5039  
section shall be published in the register no later than two weeks 5040  
after the proposed rule to which the information relates is 5041  
recorded by the office of small business and entrepreneurship. The 5042

office of ~~small business~~ shall furnish the small business 5043  
register, on a single copy or subscription basis, to any person 5044  
who requests it and pays a single copy price or subscription rate 5045  
fixed by the office. The office shall furnish the chairpersons of 5046  
the standing committees of the senate and house of representatives 5047  
having jurisdiction over small businesses with free subscriptions 5048  
to the small business register. 5049

(C) Upon the request of the office of small business and 5050  
entrepreneurship, the director of administrative services shall, 5051  
in accordance with the competitive selection procedure of Chapter 5052  
125. of the Revised Code, let a contract for the compilation, 5053  
printing, and distribution of the small business register. 5054

(D) The office of small business and entrepreneurship shall 5055  
adopt, and may amend or rescind, in accordance with Chapter 119. 5056  
of the Revised Code, such rules as are necessary to enable it to 5057  
properly carry out this section. 5058

**Sec. 122.17.** (A) As used in this section: 5059

(1) "Payroll" means the total taxable income paid by the 5060  
employer during the employer's taxable year, or during the 5061  
calendar year that includes the employer's tax period, to each 5062  
employee or each home-based employee employed in the project to 5063  
the extent such payroll is not used to determine the credit under 5064  
section 122.171 of the Revised Code. "Payroll" excludes amounts 5065  
paid before the day the taxpayer becomes eligible for the credit 5066  
and retirement or other benefits paid or contributed by the 5067  
employer to or on behalf of employees. 5068

(2) "Baseline payroll" means Ohio employee payroll, except 5069  
that the applicable measurement period is the twelve months 5070  
immediately preceding the date the tax credit authority approves 5071  
the taxpayer's application or the date the tax credit authority 5072  
receives the recommendation described in division (C)(2)(a) of 5073

this section, whichever occurs first, multiplied by the sum of one 5074  
plus an annual pay increase factor to be determined by the tax 5075  
credit authority. 5076

(3) "Ohio employee payroll" means the amount of compensation 5077  
used to determine the withholding obligations in division (A) of 5078  
section 5747.06 of the Revised Code and paid by the employer 5079  
during the employer's taxable year, or during the calendar year 5080  
that includes the employer's tax period, to ~~each~~ the following: 5081

(a) An employee employed in the project who is a resident of 5082  
this state, ~~as defined in section 5747.01 of the Revised Code, to~~ 5083  
~~each~~ including a qualifying work-from-home employee not designated 5084  
as a home-based employee by an applicant under division (C)(1) of 5085  
this section; 5086

(b) An employee employed at the project ~~site~~ location who is 5087  
not a resident and whose compensation is not exempt from the tax 5088  
imposed under section 5747.02 of the Revised Code pursuant to a 5089  
reciprocity agreement with another state under division (A)(3) of 5090  
section 5747.05 of the Revised Code, ~~or to each;~~ 5091

(c) A home-based employee employed in the project, ~~to the~~ 5092  
~~extent.~~ 5093

"Ohio employee payroll" excludes any such compensation to the 5094  
~~extent it is not~~ used to determine the credit under section 5095  
122.171 of the Revised Code. ~~"Ohio employee payroll", and~~ 5096  
excludes amounts paid before the day the taxpayer becomes eligible for the 5097  
credit under this section. 5098

(4) "Excess payroll" means Ohio employee payroll minus 5099  
baseline payroll. 5100

(5) "Home-based employee" means an employee whose services 5101  
are performed primarily from the employee's residence in this 5102  
state exclusively for the benefit of the project and whose rate of 5103  
pay is at least one hundred thirty-one per cent of the federal 5104

minimum wage under 29 U.S.C. 206. 5105

(6) "Full-time equivalent employees" means the quotient 5106  
obtained by dividing the total number of hours for which employees 5107  
were compensated for employment in the project by two thousand 5108  
eighty. "Full-time equivalent employees" excludes hours that are 5109  
counted for a credit under section 122.171 of the Revised Code. 5110

(7) "Metric evaluation date" means the date by which the 5111  
taxpayer must meet all of the commitments included in the 5112  
agreement. 5113

(8) "Qualifying work-from-home employee" means an employee 5114  
who is a resident of this state and whose services are supervised 5115  
from the employer's project location and performed primarily from 5116  
a residence of the employee located in this state. 5117

(9) "Resident" or "resident of this state" means an 5118  
individual who is a resident as defined in section 5747.01 of the 5119  
Revised Code. 5120

(B) The tax credit authority may make grants under this 5121  
section to foster job creation in this state. Such a grant shall 5122  
take the form of a refundable credit allowed against the tax 5123  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5124  
5747.02 or levied under Chapter 5751. of the Revised Code. The 5125  
credit shall be claimed for the taxable years or tax periods 5126  
specified in the taxpayer's agreement with the tax credit 5127  
authority under division (D) of this section. With respect to 5128  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5129  
Chapter 5751. of the Revised Code, the credit shall be claimed in 5130  
the order required under section 5726.98, 5733.98, 5747.98, or 5131  
5751.98 of the Revised Code. The amount of the credit available 5132  
for a taxable year or for a calendar year that includes a tax 5133  
period equals the excess payroll for that year multiplied by the 5134  
percentage specified in the agreement with the tax credit 5135



authority. 5136

(C)(1) A taxpayer or potential taxpayer who proposes a 5137  
project to create new jobs in this state may apply to the tax 5138  
credit authority to enter into an agreement for a tax credit under 5139  
this section. 5140

An application shall not propose to include both home-based 5141  
employees and employees who are not home-based employees in the 5142  
computation of Ohio employee payroll for the purposes of the same 5143  
tax credit agreement, except that a qualifying work-from-home 5144  
employee shall not be considered to be a home-based employee 5145  
unless so designated by the applicant. If a taxpayer or potential 5146  
taxpayer employs both home-based employees and employees who are 5147  
not home-based employees in a project, the taxpayer shall submit 5148  
separate applications for separate tax credit agreements for the 5149  
project, one of which shall include home-based employees in the 5150  
computation of Ohio employee payroll and one of which shall 5151  
include all other employees in the computation of Ohio employee 5152  
payroll. 5153

The director of development services shall prescribe the form 5154  
of the application. After receipt of an application, the authority 5155  
may enter into an agreement with the taxpayer for a credit under 5156  
this section if it determines all of the following: 5157

(a) The taxpayer's project will increase payroll; 5158

(b) The taxpayer's project is economically sound and will 5159  
benefit the people of this state by increasing opportunities for 5160  
employment and strengthening the economy of this state; 5161

(c) Receiving the tax credit is a major factor in the 5162  
taxpayer's decision to go forward with the project. 5163

(2)(a) A taxpayer that chooses to begin the project prior to 5164  
receiving the determination of the authority may, upon submitting 5165  
the taxpayer's application to the authority, request that the 5166

chief investment officer of the nonprofit corporation formed under 5167  
section 187.01 of the Revised Code and the director review the 5168  
taxpayer's application and recommend to the authority that the 5169  
taxpayer's application be considered. As soon as possible after 5170  
receiving such a request, the chief investment officer and the 5171  
director shall review the taxpayer's application and, if they 5172  
determine that the application warrants consideration by the 5173  
authority, make that recommendation to the authority not later 5174  
than six months after the application is received by the 5175  
authority. 5176

(b) The authority shall consider any taxpayer's application 5177  
for which it receives a recommendation under division (C)(2)(a) of 5178  
this section. If the authority determines that the taxpayer does 5179  
not meet all of the criteria set forth in division (C)(1) of this 5180  
section, the authority and the development services agency shall 5181  
proceed in accordance with rules adopted by the director pursuant 5182  
to division (I) of this section. 5183

(D) An agreement under this section shall include all of the 5184  
following: 5185

(1) A detailed description of the project that is the subject 5186  
of the agreement; 5187

(2)(a) The term of the tax credit, which, except as provided 5188  
in division (D)(2)(b) of this section, shall not exceed fifteen 5189  
years, and the first taxable year, or first calendar year that 5190  
includes a tax period, for which the credit may be claimed; 5191

(b) If the tax credit is computed on the basis of home-based 5192  
employees, the term of the credit shall expire on or before the 5193  
last day of the taxable or calendar year ending before the 5194  
beginning of the seventh year after September 6, 2012, the 5195  
effective date of H.B. 327 of the 129th general assembly. 5196

(3) A requirement that the taxpayer shall maintain operations 5197

at the project location for at least the greater of seven years or 5198  
the term of the credit plus three years; 5199

(4) The percentage, as determined by the tax credit 5200  
authority, of excess payroll that will be allowed as the amount of 5201  
the credit for each taxable year or for each calendar year that 5202  
includes a tax period; 5203

(5) The pay increase factor to be applied to the taxpayer's 5204  
baseline payroll; 5205

(6) A requirement that the taxpayer annually shall report to 5206  
the director of development services full-time equivalent 5207  
employees, payroll, Ohio employee payroll, investment, the 5208  
provision of health care benefits and tuition reimbursement if 5209  
required in the agreement, and other information the director 5210  
needs to perform the director's duties under this section; 5211

(7) A requirement that the director of development services 5212  
annually review the information reported under division (D)(6) of 5213  
this section and verify compliance with the agreement; if the 5214  
taxpayer is in compliance, a requirement that the director issue a 5215  
certificate to the taxpayer stating that the information has been 5216  
verified and identifying the amount of the credit that may be 5217  
claimed for the taxable or calendar year; 5218

(8) A provision providing that the taxpayer may not relocate 5219  
a substantial number of employment positions from elsewhere in 5220  
this state to the project location unless the director of 5221  
development services determines that the legislative authority of 5222  
the county, township, or municipal corporation from which the 5223  
employment positions would be relocated has been notified by the 5224  
taxpayer of the relocation. 5225

For purposes of this section, the movement of an employment 5226  
position from one political subdivision to another political 5227  
subdivision shall be considered a relocation of an employment 5228

position unless the employment position in the first political 5229  
subdivision is replaced. The movement of a qualifying 5230  
work-from-home employee to a different residence located in this 5231  
state or to the project location shall not be considered a 5232  
relocation of an employment position. 5233

(9) If the tax credit is computed on the basis of home-based 5234  
employees, that the tax credit may not be claimed by the taxpayer 5235  
until the taxable year or tax period in which the taxpayer employs 5236  
at least two hundred employees more than the number of employees 5237  
the taxpayer employed on June 30, 2011. 5238

(E) If a taxpayer fails to meet or comply with any condition 5239  
or requirement set forth in a tax credit agreement, the tax credit 5240  
authority may amend the agreement to reduce the percentage or term 5241  
of the tax credit. The reduction of the percentage or term may 5242  
take effect in the current taxable or calendar year. 5243

(F) Projects that consist solely of point-of-final-purchase 5244  
retail facilities are not eligible for a tax credit under this 5245  
section. If a project consists of both point-of-final-purchase 5246  
retail facilities and nonretail facilities, only the portion of 5247  
the project consisting of the nonretail facilities is eligible for 5248  
a tax credit and only the excess payroll from the nonretail 5249  
facilities shall be considered when computing the amount of the 5250  
tax credit. If a warehouse facility is part of a 5251  
point-of-final-purchase retail facility and supplies only that 5252  
facility, the warehouse facility is not eligible for a tax credit. 5253  
Catalog distribution centers are not considered 5254  
point-of-final-purchase retail facilities for the purposes of this 5255  
division, and are eligible for tax credits under this section. 5256

(G) Financial statements and other information submitted to 5257  
the development services agency or the tax credit authority by an 5258  
applicant or recipient of a tax credit under this section, and any 5259  
information taken for any purpose from such statements or 5260

information, are not public records subject to section 149.43 of 5261  
the Revised Code. However, the chairperson of the authority may 5262  
make use of the statements and other information for purposes of 5263  
issuing public reports or in connection with court proceedings 5264  
concerning tax credit agreements under this section. Upon the 5265  
request of the tax commissioner or, if the applicant or recipient 5266  
is an insurance company, upon the request of the superintendent of 5267  
insurance, the chairperson of the authority shall provide to the 5268  
commissioner or superintendent any statement or information 5269  
submitted by an applicant or recipient of a tax credit in 5270  
connection with the credit. The commissioner or superintendent 5271  
shall preserve the confidentiality of the statement or 5272  
information. 5273

(H) A taxpayer claiming a credit under this section shall 5274  
submit to the tax commissioner or, if the taxpayer is an insurance 5275  
company, to the superintendent of insurance, a copy of the 5276  
director of development services' certificate of verification 5277  
under division (D)(7) of this section with the taxpayer's tax 5278  
report or return for the taxable year or for the calendar year 5279  
that includes the tax period. Failure to submit a copy of the 5280  
certificate with the report or return does not invalidate a claim 5281  
for a credit if the taxpayer submits a copy of the certificate to 5282  
the commissioner or superintendent within the time prescribed by 5283  
section 5703.0510 of the Revised Code or within thirty days after 5284  
the commissioner or superintendent requests it. 5285

(I) The director of development services, after consultation 5286  
with the tax commissioner and the superintendent of insurance and 5287  
in accordance with Chapter 119. of the Revised Code, shall adopt 5288  
rules necessary to implement this section, including rules that 5289  
establish a procedure to be followed by the tax credit authority 5290  
and the development services agency in the event the authority 5291  
considers a taxpayer's application for which it receives a 5292

recommendation under division (C)(2)(a) of this section but does 5293  
not approve it. The rules may provide for recipients of tax 5294  
credits under this section to be charged fees to cover 5295  
administrative costs of the tax credit program. For the purposes 5296  
of these rules, a qualifying work-from-home employee shall be 5297  
considered to be an employee employed at the applicant's project 5298  
location. The fees collected shall be credited to the ~~business~~ 5299  
~~assistance~~ tax incentives operating fund created in section 5300  
122.174 of the Revised Code. At the time the director gives public 5301  
notice under division (A) of section 119.03 of the Revised Code of 5302  
the adoption of the rules, the director shall submit copies of the 5303  
proposed rules to the chairpersons of the standing committees on 5304  
economic development in the senate and the house of 5305  
representatives. 5306

(J) For the purposes of this section, a taxpayer may include 5307  
a partnership, a corporation that has made an election under 5308  
subchapter S of chapter one of subtitle A of the Internal Revenue 5309  
Code, or any other business entity through which income flows as a 5310  
distributive share to its owners. A partnership, S-corporation, or 5311  
other such business entity may elect to pass the credit received 5312  
under this section through to the persons to whom the income or 5313  
profit of the partnership, S-corporation, or other entity is 5314  
distributed. The election shall be made on the annual report 5315  
required under division (D)(6) of this section. The election 5316  
applies to and is irrevocable for the credit for which the report 5317  
is submitted. If the election is made, the credit shall be 5318  
apportioned among those persons in the same proportions as those 5319  
in which the income or profit is distributed. 5320

(K)(1) If the director of development services determines 5321  
that a taxpayer who has received a credit under this section is 5322  
not complying with the requirements of the agreement, the director 5323  
shall notify the tax credit authority of the noncompliance. After 5324

receiving such a notice, and after giving the taxpayer an 5325  
opportunity to explain the noncompliance, the tax credit authority 5326  
may require the taxpayer to refund to this state a portion of the 5327  
credit in accordance with the following: 5328

(a) If the taxpayer fails to comply with the requirement 5329  
under division (D)(3) of this section, an amount determined in 5330  
accordance with the following: 5331

(i) If the taxpayer maintained operations at the project 5332  
location for a period less than or equal to the term of the 5333  
credit, an amount not exceeding one hundred per cent of the sum of 5334  
any credits allowed and received under this section; 5335

(ii) If the taxpayer maintained operations at the project 5336  
location for a period longer than the term of the credit, but less 5337  
than the greater of seven years or the term of the credit plus 5338  
three years, an amount not exceeding seventy-five per cent of the 5339  
sum of any credits allowed and received under this section. 5340

(b) If, on the metric evaluation date, the taxpayer fails to 5341  
substantially meet the job creation, payroll, or investment 5342  
requirements included in the agreement, an amount determined at 5343  
the discretion of the authority; 5344

(c) If the taxpayer fails to substantially maintain the 5345  
number of new full-time equivalent employees or amount of payroll 5346  
required under the agreement at any time during the term of the 5347  
agreement after the metric evaluation date, an amount determined 5348  
at the discretion of the authority. 5349

(2) If a taxpayer files for bankruptcy and fails as described 5350  
in division (K)(1)(a), (b), or (c) of this section, the director 5351  
may immediately commence an action to recoup an amount not 5352  
exceeding one hundred per cent of the sum of any credits received 5353  
by the taxpayer under this section. 5354

(3) In determining the portion of the tax credit to be 5355

refunded to this state, the tax credit authority shall consider 5356  
the effect of market conditions on the taxpayer's project and 5357  
whether the taxpayer continues to maintain other operations in 5358  
this state. After making the determination, the authority shall 5359  
certify the amount to be refunded to the tax commissioner or 5360  
superintendent of insurance, as appropriate. If the amount is 5361  
certified to the commissioner, the commissioner shall make an 5362  
assessment for that amount against the taxpayer under Chapter 5363  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5364  
amount is certified to the superintendent, the superintendent 5365  
shall make an assessment for that amount against the taxpayer 5366  
under Chapter 5725. or 5729. of the Revised Code. The time 5367  
limitations on assessments under those chapters do not apply to an 5368  
assessment under this division, but the commissioner or 5369  
superintendent, as appropriate, shall make the assessment within 5370  
one year after the date the authority certifies to the 5371  
commissioner or superintendent the amount to be refunded. 5372

(L) On or before the first day of August each year, the 5373  
director of development services shall submit a report to the 5374  
governor, the president of the senate, and the speaker of the 5375  
house of representatives on the tax credit program under this 5376  
section. The report shall include information on the number of 5377  
agreements that were entered into under this section during the 5378  
preceding calendar year, a description of the project that is the 5379  
subject of each such agreement, and an update on the status of 5380  
projects under agreements entered into before the preceding 5381  
calendar year. 5382

(M) There is hereby created the tax credit authority, which 5383  
consists of the director of development services and four other 5384  
members appointed as follows: the governor, the president of the 5385  
senate, and the speaker of the house of representatives each shall 5386  
appoint one member who shall be a specialist in economic 5387



development; the governor also shall appoint a member who is a 5388  
specialist in taxation. Terms of office shall be for four years. 5389  
Each member shall serve on the authority until the end of the term 5390  
for which the member was appointed. Vacancies shall be filled in 5391  
the same manner provided for original appointments. Any member 5392  
appointed to fill a vacancy occurring prior to the expiration of 5393  
the term for which the member's predecessor was appointed shall 5394  
hold office for the remainder of that term. Members may be 5395  
reappointed to the authority. Members of the authority shall 5396  
receive their necessary and actual expenses while engaged in the 5397  
business of the authority. The director of development services 5398  
shall serve as chairperson of the authority, and the members 5399  
annually shall elect a vice-chairperson from among themselves. 5400  
Three members of the authority constitute a quorum to transact and 5401  
vote on the business of the authority. The majority vote of the 5402  
membership of the authority is necessary to approve any such 5403  
business, including the election of the vice-chairperson. 5404

The director of development services may appoint a 5405  
professional employee of the development services agency to serve 5406  
as the director's substitute at a meeting of the authority. The 5407  
director shall make the appointment in writing. In the absence of 5408  
the director from a meeting of the authority, the appointed 5409  
substitute shall serve as chairperson. In the absence of both the 5410  
director and the director's substitute from a meeting, the 5411  
vice-chairperson shall serve as chairperson. 5412

(N) For purposes of the credits granted by this section 5413  
against the taxes imposed under sections 5725.18 and 5729.03 of 5414  
the Revised Code, "taxable year" means the period covered by the 5415  
taxpayer's annual statement to the superintendent of insurance. 5416

(O) On or before the first day of March of each of the five 5417  
calendar years beginning with 2014, each taxpayer subject to an 5418  
agreement with the tax credit authority under this section on the 5419

basis of home-based employees shall report the number of 5420  
home-based employees and other employees employed by the taxpayer 5421  
in this state to the development services agency. 5422

(P) On or before the first day of January of 2019, the 5423  
director of development services shall submit a report to the 5424  
governor, the president of the senate, and the speaker of the 5425  
house of representatives on the effect of agreements entered into 5426  
under this section in which the taxpayer included home-based 5427  
employees in the computation of income tax revenue, as that term 5428  
was defined in this section prior to the amendment of this section 5429  
by H.B. 64 of the 131st general assembly. The report shall include 5430  
information on the number of such agreements that were entered 5431  
into in the preceding six years, a description of the projects 5432  
that were the subjects of such agreements, and an analysis of 5433  
nationwide home-based employment trends, including the number of 5434  
home-based jobs created from July 1, 2011, through June 30, 2017, 5435  
and a description of any home-based employment tax incentives 5436  
provided by other states during that time. 5437

(Q) The director of development services may require any 5438  
agreement entered into under this section for a tax credit 5439  
computed on the basis of home-based employees to contain a 5440  
provision that the taxpayer makes available health care benefits 5441  
and tuition reimbursement to all employees. 5442

(R) Original agreements approved by the tax credit authority 5443  
under this section in 2014 or 2015 before ~~the effective date of~~ 5444  
~~this division~~ September 29, 2015, may be revised at the request of 5445  
the taxpayer to conform with the amendments to this section and 5446  
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5447  
Code by H.B. 64 of the 131st general assembly, upon mutual 5448  
agreement of the taxpayer and the development services agency, and 5449  
approval by the tax credit authority. 5450

(S)(1) As used in division (S) of this section: 5451

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

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

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

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from

the taxpayer's income tax revenue. 5483

(4) Division (S)(3) of this section shall not apply unless 5484  
all of the following apply for the reporting period with respect 5485  
to the eligible agreement: 5486

(a) The taxpayer has achieved one hundred per cent of the new 5487  
employment commitment identified in the agreement. 5488

(b) If applicable, the taxpayer has achieved one hundred per 5489  
cent of the new payroll commitment identified in the agreement. 5490

(c) If applicable, the taxpayer has achieved one hundred per 5491  
cent of the investment commitment identified in the agreement. 5492

(5) Failure by a taxpayer to have achieved any of the 5493  
applicable commitments described in divisions (S)(4)(a) to (c) of 5494  
this section in a reporting period does not disqualify the 5495  
taxpayer for the adjustment under division (S) of this section for 5496  
an ensuing reporting period. 5497

**Sec. 122.171.** (A) As used in this section: 5498

(1) "Capital investment project" means a plan of investment 5499  
at a project site for the acquisition, construction, renovation, 5500  
or repair of buildings, machinery, or equipment, or for 5501  
capitalized costs of basic research and new product development 5502  
determined in accordance with generally accepted accounting 5503  
principles, but does not include any of the following: 5504

(a) Payments made for the acquisition of personal property 5505  
through operating leases; 5506

(b) Project costs paid before January 1, 2002; 5507

(c) Payments made to a related member as defined in section 5508  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5509  
or a combined taxpayer as defined in section 5751.01 of the 5510  
Revised Code. 5511

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

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

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

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

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

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

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

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

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code. 5543  
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(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business. 5545  
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(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997. 5549  
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(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies. 5553  
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code. 5559  
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The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a 5571  
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period of up to fifteen calendar years. The credit amount for a 5574  
taxable year or a calendar year that includes the tax period for 5575  
which a credit may be claimed equals the Ohio employee payroll for 5576  
that year multiplied by the percentage specified in the agreement 5577  
with the tax credit authority. The credit shall be claimed in the 5578  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5579  
5747.98, or 5751.98 of the Revised Code. In determining the 5580  
percentage and term of the credit, the tax credit authority shall 5581  
consider both the number of full-time equivalent employees and the 5582  
value of the capital investment project. The credit amount may not 5583  
be based on the Ohio employee payroll for a calendar year before 5584  
the calendar year in which the tax credit authority specifies the 5585  
tax credit is to begin, and the credit shall be claimed only for 5586  
the taxable years or tax periods specified in the eligible 5587  
business' agreement with the tax credit authority. In no event 5588  
shall the credit be claimed for a taxable year or tax period 5589  
terminating before the date specified in the agreement. 5590

If a credit allowed under this section for a taxable year or 5591  
tax period exceeds the taxpayer's tax liability for that year or 5592  
period, the excess may be carried forward for the three succeeding 5593  
taxable or calendar years, but the amount of any excess credit 5594  
allowed in any taxable year or tax period shall be deducted from 5595  
the balance carried forward to the succeeding year or period. 5596

(C) A taxpayer that proposes a capital investment project to 5597  
retain jobs in this state may apply to the tax credit authority to 5598  
enter into an agreement for a tax credit under this section. The 5599  
director of development services shall prescribe the form of the 5600  
application. After receipt of an application, the authority shall 5601  
forward copies of the application to the director of budget and 5602  
management, the tax commissioner, and the superintendent of 5603  
insurance in the case of an insurance company, each of whom shall 5604  
review the application to determine the economic impact the 5605

proposed project would have on the state and the affected 5606  
political subdivisions and shall submit a summary of their 5607  
determinations to the authority. The authority shall also forward 5608  
a copy of the application to the director of development services, 5609  
who shall review the application to determine the economic impact 5610  
the proposed project would have on the state and the affected 5611  
political subdivisions and shall submit a summary of the 5612  
director's determinations and recommendations to the authority. 5613

(D) Upon review and consideration of the determinations and 5614  
recommendations described in division (C) of this section, the tax 5615  
credit authority may enter into an agreement with the taxpayer for 5616  
a credit under this section if the authority determines all of the 5617  
following: 5618

(1) The taxpayer's capital investment project will result in 5619  
the retention of employment in this state. 5620

(2) The taxpayer is economically sound and has the ability to 5621  
complete the proposed capital investment project. 5622

(3) The taxpayer intends to and has the ability to maintain 5623  
operations at the project site for at least the greater of (a) the 5624  
term of the credit plus three years, or (b) seven years. 5625

(4) Receiving the credit is a major factor in the taxpayer's 5626  
decision to begin, continue with, or complete the project. 5627

(E) An agreement under this section shall include all of the 5628  
following: 5629

(1) A detailed description of the project that is the subject 5630  
of the agreement, including the amount of the investment, the 5631  
period over which the investment has been or is being made, the 5632  
number of full-time equivalent employees at the project site, and 5633  
the anticipated Ohio employee payroll to be generated. 5634

(2) The term of the credit, the percentage of the tax credit, 5635



the maximum annual value of tax credits that may be allowed each 5636  
year, and the first year for which the credit may be claimed. 5637

(3) A requirement that the taxpayer maintain operations at 5638  
the project site for at least the greater of (a) the term of the 5639  
credit plus three years, or (b) seven years. 5640

(4) A requirement that the taxpayer retain at least five 5641  
hundred full-time equivalent employees at the project site and 5642  
within this state for the entire term of the credit, or a 5643  
requirement that the taxpayer maintain an annual Ohio employee 5644  
payroll of at least thirty-five million dollars for the entire 5645  
term of the credit. 5646

(5) A requirement that the taxpayer annually report to the 5647  
director of development services full-time equivalent employees, 5648  
Ohio employee payroll, capital investment, and other information 5649  
the director needs to perform the director's duties under this 5650  
section. 5651

(6) A requirement that the director of development services 5652  
annually review the annual reports of the taxpayer to verify the 5653  
information reported under division (E)(5) of this section and 5654  
compliance with the agreement. Upon verification, the director 5655  
shall issue a certificate to the taxpayer stating that the 5656  
information has been verified and identifying the amount of the 5657  
credit for the taxable year or calendar year that includes the tax 5658  
period. In determining the number of full-time equivalent 5659  
employees, no position shall be counted that is filled by an 5660  
employee who is included in the calculation of a tax credit under 5661  
section 122.17 of the Revised Code. 5662

(7) A provision providing that the taxpayer may not relocate 5663  
a substantial number of employment positions from elsewhere in 5664  
this state to the project site unless the director of development 5665  
services determines that the taxpayer notified the legislative 5666

authority of the county, township, or municipal corporation from 5667  
which the employment positions would be relocated. 5668

For purposes of this section, the movement of an employment 5669  
position from one political subdivision to another political 5670  
subdivision shall be considered a relocation of an employment 5671  
position unless the movement is confined to the project site. The 5672  
transfer of an employment position from one political subdivision 5673  
to another political subdivision shall not be considered a 5674  
relocation of an employment position if the employment position in 5675  
the first political subdivision is replaced by another employment 5676  
position. 5677

(8) A waiver by the taxpayer of any limitations periods 5678  
relating to assessments or adjustments resulting from the 5679  
taxpayer's failure to comply with the agreement. 5680

(F) If a taxpayer fails to meet or comply with any condition 5681  
or requirement set forth in a tax credit agreement, the tax credit 5682  
authority may amend the agreement to reduce the percentage or term 5683  
of the credit. The reduction of the percentage or term may take 5684  
effect in the current taxable or calendar year. 5685

(G) Financial statements and other information submitted to 5686  
the department of development services or the tax credit authority 5687  
by an applicant for or recipient of a tax credit under this 5688  
section, and any information taken for any purpose from such 5689  
statements or information, are not public records subject to 5690  
section 149.43 of the Revised Code. However, the chairperson of 5691  
the authority may make use of the statements and other information 5692  
for purposes of issuing public reports or in connection with court 5693  
proceedings concerning tax credit agreements under this section. 5694  
Upon the request of the tax commissioner, or the superintendent of 5695  
insurance in the case of an insurance company, the chairperson of 5696  
the authority shall provide to the commissioner or superintendent 5697  
any statement or other information submitted by an applicant for 5698

or recipient of a tax credit in connection with the credit. The 5699  
commissioner or superintendent shall preserve the confidentiality 5700  
of the statement or other information. 5701

(H) A taxpayer claiming a tax credit under this section shall 5702  
submit to the tax commissioner or, in the case of an insurance 5703  
company, to the superintendent of insurance, a copy of the 5704  
director of development services' certificate of verification 5705  
under division (E)(6) of this section with the taxpayer's tax 5706  
report or return for the taxable year or for the calendar year 5707  
that includes the tax period. Failure to submit a copy of the 5708  
certificate with the report or return does not invalidate a claim 5709  
for a credit if the taxpayer submits a copy of the certificate to 5710  
the commissioner or superintendent within the time prescribed by 5711  
section 5703.0510 of the Revised Code or within thirty days after 5712  
the commissioner or superintendent requests it. 5713

(I) For the purposes of this section, a taxpayer may include 5714  
a partnership, a corporation that has made an election under 5715  
subchapter S of chapter one of subtitle A of the Internal Revenue 5716  
Code, or any other business entity through which income flows as a 5717  
distributive share to its owners. A partnership, S-corporation, or 5718  
other such business entity may elect to pass the credit received 5719  
under this section through to the persons to whom the income or 5720  
profit of the partnership, S-corporation, or other entity is 5721  
distributed. The election shall be made on the annual report 5722  
required under division (E)(5) of this section. The election 5723  
applies to and is irrevocable for the credit for which the report 5724  
is submitted. If the election is made, the credit shall be 5725  
apportioned among those persons in the same proportions as those 5726  
in which the income or profit is distributed. 5727

(J)(1) If the director of development services determines 5728  
that a taxpayer that received a certificate under division (E)(6) 5729  
of this section is not complying with the requirements of the 5730

agreement, the director shall notify the tax credit authority of 5731  
the noncompliance. After receiving such a notice, and after giving 5732  
the taxpayer an opportunity to explain the noncompliance, the 5733  
authority may terminate the agreement and require the taxpayer, or 5734  
any related member or members that claimed the tax credit under 5735  
division (N) of this section, to refund to the state all or a 5736  
portion of the credit claimed in previous years, as follows: 5737

(a) If the taxpayer fails to comply with the requirement 5738  
under division (E)(3) of this section, an amount determined in 5739  
accordance with the following: 5740

(i) If the taxpayer maintained operations at the project site 5741  
for less than or equal to the term of the credit, an amount not to 5742  
exceed one hundred per cent of the sum of any tax credits allowed 5743  
and received under this section. 5744

(ii) If the taxpayer maintained operations at the project 5745  
site longer than the term of the credit, but less than the greater 5746  
of seven years or the term of the credit plus three years, the 5747  
amount required to be refunded shall not exceed seventy-five per 5748  
cent of the sum of any tax credits allowed and received under this 5749  
section. 5750

(b) If the taxpayer fails to substantially maintain both the 5751  
number of full-time equivalent employees and the amount of Ohio 5752  
employee payroll required under the agreement at any time during 5753  
the term of the agreement or during the post-term reporting 5754  
period, an amount determined at the discretion of the authority. 5755

(2) If a taxpayer files for bankruptcy and fails as described 5756  
in division (J)(1)(a) or (b) of this section, the director may 5757  
immediately commence an action to recoup an amount not exceeding 5758  
one hundred per cent of the sum of any credits received by the 5759  
taxpayer under this section. 5760

(3) In determining the portion of the credit to be refunded 5761

to this state, the authority shall consider the effect of market 5762  
conditions on the taxpayer's project and whether the taxpayer 5763  
continues to maintain other operations in this state. After making 5764  
the determination, the authority shall certify the amount to be 5765  
refunded to the tax commissioner or the superintendent of 5766  
insurance. If the taxpayer, or any related member or members who 5767  
claimed the tax credit under division (N) of this section, is not 5768  
an insurance company, the commissioner shall make an assessment 5769  
for that amount against the taxpayer under Chapter 5726., 5733., 5770  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5771  
any related member or members that claimed the tax credit under 5772  
division (N) of this section, is an insurance company, the 5773  
superintendent of insurance shall make an assessment under section 5774  
5725.222 or 5729.102 of the Revised Code. The time limitations on 5775  
assessments under those chapters and sections do not apply to an 5776  
assessment under this division, but the commissioner or 5777  
superintendent shall make the assessment within one year after the 5778  
date the authority certifies to the commissioner or superintendent 5779  
the amount to be refunded. 5780

(K) The director of development services, after consultation 5781  
with the tax commissioner and the superintendent of insurance and 5782  
in accordance with Chapter 119. of the Revised Code, shall adopt 5783  
rules necessary to implement this section. The rules may provide 5784  
for recipients of tax credits under this section to be charged 5785  
fees to cover administrative costs of the tax credit program. The 5786  
fees collected shall be credited to the ~~business assistance tax~~ 5787  
incentives operating fund created in section 122.174 of the 5788  
Revised Code. At the time the director gives public notice under 5789  
division (A) of section 119.03 of the Revised Code of the adoption 5790  
of the rules, the director shall submit copies of the proposed 5791  
rules to the chairpersons of the standing committees on economic 5792  
development in the senate and the house of representatives. 5793

(L) On or before the first day of August of each year, the 5794  
director of development services shall submit a report to the 5795  
governor, the president of the senate, and the speaker of the 5796  
house of representatives on the tax credit program under this 5797  
section. The report shall include information on the number of 5798  
agreements that were entered into under this section during the 5799  
preceding calendar year, a description of the project that is the 5800  
subject of each such agreement, and an update on the status of 5801  
projects under agreements entered into before the preceding 5802  
calendar year. 5803

(M) The aggregate amount of nonrefundable tax credits issued 5804  
under this section during any calendar year for capital investment 5805  
projects reviewed and approved by the tax credit authority may not 5806  
exceed the following amounts: 5807

(1) For 2010, thirteen million dollars; 5808

(2) For 2011 through 2023, the amount of the limit for the 5809  
preceding calendar year plus thirteen million dollars; 5810

(3) For 2024 and each year thereafter, one hundred 5811  
ninety-five million dollars. 5812

The limitations in division (M) of this section do not apply 5813  
to credits for capital investment projects approved by the tax 5814  
credit authority before July 1, 2009. 5815

(N) This division applies only to an eligible business that 5816  
is part of an affiliated group that includes a diversified savings 5817  
and loan holding company or a grandfathered unitary savings and 5818  
loan holding company, as those terms are defined in section 5819  
5726.01 of the Revised Code. Notwithstanding any contrary 5820  
provision of the agreement between such an eligible business and 5821  
the tax credit authority, any credit granted under this section 5822  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5823  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5824

at the election of the eligible business and without any action by 5825  
the tax credit authority, may be shared with any member or members 5826  
of the affiliated group that includes the eligible business, which 5827  
member or members may claim the credit against the taxes imposed 5828  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5829  
of the Revised Code. Credits shall be claimed by the eligible 5830  
business in sequential order, as applicable, first claiming the 5831  
credits to the fullest extent possible against the tax that the 5832  
certificate holder is subject to, then against the tax imposed by, 5833  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5834  
lastly 5726.02 of the Revised Code. The credits may be allocated 5835  
among the members of the affiliated group in such manner as the 5836  
eligible business elects, but subject to the sequential order 5837  
required under this division. This division applies to credits 5838  
granted before, on, or after March 27, 2013, the effective date of 5839  
H.B. 510 of the 129th general assembly. Credits granted before 5840  
that effective date that are shared and allocated under this 5841  
division may be claimed in those calendar years in which the 5842  
remaining taxable years specified in the agreement end. 5843

As used in this division, "affiliated group" means a group of 5844  
two or more persons with fifty per cent or greater of the value of 5845  
each person's ownership interests owned or controlled directly, 5846  
indirectly, or constructively through related interests by common 5847  
owners during all or any portion of the taxable year, and the 5848  
common owners. "Affiliated group" includes, but is not limited to, 5849  
any person eligible to be included in a consolidated elected 5850  
taxpayer group under section 5751.011 of the Revised Code or a 5851  
combined taxpayer group under section 5751.012 of the Revised 5852  
Code. 5853

(O)(1) As used in division (O) of this section: 5854

(a) "Eligible agreement" means an agreement approved by the 5855  
tax credit authority under this section on or before December 31, 5856

2013. 5857

(b) "Reporting period" means a period corresponding to the 5858  
annual report required under division (E)(5) of this section. 5859

(c) "Income tax revenue" has the same meaning as under 5860  
division (S) of section 122.17 of the Revised Code. 5861

(2) In calendar year 2016 and thereafter, the tax credit 5862  
authority shall annually determine a withholding adjustment factor 5863  
to be used in the computation of income tax revenue for eligible 5864  
agreements. The withholding adjustment factor shall be a numerical 5865  
percentage that equals the percentage that employer income tax 5866  
withholding rates have been increased or decreased as a result of 5867  
changes in the income tax rates prescribed by section 5747.02 of 5868  
the Revised Code by amendment of that section taking effect on or 5869  
after June 29, 2013. 5870

(3) Except as provided in division (O)(4) of this section, 5871  
for reporting periods ending in 2015 and thereafter for taxpayers 5872  
subject to eligible agreements, the tax credit authority shall 5873  
adjust the income tax revenue reported on the taxpayer's annual 5874  
report by multiplying the withholding adjustment factor by the 5875  
taxpayer's income tax revenue and doing one of the following: 5876

(a) If the income tax rates prescribed by section 5747.02 of 5877  
the Revised Code have decreased by amendment of this section 5878  
taking effect on or after June 29, 2013, add the product to the 5879  
taxpayer's income tax revenue. 5880

(b) If the income tax rates prescribed by section 5747.02 of 5881  
the Revised Code have increased by amendment of this section 5882  
taking effect on or after June 29, 2013, subtract the product from 5883  
the taxpayer's income tax revenue. 5884

(4) Division (O)(3) of this section shall not apply unless 5885  
all of the following apply with respect to the eligible agreement: 5886



(a) The taxpayer has achieved one hundred per cent of the job retention commitment identified in the agreement. 5887  
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(b) If applicable, the taxpayer has achieved one hundred per cent of the payroll retention commitment identified in the agreement. 5889  
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(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement. 5892  
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(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (O)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (O) of this section for an ensuing reporting period. 5894  
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**Sec. 122.174.** There is hereby created in the state treasury the ~~business assistance~~ tax incentives operating fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to ~~division (I) of section 121.17, division (K) of section 122.17,~~ 122.171, ~~division (K) of section 122.175,~~ division (C)(2) of section 122.85, division (C) of section 122.86, 3735.672, and division (C) of section 5709.68, or 5725.33 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of (A) the business services division of the development services agency and (B) the programs described in those sections. 5899  
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**Sec. 122.175.** (A) As used in this section: 5910

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, expansion, replacement, or repair of a computer data center or of computer data center equipment, but does not include any of the following: 5911  
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(a) Project costs paid before a date determined by the tax 5916

credit authority for each capital investment project;	5917
(b) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	5918 5919 5920 5921
(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting one or more computer data center businesses, as determined by the tax credit authority.	5922 5923 5924 5925
(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code, or that leases a facility to one or more such businesses. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section.	5926 5927 5928 5929 5930 5931 5932
(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:	5933 5934
(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;	5935 5936 5937
(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;	5938 5939 5940
(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.	5941 5942 5943
(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:	5944 5945
(a) One or more taxpayers operating a computer data center	5946

business at the project site will, in the aggregate, make payments 5947  
for a capital investment project of at least one hundred million 5948  
dollars at the project site during one of the following cumulative 5949  
periods: 5950

(i) For projects beginning in 2013, ~~five~~ six consecutive 5951  
calendar years; 5952

(ii) For projects beginning in 2014, four consecutive 5953  
calendar years; 5954

(iii) For projects beginning in or after 2015, three 5955  
consecutive calendar years. 5956

(b) One or more taxpayers operating a computer data center 5957  
business at the project site will, in the aggregate, pay annual 5958  
compensation that is subject to the withholding obligation imposed 5959  
under section 5747.06 of the Revised Code of at least one million 5960  
five hundred thousand dollars to employees employed at the project 5961  
site for each year of the agreement beginning on or after the 5962  
first day of the twenty-fifth month after the agreement was 5963  
entered into under this section. 5964

(6) "Person" has the same meaning as in section 5701.01 of 5965  
the Revised Code. 5966

(7) "Project site," "related member," and "tax credit 5967  
authority" have the same meanings as in sections 122.17 and 5968  
122.171 of the Revised Code. 5969

(8) "Taxpayer" means any person subject to the taxes imposed 5970  
under Chapters 5739. and 5741. of the Revised Code. 5971

(B) The tax credit authority may completely or partially 5972  
exempt from the taxes levied under Chapters 5739. and 5741. of the 5973  
Revised Code the sale, storage, use, or other consumption of 5974  
computer data center equipment used or to be used at an eligible 5975  
computer data center. Any such exemption shall extend to charges 5976

for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section. 5977  
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(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this section authorizing a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment purchased by the applicant or any other taxpayer that operates a computer data center business at the project site and used or to be used at the eligible computer data center. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management and the tax commissioner, each of whom shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and any affected political subdivisions and submit to the authority a summary of their determinations. The authority shall also forward a copy of the application to the director of development services who shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority. 5979  
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(D) Upon review and consideration of such determinations and recommendations, the tax credit authority may enter into an agreement with the applicant and any other taxpayer that operates a computer data center business at the project site for a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment used or to be used at an eligible computer data center if the authority determines all of the following: 6001  
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(1) The capital investment project for the eligible computer data center will increase payroll and the amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

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

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

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

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

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

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

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer

data center during that term. An applicant does not violate the 6040  
requirement described in division (E)(3) of this section if the 6041  
applicant ceases operations at the eligible computer data center 6042  
during the term of the agreement but resumes those operations 6043  
within eighteen months after the date of cessation. The agreement 6044  
shall provide that, in such a case, the applicant and any other 6045  
taxpayer that operates a computer data center business at the 6046  
project site shall not claim the tax exemption authorized in the 6047  
agreement for any purchase of computer data center equipment made 6048  
during the period in which the applicant did not maintain 6049  
operations at the eligible computer data center. 6050

(4) A requirement that, for each year of the term of the 6051  
agreement beginning on or after the first day of the twenty-fifth 6052  
month after the date the agreement was entered into, one or more 6053  
taxpayers operating a computer data center business at the project 6054  
site will, in the aggregate, pay annual compensation that is 6055  
subject to the withholding obligation imposed under section 6056  
5747.06 of the Revised Code of at least one million five hundred 6057  
thousand dollars to employees at the eligible computer data 6058  
center. 6059

(5) A requirement that each taxpayer subject to the agreement 6060  
annually report to the director of development services 6061  
employment, tax withholding, capital investment, and other 6062  
information required by the director to perform the director's 6063  
duties under this section. 6064

(6) A requirement that the director of development services 6065  
annually review the annual reports of each taxpayer subject to the 6066  
agreement to verify the information reported under division (E)(5) 6067  
of this section and compliance with the agreement. Upon 6068  
verification, the director shall issue a certificate to each such 6069  
taxpayer stating that the information has been verified and that 6070  
the taxpayer remains eligible for the exemption specified in the 6071

agreement. 6072

(7) A provision providing that the taxpayers subject to the 6073  
agreement may not relocate a substantial number of employment 6074  
positions from elsewhere in this state to the project site unless 6075  
the director of development services determines that the 6076  
appropriate taxpayer notified the legislative authority of the 6077  
county, township, or municipal corporation from which the 6078  
employment positions would be relocated. For purposes of this 6079  
paragraph, the movement of an employment position from one 6080  
political subdivision to another political subdivision shall be 6081  
considered a relocation of an employment position unless the 6082  
movement is confined to the project site. The transfer of an 6083  
employment position from one political subdivision to another 6084  
political subdivision shall not be considered a relocation of an 6085  
employment position if the employment position in the first 6086  
political subdivision is replaced by another employment position. 6087

(8) A waiver by each taxpayer subject to the agreement of any 6088  
limitations periods relating to assessments or adjustments 6089  
resulting from the taxpayer's failure to comply with the 6090  
agreement. 6091

(F) The term of an agreement under this section shall be 6092  
determined by the tax credit authority, and the amount of the 6093  
exemption shall not exceed one hundred per cent of such taxes that 6094  
would otherwise be owed in respect to the exempted computer data 6095  
center equipment. 6096

(G) If any taxpayer subject to an agreement under this 6097  
section fails to meet or comply with any condition or requirement 6098  
set forth in the agreement, the tax credit authority may amend the 6099  
agreement to reduce the percentage of the exemption or term during 6100  
which the exemption applies to the computer data center equipment 6101  
used or to be used by the noncompliant taxpayer at an eligible 6102  
computer data center. The reduction of the percentage or term may 6103

take effect in the current calendar year. 6104

(H) Financial statements and other information submitted to 6105  
the department of development services or the tax credit authority 6106  
by an applicant for or recipient of an exemption under this 6107  
section, and any information taken for any purpose from such 6108  
statements or information, are not public records subject to 6109  
section 149.43 of the Revised Code. However, the chairperson of 6110  
the authority may make use of the statements and other information 6111  
for purposes of issuing public reports or in connection with court 6112  
proceedings concerning tax exemption agreements under this 6113  
section. Upon the request of the tax commissioner, the chairperson 6114  
of the authority shall provide to the tax commissioner any 6115  
statement or other information submitted by an applicant for or 6116  
recipient of an exemption under this section. The tax commissioner 6117  
shall preserve the confidentiality of the statement or other 6118  
information. 6119

(I) The tax commissioner shall issue a direct payment permit 6120  
under section 5739.031 of the Revised Code to each taxpayer 6121  
subject to an agreement under this section. Such direct payment 6122  
permit shall authorize the taxpayer to pay any sales and use taxes 6123  
due on purchases of computer data center equipment used or to be 6124  
used in an eligible computer data center and to pay any sales and 6125  
use taxes due on purchases of tangible personal property or 6126  
taxable services other than computer data center equipment used or 6127  
to be used in an eligible computer data center directly to the tax 6128  
commissioner. Each such taxpayer shall pay pursuant to such direct 6129  
payment permit all sales tax levied on such purchases under 6130  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6131  
Code and all use tax levied on such purchases under sections 6132  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6133  
consistent with the terms of the agreement entered into under this 6134  
section. 6135



During the term of an agreement under this section each 6136  
taxpayer subject to the agreement shall submit to the tax 6137  
commissioner a return that shows the amount of computer data 6138  
center equipment purchased for use at the eligible computer data 6139  
center, the amount of tangible personal property and taxable 6140  
services other than computer data center equipment purchased for 6141  
use at the eligible computer data center, the amount of tax under 6142  
Chapter 5739. or 5741. of the Revised Code that would be due in 6143  
the absence of the agreement under this section, the exemption 6144  
percentage for computer data center equipment specified in the 6145  
agreement, and the amount of tax due under Chapter 5739. or 5741. 6146  
of the Revised Code as a result of the agreement under this 6147  
section. Each such taxpayer shall pay the tax shown on the return 6148  
to be due in the manner and at the times as may be further 6149  
prescribed by the tax commissioner. Each such taxpayer shall 6150  
include a copy of the director of development services' 6151  
certificate of verification issued under division (E)(6) of this 6152  
section. Failure to submit a copy of the certificate with the 6153  
return does not invalidate the claim for exemption if the taxpayer 6154  
submits a copy of the certificate to the tax commissioner within 6155  
~~sixty days after the tax commissioner requests it~~ the time 6156  
prescribed by section 5703.0510 of the Revised Code. 6157

(J) If the director of development services determines that 6158  
one or more taxpayers received an exemption from taxes due on the 6159  
purchase of computer data center equipment purchased for use at a 6160  
computer data center that no longer complies with the requirement 6161  
under division (E)(3) of this section, the director shall notify 6162  
the tax credit authority and, if applicable, the taxpayer that 6163  
applied to enter the agreement for the exemption under division 6164  
(C) of this section of the noncompliance. After receiving such a 6165  
notice, and after giving each taxpayer subject to the agreement an 6166  
opportunity to explain the noncompliance, the authority may 6167  
terminate the agreement and require each such taxpayer to pay to 6168

the state all or a portion of the taxes that would have been owed 6169  
in regards to the exempt equipment in previous years, all as 6170  
determined under rules adopted pursuant to division (K) of this 6171  
section. In determining the portion of the taxes that would have 6172  
been owed on the previously exempted equipment to be paid to this 6173  
state by a taxpayer, the authority shall consider the effect of 6174  
market conditions on the eligible computer data center, whether 6175  
the taxpayer continues to maintain other operations in this state, 6176  
and, with respect to agreements involving multiple taxpayers, the 6177  
taxpayer's level of responsibility for the noncompliance. After 6178  
making the determination, the authority shall certify to the tax 6179  
commissioner the amount to be paid by each taxpayer subject to the 6180  
agreement. The tax commissioner shall make an assessment for that 6181  
amount against each such taxpayer under Chapter 5739. or 5741. of 6182  
the Revised Code. The time limitations on assessments under those 6183  
chapters do not apply to an assessment under this division, but 6184  
the tax commissioner shall make the assessment within one year 6185  
after the date the authority certifies to the tax commissioner the 6186  
amount to be paid by the taxpayer. 6187

(K) The director of development services, after consultation 6188  
with the tax commissioner and in accordance with Chapter 119. of 6189  
the Revised Code, shall adopt rules necessary to implement this 6190  
section. The rules may provide for recipients of tax exemptions 6191  
under this section to be charged fees to cover administrative 6192  
costs incurred in the administration of this section. The fees 6193  
collected shall be credited to the ~~business assistance tax~~ 6194  
incentives operating fund created in section 122.174 of the 6195  
Revised Code. At the time the director gives public notice under 6196  
division (A) of section 119.03 of the Revised Code of the adoption 6197  
of the rules, the director shall submit copies of the proposed 6198  
rules to the chairpersons of the standing committees on economic 6199  
development in the senate and the house of representatives. 6200

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

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

**Sec. 122.33.** The director of development services shall administer the following programs:

(A) The industrial technology and enterprise development grant program, to provide capital to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, and otherwise dispose of property, structures, equipment, and facilities within the state.

Such funding may be made to enterprises that propose to develop new products or technologies when the director finds all of the following factors to be present:

(1) The undertaking will benefit the people of the state by creating or preserving jobs and employment opportunities or improving the economic welfare of the people of the state, and

promoting the development of new technology. 6232

(2) There is reasonable assurance that the potential 6233  
royalties to be derived from the sale of the product or process 6234  
described in the proposal will be sufficient to repay the funding 6235  
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6236  
Code and that, in making the agreement, as it relates to patents, 6237  
copyrights, and other ownership rights, there is reasonable 6238  
assurance that the resulting new technology will be utilized to 6239  
the maximum extent possible in facilities located in Ohio. 6240

(3) The technology and research to be undertaken will allow 6241  
enterprises to compete more effectively in the marketplace. Grants 6242  
of capital may be in such form and conditioned upon such terms as 6243  
the director deems appropriate. 6244

(B) The industrial technology and enterprise resources 6245  
program to provide for the collection, dissemination, and exchange 6246  
of information regarding equipment, facilities, and business 6247  
planning consultation resources available in business, industry, 6248  
and educational institutions and to establish methods by which 6249  
small businesses may use available facilities and resources. The 6250  
methods may include, but need not be limited to, leases 6251  
reimbursing the educational institutions for their actual costs 6252  
incurred in maintaining the facilities and agreements assigning 6253  
royalties from development of successful products or processes 6254  
through the use of the facilities and resources. The director 6255  
shall operate this program in conjunction with the board of 6256  
regents. 6257

(C) The Thomas Alva Edison grant program to provide grants to 6258  
foster research, development, or technology transfer efforts 6259  
involving enterprises and educational institutions that will lead 6260  
to the creation of jobs. 6261

(1) Grants may be made to a nonprofit organization or a 6262

public or private educational institution, department, college, 6263  
institute, faculty member, or other administrative subdivision or 6264  
related entity of an educational institution when the director 6265  
finds that the undertaking will benefit the people of the state by 6266  
supporting research in advanced technology areas likely to improve 6267  
the economic welfare of the people of the state through promoting 6268  
the development of new commercial technology. 6269

(2) Grants may be made in a form and conditioned upon terms 6270  
as the director considers appropriate. 6271

(3) Grants Except as provided in division (C)(4) of this 6272  
section, grants made under this program shall ~~in all instances~~ be 6273  
in conjunction with a contribution to the project by a cooperating 6274  
enterprise which maintains or proposes to maintain a relevant 6275  
research, development, or manufacturing facility in the state, by 6276  
a nonprofit organization, or by an educational institution or 6277  
related entity; however, funding provided by an educational 6278  
institution or related entity shall not be from general revenue 6279  
funds appropriated by the Ohio general assembly. No grant made 6280  
under this program shall exceed the contribution made by the 6281  
cooperating enterprise, nonprofit organization, or educational 6282  
institution or related entity. The director may consider 6283  
cooperating contributions in the form of state of the art new 6284  
equipment or in other forms provided the director determines that 6285  
the contribution is essential to the successful implementation of 6286  
the project. The director may adopt rules or guidelines for the 6287  
valuation of contributions of equipment or other property. 6288

(4) At the director's sole discretion, the requirement for a 6289  
cooperating contribution under division (C)(3) of this section may 6290  
be waived if the project will enable Ohio companies to access new 6291  
technology applications. 6292

(5) The director may determine fields of research from which 6293  
grant applications will be accepted under this program. 6294

<u>(6) For purposes of division (C) of this section:</u>	6295
<u>(a) "New technology applications" means providing existing technology proven in at least one commercial environment to companies that have not done the following:</u>	6296 6297 6298
<u>(i) Used the technology;</u>	6299
<u>(ii) Used the technology for the purpose it was originally created.</u>	6300 6301
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6302 6303 6304 6305
<b>Sec. 122.641.</b> (A)(1) There is hereby created the lakes in economic distress revolving loan program to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the director of natural resources under division (A)(2) of this section. The director of development services shall administer the program.	6306 6307 6308 6309 6310 6311 6312
(2) The director of natural resources shall do both of the following:	6313 6314
(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons.	6315 6316 6317 6318
(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved.	6319 6320 6321
(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and	6322 6323 6324

interest on loans made from the fund, and all investment earnings 6325  
on money in the fund. The director of development services shall 6326  
use money in the fund to make loans under this section, provided 6327  
that the loans shall be zero interest loans during the time that 6328  
an applicable lake has been declared an area under economic 6329  
distress under division (A)(2)(a) of this section. 6330

(C) The director shall adopt rules in accordance with Chapter 6331  
119. of the Revised that do both of the following: 6332

(1) Establish requirements and procedures for the making of 6333  
loans under this section, including all of the following: 6334

(a) Eligibility criteria; 6335

(b) Application procedures; 6336

(c) Criteria for approval or disapproval of loans, including 6337  
a stipulation that an applicant must demonstrate that the loan 6338  
will help to achieve long-term economic stability in the area; 6339

(d) Criteria for repayment of the loans, including the 6340  
establishment of an interest rate that does not exceed two points 6341  
less than prime after an applicable lake has been declared as an 6342  
area no longer under economic distress under division (A)(2)(b) of 6343  
this section. 6344

The eligibility criteria established by the director shall 6345  
not require applicants to experience a reduction in gross revenue 6346  
for a defined period of greater than ten per cent. 6347

Any material provided to the development services agency by 6348  
an applicant is not a public record for the purposes of section 6349  
149.43 of the Revised Code and shall remain confidential. 6350

(2) Establish any other provisions necessary to administer 6351  
this section. 6352

(D) In administering the program, the director shall assist 6353  
businesses and other entities in determining the amount of loans 6354

needed. 6355

**Sec. 122.85.** (A) As used in this section and in sections 6356  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6357

(1) "Tax credit-eligible production" means a motion picture 6358  
production certified by the director of development services under 6359  
division (B) of this section as qualifying the motion picture 6360  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6361  
or 5751.54 of the Revised Code. 6362

(2) "Certificate owner" means a motion picture company to 6363  
which a tax credit certificate is issued or a person to which the 6364  
company has transferred under division (H) of this section the 6365  
authority to claim all or a part of the tax credit authorized by 6366  
that certificate. 6367

(3) "Motion picture company" means an individual, 6368  
corporation, partnership, limited liability company, or other form 6369  
of business association producing a motion picture. 6370

(4) "Eligible production expenditures" means expenditures 6371  
made after June 30, 2009, for goods or services purchased and 6372  
consumed in this state by a motion picture company directly for 6373  
the production of a tax credit-eligible production. 6374

"Eligible production expenditures" includes, but is not 6375  
limited to, expenditures for cast and crew wages, accommodations, 6376  
costs of set construction and operations, editing and related 6377  
services, photography, sound synchronization, lighting, wardrobe, 6378  
makeup and accessories, film processing, transfer, sound mixing, 6379  
special and visual effects, music, location fees, and the purchase 6380  
or rental of facilities and equipment. 6381

(5) "Motion picture" means entertainment content created in 6382  
whole or in part within this state for distribution or exhibition 6383  
to the general public, including, but not limited to, 6384



feature-length films; documentaries; long-form, specials, 6385  
miniseries, series, and interstitial television programming; 6386  
interactive web sites; sound recordings; videos; music videos; 6387  
interactive television; interactive games; video games; 6388  
commercials; any format of digital media; and any trailer, pilot, 6389  
video teaser, or demo created primarily to stimulate the sale, 6390  
marketing, promotion, or exploitation of future investment in 6391  
either a product or a motion picture by any means and media in any 6392  
digital media format, film, or videotape, provided the motion 6393  
picture qualifies as a motion picture. "Motion picture" does not 6394  
include any television program created primarily as news, weather, 6395  
or financial market reports, a production featuring current events 6396  
or sporting events, an awards show or other gala event, a 6397  
production whose sole purpose is fundraising, a long-form 6398  
production that primarily markets a product or service or in-house 6399  
corporate advertising or other similar productions, a production 6400  
for purposes of political advocacy, or any production for which 6401  
records are required to be maintained under 18 U.S.C. 2257 with 6402  
respect to sexually explicit content. 6403

(B) For the purpose of encouraging and developing a strong 6404  
film industry in this state, the director of development services 6405  
may certify a motion picture produced by a motion picture company 6406  
as a tax credit-eligible production. In the case of a television 6407  
series, the director may certify the production of each episode of 6408  
the series as a separate tax credit-eligible production. A motion 6409  
picture company shall apply for certification of a motion picture 6410  
as a tax credit-eligible production on a form and in the manner 6411  
prescribed by the director. Each application shall include the 6412  
following information: 6413

(1) The name and telephone number of the motion picture 6414  
production company; 6415

(2) The name and telephone number of the company's contact 6416

person;	6417
(3) A list of the first preproduction date through the last production date in Ohio;	6418 6419
(4) The Ohio production office address and telephone number;	6420
(5) The total production budget of the motion picture;	6421
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	6422 6423 6424
(7) The total percentage of the motion picture being shot in Ohio;	6425 6426
(8) The level of employment of cast and crew who reside in Ohio;	6427 6428
(9) A synopsis of the script;	6429
(10) The shooting script;	6430
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6431 6432
(12) Documentation of financial ability to undertake and complete the motion picture, <u>including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture;</u>	6433 6434 6435 6436
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	6437 6438
(14) Any other information considered necessary by the director.	6439 6440
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to	6441 6442 6443 6444 6445

present sufficient evidence, the director may rescind the 6446  
certification. Upon rescission, the director shall notify the 6447  
applicant that the certification has been rescinded. Nothing in 6448  
this section prohibits an applicant whose tax credit-eligible 6449  
production certification has been rescinded from submitting a 6450  
subsequent application for certification. 6451

(C)(1) A motion picture company whose motion picture has been 6452  
certified as a tax credit-eligible production may apply to the 6453  
director of development services on or after July 1, 2009, for a 6454  
refundable credit against the tax imposed by section 5726.02, 6455  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6456  
consultation with the tax commissioner shall prescribe the form 6457  
and manner of the application and the information or documentation 6458  
required to be submitted with the application. 6459

The credit is determined as follows: 6460

(a) If the total budgeted eligible production expenditures 6461  
stated in the application submitted under division (B) of this 6462  
section or the actual eligible production expenditures as finally 6463  
determined under division (D) of this section, whichever is least, 6464  
is less than or equal to three hundred thousand dollars, no credit 6465  
is allowed; 6466

(b) If the total budgeted eligible production expenditures 6467  
stated in the application submitted under division (B) of this 6468  
section or the actual eligible production expenditures as finally 6469  
determined under division (D) of this section, whichever is least, 6470  
is greater than three hundred thousand dollars, the credit equals 6471  
thirty per cent of the least of such budgeted or actual eligible 6472  
expenditure amounts. 6473

(2) Except as provided in division (C)(4) of this section, if 6474  
the director of development services approves a motion picture 6475  
company's application for a credit, the director shall issue a tax 6476

credit certificate to the company. The director in consultation 6477  
with the tax commissioner shall prescribe the form and manner of 6478  
issuing certificates. The director shall assign a unique 6479  
identifying number to each tax credit certificate and shall record 6480  
the certificate in a register devised and maintained by the 6481  
director for that purpose. The certificate shall state the amount 6482  
of the eligible production expenditures on which the credit is 6483  
based and the amount of the credit. Upon the issuance of a 6484  
certificate, the director shall certify to the tax commissioner 6485  
the name of the applicant, the amount of eligible production 6486  
expenditures shown on the certificate, and any other information 6487  
required by the rules adopted to administer this section. 6488

(3) The amount of eligible production expenditures for which 6489  
a tax credit may be claimed is subject to inspection and 6490  
examination by the tax commissioner or employees of the 6491  
commissioner under section 5703.19 of the Revised Code and any 6492  
other applicable law. Once the eligible production expenditures 6493  
are finally determined under section 5703.19 of the Revised Code 6494  
and division (D) of this section, the credit amount is not subject 6495  
to adjustment unless the director determines an error was 6496  
committed in the computation of the credit amount. 6497

(4) No tax credit certificate may be issued before the 6498  
completion of the tax credit-eligible production. Not more than 6499  
forty million dollars of tax credit may be allowed per fiscal year 6500  
beginning July 1, 2016, provided that, for any fiscal year in 6501  
which the amount of tax credits allowed under this section is less 6502  
than that maximum annual amount, the amount not allowed for that 6503  
fiscal year shall be added to the maximum annual amount that may 6504  
be allowed for the following fiscal year. 6505

(5) In approving applications for tax credits under this 6506  
section, the director shall give priority to tax-credit eligible 6507  
productions that are television series or miniseries. 6508

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

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

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

(G)(1) The director of development services in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture production is a tax credit-eligible production; activities that constitute the

production of a motion picture; reporting sufficient evidence of 6541  
reviewable progress; expenditures that qualify as eligible 6542  
production expenditures; a competitive process for approving 6543  
credits; consideration of geographic distribution of credits; and 6544  
implementation of the program described in division (I) of this 6545  
section. The rules shall be adopted under Chapter 119. of the 6546  
Revised Code. 6547

(2) ~~The~~ To cover the administrative costs of the program, the 6548  
director ~~may~~ shall require ~~a reasonable~~ each applicant to pay an 6549  
application fee ~~to cover administrative costs of the tax credit~~ 6550  
~~program~~ equal to the lesser of ten thousand dollars or one per 6551  
cent of the estimated value of the tax credit as stated in the 6552  
application. The fees collected shall be credited to the ~~business~~ 6553  
~~assistance~~ tax incentives operating fund created in section 6554  
122.174 of the Revised Code. All grants, gifts, fees, and 6555  
contributions made to the director for marketing and promotion of 6556  
the motion picture industry within this state shall also be 6557  
credited to the fund. ~~The director shall use money in the fund to~~ 6558  
~~pay expenses related to the administration of the Ohio film office~~ 6559  
~~and the credit authorized by this section and sections 5726.55,~~ 6560  
~~5733.59, 5747.66, and 5751.54 of the Revised Code.~~ 6561

(H)(1) After the director of development services makes the 6562  
determination required under division (D) of this section, a 6563  
motion picture company to which a tax credit certificate is issued 6564  
may transfer the authority to claim all or a portion of the amount 6565  
of the tax credit the motion picture company is authorized to 6566  
claim pursuant to that certificate under section 5726.55, 5733.59, 6567  
5747.66, or 5751.54 of the Revised Code to one or more other 6568  
persons. Within thirty days after a transfer under this division, 6569  
the motion picture company shall submit the following information 6570  
to the director, on a form prescribed by the director: 6571

(a) Information necessary for the director to identify the 6572

certificate that is the basis for the transfer; 6573

(b) The portion or amount of the tax credit transferred to 6574  
each transferee; 6575

(c) The portion or amount of the tax credit that the motion 6576  
picture company retains the authority to claim; 6577

(d) The tax identification number of each transferee; 6578

(e) The date of the transfer; 6579

(f) Any other information required by the director; 6580

(g) Any information required by the tax commissioner. 6581

The director shall deliver a copy of any submission received 6582  
under division (H)(1) of this section to the tax commissioner. 6583

(2) A transferee may not claim a credit under section 6584  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6585  
and until the transferring motion picture company complies with 6586  
division (H)(1) of this section. A transferee may claim the 6587  
transferred amount of any credit or portion of a credit for the 6588  
same taxable year or tax period for which the transferring motion 6589  
picture company was authorized to claim the credit or portion of a 6590  
credit pursuant to the certificate. A motion picture company shall 6591  
make no transfer under division (H)(1) of this section after the 6592  
last day of the tax period or taxable year for which the motion 6593  
picture company is required to claim the credit pursuant to the 6594  
certificate. 6595

A motion picture company may make not more than one transfer 6596  
under division (H)(1) of this section for each tax credit 6597  
certificate, but pursuant to that transaction, may allocate the 6598  
authority to claim a portion of the credit to more than one 6599  
transferee. A motion picture company may not authorize more than 6600  
one transferee to claim the same portion of a credit. 6601

(I) The director of development services shall establish a 6602

program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

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

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

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

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

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

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

(ii) Is in good standing with the secretary of state, if the



enterprise is required to be registered with the secretary; 6633

(iii) Is current with any court-ordered payments; 6634

(iv) Is not engaged in any illegal activity. 6635

(b) At the time of a qualifying investment, the enterprise's 6636  
assets according to generally accepted accounting principles do 6637  
not exceed fifty million dollars, or its annual sales do not 6638  
exceed ten million dollars. When making this determination, the 6639  
assets and annual sales of all of the enterprise's related or 6640  
affiliated entities shall be included in the calculation. 6641

(c) The enterprise employs at least fifty full-time 6642  
equivalent employees in this state for whom the enterprise is 6643  
required to withhold income tax under section 5747.06 of the 6644  
Revised Code, or more than one-half the enterprise's total number 6645  
of full-time equivalent employees employed anywhere in the United 6646  
States are employed in this state and are subject to that 6647  
withholding requirement. 6648

(d) The enterprise, within six months after an eligible 6649  
investor's qualifying investment is made, invests in or incurs 6650  
cost for one or more of the following in an amount at least equal 6651  
to the amount of the qualifying investment: 6652

(i) Tangible personal property, other than motor vehicles 6653  
operated on public roads and highways, used in business and 6654  
physically located in this state from the time of its acquisition 6655  
by the enterprise until the end of the investor's holding period; 6656

(ii) Motor vehicles operated on public roads and highways if, 6657  
from the time of acquisition by the enterprise until the end of 6658  
the investor's holding period, the motor vehicles are purchased in 6659  
this state, registered in this state under Chapter 4503. of the 6660  
Revised Code, are used primarily for business purposes, and are 6661  
necessary for the operation of the enterprise's business; 6662

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

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

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

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

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

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

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

(4) "Holding period" means the two-year period beginning on 6694  
the day a qualifying investment is made. 6695

(5) "Pass-through entity" has the same meaning as in section 6696  
5733.04 of the Revised Code. 6697

(B) Any eligible investor that makes a qualifying investment 6698  
in a small business enterprise on or after July 1, 2011, may apply 6699  
to the director of development services to obtain a small business 6700  
investment certificate from the director. Alternatively, a small 6701  
business enterprise may apply on behalf of eligible investors to 6702  
obtain the certificates for those investors. The director, in 6703  
consultation with the tax commissioner, shall prescribe the form 6704  
or manner in which an applicant shall apply for the certificate, 6705  
devise the form of the certificate, and prescribe any records or 6706  
other information an applicant shall furnish with the application 6707  
to evidence the qualifying investment. The applicant shall state 6708  
the amount of the intended investment. The applicant shall pay an 6709  
application fee equal to the greater of one-tenth of one per cent 6710  
of the amount of the intended investment or one hundred dollars. 6711

A small business investment certificate entitles the 6712  
certificate holder to receive a tax credit under section 5747.81 6713  
of the Revised Code if the certificate holder qualifies for the 6714  
credit as otherwise provided in this section. If the certificate 6715  
holder is a pass-through entity, the certificate entitles the 6716  
entity's equity owners to receive their distributive or 6717  
proportionate shares of the credit. In any fiscal biennium, an 6718  
eligible investor may not apply for small business investment 6719  
certificates representing intended investment amounts in excess of 6720  
ten million dollars. Such certificates are not transferable. 6721

The director of development services may reserve small 6722  
business investment certificates to qualifying applicants in the 6723  
order in which the director receives applications, but may issue 6724  
the certificates as the applications are completed. An application 6725

is completed when the director has validated that an eligible 6726  
investor has made a qualified investment and the small business 6727  
enterprise has made the appropriate reinvestment of the qualified 6728  
investment pursuant to the requirements of division (A)(1)(d) of 6729  
this section. To qualify for a certificate, an eligible investor 6730  
must satisfy both of the following, subject to the limitation on 6731  
the amount of qualifying investments for which certificates may be 6732  
issued under division (C) of this section: 6733

(1) The eligible investor makes a qualifying investment on or 6734  
after July 1, 2011. 6735

(2) The eligible investor pledges not to sell or otherwise 6736  
dispose of the qualifying investment before the conclusion of the 6737  
applicable holding period. 6738

(C)(1) The amount of any eligible investor's qualifying 6739  
investments for which small business investment certificates may 6740  
be issued for a fiscal biennium shall not exceed ten million 6741  
dollars. 6742

(2) The director of development services shall not issue a 6743  
small business investment certificate to an eligible investor 6744  
representing an amount of qualifying investment in excess of the 6745  
amount of the intended investment indicated on the investor's 6746  
application for the certificate. 6747

(3) The director of development services shall not issue 6748  
small business investment certificates in a total amount that 6749  
would cause the tax credits claimed in any fiscal biennium to 6750  
exceed one hundred million dollars. 6751

(4) The director of development services may issue a small 6752  
business investment certificate only if both of the following 6753  
apply at the time of issuance: 6754

(a) The small business enterprise meets all the requirements 6755  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 6756

(b) The eligible investor does not owe any outstanding tax or 6757  
other liability to the state. 6758

(D) Before the end of the applicable holding period of a 6759  
qualifying investment, each enterprise in which a qualifying 6760  
investment was made for which a small business investment 6761  
certificate has been issued, upon the request of the director of 6762  
development services, shall provide to the director records or 6763  
other evidence satisfactory to the director that the enterprise is 6764  
a small business enterprise for the purposes of this section. Each 6765  
enterprise shall also provide annually to the director records or 6766  
evidence regarding the number of jobs created or retained in the 6767  
state. No credit may be claimed under this section and section 6768  
5747.81 of the Revised Code if the director finds that an 6769  
enterprise is not a small business enterprise for the purposes of 6770  
this section. The director shall compile and maintain a register 6771  
of small business enterprises qualifying under this section and 6772  
shall certify the register to the tax commissioner. The director 6773  
shall also compile and maintain a record of the number of jobs 6774  
created or retained as a result of qualifying investments made 6775  
pursuant to this section. 6776

(E) After the conclusion of the applicable holding period for 6777  
a qualifying investment, a person to whom a small business 6778  
investment certificate has been issued under this section may 6779  
claim a credit as provided under section 5747.81 of the Revised 6780  
Code. 6781

(F) The director of development services, in consultation 6782  
with the tax commissioner, may adopt rules for the administration 6783  
of this section, including rules governing the following: 6784

(1) Documents, records, or other information eligible 6785  
investors shall provide to the director; 6786

(2) Any information a small business enterprise shall provide 6787

for the purposes of this section and section 5747.81 of the Revised Code; 6788  
6789

(3) Determination of the number of full-time equivalent employees of a small business enterprise; 6790  
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(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business; 6792  
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(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code. 6797  
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~~There is hereby created in the state treasury the InvestOhio support fund. The fund shall consist of the fees (G) Application fees paid under division (B) of this section and shall be used by the development services agency to pay the costs of administering the small business investment certificate program established under this section credited to the tax incentives operating fund created in section 122.174 of the Revised Code.~~ 6800  
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**Sec. 123.01.** (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers: 6807  
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(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency; 6811  
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(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the 6814  
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Revised Code;	6818
(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;	6819 6820 6821
(4) To procure, by lease, storage accommodations for a state agency;	6822 6823
(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.	6824 6825 6826 6827 6828 6829 6830 6831 6832 6833 6834 6835 6836
(6) To lease space for the use of a state agency;	6837
(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	6838 6839
(8) To exercise general custodial care of all real property of the state;	6840 6841
(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	6842 6843 6844 6845
(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof	6846 6847

under a lease-purchase plan, buildings, structures, and other 6848  
improvements for any public purpose, and, in conjunction 6849  
therewith, to grant leases, easements, or licenses for lands under 6850  
the control of a state agency for a period not to exceed forty 6851  
years. The lease-purchase plan shall provide that at the end of 6852  
the lease period, the buildings, structures, and related 6853  
improvements, together with the land on which they are situated, 6854  
shall become the property of the state without cost. 6855

(a) Whenever any building, structure, or other improvement is 6856  
to be so leased by a state agency, the department shall retain 6857  
either basic plans, specifications, bills of materials, and 6858  
estimates of cost with sufficient detail to afford bidders all 6859  
needed information or, alternatively, all of the following plans, 6860  
details, bills of materials, and specifications: 6861

(i) Full and accurate plans suitable for the use of mechanics 6862  
and other builders in the improvement; 6863

(ii) Details to scale and full sized, so drawn and 6864  
represented as to be easily understood; 6865

(iii) Accurate bills showing the exact quantity of different 6866  
kinds of material necessary to the construction; 6867

(iv) Definite and complete specifications of the work to be 6868  
performed, together with such directions as will enable a 6869  
competent mechanic or other builder to carry them out and afford 6870  
bidders all needed information; 6871

(v) A full and accurate estimate of each item of expense and 6872  
of the aggregate cost thereof. 6873

(b) The department shall give public notice, in such 6874  
newspaper, in such form, and with such phraseology as the director 6875  
of administrative services prescribes, published once each week 6876  
for four consecutive weeks, of the time when and place where bids 6877  
will be received for entering into an agreement to lease to a 6878



state agency a building, structure, or other improvement. The last 6879  
publication shall be at least eight days preceding the day for 6880  
opening the bids. The bids shall contain the terms upon which the 6881  
builder would propose to lease the building, structure, or other 6882  
improvement to the state agency. The form of the bid approved by 6883  
the department shall be used, and a bid is invalid and shall not 6884  
be considered unless that form is used without change, alteration, 6885  
or addition. Before submitting bids pursuant to this section, any 6886  
builder shall comply with Chapter 153. of the Revised Code. 6887

(c) On the day and at the place named for receiving bids for 6888  
entering into lease agreements with a state agency, the director 6889  
of administrative services shall open the bids and shall publicly 6890  
proceed immediately to tabulate the bids upon duplicate sheets. No 6891  
lease agreement shall be entered into until the bureau of workers' 6892  
compensation has certified that the person to be awarded the lease 6893  
agreement has complied with Chapter 4123. of the Revised Code, 6894  
until, if the builder submitting the lowest and best bid is a 6895  
foreign corporation, the secretary of state has certified that the 6896  
corporation is authorized to do business in this state, until, if 6897  
the builder submitting the lowest and best bid is a person 6898  
nonresident of this state, the person has filed with the secretary 6899  
of state a power of attorney designating the secretary of state as 6900  
its agent for the purpose of accepting service of summons in any 6901  
action brought under Chapter 4123. of the Revised Code, and until 6902  
the agreement is submitted to the attorney general and the 6903  
attorney general's approval is certified thereon. Within thirty 6904  
days after the day on which the bids are received, the department 6905  
shall investigate the bids received and shall determine that the 6906  
bureau and the secretary of state have made the certifications 6907  
required by this section of the builder who has submitted the 6908  
lowest and best bid. Within ten days of the completion of the 6909  
investigation of the bids, the department shall award the lease 6910  
agreement to the builder who has submitted the lowest and best bid 6911

and who has been certified by the bureau and secretary of state as 6912  
required by this section. If bidding for the lease agreement has 6913  
been conducted upon the basis of basic plans, specifications, 6914  
bills of materials, and estimates of costs, upon the award to the 6915  
builder the department, or the builder with the approval of the 6916  
department, shall appoint an architect or engineer licensed in 6917  
this state to prepare such further detailed plans, specifications, 6918  
and bills of materials as are required to construct the building, 6919  
structure, or improvement. The department shall adopt such rules 6920  
as are necessary to give effect to this section. The department 6921  
may reject any bid. Where there is reason to believe there is 6922  
collusion or combination among bidders, the bids of those 6923  
concerned therein shall be rejected. 6924

(11) To acquire by purchase, gift, devise, or grant and to 6925  
transfer, lease, or otherwise dispose of all real property 6926  
required to assist in the development of a conversion facility as 6927  
defined in section 5709.30 of the Revised Code as that section 6928  
existed before its repeal by Amended Substitute House Bill 95 of 6929  
the 125th general assembly; 6930

(12) To lease for a period not to exceed forty years, 6931  
notwithstanding any other division of this section, the 6932  
state-owned property located at 408-450 East Town Street, 6933  
Columbus, Ohio, formerly the state school for the deaf, to a 6934  
developer in accordance with this section. "Developer," as used in 6935  
this section, has the same meaning as in section 123.77 of the 6936  
Revised Code. 6937

Such a lease shall be for the purpose of development of the 6938  
land for use by senior citizens by constructing, altering, 6939  
renovating, repairing, expanding, and improving the site as it 6940  
existed on June 25, 1982. A developer desiring to lease the land 6941  
shall prepare for submission to the department a plan for 6942  
development. Plans shall include provisions for roads, sewers, 6943

water lines, waste disposal, water supply, and similar matters to 6944  
meet the requirements of state and local laws. The plans shall 6945  
also include provision for protection of the property by insurance 6946  
or otherwise, and plans for financing the development, and shall 6947  
set forth details of the developer's financial responsibility. 6948

The department may employ, as employees or consultants, 6949  
persons needed to assist in reviewing the development plans. Those 6950  
persons may include attorneys, financial experts, engineers, and 6951  
other necessary experts. The department shall review the 6952  
development plans and may enter into a lease if it finds all of 6953  
the following: 6954

(a) The best interests of the state will be promoted by 6955  
entering into a lease with the developer; 6956

(b) The development plans are satisfactory; 6957

(c) The developer has established the developer's financial 6958  
responsibility and satisfactory plans for financing the 6959  
development. 6960

The lease shall contain a provision that construction or 6961  
renovation of the buildings, roads, structures, and other 6962  
necessary facilities shall begin within one year after the date of 6963  
the lease and shall proceed according to a schedule agreed to 6964  
between the department and the developer or the lease will be 6965  
terminated. The lease shall contain such conditions and 6966  
stipulations as the director considers necessary to preserve the 6967  
best interest of the state. Moneys received by the state pursuant 6968  
to this lease shall be paid into the general revenue fund. The 6969  
lease shall provide that at the end of the lease period the 6970  
buildings, structures, and related improvements shall become the 6971  
property of the state without cost. 6972

(13) To manage the use of space owned and controlled by the 6973  
department by doing all of the following: 6974

(a) Biennially implementing, by state agency location, a census of agency employees assigned space; 6975  
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(b) Periodically in the discretion of the director of administrative services: 6977  
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(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department; 6979  
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(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics. 6983  
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(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings; 6986  
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(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 6988  
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(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 6990  
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(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code. 6994  
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(15) To ensure energy efficient and energy conserving	7005
purchasing practices by doing all of the following:	7006
(a) Identifying available energy efficiency and conservation	7007
opportunities;	7008
(b) Providing for interchange of information among purchasing	7009
agencies;	7010
(c) Identifying laws, policies, rules, and procedures that	7011
should be modified;	7012
(d) Monitoring experience with and the cost-effectiveness of	7013
this state's purchase and use of motor vehicles and of major	7014
energy-consuming systems, components, equipment, and products	7015
having a significant impact on energy consumption by the	7016
government;	7017
(e) Providing technical assistance and training to state	7018
employees involved in the purchasing process;	7019
(f) Working with the development services agency to make	7020
recommendations regarding planning and implementation of	7021
purchasing policies and procedures that are supportive of energy	7022
efficiency and conservation.	7023
(16) To require all state agencies, departments, divisions,	7024
bureaus, offices, units, commissions, boards, authorities,	7025
quasi-governmental entities, institutions, and state institutions	7026
of higher education to implement procedures to ensure that all of	7027
the passenger automobiles they acquire in each fiscal year, except	7028
for those passenger automobiles acquired for use in law	7029
enforcement or emergency rescue work, achieve a fleet average fuel	7030
economy of not less than the fleet average fuel economy for that	7031
fiscal year as the department shall prescribe by rule. The	7032
department shall adopt the rule prior to the beginning of the	7033
fiscal year, in accordance with the average fuel economy standards	7034
established by federal law for passenger automobiles manufactured	7035

during the model year that begins during the fiscal year. 7036

Each state agency, department, division, bureau, office, 7037  
unit, commission, board, authority, quasi-governmental entity, 7038  
institution, and state institution of higher education shall 7039  
determine its fleet average fuel economy by dividing the total 7040  
number of passenger vehicles acquired during the fiscal year, 7041  
except for those passenger vehicles acquired for use in law 7042  
enforcement or emergency rescue work, by a sum of terms, each of 7043  
which is a fraction created by dividing the number of passenger 7044  
vehicles of a given make, model, and year, except for passenger 7045  
vehicles acquired for use in law enforcement or emergency rescue 7046  
work, acquired during the fiscal year by the fuel economy measured 7047  
by the administrator of the United States environmental protection 7048  
agency, for the given make, model, and year of vehicle, that 7049  
constitutes an average fuel economy for combined city and highway 7050  
driving. 7051

As used in division (A)(16) of this section, "acquired" means 7052  
leased for a period of sixty continuous days or more, or 7053  
purchased. 7054

(B) This section and section 125.02 of the Revised Code shall 7055  
not interfere with any of the following: 7056

(1) The power of the adjutant general to purchase military 7057  
supplies, or with the custody of the adjutant general of property 7058  
leased, purchased, or constructed by the state and used for 7059  
military purposes, or with the functions of the adjutant general 7060  
as director of state armories; 7061

(2) The power of the director of transportation in acquiring 7062  
rights-of-way for the state highway system, or the leasing of 7063  
lands for division or resident district offices, or the leasing of 7064  
lands or buildings required in the maintenance operations of the 7065  
department of transportation, or the purchase of real property for 7066

garage sites or division or resident district offices, or in 7067  
preparing plans and specifications for and constructing such 7068  
buildings as the director may require in the administration of the 7069  
department; 7070

(3) The power of the director of public safety and the 7071  
registrar of motor vehicles to purchase or lease real property and 7072  
buildings to be used solely as locations to which a deputy 7073  
registrar is assigned pursuant to division (B) of section 4507.011 7074  
of the Revised Code and from which the deputy registrar is to 7075  
conduct the deputy registrar's business, the power of the director 7076  
of public safety to purchase or lease real property and buildings 7077  
to be used as locations for division or district offices as 7078  
required in the maintenance of operations of the department of 7079  
public safety, and the power of the superintendent of the state 7080  
highway patrol in the purchase or leasing of real property and 7081  
buildings needed by the patrol, to negotiate the sale of real 7082  
property owned by the patrol, to rent or lease real property owned 7083  
or leased by the patrol, and to make or cause to be made repairs 7084  
to all property owned or under the control of the patrol; 7085

(4) The power of the division of liquor control in the 7086  
leasing or purchasing of retail outlets and warehouse facilities 7087  
for the use of the division; 7088

(5) The power of the director of development services to 7089  
enter into leases of real property, buildings, and office space to 7090  
be used solely as locations for the state's foreign offices to 7091  
carry out the purposes of section 122.05 of the Revised Code; 7092

(6) The power of the director of environmental protection to 7093  
enter into environmental covenants, to grant and accept easements, 7094  
or to sell property pursuant to division (G) of section 3745.01 of 7095  
the Revised Code; 7096

(7) The power of the department of public safety under 7097

section 5502.01 of the Revised Code to direct security measures 7098  
and operations for the Vern Riffe center, James A. Rhodes state 7099  
office tower, and the capitol square, as defined in section 105.41 7100  
of the Revised Code. The department of administrative services 7101  
shall implement all security measures and operations at the Vern 7102  
Riffe center and the James A. Rhodes state office tower as 7103  
directed by the department of public safety. 7104

(C) Purchases for, and the custody and repair of, buildings 7105  
under the management and control of the capitol square review and 7106  
advisory board, the opportunities for Ohioans with disabilities 7107  
agency, the bureau of workers' compensation, or the departments of 7108  
public safety, job and family services, mental health and 7109  
addiction services, developmental disabilities, and rehabilitation 7110  
and correction; buildings of educational and benevolent 7111  
institutions under the management and control of boards of 7112  
trustees; and purchases or leases for, and the custody and repair 7113  
of, office space used for the purposes of ~~the joint legislative~~ 7114  
~~ethics committee~~ any agency of the legislative branch of state 7115  
government are not subject to the control and jurisdiction of the 7116  
department of administrative services. 7117

If ~~the joint legislative ethics committee~~ an agency of the 7118  
legislative branch of state government, except the capitol square 7119  
review and advisory board, so requests, the ~~committee~~ agency and 7120  
the director of administrative services may enter into a contract 7121  
under which the department of administrative services agrees to 7122  
perform any services requested by the ~~committee~~ agency that the 7123  
department is authorized under this section to perform. 7124

(D) Any instrument by which real property is acquired 7125  
pursuant to this section shall identify the agency of the state 7126  
that has the use and benefit of the real property as specified in 7127  
section 5301.012 of the Revised Code. 7128



~~Sec. 152.08 123.011.~~ (A) The Ohio building authority 7129  
department of administrative services may: 7130

~~(1) Acquire, by gift, grant, or purchase, and hold and 7131  
mortgage, real estate and interests therein and personal property 7132  
suitable for its purposes, provided that no land used by the 7133  
authority pursuant to section 152.05 of the Revised Code shall be 7134  
mortgaged by the authority;~~ 7135

~~(2) Purchase, construct, reconstruct, equip, furnish, 7136  
improve, alter, enlarge, maintain, repair, and operate buildings, 7137  
facilities, and other properties for the purposes set forth in 7138  
section 152.04 of the Revised Code. The authority shall construct, 7139  
operate, and maintain its buildings, facilities, and other 7140  
properties in a healthy, safe, and sanitary manner.~~ 7141

~~(3) Issue revenue bonds to secure funds to accomplish its 7142  
purposes, the principal of and interest on and all other payments 7143  
required to be made by the trust agreement or indenture securing 7144  
such bonds to be paid solely from revenues accruing to the 7145  
authority through the operation of its buildings, facilities, and 7146  
other properties;~~ 7147

~~(4) Enter into contracts and execute all instruments 7148  
necessary in the conduct of its business;~~ 7149

~~(5) Fix, alter, and charge rentals and other charges for the 7150  
use and occupancy of its buildings, facilities, and other 7151  
properties and enter into leases with the persons specified in 7152  
section 152.04 of the Revised Code;~~ 7153

~~(6) Employ financial consultants, appraisers, consulting 7154  
engineers, architects, superintendents, managers, construction and 7155  
accounting experts, attorneys at law, and other employees and 7156  
agents as are necessary, in its judgment, and fix their 7157  
compensation;~~ 7158

~~(7)(2)~~ Provide for the persons occupying its buildings, 7159  
facilities, and other properties, health clinics, medical 7160  
services, food services, and such other services as such persons 7161  
cannot provide for themselves; and, if the ~~authority~~ department 7162  
determines that it is more advantageous, it may enter into 7163  
contracts with persons, firms, or corporations or with any 7164  
governmental agency, board, commission, or department to provide 7165  
any of such clinics or services; 7166

~~(8)~~ Pledge, hypothecate, or otherwise encumber such of its 7167  
rentals or other charges as may be agreed as security for its 7168  
obligations, and enter into trust agreements or indentures for the 7169  
benefit of its bondholders; 7170

~~(9)~~ Borrow money or accept advances, loans, gifts, grants, 7171  
devises, or bequests from, and enter into contracts or agreements 7172  
with, any federal agency or other governmental or private source, 7173  
and hold and apply advances, loans, gifts, grants, devises, or 7174  
bequests according to the terms thereof. Such advances, loans, 7175  
gifts, grants, or devises of real estate may be in fee simple or 7176  
of any lesser estate and may be subject to any reasonable 7177  
reservations. Any advances or loans received from any federal or 7178  
other governmental or private source may be repaid in accordance 7179  
with the terms of such advance or loan. 7180

~~(10)~~ Conduct investigations into housing and living 7181  
conditions in order to be able to purchase, construct, or 7182  
reconstruct suitable buildings and facilities to fulfill its 7183  
purpose, and determine the best locations within the state for its 7184  
buildings, facilities, and other properties; 7185

~~(11)~~ Enter into lawful arrangements with the appropriate 7186  
federal or state department or agency, county, township, municipal 7187  
government, or other political subdivision, or public agency for 7188  
the planning and installation of streets, roads, alleys, public 7189  
parks and recreation areas, public utility facilities, and other 7190

<del>necessary appurtenances to its projects;</del>	7191
<del>(12) Purchase fire, extended coverage, and liability</del>	7192
<del>insurance for its property, and insurance covering the authority</del>	7193
<del>and its officers and employees for liability for damage or injury</del>	7194
<del>to persons or property;</del>	7195
<del>(13) Sell, lease, release, or otherwise dispose of property</del>	7196
<del>owned by the authority and not needed for the purposes of the</del>	7197
<del>authority and grant such easements across the property of the</del>	7198
<del>authority as will not interfere with its use of its property;</del>	7199
<del>(14) Establish rules and regulations for the use and</del>	7200
<del>operation of its buildings, facilities, and other properties;</del>	7201
<del>(15) Do all other acts necessary to the fulfillment of its</del>	7202
<del>purposes.</del>	7203
<del>(B) Any instrument by which real property is acquired</del>	7204
<del>pursuant to this section shall identify the agency of the state</del>	7205
<del>that has the use and benefit of the real property as specified in</del>	7206
<del>section 5301.012 of the Revised Code.</del>	7207
<del>(C) Any person may possess a firearm in a motor vehicle in</del>	7208
<del>the parking garage at the Riffe center for government and the arts</del>	7209
<del>in Columbus, if the person's possession of the firearm in the</del>	7210
<del>motor vehicle is not in violation of section 2923.16 of the</del>	7211
<del>Revised Code or any other provision of the Revised Code. Any</del>	7212
<del>person may store or leave a firearm in a locked motor vehicle that</del>	7213
<del>is parked in the parking garage at the Riffe center for government</del>	7214
<del>and the arts in Columbus, if the person's transportation and</del>	7215
<del>possession of the firearm in the motor vehicle while traveling to</del>	7216
<del>the garage was not in violation of section 2923.16 of the Revised</del>	7217
<del>Code or any other provision of the Revised Code.</del>	7218
<b>Sec. 123.20.</b> (A) There is hereby created the Ohio facilities	7219
construction commission. The commission shall administer the	7220

design and construction of improvements to public facilities of 7221  
the state in accordance with this chapter, the provision of 7222  
financial assistance to school districts for the acquisition or 7223  
construction of classroom facilities in accordance with Chapter 7224  
3318. of the Revised Code, and any other applicable provisions of 7225  
the Revised Code. 7226

The commission is a body corporate and politic, an agency of 7227  
state government and an instrumentality of the state, performing 7228  
essential governmental functions of this state. The carrying out 7229  
of the purposes and the exercise by the commission of its powers 7230  
are essential public functions and public purposes of the state. 7231  
The commission may, in its own name, sue and be sued, enter into 7232  
contracts, and perform all the powers and duties given to it by 7233  
the Revised Code, but it does not have and shall not exercise the 7234  
power of eminent domain. In its discretion and as it determines 7235  
appropriate, the commission may delegate to any of its members, 7236  
executive director, or other employees any of the commission's 7237  
powers and duties to carry out its functions. 7238

(B) The commission shall consist of seven members, three of 7239  
whom shall be voting members+. The voting members shall be the 7240  
director of the office of budget and management ~~and~~, the director 7241  
of administrative services, ~~or their designees~~, and ~~a member~~ an 7242  
additional administrative department head listed in section 121.03 7243  
of the Revised Code whom the governor shall appoint. Each voting 7244  
member of the commission may designate an employee of the member's 7245  
agency to serve on the member's behalf. 7246

The nonvoting members shall be two members of the senate 7247  
appointed by the president of the senate and two members of the 7248  
house of representatives appointed by the speaker of the house of 7249  
representatives. The nonvoting members who are senators shall not 7250  
be members of the same political party, and the nonvoting members 7251

who are representatives shall not be members of the same political party. 7252  
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Not later than the thirty-first day of January of an odd-numbered year, the president of the senate and the speaker of the house of representatives shall appoint the nonvoting members of the commission to serve for the duration of that general assembly. A seat on the commission becomes vacant if the nonvoting member who held the seat ceases to serve in the chamber of the general assembly from which the nonvoting member was appointed. A vacancy in a nonvoting seat on the commission shall be filled in the manner provided for original appointments not later than the thirty-first day after the day the seat becomes vacant. 7254  
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Members of the commission or their designees shall serve without compensation. 7264  
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~~Within sixty days after the effective date of this section, the commission shall meet and organize by electing voting members as the chairperson and vice chairperson of the commission, who shall hold their offices until the next organizational meeting of the commission.~~ Organizational meetings of the commission shall be held at the first meeting of each calendar year. At each organizational meeting, the commission shall elect from among its voting members a chairperson and vice-chairperson, who shall serve until the next annual organizational meeting. The commission shall adopt rules pursuant to Chapter 119. of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings. Including the organizational meeting, the commission shall meet at least once each calendar year. 7266  
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Two voting members of the commission constitute a quorum, and the affirmative vote of two members is necessary for approval of any action taken by the commission. A vacancy in the membership of the commission does not impair a quorum from exercising all the rights and performing all the duties of the commission. Meetings 7279  
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of the commission may be held anywhere in the state and shall be 7284  
held in compliance with section 121.22 of the Revised Code. 7285

~~(C) Within sixty days after the effective date of this 7286  
section, the governor shall appoint a member to the commission. 7287  
The initial appointment shall be for a term ending three years 7288  
after the effective date of this section, with subsequent terms 7289  
ending three years after they begin, on the same day of the same 7290  
month as the initial term. 7291~~

~~A vacancy for the member appointed by the governor shall be 7292  
filled in the same manner as provided for the original 7293  
appointment. The appointed member shall hold office for the 7294  
remainder of the term for which the vacancy existed. After the 7295  
expiration of the term, the appointed member shall continue in 7296  
office for a period of sixty days or until the appointed member's 7297  
successor takes office, whichever period is shorter. 7298~~

~~(D) The commission shall file an annual report of its 7299  
activities and finances, including a report of the expenditures 7300  
and progress of the classroom facilities assistance program under 7301  
Chapter 3318. of the Revised Code, with the governor, speaker of 7302  
the house of representatives, president of the senate, and 7303  
chairpersons of the house and senate finance committees. 7304~~

~~(E)(D) The commission shall be exempt from the requirements 7305  
of sections 101.82 to 101.87 of the Revised Code. 7306~~

**Sec. 123.21.** (A) The Except as otherwise provided in division 7307  
(D) of this section, the Ohio facilities construction commission 7308  
may perform any act and ensure the performance of any function 7309  
necessary or appropriate to carry out the purposes of, and 7310  
exercise the powers granted under this chapter or any other 7311  
provision of the Revised Code, including any of the following: 7312

(1) Prepare Except as otherwise provided in section 123.211 7313

of the Revised Code, prepare, or contract to be prepared, by 7314  
licensed engineers or architects, surveys, general and detailed 7315  
plans, specifications, bills of materials, and estimates of cost 7316  
for any projects, improvements, or public buildings to be 7317  
constructed by state agencies that may be authorized by 7318  
legislative appropriations or any other funds made available 7319  
therefor, provided that the construction of the projects, 7320  
improvements, or public buildings is a statutory duty of the 7321  
commission. This section does not require the independent 7322  
employment of an architect or engineer as provided by section 7323  
153.01 of the Revised Code in the cases to which section 153.01 of 7324  
the Revised Code applies. ~~This section does not affect or alter~~ 7325  
~~the existing powers of the director of transportation.~~ 7326

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7327  
the Revised Code, have general supervision over the construction 7328  
of any projects, improvements, or public buildings constructed for 7329  
a state agency and over the inspection of materials prior to their 7330  
incorporation into those projects, improvements, or buildings. 7331

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7332  
the Revised Code, make contracts for and supervise the design and 7333  
construction of any projects and improvements or the construction 7334  
and repair of buildings under the control of a state agency. All 7335  
such contracts may be based in whole or in part on the unit price 7336  
or maximum estimated cost, with payment computed and made upon 7337  
actual quantities or units. 7338

(4) Adopt, amend, and rescind rules pertaining to the 7339  
administration of the construction of the public works of the 7340  
state as required by law, in accordance with Chapter 119. of the 7341  
Revised Code. 7342

(5) Contract with, retain the services of, or designate, and 7343  
fix the compensation of, such agents, accountants, consultants, 7344  
advisers, and other independent contractors as may be necessary or 7345

desirable to carry out the programs authorized under this chapter, 7346  
or authorize the executive director to perform such powers and 7347  
duties. 7348

(6) Receive and accept any gifts, grants, donations, and 7349  
pledges, and receipts therefrom, to be used for the programs 7350  
authorized under this chapter. 7351

(7) Make and enter into all contracts, commitments, and 7352  
agreements, and execute all instruments, necessary or incidental 7353  
to the performance of its duties and the execution of its rights 7354  
and powers under this chapter, or authorize the executive director 7355  
to perform such powers and duties. 7356

(8) Debar a contractor as provided in section 153.02 of the 7357  
Revised Code. 7358

(9) Enter into and administer cooperative agreements for 7359  
cultural projects, as provided in sections 123.28 and 123.281 of 7360  
the Revised Code. 7361

(B) The commission shall appoint and fix the compensation of 7362  
an executive director who shall serve at the pleasure of the 7363  
commission. The executive director shall exercise all powers that 7364  
the commission possesses, supervise the operations of the 7365  
commission, and perform such other duties as delegated by the 7366  
commission. The executive director also shall employ and fix the 7367  
compensation of such employees as will facilitate the activities 7368  
and purposes of the commission, who shall serve at the pleasure of 7369  
the executive director. The employees of the commission are exempt 7370  
from Chapter 4117. of the Revised Code and are not considered 7371  
public employees as defined in section 4117.01 of the Revised 7372  
Code. Any agreement entered into prior to July 1, 2012, between 7373  
the office of collective bargaining and the exclusive 7374  
representative for employees of the commission is binding and 7375  
shall continue to have effect. 7376



(C) The attorney general shall serve as the legal 7377  
representative for the commission and may appoint other counsel as 7378  
necessary for that purpose in accordance with section 109.07 of 7379  
the Revised Code. 7380

(D)(1) This section does not affect or alter the existing 7381  
powers of the director of transportation. 7382

(2) Nothing in this chapter authorizes the commission to let 7383  
or administer any contract let by the department of administrative 7384  
services. A contract awarded by the department of administrative 7385  
services takes precedence over the commission's authority under 7386  
this chapter. 7387

**Sec. 124.38.** (A) Each of the following shall be entitled for 7388  
each completed eighty hours of service to sick leave of four and 7389  
six-tenths hours with pay: 7390

~~(A)(1)~~ Employees in the various offices of the county, 7391  
municipal, and civil service township service, other than 7392  
superintendents and management employees, as defined in section 7393  
5126.20 of the Revised Code, of county boards of developmental 7394  
disabilities; 7395

~~(B) Employees of any state college or university;~~ 7396

~~(C)(2)~~ Any employee of any board of education for whom sick 7397  
leave is not provided by section 3319.141 of the Revised Code, 7398  
provided that the employee is not a substitute, adult education 7399  
instructor who is scheduled to work the full-time equivalent of 7400  
less than one hundred twenty days per school year, or a person who 7401  
is employed on an as-needed, seasonal, or intermittent basis. 7402

(B)(1) Employees of any state college or university shall be 7403  
entitled for each completed eighty hours of service, excluding 7404  
overtime hours worked, to sick leave of three and one-tenth hours 7405  
with pay. 7406

(2) No state college or university shall do either of the following: 7407  
7408

(a) Notwithstanding any section of the Revised Code to the contrary, provide paid sick leave in an amount greater than the sick leave provided by division (B)(1) of this section; 7409  
7410  
7411

(b) Notwithstanding division (A) of section 4117.10 of the Revised Code, agree to a provision in a collective bargaining agreement that is modified, renewed, extended, or entered into on or after the effective date of this amendment that provides paid sick leave in an amount greater than the sick leave provided by division (B)(1) of this section. 7412  
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(C) Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. 7418  
7419  
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(D) The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to the employee's credit upon the employee's re-employment in the public service, provided that the re-employment takes place within ten years of the date on which the employee was last terminated from public service. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment. 7427  
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7434

(E) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave up to the maximum of the sick 7435  
7436  
7437

leave accumulation permitted in the public agency to which the 7438  
employee transfers. 7439

(F) The appointing authorities of the various offices of the 7440  
county service may permit all or any part of a person's accrued 7441  
but unused sick leave acquired during service with any regional 7442  
council of government established in accordance with Chapter 167. 7443  
of the Revised Code to be credited to the employee upon a transfer 7444  
as if the employee were transferring from one public agency to 7445  
another under this section. 7446

(G) The appointing authority of each employing unit shall 7447  
require an employee to furnish a satisfactory written, signed 7448  
statement to justify the use of sick leave. If medical attention 7449  
is required, a certificate stating the nature of the illness from 7450  
a licensed physician shall be required to justify the use of sick 7451  
leave. Falsification of either a written, signed statement or a 7452  
physician's certificate shall be grounds for disciplinary action, 7453  
including dismissal. 7454

(H) This section does not interfere with existing unused sick 7455  
leave credit in any agency of government where attendance records 7456  
are maintained and credit has been given employees for unused sick 7457  
leave. 7458

(I) Notwithstanding this section or any other section of the 7459  
Revised Code, any appointing authority of a county office, 7460  
department, commission, board, or body may, upon notification to 7461  
the board of county commissioners, establish alternative schedules 7462  
of sick leave for employees of the appointing authority for whom 7463  
the state employment relations board has not established an 7464  
appropriate bargaining unit pursuant to section 4117.06 of the 7465  
Revised Code, as long as the alternative schedules are not 7466  
inconsistent with the provisions of at least one collective 7467  
bargaining agreement covering other employees of that appointing 7468  
authority, if such a collective bargaining agreement exists. If no 7469

such collective bargaining agreement exists, an appointing 7470  
authority may, upon notification to the board of county 7471  
commissioners, establish an alternative schedule of sick leave for 7472  
its employees that does not diminish the sick leave benefits 7473  
granted by this section. 7474

**Sec. 124.384.** (A) Except as otherwise provided in this 7475  
section, employees whose salaries or wages are paid by warrant of 7476  
the director of budget and management and who have accumulated 7477  
sick leave under section 124.38 or 124.382 of the Revised Code 7478  
shall be paid for a percentage of their accumulated balances, upon 7479  
separation for any reason, including death but excluding 7480  
retirement, at their last base rate of pay at the rate of one hour 7481  
of pay for every two hours of accumulated balances. An employee 7482  
who retires in accordance with any retirement plan offered by the 7483  
state shall be paid upon retirement for each hour of the 7484  
employee's accumulated sick leave balance at a rate of fifty-five 7485  
per cent of the employee's last base rate of pay. 7486

An employee serving in a temporary work level who elects to 7487  
convert unused sick leave to cash shall do so at the base rate of 7488  
pay of the employee's normal classification. If an employee dies, 7489  
the employee's unused sick leave shall be paid in accordance with 7490  
section 2113.04 of the Revised Code or to the employee's estate. 7491

In order to be eligible for the payment authorized by this 7492  
section, an employee shall have at least one year of state service 7493  
and shall request all or a portion of that payment no later than 7494  
three years after separation from state service. No person is 7495  
eligible to receive all or a portion of the payment authorized by 7496  
this section at any time later than three years after the person's 7497  
separation from state service. 7498

(B) ~~Except as otherwise provided in this division,~~ a A person 7499  
initially employed on or after July 5, 1987, by a state agency in 7500

which the employees' salaries or wages are paid directly by 7501  
warrant of the director of budget and management shall receive 7502  
payment under this section only for sick leave accumulated while 7503  
employed by state agencies in which the employees' salaries or 7504  
wages are paid directly by warrant of the director of budget and 7505  
management. ~~A Additionally, a person initially employed on or 7506~~  
~~after July 5, 1987, but before October 1, 2017, by the state 7507~~  
department of education as an unclassified employee shall receive 7508  
payment under this section ~~only for sick leave accumulated while 7509~~  
~~employed by state agencies in which the employees' salaries or 7510~~  
~~wages are paid directly by warrant of the director of budget and 7511~~  
~~management and~~ for sick leave placed to the employee's credit 7512  
under division (E)(2) of section 124.382 of the Revised Code. 7513

(C) For employees paid in accordance with section 124.152 of 7514  
the Revised Code and those employees listed in divisions (B)(2) 7515  
and (4) of section 124.14 of the Revised Code, the director of 7516  
administrative services, with the approval of the director of 7517  
budget and management, may establish a plan for early payment of 7518  
accrued sick leave and vacation leave. 7519

**Sec. 124.823.** The department of administrative services shall 7520  
establish a ~~pilot program under which it includes medical high~~ 7521  
~~deductible health plan that qualifies under section 223 of the~~ 7522  
~~Internal Revenue Code along with a health savings accounts account~~ 7523  
as part of any package of health care benefit options offered to 7524  
state employees and state elected officials paid by warrant of the 7525  
director of budget and management. Except for the provisions in 7526  
divisions (A) and (B) of section 3924.64 of the Revised Code 7527  
concerning designation of an administrator, ~~a medical the health~~ 7528  
~~savings account established as part of the program~~ is subject to 7529  
sections 3924.64 to 3924.74 of the Revised Code. 7530

The department is not required to offer the ~~medical high~~ 7531

deductible health plan with a health savings account option to any 7532  
state employee who is covered under a collective bargaining 7533  
agreement entered into pursuant to Chapter 4117. of the Revised 7534  
Code, but ~~a medical savings account~~ the option may be part of a 7535  
package of health care benefit options offered pursuant to a 7536  
collective bargaining agreement. The department may ~~limit~~ 7537  
~~enrollment in the medical savings account program and may~~ require 7538  
state employees enrolled in ~~it~~ the high deductible health plan to 7539  
contribute to their ~~medical~~ health savings accounts. The 7540  
department shall make both individual and family coverage 7541  
available through the ~~accounts~~ high deductible health plan. The 7542  
~~program~~ high deductible health plan shall not increase the cost of 7543  
providing health insurance to state employees. ~~The department may~~ 7544  
~~end the program at any time not sooner than two years after it is~~ 7545  
~~established, except that the department may not end the program~~ 7546  
~~prior to providing six months' notice to the speaker of the house~~ 7547  
~~of representatives, president of the senate, minority leader of~~ 7548  
~~the house and minority leader of the senate, and the chairs of the~~ 7549  
~~standing committees of the senate and house of representatives~~ 7550  
~~with primary responsibility for health and insurance legislation.~~ 7551

A state employee who chooses the ~~medical~~ high deductible 7552  
health plan with a health savings account option shall have any 7553  
state health, medical, hospital, dental, surgical, and vision 7554  
benefits for which the employee is eligible provided through the 7555  
~~medical savings account~~ plan. The department, under section 124.81 7556  
or 124.82 of the Revised Code, shall contract for or otherwise 7557  
provide a the high-deductible ~~policy or contract~~ health plan with 7558  
a health savings account through which those benefits can be paid. 7559

~~The An~~ employee ~~for whom a medical~~ who chooses the high 7560  
deductible health plan with a health savings account ~~is opened~~ 7561  
shall at the time the account is opened choose an administrator 7562  
from a list of administrators designated by the department, one of 7563

which may be the insurer from which the department purchases the 7564  
high-deductible ~~policy or contract~~ health plan. If the employee 7565  
fails to choose an administrator, the department shall designate 7566  
an administrator. 7567

If an elected state official whose term commenced prior to 7568  
the establishment of the ~~program~~ high deductible health plan with 7569  
a health savings account elects to participate in the ~~medical~~ 7570  
~~savings account program plan~~, participation shall commence at the 7571  
beginning of the term following establishment of the ~~program~~ plan. 7572  
7573

**Sec. 124.93.** (A) As used in this section, "physician" means 7574  
any person who holds a valid ~~certificate~~ license to practice 7575  
medicine and surgery or osteopathic medicine and surgery issued 7576  
under Chapter 4731. of the Revised Code. 7577

(B) No health insuring corporation that, on or after July 1, 7578  
1993, enters into or renews a contract with the department of 7579  
administrative services under section 124.82 of the Revised Code, 7580  
because of a physician's race, color, religion, sex, national 7581  
origin, disability or military status as defined in section 7582  
4112.01 of the Revised Code, age, or ancestry, shall refuse to 7583  
contract with that physician for the provision of health care 7584  
services under section 124.82 of the Revised Code. 7585

Any health insuring corporation that violates this division 7586  
is deemed to have engaged in an unlawful discriminatory practice 7587  
as defined in section 4112.02 of the Revised Code and is subject 7588  
to Chapter 4112. of the Revised Code. 7589

(C) Each health insuring corporation that, on or after July 7590  
1, 1993, enters into or renews a contract with the department of 7591  
administrative services under section 124.82 of the Revised Code 7592  
and that refuses to contract with a physician for the provision of 7593  
health care services under that section shall provide that 7594

physician with a written notice that clearly explains the reason 7595  
or reasons for the refusal. The notice shall be sent to the 7596  
physician by regular mail within thirty days after the refusal. 7597

Any health insuring corporation that fails to provide notice 7598  
in compliance with this division is deemed to have engaged in an 7599  
unfair and deceptive act or practice in the business of insurance 7600  
as defined in section 3901.21 of the Revised Code and is subject 7601  
to sections 3901.19 to 3901.26 of the Revised Code. 7602

Sec. 125.03. Any state agency wanting to purchase automatic 7603  
data processing, computer services as defined in section 2913.01 7604  
of the Revised Code, electronic publishing services, or electronic 7605  
information services, or any consulting services related to 7606  
information technology, the aggregate cost of which would amount 7607  
to more than fifty thousand dollars over the next succeeding 7608  
five-year period, shall make the purchase by competitive selection 7609  
and with the approval of the controlling board. In its request for 7610  
approval, the agency shall provide the board with a comparative 7611  
analysis of the cost of similar systems utilized by other states 7612  
and a description of the measures it took to find the most 7613  
cost-effective system. The comparative analysis shall not be 7614  
considered a public record under section 149.43 of the Revised 7615  
Code unless the request is approved by the board and the agency 7616  
has awarded the contract. 7617

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 7618  
Code, a state agency wanting to purchase supplies or services 7619  
shall make the purchase subject to the requirements of an 7620  
applicable first or second requisite procurement program described 7621  
in this section, or obtain a determination from the department of 7622  
administrative services that the purchase is not subject to a 7623  
first or second requisite procurement program. State agencies 7624  
shall submit a purchase request to the department of 7625



administrative services unless the department has determined the 7626  
request does not require a review. The director of administrative 7627  
services shall adopt rules under Chapter 119. of the Revised Code 7628  
to provide for the manner of carrying out the function and the 7629  
power and duties imposed upon and vested in the director by this 7630  
section. 7631

(B) The following programs are first requisite procurement 7632  
programs that shall be given preference in the following order in 7633  
fulfilling a purchase request: 7634

(1) Ohio penal industries within the department of 7635  
rehabilitation and correction; and 7636

(2) Community rehabilitation programs administered by the 7637  
department of administrative services under sections 125.601 to 7638  
125.6012 of the Revised Code. 7639

(C) The following programs are second requisite procurement 7640  
programs that may be able to fulfill the purchase request if the 7641  
first requisite procurement programs are unable to do so: 7642

(1) Business enterprise program at the opportunities for 7643  
Ohioans with disabilities agency as prescribed in sections 3304.28 7644  
to 3304.33 of the Revised Code; 7645

(2) Office of information technology at the department of 7646  
administrative services as established in section 125.18 of the 7647  
Revised Code; 7648

(3) Office of state printing and mail services at the 7649  
department of administrative services as prescribed in Chapter 7650  
125. of the Revised Code; 7651

(4) ~~Office of support services~~ Ohio pharmacy services at the 7652  
department of mental health and addiction services as prescribed 7653  
in section 5119.44 of the Revised Code; 7654

(5) Ohio facilities construction commission established in 7655

section 123.20 of the Revised Code; and 7656

(6) Any other program within, or administered by, a state 7657  
agency that, by law, requires purchases to be made by, or with the 7658  
approval of, the state agency. 7659

(D) Upon receipt of a purchase request, the department of 7660  
administrative services shall provide the requesting agency a 7661  
notification of receipt of the purchase request. The department 7662  
then shall determine whether the request can be fulfilled through 7663  
a first requisite procurement program. In making the 7664  
determination, the department may consult with each of the first 7665  
requisite procurement programs. When the department has made its 7666  
determination, it shall: 7667

(1) Direct the requesting agency to obtain the desired 7668  
supplies or services through the proper first requisite 7669  
procurement program; 7670

(2) Provide the agency with a waiver from the use of the 7671  
applicable first requisite procurement programs under sections 7672  
125.609 or 5147.07 of the Revised Code; or 7673

(3) Determine whether the purchase can be fulfilled through a 7674  
second requisite procurement program under division (E) of this 7675  
section. 7676

(E) In making the determination that a purchase is subject to 7677  
a second requisite procurement program, the department shall 7678  
identify potentially applicable programs and notify each program 7679  
of the requested purchase. The notified second requisite 7680  
procurement program shall respond to the department within two 7681  
business days with regard to its ability to provide the requested 7682  
purchase. If the second requisite procurement program can provide 7683  
the requested purchase, the department shall direct the requesting 7684  
agency to make the requested purchase from the appropriate second 7685  
requisite procurement program. If the department has not received 7686

notification from a second requisite procurement program within 7687  
two business days and the department has made the determination 7688  
that the purchase is not subject to a second requisite procurement 7689  
program, the department shall provide a waiver to the requesting 7690  
agency. 7691

(F) Within five business days after receipt of a request, the 7692  
department shall notify the requesting agency of its determination 7693  
and provide any waiver under divisions (D) or (E) of this section. 7694  
If the department fails to respond within five business days or 7695  
fails to provide an explanation for any further delay within that 7696  
time, the requesting agency may use direct purchasing authority to 7697  
make the requested purchase, subject to the requirements of 7698  
division (G) of this section and section 127.16 of the Revised 7699  
Code. 7700

(G) As provided in sections 125.02 and 125.05 of the Revised 7701  
Code and subject to such rules as the director of administrative 7702  
services may adopt, the department may issue a release and permit 7703  
to the agency to secure supplies or services. A release and permit 7704  
shall specify the supplies or services to which it applies, the 7705  
time during which it is operative, and the reason for its 7706  
issuance. A release and permit for telephone, other 7707  
telecommunications, and computer services shall be provided in 7708  
accordance with section 125.18 of the Revised Code and shall 7709  
specify the type of services to be rendered, the number and type 7710  
of hardware to be used, and may specify the amount of such 7711  
services to be performed. No requesting agency shall proceed with 7712  
such purchase until it has received an approved release and permit 7713  
from the director of administrative services or the director's 7714  
designee. 7715

**Sec. 125.04.** (A) Except for the requirements of division (B) 7716  
of this section, section 125.092, and division (B) of section 7717

125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7718  
to 125.15 of the Revised Code do not apply to or affect state 7719  
institutions of higher education. 7720

(B)(1) As used in this division: 7721

(a) "Chartered nonpublic school" has the same meaning as in 7722  
section 3310.01 of the Revised Code. 7723

(b) "Emergency medical service organization" has the same 7724  
meaning as in section 4765.01 of the Revised Code. 7725

(c) "Governmental agency" means a political subdivision or 7726  
special district in this state established by or under law, or any 7727  
combination of these entities; the United States or any 7728  
department, division, or agency of the United States; one or more 7729  
other states or groups of states; other purchasing consortia; and 7730  
any agency, commission, or authority established under an 7731  
interstate compact or agreement. 7732

(d) "Political subdivision" means any county, township, 7733  
municipal corporation, school district, conservancy district, 7734  
township park district, park district created under Chapter 1545. 7735  
of the Revised Code, regional transit authority, regional airport 7736  
authority, regional water and sewer district, or port authority. 7737  
"Political subdivision" also includes any other political 7738  
subdivision described in the Revised Code that has been approved 7739  
by the department of administrative services to participate in the 7740  
department's contracts under this division. 7741

(e) "Private fire company" has the same meaning as in section 7742  
9.60 of the Revised Code. 7743

(f) "State institution of higher education" has the meaning 7744  
defined in section 3345.011 of the Revised Code. 7745

(2) Subject to division (C) of this section, the department 7746  
of administrative services may permit a state institution of 7747

higher education, governmental agency, political subdivision, 7748  
county board of elections, private fire company, private, 7749  
nonprofit emergency medical service organization, or chartered 7750  
nonpublic school to participate in contracts into which the 7751  
department has entered for the purchase of supplies and services. 7752  
The department may charge the entity a reasonable fee to cover the 7753  
administrative costs the department incurs as a result of 7754  
participation by the entity in such a purchase contract. 7755

A political subdivision desiring to participate in such 7756  
purchase contracts shall file with the department a certified copy 7757  
of an ordinance or resolution of the legislative authority or 7758  
governing board of the political subdivision. The resolution or 7759  
ordinance shall request that the political subdivision be 7760  
authorized to participate in such contracts and shall agree that 7761  
the political subdivision will be bound by such terms and 7762  
conditions as the department prescribes and that it will directly 7763  
pay the vendor under each purchase contract. A board of elections 7764  
desiring to participate in such purchase contracts shall file with 7765  
the purchasing authority a written request for inclusion in the 7766  
program. A private fire company, private, nonprofit emergency 7767  
medical service organization, or chartered nonpublic school 7768  
desiring to participate in such purchase contracts shall file with 7769  
the department a written request for inclusion in the program 7770  
signed by the chief officer of the company, organization, or 7771  
chartered nonpublic school. A governmental agency desiring to 7772  
participate in such purchase contracts shall file with the 7773  
department a written request for inclusion in the program. A state 7774  
institution of higher education desiring to participate in such 7775  
purchase contracts shall file with the department a certified copy 7776  
of resolution of the board of trustees or similar authorizing 7777  
body. The resolution shall request that the state institution of 7778  
higher education be authorized to participate in such contracts. 7779

A request for inclusion shall include an agreement to be 7780  
bound by such terms and conditions as the department prescribes 7781  
and to make direct payments to the vendor under each purchase 7782  
contract. 7783

The department shall include in its annual report, an 7784  
estimate of the purchases made by state institutions of higher 7785  
education, governmental agencies, political subdivisions, county 7786  
boards of elections, private fire companies, private, nonprofit 7787  
emergency medical service organizations, and chartered nonpublic 7788  
schools from contracts pursuant to this division. The department 7789  
may require such entities to file a report with the department, as 7790  
often as it finds necessary, stating how many such contracts the 7791  
entities participated in within a specified period of time, and 7792  
any other information the department requires. 7793

(3) Purchases made by a political subdivision or a county 7794  
board of elections under this division are exempt from any 7795  
competitive selection procedures otherwise required by law. No 7796  
political subdivision shall make any purchase under this division 7797  
when bids have been received for such purchase by the subdivision, 7798  
unless such purchase can be made upon the same terms, conditions, 7799  
and specifications at a lower price under this division. 7800

(C) A political subdivision as defined in division (B) of 7801  
this section or a county board of elections may purchase supplies 7802  
or services from another party, including a political subdivision, 7803  
instead of through participation in contracts described in 7804  
division (B) of this section if the political subdivision or 7805  
county board of elections can purchase those supplies or services 7806  
from the other party upon equivalent terms, conditions, and 7807  
specifications but at a lower price than it can through those 7808  
contracts. Purchases that a political subdivision or county board 7809  
of elections makes under this division are exempt from any 7810  
competitive selection procedures otherwise required by law. A 7811

political subdivision or county board of elections that makes any 7812  
purchase under this division shall maintain sufficient information 7813  
regarding the purchase to verify that the political subdivision or 7814  
county board of elections satisfied the conditions for making a 7815  
purchase under this division. Nothing in this division restricts 7816  
any action taken by a county or township as authorized by division 7817  
(B)(1) of section 9.48 of the Revised Code. 7818

(D) This section does not apply to supplies or services 7819  
purchased by a state agency directly as provided in section 125.05 7820  
of the Revised Code, or to purchases of supplies or services for 7821  
the emergency management agency or other state agencies as 7822  
provided in section 125.061 of the Revised Code. 7823

**Sec. 125.051.** (A) As used in this section, "advertising" 7824  
includes advertising in print or electronic newspapers, journals, 7825  
or magazines and advertising broadcast over radio or television or 7826  
placed on the internet. 7827

(B) Any advertising purchased by a state governmental entity 7828  
for the same purpose that, in the aggregate, exceeds fifty 7829  
thousand dollars during the fiscal year, shall be subject to 7830  
controlling board approval. 7831

**Sec. 125.061.** (A) As used in this section: 7832

(1) "Emergency" has the same meaning as defined in section 7833  
5502.21 of the Revised Code. 7834

(2) "State procurement emergency" means a situation that 7835  
creates all of the following: 7836

(a) A threat to public health, safety, or welfare; 7837

(b) An immediate and serious need for supplies or services 7838  
that cannot be met through normal procurement methods required by 7839  
state law; and 7840

(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person. 7841  
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~~(B) During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.~~ 7844  
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~~(B) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved under division (A) of this section to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.~~ 7861  
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(C) During the period of a state procurement emergency, the department of administrative services may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency. 7868  
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(1) The director or administrative head of the state agency 7873  
where the state procurement emergency exists shall request the 7874  
department of administrative services to suspend the purchasing 7875  
and contracting requirements in Chapter 125. of the Revised Code. 7876

(2) The request shall include information detailing the 7877  
immediacy of the state procurement emergency and a description of 7878  
the necessary supplies or services that cannot be timely purchased 7879  
through normal procurement methods otherwise required by state 7880  
law. 7881

(3) Whenever practical, the agency shall obtain a release and 7882  
permit from the department of administrative services under 7883  
section 125.035 of the Revised Code before making purchases under 7884  
this division. 7885

(D) Before any purchase may be made under a suspension 7886  
authorized by this section, the director of administrative 7887  
services shall send notice of the suspension as approved by the 7888  
director to the director of budget and management and to the 7889  
members of the controlling board. The notice shall provide details 7890  
of the request for suspension and shall include a copy of the 7891  
director's approval. 7892

(E) Purchases made by state agencies under this section are 7893  
exempt from the requirements of section 127.16 of the Revised 7894  
Code, except that state agencies making purchases under this 7895  
section shall file a report with the president of the controlling 7896  
board describing all such purchases made by the agency during the 7897  
period covered by the emergency declaration or state procurement 7898  
emergency. The report shall be filed within ninety days after the 7899  
declaration or state procurement emergency condition expires. 7900

**Sec. 125.18.** (A) There is hereby established the office of 7901  
information technology within the department of administrative 7902  
services. The office shall be under the supervision of a state 7903

chief information officer to be appointed by the director of 7904  
administrative services and subject to removal at the pleasure of 7905  
the director. The chief information officer is an assistant 7906  
director of administrative services. 7907

(B) Under the direction of the director of administrative 7908  
services, the state chief information officer shall lead, oversee, 7909  
and direct state agency activities related to information 7910  
technology development and use. In that regard, the state chief 7911  
information officer shall do all of the following: 7912

(1) Coordinate and superintend statewide efforts to promote 7913  
common use and development of technology by state agencies. The 7914  
office of information technology shall establish policies and 7915  
standards that govern and direct state agency participation in 7916  
statewide programs and initiatives. 7917

(2) Establish policies and standards for the acquisition and 7918  
use of common information technology by state agencies, including, 7919  
but not limited to, hardware, software, technology services, and 7920  
security, and the extension of the service life of information 7921  
technology systems, with which state agencies shall comply; 7922

(3) Establish criteria and review processes to identify state 7923  
agency information technology projects or purchases that require 7924  
alignment or oversight. As appropriate, the department of 7925  
administrative services shall provide the governor and the 7926  
director of budget and management with notice and advice regarding 7927  
the appropriate allocation of resources for those projects. The 7928  
state chief information officer may require state agencies to 7929  
provide, and may prescribe the form and manner by which they must 7930  
provide, information to fulfill the state chief information 7931  
officer's alignment and oversight role; 7932

(4) Establish policies and procedures for the security of 7933  
personal information that is maintained and destroyed by state 7934

agencies; 7935

(5) Employ a chief information security officer who is 7936  
responsible for the implementation of the policies and procedures 7937  
described in division (B)(4) of this section and for coordinating 7938  
the implementation of those policies and procedures in all of the 7939  
state agencies; 7940

(6) Employ a chief privacy officer who is responsible for 7941  
advising state agencies when establishing policies and procedures 7942  
for the security of personal information and developing education 7943  
and training programs regarding the state's security procedures; 7944

(7) Establish policies on the purchasing, use, and 7945  
reimbursement for use of handheld computing and telecommunications 7946  
devices by state agency employees; 7947

(8) Establish policies for the reduction of printing and the 7948  
use of electronic records by state agencies; 7949

(9) Establish policies for the reduction of energy 7950  
consumption by state agencies; 7951

(10) Compute the amount of revenue attributable to the 7952  
amortization of all equipment purchases and capitalized systems 7953  
from information technology service delivery and major information 7954  
technology purchases operating appropriation items and major 7955  
computer purchases capital appropriation items that is recovered 7956  
as part of the information technology services rates the 7957  
department of administrative services charges and deposits into 7958  
the information technology fund created in section 125.15 of the 7959  
Revised Code; 7960

(11) Regularly review and make recommendations regarding 7961  
improving the infrastructure of the state's cybersecurity 7962  
operations with existing resources and through partnerships 7963  
between government, business, and institutions of higher 7964  
education; 7965

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

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

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

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

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

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee to an individual who uses an electronic licensing system operated by the office to apply for or renew a license or registration in an amount determined by the office not to exceed three dollars and fifty cents. The director of administrative services may collect the fee or require a state agency for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in the professions

licensing system fund created in division (I) of this section. 7997

(F) With the approval of the director of administrative 7998  
services, the office of information technology may establish 7999  
cooperative agreements with federal and local government agencies 8000  
and state agencies that are not under the authority of the 8001  
governor for the provision of technology services and the 8002  
development of technology projects. 8003

(G) The office of information technology may operate a 8004  
program to make information technology purchases. The director of 8005  
administrative services may recover the cost of operating the 8006  
program from all participating government entities by issuing 8007  
intrastate transfer voucher billings for the procured technology 8008  
or through any pass-through billing method agreed to by the 8009  
director of administrative services, the director of budget and 8010  
management, and the participating government entities that will 8011  
receive the procured technology. 8012

If the director of administrative services chooses to recover 8013  
the program costs through intrastate transfer voucher billings, 8014  
the participating government entities shall process the intrastate 8015  
transfer vouchers to pay for the cost. Amounts received under this 8016  
section for the information technology purchase program shall be 8017  
deposited to the credit of the information technology governance 8018  
fund created in section 125.15 of the Revised Code. 8019

(H) Upon request from the director of administrative 8020  
services, the director of budget and management may transfer cash 8021  
from the information technology fund created in section 125.15 of 8022  
the Revised Code to the major information technology purchases 8023  
fund in an amount not to exceed the amount computed under division 8024  
(B)(10) of this section. The major information technology 8025  
purchases fund is hereby created in the state treasury. 8026

(I) There is hereby created in the state treasury the 8027

professions licensing system fund. The fund shall be used to 8028  
operate the electronic licensing system referenced in division (E) 8029  
of this section. 8030

(J) As used in this section: 8031

(1) "Personal information" has the same meaning as in section 8032  
149.45 of the Revised Code. 8033

(2) "State agency" means every organized body, office, or 8034  
agency established by the laws of the state for the exercise of 8035  
any function of state government, other than any state-supported 8036  
institution of higher education, the office of the auditor of 8037  
state, treasurer of state, secretary of state, or attorney 8038  
general, the adjutant general's department, the bureau of workers' 8039  
compensation, the industrial commission, the public employees 8040  
retirement system, the Ohio police and fire pension fund, the 8041  
state teachers retirement system, the school employees retirement 8042  
system, the state highway patrol retirement system, the general 8043  
assembly or any legislative agency, the capitol square review 8044  
advisory board, or the courts or any judicial agency. 8045

**Sec. 125.22.** (A) The department of administrative services 8046  
shall establish the central service agency to perform routine 8047  
support for the following boards and commissions: 8048

(1) Architects board; 8049

(2) ~~Barber board;~~ 8050

~~(3) State chiropractic board;~~ 8051

~~(4)(3) State cosmetology and barber board of ~~cosmetology~~;~~ 8052

~~(5)(4) Accountancy board;~~ 8053

~~(6)(5) State dental board;~~ 8054

~~(7) State board of optometry;~~ 8055

~~(8)(6) Ohio occupational therapy, physical therapy, and~~ 8056

athletic trainers board;	8057
<del>(9)</del> <u>(7)</u> State board of registration for professional engineers	8058
and surveyors;	8059
<del>(10)</del> State board of sanitarian registration;	8060
<del>(11)</del> <u>(8)</u> Board of embalmers and funeral directors;	8061
<del>(12)</del> <u>(9)</u> State board of psychology;	8062
<del>(13)</del> Ohio optical dispensers board;	8063
<del>(14)</del> Board of speech pathology and audiology;	8064
<del>(15)</del> <u>(10)</u> Counselor, social worker, and marriage and family	8065
therapist board;	8066
<del>(16)</del> <u>(11)</u> State veterinary medical licensing board;	8067
<del>(17)</del> Ohio board of dietetics;	8068
<del>(18)</del> <u>(12)</u> Commission on Hispanic-Latino affairs;	8069
<del>(19)</del> Ohio respiratory care board;	8070
<del>(20)</del> <u>(13)</u> Ohio commission on African-American males;	8071
<del>(21)</del> <u>(14)</u> Chemical dependency professionals board;	8072
<u>(15) State vision professionals board;</u>	8073
<u>(16) State speech and hearing professionals board.</u>	8074
(B)(1) Notwithstanding any other section of the Revised Code,	8075
the agency shall perform the following routine support services	8076
for the boards and commissions named in division (A) of this	8077
section unless the controlling board exempts a board or commission	8078
from this requirement on the recommendation of the director of	8079
administrative services:	8080
(a) Preparing and processing payroll and other personnel	8081
documents;	8082
(b) Preparing and processing vouchers, purchase orders,	8083

encumbrances, and other accounting documents;	8084
(c) Maintaining ledgers of accounts and balances;	8085
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8086 8087
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	8088 8089 8090
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	8091 8092 8093
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	8094 8095 8096 8097
(C) The director of administrative services shall be the appointing authority for the agency.	8098 8099
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	8100 8101 8102
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in	8103 8104 8105 8106 8107 8108 8109 8110 8111 8112 8113



performing services for the boards or commissions shall be paid 8114  
from the fund. 8115

(F) Nothing in this section shall be construed as a grant of 8116  
authority for the central service agency to initiate or deny 8117  
personnel or fiscal actions for the boards and commissions. 8118

**Sec. 125.28.** (A) The director of administrative services 8119  
shall determine the reimbursable cost of space in state-owned or 8120  
state-leased facilities and shall collect reimbursements for that 8121  
cost. 8122

(B) The director may provide building maintenance services 8123  
and ~~minor construction project management~~ tenant improvement 8124  
services to any state agency and may collect reimbursements for 8125  
the cost of providing those services. 8126

(C) All money collected by the department of administrative 8127  
services, ~~for operating expenses of facilities owned or maintained~~ 8128  
~~by the department, or for tenant improvement services,~~ shall be 8129  
deposited into the state treasury to the credit of the building 8130  
management fund, which is hereby created. ~~All money collected by~~ 8131  
~~the department for minor construction project management services~~ 8132  
~~shall be deposited into the state treasury to the credit of the~~ 8133  
~~minor construction project management fund, which is hereby~~ 8134  
~~created.~~ All money collected for depreciation and related costs 8135  
shall be deposited into the building improvement fund created 8136  
under section 125.27 of the Revised Code or deposited into the 8137  
building management fund and then transferred by the director of 8138  
budget and management to the building improvement fund. 8139

**Sec. 125.32.** (A) The department of administrative services 8140  
may establish an enterprise data management and analytics program 8141  
to gather, combine, and analyze data provided by one or more 8142  
agencies to measure the outcome of state-funded programs, develop 8143

policies to promote the effective, efficient, and best use of 8144  
state resources, and to identify, prevent, or eliminate the 8145  
fraudulent use of state funds, state resources, or state programs. 8146  
Participating state agencies may use data gathered under the 8147  
program for these purposes. 8148

(B) A state agency shall provide data for use under the 8149  
program. A state agency that provides data under the program shall 8150  
comply with the data-sharing protocol adopted under division (D) 8151  
of this section. Notwithstanding any other provision of the 8152  
Revised Code, a state agency's provision of data under the program 8153  
is considered a permitted use of the data under the Revised Code 8154  
and the state agency is not in violation of any contrary provision 8155  
of the Revised Code by providing the data. 8156

(C)(1) A state agency that provides data under the program 8157  
retains ownership over the data. Notwithstanding any other 8158  
provision of the Revised Code, only the state agency that provides 8159  
data under the program may be required under the law of this state 8160  
to respond to requests for records or information regarding the 8161  
provided data, including public records requests, subpoenas, 8162  
warrants, and investigatory requests. 8163

(2) Participating state agencies shall maintain the 8164  
confidentiality of data gathered under the program in accordance 8165  
with confidentiality laws applicable to the data when in the 8166  
possession of the state agency that provided the data. Employees 8167  
of the department of administrative services or another state 8168  
agency who gain access to another state agency's confidential data 8169  
under the program are subject to any confidentiality requirements 8170  
or duty to maintain confidentiality of the data established by law 8171  
applicable to the state agency that provided the data. The results 8172  
of the data analysis shall be compared against the confidentiality 8173  
laws applicable to the source data to determine if the results 8174

retain any attributes of the source data that bring the results 8175  
within the scope of any of the confidentiality obligations that 8176  
applied to the source data. If so, the data analysis results are 8177  
subject to those applicable confidentiality obligations and, in 8178  
the event of a conflict between applicable confidentiality 8179  
obligations, the most stringent of those obligations shall 8180  
control. 8181

(D) In consultation with state agencies participating under 8182  
the program, the department of administrative services shall 8183  
develop a data-sharing protocol and a security plan for the 8184  
program. The security plan shall state how the data is to be 8185  
protected. The data-sharing protocol shall include at least the 8186  
following: 8187

(1) How participating state agencies may use confidential 8188  
data in accordance with confidentiality laws applicable to the 8189  
provided data; 8190

(2) Who has authority to access data gathered under the 8191  
program; and 8192

(3) How participating state agencies shall make, verify, and 8193  
retain corrections to personal information gathered under the 8194  
program. 8195

Any collection of data derived under the program that is a 8196  
"system" with "personal information" as defined in section 1347.01 8197  
of the Revised Code shall comply with Chapter 1347. of the Revised 8198  
Code. 8199

Sec. 125.66. (A) As used in this section and section 125.661 8200  
of the Revised Code: 8201

(1) "Social service intermediary" means a nonprofit 8202  
organization exempt from federal income taxation under section 8203  
501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a 8204

wholly-owned subsidiary of a nonprofit organization, that delivers 8205  
or contracts for the delivery of social services, raises capital 8206  
to finance the delivery of social services, and provides ongoing 8207  
project management and investor relations for these activities. 8208

(2) "State agency" has the same meaning as in section 9.23 of 8209  
the Revised Code. 8210

(B) There is hereby established the pay for success 8211  
contracting program. Under the program, the director of 8212  
administrative services may enter into multi-year contracts with 8213  
social service intermediaries to achieve certain social goals in 8214  
this state. 8215

(C) A contract entered into under the program shall include 8216  
provisions that do all of the following: 8217

(1) Require the department of administrative services, in 8218  
consultation with an agency of this state that administers 8219  
programs or services related to the contract's subject matter, to 8220  
specify performance targets to be met by the social service 8221  
intermediary; 8222

(2) Specify the process or methodology that an independent 8223  
evaluator contracted by the department of administrative services 8224  
under section 125.661 of the Revised Code must use to evaluate the 8225  
social service intermediary's progress toward meeting each 8226  
performance target; 8227

(3) Require the department of administrative services to pay 8228  
the social service intermediary in installments at times 8229  
determined by the director of administrative services that are 8230  
specified in the contract and are consistent with applicable state 8231  
law; 8232

(4) Require the installment payments to the social service 8233  
intermediary to be based on the social service intermediary's 8234  
progress toward achieving each performance target, as determined 8235

by the independent evaluator contracted by the department of 8236  
administrative services under section 125.661 of the Revised Code; 8237

(5) Specify the maximum amount a social service intermediary 8238  
may earn for its progress toward achieving performance targets 8239  
specified under division (C)(1) of this section; 8240

(6) Require the department of administrative services to 8241  
ensure, in accordance with applicable state and federal laws, that 8242  
the social service intermediary has access to any data in the 8243  
possession of a state agency, including historical data, that the 8244  
social service intermediary requests for the purpose of performing 8245  
contractual duties. 8246

Sec. 125.661. If the director of administrative services 8247  
contracts with a social service intermediary under section 125.66 8248  
of the Revised Code, the director also shall contract with a 8249  
person or government entity to evaluate the social service 8250  
intermediary's progress toward meeting each performance target 8251  
specified in the contract pursuant to division (C)(1) of section 8252  
125.66 of the Revised Code. The director shall choose an evaluator 8253  
that is independent from the social service intermediary, ensuring 8254  
that both parties do not have common owners or administrators, 8255  
managers, or employees. 8256

Sec. 126.071. No state agency shall agree to any monetary 8257  
settlement that obligates payment from any fund within the state 8258  
treasury except pursuant to a previous appropriation of the 8259  
general assembly and approval of the controlling board. 8260

Sec. 126.11. (A)(1) The director of budget and management 8261  
shall, upon consultation with the treasurer of state, coordinate 8262  
and approve the scheduling of initial sales of publicly offered 8263  
securities of the state and of publicly offered fractionalized 8264  
interests in or securitized issues of public obligations of the 8265

state. The director shall from time to time develop and distribute 8266  
to state issuers an approved sale schedule for each of the 8267  
obligations covered by division (A) or (B) of this section. 8268  
Division (A) of this section applies only to those obligations on 8269  
which the state or a state agency is the direct obligor or obligor 8270  
on any backup security or related credit enhancement facility or 8271  
source of money subject to state appropriations that is intended 8272  
for payment of those obligations. 8273

(2) The issuers of obligations pursuant to section 151.03, 8274  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8275  
Revised Code shall submit to the director: 8276

(a) For review and approval: the projected sale date, amount, 8277  
and type of obligations proposed to be sold; their purpose, 8278  
security, and source of payment; the proposed structure and 8279  
maturity schedule; the trust agreement and any supplemental 8280  
agreements; and any credit enhancement facilities or interest rate 8281  
hedges for the obligations; 8282

(b) For review and comment: the authorizing order or 8283  
resolution; preliminary and final offering documents; method of 8284  
sale; preliminary and final pricing information; and any written 8285  
reports or recommendations of financial advisors or consultants 8286  
relating to those obligations; 8287

(c) Promptly after each sale of those obligations: final 8288  
terms, including sale price, maturity schedule and yields, and 8289  
sources and uses; names of the original purchasers or 8290  
underwriters; a copy of the final offering document and of the 8291  
transcript of proceedings; and any other pertinent information 8292  
requested by the director. 8293

(3) The issuer of obligations pursuant to section 151.06 or 8294  
151.40 or Chapter 154. of the Revised Code shall submit to the 8295  
director: 8296

(a) For review and mutual agreement: the projected sale date, 8297  
amount, and type of obligations proposed to be sold; their 8298  
purpose, security, and source of payment; the proposed structure 8299  
and maturity schedule; the trust agreement and any supplemental 8300  
agreements; and any credit enhancement facilities or interest rate 8301  
hedges for the obligations; 8302

(b) For review and comment: the authorizing order or 8303  
resolution; preliminary and final offering documents; method of 8304  
sale; preliminary and final pricing information; and any written 8305  
reports or recommendations of financial advisors or consultants 8306  
relating to those obligations; 8307

(c) Promptly after each sale of those obligations: final 8308  
terms, including sale price, maturity schedule and yields, and 8309  
sources and uses; names of the original purchasers or 8310  
underwriters; a copy of the final offering document and of the 8311  
transcript of proceedings; and any other pertinent information 8312  
requested by the director. 8313

(4) The issuers of obligations pursuant to Chapter 166., 8314  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8315  
shall submit to the director: 8316

(a) For review and comment: the projected sale date, amount, 8317  
and type of obligations proposed to be sold; the purpose, 8318  
security, and source of payment; and preliminary and final 8319  
offering documents; 8320

(b) Promptly after each sale of those obligations: final 8321  
terms, including a maturity schedule; names of the original 8322  
purchasers or underwriters; a copy of the complete continuing 8323  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8324  
rule as from time to time in effect; and any other pertinent 8325  
information requested by the director. 8326

(5) Not later than thirty days after the end of a fiscal 8327

year, each issuer of obligations subject to divisions (A) and (B) 8328  
of this section shall submit to the director and to the treasurer 8329  
of state a sale plan for the then current fiscal year for each 8330  
type of obligation, projecting the amount and term of each 8331  
issuance, the method of sale, and the month of sale. 8332

(B) Issuers of obligations pursuant to section 3318.085 or 8333  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8334  
Code shall submit to the director copies of the preliminary and 8335  
final offering documents upon their availability if not previously 8336  
submitted pursuant to division (A) of this section. 8337

(C) State agencies or state issuers seeking new legislation 8338  
or changes to existing law relating to public obligations for 8339  
which the state or a state agency is the direct obligor, or 8340  
obligor on any backup security or related credit enhancement 8341  
facility, shall timely submit the legislation or changes to the 8342  
director for review and comment. 8343

(D) Not later than the first day of January of each year, 8344  
every state agency obligated to make payments on outstanding 8345  
public obligations with respect to which fractionalized interests 8346  
have been publicly issued, such as certificates of participation, 8347  
shall submit a report to the director of the amounts payable from 8348  
state appropriations under those public obligations during the 8349  
then current and next two fiscal years, identifying the 8350  
appropriation or intended appropriation from which payment is 8351  
expected to be made. 8352

~~(D)~~(E)(1) Information relating generally to the historic, 8353  
current, or future demographics or economy or financial condition 8354  
or funds or general operations of the state, and descriptions of 8355  
any state contractual obligations relating to public obligations, 8356  
to be contained in any offering document, continuing disclosure 8357  
document, or written presentation prepared, approved, or provided, 8358  
or committed to be provided, by an issuer in connection with the 8359



original issuance and sale of, or rating, remarketing, or credit 8360  
enhancement facilities relating to, public obligations referred to 8361  
in division (A) of this section shall be approved as to format and 8362  
accuracy by the director before being presented, published, or 8363  
disseminated in preliminary, draft, or final form, or publicly 8364  
filed in paper, electronic, or other format. 8365

(2) Except for information described in division ~~(D)~~(E)(1) of 8366  
this section that is to be contained in an offering document, 8367  
continuing disclosure document, or written presentation, division 8368  
~~(D)~~(E)(1) of this section does not inhibit direct communication 8369  
between an issuer and a rating agency, remarketing agent, or 8370  
credit enhancement provider concerning an issuance of public 8371  
obligations referred to in division (A) of this section or matters 8372  
associated with that issuance. 8373

(3) The materials approved and provided pursuant to division 8374  
~~(D)~~(E) of this section are the information relating to the 8375  
particular subjects provided by the state or state agencies that 8376  
are required or contemplated by any applicable state or federal 8377  
securities laws and any commitments by the state or state agencies 8378  
made under those laws. Reliance for the purpose should not be 8379  
placed on any other information publicly provided, in any format 8380  
including electronic, by any state agency for other purposes, 8381  
including general information provided to the public or to 8382  
portions of the public. A statement to that effect shall be 8383  
included in those materials so approved or provided. 8384

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8385  
this section may take steps, by formal agreement, covenants in the 8386  
proceedings, or otherwise, as may be necessary or appropriate to 8387  
comply or permit compliance with applicable lawful disclosure 8388  
requirements relating to those obligations, and may, subject to 8389  
division ~~(D)~~(E) of this section, provide, make available, or file 8390  
copies of any required disclosure materials as necessary or 8391

appropriate. Any such formal agreement or covenant relating to 8392  
subjects referred to in division ~~(D)~~(E) of this section, and any 8393  
description of that agreement or covenant to be contained in any 8394  
offering document, shall be approved by the director before being 8395  
entered into or published or publicly disseminated in preliminary, 8396  
draft, or final form or publicly filed in paper, electronic, or 8397  
other format. The director shall be responsible for making all 8398  
filings in compliance with those requirements relating to direct 8399  
obligations of the state, including fractionalized interests in 8400  
those obligations. 8401

~~(F)~~(G) No state agency or official shall, without the 8402  
approval of the director of budget and management and either the 8403  
general assembly or the state controlling board, do either of the 8404  
following: 8405

(1) Enter into or commit to enter into a public obligation 8406  
under which fractionalized interests in the payments are to be 8407  
publicly offered, which payments are anticipated to be made from 8408  
money from any source appropriated or to be appropriated by the 8409  
general assembly or in which the provision stated in section 9.94 8410  
of the Revised Code is not included; 8411

(2) Except as otherwise expressly authorized for the purpose 8412  
by law, agree or commit to provide, from money from any source to 8413  
be appropriated in the future by the general assembly, financial 8414  
assistance to or participation in the costs of capital facilities, 8415  
or the payment of debt charges, directly or by way of a credit 8416  
enhancement facility, a reserve, rental payments, or otherwise, on 8417  
obligations issued to pay costs of capital facilities. 8418

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8419  
same meaning as in section 9.98 of the Revised Code; "credit 8420  
enhancement facilities," "debt charges," "fractionalized interests 8421  
in public obligations," "obligor," "public issuer," and 8422  
"securities" have the same meanings as in section 133.01 of the 8423

Revised Code; "public obligation" has the same meaning as in 8424  
division (GG)(2) of section 133.01 of the Revised Code; 8425  
"obligations" means securities or public obligations or 8426  
fractionalized interests in them; "issuers" means issuers of 8427  
securities or state obligors on public obligations; "offering 8428  
document" means an official statement, offering circular, private 8429  
placement memorandum, or prospectus, or similar document; and 8430  
"director" means the director of budget and management or the 8431  
employee of the office of budget and management designated by the 8432  
director for the purpose. 8433

**Sec. 126.22.** The director of budget and management may: 8434

(A) Perform accounting services for and design and implement 8435  
accounting systems with state agencies; 8436

(B) Provide other accounting services, including the 8437  
maintenance and periodic auditing of the financial records of and 8438  
submission of vouchers by state agencies, provision of assistance 8439  
in the analysis of the financial position of state agencies, and 8440  
preparation and submission of reports; 8441

(C) Change any accounting code appearing in appropriations 8442  
acts of the general assembly; 8443

(D) Correct accounting errors committed by any state agency 8444  
or state institution of higher education, including, but not 8445  
limited to, the reestablishment of encumbrances cancelled in 8446  
error. 8447

**Sec. 126.35.** (A) The director of budget and management shall 8448  
draw warrants or process electronic funds transfers against the 8449  
treasurer of state pursuant to all requests for payment that the 8450  
director has approved under section 126.07 of the Revised Code. 8451

(B) Unless a cash assistance payment is to be made by 8452  
electronic benefit transfer, payment by the director of budget and 8453

management to a participant in the Ohio works first program 8454  
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of~~ 8455  
~~disability financial assistance pursuant to Chapter 5115. of the~~ 8456  
~~Revised Code,~~ or a recipient of cash assistance provided under the 8457  
refugee assistance program established under section 5101.49 of 8458  
the Revised Code shall be made by direct deposit to the account of 8459  
the participant or recipient in the financial institution 8460  
designated under section 329.03 of the Revised Code. Payment by 8461  
the director of budget and management to a recipient of benefits 8462  
distributed through the medium of electronic benefit transfer 8463  
pursuant to section 5101.33 of the Revised Code shall be by 8464  
electronic benefit transfer. Payment by the director of budget and 8465  
management as compensation to an employee of the state who has, 8466  
pursuant to section 124.151 of the Revised Code, designated a 8467  
financial institution and account for the direct deposit of such 8468  
payments shall be made by direct deposit to the account of the 8469  
employee. Payment to any other payee who has designated a 8470  
financial institution and account for the direct deposit of such 8471  
payment may be made by direct deposit to the account of the payee 8472  
in the financial institution as provided in section 9.37 of the 8473  
Revised Code. Accounts maintained by the director of budget and 8474  
management or the director's agent in a financial institution for 8475  
the purpose of effectuating payment by direct deposit or 8476  
electronic benefit transfer shall be maintained in accordance with 8477  
section 135.18 of the Revised Code. 8478

(C) All other payments from the state treasury shall be made 8479  
by paper warrants, electronic funds transfers, or by direct 8480  
deposit payable to the respective payees. The director of budget 8481  
and management may mail the paper warrants to the respective 8482  
payees or distribute them through other state agencies, whichever 8483  
the director determines to be the better procedure. 8484

**Sec. 131.23.** The various political subdivisions of this state 8485

may issue bonds, and any indebtedness created by that issuance 8486  
shall not be subject to the limitations or included in the 8487  
calculation of indebtedness prescribed by sections 133.05, 133.06, 8488  
133.07, and 133.09 of the Revised Code, but the bonds may be 8489  
issued only under the following conditions: 8490

(A) The subdivision desiring to issue the bonds shall obtain 8491  
from the county auditor a certificate showing the total amount of 8492  
delinquent taxes due and unpayable to the subdivision at the last 8493  
semiannual tax settlement. 8494

(B) The fiscal officer of that subdivision shall prepare a 8495  
statement, from the books of the subdivision, verified by the 8496  
fiscal officer under oath, which shall contain the following facts 8497  
of the subdivision: 8498

(1) The total bonded indebtedness; 8499

(2) The aggregate amount of notes payable or outstanding 8500  
accounts of the subdivision, incurred prior to the commencement of 8501  
the current fiscal year, which shall include all evidences of 8502  
indebtedness issued by the subdivision except notes issued in 8503  
anticipation of bond issues and the indebtedness of any 8504  
nontax-supported public utility; 8505

~~(3) Except in the case of school districts, the aggregate 8506  
current year's requirement for disability financial assistance 8507  
provided under Chapter 5115. of the Revised Code that the 8508  
subdivision is unable to finance except by the issue of bonds; 8509~~

~~(4) The indebtedness outstanding through the issuance of any 8510  
bonds or notes pledged or obligated to be paid by any delinquent 8511  
taxes; 8512~~

~~(5)~~(4) The total of any other indebtedness; 8513

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 8514  
any bonds, notes, or certificates, including delinquent 8515

assessments on improvements on which the bonds have been paid; 8516

~~(7)~~(6) The budget requirements for the fiscal year for bond 8517  
and note retirement; 8518

~~(8)~~(7) The estimated revenue for the fiscal year. 8519

(C) The certificate and statement provided for in divisions 8520  
(A) and (B) of this section shall be forwarded to the tax 8521  
commissioner together with a request for authority to issue bonds 8522  
of the subdivision in an amount not to exceed seventy per cent of 8523  
the net unobligated delinquent taxes and assessments due and owing 8524  
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 8525  
section. 8526

(D) No subdivision may issue bonds under this section in 8527  
excess of a sufficient amount to pay the indebtedness of the 8528  
subdivision as shown by division (B)(2) of this section ~~and,~~ 8529  
~~except in the case of school districts, to provide funds for~~ 8530  
~~disability financial assistance as shown by division (B)(3) of~~ 8531  
~~this section.~~ 8532

(E) The tax commissioner shall grant to the subdivision 8533  
authority requested by the subdivision as restricted by divisions 8534  
(C) and (D) of this section and shall make a record of the 8535  
certificate, statement, and grant in a record book devoted solely 8536  
to such recording and which shall be open to inspection by the 8537  
public. 8538

(F) The commissioner shall immediately upon issuing the 8539  
authority provided in division (E) of this section notify the 8540  
proper authority having charge of the retirement of bonds of the 8541  
subdivision by forwarding a copy of the grant of authority and of 8542  
the statement provided for in division (B) of this section. 8543

(G) Upon receipt of authority, the subdivision shall proceed 8544  
according to law to issue the amount of bonds authorized by the 8545  
commissioner, and authorized by the taxing authority, provided the 8546

taxing authority of that subdivision may submit, by resolution, to 8547  
the electors of that subdivision the question of issuing the 8548  
bonds. The resolution shall make the declarations and statements 8549  
required by section 133.18 of the Revised Code. The county auditor 8550  
and taxing authority shall thereupon proceed as set forth in 8551  
divisions (C) and (D) of that section. The election on the 8552  
question of issuing the bonds shall be held under divisions (E), 8553  
(F), and (G) of that section, except that publication of the 8554  
notice of the election shall be made on two separate days prior to 8555  
the election in a newspaper of general circulation in the 8556  
subdivision or as provided in section 7.16 of the Revised Code. If 8557  
the board of elections operates and maintains a web site, notice 8558  
of the election also shall be posted on that web site for thirty 8559  
days prior to the election. The bonds may be exchanged at their 8560  
face value with creditors of the subdivision in liquidating the 8561  
indebtedness described and enumerated in division (B)(2) of this 8562  
section or may be sold as provided in Chapter 133. of the Revised 8563  
Code, and in either event shall be uncontestable. 8564

(H) The per cent of delinquent taxes and assessments 8565  
collected for and to the credit of the subdivision after the 8566  
exchange or sale of bonds as certified by the commissioner shall 8567  
be paid to the authority having charge of the sinking fund of the 8568  
subdivision, which money shall be placed in a separate fund for 8569  
the purpose of retiring the bonds so issued. The proper authority 8570  
of the subdivisions shall provide for the levying of a tax 8571  
sufficient in amount to pay the debt charges on all such bonds 8572  
issued under this section. 8573

(I) This section is for the sole purpose of assisting the 8574  
various subdivisions in paying their unsecured indebtedness, ~~and~~ 8575  
~~providing funds for disability financial assistance.~~ The bonds 8576  
issued under authority of this section shall not be used for any 8577  
other purpose, and any exchange for other purposes, or the use of 8578

the money derived from the sale of the bonds by the subdivision 8579  
for any other purpose, is misapplication of funds. 8580

(J) The bonds authorized by this section shall be redeemable 8581  
or payable in not to exceed ten years from date of issue and shall 8582  
not be subject to or considered in calculating the net 8583  
indebtedness of the subdivision. The budget commission of the 8584  
county in which the subdivision is located shall annually allocate 8585  
such portion of the then delinquent levy due the subdivision which 8586  
is unpledged for other purposes to the payment of debt charges on 8587  
the bonds issued under authority of this section. 8588

(K) The issue of bonds under this section shall be governed 8589  
by Chapter 133. of the Revised Code, respecting the terms used, 8590  
forms, manner of sale, and redemption except as otherwise provided 8591  
in this section. 8592

The board of county commissioners of any county may issue 8593  
bonds authorized by this section and distribute the proceeds of 8594  
the bond issues to any or all of the cities and townships of the 8595  
county, ~~according to their relative needs for disability financial~~ 8596  
~~assistance as determined by the county.~~ 8597

All sections of the Revised Code inconsistent with or 8598  
prohibiting the exercise of the authority conferred by this 8599  
section are inoperative respecting bonds issued under this 8600  
section. 8601

**Sec. 131.33.** (A) No state agency shall incur an obligation 8602  
which exceeds the agency's current appropriation authority. Except 8603  
as provided in division (D) of this section, unexpended balances 8604  
of appropriations shall, at the close of the period for which the 8605  
appropriations are made, revert to the funds from which the 8606  
appropriations were made, except that the director of budget and 8607  
management shall transfer such unexpended balances from the first 8608  
fiscal year to the second fiscal year of an agency's 8609



appropriations to the extent necessary for voided warrants to be 8610  
reissued pursuant to division (C) of section 126.37 of the Revised 8611  
Code. 8612

Except as provided in this section, appropriations made to a 8613  
specific fiscal year shall be expended only to pay liabilities 8614  
incurred within that fiscal year. 8615

(B) All payrolls shall be charged to the allotments of the 8616  
fiscal quarters in which the applicable payroll vouchers are 8617  
certified by the director of budget and management in accordance 8618  
with section 126.07 of the Revised Code. As used in this division, 8619  
"payrolls" means any payment made in accordance with section 8620  
125.21 of the Revised Code. 8621

(C) Legal liabilities from prior fiscal years for which there 8622  
is no reappropriation authority shall be discharged from the 8623  
unencumbered balances of current appropriations. 8624

(D)(1) Federal grant funds obligated by the department of job 8625  
and family services for financial allocations to county family 8626  
services agencies and local ~~workforce investment~~ boards may, at 8627  
the discretion of the director of job and family services, be 8628  
available for expenditure for the duration of the federal grant 8629  
period of obligation and liquidation, as follows: 8630

(a) At the end of the state fiscal year, all unexpended 8631  
county family services agency and local ~~workforce investment~~ board 8632  
financial allocations obligated from federal grant funds may 8633  
continue to be valid for expenditure during subsequent state 8634  
fiscal years. 8635

(b) The financial allocations described in division (D)(1)(a) 8636  
of this section shall be reconciled at the end of the federal 8637  
grant period of availability or as required by federal law, 8638  
regardless of the state fiscal year of the appropriation. 8639

(2) The director of job and family services may adopt rules 8640

in accordance with section 111.15 of the Revised Code, as if they 8641  
were internal management rules, as necessary to implement division 8642  
(D) of this section. 8643

(3) As used in division (D) of this section: 8644

(a) "County family services agency" has the same meaning as 8645  
in section 307.981 of the Revised Code. 8646

(b) "~~Local workforce investment board~~" ~~means a local~~ 8647  
~~workforce investment board established under section 117 of the~~ 8648  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 8649  
~~as amended~~ has the same meaning as in section 6301.01 of the 8650  
Revised Code. 8651

**Sec. 131.35.** (A) With respect to the federal funds received 8652  
into any fund of the state from which transfers may be made under 8653  
division (D) of section 127.14 of the Revised Code: 8654

(1) No state agency may make expenditures of any federal 8655  
funds, whether such funds are advanced prior to expenditure or as 8656  
reimbursement, unless such expenditures are made pursuant to 8657  
specific appropriations of the general assembly, are authorized by 8658  
the controlling board pursuant to division (A)(5) of this section, 8659  
or are authorized by an executive order issued in accordance with 8660  
section 107.17 of the Revised Code, and until an allotment has 8661  
been approved by the director of budget and management. All 8662  
federal funds received by a state agency shall be reported to the 8663  
director within fifteen days of the receipt of such funds or the 8664  
notification of award, whichever occurs first. The director shall 8665  
prescribe the forms and procedures to be used when reporting the 8666  
receipt of federal funds. 8667

(2) If the federal funds received are greater than the amount 8668  
of such funds appropriated by the general assembly for a specific 8669  
purpose, the total appropriation of federal and state funds for 8670

such purpose shall remain at the amount designated by the general assembly, except that the expenditure of federal funds received in excess of such specific appropriation may be authorized by the controlling board, subject to division (D) of this section.

(3) To the extent that the expenditure of excess federal funds is authorized, the controlling board may transfer a like amount of general revenue fund appropriation authority from the affected agency to the emergency purposes appropriation of the controlling board, if such action is permitted under federal regulations.

(4) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. ~~Expenditures~~ Subject to division (D) of this section, expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.

(5) Controlling board authorization for a state agency to make an expenditure of federal funds constitutes authority for the agency to participate in the federal program providing the funds, and the agency is not required to obtain an executive order under section 107.17 of the Revised Code to participate in the federal program.

(B) With respect to nonfederal funds received into the waterways safety fund, the wildlife fund, and any fund of the state from which transfers may be made under division (D) of section 127.14 of the Revised Code:

(1) No state agency may make expenditures of any such funds unless the expenditures are made pursuant to specific appropriations of the general assembly.

(2) If the receipts received into any fund are greater than

the amount appropriated, the appropriation for that fund shall 8702  
remain at the amount designated by the general assembly or, 8703  
subject to division (D) of this section, as increased and approved 8704  
by the controlling board. 8705

(3) Additional funds may be created by the controlling board 8706  
to receive revenues not anticipated in an appropriations act for 8707  
the biennium in which such new revenues are received. ~~Expenditures~~ 8708  
Subject to division (D) of this section, expenditures from such 8709  
additional funds may be authorized by the controlling board, but 8710  
such authorization shall not extend beyond the end of the biennium 8711  
in which such funds are created. 8712

(C) The controlling board shall not authorize more than ten 8713  
per cent of additional spending from the occupational licensing 8714  
and regulatory fund, created in section 4743.05 of the Revised 8715  
Code, in excess of any appropriation made by the general assembly 8716  
to a licensing agency except an appropriation for costs related to 8717  
the examination or reexamination of applicants for a license. As 8718  
used in this division, "licensing agency" and "license" have the 8719  
same meanings as in section 4745.01 of the Revised Code. 8720

(D)(1) The amount of any expenditure authorized under 8721  
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8722  
specific or related purpose or item in any fiscal year shall not 8723  
exceed ten per cent of the amount appropriated by the general 8724  
assembly for that specific or related purpose or item for that 8725  
fiscal year, or ten million dollars, whichever amount is less. 8726

(2) The controlling board may not create any additional funds 8727  
under division (A)(4) or (B)(3) of this section if the revenue 8728  
received that was not anticipated in an appropriation act exceeds 8729  
ten million dollars. 8730

**Sec. 131.44.** (A) As used in this section: 8731

- (1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance. 8732  
8733
- (2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund. 8734  
8735  
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- (3) "Required year-end balance" means the sum of the following: 8738  
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- (a) Eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year; 8740  
8741
- (b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year; 8742  
8743  
8744
- (c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year; 8745  
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- (d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed; 8750  
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- (e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code. 8754  
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- (4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted 8760  
8761

appropriations made by the general assembly from the general 8762  
revenue fund and includes both of the following: 8763

(a) Appropriations made and transfers of appropriations from 8764  
the first fiscal year to the second fiscal year of the biennium in 8765  
provisions of acts of the general assembly signed by the governor 8766  
but not yet effective; 8767

(b) Transfers of appropriations from the first fiscal year to 8768  
the second fiscal year of the biennium approved by the controlling 8769  
board. 8770

(5) "Estimated general revenue fund revenue" means the most 8771  
recent such estimate available to the director of budget and 8772  
management. 8773

(B)(1) Not later than the thirty-first day of July each year, 8774  
the director of budget and management shall determine the surplus 8775  
revenue that existed on the preceding thirtieth day of June and 8776  
transfer from the general revenue fund, to the extent of the 8777  
unobligated, unencumbered balance on the preceding thirtieth day 8778  
of June in excess of one-half of one per cent of the general 8779  
revenue fund revenues in the preceding fiscal year, the following: 8780

(a) First, to the budget stabilization fund, any amount 8781  
necessary for the balance of the budget stabilization fund to 8782  
equal eight and one-half per cent of the general revenue fund 8783  
revenues of the preceding fiscal year; 8784

(b) Then, to the income tax reduction fund, which is hereby 8785  
created in the state treasury, an amount equal to the surplus 8786  
revenue. 8787

(2) Not later than the thirty-first day of July each year, 8788  
the director shall determine the percentage that the balance in 8789  
the income tax reduction fund is of the amount of revenue that the 8790  
director estimates will be received from the tax levied under 8791  
section 5747.02 of the Revised Code in the current fiscal year 8792

without regard to any reduction under division (B) of that 8793  
section. If that percentage exceeds thirty-five one hundredths of 8794  
one per cent, the director shall certify the percentage to the tax 8795  
commissioner not later than the thirty-first day of July. 8796

(C) The director of budget and management shall transfer 8797  
money in the income tax reduction fund to the general revenue 8798  
fund, the local government fund, and the public library fund as 8799  
necessary to offset revenue reductions resulting from the 8800  
reductions in taxes required under division (B) of section 5747.02 8801  
of the Revised Code in the respective amounts and percentages 8802  
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 8803  
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 8804  
transferred had been collected as taxes under Chapter 5747. of the 8805  
Revised Code. If no reductions in taxes are made under that 8806  
division that affect revenue received in the current fiscal year, 8807  
the director shall not transfer money from the income tax 8808  
reduction fund to the general revenue fund, the local government 8809  
fund, and the public library fund. 8810

~~Sec. 131.51. (A) On or before July 5, 2013, the tax 8811  
commissioner shall compute the following amounts and certify those 8812  
amounts to the director of budget and management: 8813~~

~~(1) A percentage calculated by multiplying one hundred by the 8814  
quotient obtained by dividing the total amount credited to the 8815  
local government fund in fiscal year 2013 by the total amount of 8816  
tax revenue credited to the general revenue fund in fiscal year 8817  
2013. The percentage shall be rounded to the nearest one hundredth 8818  
of one per cent. 8819~~

~~(2) A percentage calculated by multiplying one hundred by the 8820  
quotient obtained by dividing the total amount credited to the 8821  
public library fund in fiscal year 2013 by the total amount of tax 8822  
revenue credited to the general revenue fund in fiscal year 2013. 8823~~

~~The percentage shall be rounded to the nearest one hundredth of  
one per cent.~~ 8824  
8825

~~(B)~~ On or before the seventh day of each month, the director 8826  
of budget and management shall credit to the local government fund 8827  
~~an amount equal to the product obtained by multiplying the~~ 8828  
~~percentage calculated under division (A)(1) of this section by one~~ 8829  
~~and sixty-six one-hundredths per cent of~~ the total tax revenue 8830  
credited to the general revenue fund during the preceding month. 8831  
In determining the total tax revenue credited to the general 8832  
revenue fund during the preceding month, the director shall 8833  
include amounts transferred from the fund during the preceding 8834  
month under this division and division ~~(C)~~(B) of this section. 8835  
Money shall be distributed from the local government fund as 8836  
required under ~~section~~ sections 5747.50 and 5747.503 of the 8837  
Revised Code during the same month in which it is credited to the 8838  
fund. 8839

~~(C)~~(B) On or before the seventh day of each month, the 8840  
director of budget and management shall credit to the public 8841  
library fund ~~an amount equal to the product obtained by~~ 8842  
~~multiplying the percentage calculated under division (A)(2) of~~ 8843  
~~this section by one and sixty-six one-hundredths per cent of~~ 8844  
total tax revenue credited to the general revenue fund during the 8845  
preceding month. In determining the total tax revenue credited to 8846  
the general revenue fund during the preceding month, the director 8847  
shall include amounts transferred from the fund during the 8848  
preceding month under this division and division ~~(B)~~(A) of this 8849  
section. Money shall be distributed from the public library fund 8850  
as required under section 5747.47 of the Revised Code during the 8851  
same month in which it is credited to the fund. 8852

~~(D)~~(C) The director of budget and management shall develop a 8853  
schedule identifying the specific tax revenue sources to be used 8854  
to make the monthly transfers required under divisions ~~(B)~~(A) and 8855



~~(C)~~(B) of this section. The director may, from time to time, 8856  
revise the schedule as the director considers necessary. 8857

**Sec. 133.022.** (A) As used in this section: 8858

(1) "Large local educational agency" and "qualified school 8859  
construction bond" have the same meaning as in section 54F of the 8860  
Internal Revenue Code, 26 U.S.C. 54F. 8861

(2) "National limit" means, as applicable, the limitation on 8862  
the aggregate amount of qualified school construction bonds that 8863  
may be issued by the states each calendar year under section 54F 8864  
of the Internal Revenue Code. 8865

(3) "State portion" means the portion of the national limit 8866  
allocated to this state pursuant to section 54F of the Internal 8867  
Revenue Code. 8868

(B)(1) To provide for the orderly and prompt issuance of 8869  
qualified school construction bonds, the Ohio ~~school~~ facilities 8870  
construction commission, in consultation with the director of 8871  
budget and management, shall allocate the state portion among 8872  
those issuers authorized to issue qualified school construction 8873  
bonds. The Ohio ~~school~~ facilities construction commission may also 8874  
accept from any large local educational agency the allocation 8875  
received by that agency under section 54F(d)(2) of the Internal 8876  
Revenue Code and reallocate it to any issuer or issuers authorized 8877  
to issue obligations, including any large local educational 8878  
agency. 8879

(2) The factors to be considered when making allocations of 8880  
the state portion or reallocations of any amounts received by a 8881  
large local educational agency include the following: 8882

(a) The interests of the state with regard to education and 8883  
economic development; 8884

(b) The need and ability of each issuer to issue obligations. 8885

(3) The Ohio ~~school~~ facilities construction commission, in 8886  
consultation with the director of budget and management, shall 8887  
establish procedures for making allocations, including those from 8888  
any carryover of the state portion, and shall adopt guidelines to 8889  
carry out the purposes of this section. 8890

**Sec. 133.06.** (A) A school district shall not incur, without a 8891  
vote of the electors, net indebtedness that exceeds an amount 8892  
equal to one-tenth of one per cent of its tax valuation, except as 8893  
provided in divisions (G) and (H) of this section and in division 8894  
(D) of section 3313.372 of the Revised Code, or as prescribed in 8895  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8896  
division (J) of this section. 8897

(B) Except as provided in divisions (E), (F), and (I) of this 8898  
section, a school district shall not incur net indebtedness that 8899  
exceeds an amount equal to nine per cent of its tax valuation. 8900

(C) A school district shall not submit to a vote of the 8901  
electors the question of the issuance of securities in an amount 8902  
that will make the district's net indebtedness after the issuance 8903  
of the securities exceed an amount equal to four per cent of its 8904  
tax valuation, unless the superintendent of public instruction, 8905  
acting under policies adopted by the state board of education, and 8906  
the tax commissioner, acting under written policies of the 8907  
commissioner, consent to the submission. A request for the 8908  
consents shall be made at least one hundred twenty days prior to 8909  
the election at which the question is to be submitted. 8910

The superintendent of public instruction shall certify to the 8911  
district the superintendent's and the tax commissioner's decisions 8912  
within thirty days after receipt of the request for consents. 8913

If the electors do not approve the issuance of securities at 8914  
the election for which the superintendent of public instruction 8915  
and tax commissioner consented to the submission of the question, 8916

the school district may submit the same question to the electors 8917  
on the date that the next special election may be held under 8918  
section 3501.01 of the Revised Code without submitting a new 8919  
request for consent. If the school district seeks to submit the 8920  
same question at any other subsequent election, the district shall 8921  
first submit a new request for consent in accordance with this 8922  
division. 8923

(D) In calculating the net indebtedness of a school district, 8924  
none of the following shall be considered: 8925

(1) Securities issued to acquire school buses and other 8926  
equipment used in transporting pupils or issued pursuant to 8927  
division (D) of section 133.10 of the Revised Code; 8928

(2) Securities issued under division (F) of this section, 8929  
under section 133.301 of the Revised Code, and, to the extent in 8930  
excess of the limitation stated in division (B) of this section, 8931  
under division (E) of this section; 8932

(3) Indebtedness resulting from the dissolution of a joint 8933  
vocational school district under section 3311.217 of the Revised 8934  
Code, evidenced by outstanding securities of that joint vocational 8935  
school district; 8936

(4) Loans, evidenced by any securities, received under 8937  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 8938

(5) Debt incurred under section 3313.374 of the Revised Code; 8939

(6) Debt incurred pursuant to division (B)(5) of section 8940  
3313.37 of the Revised Code to acquire computers and related 8941  
hardware; 8942

(7) Debt incurred under section 3318.042 of the Revised Code. 8943

(E) A school district may become a special needs district as 8944  
to certain securities as provided in division (E) of this section. 8945

(1) A board of education, by resolution, may declare its 8946

school district to be a special needs district by determining both 8947  
of the following: 8948

(a) The student population is not being adequately serviced 8949  
by the existing permanent improvements of the district. 8950

(b) The district cannot obtain sufficient funds by the 8951  
issuance of securities within the limitation of division (B) of 8952  
this section to provide additional or improved needed permanent 8953  
improvements in time to meet the needs. 8954

(2) The board of education shall certify a copy of that 8955  
resolution to the superintendent of public instruction with a 8956  
statistical report showing all of the following: 8957

(a) The history of and a projection of the growth of the tax 8958  
valuation; 8959

(b) The projected needs; 8960

(c) The estimated cost of permanent improvements proposed to 8961  
meet such projected needs. 8962

(3) The superintendent of public instruction shall certify 8963  
the district as an approved special needs district if the 8964  
superintendent finds both of the following: 8965

(a) The district does not have available sufficient 8966  
additional funds from state or federal sources to meet the 8967  
projected needs. 8968

(b) The projection of the potential average growth of tax 8969  
valuation during the next five years, according to the information 8970  
certified to the superintendent and any other information the 8971  
superintendent obtains, indicates a likelihood of potential 8972  
average growth of tax valuation of the district during the next 8973  
five years of an average of not less than one and one-half per 8974  
cent per year. The findings and certification of the 8975  
superintendent shall be conclusive. 8976

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, 9039  
professional engineer, or other person experienced in the design 9040  
and implementation of energy conservation measures for an analysis 9041  
and recommendations pertaining to installations, modifications of 9042  
installations, or remodeling that would significantly reduce 9043  
energy consumption in buildings owned by the district. The report 9044  
shall include estimates of all costs of such installations, 9045  
modifications, or remodeling, including costs of design, 9046  
engineering, installation, maintenance, repairs, measurement and 9047  
verification of energy savings, and debt service, forgone residual 9048  
value of materials or equipment replaced by the energy 9049  
conservation measure, as defined by the Ohio ~~school~~ facilities 9050  
construction commission, a baseline analysis of actual energy 9051  
consumption data for the preceding three years with the utility 9052  
baseline based on only the actual energy consumption data for the 9053  
preceding twelve months, and estimates of the amounts by which 9054  
energy consumption and resultant operational and maintenance 9055  
costs, as defined by the commission, would be reduced. 9056

If the board finds after receiving the report that the amount 9057  
of money the district would spend on such installations, 9058  
modifications, or remodeling is not likely to exceed the amount of 9059  
money it would save in energy and resultant operational and 9060  
maintenance costs over the ensuing fifteen years, the board may 9061  
submit to the commission a copy of its findings and a request for 9062  
approval to incur indebtedness to finance the making or 9063  
modification of installations or the remodeling of buildings for 9064  
the purpose of significantly reducing energy consumption. 9065

The ~~school~~ facilities construction commission, in 9066  
consultation with the auditor of state, may deny a request under 9067  
this division by the board of education of any school district 9068  
that is in a state of fiscal watch pursuant to division (A) of 9069  
section 3316.03 of the Revised Code, if it determines that the 9070

expenditure of funds is not in the best interest of the school 9071  
district. 9072

No district board of education of a school district that is 9073  
in a state of fiscal emergency pursuant to division (B) of section 9074  
3316.03 of the Revised Code shall submit a request without 9075  
submitting evidence that the installations, modifications, or 9076  
remodeling have been approved by the district's financial planning 9077  
and supervision commission established under section 3316.05 of 9078  
the Revised Code. 9079

No board of education of a school district that, for three or 9080  
more consecutive years, has been declared to be in a state of 9081  
academic emergency under section 3302.03 of the Revised Code, as 9082  
that section existed prior to March 22, 2013, and has failed to 9083  
meet adequate yearly progress, or has met any condition set forth 9084  
in division (A) of section 3302.10 of the Revised Code shall 9085  
submit a request without first receiving approval to incur 9086  
indebtedness from the district's academic distress commission 9087  
established under that section, for so long as such commission 9088  
continues to be required for the district. 9089

(2) The ~~school~~ facilities construction commission shall 9090  
approve the board's request provided that the following conditions 9091  
are satisfied: 9092

(a) The commission determines that the board's findings are 9093  
reasonable. 9094

(b) The request for approval is complete. 9095

(c) The installations, modifications, or remodeling are 9096  
consistent with any project to construct or acquire classroom 9097  
facilities, or to reconstruct or make additions to existing 9098  
classroom facilities under sections 3318.01 to 3318.20 or sections 9099  
3318.40 to 3318.45 of the Revised Code. 9100

Upon receipt of the commission's approval, the district may 9101



issue securities without a vote of the electors in a principal 9102  
amount not to exceed nine-tenths of one per cent of its tax 9103  
valuation for the purpose of making such installations, 9104  
modifications, or remodeling, but the total net indebtedness of 9105  
the district without a vote of the electors incurred under this 9106  
and all other sections of the Revised Code, except section 9107  
3318.052 of the Revised Code, shall not exceed one per cent of the 9108  
district's tax valuation. 9109

(3) So long as any securities issued under this division 9110  
remain outstanding, the board of education shall monitor the 9111  
energy consumption and resultant operational and maintenance costs 9112  
of buildings in which installations or modifications have been 9113  
made or remodeling has been done pursuant to this division. Except 9114  
as provided in division (G)(4) of this section, the board shall 9115  
maintain and annually update a report in a form and manner 9116  
prescribed by the ~~school~~ facilities construction commission 9117  
documenting the reductions in energy consumption and resultant 9118  
operational and maintenance cost savings attributable to such 9119  
installations, modifications, or remodeling. The resultant 9120  
operational and maintenance cost savings shall be certified by the 9121  
school district treasurer. The report shall be submitted annually 9122  
to the commission. 9123

(4) If the ~~school~~ facilities construction commission verifies 9124  
that the certified annual reports submitted to the commission by a 9125  
board of education under division (G)(3) of this section fulfill 9126  
the guarantee required under division (B) of section 3313.372 of 9127  
the Revised Code for three consecutive years, the board of 9128  
education shall no longer be subject to the annual reporting 9129  
requirements of division (G)(3) of this section. 9130

(H) With the consent of the superintendent of public 9131  
instruction, a school district may incur without a vote of the 9132  
electors net indebtedness that exceeds the amounts stated in 9133

divisions (A) and (G) of this section for the purpose of paying 9134  
costs of permanent improvements, if and to the extent that both of 9135  
the following conditions are satisfied: 9136

(1) The fiscal officer of the school district estimates that 9137  
receipts of the school district from payments made under or 9138  
pursuant to agreements entered into pursuant to section 725.02, 9139  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9140  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 9141  
Revised Code, or distributions under division (C) of section 9142  
5709.43 or division (B) of section 5709.47 of the Revised Code, or 9143  
any combination thereof, are, after accounting for any appropriate 9144  
coverage requirements, sufficient in time and amount, and are 9145  
committed by the proceedings, to pay the debt charges on the 9146  
securities issued to evidence that indebtedness and payable from 9147  
those receipts, and the taxing authority of the district confirms 9148  
the fiscal officer's estimate, which confirmation is approved by 9149  
the superintendent of public instruction; 9150

(2) The fiscal officer of the school district certifies, and 9151  
the taxing authority of the district confirms, that the district, 9152  
at the time of the certification and confirmation, reasonably 9153  
expects to have sufficient revenue available for the purpose of 9154  
operating such permanent improvements for their intended purpose 9155  
upon acquisition or completion thereof, and the superintendent of 9156  
public instruction approves the taxing authority's confirmation. 9157

The maximum maturity of securities issued under division (H) 9158  
of this section shall be the lesser of twenty years or the maximum 9159  
maturity calculated under section 133.20 of the Revised Code. 9160

(I) A school district may incur net indebtedness by the 9161  
issuance of securities in accordance with the provisions of this 9162  
chapter in excess of the limit specified in division (B) or (C) of 9163  
this section when necessary to raise the school district portion 9164  
of the basic project cost and any additional funds necessary to 9165

participate in a project under Chapter 3318. of the Revised Code, 9166  
including the cost of items designated by the ~~school~~ facilities 9167  
construction commission as required locally funded initiatives, 9168  
the cost of other locally funded initiatives in an amount that 9169  
does not exceed fifty per cent of the district's portion of the 9170  
basic project cost, and the cost for site acquisition. The 9171  
commission shall notify the superintendent of public instruction 9172  
whenever a school district will exceed either limit pursuant to 9173  
this division. 9174

(J) A school district whose portion of the basic project cost 9175  
of its classroom facilities project under sections 3318.01 to 9176  
3318.20 of the Revised Code is greater than or equal to one 9177  
hundred million dollars may incur without a vote of the electors 9178  
net indebtedness in an amount up to two per cent of its tax 9179  
valuation through the issuance of general obligation securities in 9180  
order to generate all or part of the amount of its portion of the 9181  
basic project cost if the controlling board has approved the 9182  
~~school~~ facilities construction commission's conditional approval 9183  
of the project under section 3318.04 of the Revised Code. The 9184  
school district board and the Ohio ~~school~~ facilities construction 9185  
commission shall include the dedication of the proceeds of such 9186  
securities in the agreement entered into under section 3318.08 of 9187  
the Revised Code. No state moneys shall be released for a project 9188  
to which this section applies until the proceeds of any bonds 9189  
issued under this section that are dedicated for the payment of 9190  
the school district portion of the project are first deposited 9191  
into the school district's project construction fund. 9192

**Sec. 133.061.** (A) This section applies only to a school 9193  
district that satisfies all of the following conditions: 9194

(1) The district, prior to ~~the effective date of this section~~ 9195  
June 30, 2007, undertook a classroom facilities project under 9196

section 3318.37 of the Revised Code. 9197

(2) The district will undertake a subsequent classroom 9198  
facilities project under section 3318.37 of the Revised Code that 9199  
will consist of a single building housing grades six through 9200  
twelve. 9201

(3) The district's project described in division (A)(2) of 9202  
this section will include locally funded initiatives that are not 9203  
required by the Ohio ~~school~~ facilities construction commission. 9204

(4) The district's project described in division (A)(2) of 9205  
this section will commence within two years after ~~the effective~~ 9206  
~~date of this section~~ June 30, 2007. 9207

(B) Notwithstanding any other provision of law to the 9208  
contrary, a school district to which this section applies may 9209  
incur net indebtedness by the issuance of securities in accordance 9210  
with the provisions of this chapter in excess of the limit 9211  
specified in division (B) or (C) of section 133.06 of the Revised 9212  
Code when necessary to raise the school district portion of the 9213  
basic project cost and any additional funds necessary to 9214  
participate in the classroom facilities project described in 9215  
division (A)(2) of this section, including the cost of items 9216  
designated by the Ohio ~~school~~ facilities construction commission 9217  
as required locally funded initiatives, the cost for site 9218  
acquisition, and the cost of the locally funded initiatives that 9219  
are not required by the commission described in division (A)(3) of 9220  
this section, as long as the district's total net indebtedness 9221  
after the issuance of those securities does not exceed one hundred 9222  
twenty-five per cent of the limit prescribed in division (B) of 9223  
section 133.06 of the Revised Code and the electors of the 9224  
district approve the issuance of those securities. 9225

The ~~school~~ facilities construction commission shall notify 9226  
the superintendent of public instruction whenever a school 9227

district will exceed either limit pursuant to this section. 9228

**Sec. 135.143.** (A) The treasurer of state may invest or 9229  
execute transactions for any part or all of the interim funds of 9230  
the state in the following classifications of obligations: 9231

(1) United States treasury bills, notes, bonds, or any other 9232  
obligations or securities issued by the United States treasury or 9233  
any other obligation guaranteed as to principal and interest by 9234  
the United States; 9235

(2) Bonds, notes, debentures, or any other obligations or 9236  
securities issued by any federal government agency or 9237  
instrumentality; 9238

(3)(a) Bonds, notes, and other obligations of the state of 9239  
Ohio, including, but not limited to, any obligations issued by the 9240  
treasurer of state, the Ohio public facilities commission, the 9241  
Ohio building authority, the Ohio housing finance agency, the Ohio 9242  
water development authority, and the Ohio turnpike infrastructure 9243  
commission; 9244

(b) Bonds, notes, and other obligations of any state or 9245  
political subdivision thereof rated in the three highest 9246  
categories by at least one nationally recognized standard rating 9247  
service and purchased through a registered securities broker or 9248  
dealer, provided the treasurer of state is not the sole purchaser 9249  
of the bonds, notes, or other obligations at original issuance. 9250

(4)(a) Written repurchase agreements with any eligible Ohio 9251  
financial institution that is a member of the federal reserve 9252  
system or federal home loan bank, or any registered United States 9253  
government securities dealer, under the terms of which agreement 9254  
the treasurer of state purchases and the eligible financial 9255  
institution or dealer agrees unconditionally to repurchase any of 9256  
the securities that are listed in division (A)(1), (2), or (6) of 9257

this section. The market value of securities subject to these 9258  
transactions must exceed the principal value of the repurchase 9259  
agreement by an amount specified by the treasurer of state, and 9260  
the securities must be delivered into the custody of the treasurer 9261  
of state or the qualified trustee or agent designated by the 9262  
treasurer of state. The agreement shall contain the requirement 9263  
that for each transaction pursuant to the agreement, the 9264  
participating institution or dealer shall provide all of the 9265  
following information: 9266

(i) The par value of the securities; 9267

(ii) The type, rate, and maturity date of the securities; 9268

(iii) A numerical identifier generally accepted in the 9269  
securities industry that designates the securities. 9270

(b) The treasurer of state also may sell any securities, 9271  
listed in division (A)(1), (2), or (6) of this section, regardless 9272  
of maturity or time of redemption of the securities, under the 9273  
same terms and conditions for repurchase, provided that the 9274  
securities have been fully paid for and are owned by the treasurer 9275  
of state at the time of the sale. 9276

(5) Securities lending agreements with any eligible financial 9277  
institution that is a member of the federal reserve system or 9278  
federal home loan bank or any recognized United States government 9279  
securities dealer, under the terms of which agreements the 9280  
treasurer of state lends securities and the eligible financial 9281  
institution or dealer agrees to simultaneously exchange similar 9282  
securities or cash, equal value for equal value. 9283

Securities and cash received as collateral for a securities 9284  
lending agreement are not interim funds of the state. The 9285  
investment of cash collateral received pursuant to a securities 9286  
lending agreement may be invested only in such instruments 9287  
specified by the treasurer of state in accordance with a written 9288

investment policy. 9289

(6) Various forms of commercial paper issued by any entity 9290  
that is organized under the laws of the United States or a state, 9291  
which notes are rated in the two highest categories by two 9292  
nationally recognized standard rating services, provided that the 9293  
total amount invested under this section in any commercial paper 9294  
at any time shall not exceed forty per cent of the state's total 9295  
average portfolio, as determined and calculated by the treasurer 9296  
of state; 9297

(7) Bankers acceptances, maturing in two hundred seventy days 9298  
or less, provided that the total amount invested in bankers 9299  
acceptances at any time shall not exceed ten per cent of the 9300  
state's total average portfolio, as determined and calculated by 9301  
the treasurer of state; 9302

(8) Certificates of deposit in eligible institutions applying 9303  
for interim moneys as provided in section 135.08 of the Revised 9304  
Code, including linked deposits as provided in sections 135.61 to 9305  
135.67 of the Revised Code, agricultural linked deposits as 9306  
provided in sections 135.71 to 135.76 of the Revised Code, 9307  
business linked deposits as provided in sections 135.77 to 135.774 9308  
of the Revised Code, and housing linked deposits as provided in 9309  
sections 135.81 to 135.87 of the Revised Code; 9310

(9) The state treasurer's investment pool authorized under 9311  
section 135.45 of the Revised Code; 9312

(10) Debt interests, other than commercial paper described in 9313  
division (A)(6) of this section, rated in the three highest 9314  
categories by two nationally recognized standard rating services 9315  
and issued by entities that are organized under the laws of the 9316  
United States or a state, or issued by foreign nations 9317  
diplomatically recognized by the United States government, or any 9318  
instrument based on, derived from, or related to such interests, 9319

provided that: 9320

(a) The investments in debt interests other than commercial 9321  
paper shall not exceed in the aggregate twenty-five per cent of 9322  
the state's portfolio. 9323

(b) The investments in debt interests issued by foreign 9324  
nations shall not exceed in the aggregate two per cent of the 9325  
state's portfolio. 9326

The treasurer of state shall invest under division (A)(10) of 9327  
this section in a debt interest issued by a foreign nation only if 9328  
the debt interest is backed by the full faith and credit of that 9329  
foreign nation, and provided that all interest and principal shall 9330  
be denominated and payable in United States funds. 9331

(c) When added to the investment in commercial paper, the 9332  
investments in the debt interests of a single issuer shall not 9333  
exceed in the aggregate five per cent of the state's portfolio. 9334

(d) For purposes of division (A)(10) of this section, a debt 9335  
interest is rated in the three highest categories by two 9336  
nationally recognized standard rating services if either the debt 9337  
interest itself or the issuer of the debt interest is rated, or is 9338  
implicitly rated, in the three highest categories by two 9339  
nationally recognized standard rating services. 9340

(e) For purposes of division (A)(10) of this section, the 9341  
"state's portfolio" means the state's total average portfolio, as 9342  
determined and calculated by the treasurer of state. 9343

(11) No-load money market mutual funds rated in the highest 9344  
category by one nationally recognized standard rating service or 9345  
consisting exclusively of obligations described in division 9346  
(A)(1), (2), or (6) of this section and repurchase agreements 9347  
secured by such obligations. 9348

(12) Obligations issued by, or on behalf of, an Ohio 9349



political subdivision under Chapter 133. of the Revised Code or 9350  
Section 12 of Article XVIII, Ohio Constitution, and identified in 9351  
an agreement described in division (G) of this section. 9352

(B) Whenever, during a period of designation, the treasurer 9353  
of state classifies public moneys as interim moneys, the treasurer 9354  
of state shall notify the state board of deposit of such action. 9355  
The notification shall be given within thirty days after such 9356  
classification and, in the event the state board of deposit does 9357  
not concur in such classification or in the investments or 9358  
deposits made under this section, the board may order the 9359  
treasurer of state to sell or liquidate any of the investments or 9360  
deposits, and any such order shall specifically describe the 9361  
investments or deposits and fix the date upon which they are to be 9362  
sold or liquidated. Investments or deposits so ordered to be sold 9363  
or liquidated shall be sold or liquidated for cash by the 9364  
treasurer of state on the date fixed in such order at the then 9365  
current market price. Neither the treasurer of state nor the 9366  
members of the state board of deposit shall be held accountable 9367  
for any loss occasioned by sales or liquidations of investments or 9368  
deposits at prices lower than their cost. Any loss or expense 9369  
incurred in making these sales or liquidations is payable as other 9370  
expenses of the treasurer's office. 9371

(C) If any securities or obligations invested in by the 9372  
treasurer of state pursuant to this section are registrable either 9373  
as to principal or interest, or both, such securities or 9374  
obligations shall be registered in the name of the treasurer of 9375  
state. 9376

(D) The treasurer of state is responsible for the safekeeping 9377  
of all securities or obligations under this section. Any such 9378  
securities or obligations may be deposited for safekeeping as 9379  
provided in section 113.05 of the Revised Code. 9380

(E) Interest earned on any investments or deposits authorized 9381

by this section shall be collected by the treasurer of state and 9382  
credited by the treasurer of state to the proper fund of the 9383  
state. 9384

(F) Whenever investments or deposits acquired under this 9385  
section mature and become due and payable, the treasurer of state 9386  
shall present them for payment according to their tenor, and shall 9387  
collect the moneys payable thereon. The moneys so collected shall 9388  
be treated as public moneys subject to sections 135.01 to 135.21 9389  
of the Revised Code. 9390

(G) The treasurer of state and any entity issuing obligations 9391  
referred to in division (A)(12) of this section, which obligations 9392  
mature within one year from the original date of issuance, may 9393  
enter into an agreement providing for: 9394

(1) The purchase of those obligations by the treasurer of 9395  
state on terms and subject to conditions set forth in the 9396  
agreement; 9397

(2) The payment to the treasurer of state of a reasonable fee 9398  
as consideration for the agreement of the treasurer of state to 9399  
purchase those obligations; provided, however, that the treasurer 9400  
of state shall not be authorized to enter into any such agreement 9401  
with a board of education of a school district that has an 9402  
outstanding obligation with respect to a loan received under 9403  
authority of section 3313.483 of the Revised Code. 9404

(H) For purposes of division (G) of this section, a fee shall 9405  
not be considered reasonable unless it is set to recover only the 9406  
direct costs, a reasonable estimate of the indirect costs 9407  
associated with the purchasing of obligations under division (G) 9408  
of this section and any reselling of the obligations or any 9409  
interest in the obligations, including interests in a fund 9410  
comprised of the obligations, and the administration thereof. No 9411  
money from the general revenue fund shall be used to subsidize the 9412

purchase or resale of these obligations. 9413

(I) All money collected by the treasurer of state from the 9414  
fee imposed by division (G) of this section shall be deposited to 9415  
the credit of the state political subdivision obligations fund, 9416  
which is hereby created in the state treasury. Money credited to 9417  
the fund shall be used solely to pay the treasurer of state's 9418  
direct and indirect costs associated with purchasing and reselling 9419  
obligations under division (G) of this section. 9420

(J) As used in this section, "political subdivision" means a 9421  
county, township, municipal corporation, school district, or other 9422  
body corporate and politic responsible for governmental activities 9423  
in a geographic area smaller than that of the state. 9424

**Sec. 135.182.** (A) As used in this section: 9425

(1) "Public depository" means that term as defined in section 9426  
135.01 of the Revised Code, but also means an institution that 9427  
receives or holds any public deposits as defined in section 135.31 9428  
of the Revised Code. 9429

(2) "Public depositor" means that term as defined in section 9430  
135.01 of the Revised Code, but also includes a county and any 9431  
municipal corporation that has adopted a charter under Article 9432  
XVIII, Ohio Constitution. 9433

(3) "Public deposits," "public moneys," and "treasurer" mean 9434  
those terms as defined in section 135.01 of the Revised Code, but 9435  
also have the same meanings as are set forth in section 135.31 of 9436  
the Revised Code. 9437

(B)(1) Not later than July 1, 2017, the treasurer of state 9438  
shall create the Ohio pooled collateral program. Under this 9439  
program, each institution designated as a public depository that 9440  
selects the pledging method prescribed in division (A)(2) of 9441  
section 135.18 or division (A)(2) of section 135.37 of the Revised 9442

Code shall pledge to the treasurer of state a single pool of 9443  
eligible securities for the benefit of all public depositors at 9444  
the public depository to secure the repayment of all uninsured 9445  
public deposits at the public depository, provided that at all 9446  
times the total market value of the securities so pledged is at 9447  
least equal to either of the following: 9448

(a) One hundred two per cent of the total amount of all 9449  
uninsured public deposits; 9450

(b) An amount determined by rules adopted by the treasurer of 9451  
state that set forth the criteria for determining the aggregate 9452  
market value of the pool of eligible securities pledged by a 9453  
public depository pursuant to division (B) of this section. Such 9454  
criteria shall include, but are not limited to, prudent capital 9455  
and liquidity management by the public depository and the safety 9456  
and soundness of the public depository as determined by a 9457  
third-party rating organization. 9458

(2) The treasurer of state shall monitor the eligibility, 9459  
market value, and face value of the pooled securities pledged by 9460  
the public depository. Each public depository shall carry in its 9461  
accounting records at all times a general ledger or other 9462  
appropriate account of the total amount of all public deposits to 9463  
be secured by the pool, as determined at the opening of business 9464  
each day, and the total market value of securities pledged to 9465  
secure such deposits, and report such information to the treasurer 9466  
of state in a manner and frequency as determined by the treasurer 9467  
of state pursuant to rules adopted by the treasurer of state. A 9468  
public depositor shall be responsible for periodically confirming 9469  
the accuracy of its account balances with the treasurer of state; 9470  
otherwise, the treasurer of state shall be the sole public 9471  
depositor responsible for monitoring and ensuring the sufficiency 9472  
of securities pledged under this section. 9473

(C) The public depository shall designate a qualified trustee 9474

approved by the treasurer of state and place with such trustee for 9475  
safekeeping the eligible securities pledged pursuant to division 9476  
(B) of this section. The trustee shall hold the eligible 9477  
securities in an account indicating the treasurer of state's 9478  
security interest in the eligible securities. The treasurer of 9479  
state shall give written notice of the trustee to all public 9480  
depositors for which such securities are pledged. The trustee 9481  
shall report to the treasurer of state information relating to the 9482  
securities pledged to secure such public deposits in a manner and 9483  
frequency as determined by the treasurer of state. 9484

(D) In order for a public depository to receive public moneys 9485  
under this section, the public depository and the treasurer of 9486  
state shall first execute an agreement that sets forth the entire 9487  
arrangement among the parties and that meets the requirements 9488  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 9489  
authorize the treasurer of state to obtain control of the 9490  
collateral pursuant to division (D) of section 1308.24 of the 9491  
Revised Code. 9492

(E) The securities or other obligations described in division 9493  
(D) of section 135.18 of the Revised Code shall be eligible as 9494  
collateral for the purposes of division (B) of this section, 9495  
provided no such securities or obligations pledged as collateral 9496  
are at any time in default as to either principal or interest. 9497

(F) Any federal reserve bank or branch thereof located in 9498  
this state or federal home loan bank, without compliance with 9499  
Chapter 1111. of the Revised Code and without becoming subject to 9500  
any other law of this state relative to the exercise by 9501  
corporations of trust powers generally, is qualified to act as 9502  
trustee for the safekeeping of securities, under this section. Any 9503  
institution mentioned in section 135.03 or 135.32 of the Revised 9504  
Code that holds a certificate of qualification issued by the 9505  
superintendent of financial institutions or any institution 9506

complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code.

(G) The public depository may substitute, exchange, or release eligible securities deposited with the qualified trustee pursuant to this section, provided that such substitution, exchange, or release is effectuated pursuant to written authorization from the treasurer of state, and such action does not reduce the total market value of the securities to an amount that is less than the amount established pursuant to division (B) of this section.

(H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure public deposits, a qualified trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.

(I) The qualified trustee shall enter into a custodial agreement with the treasurer of state and public depository in which the trustee agrees to comply with entitlement orders originated by the treasurer of state without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails

to pay over any part of the public deposits made therein as 9539  
provided by law and secured pursuant to division (B) of this 9540  
section, the treasurer of state shall give written notice of this 9541  
failure to the qualified trustee holding the pool of securities 9542  
pledged against the public deposits, and at the same time shall 9543  
send a copy of this notice to the public depository. Upon receipt 9544  
of this notice, the trustee shall transfer to the treasurer of 9545  
state for sale, the pooled securities that are necessary to 9546  
produce an amount equal to the public deposits made by the public 9547  
depositor and not paid over, less the portion of the deposits 9548  
covered by any federal deposit insurance, plus any accrued 9549  
interest due on the deposits. The treasurer of state shall sell 9550  
any of the bonds or other securities so transferred. When a sale 9551  
of bonds or other securities has been so made and upon payment to 9552  
the public depositor of the purchase money, the treasurer of state 9553  
shall transfer such bonds or securities whereupon the absolute 9554  
ownership of such bonds or securities shall pass to the 9555  
purchasers. Any surplus after deducting the amount due to the 9556  
public depositor and expenses of sale shall be paid to the public 9557  
depository. 9558

(J) Any charges or compensation of a qualified trustee for 9559  
acting as such under this section shall be paid by the public 9560  
depository and in no event shall be chargeable to the public 9561  
depositor or to any officer of the public depositor. The charges 9562  
or compensation shall not be a lien or charge upon the securities 9563  
deposited for safekeeping prior or superior to the rights to and 9564  
interests in the securities of the public depositor. The treasurer 9565  
and the treasurer's bonders or surety shall be relieved from any 9566  
liability to the public depositor or to the public depository for 9567  
the loss or destruction of any securities deposited with a 9568  
qualified trustee pursuant to this section. 9569

(K)(1) The following information is confidential and not a 9570

public record under section 149.43 of the Revised Code: 9571

(a) All reports or other information obtained or created 9572  
about a public depository for purposes of division (B)(1)(b) of 9573  
this section; 9574

(b) The identity of a public depositor's public depository; 9575

(c) The identity of a public depository's public depositors. 9576

(2) Nothing in this section prevents the treasurer of state 9577  
from releasing or exchanging such confidential information as 9578  
required by law or for the operation of the pooled collateral 9579  
program. 9580

(L) The treasurer of state may impose reasonable fees, 9581  
including late fees, upon public depositories participating in the 9582  
pooled collateral program to defray the actual and necessary 9583  
expenses incurred by the treasurer in connection with the program. 9584  
All such fees collected by the treasurer shall be deposited into 9585  
the state treasury to the credit of the administrative fund 9586  
created in section 113.20 of the Revised Code. 9587

(M) The treasurer of state may adopt rules necessary for the 9588  
implementation of this section and sections 135.18 and 135.181 of 9589  
the Revised Code. Such rules shall be adopted in accordance with 9590  
Chapter 119. of the Revised Code. 9591

**Sec. 135.45.** (A) Subject to division (B) of this section, a 9592  
treasurer, governing board, or investing authority of a 9593  
subdivision may pay public moneys of the subdivision into the Ohio 9594  
subdivision's fund, which may be established in the custody of the 9595  
treasurer of state. The treasurer of state shall invest the moneys 9596  
in the fund as in separately managed accounts and pooled accounts, 9597  
including the state treasurer's investment pool, in the same 9598  
manner, in the same types of instruments, and subject to the same 9599  
limitations provided for the deposit and investment of interim 9600



moneys of the state, except that the fund shall not be invested in 9601  
the linked deposits authorized under sections 135.61 to 135.67 of 9602  
the Revised Code. 9603

(B)(1) On and after July 1, 1997, a treasurer, governing 9604  
board, or investing authority of a subdivision that has not 9605  
entered into an agreement with the treasurer of state under 9606  
division (C) of this section shall not invest public moneys of the 9607  
subdivision in a pooled account of the Ohio subdivision's fund 9608  
under division (B)(6) of section 135.14 of the Revised Code or 9609  
division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ 9610  
pool does not maintain the highest letter or numerical rating 9611  
provided by at least one nationally recognized standard rating 9612  
service. 9613

(2) Upon receipt of notice that the ~~fund~~ pool does not 9614  
maintain the highest letter or numerical rating required under 9615  
division (B)(1) of this section, the treasurer of state shall have 9616  
ninety days to obtain the required highest letter or numerical 9617  
rating. If the treasurer of state fails to obtain the required 9618  
highest letter or numerical rating, the treasurer of state shall 9619  
have an additional one hundred eighty days to develop a plan to 9620  
dissolve the ~~fund~~ pool. The plan shall include reasonable 9621  
standards for the equitable return of public moneys in the ~~fund~~ 9622  
pool to those subdivisions participating in the ~~fund~~ pool. 9623

(3) Treasurers, governing boards, or investing authorities of 9624  
subdivisions participating in the ~~fund~~ pool shall not be required 9625  
to divest in the ~~fund~~ pool during the initial one hundred eighty 9626  
days following the treasurer of state's receipt of notice under 9627  
division (B)(2) of this section. 9628

(C) A treasurer, governing board, or investing authority of a 9629  
subdivision that wishes to invest public moneys of the subdivision 9630  
in a separately managed account or pooled account of the Ohio 9631  
subdivision's fund may enter into an agreement with the treasurer 9632

of state that sets forth the manner in which the money is to be 9633  
invested. The treasurer of state shall invest the moneys in 9634  
accordance with the agreement, subject to the limitations set 9635  
forth in division (A) of this section. For purposes of this 9636  
division, the limitation on investments in debt interests provided 9637  
in division (A)(10)(a) of section 135.143 of the Revised Code 9638  
shall not apply to a subdivision's excess reserves. 9639

(D) The treasurer of state shall adopt such rules as are 9640  
necessary for the implementation of this section, including the 9641  
efficient administration of and accounting for the separately 9642  
managed accounts and pooled accounts, including the state 9643  
treasurer's investment pool, including and the specification of 9644  
minimum amounts which that may be paid into the pool such pools 9645  
and minimum periods of time for which such payments shall be 9646  
retained in the pool pools. The rules shall provide for the 9647  
administrative expenses of the separately managed accounts and 9648  
pooled accounts, including the state treasurer's investment pool, 9649  
to be paid from its the earnings and for the interest earnings in 9650  
excess of such expenses to be credited to the several treasurers, 9651  
governing boards, and investing authorities participating in the a 9652  
pool in a manner which equitably reflects the differing amounts of 9653  
their respective investments in the pool and the differing periods 9654  
of time for which such amounts are in the pool. 9655

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 9656  
shall give bond with sufficient sureties, payable to the 9657  
treasurers, governing boards, and investing authorities of 9658  
subdivisions participating in the pool fund, for the benefit of 9659  
the subdivisions whose moneys are paid into the pool fund for 9660  
investment, in the total penal sum of two hundred fifty thousand 9661  
dollars, conditioned for the faithful discharge of his the 9662  
treasurer of state's duties in relation to the pool fund. 9663

~~(E)~~ (F) The treasurer of state and his bondsmen the treasurer 9664

of state's bonders or surety are liable for the loss of any 9665  
interim moneys of the state and subdivisions invested under this 9666  
section ~~through the state treasurer's investment pool~~ to the same 9667  
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 9668  
state's bonders or surety are liable for the loss of public moneys 9669  
under section 135.19 of the Revised Code. 9670

~~(F)~~(G) As used in this section: 9671

(1) "Interim moneys" and "governing board" have the same 9672  
meanings as in section 135.01 of the Revised Code. 9673

(2)(a) "Subdivision" has the same meaning as in section 9674  
135.01 of the Revised Code, but also includes a county, ~~or~~ a 9675  
municipal corporation that has adopted a charter under Article 9676  
XVIII, Ohio Constitution, or any government entity for which the 9677  
fund is a permissible investment. 9678

(b) "Public moneys of a subdivision" has the same meaning as 9679  
in section 135.01 of the Revised Code, but also includes "public 9680  
moneys" as defined in section 135.31 of the Revised Code, and 9681  
funds held in the custody of the treasurer of state 9682  
notwithstanding any limitations on the permissible investments of 9683  
such funds. 9684

(3) "Treasurer" has the same meaning as in sections 135.01 9685  
and 135.31 of the Revised Code. 9686

(4) "Investing authority" has the same meaning as in section 9687  
135.31 of the Revised Code. 9688

(5) "Excess reserves" means the amount of a subdivision's 9689  
public moneys that exceed the average of a subdivision's annual 9690  
operating expenses in the immediately preceding three fiscal 9691  
years. 9692

**Sec. 135.63.** The treasurer of state may invest in linked 9693  
deposits under sections 135.61 to 135.67, short-term installment 9694

loan linked deposits under sections 135.68 to 135.70, agricultural 9695  
linked deposits under sections 135.71 to 135.76, business linked 9696  
deposits under sections 135.77 to 135.774, housing linked deposits 9697  
under sections 135.81 to 135.87, assistive technology device 9698  
linked deposits under sections 135.91 to 135.97, and SaveNOW 9699  
linked deposits under sections 135.101 to 135.106 of the Revised 9700  
Code, provided that at the time of placement of any such linked 9701  
deposit the combined amount of investments in all such linked 9702  
deposits is not more than twelve per cent of the state's total 9703  
average investment portfolio as determined by the treasurer of 9704  
state. When deciding whether to invest in any such linked 9705  
deposits, the treasurer of state shall give priority to the 9706  
investment, liquidity, and cash flow needs of the state. 9707

**Sec. 135.71.** As used in sections 135.71 to 135.76 of the 9708  
Revised Code: 9709

(A) "Eligible agricultural business" means any person engaged 9710  
in agriculture that has all of the following characteristics: 9711

(1) Is headquartered and domiciled in this state; 9712

(2) Maintains land or facilities for agricultural purposes in 9713  
this state provided that the land or facilities within this state 9714  
comprise not less than fifty-one per cent of the total of all 9715  
lands or facilities maintained by the person; 9716

(3) Is organized for profit. 9717

(B) "Eligible lending institution" means a financial 9718  
institution that is eligible to make commercial loans, agrees to 9719  
participate in the agricultural linked deposit program, and is any 9720  
of the following: 9721

(1) Is a public depository of state funds under section 9722  
135.03 of the Revised Code; ~~or~~ 9723

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 9724

Code, is an institution of the farm credit system organized under 9725  
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 9726  
2001, as amended; 9727

(3) Notwithstanding sections 135.01 to 135.21 of the Revised 9728  
Code, is a federal credit union, a foreign credit union licensed 9729  
pursuant to section 1733.39 of the Revised Code, or a credit union 9730  
as defined in section 1733.01 of the Revised Code, located in this 9731  
state. 9732

(C) "Agricultural linked deposit" means a certificate of 9733  
deposit placed by the treasurer of state with an eligible lending 9734  
institution under section 135.74 of the Revised Code, share 9735  
certificates issued by an eligible lending institution that are 9736  
purchased by the treasurer of state, or an investment in bonds, 9737  
notes, debentures, or other obligations or securities issued by 9738  
the federal farm credit bank with regard to an eligible lending 9739  
institution. 9740

(D) "Loan" means a contractual agreement under which an 9741  
eligible lending institution agrees to lend money in the form of 9742  
an upfront lump sum, a line of credit, or any other reasonable 9743  
arrangement approved by the treasurer of state. 9744

Sec. 135.77. As used in sections 135.77 to 135.774 of the 9745  
Revised Code: 9746

(A) "Business linked deposit" means share certificates issued 9747  
by an eligible lending institution that are purchased by the 9748  
treasurer of state in accordance with sections 135.772 to 135.774 9749  
of the Revised Code. 9750

(B) "Eligible lending institution" means a federal credit 9751  
union, a foreign credit union licensed pursuant to section 1733.39 9752  
of the Revised Code, or a credit union as defined in section 9753  
1733.01 of the Revised Code, located in this state. 9754

(C) "Eligible small business" means any person that has all 9755  
of the following characteristics: 9756

(1) Is domiciled in this state; 9757

(2) Maintains offices and operating facilities exclusively in 9758  
this state and transacts business in this state; 9759

(3) Employs fewer than one hundred fifty employees, the 9760  
majority of whom are residents of this state; 9761

(4) Is organized for profit; 9762

(5) Is able to save or create one full-time job or two 9763  
part-time jobs in this state for every fifty thousand dollars 9764  
borrowed. 9765

(D) "Full-time job" means a job with regular hours of service 9766  
totaling at least forty hours per week or any other standard of 9767  
service accepted as full-time by the employee's employer. 9768

(E) "Loan" means a contractual agreement under which an 9769  
eligible lending institution agrees to lend money in the form of 9770  
an upfront lump sum, a line of credit, or any other reasonable 9771  
arrangement approved by the treasurer of state. 9772

(F) "Part-time job" means a job with regular hours of service 9773  
totaling fewer than forty hours per week or any other standard of 9774  
service accepted as part-time by the employee's employer. 9775

Sec. 135.771. The general assembly finds that small 9776  
businesses play an important role in creating jobs in this state. 9777  
Accordingly, it is declared to be the public policy of the state 9778  
through the business linked deposit program to foster economic 9779  
growth and development within Ohio's small businesses, and to 9780  
protect the jobs of this state. 9781

Sec. 135.772. (A) In accordance with section 135.64 of the 9782  
Revised Code, an eligible lending institution that desires to 9783

receive a business linked deposit shall accept and review 9784  
applications for loans from eligible small businesses and forward 9785  
to the treasurer of state a linked deposit loan package. 9786

(B) No loan issued pursuant to sections 135.77 to 135.774 of 9787  
the Revised Code shall exceed four hundred thousand dollars. 9788

**Sec. 135.773.** In accordance with section 135.65 of the 9789  
Revised Code, the treasurer of state may accept or reject a 9790  
business linked deposit loan package, or any portion thereof, and 9791  
shall enter into a deposit agreement regarding any accepted loan 9792  
packages. 9793

**Sec. 135.774.** (A) Upon the placement of a business linked 9794  
deposit with an eligible lending institution, such institution is 9795  
required to lend such funds to each approved eligible small 9796  
business listed in the linked deposit loan package required by 9797  
section 135.772 of the Revised Code and in accordance with the 9798  
deposit agreement required by section 135.773 of the Revised Code. 9799  
The loan shall be at a rate that reflects the following percentage 9800  
rate reduction below the present borrowing rate applicable to each 9801  
eligible small business: 9802

(1) Three per cent if the present borrowing rate is greater 9803  
than five per cent; 9804

(2) Two and one-tenth per cent if the present borrowing rate 9805  
is equal to or less than five per cent. 9806

A certification of compliance with this section in the form 9807  
and manner as prescribed by the treasurer of state shall be 9808  
required of the eligible lending institution. 9809

(B) The treasurer of state shall take any and all steps 9810  
necessary to implement the business linked deposit program and 9811  
monitor compliance of eligible lending institutions and eligible 9812  
small businesses, including the development of guidelines as 9813

necessary. 9814

(C) The state and the treasurer of state are not liable to 9815  
any eligible lending institution in any manner for payment of the 9816  
principal or interest on the loan to an eligible small business. 9817  
Any delay in payments or default on the part of an eligible small 9818  
business does not in any manner affect the deposit agreement 9819  
between the eligible lending institution and the treasurer of 9820  
state. 9821

**Sec. 135.78.** (A) As used in this section: 9822

(1) "Eligible lending institution" has the same meaning as in 9823  
section 135.77 of the Revised Code. 9824

(2) "Prevailing interest rate" means a current interest rate 9825  
benchmark selected by the treasurer of state that banks are 9826  
willing to pay to hold deposits for a specific time period, as 9827  
measured by a third-party organization. 9828

(3) "Treasurer's assessment rate" means a number not 9829  
exceeding ten per cent that is calculated in a manner determined 9830  
by the treasurer of state and that seeks to account for the effect 9831  
that varying tax treatment among different types of financial 9832  
institutions has on the ability of financial institutions to pay 9833  
competitive interest rates to hold deposits. 9834

(B) The treasurer of state shall, in accordance with Chapter 9835  
111. of the Revised Code, adopt rules addressing the participation 9836  
of eligible lending institutions in the agricultural linked 9837  
deposit program under sections 135.71 to 135.76 of the Revised 9838  
Code and the business linked deposit program under sections 135.77 9839  
to 135.774 of the Revised Code, including, but not limited to, the 9840  
manner in which an eligible lending institution is designated and 9841  
the linked deposits are placed, held, and collateralized. 9842  
Participation of eligible lending institutions in those linked 9843



deposit programs shall not begin until these rules have been 9844  
adopted. 9845

(C) Notwithstanding any provision of law to the contrary, the 9846  
treasurer of state, in the treasurer's sole discretion, may 9847  
require an eligible lending institution that holds public deposits 9848  
under sections 135.71 to 135.76 or 135.77 to 135.774 of the 9849  
Revised Code to pay interest at a rate not lower than the product 9850  
of the prevailing interest rate multiplied by the sum of one plus 9851  
the treasurer's assessment rate. The treasurer may adopt rules 9852  
necessary for the implementation of this division. The rules shall 9853  
be adopted in accordance with Chapter 119. of the Revised Code. 9854

**Sec. 147.08.** A notary public is entitled to charge the 9855  
following fees: 9856

(A) For the protest of a bill of exchange or promissory note, 9857  
one dollar and actual necessary expenses in going beyond the 9858  
corporate limits of a municipal corporation to make presentment or 9859  
demand; 9860

(B) For recording an instrument required to be recorded by a 9861  
notary public, ten cents for each one hundred words; 9862

(C) For taking and certifying acknowledgments of deeds, 9863  
mortgages, liens, powers of attorney, and other instruments of 9864  
writing, ~~and for taking and certifying depositions,~~ administering 9865  
oaths, and other official services, ~~the same fees as are allowed~~ 9866  
~~by section 2319.27 of the Revised Code or by law to clerks of the~~ 9867  
~~courts of common pleas for like services~~ a fee set by the notary; 9868

(D) For taking and certifying depositions, the same fees as 9869  
are allowed by section 2319.27 of the Revised Code; 9870

(E) For taking and certifying an affidavit, one dollar and 9871  
fifty cents. 9872

Sec. 147.541. The words "acknowledged before me" means that: 9873

(A) The person acknowledging appeared before the person 9874  
taking the acknowledgment, including by visually appearing through 9875  
the use of any electronic communications devices approved by the 9876  
secretary of state; 9877

(B) ~~He~~ The person acknowledging acknowledged ~~he executed~~ 9878  
executing the instrument, including through the use of an 9879  
electronic signature from technology approved by the secretary of 9880  
state; 9881

(C) In the case of: 9882

(1) A natural person, ~~he~~ the person executed the instrument 9883  
for the purposes therein stated; 9884

(2) A corporation, the officer or agent acknowledged ~~he held~~ 9885  
holding the position or title set forth in the instrument and 9886  
certificate, ~~he~~ the officer or agent signed the instrument on 9887  
behalf of the corporation by proper authority, and the instrument 9888  
was the act of the corporation for the purpose therein stated; 9889

(3) A partnership, the partner or agent acknowledged ~~he~~ 9890  
~~signed~~ signing the instrument on behalf of the partnership by 9891  
proper authority and ~~he~~ the partner or agent executed the 9892  
instrument as the act of the partnership for the purposes therein 9893  
stated; 9894

(4) A person acknowledging as principal by an attorney in 9895  
fact, ~~he~~ the attorney in fact executed the instrument by proper 9896  
authority as the act of the principal for the purposes therein 9897  
stated; 9898

(5) A person acknowledging as a public officer, trustee, 9899  
administrator, guardian, or other representative, ~~he~~ the person 9900  
signed the instrument by proper authority and ~~he~~ the person 9901  
executed the instrument in the capacity and for the purposes 9902

therein stated; and 9903

(D) The person taking the acknowledgment either knew or had 9904  
satisfactory evidence that the person acknowledging was the person 9905  
named in the instrument or certificate. 9906

Sec. 147.542. (A) A notary public, otherwise commissioned and 9907  
appointed under this chapter, may use an electronic communications 9908  
device, including a web site application, approved by the 9909  
secretary of state to satisfy the acknowledgment requirements 9910  
under sections 147.51 to 147.58 of the Revised Code and to 9911  
electronically sign as the notary public. A notary public shall 9912  
not use an electronic communications device to meet these 9913  
requirements for a notarial act that is a deposition. 9914

(B) The secretary of state shall establish standards for 9915  
approving an electronic communications device that may be used by 9916  
a notary public. The office of information technology in the 9917  
department of administrative services shall provide assistance to 9918  
the secretary relating to the equipment, security, and 9919  
technological aspects of the standards established. 9920

Sec. 147.543. (A) Before a currently commissioned and 9921  
appointed notary public may use an electronic communications 9922  
device to satisfy the acknowledgment requirements under sections 9923  
147.51 to 147.58 of the Revised Code, the notary public shall 9924  
submit a registration form established by the secretary of state 9925  
to be commissioned as an electronic notary public. The secretary 9926  
may establish a reasonable fee, not to exceed five dollars, for 9927  
submitting and processing the registration form. The registration 9928  
form shall include all of the following information and be 9929  
transmitted electronically to the secretary of state: 9930

(1) The notary public's full legal name and official notary 9931  
public name; 9932

<u>(2) A description of the technology the notary public will use to create an electronic signature in performing official acts;</u>	9933
<u>(3) Certification of compliance with electronic notary public standards developed in accordance with division (B) of section 147.542 of the Revised Code;</u>	9934
<u>(4) The electronic mail address of the notary public;</u>	9935
<u>(5) The signature of the notary public applying to use the electronic signature described in the form;</u>	9936
<u>(6) Any decrypting instructions, codes, keys, or software that allow the registration to be read; and</u>	9937
<u>(7) Any other information the secretary of state may require.</u>	9938
<u>(B) The secretary of state may deny a registration for an electronic notary public if any of the required information is missing or incorrect on the registration form, or if the technology the notary public identifies as being the technology the notary public will use is not approved by the secretary.</u>	9939
<u>(C) An electronic notary public's term shall expire and may be renewed at the same time the notary public's commission expires under section 147.03 of the Revised Code.</u>	9940
<u>(D) Nothing in division (A) of this section shall be construed to prevent a registered and commissioned electronic notary public from using updated technology during the term of the notary public's commission. If the notary public uses updated technology, the notary public shall notify the secretary of state electronically within ninety days of installation or use of the updated technology and provide a brief description of that technology.</u>	9941
<b>Sec. 149.43. (A) As used in this section:</b>	9942
(1) "Public record" means records kept by any public office,	9943
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including, but not limited to, state, county, city, village, 9962  
township, and school district units, and records pertaining to the 9963  
delivery of educational services by an alternative school in this 9964  
state kept by the nonprofit or for-profit entity operating the 9965  
alternative school pursuant to section 3313.533 of the Revised 9966  
Code. "Public record" does not mean any of the following: 9967

(a) Medical records; 9968

(b) Records pertaining to probation and parole proceedings or 9969  
to proceedings related to the imposition of community control 9970  
sanctions and post-release control sanctions; 9971

(c) Records pertaining to actions under section 2151.85 and 9972  
division (C) of section 2919.121 of the Revised Code and to 9973  
appeals of actions arising under those sections; 9974

(d) Records pertaining to adoption proceedings, including the 9975  
contents of an adoption file maintained by the department of 9976  
health under sections 3705.12 to 3705.124 of the Revised Code; 9977

(e) Information in a record contained in the putative father 9978  
registry established by section 3107.062 of the Revised Code, 9979  
regardless of whether the information is held by the department of 9980  
job and family services or, pursuant to section 3111.69 of the 9981  
Revised Code, the office of child support in the department or a 9982  
child support enforcement agency; 9983

(f) Records specified in division (A) of section 3107.52 of 9984  
the Revised Code; 9985

(g) Trial preparation records; 9986

(h) Confidential law enforcement investigatory records; 9987

(i) Records containing information that is confidential under 9988  
section 2710.03 or 4112.05 of the Revised Code; 9989

(j) DNA records stored in the DNA database pursuant to 9990  
section 109.573 of the Revised Code; 9991

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	9992 9993 9994 9995
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	9996 9997 9998 9999
(m) Intellectual property records;	10000
(n) Donor profile records;	10001
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	10002 10003
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	10004 10005 10006 10007 10008 10009 10010
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	10011 10012 10013 10014 10015
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	10016 10017
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided	10018 10019 10020 10021

to the board or director, statements made by board members during 10022  
meetings of the board or by persons participating in the 10023  
director's review, and all work products of the board or director, 10024  
and in the case of a child fatality review board, child fatality 10025  
review data submitted by the board to the department of health or 10026  
a national child death review database, other than the report 10027  
prepared pursuant to division (A) of section 307.626 of the 10028  
Revised Code; 10029

(t) Records provided to and statements made by the executive 10030  
director of a public children services agency or a prosecuting 10031  
attorney acting pursuant to section 5153.171 of the Revised Code 10032  
other than the information released under that section; 10033

(u) Test materials, examinations, or evaluation tools used in 10034  
an examination for licensure as a nursing home administrator that 10035  
the board of executives of long-term services and supports 10036  
administers under section 4751.04 of the Revised Code or contracts 10037  
under that section with a private or government entity to 10038  
administer; 10039

(v) Records the release of which is prohibited by state or 10040  
federal law; 10041

(w) Proprietary information of or relating to any person that 10042  
is submitted to or compiled by the Ohio venture capital authority 10043  
created under section 150.01 of the Revised Code; 10044

(x) Financial statements and data any person submits for any 10045  
purpose to the Ohio housing finance agency or the controlling 10046  
board in connection with applying for, receiving, or accounting 10047  
for financial assistance from the agency, and information that 10048  
identifies any individual who benefits directly or indirectly from 10049  
financial assistance from the agency; 10050

(y) Records listed in section 5101.29 of the Revised Code; 10051

(z) Discharges recorded with a county recorder under section 10052

317.24 of the Revised Code, as specified in division (B)(2) of 10053  
that section; 10054

(aa) Usage information including names and addresses of 10055  
specific residential and commercial customers of a municipally 10056  
owned or operated public utility; 10057

(bb) Records described in division (C) of section 187.04 of 10058  
the Revised Code that are not designated to be made available to 10059  
the public as provided in that division; 10060

(cc) Information and records that are made confidential, 10061  
privileged, and not subject to disclosure under divisions (B) and 10062  
(C) of section 2949.221 of the Revised Code; 10063

(dd) Personal information, as defined in section 149.45 of 10064  
the Revised Code; 10065

(ee) The confidential name, address, and other personally 10066  
identifiable information of a program participant in the address 10067  
confidentiality program established under sections 111.41 to 10068  
111.47 of the Revised Code, including the contents of any 10069  
application for absent voter's ballots, absent voter's ballot 10070  
identification envelope statement of voter, or provisional ballot 10071  
affirmation completed by a program participant who has a 10072  
confidential voter registration record, and records or portions of 10073  
records pertaining to that program that identify the number of 10074  
program participants that reside within a precinct, ward, 10075  
township, municipal corporation, county, or any other geographic 10076  
area smaller than the state. As used in this division, 10077  
"confidential address" and "program participant" have the meaning 10078  
defined in section 111.41 of the Revised Code. 10079

(ff) Orders for active military service of an individual 10080  
serving or with previous service in the armed forces of the United 10081  
States, including a reserve component, or the Ohio organized 10082  
militia, except that, such order becomes a public record on the 10083



day that is fifteen years after the published date or effective 10084  
date of the call to order; 10085

(gg) In the case of a drug overdose fatality review committee 10086  
acting under sections 307.631 to 307.639 of the Revised Code, 10087  
information, documents, or reports presented to the committee, 10088  
statements made by committee members during meetings of the 10089  
committee, all work products of the committee, and data submitted 10090  
by the committee to the department of health, other than the 10091  
report prepared pursuant to section 307.636 of the Revised Code. 10092

(2) "Confidential law enforcement investigatory record" means 10093  
any record that pertains to a law enforcement matter of a 10094  
criminal, quasi-criminal, civil, or administrative nature, but 10095  
only to the extent that the release of the record would create a 10096  
high probability of disclosure of any of the following: 10097

(a) The identity of a suspect who has not been charged with 10098  
the offense to which the record pertains, or of an information 10099  
source or witness to whom confidentiality has been reasonably 10100  
promised; 10101

(b) Information provided by an information source or witness 10102  
to whom confidentiality has been reasonably promised, which 10103  
information would reasonably tend to disclose the source's or 10104  
witness's identity; 10105

(c) Specific confidential investigatory techniques or 10106  
procedures or specific investigatory work product; 10107

(d) Information that would endanger the life or physical 10108  
safety of law enforcement personnel, a crime victim, a witness, or 10109  
a confidential information source. 10110

(3) "Medical record" means any document or combination of 10111  
documents, except births, deaths, and the fact of admission to or 10112  
discharge from a hospital, that pertains to the medical history, 10113  
diagnosis, prognosis, or medical condition of a patient and that 10114

is generated and maintained in the process of medical treatment. 10115

(4) "Trial preparation record" means any record that contains 10116  
information that is specifically compiled in reasonable 10117  
anticipation of, or in defense of, a civil or criminal action or 10118  
proceeding, including the independent thought processes and 10119  
personal trial preparation of an attorney. 10120

(5) "Intellectual property record" means a record, other than 10121  
a financial or administrative record, that is produced or 10122  
collected by or for faculty or staff of a state institution of 10123  
higher learning in the conduct of or as a result of study or 10124  
research on an educational, commercial, scientific, artistic, 10125  
technical, or scholarly issue, regardless of whether the study or 10126  
research was sponsored by the institution alone or in conjunction 10127  
with a governmental body or private concern, and that has not been 10128  
publicly released, published, or patented. 10129

(6) "Donor profile record" means all records about donors or 10130  
potential donors to a public institution of higher education 10131  
except the names and reported addresses of the actual donors and 10132  
the date, amount, and conditions of the actual donation. 10133

(7) "Peace officer, parole officer, probation officer, 10134  
bailiff, prosecuting attorney, assistant prosecuting attorney, 10135  
correctional employee, community-based correctional facility 10136  
employee, youth services employee, firefighter, EMT, investigator 10137  
of the bureau of criminal identification and investigation, or 10138  
federal law enforcement officer residential and familial 10139  
information" means any information that discloses any of the 10140  
following about a peace officer, parole officer, probation 10141  
officer, bailiff, prosecuting attorney, assistant prosecuting 10142  
attorney, correctional employee, community-based correctional 10143  
facility employee, youth services employee, firefighter, EMT, 10144  
investigator of the bureau of criminal identification and 10145  
investigation, or federal law enforcement officer: 10146

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, an investigator of the bureau of criminal identification and investigation, or federal law enforcement officer, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law

enforcement officer by the peace officer's, parole officer's, 10179  
probation officer's, bailiff's, prosecuting attorney's, assistant 10180  
prosecuting attorney's, correctional employee's, community-based 10181  
correctional facility employee's, youth services employee's, 10182  
firefighter's, EMT's, investigator of the bureau of criminal 10183  
identification and investigation's, or federal law enforcement 10184  
officer's employer; 10185

(e) The identity and amount of any charitable or employment 10186  
benefit deduction made by the peace officer's, parole officer's, 10187  
probation officer's, bailiff's, prosecuting attorney's, assistant 10188  
prosecuting attorney's, correctional employee's, community-based 10189  
correctional facility employee's, youth services employee's, 10190  
firefighter's, EMT's, investigator of the bureau of criminal 10191  
identification and investigation's, or federal law enforcement 10192  
officer's employer from the peace officer's, parole officer's, 10193  
probation officer's, bailiff's, prosecuting attorney's, assistant 10194  
prosecuting attorney's, correctional employee's, community-based 10195  
correctional facility employee's, youth services employee's, 10196  
firefighter's, EMT's, investigator of the bureau of criminal 10197  
identification and investigation's, or federal law enforcement 10198  
officer's compensation unless the amount of the deduction is 10199  
required by state or federal law; 10200

(f) The name, the residential address, the name of the 10201  
employer, the address of the employer, the social security number, 10202  
the residential telephone number, any bank account, debit card, 10203  
charge card, or credit card number, or the emergency telephone 10204  
number of the spouse, a former spouse, or any child of a peace 10205  
officer, parole officer, probation officer, bailiff, prosecuting 10206  
attorney, assistant prosecuting attorney, correctional employee, 10207  
community-based correctional facility employee, youth services 10208  
employee, firefighter, EMT, investigator of the bureau of criminal 10209  
identification and investigation, or federal law enforcement 10210

officer; 10211

(g) A photograph of a peace officer who holds a position or 10212  
has an assignment that may include undercover or plain clothes 10213  
positions or assignments as determined by the peace officer's 10214  
appointing authority. 10215

As used in divisions (A)(7) and (B)(9) of this section, 10216  
"peace officer" has the same meaning as in section 109.71 of the 10217  
Revised Code and also includes the superintendent and troopers of 10218  
the state highway patrol; it does not include the sheriff of a 10219  
county or a supervisory employee who, in the absence of the 10220  
sheriff, is authorized to stand in for, exercise the authority of, 10221  
and perform the duties of the sheriff. 10222

As used in divisions (A)(7) and (B)(9) of this section, 10223  
"correctional employee" means any employee of the department of 10224  
rehabilitation and correction who in the course of performing the 10225  
employee's job duties has or has had contact with inmates and 10226  
persons under supervision. 10227

As used in divisions (A)(7) and (B)(9) of this section, 10228  
"youth services employee" means any employee of the department of 10229  
youth services who in the course of performing the employee's job 10230  
duties has or has had contact with children committed to the 10231  
custody of the department of youth services. 10232

As used in divisions (A)(7) and (B)(9) of this section, 10233  
"firefighter" means any regular, paid or volunteer, member of a 10234  
lawfully constituted fire department of a municipal corporation, 10235  
township, fire district, or village. 10236

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 10237  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 10238  
medical services for a public emergency medical service 10239  
organization. "Emergency medical service organization," 10240  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 10241

section 4765.01 of the Revised Code. 10242

As used in divisions (A)(7) and (B)(9) of this section, 10243  
"investigator of the bureau of criminal identification and 10244  
investigation" has the meaning defined in section 2903.11 of the 10245  
Revised Code. 10246

As used in divisions (A)(7) and (B)(9) of this section, 10247  
"federal law enforcement officer" has the meaning defined in 10248  
section 9.88 of the Revised Code. 10249

(8) "Information pertaining to the recreational activities of 10250  
a person under the age of eighteen" means information that is kept 10251  
in the ordinary course of business by a public office, that 10252  
pertains to the recreational activities of a person under the age 10253  
of eighteen years, and that discloses any of the following: 10254

(a) The address or telephone number of a person under the age 10255  
of eighteen or the address or telephone number of that person's 10256  
parent, guardian, custodian, or emergency contact person; 10257

(b) The social security number, birth date, or photographic 10258  
image of a person under the age of eighteen; 10259

(c) Any medical record, history, or information pertaining to 10260  
a person under the age of eighteen; 10261

(d) Any additional information sought or required about a 10262  
person under the age of eighteen for the purpose of allowing that 10263  
person to participate in any recreational activity conducted or 10264  
sponsored by a public office or to use or obtain admission 10265  
privileges to any recreational facility owned or operated by a 10266  
public office. 10267

(9) "Community control sanction" has the same meaning as in 10268  
section 2929.01 of the Revised Code. 10269

(10) "Post-release control sanction" has the same meaning as 10270  
in section 2967.01 of the Revised Code. 10271

(11) "Redaction" means obscuring or deleting any information 10272  
that is exempt from the duty to permit public inspection or 10273  
copying from an item that otherwise meets the definition of a 10274  
"record" in section 149.011 of the Revised Code. 10275

(12) "Designee" and "elected official" have the same meanings 10276  
as in section 109.43 of the Revised Code. 10277

(B)(1) Upon request and subject to division (B)(8) of this 10278  
section, all public records responsive to the request shall be 10279  
promptly prepared and made available for inspection to any person 10280  
at all reasonable times during regular business hours. Subject to 10281  
division (B)(8) of this section, upon request, a public office or 10282  
person responsible for public records shall make copies of the 10283  
requested public record available at cost and within a reasonable 10284  
period of time. If a public record contains information that is 10285  
exempt from the duty to permit public inspection or to copy the 10286  
public record, the public office or the person responsible for the 10287  
public record shall make available all of the information within 10288  
the public record that is not exempt. When making that public 10289  
record available for public inspection or copying that public 10290  
record, the public office or the person responsible for the public 10291  
record shall notify the requester of any redaction or make the 10292  
redaction plainly visible. A redaction shall be deemed a denial of 10293  
a request to inspect or copy the redacted information, except if 10294  
federal or state law authorizes or requires a public office to 10295  
make the redaction. 10296

(2) To facilitate broader access to public records, a public 10297  
office or the person responsible for public records shall organize 10298  
and maintain public records in a manner that they can be made 10299  
available for inspection or copying in accordance with division 10300  
(B) of this section. A public office also shall have available a 10301  
copy of its current records retention schedule at a location 10302  
readily available to the public. If a requester makes an ambiguous 10303

or overly broad request or has difficulty in making a request for 10304  
copies or inspection of public records under this section such 10305  
that the public office or the person responsible for the requested 10306  
public record cannot reasonably identify what public records are 10307  
being requested, the public office or the person responsible for 10308  
the requested public record may deny the request but shall provide 10309  
the requester with an opportunity to revise the request by 10310  
informing the requester of the manner in which records are 10311  
maintained by the public office and accessed in the ordinary 10312  
course of the public office's or person's duties. 10313

(3) If a request is ultimately denied, in part or in whole, 10314  
the public office or the person responsible for the requested 10315  
public record shall provide the requester with an explanation, 10316  
including legal authority, setting forth why the request was 10317  
denied. If the initial request was provided in writing, the 10318  
explanation also shall be provided to the requester in writing. 10319  
The explanation shall not preclude the public office or the person 10320  
responsible for the requested public record from relying upon 10321  
additional reasons or legal authority in defending an action 10322  
commenced under division (C) of this section. 10323

(4) Unless specifically required or authorized by state or 10324  
federal law or in accordance with division (B) of this section, no 10325  
public office or person responsible for public records may limit 10326  
or condition the availability of public records by requiring 10327  
disclosure of the requester's identity or the intended use of the 10328  
requested public record. Any requirement that the requester 10329  
disclose the requester's identity or the intended use of the 10330  
requested public record constitutes a denial of the request. 10331

(5) A public office or person responsible for public records 10332  
may ask a requester to make the request in writing, may ask for 10333  
the requester's identity, and may inquire about the intended use 10334  
of the information requested, but may do so only after disclosing 10335



to the requester that a written request is not mandatory and that 10336  
the requester may decline to reveal the requester's identity or 10337  
the intended use and when a written request or disclosure of the 10338  
identity or intended use would benefit the requester by enhancing 10339  
the ability of the public office or person responsible for public 10340  
records to identify, locate, or deliver the public records sought 10341  
by the requester. 10342

(6) If any person chooses to obtain a copy of a public record 10343  
in accordance with division (B) of this section, the public office 10344  
or person responsible for the public record may require that 10345  
person to pay in advance the cost involved in providing the copy 10346  
of the public record in accordance with the choice made by the 10347  
person seeking the copy under this division. The public office or 10348  
the person responsible for the public record shall permit that 10349  
person to choose to have the public record duplicated upon paper, 10350  
upon the same medium upon which the public office or person 10351  
responsible for the public record keeps it, or upon any other 10352  
medium upon which the public office or person responsible for the 10353  
public record determines that it reasonably can be duplicated as 10354  
an integral part of the normal operations of the public office or 10355  
person responsible for the public record. When the person seeking 10356  
the copy makes a choice under this division, the public office or 10357  
person responsible for the public record shall provide a copy of 10358  
it in accordance with the choice made by the person seeking the 10359  
copy. Nothing in this section requires a public office or person 10360  
responsible for the public record to allow the person seeking a 10361  
copy of the public record to make the copies of the public record. 10362

(7)(a) Upon a request made in accordance with division (B) of 10363  
this section and subject to division (B)(6) of this section, a 10364  
public office or person responsible for public records shall 10365  
transmit a copy of a public record to any person by United States 10366  
mail or by any other means of delivery or transmission within a 10367

reasonable period of time after receiving the request for the 10368  
copy. The public office or person responsible for the public 10369  
record may require the person making the request to pay in advance 10370  
the cost of postage if the copy is transmitted by United States 10371  
mail or the cost of delivery if the copy is transmitted other than 10372  
by United States mail, and to pay in advance the costs incurred 10373  
for other supplies used in the mailing, delivery, or transmission. 10374

(b) Any public office may adopt a policy and procedures that 10375  
it will follow in transmitting, within a reasonable period of time 10376  
after receiving a request, copies of public records by United 10377  
States mail or by any other means of delivery or transmission 10378  
pursuant to division (B)(7) of this section. A public office that 10379  
adopts a policy and procedures under division (B)(7) of this 10380  
section shall comply with them in performing its duties under that 10381  
division. 10382

(c) In any policy and procedures adopted under division 10383  
(B)(7) of this section: 10384

(i) A public office may limit the number of records requested 10385  
by a person that the office will physically deliver by United 10386  
States mail or by another delivery service to ten per month, 10387  
unless the person certifies to the office in writing that the 10388  
person does not intend to use or forward the requested records, or 10389  
the information contained in them, for commercial purposes; 10390

(ii) A public office that chooses to provide some or all of 10391  
its public records on a web site that is fully accessible to and 10392  
searchable by members of the public at all times, other than 10393  
during acts of God outside the public office's control or 10394  
maintenance, and that charges no fee to search, access, download, 10395  
or otherwise receive records provided on the web site, may limit 10396  
to ten per month the number of records requested by a person that 10397  
the office will deliver in a digital format, unless the requested 10398  
records are not provided on the web site and unless the person 10399

certifies to the office in writing that the person does not intend 10400  
to use or forward the requested records, or the information 10401  
contained in them, for commercial purposes. 10402

(iii) For purposes of division (B)(7) of this section, 10403  
"commercial" shall be narrowly construed and does not include 10404  
reporting or gathering news, reporting or gathering information to 10405  
assist citizen oversight or understanding of the operation or 10406  
activities of government, or nonprofit educational research. 10407

(8) A public office or person responsible for public records 10408  
is not required to permit a person who is incarcerated pursuant to 10409  
a criminal conviction or a juvenile adjudication to inspect or to 10410  
obtain a copy of any public record concerning a criminal 10411  
investigation or prosecution or concerning what would be a 10412  
criminal investigation or prosecution if the subject of the 10413  
investigation or prosecution were an adult, unless the request to 10414  
inspect or to obtain a copy of the record is for the purpose of 10415  
acquiring information that is subject to release as a public 10416  
record under this section and the judge who imposed the sentence 10417  
or made the adjudication with respect to the person, or the 10418  
judge's successor in office, finds that the information sought in 10419  
the public record is necessary to support what appears to be a 10420  
justiciable claim of the person. 10421

(9)(a) Upon written request made and signed by a journalist 10422  
on or after December 16, 1999, a public office, or person 10423  
responsible for public records, having custody of the records of 10424  
the agency employing a specified peace officer, parole officer, 10425  
probation officer, bailiff, prosecuting attorney, assistant 10426  
prosecuting attorney, correctional employee, community-based 10427  
correctional facility employee, youth services employee, 10428  
firefighter, EMT, investigator of the bureau of criminal 10429  
identification and investigation, or federal law enforcement 10430  
officer shall disclose to the journalist the address of the actual 10431

personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news

medium, including a newspaper, magazine, press association, news 10464  
agency, or wire service, a radio or television station, or a 10465  
similar medium, for the purpose of gathering, processing, 10466  
transmitting, compiling, editing, or disseminating information for 10467  
the general public. 10468

(C)(1) If a person allegedly is aggrieved by the failure of a 10469  
public office or the person responsible for public records to 10470  
promptly prepare a public record and to make it available to the 10471  
person for inspection in accordance with division (B) of this 10472  
section or by any other failure of a public office or the person 10473  
responsible for public records to comply with an obligation in 10474  
accordance with division (B) of this section, the person allegedly 10475  
aggrieved may do only one of the following, and not both: 10476

(a) File a complaint with the clerk of the court of claims or 10477  
the clerk of the court of common pleas under section 2743.75 of 10478  
the Revised Code; 10479

(b) Commence a mandamus action to obtain a judgment that 10480  
orders the public office or the person responsible for the public 10481  
record to comply with division (B) of this section, that awards 10482  
court costs and reasonable attorney's fees to the person that 10483  
instituted the mandamus action, and, if applicable, that includes 10484  
an order fixing statutory damages under division (C)(2) of this 10485  
section. The mandamus action may be commenced in the court of 10486  
common pleas of the county in which division (B) of this section 10487  
allegedly was not complied with, in the supreme court pursuant to 10488  
its original jurisdiction under Section 2 of Article IV, Ohio 10489  
Constitution, or in the court of appeals for the appellate 10490  
district in which division (B) of this section allegedly was not 10491  
complied with pursuant to its original jurisdiction under Section 10492  
3 of Article IV, Ohio Constitution. 10493

(2) If a requester transmits a written request by hand 10494  
delivery or certified mail to inspect or receive copies of any 10495

public record in a manner that fairly describes the public record 10496  
or class of public records to the public office or person 10497  
responsible for the requested public records, except as otherwise 10498  
provided in this section, the requester shall be entitled to 10499  
recover the amount of statutory damages set forth in this division 10500  
if a court determines that the public office or the person 10501  
responsible for public records failed to comply with an obligation 10502  
in accordance with division (B) of this section. 10503

The amount of statutory damages shall be fixed at one hundred 10504  
dollars for each business day during which the public office or 10505  
person responsible for the requested public records failed to 10506  
comply with an obligation in accordance with division (B) of this 10507  
section, beginning with the day on which the requester files a 10508  
mandamus action to recover statutory damages, up to a maximum of 10509  
one thousand dollars. The award of statutory damages shall not be 10510  
construed as a penalty, but as compensation for injury arising 10511  
from lost use of the requested information. The existence of this 10512  
injury shall be conclusively presumed. The award of statutory 10513  
damages shall be in addition to all other remedies authorized by 10514  
this section. 10515

The court may reduce an award of statutory damages or not 10516  
award statutory damages if the court determines both of the 10517  
following: 10518

(a) That, based on the ordinary application of statutory law 10519  
and case law as it existed at the time of the conduct or 10520  
threatened conduct of the public office or person responsible for 10521  
the requested public records that allegedly constitutes a failure 10522  
to comply with an obligation in accordance with division (B) of 10523  
this section and that was the basis of the mandamus action, a 10524  
well-informed public office or person responsible for the 10525  
requested public records reasonably would believe that the conduct 10526  
or threatened conduct of the public office or person responsible 10527

for the requested public records did not constitute a failure to 10528  
comply with an obligation in accordance with division (B) of this 10529  
section; 10530

(b) That a well-informed public office or person responsible 10531  
for the requested public records reasonably would believe that the 10532  
conduct or threatened conduct of the public office or person 10533  
responsible for the requested public records would serve the 10534  
public policy that underlies the authority that is asserted as 10535  
permitting that conduct or threatened conduct. 10536

(3) In a mandamus action filed under division (C)(1) of this 10537  
section, the following apply: 10538

(a)(i) If the court orders the public office or the person 10539  
responsible for the public record to comply with division (B) of 10540  
this section, the court shall determine and award to the relator 10541  
all court costs, which shall be construed as remedial and not 10542  
punitive. 10543

(ii) If the court makes a determination described in division 10544  
(C)(3)(b)(iii) of this section, the court shall determine and 10545  
award to the relator all court costs, which shall be construed as 10546  
remedial and not punitive. 10547

(b) If the court renders a judgment that orders the public 10548  
office or the person responsible for the public record to comply 10549  
with division (B) of this section or if the court determines any 10550  
of the following, the court may award reasonable attorney's fees 10551  
to the relator, subject to the provisions of division (C)(4) of 10552  
this section: 10553

(i) The public office or the person responsible for the 10554  
public records failed to respond affirmatively or negatively to 10555  
the public records request in accordance with the time allowed 10556  
under division (B) of this section. 10557

(ii) The public office or the person responsible for the 10558

public records promised to permit the relator to inspect or 10559  
receive copies of the public records requested within a specified 10560  
period of time but failed to fulfill that promise within that 10561  
specified period of time. 10562

(iii) The public office or the person responsible for the 10563  
public records acted in bad faith when the office or person 10564  
voluntarily made the public records available to the relator for 10565  
the first time after the relator commenced the mandamus action, 10566  
but before the court issued any order concluding whether or not 10567  
the public office or person was required to comply with division 10568  
(B) of this section. No discovery may be conducted on the issue of 10569  
the alleged bad faith of the public office or person responsible 10570  
for the public records. This division shall not be construed as 10571  
creating a presumption that the public office or the person 10572  
responsible for the public records acted in bad faith when the 10573  
office or person voluntarily made the public records available to 10574  
the relator for the first time after the relator commenced the 10575  
mandamus action, but before the court issued any order described 10576  
in this division. 10577

(c) The court shall not award attorney's fees to the relator 10578  
if the court determines both of the following: 10579

(i) That, based on the ordinary application of statutory law 10580  
and case law as it existed at the time of the conduct or 10581  
threatened conduct of the public office or person responsible for 10582  
the requested public records that allegedly constitutes a failure 10583  
to comply with an obligation in accordance with division (B) of 10584  
this section and that was the basis of the mandamus action, a 10585  
well-informed public office or person responsible for the 10586  
requested public records reasonably would believe that the conduct 10587  
or threatened conduct of the public office or person responsible 10588  
for the requested public records did not constitute a failure to 10589  
comply with an obligation in accordance with division (B) of this 10590



section; 10591

(ii) That a well-informed public office or person responsible 10592  
for the requested public records reasonably would believe that the 10593  
conduct or threatened conduct of the public office or person 10594  
responsible for the requested public records would serve the 10595  
public policy that underlies the authority that is asserted as 10596  
permitting that conduct or threatened conduct. 10597

(4) All of the following apply to any award of reasonable 10598  
attorney's fees awarded under division (C)(3)(b) of this section: 10599

(a) The fees shall be construed as remedial and not punitive. 10600

(b) The fees awarded shall not exceed the total of the 10601  
reasonable attorney's fees incurred before the public record was 10602  
made available to the relator and the fees described in division 10603  
(C)(4)(c) of this section. 10604

(c) Reasonable attorney's fees shall include reasonable fees 10605  
incurred to produce proof of the reasonableness and amount of the 10606  
fees and to otherwise litigate entitlement to the fees. 10607

(d) The court may reduce the amount of fees awarded if the 10608  
court determines that, given the factual circumstances involved 10609  
with the specific public records request, an alternative means 10610  
should have been pursued to more effectively and efficiently 10611  
resolve the dispute that was subject to the mandamus action filed 10612  
under division (C)(1) of this section. 10613

(5) If the court does not issue a writ of mandamus under 10614  
division (C) of this section and the court determines at that time 10615  
that the bringing of the mandamus action was frivolous conduct as 10616  
defined in division (A) of section 2323.51 of the Revised Code, 10617  
the court may award to the public office all court costs, 10618  
expenses, and reasonable attorney's fees, as determined by the 10619  
court. 10620

(D) Chapter 1347. of the Revised Code does not limit the 10621  
provisions of this section. 10622

(E)(1) To ensure that all employees of public offices are 10623  
appropriately educated about a public office's obligations under 10624  
division (B) of this section, all elected officials or their 10625  
appropriate designees shall attend training approved by the 10626  
attorney general as provided in section 109.43 of the Revised 10627  
Code. In addition, all public offices shall adopt a public records 10628  
policy in compliance with this section for responding to public 10629  
records requests. In adopting a public records policy under this 10630  
division, a public office may obtain guidance from the model 10631  
public records policy developed and provided to the public office 10632  
by the attorney general under section 109.43 of the Revised Code. 10633  
Except as otherwise provided in this section, the policy may not 10634  
limit the number of public records that the public office will 10635  
make available to a single person, may not limit the number of 10636  
public records that it will make available during a fixed period 10637  
of time, and may not establish a fixed period of time before it 10638  
will respond to a request for inspection or copying of public 10639  
records, unless that period is less than eight hours. 10640

(2) The public office shall distribute the public records 10641  
policy adopted by the public office under division (E)(1) of this 10642  
section to the employee of the public office who is the records 10643  
custodian or records manager or otherwise has custody of the 10644  
records of that office. The public office shall require that 10645  
employee to acknowledge receipt of the copy of the public records 10646  
policy. The public office shall create a poster that describes its 10647  
public records policy and shall post the poster in a conspicuous 10648  
place in the public office and in all locations where the public 10649  
office has branch offices. The public office may post its public 10650  
records policy on the internet web site of the public office if 10651  
the public office maintains an internet web site. A public office 10652

that has established a manual or handbook of its general policies 10653  
and procedures for all employees of the public office shall 10654  
include the public records policy of the public office in the 10655  
manual or handbook. 10656

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10657  
to Chapter 119. of the Revised Code to reasonably limit the number 10658  
of bulk commercial special extraction requests made by a person 10659  
for the same records or for updated records during a calendar 10660  
year. The rules may include provisions for charges to be made for 10661  
bulk commercial special extraction requests for the actual cost of 10662  
the bureau, plus special extraction costs, plus ten per cent. The 10663  
bureau may charge for expenses for redacting information, the 10664  
release of which is prohibited by law. 10665

(2) As used in division (F)(1) of this section: 10666

(a) "Actual cost" means the cost of depleted supplies, 10667  
records storage media costs, actual mailing and alternative 10668  
delivery costs, or other transmitting costs, and any direct 10669  
equipment operating and maintenance costs, including actual costs 10670  
paid to private contractors for copying services. 10671

(b) "Bulk commercial special extraction request" means a 10672  
request for copies of a record for information in a format other 10673  
than the format already available, or information that cannot be 10674  
extracted without examination of all items in a records series, 10675  
class of records, or database by a person who intends to use or 10676  
forward the copies for surveys, marketing, solicitation, or resale 10677  
for commercial purposes. "Bulk commercial special extraction 10678  
request" does not include a request by a person who gives 10679  
assurance to the bureau that the person making the request does 10680  
not intend to use or forward the requested copies for surveys, 10681  
marketing, solicitation, or resale for commercial purposes. 10682

(c) "Commercial" means profit-seeking production, buying, or 10683

selling of any good, service, or other product. 10684

(d) "Special extraction costs" means the cost of the time 10685  
spent by the lowest paid employee competent to perform the task, 10686  
the actual amount paid to outside private contractors employed by 10687  
the bureau, or the actual cost incurred to create computer 10688  
programs to make the special extraction. "Special extraction 10689  
costs" include any charges paid to a public agency for computer or 10690  
records services. 10691

(3) For purposes of divisions (F)(1) and (2) of this section, 10692  
"surveys, marketing, solicitation, or resale for commercial 10693  
purposes" shall be narrowly construed and does not include 10694  
reporting or gathering news, reporting or gathering information to 10695  
assist citizen oversight or understanding of the operation or 10696  
activities of government, or nonprofit educational research. 10697

(G) A request by a defendant, counsel of a defendant, or any 10698  
agent of a defendant in a criminal action that public records 10699  
related to that action be made available under this section shall 10700  
be considered a demand for discovery pursuant to the Criminal 10701  
Rules, except to the extent that the Criminal Rules plainly 10702  
indicate a contrary intent. The defendant, counsel of the 10703  
defendant, or agent of the defendant making a request under this 10704  
division shall serve a copy of the request on the prosecuting 10705  
attorney, director of law, or other chief legal officer 10706  
responsible for prosecuting the action. 10707

Sec. 149.60. (A) As used in this section: 10708

(1) "Local government" means bodies corporate and politic 10709  
responsible for governmental activities only in geographical areas 10710  
smaller than that of the state. 10711

(2) "Open format" has the meaning defined in section 149.61 10712  
of the Revised Code. 10713

(3) "Public record" has the meaning defined in section 149.43 10714  
of the Revised Code. 10715

(B)(1) The general assembly recognizes that public-use data 10716  
from public offices offers an avenue toward open and transparent 10717  
government, stimulates business innovation, and can help public 10718  
offices become more effective. It is the intent of the general 10719  
assembly to facilitate the ability of the public easily to find, 10720  
download, and use public records and data sets of public records 10721  
that are generated and held by public offices. With these goals in 10722  
mind, the general assembly creates the DataOhio board, which shall 10723  
do all of the following: 10724

(a) Recommend categories of public records that public 10725  
offices should make available to the public online in an open 10726  
format; 10727

(b) Recommend technology standards for open data use in the 10728  
state that reflect the most current standards used nationally and 10729  
in other states; 10730

(c) Recommend accounting standards for financial data of 10731  
public offices to facilitate comparison across public offices and 10732  
services; 10733

(d) Recommend metadata definitional standards for 10734  
nonfinancial data of public offices to facilitate comparison and 10735  
use of this data across public offices; and 10736

(e) Consider the participation and affiliation of 10737  
data.Ohio.gov with data.gov, the official online data catalog of 10738  
the United States government, and make a recommendation regarding 10739  
this consideration. 10740

(2) The DataOhio board shall deliver a report of its findings 10741  
and recommendations to the general assembly and to the auditor of 10742  
state not later than one year after the effective date of this 10743  
section, and thereafter shall deliver to them a report of its 10744

<u>findings and recommendations by the thirty-first day of March each</u>	10745
<u>year.</u>	10746
<u>(C) The DataOhio board shall consist of the following members</u>	10747
<u>or their designees:</u>	10748
<u>(1) The governor;</u>	10749
<u>(2) The attorney general;</u>	10750
<u>(3) The auditor of state;</u>	10751
<u>(4) The secretary of state;</u>	10752
<u>(5) The treasurer of state;</u>	10753
<u>(6) The speaker of the house of representatives;</u>	10754
<u>(7) The president of the senate;</u>	10755
<u>(8) One member who represents newspapers, to be appointed by</u>	10756
<u>the Ohio newspaper association;</u>	10757
<u>(9) One member who represents businesses that use data sets</u>	10758
<u>of public records, to be appointed by the chairperson after the</u>	10759
<u>chairperson is selected;</u>	10760
<u>(10) The chancellor of the Ohio board of regents;</u>	10761
<u>(11) The state librarian;</u>	10762
<u>(12) One member who represents data consumers, to be</u>	10763
<u>appointed by the chairperson after the chairperson is selected;</u>	10764
<u>(13) One member who is an officer of a municipal corporation,</u>	10765
<u>to be appointed by the Ohio municipal league;</u>	10766
<u>(14) One member who is an officer of a township, to be</u>	10767
<u>appointed by the Ohio township association;</u>	10768
<u>(15) One member who is an officer of a county, to be</u>	10769
<u>appointed by the county commissioners association of Ohio;</u>	10770
<u>(16) One member who represents nonprofit think tanks that use</u>	10771
<u>data sets of public records, to be appointed by the chairperson</u>	10772

after the chairperson is selected; and 10773

(17) One member who represents national organizations that 10774  
encourage open government records, to be appointed by the 10775  
chairperson after the chairperson is selected. 10776

The board also shall consist of one or more ex officio, 10777  
nonvoting members or their designees appointed by the chairperson 10778  
after the chairperson is selected. 10779

(D) The state library of Ohio shall provide necessary meeting 10780  
facilities to the board. The initial meeting of the board shall be 10781  
held at the call of the state librarian and not later than thirty 10782  
days after the effective date of this section. At its initial 10783  
meeting, the board shall select a chairperson from among its 10784  
members. The chairperson shall select a member of the board to 10785  
serve as the board's secretary. 10786

(E) The board shall meet at least ten times per year at the 10787  
call of the chairperson and shall provide reasonable notice to the 10788  
public before each meeting. The board shall designate a portion of 10789  
each meeting to be devoted to inviting suggestions from the public 10790  
regarding the provision of data sets of public records by state 10791  
agencies and local governments. 10792

(F) The presence of a majority of the members of the board 10793  
constitutes a quorum for the conduct of its business. The 10794  
concurrence of at least a majority of the members of the board is 10795  
necessary for any action to be taken by the board. 10796

(G) Members of the board shall serve without compensation but 10797  
shall be reimbursed for the actual and necessary expenses they 10798  
incur in the performance of their duties. 10799

**Sec. 149.61.** (A) As used in this section: 10800

(1) "Open format" means that a public record, or the data 10801  
contained in the public record, is capable of being searched, 10802

viewed, and downloaded by the public, in an open, nonproprietary 10803  
format that is machine readable. 10804

(2) "Public record" has the meaning defined in section 149.43 10805  
of the Revised Code. 10806

(3) "Public records policy" means the policy required by 10807  
division (E) of section 149.43 of the Revised Code. 10808

(B) A public office that posts a public record on its web 10809  
site, or on a public web site maintained or authorized by the 10810  
state, shall make its best efforts to post the public record in an 10811  
open format. 10812

(C) A public office that opts in to posting public records 10813  
online in an open format shall include in the public office's 10814  
public records policy a statement indicating which public records 10815  
the public office posts in accordance with the requirements of 10816  
division (B) of this section. The public office shall make its 10817  
best effort to continue to post public records online in an open 10818  
format in accordance with its public records policy. A public 10819  
office shall submit to the DataOhio board, not later than thirty 10820  
days after amending its public records policy regarding public 10821  
records posted in accordance with the requirements of division (B) 10822  
of this section, the portion of its public records policy that 10823  
states which public records are so posted. 10824

(D) Nothing in this section requires a public office to post 10825  
public records to a web site or prohibits a public office from 10826  
opting out of posting public records online after opting in. A 10827  
public office's decision regarding which public records to post in 10828  
accordance with the requirements of division (B) of this section, 10829  
if any, is solely within the discretion of the public office. A 10830  
public office's decision in this regard is final and may not be 10831  
modified except by action of the public office. 10832



Sec. 151.03. This section applies to obligations as defined 10833  
in this section. 10834

(A) As used in this section: 10835

(1) "Costs of capital facilities" includes related direct 10836  
administrative expenses and allocable portions of direct costs of 10837  
the using school district and the Ohio ~~school~~ facilities 10838  
construction commission. 10839

(2) "Net state lottery proceeds" means the amount determined 10840  
by the director of budget and management to be an excess amount to 10841  
the credit of the state lottery fund and to be transferred to the 10842  
lottery profits education fund, and moneys from time to time in 10843  
the lottery profits education fund, all as provided for and 10844  
referred to in section 3770.06 of the Revised Code. 10845

(3) "Ohio ~~school~~ facilities construction commission" and 10846  
"school district" have the same meanings as in section 3318.01 of 10847  
the Revised Code. 10848

(4) "Obligations" means obligations as defined in section 10849  
151.01 of the Revised Code issued to pay costs of capital 10850  
facilities for a system of common schools throughout the state. 10851

(5) "Using school district" means the school district, or two 10852  
or more school districts acting jointly, that are the ultimate 10853  
users of the capital facilities for a system of common schools 10854  
financed with net proceeds of obligations. 10855

(B) The issuing authority shall issue obligations to pay 10856  
costs of capital facilities for a system of common schools 10857  
throughout the state pursuant to Section 2n of Article VIII, Ohio 10858  
Constitution, section 151.01 of the Revised Code, and this 10859  
section. The issuing authority, upon the certification by the Ohio 10860  
~~school~~ facilities construction commission to it of the amount of 10861  
moneys needed in the school building program assistance fund 10862

created by section 3318.25 of the Revised Code for purposes of 10863  
that fund, shall issue obligations in the amount determined to be 10864  
required by the issuing authority. 10865

(C) Net proceeds of obligations shall be deposited into the 10866  
school building program assistance fund created by section 3318.25 10867  
of the Revised Code. 10868

(D) There is hereby created in the state treasury the "common 10869  
schools capital facilities bond service fund." All moneys received 10870  
by the state and required by the bond proceedings, consistent with 10871  
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10872  
transferred, or credited to the bond service fund, and all other 10873  
moneys transferred or allocated to or received for the purposes of 10874  
that fund, shall be deposited and credited to the bond service 10875  
fund, subject to any applicable provisions of the bond proceedings 10876  
but without necessity for any act of appropriation. During the 10877  
period beginning with the date of the first issuance of 10878  
obligations and continuing during the time that any obligations 10879  
are outstanding in accordance with their terms, so long as moneys 10880  
in the bond service fund are insufficient to pay debt service when 10881  
due on those obligations payable from that fund (except the 10882  
principal amounts of bond anticipation notes payable from the 10883  
proceeds of renewal notes or bonds anticipated) and due in the 10884  
particular fiscal year, a sufficient amount of revenues of the 10885  
state, including net state lottery proceeds, is committed and, 10886  
without necessity for further act of appropriation, shall be paid 10887  
to the bond service fund for the purpose of paying that debt 10888  
service when due. 10889

**Sec. 153.01.** (A) Whenever any building or structure for the 10890  
use of the state or any institution supported in whole or in part 10891  
by the state or in or upon the public works of the state that is 10892  
administered by the Ohio facilities construction commission or by 10893

any other state officer or state agency authorized by law to 10894  
administer a project, including an educational institution listed 10895  
in section 3345.50 of the Revised Code, is to be erected or 10896  
constructed, whenever additions, alterations, or structural or 10897  
other improvements are to be made, or whenever heating, cooling, 10898  
or ventilating plants or other equipment is to be installed or 10899  
material supplied therefor, the estimated cost of which amounts to 10900  
two hundred thousand dollars or more, or the amount determined 10901  
pursuant to section 153.53 of the Revised Code or more, each 10902  
officer, board, or other authority upon which devolves the duty of 10903  
constructing, erecting, altering, or installing the same, referred 10904  
to in sections 153.01 to 153.60 of the Revised Code as the public 10905  
authority, shall cause to be made, by an architect or engineer 10906  
whose contract of employment shall be prepared and approved by the 10907  
attorney general, the following: 10908

(1) Full and accurate plans, suitable for the use of 10909  
mechanics and other builders in the construction, improvement, 10910  
addition, alteration, or installation; 10911

(2) Details to scale and full-sized, so drawn and represented 10912  
as to be easily understood; 10913

(3) Definite and complete specifications of the work to be 10914  
performed, together with directions that will enable a competent 10915  
mechanic or other builder to carry them out and afford bidders all 10916  
needful information; 10917

(4) A full and accurate estimate of each item of expense and 10918  
the aggregate cost of those items of expense; 10919

(5) A life-cycle cost analysis; 10920

(6) Further data as may be required by the Ohio facilities 10921  
construction commission. 10922

(B)(1) Division (A) of this section shall not be required 10923  
with respect to a construction management contract entered into 10924

with a construction manager at risk as described in section 9.334 10925  
of the Revised Code or a design-build contract entered into with a 10926  
design-build firm as described in section 153.693 of the Revised 10927  
Code. 10928

(2) Nothing in this chapter shall interfere with the power of 10929  
the director of transportation to prepare plans for, acquire 10930  
rights-of-way for, construct, or maintain roads, highways, or 10931  
bridges, or to let contracts for those purposes. 10932

(3) Nothing in this chapter shall interfere with the power of 10933  
the director of administrative services to prepare plans for, 10934  
maintain, equip, furnish, improve, renovate, repair, remodel, or 10935  
rehabilitate existing facilities or to let contracts for those 10936  
purposes. 10937

**Sec. 153.02.** (A) The executive director of the Ohio 10938  
facilities construction commission, may debar a contractor from 10939  
contract awards for public improvements as referred to in section 10940  
153.01 of the Revised Code or for projects as defined in section 10941  
3318.01 of the Revised Code, upon proof that the contractor has 10942  
done any of the following: 10943

(1) Defaulted on a contract requiring the execution of a 10944  
takeover agreement as set forth in division (B) of section 153.17 10945  
of the Revised Code; 10946

(2) Knowingly failed during the course of a contract to 10947  
maintain the coverage required by the bureau of workers' 10948  
compensation; 10949

(3) Knowingly failed during the course of a contract to 10950  
maintain the contractor's drug-free workplace program as required 10951  
by the contract; 10952

(4) Knowingly failed during the course of a contract to 10953  
maintain insurance required by the contract or otherwise by law, 10954

resulting in a substantial loss to the owner, as owner is referred 10955  
to in section 153.01 of the Revised Code, or to the commission and 10956  
school district board, as provided in division (F) of section 10957  
3318.08 of the Revised Code; 10958

(5) Misrepresented the firm's qualifications in the selection 10959  
process set forth in sections 153.65 to 153.71 or section 3318.10 10960  
of the Revised Code; 10961

(6) Been convicted of a criminal offense related to the 10962  
application for or performance of any public or private contract, 10963  
including, but not limited to, embezzlement, theft, forgery, 10964  
bribery, falsification or destruction of records, receiving stolen 10965  
property, and any other offense that directly reflects on the 10966  
contractor's business integrity; 10967

(7) Been convicted of a criminal offense under state or 10968  
federal antitrust laws; 10969

(8) Deliberately or willfully submitted false or misleading 10970  
information in connection with the application for or performance 10971  
of a public contract; 10972

(9) Been debarred from bidding on or participating in a 10973  
contract with any state or federal agency. 10974

(B) When the executive director debar a contractor that is a 10975  
partnership, association, or corporation, the executive director 10976  
also may debar any partner of the partnership or any officer or 10977  
director of the association or corporation, as applicable. 10978

(C) When the executive director reasonably believes that 10979  
grounds for debarment exist, the executive director shall send the 10980  
contractor a notice of proposed debarment indicating the grounds 10981  
for the proposed debarment and the procedure for requesting a 10982  
hearing on the proposed debarment. The hearing shall be conducted 10983  
in accordance with Chapter 119. of the Revised Code. If the 10984  
contractor does not respond with a request for a hearing in the 10985

manner specified in Chapter 119. of the Revised Code, the 10986  
executive director shall issue the debarment decision without a 10987  
hearing and shall notify the contractor of the decision by 10988  
certified mail, return receipt requested. 10989

~~(C)~~(D) The executive director shall determine the length of 10990  
the debarment period and may rescind the debarment at any time 10991  
upon notification to the contractor. During the period of 10992  
debarment, the contractor is not eligible to bid for or 10993  
participate in any contract for a public improvement as referred 10994  
to in section 153.01 of the Revised Code or for a project as 10995  
defined in section 3318.01 of the Revised Code. After the 10996  
debarment period expires, the contractor shall be eligible to bid 10997  
for and participate in such contracts. 10998

~~(D)~~(E) The executive director shall maintain a list of all 10999  
contractors currently debarred under this section. Any 11000  
governmental entity awarding a contract for construction of a 11001  
public improvement or project may use a contractor's presence on 11002  
the debarment list to determine whether a contractor is 11003  
responsible or best under section 9.312 or any other section of 11004  
the Revised Code in the award of a contract. 11005

(F) As used in this section, "contractor" means a 11006  
construction contracting business, a subcontractor of a 11007  
construction contracting business, a supplier of materials, or a 11008  
manufacturer of materials. 11009

**Sec. 154.11.** The issuing authority may authorize and issue 11010  
obligations for the refunding, including funding and retirement, 11011  
of any obligations previously issued under this chapter and any 11012  
other bonds or notes previously issued ~~under Chapter 152. of the~~ 11013  
~~Revised Code to pay the costs of capital facilities.~~ Such 11014  
obligations may be issued in amounts sufficient for payment of the 11015  
principal amount of the prior obligations, any redemption premiums 11016

thereon, principal maturities of any such obligations maturing 11017  
prior to the redemption of the remaining obligations on a parity 11018  
therewith, interest accrued or to accrue to the maturity dates or 11019  
dates of redemption of such obligations, and any expenses incurred 11020  
or to be incurred in connection with such issuance and such 11021  
refunding, funding, and retirement. Subject to the bond 11022  
proceedings therefor, the portion of proceeds of the sale of 11023  
obligations issued under this section to be applied to bond 11024  
service charges on the prior obligations shall be credited to the 11025  
bond service fund for those prior obligations. Obligations 11026  
authorized under this section shall be deemed to be issued for 11027  
those purposes for which those prior obligations were issued and 11028  
are subject to the provisions of Chapter 154. of the Revised Code 11029  
pertaining to other obligations, except as otherwise indicated by 11030  
this section and except for division (A) of section 154.02 of the 11031  
Revised Code, provided that, unless otherwise authorized by the 11032  
general assembly, any limitations imposed by the general assembly 11033  
pursuant to that division with respect to bond service charges 11034  
applicable to the prior obligations shall be applicable to the 11035  
obligations issued under this section to refund, fund, or retire 11036  
those prior obligations. 11037

**Sec. 166.08.** (A) As used in this chapter: 11038

(1) "Bond proceedings" means the resolution, order, trust 11039  
agreement, indenture, lease, and other agreements, amendments and 11040  
supplements to the foregoing, or any one or more or combination 11041  
thereof, authorizing or providing for the terms and conditions 11042  
applicable to, or providing for the security or liquidity of, 11043  
obligations issued pursuant to this section, and the provisions 11044  
contained in such obligations. 11045

(2) "Bond service charges" means principal, including 11046  
mandatory sinking fund requirements for retirement of obligations, 11047

and interest, and redemption premium, if any, required to be paid 11048  
by the state on obligations. 11049

(3) "Bond service fund" means the applicable fund and 11050  
accounts therein created for and pledged to the payment of bond 11051  
service charges, which may be, or may be part of, the economic 11052  
development bond service fund created by division (S) of this 11053  
section including all moneys and investments, and earnings from 11054  
investments, credited and to be credited thereto. 11055

(4) "Issuing authority" means the treasurer of state, or the 11056  
officer who by law performs the functions of such officer. 11057

(5) "Obligations" means bonds, notes, or other evidence of 11058  
obligation including interest coupons pertaining thereto, issued 11059  
pursuant to this section. 11060

(6) "Pledged receipts" means all receipts of the state 11061  
representing the gross profit on the sale of spirituous liquor, as 11062  
referred to in division (B)(4) of section 4301.10 of the Revised 11063  
Code, after paying all costs and expenses of the division of 11064  
liquor control and providing an adequate working capital reserve 11065  
for the division of liquor control as provided in that division, 11066  
but excluding the sum required by the second paragraph of section 11067  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 11068  
paid into the state treasury; moneys accruing to the state from 11069  
the lease, sale, or other disposition, or use, of project 11070  
facilities, and from the repayment, including interest, of loans 11071  
made from proceeds received from the sale of obligations; accrued 11072  
interest received from the sale of obligations; income from the 11073  
investment of the special funds; and any gifts, grants, donations, 11074  
and pledges, and receipts therefrom, available for the payment of 11075  
bond service charges. 11076

(7) "Special funds" or "funds" means, except where the 11077  
context does not permit, the bond service fund, and any other 11078



funds, including reserve funds, created under the bond 11079  
proceedings, and the economic development bond service fund 11080  
created by division (S) of this section to the extent provided in 11081  
the bond proceedings, including all moneys and investments, and 11082  
earnings from investment, credited and to be credited thereto. 11083

(B) Subject to the limitations provided in section 166.11 of 11084  
the Revised Code, the issuing authority, upon the certification by 11085  
the director of development or, ~~with respect to eligible advanced~~ 11086  
~~energy projects~~ prior to the effective date of this amendment, 11087  
upon certification by the Ohio air quality development authority 11088  
regarding eligible advanced energy projects, to the issuing 11089  
authority of the amount of moneys or additional moneys needed in 11090  
the facilities establishment fund, the loan guarantee fund, the 11091  
innovation Ohio loan fund, the innovation Ohio loan guarantee 11092  
fund, the research and development loan fund, the logistics and 11093  
distribution infrastructure fund, the advanced energy research and 11094  
development fund, or the advanced energy research and development 11095  
taxable fund, as applicable, for the purpose of paying, or making 11096  
loans for, allowable costs from the facilities establishment fund, 11097  
allowable innovation costs from the innovation Ohio loan fund, 11098  
allowable costs from the research and development loan fund, 11099  
allowable costs from the logistics and distribution infrastructure 11100  
fund, allowable costs from the advanced energy research and 11101  
development fund, or allowable costs from the advanced energy 11102  
research and development taxable fund, as applicable, or needed 11103  
for capitalized interest, for funding reserves, and for paying 11104  
costs and expenses incurred in connection with the issuance, 11105  
carrying, securing, paying, redeeming, or retirement of the 11106  
obligations or any obligations refunded thereby, including payment 11107  
of costs and expenses relating to letters of credit, lines of 11108  
credit, insurance, put agreements, standby purchase agreements, 11109  
indexing, marketing, remarketing and administrative arrangements, 11110  
interest swap or hedging agreements, and any other credit 11111

enhancement, liquidity, remarketing, renewal, or refunding 11112  
arrangements, all of which are authorized by this section, or 11113  
providing moneys for the loan guarantee fund or the innovation 11114  
Ohio loan guarantee fund, as provided in this chapter or needed 11115  
for the purposes of funds established in accordance with or 11116  
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 11117  
122.561, 122.57, and 122.80 of the Revised Code which are within 11118  
the authorization of Section 13 of Article VIII, Ohio 11119  
Constitution, or, prior to the effective date of this amendment, 11120  
with respect to certain eligible advanced energy projects, Section 11121  
2p of Article VIII, Ohio Constitution, shall issue obligations of 11122  
the state under this section in the required amount; provided that 11123  
such obligations may be issued to satisfy the covenants in 11124  
contracts of guarantee made under section 166.06 or 166.15 of the 11125  
Revised Code, notwithstanding limitations otherwise applicable to 11126  
the issuance of obligations under this section. The proceeds of 11127  
such obligations, except for the portion to be deposited in 11128  
special funds, including reserve funds, as may be provided in the 11129  
bond proceedings, shall as provided in the bond proceedings be 11130  
deposited by the director of development to the facilities 11131  
establishment fund, the loan guarantee fund, the innovation Ohio 11132  
loan guarantee fund, the innovation Ohio loan fund, the research 11133  
and development loan fund, or the logistics and distribution 11134  
infrastructure fund, or be deposited by the Ohio air quality 11135  
development authority prior to the effective date of this 11136  
amendment to the advanced energy research and development fund or 11137  
the advanced energy research and development taxable fund. Bond 11138  
proceedings for project financing obligations may provide that the 11139  
proceeds derived from the issuance of such obligations shall be 11140  
deposited into such fund or funds provided for in the bond 11141  
proceedings and, to the extent provided for in the bond 11142  
proceedings, such proceeds shall be deemed to have been deposited 11143  
into the facilities establishment fund and transferred to such 11144

fund or funds. The issuing authority may appoint trustees, paying 11145  
agents, and transfer agents and may retain the services of 11146  
financial advisors, accounting experts, and attorneys, and retain 11147  
or contract for the services of marketing, remarketing, indexing, 11148  
and administrative agents, other consultants, and independent 11149  
contractors, including printing services, as are necessary in the 11150  
issuing authority's judgment to carry out this section. The costs 11151  
of such services are allowable costs payable from the facilities 11152  
establishment fund or the research and development loan fund, 11153  
allowable innovation costs payable from the innovation Ohio loan 11154  
fund, ~~or~~ allowable costs payable from the logistics and 11155  
distribution infrastructure fund, or allowable costs payable prior 11156  
to the effective date of this amendment from the advanced energy 11157  
research and development fund<sup>7</sup>, or the advanced energy research and 11158  
development taxable fund, as applicable. 11159

(C) The holders or owners of such obligations shall have no 11160  
right to have moneys raised by taxation obligated or pledged, and 11161  
moneys raised by taxation shall not be obligated or pledged, for 11162  
the payment of bond service charges. Such holders or owners shall 11163  
have no rights to payment of bond service charges from any moneys 11164  
accruing to the state from the lease, sale, or other disposition, 11165  
or use, of project facilities, or from payment of the principal of 11166  
or interest on loans made, or fees charged for guarantees made, or 11167  
from any money or property received by the director, treasurer of 11168  
state, or the state under Chapter 122. of the Revised Code, or 11169  
from any other use of the proceeds of the sale of the obligations, 11170  
and no such moneys may be used for the payment of bond service 11171  
charges, except for accrued interest, capitalized interest, and 11172  
reserves funded from proceeds received upon the sale of the 11173  
obligations and except as otherwise expressly provided in the 11174  
applicable bond proceedings pursuant to written directions by the 11175  
director. The right of such holders and owners to payment of bond 11176  
service charges is limited to all or that portion of the pledged 11177

receipts and those special funds pledged thereto pursuant to the 11178  
bond proceedings in accordance with this section, and each such 11179  
obligation shall bear on its face a statement to that effect. 11180

(D) Obligations shall be authorized by resolution or order of 11181  
the issuing authority and the bond proceedings shall provide for 11182  
the purpose thereof and the principal amount or amounts, and shall 11183  
provide for or authorize the manner or agency for determining the 11184  
principal maturity or maturities, not exceeding twenty-five years 11185  
from the date of issuance, the interest rate or rates or the 11186  
maximum interest rate, the date of the obligations and the dates 11187  
of payment of interest thereon, their denomination, and the 11188  
establishment within or without the state of a place or places of 11189  
payment of bond service charges. Sections 9.98 to 9.983 of the 11190  
Revised Code are applicable to obligations issued under this 11191  
section, subject to any applicable limitation under section 166.11 11192  
of the Revised Code. The purpose of such obligations may be stated 11193  
in the bond proceedings in terms describing the general purpose or 11194  
purposes to be served. The bond proceedings also shall provide, 11195  
subject to the provisions of any other applicable bond 11196  
proceedings, for the pledge of all, or such part as the issuing 11197  
authority may determine, of the pledged receipts and the 11198  
applicable special fund or funds to the payment of bond service 11199  
charges, which pledges may be made either prior or subordinate to 11200  
other expenses, claims, or payments, and may be made to secure the 11201  
obligations on a parity with obligations theretofore or thereafter 11202  
issued, if and to the extent provided in the bond proceedings. The 11203  
pledged receipts and special funds so pledged and thereafter 11204  
received by the state are immediately subject to the lien of such 11205  
pledge without any physical delivery thereof or further act, and 11206  
the lien of any such pledges is valid and binding against all 11207  
parties having claims of any kind against the state or any 11208  
governmental agency of the state, irrespective of whether such 11209  
parties have notice thereof, and shall create a perfected security 11210

interest for all purposes of Chapter 1309. of the Revised Code, 11211  
without the necessity for separation or delivery of funds or for 11212  
the filing or recording of the bond proceedings by which such 11213  
pledge is created or any certificate, statement or other document 11214  
with respect thereto; and the pledge of such pledged receipts and 11215  
special funds is effective and the money therefrom and thereof may 11216  
be applied to the purposes for which pledged without necessity for 11217  
any act of appropriation. Every pledge, and every covenant and 11218  
agreement made with respect thereto, made in the bond proceedings 11219  
may therein be extended to the benefit of the owners and holders 11220  
of obligations authorized by this section, and to any trustee 11221  
therefor, for the further security of the payment of the bond 11222  
service charges. 11223

(E) The bond proceedings may contain additional provisions as 11224  
to: 11225

(1) The redemption of obligations prior to maturity at the 11226  
option of the issuing authority at such price or prices and under 11227  
such terms and conditions as are provided in the bond proceedings; 11228

(2) Other terms of the obligations; 11229

(3) Limitations on the issuance of additional obligations; 11230

(4) The terms of any trust agreement or indenture securing 11231  
the obligations or under which the same may be issued; 11232

(5) The deposit, investment and application of special funds, 11233  
and the safeguarding of moneys on hand or on deposit, without 11234  
regard to Chapter 131. or 135. of the Revised Code, but subject to 11235  
any special provisions of this chapter, with respect to particular 11236  
funds or moneys, provided that any bank or trust company which 11237  
acts as depository of any moneys in the special funds may furnish 11238  
such indemnifying bonds or may pledge such securities as required 11239  
by the issuing authority; 11240

(6) Any or every provision of the bond proceedings being 11241

binding upon such officer, board, commission, authority, agency, 11242  
department, or other person or body as may from time to time have 11243  
the authority under law to take such actions as may be necessary 11244  
to perform all or any part of the duty required by such provision; 11245

(7) Any provision that may be made in a trust agreement or 11246  
indenture; 11247

(8) Any other or additional agreements with the holders of 11248  
the obligations, or the trustee therefor, relating to the 11249  
obligations or the security therefor, including the assignment of 11250  
mortgages or other security obtained or to be obtained for loans 11251  
under section 122.43, 166.07, or 166.16 of the Revised Code. 11252

(F) The obligations may have the great seal of the state or a 11253  
facsimile thereof affixed thereto or printed thereon. The 11254  
obligations and any coupons pertaining to obligations shall be 11255  
signed or bear the facsimile signature of the issuing authority. 11256  
Any obligations or coupons may be executed by the person who, on 11257  
the date of execution, is the proper issuing authority although on 11258  
the date of such bonds or coupons such person was not the issuing 11259  
authority. If the issuing authority whose signature or a facsimile 11260  
of whose signature appears on any such obligation or coupon ceases 11261  
to be the issuing authority before delivery thereof, such 11262  
signature or facsimile is nevertheless valid and sufficient for 11263  
all purposes as if the former issuing authority had remained the 11264  
issuing authority until such delivery; and if the seal to be 11265  
affixed to obligations has been changed after a facsimile of the 11266  
seal has been imprinted on such obligations, such facsimile seal 11267  
shall continue to be sufficient as to such obligations and 11268  
obligations issued in substitution or exchange therefor. 11269

(G) All obligations are negotiable instruments and securities 11270  
under Chapter 1308. of the Revised Code, subject to the provisions 11271  
of the bond proceedings as to registration. The obligations may be 11272  
issued in coupon or in registered form, or both, as the issuing 11273

authority determines. Provision may be made for the registration 11274  
of any obligations with coupons attached thereto as to principal 11275  
alone or as to both principal and interest, their exchange for 11276  
obligations so registered, and for the conversion or reconversion 11277  
into obligations with coupons attached thereto of any obligations 11278  
registered as to both principal and interest, and for reasonable 11279  
charges for such registration, exchange, conversion, and 11280  
reconversion. 11281

(H) Obligations may be sold at public sale or at private 11282  
sale, as determined in the bond proceedings. 11283

Obligations issued to provide moneys for the loan guarantee 11284  
fund or the innovation Ohio loan guarantee fund may, as determined 11285  
by the issuing authority, be sold at private sale, and without 11286  
publication of a notice of sale. 11287

(I) Pending preparation of definitive obligations, the 11288  
issuing authority may issue interim receipts or certificates which 11289  
shall be exchanged for such definitive obligations. 11290

(J) In the discretion of the issuing authority, obligations 11291  
may be secured additionally by a trust agreement or indenture 11292  
between the issuing authority and a corporate trustee which may be 11293  
any trust company or bank having a place of business within the 11294  
state. Any such agreement or indenture may contain the resolution 11295  
or order authorizing the issuance of the obligations, any 11296  
provisions that may be contained in any bond proceedings, and 11297  
other provisions which are customary or appropriate in an 11298  
agreement or indenture of such type, including, but not limited 11299  
to: 11300

(1) Maintenance of each pledge, trust agreement, indenture, 11301  
or other instrument comprising part of the bond proceedings until 11302  
the state has fully paid the bond service charges on the 11303  
obligations secured thereby, or provision therefor has been made; 11304

(2) In the event of default in any payments required to be 11305  
made by the bond proceedings, or any other agreement of the 11306  
issuing authority made as a part of the contract under which the 11307  
obligations were issued, enforcement of such payments or agreement 11308  
by mandamus, the appointment of a receiver, suit in equity, action 11309  
at law, or any combination of the foregoing; 11310

(3) The rights and remedies of the holders of obligations and 11311  
of the trustee, and provisions for protecting and enforcing them, 11312  
including limitations on rights of individual holders of 11313  
obligations; 11314

(4) The replacement of any obligations that become mutilated 11315  
or are destroyed, lost, or stolen; 11316

(5) Such other provisions as the trustee and the issuing 11317  
authority agree upon, including limitations, conditions, or 11318  
qualifications relating to any of the foregoing. 11319

(K) Any holders of obligations or trustees under the bond 11320  
proceedings, except to the extent that their rights are restricted 11321  
by the bond proceedings, may by any suitable form of legal 11322  
proceedings, protect and enforce any rights under the laws of this 11323  
state or granted by such bond proceedings. Such rights include the 11324  
right to compel the performance of all duties of the issuing 11325  
authority, the director of development, the Ohio air quality 11326  
development authority, or the division of liquor control required 11327  
by this chapter or the bond proceedings; to enjoin unlawful 11328  
activities; and in the event of default with respect to the 11329  
payment of any bond service charges on any obligations or in the 11330  
performance of any covenant or agreement on the part of the 11331  
issuing authority, the director of development, the Ohio air 11332  
quality development authority, or the division of liquor control 11333  
in the bond proceedings, to apply to a court having jurisdiction 11334  
of the cause to appoint a receiver to receive and administer the 11335  
pledged receipts and special funds, other than those in the 11336



custody of the treasurer of state, which are pledged to the 11337  
payment of the bond service charges on such obligations or which 11338  
are the subject of the covenant or agreement, with full power to 11339  
pay, and to provide for payment of bond service charges on, such 11340  
obligations, and with such powers, subject to the direction of the 11341  
court, as are accorded receivers in general equity cases, 11342  
excluding any power to pledge additional revenues or receipts or 11343  
other income or moneys of the issuing authority or the state or 11344  
governmental agencies of the state to the payment of such 11345  
principal and interest and excluding the power to take possession 11346  
of, mortgage, or cause the sale or otherwise dispose of any 11347  
project facilities. 11348

Each duty of the issuing authority and the issuing 11349  
authority's officers and employees, and of each governmental 11350  
agency and its officers, members, or employees, undertaken 11351  
pursuant to the bond proceedings or any agreement or lease, 11352  
lease-purchase agreement, or loan made under authority of this 11353  
chapter, and in every agreement by or with the issuing authority, 11354  
is hereby established as a duty of the issuing authority, and of 11355  
each such officer, member, or employee having authority to perform 11356  
such duty, specifically enjoined by the law resulting from an 11357  
office, trust, or station within the meaning of section 2731.01 of 11358  
the Revised Code. 11359

The person who is at the time the issuing authority, or the 11360  
issuing authority's officers or employees, are not liable in their 11361  
personal capacities on any obligations issued by the issuing 11362  
authority or any agreements of or with the issuing authority. 11363

(L) The issuing authority may authorize and issue obligations 11364  
for the refunding, including funding and retirement, and advance 11365  
refunding with or without payment or redemption prior to maturity, 11366  
of any obligations previously issued by the issuing authority. 11367  
Such obligations may be issued in amounts sufficient for payment 11368

of the principal amount of the prior obligations, any redemption 11369  
premiums thereon, principal maturities of any such obligations 11370  
maturing prior to the redemption of the remaining obligations on a 11371  
parity therewith, interest accrued or to accrue to the maturity 11372  
dates or dates of redemption of such obligations, and any 11373  
allowable costs including expenses incurred or to be incurred in 11374  
connection with such issuance and such refunding, funding, and 11375  
retirement. Subject to the bond proceedings therefor, the portion 11376  
of proceeds of the sale of obligations issued under this division 11377  
to be applied to bond service charges on the prior obligations 11378  
shall be credited to an appropriate account held by the trustee 11379  
for such prior or new obligations or to the appropriate account in 11380  
the bond service fund for such obligations. Obligations authorized 11381  
under this division shall be deemed to be issued for those 11382  
purposes for which such prior obligations were issued and are 11383  
subject to the provisions of this section pertaining to other 11384  
obligations, except as otherwise provided in this section; 11385  
provided that, unless otherwise authorized by the general 11386  
assembly, any limitations imposed by the general assembly pursuant 11387  
to this section with respect to bond service charges applicable to 11388  
the prior obligations shall be applicable to the obligations 11389  
issued under this division to refund, fund, advance refund or 11390  
retire such prior obligations. 11391

(M) The authority to issue obligations under this section 11392  
includes authority to issue obligations in the form of bond 11393  
anticipation notes and to renew the same from time to time by the 11394  
issuance of new notes. The holders of such notes or interest 11395  
coupons pertaining thereto shall have a right to be paid solely 11396  
from the pledged receipts and special funds that may be pledged to 11397  
the payment of the bonds anticipated, or from the proceeds of such 11398  
bonds or renewal notes, or both, as the issuing authority provides 11399  
in the resolution or order authorizing such notes. Such notes may 11400  
be additionally secured by covenants of the issuing authority to 11401

the effect that the issuing authority and the state will do such 11402  
or all things necessary for the issuance of such bonds or renewal 11403  
notes in appropriate amount, and apply the proceeds thereof to the 11404  
extent necessary, to make full payment of the principal of and 11405  
interest on such notes at the time or times contemplated, as 11406  
provided in such resolution or order. For such purpose, the 11407  
issuing authority may issue bonds or renewal notes in such 11408  
principal amount and upon such terms as may be necessary to 11409  
provide funds to pay when required the principal of and interest 11410  
on such notes, notwithstanding any limitations prescribed by or 11411  
for purposes of this section. Subject to this division, all 11412  
provisions for and references to obligations in this section are 11413  
applicable to notes authorized under this division. 11414

The issuing authority in the bond proceedings authorizing the 11415  
issuance of bond anticipation notes shall set forth for such bonds 11416  
an estimated interest rate and a schedule of principal payments 11417  
for such bonds and the annual maturity dates thereof, and for 11418  
purposes of any limitation on bond service charges prescribed 11419  
under division (A) of section 166.11 of the Revised Code, the 11420  
amount of bond service charges on such bond anticipation notes is 11421  
deemed to be the bond service charges for the bonds anticipated 11422  
thereby as set forth in the bond proceedings applicable to such 11423  
notes, but this provision does not modify any authority in this 11424  
section to pledge receipts and special funds to, and covenant to 11425  
issue bonds to fund, the payment of principal of and interest and 11426  
any premium on such notes. 11427

(N) Obligations issued under this section are lawful 11428  
investments for banks, societies for savings, savings and loan 11429  
associations, deposit guarantee associations, trust companies, 11430  
trustees, fiduciaries, insurance companies, including domestic for 11431  
life and domestic not for life, trustees or other officers having 11432  
charge of sinking and bond retirement or other special funds of 11433

political subdivisions and taxing districts of this state, the 11434  
commissioners of the sinking fund of the state, the administrator 11435  
of workers' compensation, the state teachers retirement system, 11436  
the public employees retirement system, the school employees 11437  
retirement system, and the Ohio police and fire pension fund, 11438  
notwithstanding any other provisions of the Revised Code or rules 11439  
adopted pursuant thereto by any governmental agency of the state 11440  
with respect to investments by them, and are also acceptable as 11441  
security for the deposit of public moneys. 11442

(O) Unless otherwise provided in any applicable bond 11443  
proceedings, moneys to the credit of or in the special funds 11444  
established by or pursuant to this section may be invested by or 11445  
on behalf of the issuing authority only in notes, bonds, or other 11446  
obligations of the United States, or of any agency or 11447  
instrumentality of the United States, obligations guaranteed as to 11448  
principal and interest by the United States, obligations of this 11449  
state or any political subdivision of this state, and certificates 11450  
of deposit of any national bank located in this state and any 11451  
bank, as defined in section 1101.01 of the Revised Code, subject 11452  
to inspection by the superintendent of banks. If the law or the 11453  
instrument creating a trust pursuant to division (J) of this 11454  
section expressly permits investment in direct obligations of the 11455  
United States or an agency of the United States, unless expressly 11456  
prohibited by the instrument, such moneys also may be invested in 11457  
no-front-end-load money market mutual funds consisting exclusively 11458  
of obligations of the United States or an agency of the United 11459  
States and in repurchase agreements, including those issued by the 11460  
fiduciary itself, secured by obligations of the United States or 11461  
an agency of the United States; and in common trust funds 11462  
established in accordance with section 1111.20 of the Revised Code 11463  
and consisting exclusively of any such securities, notwithstanding 11464  
division (A)(4) of that section. The income from such investments 11465  
shall be credited to such funds as the issuing authority 11466

determines, and such investments may be sold at such times as the 11467  
issuing authority determines or authorizes. 11468

(P) Provision may be made in the applicable bond proceedings 11469  
for the establishment of separate accounts in the bond service 11470  
fund and for the application of such accounts only to the 11471  
specified bond service charges on obligations pertinent to such 11472  
accounts and bond service fund and for other accounts therein 11473  
within the general purposes of such fund. Unless otherwise 11474  
provided in any applicable bond proceedings, moneys to the credit 11475  
of or in the several special funds established pursuant to this 11476  
section shall be disbursed on the order of the treasurer of state, 11477  
provided that no such order is required for the payment from the 11478  
bond service fund when due of bond service charges on obligations. 11479

(Q) The issuing authority may pledge all, or such portion as 11480  
the issuing authority determines, of the pledged receipts to the 11481  
payment of bond service charges on obligations issued under this 11482  
section, and for the establishment and maintenance of any 11483  
reserves, as provided in the bond proceedings, and make other 11484  
provisions therein with respect to pledged receipts as authorized 11485  
by this chapter, which provisions are controlling notwithstanding 11486  
any other provisions of law pertaining thereto. 11487

(R) The issuing authority may covenant in the bond 11488  
proceedings, and any such covenants are controlling 11489  
notwithstanding any other provision of law, that the state and 11490  
applicable officers and governmental agencies of the state, 11491  
including the general assembly, so long as any obligations are 11492  
outstanding, shall: 11493

(1) Maintain statutory authority for and cause to be charged 11494  
and collected wholesale and retail prices for spirituous liquor 11495  
sold by the state or its agents so that the pledged receipts are 11496  
sufficient in amount to meet bond service charges, and the 11497  
establishment and maintenance of any reserves and other 11498

requirements provided for in the bond proceedings, and, as 11499  
necessary, to meet covenants contained in contracts of guarantee 11500  
made under section 166.06 of the Revised Code; 11501

(2) Take or permit no action, by statute or otherwise, that 11502  
would impair the exemption from federal income taxation of the 11503  
interest on the obligations. 11504

(S) There is hereby created the economic development bond 11505  
service fund, which shall be in the custody of the treasurer of 11506  
state but shall be separate and apart from and not a part of the 11507  
state treasury. All moneys received by or on account of the 11508  
issuing authority or state agencies and required by the applicable 11509  
bond proceedings, consistent with this section, to be deposited, 11510  
transferred, or credited to a bond service fund or the economic 11511  
development bond service fund, and all other moneys transferred or 11512  
allocated to or received for the purposes of the fund, shall be 11513  
deposited and credited to such fund and to any separate accounts 11514  
therein, subject to applicable provisions of the bond proceedings, 11515  
but without necessity for any act of appropriation. During the 11516  
period beginning with the date of the first issuance of 11517  
obligations and continuing during such time as any such 11518  
obligations are outstanding, and so long as moneys in the 11519  
pertinent bond service funds are insufficient to pay all bond 11520  
services charges on such obligations becoming due in each year, a 11521  
sufficient amount of the gross profit on the sale of spirituous 11522  
liquor included in pledged receipts are committed and shall be 11523  
paid to the bond service fund or economic development bond service 11524  
fund in each year for the purpose of paying the bond service 11525  
charges becoming due in that year without necessity for further 11526  
act of appropriation for such purpose and notwithstanding anything 11527  
to the contrary in Chapter 4301. of the Revised Code. The economic 11528  
development bond service fund is a trust fund and is hereby 11529  
pledged to the payment of bond service charges to the extent 11530

provided in the applicable bond proceedings, and payment thereof 11531  
from such fund shall be made or provided for by the treasurer of 11532  
state in accordance with such bond proceedings without necessity 11533  
for any act of appropriation. 11534

(T) The obligations, the transfer thereof, and the income 11535  
therefrom, including any profit made on the sale thereof, shall at 11536  
all times be free from taxation within the state. 11537

**Sec. 166.11.** (A) The aggregate amount of debt service payable 11538  
in any calendar year on project financing obligations issued under 11539  
section 166.08 of the Revised Code, exclusive of make-whole call 11540  
redemptions or other optional prepayments, shall not exceed fifty 11541  
million dollars. The aggregate principal amount of obligations, 11542  
exclusive of project financing obligations, that may be issued 11543  
under section 166.08 of the Revised Code is six hundred thirty 11544  
million dollars, plus the principal amount of any such obligations 11545  
retired by payment, the amounts held or obligations pledged for 11546  
the payment of the principal amount of any such obligations 11547  
outstanding, amounts in special funds held as reserves to meet 11548  
bond service charges, and amounts of obligations issued to provide 11549  
moneys required to meet payments from the loan guarantee fund 11550  
created in section 166.06 of the Revised Code and the innovation 11551  
Ohio loan guarantee fund created in section 166.15 of the Revised 11552  
Code. Of that six hundred thirty million dollars, not more than 11553  
eighty-four million principal amount of obligations may be issued 11554  
for eligible advanced energy projects and not more than one 11555  
hundred million principal amount of obligations may be issued for 11556  
eligible logistics and distribution projects. No portion of the 11557  
eighty-four million principal amount for eligible advanced energy 11558  
projects may be issued after the effective date of this amendment. 11559  
The terms of the obligations issued under section 166.08 of the 11560  
Revised Code, other than obligations issued to meet guarantees 11561  
that cannot be satisfied from amounts then held in the loan 11562

guarantee fund or the innovation Ohio loan guarantee fund, shall 11563  
be such that the aggregate amount of moneys used from profit from 11564  
the sale of spirituous liquor, and not from other sources, in any 11565  
fiscal year shall not exceed sixty-three million dollars. For 11566  
purposes of the preceding sentence, "other sources" include the 11567  
annual investment income on special funds to the extent it will be 11568  
available for payment of any bond service charges in lieu of use 11569  
of profit from the sale of spirituous liquor, and shall be 11570  
estimated on the basis of the expected funding of those special 11571  
funds and assumed investment earnings thereon at a rate equal to 11572  
the weighted average yield on investments of those special funds 11573  
determined as of any date within sixty days immediately preceding 11574  
the date of issuance of the bonds in respect of which the 11575  
determination is being made. Amounts received in any fiscal year 11576  
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 11577  
shall not be included when determining the sixty-three million 11578  
dollar limit. The determinations required by this division shall 11579  
be made by the treasurer of state at the time of issuance of an 11580  
issue of obligations and shall be conclusive for purposes of such 11581  
issue of obligations from and after their issuance and delivery. 11582

(B) The aggregate amount of the guaranteed portion of the 11583  
unpaid principal of loans guaranteed under sections 166.06 and 11584  
166.15 of the Revised Code and the unpaid principal of loans made 11585  
under sections 166.07, 166.16, and 166.21 of the Revised Code may 11586  
not at any time exceed eight hundred million dollars. Of that 11587  
eight hundred million dollars, the aggregate amount of the 11588  
guaranteed portion of the unpaid principal of loans guaranteed 11589  
under sections 166.06 and 166.15 of the Revised Code shall not at 11590  
any time exceed two hundred million dollars. However, the 11591  
limitations established under this division do not apply to loans 11592  
made with proceeds from the issuance and sale of project financing 11593  
obligations. 11594



Sec. 166.50. "Microbusiness" means an independently owned and operated for-profit business entity, including any affiliates, that has fewer than twenty full-time employees or full-time equivalent employees and is located in this state.

For purposes of this section:

(A) "Full-time employee" means an employee who, with respect to a calendar month, is employed an average of at least thirty hours of service per week.

(B) The number of full-time equivalent employees for a calendar month is determined by calculating the aggregate number of hours of service for that calendar month for employees who were not full-time employees and dividing that number by one hundred twenty.

**Sec. 167.03.** (A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

(5) Operate a public safety answering point in accordance

with Chapter 128. of the Revised Code; 11624

(6) Perform planning directly by personnel of the council, or 11625  
under contracts between the council and other public or private 11626  
planning agencies. 11627

(B) The council may: 11628

(1) Review, evaluate, comment upon, and make recommendations, 11629  
relative to the planning and programming, and the location, 11630  
financing, and scheduling of public facility projects within the 11631  
region and affecting the development of the area; 11632

(2) Act as an areawide agency to perform comprehensive 11633  
planning for the programming, locating, financing, and scheduling 11634  
of public facility projects within the region and affecting the 11635  
development of the area and for other proposed land development or 11636  
uses, which projects or uses have public metropolitan wide or 11637  
interjurisdictional significance; 11638

(3) Act as an agency for coordinating, based on metropolitan 11639  
wide comprehensive planning and programming, local public 11640  
policies, and activities affecting the development of the region 11641  
or area. 11642

(C) The council may, by appropriate action of the governing 11643  
bodies of the members, perform such other functions and duties as 11644  
are performed or capable of performance by the members and 11645  
necessary or desirable for dealing with problems of mutual 11646  
concern. 11647

(D) The authority granted to the council by this section or 11648  
in any agreement by the members thereof shall not displace any 11649  
existing municipal, county, regional, or other planning commission 11650  
or planning agency in the exercise of its statutory powers. 11651

(E) A council, with an educational service center as its 11652  
fiscal agent, that is established to provide health care benefits 11653

to the council members' officers and employees and their 11654  
dependents may contract to administer and coordinate a self-funded 11655  
health benefit program of a nonprofit corporation organized under 11656  
Chapter 1702. of the Revised Code. 11657

**Sec. 173.01.** The department of aging shall: 11658

(A) Be the designated state agency to administer programs of 11659  
the federal government relating to the aged, requiring action 11660  
within the state, that are not the specific responsibility of 11661  
another state agency under federal or state statutes. The 11662  
department shall be the sole state agency to administer funds 11663  
granted by the federal government under the "Older Americans Act 11664  
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 11665  
shall not supplant or take over for the counties or municipal 11666  
corporations or from other state agencies or facilities any of the 11667  
specific responsibilities borne by them on November 23, 1973. The 11668  
department shall cooperate with such federal and state agencies, 11669  
counties, and municipal corporations and private agencies or 11670  
facilities within the state in furtherance of the purposes as set 11671  
forth in this chapter. 11672

(B) Administer state funds appropriated for its use for 11673  
administration and for grants and may use appropriated state funds 11674  
as state match for federal grants. All federal funds received 11675  
shall be reported to the director of budget and management. 11676

(C) Review all proposed plans, programs, and rules primarily 11677  
affecting persons sixty years of age or older, and shall be sent a 11678  
copy of all proposed and final rules, as well as proposals for 11679  
plans and programs that primarily affect persons sixty years of 11680  
age or older and notices of all hearings on such rules, plans, and 11681  
programs. Any state agency proposing a plan, program, or rule that 11682  
primarily affects persons sixty years of age or older shall submit 11683  
a copy of such proposal to the department for its written 11684

comments. No such proposed plan, program, or rule shall take 11685  
effect until the department's comments have been requested. The 11686  
department shall review the proposal and submit a written comment 11687  
on such proposal to the agency making the proposal, within thirty 11688  
days from the date the department receives the proposal. If the 11689  
department does not agree that the proposed plan, program, or rule 11690  
shall take effect as proposed, the department shall set forth in 11691  
writing its reasons and its suggestions for changes in the 11692  
proposed plan, program, or rule. If the agency making the proposal 11693  
does not choose to comply with the suggestions of the department, 11694  
the agency making the proposal shall send the department, no later 11695  
than thirty days before the proposal becomes final, written notice 11696  
of its intention not to comply with such suggestions and its 11697  
reason for such noncompliance. 11698

This section does not apply to plans or revisions adopted 11699  
under section 5101.46 of the Revised Code. 11700

(D) Plan, initiate, coordinate, and evaluate statewide 11701  
programs, services, and activities for elderly people; 11702

(E) Disseminate information concerning the problems of 11703  
elderly people and establish and maintain a central clearinghouse 11704  
of information on public programs at all levels of government that 11705  
would be of interest or benefit to the elderly; 11706

(F) Report annually to the governor and the general assembly 11707  
on the department's programs; 11708

(G) Have authority to contract with public or private groups 11709  
to perform services for the department; 11710

~~(H) Conduct investigations under section 3721.17 of the 11711  
Revised Code;~~ 11712

~~(I) Hire investigators to conduct investigations of alleged 11713  
violations of sections 3721.10 to 3721.17 of the Revised Code 11714  
pursuant to section 3721.17 of the Revised Code;~~ 11715

~~(J)~~ Adopt rules under Chapter 119. of the Revised Code to govern investigations conducted under section 3721.17 of the Revised Code; 11716  
11717  
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~~(K)~~ Adopt rules pursuant to in accordance with Chapter 119. of the Revised Code to govern the operation of services and facilities for the elderly that are provided, operated, contracted for, or supported by the department, and determine that those services and facilities are operated in conformity with the rules; 11719  
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11721  
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~~(L)~~(I) Determine the needs of the elderly and represent their interests at all levels of government; 11724  
11725

~~(M)~~(J) Establish and operate a state long-term care ombudsman program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of the "Older Americans Act of 1965," ~~as amended by the~~ "Comprehensive Older Americans Act Amendments of 1978," 92 Stat. 1524, 42 U.S.C.A. 3027, and amendments thereto 42 U.S.C. 3027 and 3058. 11726  
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**Sec. 173.14.** As used in sections 173.14 to ~~173.27~~ 173.28 of the Revised Code: 11732  
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(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for one or more unrelated adults, including all of the following: 11734  
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(a) A "nursing home," "residential care facility," or "home for the aging," as those terms are defined in section 3721.01 of the Revised Code; 11739  
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(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to 11742  
11743  
11744  
11745

patients who require an average length of stay greater than 11746  
twenty-five days and is classified by the centers for medicare and 11747  
medicaid services as a long-term care hospital pursuant to 42 11748  
C.F.R. 412.23(e); 11749

(c) A county home or district home operated pursuant to 11750  
Chapter 5155. of the Revised Code; 11751

(d) A residential facility licensed under section 5119.34 of 11752  
the Revised Code that provides accommodations, supervision, and 11753  
personal care services for three to sixteen unrelated adults or 11754  
accommodations and personal care services for only one or two 11755  
adults who are receiving payments under the residential state 11756  
supplement program established under section 5119.41 of the 11757  
Revised Code; 11758

(e) A facility approved by the veterans administration under 11759  
section 104(a) of the "Veterans Health Care Amendments of 1983," 11760  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 11761  
the placement and care of veterans. 11762

(2) "Long-term care facility" does not include a residential 11763  
facility licensed under section 5123.19 of the Revised Code. 11764

(B) "Resident" means a resident of a long-term care facility 11765  
and, where appropriate, includes a prospective, previous, or 11766  
deceased resident of a long-term care facility. 11767

(C) "Community-based long-term care services" means health 11768  
and social services provided to persons in their own homes or in 11769  
community care settings, and includes any of the following: 11770

(1) Case management; 11771

(2) Home health care; 11772

(3) Homemaker services; 11773

(4) Chore services; 11774

(5) Respite care; 11775

(6) Adult day care;	11776
(7) Home-delivered meals;	11777
(8) Personal care;	11778
(9) Physical, occupational, and speech therapy;	11779
(10) Transportation;	11780
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	11781 11782 11783
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	11784 11785 11786 11787
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	11788 11789 11790
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	11791 11792
(G) "Regional long-term care ombudsman program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsman program by the state long-term care ombudsman.	11793 11794 11795 11796
(H) "Representative of the office of the state long-term care ombudsman program" means the state long-term care ombudsman or a member of the ombudsman's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.	11797 11798 11799 11800 11801
(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.	11802 11803 11804

(J) "Long-term care provider" means a long-term care facility 11805  
or a provider of community-based long-term care services. 11806

(K) "Advocacy visit" means a visit by a representative of the 11807  
office of the state long-term care ombudsman program to a 11808  
long-term care provider, a resident, or a recipient when the 11809  
purpose of the visit is one or more of the following: 11810

(1) To establish a regular presence that creates awareness of 11811  
the availability of the office of the long-term care ombudsman 11812  
program; 11813

(2) To increase awareness of the services the office 11814  
provides; 11815

(3) To address any other matter not related to the 11816  
representative's investigation of a specific complaint. 11817

An advocacy visit may unexpectedly involve addressing 11818  
uncomplicated complaints or lead to an investigation of a 11819  
complaint when needed. 11820

**Sec. 173.15.** The state long-term care ombudsman program 11821  
established by the department of aging pursuant to division ~~(M)~~(J) 11822  
of section 173.01 of the Revised Code shall be known as "the 11823  
office of the state long-term care ombudsman program." It shall 11824  
consist of the state long-term care ombudsman ~~and his,~~ the 11825  
ombudsman's staff, and regional long-term care ombudsman programs. 11826  
In establishing and operating the office, the department shall 11827  
consider the views of area agencies on aging, individuals age 11828  
sixty or older, and agencies and other entities that provide 11829  
services to individuals age sixty and older. 11830

The department of aging shall appoint the state ombudsman, 11831  
who shall serve at the pleasure of the department. The department 11832  
shall appoint as state ombudsman an individual who has no conflict 11833  
of interest with the position and is capable of administering the 11834



office impartially, has an understanding of long-term care issues, 11835  
and has experience related to the concerns of residents and 11836  
recipients, such as experience in the fields of aging, health 11837  
care, and long-term care; work with community programs and health 11838  
care providers; and work with and involvement in volunteer 11839  
programs. No individual or entity whose interests are in conflict 11840  
with the responsibilities of the state ombudsman shall be involved 11841  
in ~~his~~ the ombudsman's appointment. 11842

The department shall ensure that no employee or 11843  
representative of the office and no individual involved in the 11844  
designation of the head of any regional long-term care ombudsman 11845  
program has any interest that is, or may be, in conflict with the 11846  
interests and concerns of the office and shall ensure that 11847  
mechanisms are in place to remedy any conflicts. 11848

For purposes of this section, conflicts of interest may 11849  
include, but are not limited to, employment by a long-term care 11850  
~~facility or a provider of community-based long-term care services~~ 11851  
within two years prior to being employed by or associated with the 11852  
office of the state long-term care ombudsman program, affiliation 11853  
with or financial interest in a long-term care ~~facility or a~~ 11854  
~~provider of community-based long-term care services~~, and 11855  
affiliation with or financial interest in a membership 11856  
organization of long-term care providers. 11857

**Sec. 173.17.** (A) The state long-term care ombudsman shall do 11858  
all of the following: 11859

(1) Appoint a staff and direct and administer the work of the 11860  
staff; 11861

(2) ~~Supervise the nursing home investigative unit established~~ 11862  
~~under division (I) of section 173.01 of the Revised Code;~~ 11863

~~(3) Oversee the performance and operation of the office of~~ 11864

the state long-term care ombudsman program, including the 11865  
operation of regional long-term care ombudsman programs; 11866

~~(4)~~(3) Establish and maintain a statewide uniform reporting 11867  
system to collect and analyze information relating to complaints 11868  
and conditions in long-term care facilities and complaints 11869  
regarding the provision of community-based long-term care services 11870  
for the purpose of identifying and resolving significant problems; 11871

~~(5)~~(4) Provide for public forums to discuss concerns and 11872  
problems relating to action, inaction, or decisions that may 11873  
adversely affect the health, safety, welfare, or rights of 11874  
residents ~~and~~ recipients ~~of services by providers of long-term~~ 11875  
~~care~~ and their representatives with respect to services by 11876  
long-term care providers, public agencies and entities, and social 11877  
service agencies. This may include any of the following: 11878  
conducting public hearings; sponsoring workshops and conferences; 11879  
holding meetings for the purpose of obtaining information about 11880  
residents and recipients, discussing and publicizing their needs, 11881  
and advocating solutions to their problems; and promoting the 11882  
development of citizen organizations. 11883

~~(6)~~(5) Encourage, cooperate with, and assist in the 11884  
development and operation of services to provide current, 11885  
objective, and verified information about long-term care; 11886

~~(7)~~(6) Develop and implement, with the assistance of regional 11887  
programs, a continuing program to publicize, through the media and 11888  
civic organizations, the office, its purposes, and its methods of 11889  
operation; 11890

~~(8)~~(7) Maintain written descriptions of the duties and 11891  
qualifications of representatives of the office; 11892

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11893  
long-term care by doing all of the following: 11894

(a) Preparing an annual report containing information and 11895

findings regarding the types of problems experienced by residents 11896  
and recipients and the complaints made by or on behalf of 11897  
residents and recipients. The report shall include recommendations 11898  
for policy, regulatory, and legislative changes to solve problems, 11899  
resolve complaints, and improve the quality of care and life for 11900  
residents and recipients ~~and~~. The report shall be submitted to the 11901  
governor, the speaker of the house of representatives, the 11902  
president of the senate, the ~~directors~~ director of health ~~and, the~~ 11903  
medicaid director, the director of job and family services, the 11904  
director of mental health and addiction services, and the 11905  
~~commissioner of the administration on~~ assistant secretary for 11906  
aging of the United States department of health and human 11907  
services. 11908

(b) Monitoring and analyzing the development and 11909  
implementation of federal, state, and local laws, rules, and 11910  
policies regarding long-term care services in this state and 11911  
recommending to officials changes the office considers appropriate 11912  
in ~~these~~ those laws, rules, and policies; 11913

(c) Providing information and making recommendations to 11914  
public agencies, members of the general assembly, and others 11915  
regarding problems and concerns of residents and recipients. 11916

~~(10)~~(9) Conduct training for employees and volunteers on the 11917  
ombudsman's staff and for representatives of the office employed 11918  
by regional programs; 11919

~~(11)~~(10) Monitor the training of representatives of the 11920  
office who provide volunteer services to regional programs, and 11921  
provide technical assistance to the regional programs in 11922  
conducting the training; 11923

~~(12)~~(11) Issue certificates attesting to the successful 11924  
completion of training and specifying the level of responsibility 11925  
for which a representative of the office who has completed 11926

training is qualified; 11927

~~(13)~~(12) Register as a residents' rights advocate with the 11928  
department of health under division (B) of section 3701.07 of the 11929  
Revised Code; 11930

(13) Conduct advocacy visits and authorize other 11931  
representatives of the office of the state long-term care 11932  
ombudsman program to conduct advocacy visits; 11933

(14) Perform other duties specified by the department of 11934  
aging. 11935

(B) The state ombudsman may delegate to any member of the 11936  
ombudsman's staff any of the ombudsman's authority or duties ~~under 11937  
set forth in~~ sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11938  
~~to any member of the ombudsman's staff other than any authority or 11939  
duty required by federal law to be exercised or performed by the 11940  
ombudsman.~~ The state ombudsman is responsible for any authority or 11941  
duties the ombudsman delegates. 11942

**Sec. 173.19.** (A) The office of the state long-term care 11943  
ombudsman program, through the state long-term care ombudsman and 11944  
the regional long-term care ombudsman programs, shall receive, 11945  
investigate, and attempt to resolve complaints made by residents, 11946  
recipients, sponsors, ~~providers of~~ long-term care providers, or 11947  
any person acting on behalf of a resident or recipient, relating 11948  
to either of the following: 11949

(1) The health, safety, welfare, or civil rights of a 11950  
resident or recipient or any violation of a resident's rights 11951  
described in sections 3721.10 to 3721.17 of the Revised Code; 11952

(2) Any action or inaction or decision by ~~a provider of 11953  
long-term care or representative of a provider, a governmental 11954  
entity, or a private social service agency~~ any of the following 11955  
that may adversely affect the health, safety, welfare, or rights 11956

of a resident or recipient: a long-term care provider or a 11957  
representative of a long-term care provider; a medicaid managed 11958  
care organization, as defined in section 5167.01 of the Revised 11959  
Code; a government entity; or a private social service agency. 11960

(B) The department of aging shall adopt rules in accordance 11961  
with Chapter 119. of the Revised Code regarding the handling of 11962  
complaints received under this section, including procedures for 11963  
conducting investigations of complaints. The rules shall include 11964  
procedures to ensure that no representative of the office 11965  
investigates any complaint involving a ~~provider~~ of long-term care 11966  
provider with which the representative was once employed or 11967  
associated. 11968

The state ombudsman and regional programs shall establish 11969  
procedures for handling complaints consistent with the 11970  
department's rules. Complaints shall be dealt with in accordance 11971  
with the procedures established under this division. 11972

(C) The office of the state long-term care ombudsman program 11973  
may decline to investigate any complaint if it determines any of 11974  
the following: 11975

(1) That the complaint is frivolous, vexatious, or not made 11976  
in good faith; 11977

(2) That the complaint was made so long after the occurrence 11978  
of the incident on which it is based that it is no longer 11979  
reasonable to conduct an investigation; 11980

(3) That an adequate investigation cannot be conducted 11981  
because of insufficient funds, insufficient staff, lack of staff 11982  
expertise, or any other reasonable factor that would result in an 11983  
inadequate investigation despite a good faith effort; 11984

(4) That an investigation by the office would create a real 11985  
or apparent conflict of interest. 11986

(D) If a regional long-term care ombudsman program declines 11987  
to investigate a complaint, it shall refer the complaint to the 11988  
state long-term care ombudsman. 11989

(E) Each complaint to be investigated by a regional program 11990  
shall be assigned to a representative of the office of the state 11991  
long-term care ombudsman program. If the representative determines 11992  
that the complaint is valid, the representative shall assist the 11993  
parties in attempting to resolve it. If the representative is 11994  
unable to resolve it, the representative shall refer the complaint 11995  
to the state ombudsman. 11996

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11997  
173.28 of the Revised Code, a representative has the right to 11998  
private communication with residents and their sponsors and access 11999  
to long-term care facilities, including the right to tour resident 12000  
areas unescorted and the right to tour facilities unescorted as 12001  
reasonably necessary to the investigation of a complaint. Access 12002  
to facilities shall be during reasonable hours or, during 12003  
investigation of a complaint, at other times appropriate to the 12004  
complaint. 12005

When community-based long-term care services are provided at 12006  
a location other than the recipient's home, a representative has 12007  
the right to private communication with the recipient and the 12008  
recipient's sponsors and access to the community-based long-term 12009  
care site, including the right to tour the site unescorted. Access 12010  
to the site shall be during reasonable hours or, during the 12011  
investigation of a complaint, at other times appropriate to the 12012  
complaint. 12013

(F) The state ombudsman shall determine whether complaints 12014  
referred to the ombudsman under division (D) or (E) of this 12015  
section warrant investigation. The ombudsman's determination in 12016  
this matter is final. 12017

(G) No long-term care provider or other entity, no person employed by a long-term care provider or other entity, and no other individual shall do either of the following: 12018  
12019  
12020

(1) Knowingly deny a representative of the office of the state long-term care ombudsman program the right to private communication or access described in division (E) of this section; 12021  
12022  
12023

(2) Engage in willful interference. 12024

As used in division (G)(2) of this section, "willful interference" means any action or inaction that is intended to prevent, interfere with, or impede a representative of the office of the state long-term care ombudsman program from exercising any of the rights or performing any of the duties of an ombudsman set forth in sections 173.14 to 173.28 of the Revised Code. 12025  
12026  
12027  
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**Sec. 173.20.** (A) If consent is given and unless otherwise prohibited by law, a representative of the office of the state long-term care ombudsman program shall have access to any records, including medical records, of a resident or a recipient that are reasonably necessary for investigation of a complaint. Consent may be given in any of the following ways: 12031  
12032  
12033  
12034  
12035  
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(1) In writing by the resident or recipient; 12037

(2) Orally by the resident or recipient, witnessed in writing at the time it is given by one other person, ~~and, if the records involved are being maintained by a long term care provider, also by an employee of the long term care provider designated under division (E)(1) of this section;~~ 12038  
12039  
12040  
12041  
12042

(3) In writing by the guardian of the resident or recipient; 12043

(4) In writing by the attorney in fact of the resident or recipient, if the resident or recipient has authorized the attorney in fact to give such consent; 12044  
12045  
12046

(5) In writing by the executor or administrator of the estate 12047

of a deceased resident or recipient. 12048

(B) If consent to access to records is not refused by a 12049  
resident or recipient or the resident's or recipient's legal 12050  
representative but cannot be obtained and any of the following 12051  
circumstances exist, a representative of the office of the state 12052  
long-term care ombudsman program, on approval of the state 12053  
long-term care ombudsman, may inspect the records of a resident or 12054  
a recipient, including medical records, that are reasonably 12055  
necessary for investigation of a complaint: 12056

(1) The resident or recipient is unable to express written or 12057  
oral consent and there is no guardian or attorney in fact; 12058

(2) There is a guardian or attorney in fact, but the guardian 12059  
or attorney in fact cannot be contacted within three working days; 12060

(3) There is a guardianship or durable power of attorney, but 12061  
its existence is unknown by the long-term care provider and the 12062  
representative of the office at the time of the investigation; 12063

(4) There is no executor or administrator of the estate of a 12064  
deceased resident or recipient. 12065

(C) If a representative of the office of the state long-term 12066  
care ombudsman program has been refused access to records by a 12067  
guardian or attorney in fact, but has reasonable cause to believe 12068  
that the guardian or attorney in fact is not acting in the best 12069  
interests of the resident or recipient, the representative may, on 12070  
approval of the state long-term care ombudsman, inspect the 12071  
records of the resident or recipient, including medical records, 12072  
that are reasonably necessary for investigation of a complaint. 12073

(D) A representative of the office of the state long-term 12074  
care ombudsman program shall have access to any records of a 12075  
long-term care provider reasonably necessary to an investigation 12076  
conducted under this section, including but not limited to: 12077  
incident reports, dietary records, policies and procedures of a 12078



facility required to be maintained under section 5165.06 of the Revised Code, admission agreements, staffing schedules, any document depicting the actual staffing pattern of the provider, any financial records that are matters of public record, resident council and grievance committee minutes, and any waiting list maintained by a facility in accordance with section 5165.08 of the Revised Code, or any similar records or lists maintained by a provider of community-based long-term care services. Pursuant to division (E)(2) of this section, a representative shall be permitted to make or obtain copies of any of these records after giving the long-term care provider twenty-four hours' notice. A long-term care provider may impose a charge for providing copies of records under this division that does not exceed the actual and necessary expense of making the copies.

~~The state ombudsman shall take whatever action is necessary to ensure that any copy of a record made or obtained under this division is returned to the long-term care provider no later than three years after the date the investigation for which the copy was made or obtained is completed.~~

~~(E)(1) Each long-term care provider shall designate one or more of its employees to be responsible for witnessing the giving of oral consent under division (A) of this section. In the event that a designated employee is not available when a resident or recipient attempts to give oral consent, the provider shall designate another employee to witness the consent.~~

(2) Each long-term care provider shall designate one or more of its employees to be responsible for releasing records for copying to representatives of the office of the state long-term care ombudsman program who request permission to make or obtain copies of records specified in division (D) of this section. In the event that a designated employee is not available when a representative of the office makes the request, the long-term care

provider shall designate another employee to release the records 12111  
for copying. 12112

(F) A long-term care provider or any employee of such a 12113  
provider is immune from civil or criminal liability or action 12114  
taken pursuant to a professional disciplinary procedure for the 12115  
release or disclosure of records to a representative of the office 12116  
pursuant to this section. 12117

(G) A state or local government agency or entity with records 12118  
relevant to a complaint or investigation being conducted by a 12119  
representative of the office shall provide the representative 12120  
access to the records. 12121

(H) The state ombudsman, with the approval of the director of 12122  
aging, may issue a subpoena to compel any person the ombudsman 12123  
reasonably believes may be able to provide information to appear 12124  
before the ombudsman or the ombudsman's designee and give sworn 12125  
testimony and to produce documents, books, records, papers, or 12126  
other evidence the state ombudsman believes is relevant to the 12127  
investigation. On the refusal of a witness to be sworn or to 12128  
answer any question put to the witness, or if a person disobeys a 12129  
subpoena, the ombudsman shall apply to the Franklin county court 12130  
of common pleas for a contempt order, as in the case of 12131  
disobedience of the requirements of a subpoena issued from the 12132  
court, or a refusal to testify in the court. 12133

(I) The state ombudsman may petition the court of common 12134  
pleas in the county in which a long-term care facility is located 12135  
to issue an injunction against any long-term care facility in 12136  
violation of sections 3721.10 to 3721.17 of the Revised Code. 12137

(J) ~~Any~~ To the extent permitted by federal law, a 12138  
representative of the office may report to an appropriate 12139  
authority any suspected violation of Chapter 3721. of the Revised 12140  
~~Code~~ state law discovered during the course of an advocacy visit 12141

~~or investigation may be reported to the department of health. Any~~ 12142  
~~suspected criminal violation discovered during the course of an~~ 12143  
~~investigation shall be reported to the attorney general or other~~ 12144  
~~appropriate law enforcement authorities.~~ 12145

(K) The department of aging shall adopt rules in accordance 12146  
with Chapter 119. of the Revised Code for referral by the state 12147  
ombudsman and regional long-term care ombudsman programs of 12148  
complaints to other public agencies or entities. A public agency 12149  
or entity to which a complaint is referred shall keep the state 12150  
ombudsman or regional program handling the complaint advised and 12151  
notified in writing in a timely manner of the disposition of the 12152  
complaint to the extent permitted by law. 12153

**Sec. 173.21.** (A) The office of the state long-term care 12154  
ombudsman program, through the state long-term care ombudsman and 12155  
the regional long-term care ombudsman programs, shall require each 12156  
representative of the office to complete a training and 12157  
certification program in accordance with this section and to meet 12158  
the continuing education requirements established under this 12159  
section. 12160

(B) The department of aging shall adopt rules ~~under~~ in 12161  
accordance with Chapter 119. of the Revised Code specifying the 12162  
content of training programs for representatives of the office of 12163  
the state long-term care ombudsman program. Training for 12164  
representatives other than those who are volunteers providing 12165  
services through regional long-term care ombudsman programs shall 12166  
include instruction regarding federal, state, and local laws, 12167  
rules, and policies on long-term care facilities and 12168  
community-based long-term care services; investigative techniques; 12169  
and other topics considered relevant by the department and shall 12170  
consist of the following: 12171

(1) A minimum of forty clock hours of basic instruction, 12172

which shall be completed before the trainee is permitted to handle 12173  
complaints without the supervision of a representative of the 12174  
office certified under this section; 12175

(2) An additional sixty clock hours of instruction, which 12176  
shall be completed within the first fifteen months of employment; 12177

(3) An internship of twenty clock hours, which shall be 12178  
completed within the first twenty-four months of employment, 12179  
including instruction in, and observation of, basic nursing care 12180  
and long-term care provider operations and procedures. The 12181  
internship shall be performed at a site that has been approved as 12182  
an internship site by the state long-term care ombudsman. 12183

(4) One of the following, which shall be completed within the 12184  
first twenty-four months of employment: 12185

(a) Observation of a survey conducted by the director of 12186  
health to certify a nursing facility to participate in the 12187  
medicaid program; 12188

(b) Observation of an inspection conducted by the director of 12189  
mental health and addiction services to license a residential 12190  
facility under section 5119.34 of the Revised Code that provides 12191  
accommodations, supervision, and personal care services for three 12192  
to sixteen unrelated adults. 12193

(5) Any other training considered appropriate by the 12194  
department. 12195

(C) Any person who for a period of at least six months prior 12196  
to June 11, 1990, served as an ombudsman through the long-term 12197  
care ombudsman program established by the department of aging 12198  
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 12199  
be required to complete a training program. Such a person and 12200  
persons who complete a training program shall take an examination 12201  
administered by the department of aging. On attainment of a 12202  
passing score, the person shall be certified by the department as 12203

a representative of the office. The department shall issue the 12204  
person an identification card, which the representative shall show 12205  
at the request of any person with whom the representative deals 12206  
while performing the representative's duties and which shall be 12207  
surrendered at the time the representative separates from the 12208  
office. 12209

(D) The state ombudsman and each regional program shall 12210  
conduct training programs for volunteers on their respective 12211  
staffs in accordance with the rules of the department of aging 12212  
adopted under division (B) of this section. Training programs may 12213  
be conducted that train volunteers to complete some, but not all, 12214  
of the duties of a representative of the office. Each regional 12215  
office shall bear the cost of training its representatives who are 12216  
volunteers. On completion of a training program, the 12217  
representative shall take an examination administered by the 12218  
department of aging. On attainment of a passing score, a volunteer 12219  
shall be certified by the department as a representative 12220  
authorized to perform services specified in the certification. The 12221  
department shall issue an identification card, which the 12222  
representative shall show at the request of any person with whom 12223  
the representative deals while performing the representative's 12224  
duties and which shall be surrendered at the time the 12225  
representative separates from the office. Except as a supervised 12226  
part of a training program, no volunteer shall perform any duty 12227  
unless ~~he~~ the volunteer is certified as a representative having 12228  
received appropriate training for that duty. 12229

(E) The state ombudsman shall provide technical assistance to 12230  
regional programs conducting training programs for volunteers and 12231  
shall monitor the training programs. 12232

(F) Prior to scheduling an observation of a certification 12233  
survey or licensing inspection for purposes of division (B)(4) of 12234  
this section, the state ombudsman shall obtain permission to have 12235

the survey or inspection observed from both ~~the director of health~~ 12236  
~~and~~ the long-term care facility at which the survey or inspection 12237  
is to take place and, as the case may be, the director of health 12238  
or director of mental health and addiction services. 12239

(G) The department of aging shall establish continuing 12240  
education requirements for representatives of the office. 12241

**Sec. 173.22.** (A) The collection, compilation, analysis, and 12242  
dissemination of information by the office of the state long-term 12243  
care ombudsman program shall be performed in a manner that 12244  
protects complainants, individuals providing information about a 12245  
complaint, public entities, and confidential records of residents 12246  
or recipients. The identity of a resident or recipient, a 12247  
complainant who is not a resident or recipient, or an individual 12248  
providing information about a complaint shall not be disclosed 12249  
without the written consent of the resident or recipient, 12250  
complainant, or individual, or ~~his~~ a legal representative of any 12251  
of the foregoing, or except as required by court order. 12252

The investigative files, ~~including any proprietary records of~~ 12253  
~~a long-term care provider contained in the files,~~ of the office 12254  
and any records contained in those files, including any 12255  
proprietary records of a long-term care provider or records 12256  
relating to advocacy visits, are not public records subject to 12257  
inspection or copying under section 149.43 of the Revised Code and 12258  
are exempt from the provisions of Chapter 1347. of the Revised 12259  
Code. Information contained in investigative and other files 12260  
maintained by the state long-term care ombudsman and regional 12261  
long-term care ombudsman programs shall be disclosed only at the 12262  
discretion of the state ombudsman ~~or the regional program~~ 12263  
~~maintaining the records~~ or if disclosure is required by court 12264  
order. 12265

(B) No report prepared by the state ombudsman or a regional 12266

program shall include any information that violates the 12267  
confidentiality requirements of this section. Proprietary records 12268  
of a specific long-term care provider are subject to the 12269  
confidentiality requirements of this section. 12270

**Sec. 173.24.** (A) As used in this section, ~~"employee:~~ 12271

(1) "Employee" and "employer" have the same meanings as in 12272  
section 4113.51 of the Revised Code. 12273

(2) "Retaliatory action" includes physical, mental, or verbal 12274  
abuse; change of room assignment; withholding of services; failure 12275  
to provide care in a timely manner; discharge; and termination of 12276  
employment. 12277

(B) An employee providing information to or participating in 12278  
good faith in registering a complaint with the office of the state 12279  
long-term care ombudsman program or participating in the 12280  
investigation of a complaint or in administrative or judicial 12281  
proceedings resulting from a complaint registered with the office 12282  
shall have the full protection against disciplinary or retaliatory 12283  
action provided by division (G) of section 3721.17 and by sections 12284  
4113.51 to 4113.53 of the Revised Code. 12285

(C) No long-term care provider or other entity, no person 12286  
employed by a long-term care provider, or other entity, or 12287  
employee of such other entity and no other individual shall 12288  
knowingly subject any resident ~~or~~, recipient, employee, 12289  
representative of the office of the state long-term care ombudsman 12290  
program, or another individual to any form of retaliation, 12291  
reprisal, discipline, or discrimination for ~~providing~~ doing any of 12292  
the following: 12293

(1) Providing information to the office ~~or for participating;~~ 12294

(2) Participating in registering a complaint with the 12295  
office; 12296

~~(3) Cooperating with or participating in the investigation of a complaint, by the office or in administrative or judicial proceedings resulting from a complaint registered with the office. Retaliatory actions include, but are not limited to, physical, mental, or verbal abuse; change of room assignment; the withholding of services; and failure to provide care in a timely manner.~~

**Sec. 173.27.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Applicant" includes a person who is under final consideration for employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients



as a volunteer without receiving or expecting to receive any form 12328  
of remuneration other than reimbursement for actual expenses. 12329

(5) "Responsible party" means the following: 12330

(a) In the case of an applicant who is under final 12331  
consideration for employment as the state long-term care ombudsman 12332  
or the person employed as the state long-term care ombudsman, the 12333  
director of aging; 12334

(b) In the case of any other applicant who is under final 12335  
consideration for employment with the state long-term care 12336  
ombudsman program or any other employee of the state long-term 12337  
care ombudsman program, the state long-term care ombudsman; 12338

(c) In the case of an applicant who is under final 12339  
consideration for employment with a regional long-term care 12340  
ombudsman program (including as the head of the regional program) 12341  
or an employee of a regional long-term care ombudsman program 12342  
(including the head of a regional program), the regional long-term 12343  
care ombudsman program. 12344

(B) A responsible party may not employ an applicant or 12345  
continue to employ an employee in a position that involves 12346  
providing ombudsman services to residents and recipients if any of 12347  
the following apply: 12348

(1) A review of the databases listed in division (D) of this 12349  
section reveals any of the following: 12350

(a) That the applicant or employee is included in one or more 12351  
of the databases listed in divisions (D)(1) to (5) of this 12352  
section; 12353

(b) That there is in the state nurse aide registry 12354  
established under section 3721.32 of the Revised Code a statement 12355  
detailing findings by the director of health that the applicant or 12356  
employee abused, neglected, or ~~abused~~ exploited a long-term care 12357

facility or residential care facility resident or misappropriated 12358  
property of such a resident; 12359

(c) That the applicant or employee is included in one or more 12360  
of the databases, if any, specified in rules adopted under this 12361  
section and the rules prohibit the responsible party from 12362  
employing an applicant or continuing to employ an employee 12363  
included in such a database in a position that involves providing 12364  
ombudsman services to residents and recipients. 12365

(2) After the applicant or employee is provided, pursuant to 12366  
division (E)(2)(a) of this section, a copy of the form prescribed 12367  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12368  
and the standard impression sheet prescribed pursuant to division 12369  
(C)(2) of that section, the applicant or employee fails to 12370  
complete the form or provide the applicant's or employee's 12371  
fingerprint impressions on the standard impression sheet. 12372

(3) Unless the applicant or employee meets standards 12373  
specified in rules adopted under this section, the applicant or 12374  
employee is found by a criminal records check required by this 12375  
section to have been convicted of, pleaded guilty to, or been 12376  
found eligible for intervention in lieu of conviction for a 12377  
disqualifying offense. 12378

(C) A responsible party or a responsible party's designee 12379  
shall inform each applicant of both of the following at the time 12380  
of the applicant's initial application for employment in a 12381  
position that involves providing ombudsman services to residents 12382  
and recipients: 12383

(1) That a review of the databases listed in division (D) of 12384  
this section will be conducted to determine whether the 12385  
responsible party is prohibited by division (B)(1) of this section 12386  
from employing the applicant in the position; 12387

(2) That, unless the database review reveals that the 12388

applicant may not be employed in the position, a criminal records 12389  
check of the applicant will be conducted and the applicant is 12390  
required to provide a set of the applicant's fingerprint 12391  
impressions as part of the criminal records check. 12392

(D) As a condition of any applicant's being employed by a 12393  
responsible party in a position that involves providing ombudsman 12394  
services to residents and recipients, the responsible party or 12395  
designee shall conduct a database review of the applicant in 12396  
accordance with rules adopted under this section. If rules adopted 12397  
under this section so require, the responsible party or designee 12398  
shall conduct a database review of an employee in accordance with 12399  
the rules as a condition of the responsible party continuing to 12400  
employ the employee in a position that involves providing 12401  
ombudsman services to residents and recipients. A database review 12402  
shall determine whether the applicant or employee is included in 12403  
any of the following: 12404

(1) The excluded parties list system that is maintained by 12405  
the United States general services administration pursuant to 12406  
subpart 9.4 of the federal acquisition regulation and available at 12407  
the federal web site known as the system for award management; 12408

(2) The list of excluded individuals and entities maintained 12409  
by the office of inspector general in the United States department 12410  
of health and human services pursuant to section 1128 of the 12411  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 12412  
amended, and section 1156 of the "Social Security Act," 96 Stat. 12413  
388 (1982), 42 U.S.C. 1320c-5, as amended; 12414

(3) The registry of developmental disabilities employees 12415  
established under section 5123.52 of the Revised Code; 12416

(4) The internet-based sex offender and child-victim offender 12417  
database established under division (A)(11) of section 2950.13 of 12418  
the Revised Code; 12419

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	12420 12421
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	12422 12423
(7) Any other database, if any, specified in rules adopted under this section.	12424 12425
(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of	12426 12427 12428 12429 12430 12431 12432 12433 12434 12435 12436 12437 12438 12439 12440 12441 12442 12443 12444 12445 12446 12447 12448 12449 12450 12451

investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The responsible party is not prohibited by division 12483  
(B)(1) of this section from employing the applicant in a position 12484  
that involves providing ombudsman services to residents and 12485  
recipients; 12486

(b) The responsible party or designee requests the criminal 12487  
records check in accordance with division (E) of this section not 12488  
later than five business days after the applicant begins 12489  
conditional employment. 12490

(2) A responsible party shall terminate the employment of an 12491  
applicant employed conditionally under division (F)(1) of this 12492  
section if the results of the criminal records check, other than 12493  
the results of any request for information from the federal bureau 12494  
of investigation, are not obtained within the period ending sixty 12495  
days after the date the request for the criminal records check is 12496  
made. Regardless of when the results of the criminal records check 12497  
are obtained, if the results indicate that the applicant has been 12498  
convicted of, pleaded guilty to, or been found eligible for 12499  
intervention in lieu of conviction for a disqualifying offense, 12500  
the responsible party shall terminate the applicant's employment 12501  
unless the applicant meets standards specified in rules adopted 12502  
under this section that permit the responsible party to employ the 12503  
applicant and the responsible party chooses to employ the 12504  
applicant. Termination of employment under this division shall be 12505  
considered just cause for discharge for purposes of division 12506  
(D)(2) of section 4141.29 of the Revised Code if the applicant 12507  
makes any attempt to deceive the responsible party or designee 12508  
about the applicant's criminal record. 12509

(G) The report of any criminal records check conducted 12510  
pursuant to a request made under this section is not a public 12511  
record for the purposes of section 149.43 of the Revised Code and 12512  
shall not be made available to any person other than the 12513  
following: 12514

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;	12515 12516 12517
(2) The responsible party or designee;	12518
(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;	12519 12520 12521 12522 12523 12524 12525 12526 12527
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	12528 12529
(a) A denial of employment of the applicant or employee;	12530
(b) Employment or unemployment benefits of the applicant or employee;	12531 12532
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	12533 12534
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:	12535 12536 12537 12538 12539 12540
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of	12541 12542 12543 12544

its reliance on the report, even if the information in the report 12545  
is determined later to have been incomplete or inaccurate. 12546

(2) If the responsible party employed the applicant in good 12547  
faith on a conditional basis pursuant to division (F) of this 12548  
section, the responsible party shall not be found negligent solely 12549  
because it employed the applicant prior to receiving the report of 12550  
a criminal records check requested under this section. 12551

(3) If the responsible party in good faith employed the 12552  
applicant or employee because the applicant or employee meets 12553  
standards specified in rules adopted under this section, the 12554  
responsible party shall not be found negligent solely because the 12555  
applicant or employee has been convicted of, pleaded guilty to, or 12556  
been found eligible for intervention in lieu of conviction for a 12557  
disqualifying offense. 12558

(I) The state long-term care ombudsman may not act as the 12559  
director of aging's designee for the purpose of this section. The 12560  
head of a regional long-term care ombudsman program may not act as 12561  
the regional program's designee for the purpose of this section if 12562  
the head is the employee for whom a database review or criminal 12563  
records check is being conducted. 12564

(J) The director of aging shall adopt rules in accordance 12565  
with Chapter 119. of the Revised Code to implement this section. 12566

(1) The rules may do the following: 12567

(a) Require employees to undergo database reviews and 12568  
criminal records checks under this section; 12569

(b) If the rules require employees to undergo database 12570  
reviews and criminal records checks under this section, exempt one 12571  
or more classes of employees from the requirements; 12572

(c) For the purpose of division (D)(7) of this section, 12573  
specify other databases that are to be checked as part of a 12574



database review conducted under this section. 12575

(2) The rules shall specify all of the following: 12576

(a) The procedures for conducting database reviews under this section; 12577  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 12579  
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 12583  
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(d) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 12588  
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**Sec. 173.28.** (A)~~(1)~~ As used in this ~~division~~ section, "incident" means the occurrence of a violation with respect to a resident or recipient, ~~as those terms are defined in section 173.14 of the Revised Code~~. A violation is a separate incident for each day it occurs and for each resident who is subject to it. 12596  
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(B)(1) In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code for a criminal offense, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, ~~or~~ a person 12601  
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employed by a long-term care provider or other entity, or an individual for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one thousand dollars per incident.

(2) In lieu of the fine that may be imposed under division (C) of section 173.99 of the Revised Code for a criminal offense, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, ~~or~~ a person employed by a long-term care provider or other entity, or an individual for ~~violating a violation of division (E)(G)(1) or (2) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsman program the access required by that division.~~ The fine shall not exceed five hundred dollars for each day the violation continued.

~~(B)~~(C) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division ~~(A)~~(B)(1) or (2) of this section that remains unpaid thirty days after the violator's final appeal is exhausted.

~~(C)~~(D) All fines collected under this section shall be deposited into the state treasury to the credit of the state long-term care ombudsman program fund created under section 173.26 of the Revised Code.

**Sec. 173.38.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

- (2) "Area agency on aging" has the same meaning as in section 12635  
173.14 of the Revised Code. 12636
- (3) "Chief administrator of a responsible party" includes a 12637  
consumer when the consumer is a responsible party. 12638
- (4) "Community-based long-term care services" means 12639  
community-based long-term care services, as defined in section 12640  
173.14 of the Revised Code, that are provided under a program the 12641  
department of aging administers. 12642
- (5) "Consumer" means an individual who receives 12643  
community-based long-term care services. 12644
- (6) "Criminal records check" has the same meaning as in 12645  
section 109.572 of the Revised Code. 12646
- (7)(a) "Direct-care position" means an employment position in 12647  
which an employee has either or both of the following: 12648
- (i) In-person contact with one or more consumers; 12649
- (ii) Access to one or more consumers' personal property or 12650  
records. 12651
- (b) "Direct-care position" does not include a person whose 12652  
sole duties are transporting individuals under Chapter 306. of the 12653  
Revised Code. 12654
- (8) "Disqualifying offense" means any of the offenses listed 12655  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 12656  
the Revised Code. 12657
- (9) "Employee" means a person employed by a responsible party 12658  
in a full-time, part-time, or temporary direct-care position and a 12659  
person who works in such a position due to being referred to a 12660  
responsible party by an employment service. "Employee" does not 12661  
include a person who works in a direct-care position as a 12662  
volunteer. 12663
- (10) "PASSPORT administrative agency" has the same meaning as 12664

in section 173.42 of the Revised Code. 12665

(11) "Provider" has the same meaning as in section 173.39 of 12666  
the Revised Code. 12667

(12) "Responsible party" means the following: 12668

(a) An area agency on aging in the case of either of the 12669  
following: 12670

(i) A person who is an applicant because the person is under 12671  
final consideration for employment with the agency in a full-time, 12672  
part-time, or temporary direct-care position or is referred to the 12673  
agency by an employment service for such a position; 12674

(ii) A person who is an employee because the person is 12675  
employed by the agency in a full-time, part-time, or temporary 12676  
direct-care position or works in such a position due to being 12677  
referred to the agency by an employment service. 12678

(b) A PASSPORT administrative agency in the case of either of 12679  
the following: 12680

(i) A person who is an applicant because the person is under 12681  
final consideration for employment with the agency in a full-time, 12682  
part-time, or temporary direct-care position or is referred to the 12683  
agency by an employment service for such a position; 12684

(ii) A person who is an employee because the person is 12685  
employed by the agency in a full-time, part-time, or temporary 12686  
direct-care position or works in such a position due to being 12687  
referred to the agency by an employment service. 12688

(c) A provider in the case of either of the following: 12689

(i) A person who is an applicant because the person is under 12690  
final consideration for employment with the provider in a 12691  
full-time, part-time, or temporary direct-care position or is 12692  
referred to the provider by an employment service for such a 12693  
position; 12694

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or ~~abused~~ exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from

employing an applicant or continuing to employ an employee 12757  
included in such a database in a direct-care position. 12758

(2) After the applicant or employee is provided, pursuant to 12759  
division (F)(2)(a) of this section, a copy of the form prescribed 12760  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12761  
and the standard impression sheet prescribed pursuant to division 12762  
(C)(2) of that section, the applicant or employee fails to 12763  
complete the form or provide the applicant's or employee's 12764  
fingerprint impressions on the standard impression sheet. 12765

(3) Unless the applicant or employee meets standards 12766  
specified in rules adopted under this section, the applicant or 12767  
employee is found by a criminal records check required by this 12768  
section to have been convicted of, pleaded guilty to, or been 12769  
found eligible for intervention in lieu of conviction for a 12770  
disqualifying offense. 12771

(D) Except as provided by division (G) of this section, the 12772  
chief administrator of a responsible party shall inform each 12773  
applicant of both of the following at the time of the applicant's 12774  
initial application for employment or referral to the responsible 12775  
party by an employment service for a direct-care position: 12776

(1) That a review of the databases listed in division (E) of 12777  
this section will be conducted to determine whether the 12778  
responsible party is prohibited by division (C)(1) of this section 12779  
from employing the applicant in the direct-care position; 12780

(2) That, unless the database review reveals that the 12781  
applicant may not be employed in the direct-care position, a 12782  
criminal records check of the applicant will be conducted and the 12783  
applicant is required to provide a set of the applicant's 12784  
fingerprint impressions as part of the criminal records check. 12785

(E) As a condition of employing any applicant in a 12786  
direct-care position, the chief administrator of a responsible 12787

party shall conduct a database review of the applicant in 12788  
accordance with rules adopted under this section. If rules adopted 12789  
under this section so require, the chief administrator of a 12790  
responsible party shall conduct a database review of an employee 12791  
in accordance with the rules as a condition of continuing to 12792  
employ the employee in a direct-care position. However, a chief 12793  
administrator is not required to conduct a database review of an 12794  
applicant or employee if division (G) of this section applies. A 12795  
database review shall determine whether the applicant or employee 12796  
is included in any of the following: 12797

(1) The excluded parties list system that is maintained by 12798  
the United States general services administration pursuant to 12799  
subpart 9.4 of the federal acquisition regulation and available at 12800  
the federal web site known as the system for award management; 12801

(2) The list of excluded individuals and entities maintained 12802  
by the office of inspector general in the United States department 12803  
of health and human services pursuant to the "Social Security 12804  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 12805

(3) The registry of developmental disabilities employees 12806  
established under section 5123.52 of the Revised Code; 12807

(4) The internet-based sex offender and child-victim offender 12808  
database established under division (A)(11) of section 2950.13 of 12809  
the Revised Code; 12810

(5) The internet-based database of inmates established under 12811  
section 5120.66 of the Revised Code; 12812

(6) The state nurse aide registry established under section 12813  
3721.32 of the Revised Code; 12814

(7) Any other database, if any, specified in rules adopted 12815  
under this section. 12816

(F)(1) As a condition of employing any applicant in a 12817



direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section

109.572 of the Revised Code and a standard impression sheet	12850
prescribed pursuant to division (C)(2) of that section;	12851
(b) Obtain the completed form and standard impression sheet	12852
from the applicant or employee;	12853
(c) Forward the completed form and standard impression sheet	12854
to the superintendent.	12855
(3) A responsible party shall pay to the bureau of criminal	12856
identification and investigation the fee prescribed pursuant to	12857
division (C)(3) of section 109.572 of the Revised Code for each	12858
criminal records check the responsible party requests under this	12859
section. A responsible party may charge an applicant a fee not	12860
exceeding the amount the responsible party pays to the bureau	12861
under this section if both of the following apply:	12862
(a) The responsible party notifies the applicant at the time	12863
of initial application for employment of the amount of the fee and	12864
that, unless the fee is paid, the applicant will not be considered	12865
for employment.	12866
(b) The medicaid program does not pay the responsible party	12867
for the fee it pays to the bureau under this section.	12868
(G) Divisions (D) to (F) of this section do not apply with	12869
regard to an applicant or employee if the applicant or employee is	12870
referred to a responsible party by an employment service that	12871
supplies full-time, part-time, or temporary staff for direct-care	12872
positions and both of the following apply:	12873
(1) The chief administrator of the responsible party receives	12874
from the employment service confirmation that a review of the	12875
databases listed in division (E) of this section was conducted of	12876
the applicant or employee.	12877
(2) The chief administrator of the responsible party receives	12878
from the employment service, applicant, or employee a report of	12879

the results of a criminal records check of the applicant or 12880  
employee that has been conducted by the superintendent within the 12881  
one-year period immediately preceding the following: 12882

(a) In the case of an applicant, the date of the applicant's 12883  
referral by the employment service to the responsible party; 12884

(b) In the case of an employee, the date by which the 12885  
responsible party would otherwise have to request a criminal 12886  
records check of the employee under division (F) of this section. 12887

(H)(1) A responsible party may employ conditionally an 12888  
applicant for whom a criminal records check request is required by 12889  
this section prior to obtaining the results of the criminal 12890  
records check if the responsible party is not prohibited by 12891  
division (C)(1) of this section from employing the applicant in a 12892  
direct-care position and either of the following applies: 12893

(a) The chief administrator of the responsible party requests 12894  
the criminal records check in accordance with division (F) of this 12895  
section not later than five business days after the applicant 12896  
begins conditional employment. 12897

(b) The applicant is referred to the responsible party by an 12898  
employment service, the employment service or the applicant 12899  
provides the chief administrator of the responsible party a letter 12900  
that is on the letterhead of the employment service, the letter is 12901  
dated and signed by a supervisor or another designated official of 12902  
the employment service, and the letter states all of the 12903  
following: 12904

(i) That the employment service has requested the 12905  
superintendent to conduct a criminal records check regarding the 12906  
applicant; 12907

(ii) That the requested criminal records check is to include 12908  
a determination of whether the applicant has been convicted of, 12909  
pleaded guilty to, or been found eligible for intervention in lieu 12910

of conviction for a disqualifying offense; 12911

(iii) That the employment service has not received the 12912  
results of the criminal records check as of the date set forth on 12913  
the letter; 12914

(iv) That the employment service promptly will send a copy of 12915  
the results of the criminal records check to the chief 12916  
administrator of the responsible party when the employment service 12917  
receives the results. 12918

(2) If a responsible party employs an applicant conditionally 12919  
pursuant to division (H)(1)(b) of this section, the employment 12920  
service, on its receipt of the results of the criminal records 12921  
check, promptly shall send a copy of the results to the chief 12922  
administrator of the responsible party. 12923

(3) A responsible party that employs an applicant 12924  
conditionally pursuant to division (H)(1)(a) or (b) of this 12925  
section shall terminate the applicant's employment if the results 12926  
of the criminal records check, other than the results of any 12927  
request for information from the federal bureau of investigation, 12928  
are not obtained within the period ending sixty days after the 12929  
date the request for the criminal records check is made. 12930  
Regardless of when the results of the criminal records check are 12931  
obtained, if the results indicate that the applicant has been 12932  
convicted of, pleaded guilty to, or been found eligible for 12933  
intervention in lieu of conviction for a disqualifying offense, 12934  
the responsible party shall terminate the applicant's employment 12935  
unless the applicant meets standards specified in rules adopted 12936  
under this section that permit the responsible party to employ the 12937  
applicant and the responsible party chooses to employ the 12938  
applicant. Termination of employment under this division shall be 12939  
considered just cause for discharge for purposes of division 12940  
(D)(2) of section 4141.29 of the Revised Code if the applicant 12941  
makes any attempt to deceive the responsible party about the 12942

applicant's criminal record. 12943

(I) The report of any criminal records check conducted 12944  
pursuant to a request made under this section is not a public 12945  
record for the purposes of section 149.43 of the Revised Code and 12946  
shall not be made available to any person other than the 12947  
following: 12948

(1) The applicant or employee who is the subject of the 12949  
criminal records check or the applicant's or employee's 12950  
representative; 12951

(2) The chief administrator of the responsible party 12952  
requesting the criminal records check or the administrator's 12953  
representative; 12954

(3) The administrator of any other facility, agency, or 12955  
program that provides community-based long-term care services that 12956  
is owned or operated by the same entity that owns or operates the 12957  
responsible party that requested the criminal records check; 12958

(4) The employment service that requested the criminal 12959  
records check; 12960

(5) The director of aging or a person authorized by the 12961  
director to monitor a responsible party's compliance with this 12962  
section; 12963

(6) The medicaid director and the staff of the department of 12964  
medicaid who are involved in the administration of the medicaid 12965  
program if any of the following apply: 12966

(a) In the case of a criminal records check requested by a 12967  
provider or subcontractor, the provider or subcontractor also is a 12968  
waiver agency; 12969

(b) In the case of a criminal records check requested by an 12970  
employment service, the employment service makes the request for 12971  
an applicant or employee the employment service refers to a 12972

provider or subcontractor that also is a waiver agency; 12973

(c) The criminal records check is requested by a consumer who 12974  
is acting as a responsible party. 12975

(7) A court, hearing officer, or other necessary individual 12976  
involved in a case dealing with any of the following: 12977

(a) A denial of employment of the applicant or employee; 12978

(b) Employment or unemployment benefits of the applicant or 12979  
employee; 12980

(c) A civil or criminal action regarding the medicaid program 12981  
or a program the department of aging administers. 12982

(J) In a tort or other civil action for damages that is 12983  
brought as the result of an injury, death, or loss to person or 12984  
property caused by an applicant or employee who a responsible 12985  
party employs in a direct-care position, all of the following 12986  
shall apply: 12987

(1) If the responsible party employed the applicant or 12988  
employee in good faith and reasonable reliance on the report of a 12989  
criminal records check requested under this section, the 12990  
responsible party shall not be found negligent solely because of 12991  
its reliance on the report, even if the information in the report 12992  
is determined later to have been incomplete or inaccurate. 12993

(2) If the responsible party employed the applicant in good 12994  
faith on a conditional basis pursuant to division (H) of this 12995  
section, the responsible party shall not be found negligent solely 12996  
because it employed the applicant prior to receiving the report of 12997  
a criminal records check requested under this section. 12998

(3) If the responsible party in good faith employed the 12999  
applicant or employee because the applicant or employee meets 13000  
standards specified in rules adopted under this section, the 13001  
responsible party shall not be found negligent solely because the 13002

applicant or employee has been convicted of, pleaded guilty to, or  
been found eligible for intervention in lieu of conviction for a  
disqualifying offense.

(K) The director of aging shall adopt rules in accordance  
with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and  
criminal records checks under this section;

(b) If the rules require employees to undergo database  
reviews and criminal records checks under this section, exempt one  
or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section,  
specify other databases that are to be checked as part of a  
database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this  
section;

(c) If the rules require employees to undergo database  
reviews and criminal records checks under this section, the times  
at which the database reviews and criminal records checks are to  
be conducted;

(d) If the rules specify other databases to be checked as  
part of the database reviews, the circumstances under which a  
responsible party is prohibited from employing an applicant or  
continuing to employ an employee who is found by a database review  
to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a  
responsible party to be permitted to employ the applicant or  
continue to employ the employee in a direct-care position if the

applicant or employee is found by a criminal records check 13033  
required by this section to have been convicted of, pleaded guilty 13034  
to, or been found eligible for intervention in lieu of conviction 13035  
for a disqualifying offense. 13036

**Sec. 173.381.** (A) As used in this section: 13037

(1) "Community-based long-term care services" means 13038  
community-based long-term care services, as defined in section 13039  
173.14 of the Revised Code, that are provided under a program the 13040  
department of aging administers. 13041

(2) "Community-based long-term care services certificate" 13042  
means a certificate issued under section 173.391 of the Revised 13043  
Code. 13044

(3) "Community-based long-term care services contract or 13045  
grant" means a contract or grant awarded under section 173.392 of 13046  
the Revised Code. 13047

(4) "Criminal records check" has the same meaning as in 13048  
section 109.572 of the Revised Code. 13049

(5) "Disqualifying offense" means any of the offenses listed 13050  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 13051  
the Revised Code. 13052

(6) "Provider" has the same meaning as in section 173.39 of 13053  
the Revised Code. 13054

(7) "Self-employed provider" means a provider who works for 13055  
the provider's self and has no employees. 13056

(B) This section does not apply to any individual who is 13057  
subject to a database review or criminal records check under 13058  
section 3701.881 of the Revised Code. 13059

(C)(1) The department of aging or its designee shall take the 13060  
following actions when the circumstances specified in division 13061



(C)(2) of this section apply:	13062
(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;	13063 13064
(b) Revoke a self-employed provider's community-based long-term care services certificate;	13065 13066
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	13067 13068
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	13069 13070 13071
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	13072 13073 13074
(a) A review of the databases listed in division (E) of this section reveals any of the following:	13075 13076
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	13077 13078 13079
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider <u>abused</u> , neglected, or <del>abused</del> <u>exploited</u> a long-term care facility or residential care facility resident or misappropriated property of such a resident;	13080 13081 13082 13083 13084 13085
(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.	13086 13087 13088 13089 13090
(b) After the self-employed provider is provided, pursuant to	13091

division (F)(2)(a) of this section, a copy of the form prescribed 13092  
pursuant to division (C)(1) of section 109.572 of the Revised Code 13093  
and the standard impression sheet prescribed pursuant to division 13094  
(C)(2) of that section, the self-employed provider fails to 13095  
complete the form or provide the self-employed provider's 13096  
fingerprint impressions on the standard impression sheet. 13097

(c) Unless the self-employed provider meets standards 13098  
specified in rules adopted under this section, the self-employed 13099  
provider is found by a criminal records check required by this 13100  
section to have been convicted of, pleaded guilty to, or been 13101  
found eligible for intervention in lieu of conviction for a 13102  
disqualifying offense. 13103

(D) The department of aging or its designee shall inform each 13104  
self-employed provider of both of the following at the time of the 13105  
self-employed provider's initial application for a community-based 13106  
long-term care services certificate or initial bid for a 13107  
community-based long-term care services contract or grant: 13108

(1) That a review of the databases listed in division (E) of 13109  
this section will be conducted to determine whether the department 13110  
or its designee is required by division (C) of this section to 13111  
refuse to issue or award a community-based long-term care services 13112  
certificate or community-based long-term care services contract or 13113  
grant to the self-employed provider; 13114

(2) That, unless the database review reveals that the 13115  
department or its designee is required to refuse to issue or award 13116  
a community-based long-term care services certificate or 13117  
community-based long-term care services contract or grant to the 13118  
self-employed provider, a criminal records check of the 13119  
self-employed provider will be conducted and the self-employed 13120  
provider is required to provide a set of the self-employed 13121  
provider's fingerprint impressions as part of the criminal records 13122  
check. 13123

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted

under this section. 13155

(F)(1) As a condition of issuing or awarding a 13156  
community-based long-term care services certificate or 13157  
community-based long-term care services contract or grant to a 13158  
self-employed provider, the department of aging or its designee 13159  
shall request that the superintendent of the bureau of criminal 13160  
identification and investigation conduct a criminal records check 13161  
of the self-employed provider. If rules adopted under this section 13162  
so require, the department or its designee shall request that the 13163  
superintendent conduct a criminal records check of a self-employed 13164  
provider at times specified in the rules as a condition of not 13165  
revoking or terminating the self-employed provider's 13166  
community-based long-term care services certificate or 13167  
community-based long-term care services contract or grant. 13168  
However, the department or its designee is not required to request 13169  
the criminal records check of the self-employed provider if the 13170  
department or its designee, because of circumstances specified in 13171  
division (C)(2)(a) of this section, is required to refuse to issue 13172  
or award a community-based long-term care services certificate or 13173  
community-based long-term care services contract or grant to the 13174  
self-employed provider or to revoke or terminate the self-employed 13175  
provider's certificate or contract or grant. 13176

If a self-employed provider for whom a criminal records check 13177  
request is required by this section does not present proof of 13178  
having been a resident of this state for the five-year period 13179  
immediately prior to the date the criminal records check is 13180  
requested or provide evidence that within that five-year period 13181  
the superintendent has requested information about the 13182  
self-employed provider from the federal bureau of investigation in 13183  
a criminal records check, the department or its designee shall 13184  
request that the superintendent obtain information from the 13185  
federal bureau of investigation as part of the criminal records 13186

check. Even if a self-employed provider for whom a criminal 13187  
records check request is required by this section presents proof 13188  
of having been a resident of this state for the five-year period, 13189  
the department or its designee may request that the superintendent 13190  
include information from the federal bureau of investigation in 13191  
the criminal records check. 13192

(2) The department or its designee shall do all of the 13193  
following: 13194

(a) Provide to each self-employed provider for whom a 13195  
criminal records check request is required by this section a copy 13196  
of the form prescribed pursuant to division (C)(1) of section 13197  
109.572 of the Revised Code and a standard impression sheet 13198  
prescribed pursuant to division (C)(2) of that section; 13199

(b) Obtain the completed form and standard impression sheet 13200  
from the self-employed provider; 13201

(c) Forward the completed form and standard impression sheet 13202  
to the superintendent. 13203

(3) The department or its designee shall pay to the bureau of 13204  
criminal identification and investigation the fee prescribed 13205  
pursuant to division (C)(3) of section 109.572 of the Revised Code 13206  
for each criminal records check of a self-employed provider the 13207  
department or its designee requests under this section. The 13208  
department or its designee may charge the self-employed provider a 13209  
fee that does not exceed the amount the department or its designee 13210  
pays to the bureau. 13211

(G) The report of any criminal records check of a 13212  
self-employed provider conducted pursuant to a request made under 13213  
this section is not a public record for the purposes of section 13214  
149.43 of the Revised Code and shall not be made available to any 13215  
person other than the following: 13216

(1) The self-employed provider or the self-employed 13217

provider's representative;	13218
(2) The department of aging, the department's designee, or a representative of the department or its designee;	13219 13220
(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;	13221 13222 13223 13224 13225
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	13226 13227
(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;	13228 13229 13230
(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;	13231 13232 13233
(c) A civil or criminal action regarding a program the department of aging administers.	13234 13235
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:	13236 13237 13238 13239
(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the	13240 13241 13242 13243 13244 13245 13246 13247

report, even if the information in the report is determined later 13248  
to have been incomplete or inaccurate. 13249

(2) If the department or its designee in good faith issued or 13250  
awarded a community-based long-term care services certificate or 13251  
community-based long-term care services contract or grant to the 13252  
self-employed provider or did not revoke or terminate the 13253  
self-employed provider's certificate or contract or grant because 13254  
the self-employed provider meets standards specified in rules 13255  
adopted under this section, the department and its designee shall 13256  
not be found negligent solely because the self-employed provider 13257  
has been convicted of, pleaded guilty to, or been found eligible 13258  
for intervention in lieu of conviction for a disqualifying 13259  
offense. 13260

(I) The director of aging shall adopt rules in accordance 13261  
with Chapter 119. of the Revised Code to implement this section. 13262

(1) The rules may do the following: 13263

(a) Require self-employed providers who have been issued or 13264  
awarded community-based long-term care services certificates or 13265  
community-based long-term care services contracts or grants to 13266  
undergo database reviews and criminal records checks under this 13267  
section; 13268

(b) If the rules require self-employed providers who have 13269  
been issued or awarded community-based long-term care services 13270  
certificates or community-based long-term care services contracts 13271  
or grants to undergo database reviews and criminal records checks 13272  
under this section, exempt one or more classes of such 13273  
self-employed providers from the requirements; 13274

(c) For the purpose of division (E)(7) of this section, 13275  
specify other databases that are to be checked as part of a 13276  
database review conducted under this section. 13277

(2) The rules shall specify all of the following: 13278

(a) The procedures for conducting database reviews under this section; 13279  
13280

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 13281  
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases; 13287  
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(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 13296  
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**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the Revised Code: 13306  
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(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised 13308  
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Code to administer programs on behalf of the department of aging.	13310
(2) "Department of aging-administered medicaid waiver component" means each of the following:	13311
(a) The medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code;	13312
(b) <del>The choices program created under section 173.53 of the Revised Code;</del>	13313
(c) The medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code;	13314
(d) Any other medicaid waiver component, as defined in section 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of medicaid under section 5162.35 of the Revised Code.	13315
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	13316
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	13317
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	13318
(i) Home health services;	13319
(ii) Private duty nursing services;	13320
(iii) Durable medical equipment;	13321
(iv) Services of a clinical nurse specialist;	13322
(v) Services of a certified nurse practitioner.	13323
(c) Services available to a participant of the PACE program.	13324

(4) "Long-term care consultation" or "consultation" means the  
consultation service made available by the department of aging or  
a program administrator through the long-term care consultation  
program established pursuant to this section.

(5) "Nursing facility" has the same meaning as in section  
5165.01 of the Revised Code.

(6) "PACE program" means the component of the medicaid  
program the department of aging administers pursuant to section  
173.50 of the Revised Code.

(7) "PASSPORT administrative agency" means an entity under  
contract with the department of aging to provide administrative  
services regarding the PASSPORT program.

(8) "Program administrator" means an area agency on aging or  
other entity under contract with the department of aging to  
administer the long-term care consultation program in a geographic  
region specified in the contract.

(9) "Representative" means a person acting on behalf of an  
individual ~~specified in division (G) of this section~~ who is the  
subject of a long-term care consultation. A representative may be  
a family member, attorney, hospital social worker, or any other  
person chosen to act on behalf of the individual.

(B) The department of aging shall develop a long-term care  
consultation program whereby individuals or their representatives  
are provided with long-term care consultations and receive through  
these professional consultations information about options  
available to meet long-term care needs and information about  
factors to consider in making long-term care decisions. The  
long-term care consultations ~~provided under the program~~ may be  
provided at any appropriate time, ~~as permitted or required under~~  
~~this section and the rules adopted under it~~, including either  
prior to or after the individual who is the subject of a

consultation has been admitted to a nursing facility or granted 13369  
assistance in receiving home and community-based services covered 13370  
by medicaid components the department of aging administers. 13371

(C) The long-term care consultation program shall be 13372  
administered by the department of aging, except that the 13373  
department may have the program administered on a regional basis 13374  
by one or more program administrators. The department and each 13375  
program administrator shall administer the program in such a 13376  
manner that all of the following are included: 13377

(1) Coordination and collaboration with respect to all 13378  
available funding sources for long-term care services; 13379

(2) Assessments of individuals regarding their long-term care 13380  
service needs; 13381

(3) Assessments of individuals regarding their on-going 13382  
eligibility for long-term care services; 13383

(4) Procedures for assisting individuals in obtaining access 13384  
to, and coordination of, health and supportive services, including 13385  
department of aging-administered medicaid waiver components; 13386

(5) Priorities for using available resources efficiently and 13387  
effectively. 13388

(D) The program's long-term care consultations shall be 13389  
provided by individuals certified by the department under section 13390  
173.422 of the Revised Code. 13391

(E) The information provided through a long-term care 13392  
consultation shall be appropriate to the individual's needs and 13393  
situation and shall address all of the following: 13394

(1) The availability of any long-term care options open to 13395  
the individual; 13396

(2) Sources and methods of both public and private payment 13397  
for long-term care services; 13398

(3) Factors to consider when choosing among the available programs, services, and benefits;	13399 13400
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	13401 13402 13403
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.	13404 13405 13406 13407 13408 13409
<del>(G)(1) Unless an exemption specified</del> <u>Except as provided</u> in division (I) of this section <del>is applicable, each of the following shall be provided with a long term care consultation:</del>	13410 13411 13412
<del>(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;</del>	13413 13414 13415 13416
<del>(b) An individual who requests a long term care consultation;</del>	13417
<del>(c) An individual identified by the department or a program administrator as being likely to benefit from a long term care consultation.</del>	13418 13419 13420
<del>(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility</del> <u>a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.</u>	13421 13422 13423 13424 13425 13426 13427
<del>(H)(1) Except as provided in division (H)(2) or (3) of this</del>	13428

~~section, a A long-term care consultation provided pursuant to 13429  
division (G) of this section shall be provided as follows: 13430~~

~~(a) If the individual for whom the consultation is being 13431  
provided has applied for medicaid and the consultation is being 13432  
provided concurrently with the assessment required under section 13433  
5165.04 of the Revised Code, the consultation shall be completed 13434  
in accordance with within the applicable time frames specified in 13435  
that section for providing a level of care determination based on 13436  
the assessment. 13437~~

~~(b) In all other cases, the consultation shall be provided 13438  
not later than five calendar days after the department or program 13439  
administrator receives notice of the reason for which the 13440  
consultation is to be provided pursuant to division (G) of this 13441  
section. 13442~~

~~(2) An individual or the individual's representative may 13443  
request that a long term care consultation be provided on a date 13444  
that is later than the date required under division (H)(1)(a) or 13445  
(b) of this section. 13446~~

~~(3) If a long term care consultation cannot be completed 13447  
within the number of days required by division (H)(1) or (2) of 13448  
this section, the department or program administrator may do any 13449  
of the following: 13450~~

~~(a) In the case of an individual specified in division (G)(1) 13451  
of this section, exempt the individual from the consultation 13452  
pursuant to rules that may be adopted under division (L) of this 13453  
section; 13454~~

~~(b) In the case of an applicant for admission to a nursing 13455  
facility, provide the consultation after the individual is 13456  
admitted to the nursing facility; 13457~~

~~(c) In the case of a resident of a nursing facility, provide 13458  
the consultation as soon as practicable rules adopted under this 13459~~

section. 13460

(I) An individual is not required to be provided a long-term 13461  
care consultation ~~under division (C)(1) of this section~~ if any of 13462  
the following ~~apply~~ is the case: 13463

(1) The department or a program administrator has attempted 13464  
to provide the consultation, but the individual or the 13465  
individual's representative refuses to cooperate; 13466

(2) The individual is to receive care in a nursing facility 13467  
under a contract for continuing care, as defined in section 173.13 13468  
of the Revised Code; 13469

(3) The individual has a contractual right to admission to a 13470  
nursing facility operated as part of a system of continuing care 13471  
in conjunction with one or more facilities that provide a less 13472  
intensive level of services, including a residential care facility 13473  
licensed under Chapter 3721. of the Revised Code, a residential 13474  
facility licensed under section 5119.34 of the Revised Code that 13475  
provides accommodations, supervision, and personal care services 13476  
for three to sixteen unrelated adults, or an independent living 13477  
arrangement; 13478

(4) The individual is to receive continual care in a home for 13479  
the aged exempt from taxation under section 5701.13 of the Revised 13480  
Code; 13481

(5) The individual is seeking admission to a facility that is 13482  
not a nursing facility with a provider agreement under section 13483  
5165.07, 5165.511, or 5165.512 of the Revised Code; 13484

(6) ~~The individual is Pursuant to rules that may be adopted~~ 13485  
under this section, the department or a program administrator has 13486  
exempted the individual from receiving the long-term care 13487  
consultation ~~requirement by the department or the program~~ 13488  
~~administrator pursuant to rules that may be adopted under division~~ 13489  
~~(L) of this section.~~ 13490

(J) As part of the long-term care consultation program, the department or a program administrator ~~shall~~ may assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. The assistance ~~shall~~ may include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code shall admit ~~any individual~~ as a resident any individual described in division (G) of this section, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the director considers necessary~~ for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code ~~and~~. The rules may specify any or all of the following:

(1) Procedures for providing long-term care consultations ~~pursuant to this section;~~

(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

(4) Criteria for exempting individuals from ~~the~~ receiving a

long-term care consultation <del>requirement</del> ;	13522
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	13523 13524 13525 13526
(6) Criteria for identifying <del>nursing facility residents who would benefit from the provision of</del> <u>individuals for whom a long-term care consultation is appropriate, including nursing facility residents who would benefit from the consultation</u> ;	13527 13528 13529 13530
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	13531 13532 13533
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	13534 13535 13536 13537
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section;	13538 13539
<u>(10) Time frames for providing or completing a long-term care consultation;</u>	13540 13541
<u>(11) Any other standards or procedures the director considers necessary for the program.</u>	13542 13543
(M) To assist the department and each program administrator with identifying individuals <del>who are likely to benefit from</del> <u>for whom</u> a long-term care consultation <u>is appropriate</u> , the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the	13544 13545 13546 13547 13548 13549 13550 13551



department of health, department of medicaid, or nursing facility 13552  
holding the data shall grant access to the data on receipt of the 13553  
request from the department of aging or program administrator. 13554

(N)(1) The director of aging, after providing notice and an 13555  
opportunity for a hearing, may fine a nursing facility an amount 13556  
determined by rules the director shall adopt in accordance with 13557  
Chapter 119. of the Revised Code for any of the following reasons: 13558

(a) The nursing facility ~~admits an individual, without~~ 13559  
~~evidence that a long term care consultation has been provided, as~~ 13560  
~~required by this section~~ violates division (K) of this section; 13561

(b) The nursing facility denies a person attempting to 13562  
provide a long-term care consultation access to the facility or a 13563  
resident of the facility; 13564

(c) The nursing facility denies the department of aging or a 13565  
program administrator access to the facility or a resident of the 13566  
facility, as the department or administrator considers necessary 13567  
to administer the program. 13568

(2) In accordance with section 5162.66 of the Revised Code, 13569  
all fines collected under division (N)(1) of this section shall be 13570  
deposited into the state treasury to the credit of the residents 13571  
protection fund. 13572

**Sec. 173.424.** If, under federal law, an individual's 13573  
eligibility for the home and community-based services covered by 13574  
medicaid components the department of aging administers is 13575  
dependent on the conduct of an assessment or other evaluation of 13576  
the individual's needs and capabilities and the development of an 13577  
individualized plan of care or services, the department shall 13578  
develop and implement all procedures necessary to comply with the 13579  
federal law. The procedures ~~shall~~ may include the use of long-term 13580  
care consultations. 13581

**Sec. 173.48.** (A)(1) The department of aging may charge annual 13582  
fees to long-term care facilities for the publication of the Ohio 13583  
long-term care consumer guide, as well as late penalties if 13584  
applicable. The department may contract with any person or 13585  
government entity to collect the fees on its behalf. All fees 13586  
collected under this section shall be deposited in accordance with 13587  
division (B) of this section. 13588

(2) ~~The~~ Except as provided in division (A)(3) of this 13589  
section, the annual fees charged under this section shall not 13590  
exceed the following amounts: 13591

(a) For each long-term care facility that is a nursing home, 13592  
six hundred fifty dollars; 13593

(b) For each long-term care facility that is a residential 13594  
care facility: 13595

(i) Until June 30, 2016, three hundred dollars; 13596

(ii) Beginning July 1, 2016, three hundred fifty dollars. 13597

(3) ~~Fees~~ The department, by rule adopted in accordance with 13598  
Chapter 119. of the Revised Code, may establish deadlines for the 13599  
payment of the annual fees charged under this section. If the 13600  
annual fee is not received by the department within ninety days of 13601  
any deadline established by the department, the rules may require 13602  
a long-term care facility to pay a late penalty equal to and in 13603  
addition to the amount of the annual fee charged under this 13604  
section. 13605

(4) Unless prohibited by federal law, fees paid by a 13606  
long-term care facility that is a nursing facility, including late 13607  
penalties, shall be reimbursed through the medicaid program. 13608

(B) There is hereby created in the state treasury the 13609  
long-term care consumer guide fund. Money collected from the fees 13610  
charged for the publication of the Ohio long-term care consumer 13611

guide under division (A) of this section and any late penalties 13612  
shall be credited to the fund. The department shall use money in 13613  
the fund for costs associated with publishing the Ohio long-term 13614  
care consumer guide, including, but not limited to, costs incurred 13615  
in conducting or providing for the conduct of customer 13616  
satisfaction surveys. 13617

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the 13618  
Revised Code: 13619

"Area agency on aging" has the same meaning as in section 13620  
173.14 of the Revised Code. 13621

"Assisted living program" means the program that consists of 13622  
a medicaid-funded component created under section 173.54 of the 13623  
Revised Code and a state-funded component created under section 13624  
173.543 of the Revised Code and provides assisted living services 13625  
to individuals who meet the program's applicable eligibility 13626  
requirements. 13627

"Assisted living services" means the following home and 13628  
community-based services: personal care, homemaker, chore, 13629  
attendant care, companion, medication oversight, and therapeutic 13630  
social and recreational programming. 13631

"Assisted living waiver" means the federal medicaid waiver 13632  
granted by the United States secretary of health and human 13633  
services that authorizes the medicaid-funded component of the 13634  
assisted living program. 13635

~~"Choices program" means the program created under section 13636  
173.53 of the Revised Code. 13637~~

"County or district home" means a county or district home 13638  
operated under Chapter 5155. of the Revised Code. 13639

"Long-term care consultation program" means the program the 13640  
department of aging is required to develop under section 173.42 of 13641

the Revised Code. 13642

"Long-term care consultation program administrator" or 13643  
"administrator" means the department of aging or, if the 13644  
department contracts with an area agency on aging or other entity 13645  
to administer the long-term care consultation program for a 13646  
particular area, that agency or entity. 13647

"Medicaid waiver component" has the same meaning as in 13648  
section 5166.01 of the Revised Code. 13649

"Nursing facility" has the same meaning as in section 5165.01 13650  
of the Revised Code. 13651

"PASSPORT program" means the preadmission screening system 13652  
providing options and resources today program (PASSPORT) that 13653  
consists of a medicaid-funded component created under section 13654  
173.52 of the Revised Code and a state-funded component created 13655  
under section 173.522 of the Revised Code and provides home and 13656  
community-based services as an alternative to nursing facility 13657  
placement for individuals who are aged and disabled and meet the 13658  
program's applicable eligibility requirements. 13659

"PASSPORT waiver" means the federal medicaid waiver granted 13660  
by the United States secretary of health and human services that 13661  
authorizes the medicaid-funded component of the PASSPORT program. 13662

"Representative" means a person acting on behalf of an 13663  
applicant for the medicaid-funded component or state-funded 13664  
component of the assisted living program. A representative may be 13665  
a family member, attorney, hospital social worker, or any other 13666  
person chosen to act on behalf of an applicant. 13667

"Residential care facility" has the same meaning as in 13668  
section 3721.01 of the Revised Code. 13669

"Unified long-term services and support medicaid waiver 13670  
component" means the medicaid waiver component authorized by 13671

section 5166.14 of the Revised Code. 13672

**Sec. 173.55.** (A) As used in this section: 13673

(1) "Department of aging-administered medicaid waiver  
component" means ~~each~~ both of the following: 13674  
13675

(a) The medicaid-funded component of the PASSPORT program; 13676

(b) ~~The choices program;~~ 13677

~~(c)~~ The medicaid-funded component of the assisted living  
program. 13678  
13679

(2) "PACE program" means the component of the medicaid 13680  
program the department of aging administers pursuant to section 13681  
173.50 of the Revised Code. 13682

(B) If the department of aging determines that there are 13683  
insufficient funds to enroll all individuals who have applied and 13684  
been determined eligible for department of aging-administered 13685  
medicaid waiver components and the PACE program, the department 13686  
shall establish a unified waiting list for the components and 13687  
program. Only individuals eligible for a department of 13688  
aging-administered medicaid waiver component or the PACE program 13689  
may be placed on the unified waiting list. An individual who may 13690  
be enrolled in a department of aging-administered medicaid waiver 13691  
component or the PACE program through a home first component 13692  
established under section 173.501, 173.521, or 173.542 of the 13693  
Revised Code may be so enrolled without being placed on the 13694  
unified waiting list. 13695

**Sec. 173.99.** (A) ~~A long term care provider, person employed~~ 13696  
~~by a long term care provider, other entity, or employee of such~~ 13697  
~~other entity that~~ Whoever violates division (C) of section 173.24 13698  
of the Revised Code is subject to a fine not to exceed one 13699  
thousand dollars for each violation. 13700

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree. 13701  
13702  
13703

(C) ~~A long term care provider, other entity, or person employed by a long term care provider or other entity that~~ Whoever violates division ~~(E)(G)(1) or (2)~~ of section 173.19 of the Revised Code ~~by denying a representative of the office of the state long term care ombudsman program the access required by that division~~ is subject to a fine not to exceed five hundred dollars for each violation. 13704  
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(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars. 13711  
13712

**Sec. 174.02.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, ~~money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code,~~ and all grants, gifts, loan repayments, and contributions of money made from any source to the development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The development services agency shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the development services agency shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised 13713  
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Code. Use of all money drawn from the fund is subject to the 13732  
following restrictions: 13733

(1)(a) Not more than five per cent of the current year 13734  
appropriation authority for the fund shall be allocated between 13735  
grants to community development corporations for the community 13736  
development corporation grant program and grants and loans to the 13737  
Ohio community development finance fund, a private nonprofit 13738  
corporation. 13739

(b) In any year in which the amount in the fund exceeds one 13740  
hundred thousand dollars and at least that much is allocated for 13741  
the uses described in this section, not less than one hundred 13742  
thousand dollars shall be used to provide training, technical 13743  
assistance, and capacity building assistance to nonprofit 13744  
development organizations. 13745

(2) Not more than ten per cent of any current year 13746  
appropriation authority for the fund shall be used for the 13747  
emergency shelter housing grants program to make grants to 13748  
private, nonprofit organizations and municipal corporations, 13749  
counties, and townships for emergency shelter housing for the 13750  
homeless and emergency shelter facilities serving unaccompanied 13751  
youth seventeen years of age and younger. The grants shall be 13752  
distributed pursuant to rules the director adopts and qualify as 13753  
matching funds for funds obtained pursuant to the McKinney Act, 13754  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 13755

(3) In any fiscal year in which the amount in the fund 13756  
exceeds the amount awarded pursuant to division (A)(1)(b) of this 13757  
section by at least two hundred fifty thousand dollars, at least 13758  
two hundred fifty thousand dollars from the fund shall be provided 13759  
to the department of aging for the resident services coordinator 13760  
program as established in section 173.08 of the Revised Code. 13761

(4) Of all current year appropriation authority for the fund, 13762

not more than five per cent shall be used for administration. 13763

(5) Not less than forty-five per cent of the funds awarded 13764  
during any one fiscal year shall be for grants and loans to 13765  
nonprofit organizations under section 174.03 of the Revised Code. 13766

(6) Not less than fifty per cent of the funds awarded during 13767  
any one fiscal year, excluding the amounts awarded pursuant to 13768  
divisions (A)(1), (2), and (7) of this section, shall be for 13769  
grants and loans for activities that provide housing and housing 13770  
assistance to families and individuals in rural areas and small 13771  
cities that are not eligible to participate as a participating 13772  
jurisdiction under the "HOME Investment Partnerships Act," 104 13773  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 13774

(7) No money in the fund shall be used to pay for any legal 13775  
services other than the usual and customary legal services 13776  
associated with the acquisition of housing. 13777

(8) Money in the fund may be used as matching money for 13778  
federal funds received by the state, counties, municipal 13779  
corporations, and townships for the activities listed in section 13780  
174.03 of the Revised Code. 13781

(9) In any fiscal year from 2018 to 2021 in which the amount 13782  
in the fund exceeds sixty million dollars, six million dollars 13783  
shall be provided to the department of mental health and addiction 13784  
services to expand the housing component of the community 13785  
transition program for the purpose of advancing housing 13786  
opportunities for individuals exiting residential opiate addiction 13787  
treatment who lack affordable, suitable housing. 13788

(B) If, after the second quarter of any year, it appears to 13789  
the director of development services that the full amount of the 13790  
money in the fund designated in that year for activities that 13791  
provide housing and housing assistance to families and individuals 13792  
in rural areas and small cities under division (A) of this section 13793



will not be used for that purpose, the director may reallocate all 13794  
or a portion of that amount for other housing activities. In 13795  
determining whether or how to reallocate money under this 13796  
division, the director may consult with and shall receive advice 13797  
from the housing trust fund advisory committee. 13798

**Sec. 183.51.** (A) As used in this section and in the 13799  
applicable bond proceedings unless otherwise provided: 13800

(1) "Bond proceedings" means the resolutions, orders, 13801  
indentures, purchase and sale and trust and other agreements 13802  
including any amendments or supplements to them, and credit 13803  
enhancement facilities, and amendments and supplements to them, or 13804  
any one or more or combination of them, authorizing, awarding, or 13805  
providing for the terms and conditions applicable to or providing 13806  
for the security or liquidity of, the particular obligations, and 13807  
the provisions contained in those obligations. 13808

(2) "Bond service fund" means the bond service fund created 13809  
in the bond proceedings for the obligations. 13810

(3) "Capital facilities" means, as applicable, capital 13811  
facilities or projects as referred to in section 151.03 or 151.04 13812  
of the Revised Code. 13813

(4) "Consent decree" means the consent decree and final 13814  
judgment entered November 25, 1998, in the court of common pleas 13815  
of Franklin county, Ohio, as the same may be amended or 13816  
supplemented from time to time. 13817

(5) "Cost of capital facilities" has the same meaning as in 13818  
section 151.01 of the Revised Code, as applicable. 13819

(6) "Credit enhancement facilities," "financing costs," and 13820  
"interest" or "interest equivalent" have the same meanings as in 13821  
section 133.01 of the Revised Code. 13822

(7) "Debt service" means principal, including any mandatory 13823

sinking fund or redemption requirements for retirement of 13824  
obligations, interest and other accreted amounts, interest 13825  
equivalent, and any redemption premium, payable on obligations. If 13826  
not prohibited by the applicable bond proceedings, "debt service" 13827  
may include costs relating to credit enhancement facilities that 13828  
are related to and represent, or are intended to provide a source 13829  
of payment of or limitation on, other debt service. 13830

(8) "Improvement fund" means, as applicable, the school 13831  
building program assistance fund created in section 3318.25 of the 13832  
Revised Code and the higher education improvement fund created in 13833  
section 154.21 of the Revised Code. 13834

(9) "Issuing authority" means the buckeye tobacco settlement 13835  
financing authority created in section 183.52 of the Revised Code. 13836

(10) "Net proceeds" means amounts received from the sale of 13837  
obligations, excluding amounts used to refund or retire 13838  
outstanding obligations, amounts required to be deposited into 13839  
special funds pursuant to the applicable bond proceedings, and 13840  
amounts to be used to pay financing costs. 13841

(11) "Obligations" means bonds, notes, or other evidences of 13842  
obligation of the issuing authority, including any appertaining 13843  
interest coupons, issued by the issuing authority under this 13844  
section and Section 2i of Article VIII, Ohio Constitution, for the 13845  
purpose of providing funds to the state, in exchange for the 13846  
assignment and sale described in division (B) of this section, for 13847  
the purpose of paying costs of capital facilities for: (a) housing 13848  
branches and agencies of state government limited to facilities 13849  
for a system of common schools throughout the state and (b) 13850  
state-supported or state-assisted institutions of higher 13851  
education. 13852

(12) "Pledged receipts" means, as and to the extent provided 13853  
for in the applicable bond proceedings: 13854

(a) Pledged tobacco settlement receipts;	13855
(b) Accrued interest received from the sale of obligations;	13856
(c) Income from the investment of the special funds;	13857
(d) Additional or any other specific revenues or receipts	13858
lawfully available to be pledged, and pledged, pursuant to the	13859
bond proceedings, including but not limited to amounts received	13860
under credit enhancement facilities, to the payment of debt	13861
service.	13862
(13) "Pledged tobacco settlement receipts" means all amounts	13863
received by the issuing authority pursuant to division (B) of this	13864
section.	13865
(14) "Principal amount" means the aggregate of the amount as	13866
stated or provided for in the applicable bond proceedings as the	13867
amount on which interest or interest equivalent on particular	13868
obligations is initially calculated. "Principal amount" does not	13869
include any premium paid to the issuing authority by the initial	13870
purchaser of the obligations. "Principal amount" of a capital	13871
appreciation bond, as defined in division (C) of section 3334.01	13872
of the Revised Code, means its original face amount and not its	13873
accreted value, and "principal amount" of a zero coupon bond, as	13874
defined in division (J) of section 3334.01 of the Revised Code,	13875
means the discounted offering price at which the bond is initially	13876
sold to the public, disregarding any purchase price discount to	13877
the original purchaser, if provided in or for pursuant to the bond	13878
proceedings.	13879
(15) "Special funds" or "funds," unless the context indicates	13880
otherwise, means the bond service fund, and any other funds,	13881
including any reserve funds, created under the bond proceedings	13882
and stated to be special funds in those proceedings, including	13883
moneys and investments, and earnings from investments, credited	13884
and to be credited to the particular fund. "Special funds" does	13885

not include any improvement fund or investment earnings on amounts 13886  
in any improvement fund, or other funds created by the bond 13887  
proceedings that are not stated by those proceedings to be special 13888  
funds. 13889

(B) The state may assign and sell to the issuing authority, 13890  
and the issuing authority may accept and purchase, all or a 13891  
portion of the amounts to be received by the state under the 13892  
tobacco master settlement agreement for a purchase price payable 13893  
by the issuing authority to the state consisting of the net 13894  
proceeds of obligations and any residual interest, if any. Any 13895  
such assignment and sale shall be irrevocable in accordance with 13896  
its terms during the period any obligations secured by amounts so 13897  
assigned and sold are outstanding under the applicable bond 13898  
proceedings, and shall constitute a contractual obligation to the 13899  
holders or owners of those obligations. Any such assignment and 13900  
sale shall also be treated as an absolute transfer and true sale 13901  
for all purposes, and not as a pledge or other security interest. 13902  
The characterization of any such assignment and sale as a true 13903  
sale and absolute transfer shall not be negated or adversely 13904  
affected by only a portion of the amounts to be received under the 13905  
tobacco master settlement agreement being transferred, the 13906  
acquisition or retention by the state of a residual interest, the 13907  
participation of any state officer or employee as a member or 13908  
officer of, or providing staff support to, the issuing authority, 13909  
any responsibility of an officer or employee of the state for 13910  
collecting the amounts to be received under the tobacco master 13911  
settlement agreement or otherwise enforcing that agreement or 13912  
retaining any legal title to or interest in any portion of the 13913  
amounts to be received under that agreement for the purpose of 13914  
these collection activities, any characterization of the issuing 13915  
authority or its obligations for purposes of accounting, taxation, 13916  
or securities regulation, or by any other factors whatsoever. A 13917  
true sale shall exist under this section regardless of whether the 13918

issuing authority has any recourse against the state or any other 13919  
term of the bond proceedings or the treatment or characterization 13920  
of the transfer as a financing for any purpose. Upon and following 13921  
the assignment and sale, the state shall not have any right, 13922  
title, or interest in the portion of the receipts under the 13923  
tobacco master settlement agreement so assigned and sold, other 13924  
than any residual interest that may be described in the applicable 13925  
bond proceedings for those obligations, and that portion, if any, 13926  
shall be the property of the issuing authority and not of the 13927  
state, and shall be paid directly to the issuing authority, and 13928  
shall be owned, received, held, and disbursed by the issuing 13929  
authority and not by the state. 13930

The state may covenant, pledge, and agree in the bond 13931  
proceedings, with and for the benefit of the issuing authority, 13932  
the holders and owners of obligations, and providers of any credit 13933  
enhancement facilities, that it shall: (1) maintain statutory 13934  
authority for, and cause to be collected and paid directly to the 13935  
issuing authority or its assignee, the pledged receipts, (2) 13936  
enforce the rights of the issuing authority to receive the 13937  
receipts under the tobacco master settlement agreement assigned 13938  
and sold to the issuing authority, (3) not materially impair the 13939  
rights of the issuing authority to fulfill the terms of its 13940  
agreements with the holders or owners of outstanding obligations 13941  
under the bond proceedings, (4) not materially impair the rights 13942  
and remedies of the holders or owners of outstanding obligations 13943  
or materially impair the security for those outstanding 13944  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13945  
the tobacco master settlement agreement, and the consent decree to 13946  
effectuate the collection of the pledged tobacco settlement 13947  
receipts. The bond proceedings may provide or authorize the manner 13948  
for determining material impairment of the security for any 13949  
outstanding obligations, including by assessing and evaluating the 13950  
pledged receipts in the aggregate. 13951

As further provided for in division (H) of this section, the  
bond proceedings may also include such other covenants, pledges,  
and agreements by the state to protect and safeguard the security  
and rights of the holders and owners of the obligations, and of  
the providers of any credit enhancement facilities, including,  
without limiting the generality of the foregoing, any covenant,  
pledge, or agreement customary in transactions involving the  
issuance of securities the debt service on which is payable from  
or secured by amounts received under the tobacco master settlement  
agreement. Notwithstanding any other provision of law, any  
covenant, pledge, and agreement of the state, if and when made in  
the bond proceedings, shall be controlling and binding upon, and  
enforceable against the state in accordance with its terms for so  
long as any obligations are outstanding under the applicable bond  
proceedings. The bond proceedings may also include limitations on  
the remedies available to the issuing authority, the holders and  
owners of the obligations, and the providers of any credit  
enhancement facilities, including, without limiting the generality  
of the foregoing, a provision that those remedies may be limited  
to injunctive relief in circumstances where there has been no  
prior determination by a court of competent jurisdiction that the  
state has not enforced Chapter 1346. of the Revised Code, the  
tobacco master settlement agreement, or the consent decree as may  
have been covenanted or agreed in the bond proceedings under  
division (B)(5) of this section.

Nothing in this section or the bond proceedings shall  
preclude or limit, or be construed to preclude or limit, the state  
from regulating or authorizing or permitting the regulation of  
smoking or from taxing and regulating the sale of cigarettes or  
other tobacco products, or from defending or prosecuting cases or  
other actions relating to the sale or use of cigarettes or other  
tobacco products. Except as otherwise may be agreed in writing by  
the attorney general, nothing in this section or the bond

proceedings shall modify or limit, or be construed to modify or 13985  
limit, the responsibility, power, judgment, and discretion of the 13986  
attorney general to protect and discharge the duties, rights, and 13987  
obligations of the state under the tobacco master settlement 13988  
agreement, the consent decree, or Chapter 1346. of the Revised 13989  
Code. 13990

The governor and the director of budget and management, in 13991  
consultation with the attorney general, on behalf of the state, 13992  
and any member or officer of the issuing authority as authorized 13993  
by that issuing authority, on behalf of the issuing authority, may 13994  
take any action and execute any documents, including any purchase 13995  
and sale agreements, necessary to effect the assignment and sale 13996  
and the acceptance of the assignment and title to the receipts 13997  
including, providing irrevocable direction to the escrow agent 13998  
acting under the tobacco master settlement agreement to transfer 13999  
directly to the issuing authority the amounts to be received under 14000  
that agreement that are subject to such assignment and sale. Any 14001  
purchase and sale agreement or other bond proceedings may contain 14002  
the terms and conditions established by the state and the issuing 14003  
authority to carry out and effectuate the purposes of this 14004  
section, including, without limitation, covenants binding the 14005  
state in favor of the issuing authority and its assignees and the 14006  
owners of the obligations. Any such purchase and sale agreement 14007  
shall be sufficient to effectuate such purchase and sale without 14008  
regard to any other laws governing other property sales or 14009  
financial transactions by the state. 14010

Not later than two years following the date on which there 14011  
are no longer any obligations outstanding under the bond 14012  
proceedings, all assets of the issuing authority shall vest in the 14013  
state, the issuing authority shall execute any necessary 14014  
assignments or instruments, including any assignment of any right, 14015  
title, or ownership to the state for receipt of amounts under the 14016

tobacco master settlement agreement, and the issuing authority 14017  
shall be dissolved. 14018

(C) The issuing authority is authorized to issue and to sell 14019  
obligations as provided in this section. The aggregate principal 14020  
amount of obligations issued under this section shall not exceed 14021  
six billion dollars, exclusive of obligations issued under 14022  
division (M)(1) of this section to refund, renew, or advance 14023  
refund other obligations issued or incurred. At least seventy-five 14024  
per cent of the aggregate net proceeds of the obligations issued 14025  
under the authority of this section, exclusive of obligations 14026  
issued to refund, renew, or advance refund other obligations, 14027  
shall be paid to the state for deposit into the school building 14028  
program assistance fund created in section 3318.25 of the Revised 14029  
Code. 14030

(D) Each issue of obligations shall be authorized by 14031  
resolution or order of the issuing authority. The bond proceedings 14032  
shall provide for or authorize the manner for determining the 14033  
principal amount or maximum principal amount of obligations of an 14034  
issue, the principal maturity or maturities, the interest rate or 14035  
rates, the date of and the dates of payment of interest on the 14036  
obligations, their denominations, and the place or places of 14037  
payment of debt service which may be within or outside the state. 14038  
Unless otherwise provided by law, the latest principal maturity 14039  
may not be later than the earlier of the thirty-first day of 14040  
December of the fiftieth calendar year after the year of issuance 14041  
of the particular obligations or of the fiftieth calendar year 14042  
after the year in which the original obligation to pay was issued 14043  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 14044  
the Revised Code apply to the obligations. 14045

The purpose of the obligations may be stated in the bond 14046  
proceedings in general terms, such as, as applicable, "paying 14047  
costs of capital facilities for a system of common schools" and 14048



"paying costs of facilities for state-supported and state-assisted 14049  
institutions of higher education." Unless otherwise provided in 14050  
the bond proceedings or in division (C) of this section, the net 14051  
proceeds from the issuance of the obligations shall be paid to the 14052  
state for deposit into the applicable improvement fund. In 14053  
addition to the investments authorized in Chapter 135. of the 14054  
Revised Code, the net proceeds held in an improvement fund may be 14055  
invested by the treasurer of state in guaranteed investment 14056  
contracts with providers rated at the time of any investment in 14057  
the three highest rating categories by two nationally recognized 14058  
rating agencies, all subject to the terms and conditions set forth 14059  
in those agreements or the bond proceedings. Notwithstanding 14060  
anything to the contrary in Chapter 3318. of the Revised Code, net 14061  
proceeds of obligations deposited into the school building program 14062  
assistance fund created in section 3318.25 of the Revised Code may 14063  
be used to pay basic project costs under that chapter at the times 14064  
determined by the Ohio ~~school~~ facilities construction commission 14065  
without regard to whether those expenditures are in proportion to 14066  
the state's and the school district's respective shares of that 14067  
basic project cost; provided that this shall not result in any 14068  
change in the state or school district shares of the basic project 14069  
costs as determined under that chapter. As used in the preceding 14070  
sentence, "Ohio ~~school~~ facilities construction commission" and 14071  
"basic project costs" have the same meanings as in section 3318.01 14072  
of the Revised Code. 14073

(E) The issuing authority may, without need for any other 14074  
approval, appoint or provide for the appointment of paying agents, 14075  
bond registrars, securities depositories, credit enhancement 14076  
providers or counterparties, clearing corporations, and transfer 14077  
agents, and retain or contract for the services of underwriters, 14078  
investment bankers, financial advisers, accounting experts, 14079  
marketing, remarketing, indexing, and administrative agents, other 14080  
consultants, and independent contractors, including printing 14081

services, as are necessary in the judgment of the issuing 14082  
authority to carry out the issuing authority's functions under 14083  
this section and section 183.52 of the Revised Code. The attorney 14084  
general as counsel to the issuing authority shall represent the 14085  
authority in the execution of its powers and duties, and shall 14086  
institute and prosecute all actions on its behalf. The issuing 14087  
authority, in consultation with the attorney general, shall select 14088  
counsel, and the attorney general shall appoint the counsel 14089  
selected, for the purposes of carrying out the functions under 14090  
this section and related sections of the Revised Code. Financing 14091  
costs are payable, as may be provided in the bond proceedings, 14092  
from the proceeds of the obligations, from special funds, or from 14093  
other moneys available for the purpose, including as to future 14094  
financing costs, from the pledged receipts. 14095

(F) The issuing authority may irrevocably pledge and assign 14096  
all, or such portion as the issuing authority determines, of the 14097  
pledged receipts to the payment of the debt service charges on 14098  
obligations issued under this section, and for the establishment 14099  
and maintenance of any reserves, as provided in the bond 14100  
proceedings, and make other provisions in the bond proceedings 14101  
with respect to pledged receipts as authorized by this section, 14102  
which provisions are controlling notwithstanding any other 14103  
provisions of law pertaining to them. Any and all pledged receipts 14104  
received by the issuing authority and required by the bond 14105  
proceedings, consistent with this section, to be deposited, 14106  
transferred, or credited to the bond service fund, and all other 14107  
money transferred or allocated to or received for the purposes of 14108  
that fund, shall be deposited and credited to the bond service 14109  
fund created in the bond proceedings for the obligations, subject 14110  
to any applicable provisions of those bond proceedings, but 14111  
without necessity for any act of appropriation. Those pledged 14112  
receipts shall immediately be subject to the lien of that pledge 14113  
without any physical delivery thereof or further act, and shall 14114

not be subject to other court judgments. The lien of the pledge of 14115  
those pledged receipts shall be valid and binding against all 14116  
parties having claims of any kind against the issuing authority, 14117  
irrespective of whether those parties have notice thereof. The 14118  
pledge shall create a perfected security interest for all purposes 14119  
of Chapter 1309. of the Revised Code and a perfected lien for 14120  
purposes of any other interest, all without the necessity for 14121  
separation or delivery of funds or for the filing or recording of 14122  
the applicable bond proceedings by which that pledge is created or 14123  
any certificate, statement, or other document with respect 14124  
thereto. The pledge of the pledged receipts shall be effective and 14125  
the money therefrom and thereof may be applied to the purposes for 14126  
which pledged. 14127

(G) Obligations may be further secured, as determined by the 14128  
issuing authority, by an indenture or a trust agreement between 14129  
the issuing authority and a corporate trustee, which may be any 14130  
trust company or bank having a place of business within the state. 14131  
Any indenture or trust agreement may contain the resolution or 14132  
order authorizing the issuance of the obligations, any provisions 14133  
that may be contained in any bond proceedings, and other 14134  
provisions that are customary or appropriate in an agreement of 14135  
that type, including, but not limited to: 14136

(1) Maintenance of each pledge, indenture, trust agreement, 14137  
or other instrument comprising part of the bond proceedings until 14138  
the issuing authority has fully paid or provided for the payment 14139  
of debt service on the obligations secured by it; 14140

(2) In the event of default in any payments required to be 14141  
made by the bond proceedings, enforcement of those payments or 14142  
agreements by mandamus, the appointment of a receiver, suit in 14143  
equity, action at law, or any combination of them; 14144

(3) The rights and remedies of the holders or owners of 14145  
obligations and of the trustee and provisions for protecting and 14146

enforcing them, including limitations on rights of individual holders and owners. 14147  
14148

(H) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations including, but not limited to, provisions for: 14149  
14150  
14151  
14152

(1) The redemption of obligations prior to maturity at the option of the issuing authority or of the holder or upon the occurrence of certain conditions, and at a particular price or prices and under particular terms and conditions; 14153  
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(2) The form of and other terms of the obligations; 14157

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority. 14158  
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(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision; 14167  
14168  
14169  
14170  
14171  
14172

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the issuing authority has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions; 14173  
14174  
14175  
14176

(6) In the event of default in any payments required to be 14177

made by the bond proceedings, or by any other agreement of the 14178  
issuing authority made as part of a contract under which the 14179  
obligations were issued or secured, including a credit enhancement 14180  
facility, the enforcement of those payments by mandamus, a suit in 14181  
equity, an action at law, or any combination of those remedial 14182  
actions; 14183

(7) The rights and remedies of the holders or owners of 14184  
obligations or of book-entry interests in them, and of third 14185  
parties under any credit enhancement facility, and provisions for 14186  
protecting and enforcing those rights and remedies, including 14187  
limitations on rights of individual holders or owners; 14188

(8) The replacement of mutilated, destroyed, lost, or stolen 14189  
obligations; 14190

(9) The funding, refunding, or advance refunding, or other 14191  
provision for payment, of obligations that will then no longer be 14192  
outstanding for purposes of this section or of the applicable bond 14193  
proceedings; 14194

(10) Amendment of the bond proceedings; 14195

(11) Any other or additional agreements with the owners of 14196  
obligations, and such other provisions as the issuing authority 14197  
determines, including limitations, conditions, or qualifications, 14198  
relating to any of the foregoing or the activities of the issuing 14199  
authority in connection therewith. 14200

The bond proceedings shall make provision for the payment of 14201  
the expenses of the enforcement activity of the attorney general 14202  
referred to in division (B) of this section from the amounts from 14203  
the tobacco master settlement agreement assigned and sold to the 14204  
issuing authority under that division or from the proceeds of 14205  
obligations, or a combination thereof, which may include provision 14206  
for both annual payments and a special fund providing reserve 14207  
amounts for the payment of those expenses. 14208

The issuing authority shall not, and shall covenant in the 14209  
bond proceedings that it shall not, be authorized to and shall not 14210  
file a voluntary petition under the United States Bankruptcy Code, 14211  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 14212  
similar bankruptcy proceeding under state law including, without 14213  
limitation, consenting to the appointment of a receiver or trustee 14214  
or making a general or specific assignment for the benefit of 14215  
creditors, and neither any public officer or any organization, 14216  
entity, or other person shall authorize the issuing authority to 14217  
be or become a debtor under the United States Bankruptcy Code or 14218  
take any of those actions under the United States Bankruptcy Code 14219  
or state law. The state hereby covenants, and the issuing 14220  
authority shall covenant, with the holders or owners of the 14221  
obligations, that the state shall not permit the issuing authority 14222  
to file a voluntary petition under the United States Bankruptcy 14223  
Code or take any of those actions under the United States 14224  
Bankruptcy Code or state law during the period obligations are 14225  
outstanding and for any additional period for which the issuing 14226  
authority covenants in the bond proceedings, which additional 14227  
period may, but need not, be a period of three hundred sixty-seven 14228  
days or more. 14229

(I) The obligations requiring execution by or for the issuing 14230  
authority shall be signed as provided in the bond proceedings, and 14231  
may bear the official seal of the issuing authority or a facsimile 14232  
thereof. Any obligation may be signed by the individual who, on 14233  
the date of execution, is the authorized signer even though, on 14234  
the date of the obligations, that individual is not an authorized 14235  
signer. In case the individual whose signature or facsimile 14236  
signature appears on any obligation ceases to be an authorized 14237  
signer before delivery of the obligation, that signature or 14238  
facsimile is nevertheless valid and sufficient for all purposes as 14239  
if that individual had remained the authorized signer until 14240  
delivery. 14241

(J) Obligations are investment securities under Chapter 1308. 14242  
of the Revised Code. Obligations may be issued in bearer or in 14243  
registered form, registrable as to principal alone or as to both 14244  
principal and interest, or both, or in certificated or 14245  
uncertificated form, as the issuing authority determines. 14246  
Provision may be made for the exchange, conversion, or transfer of 14247  
obligations and for reasonable charges for registration, exchange, 14248  
conversion, and transfer. Pending preparation of final 14249  
obligations, the issuing authority may provide for the issuance of 14250  
interim instruments to be exchanged for the final obligations. 14251

(K) Obligations may be sold at public sale or at private 14252  
sale, in such manner, and at such price at, above, or below par, 14253  
all as determined by and provided by the issuing authority in the 14254  
bond proceedings. 14255

(L) Except to the extent that rights are restricted by the 14256  
bond proceedings, any owner of obligations or provider of or 14257  
counterparty to a credit enhancement facility may by any suitable 14258  
form of legal proceedings protect and enforce any rights relating 14259  
to obligations or that facility under the laws of this state or 14260  
granted by the bond proceedings. Those rights include the right to 14261  
compel the performance of all applicable duties of the issuing 14262  
authority and the state. Each duty of the issuing authority and 14263  
that issuing authority's officers, staff, and employees, and of 14264  
each state entity or agency, or using district or using 14265  
institution, and its officers, members, staff, or employees, 14266  
undertaken pursuant to the bond proceedings, is hereby established 14267  
as a duty of the entity or individual having authority to perform 14268  
that duty, specifically enjoined by law and resulting from an 14269  
office, trust, or station within the meaning of section 2731.01 of 14270  
the Revised Code. The individuals who are from time to time 14271  
members of the issuing authority, or their designees acting 14272  
pursuant to section 183.52 of the Revised Code, or the issuing 14273

authority's officers, staff, agents, or employees, when acting 14274  
within the scope of their employment or agency, shall not be 14275  
liable in their personal capacities on any obligations or 14276  
otherwise under the bond proceedings, or for otherwise exercising 14277  
or carrying out any purposes or powers of the issuing authority. 14278

(M)(1) Subject to any applicable limitations in division (C) 14279  
of this section, the issuing authority may also authorize and 14280  
provide for the issuance of: 14281

(a) Obligations in the form of bond anticipation notes, and 14282  
may authorize and provide for the renewal of those notes from time 14283  
to time by the issuance of new notes. The holders of notes or 14284  
appertaining interest coupons have the right to have debt service 14285  
on those notes paid solely from the moneys and special funds, and 14286  
all or any portion of the pledged receipts, that are or may be 14287  
pledged to that payment, including the proceeds of bonds or 14288  
renewal notes or both, as the issuing authority provides in the 14289  
bond proceedings authorizing the notes. Notes may be additionally 14290  
secured by covenants of the issuing authority to the effect that 14291  
the issuing authority will do all things necessary for the 14292  
issuance of bonds or renewal notes in such principal amount and 14293  
upon such terms as may be necessary to provide moneys to pay when 14294  
due the debt service on the notes, and apply their proceeds to the 14295  
extent necessary, to make full and timely payment of debt service 14296  
on the notes as provided in the applicable bond proceedings. In 14297  
the bond proceedings authorizing the issuance of bond anticipation 14298  
notes the issuing authority shall set forth for the bonds 14299  
anticipated an estimated schedule of annual principal payments the 14300  
latest of which shall be no later than provided in division (D) of 14301  
this section. While the notes are outstanding there shall be 14302  
deposited, as shall be provided in the bond proceedings for those 14303  
notes, from the sources authorized for payment of debt service on 14304  
the bonds, amounts sufficient to pay the principal of the bonds 14305



anticipated as set forth in that estimated schedule during the 14306  
time the notes are outstanding, which amounts shall be used solely 14307  
to pay the principal of those notes or of the bonds anticipated. 14308

(b) Obligations for the refunding, including funding and 14309  
retirement, and advance refunding, with or without payment or 14310  
redemption prior to maturity, of any obligations previously issued 14311  
under this section and any bonds or notes previously issued for 14312  
the purpose of paying costs of capital facilities for: (i) 14313  
state-supported or state-assisted institutions of higher education 14314  
as authorized by sections 151.01 and 151.04 of the Revised Code, 14315  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 14316  
and (ii) housing branches and agencies of state government limited 14317  
to facilities for a system of common schools throughout the state 14318  
as authorized by sections 151.01 and 151.03 of the Revised Code, 14319  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 14320  
Refunding obligations may be issued in amounts sufficient to pay 14321  
or to provide for repayment of the principal amount, including 14322  
principal amounts maturing prior to the redemption of the 14323  
remaining prior obligations or bonds or notes, any redemption 14324  
premium, and interest accrued or to accrue to the maturity or 14325  
redemption date or dates, payable on the prior obligations or 14326  
bonds or notes, and related financing costs and any expenses 14327  
incurred or to be incurred in connection with that issuance and 14328  
refunding. Subject to the applicable bond proceedings, the portion 14329  
of the proceeds of the sale of refunding obligations issued under 14330  
division (M)(1)(b) of this section to be applied to debt service 14331  
on the prior obligations or bonds or notes shall be credited to an 14332  
appropriate separate account in the bond service fund and held in 14333  
trust for the purpose by the issuing authority or by a corporate 14334  
trustee, and may be invested as provided in the bond proceedings. 14335  
Obligations authorized under this division shall be considered to 14336  
be issued for those purposes for which the prior obligations or 14337  
bonds or notes were issued. 14338

(2) The principal amount of refunding, advance refunding, or 14339  
renewal obligations issued pursuant to division (M) of this 14340  
section shall be in addition to the amount authorized in division 14341  
(C) of this section. 14342

(N) Obligations are lawful investments for banks, savings and 14343  
loan associations, credit union share guaranty corporations, trust 14344  
companies, trustees, fiduciaries, insurance companies, including 14345  
domestic for life and domestic not for life, trustees or other 14346  
officers having charge of sinking and bond retirement or other 14347  
special funds of the state and political subdivisions and taxing 14348  
districts of this state, notwithstanding any other provisions of 14349  
the Revised Code or rules adopted pursuant to those provisions by 14350  
any state agency with respect to investments by them, and are also 14351  
acceptable as security for the repayment of the deposit of public 14352  
moneys. The exemptions from taxation in Ohio as provided for in 14353  
particular sections of the Ohio Constitution and section 5709.76 14354  
of the Revised Code apply to the obligations. 14355

(O)(1) Unless otherwise provided or provided for in any 14356  
applicable bond proceedings, moneys to the credit of or in a 14357  
special fund shall be disbursed on the order of the issuing 14358  
authority. No such order is required for the payment, from the 14359  
bond service fund or other special fund, when due of debt service 14360  
or required payments under credit enhancement facilities. 14361

(2) Payments received by the issuing authority under interest 14362  
rate hedges entered into as credit enhancement facilities under 14363  
this section shall be deposited as provided in the applicable bond 14364  
proceedings. 14365

(P) The obligations shall not be general obligations of the 14366  
state and the full faith and credit, revenue, and taxing power of 14367  
the state shall not be pledged to the payment of debt service on 14368  
them or to any guarantee of the payment of that debt service. The 14369  
holders or owners of the obligations shall have no right to have 14370

any moneys obligated or pledged for the payment of debt service 14371  
except as provided in this section and in the applicable bond 14372  
proceedings. The rights of the holders and owners to payment of 14373  
debt service are limited to all or that portion of the pledged 14374  
receipts, and those special funds, pledged to the payment of debt 14375  
service pursuant to the bond proceedings in accordance with this 14376  
section, and each obligation shall bear on its face a statement to 14377  
that effect. 14378

(Q) Each bond service fund is a trust fund and is hereby 14379  
pledged to the payment of debt service on the applicable 14380  
obligations. Payment of that debt service shall be made or 14381  
provided for by the issuing authority in accordance with the bond 14382  
proceedings without necessity for any act of appropriation. The 14383  
bond proceedings may provide for the establishment of separate 14384  
accounts in the bond service fund and for the application of those 14385  
accounts only to debt service on specific obligations, and for 14386  
other accounts in the bond service fund within the general 14387  
purposes of that fund. 14388

(R) Subject to the bond proceedings pertaining to any 14389  
obligations then outstanding in accordance with their terms, the 14390  
issuing authority may in the bond proceedings pledge all, or such 14391  
portion as the issuing authority determines, of the moneys in the 14392  
bond service fund to the payment of debt service on particular 14393  
obligations, and for the establishment and maintenance of any 14394  
reserves for payment of particular debt service. 14395

(S)(1) Unless otherwise provided in any applicable bond 14396  
proceedings, moneys to the credit of special funds may be invested 14397  
by or on behalf of the issuing authority only in one or more of 14398  
the following: 14399

(a) Notes, bonds, or other direct obligations of the United 14400  
States or of any agency or instrumentality of the United States, 14401  
or in no-front-end-load money market mutual funds consisting 14402

exclusively of those obligations, or in repurchase agreements, 14403  
including those issued by any fiduciary, secured by those 14404  
obligations, or in collective investment funds consisting 14405  
exclusively of those obligations; 14406

(b) Obligations of this state or any political subdivision of 14407  
this state; 14408

(c) Certificates of deposit of any national bank located in 14409  
this state and any bank, as defined in section 1101.01 of the 14410  
Revised Code, subject to inspection by the superintendent of 14411  
financial institutions; 14412

(d) The treasurer of state's pooled investment program under 14413  
section 135.45 of the Revised Code; 14414

(e) Other investment agreements or repurchase agreements that 14415  
are consistent with the ratings on the obligations. 14416

(2) The income from investments referred to in division 14417  
(S)(1) of this section shall be credited to special funds or 14418  
otherwise as the issuing authority determines in the bond 14419  
proceedings. Those investments may be sold or exchanged at times 14420  
as the issuing authority determines, provides for, or authorizes. 14421

(T) The treasurer of state shall have responsibility for 14422  
keeping records, making reports, and making payments, relating to 14423  
any arbitrage rebate requirements under the applicable bond 14424  
proceedings. 14425

(U) The issuing authority shall make quarterly reports to the 14426  
general assembly of the amounts in, and activities of, each 14427  
improvement fund, including amounts and activities on the subfund 14428  
level. Each report shall include a detailed description and 14429  
analysis of the amount of proceeds remaining in each fund from the 14430  
sale of obligations pursuant to this section, and any other 14431  
deposits, credits, interest earnings, disbursements, expenses, 14432  
transfers, or activities of each fund. 14433

(V) The costs of the annual audit of the authority conducted 14434  
pursuant to section 117.112 of the Revised Code are payable, as 14435  
may be provided in the bond proceedings, from the proceeds of the 14436  
obligations, from special funds, or from other moneys available 14437  
for the purpose, including as to future financing costs, from the 14438  
pledged receipts. 14439

Sec. 190.01. "The Health Care Compact" is hereby ratified, 14440  
enacted into law, and entered into by the state of Ohio as a party 14441  
to the compact with any other state that has legally joined in the 14442  
compact as follows: 14443

Whereas, the separation of powers, both between the branches 14444  
of the Federal government and between Federal and State authority, 14445  
is essential to the preservation of individual liberty; 14446

Whereas, the Constitution creates a Federal government of 14447  
limited and enumerated powers, and reserves to the States or to 14448  
the people those powers not granted to the Federal government; 14449

Whereas, the Federal government has enacted many laws that 14450  
have preempted State laws with respect to Health Care, and placed 14451  
increasing strain on State budgets, impairing other 14452  
responsibilities such as education, infrastructure, and public 14453  
safety; 14454

Whereas, the Member States seek to protect individual liberty 14455  
and personal control over Health Care decisions, and believe the 14456  
best method to achieve these ends is by vesting regulatory 14457  
authority over Health Care in the States; 14458

Whereas, by acting in concert, the Member States may express 14459  
and inspire confidence in the ability of each Member State to 14460  
govern Health Care effectively; and 14461

Whereas, the Member States recognize that consent of Congress 14462  
may be more easily secured if the Member States collectively seek 14463

consent through an interstate compact; 14464

NOW THEREFORE, the Member States hereto resolve, and by the 14465  
adoption into law under their respective State Constitutions of 14466  
this Health Care Compact, agree, as follows: 14467

**Sec. 1. Definitions.** As used in this Compact, unless the 14468  
context clearly indicates otherwise: 14469

"Commission" means the Interstate Advisory Health Care 14470  
Commission. 14471

"Effective Date" means the date upon which this Compact shall 14472  
become effective for purposes of the operation of State and 14473  
Federal law in a Member State, which shall be the later of: 14474

(a) the date upon which this Compact shall be adopted under 14475  
the laws of the Member State, and 14476

(b) the date upon which this Compact receives the consent of 14477  
Congress pursuant to Article I, Section 10, of the United States 14478  
Constitution, after at least two Member States adopt this Compact. 14479

"Health Care" means care, services, supplies, or plans 14480  
related to the health of an individual and includes but is not 14481  
limited to: 14482

(a) preventive, diagnostic, therapeutic, rehabilitative, 14483  
maintenance, or palliative care and counseling, service, 14484  
assessment, or procedure with respect to the physical or mental 14485  
condition or functional status of an individual or that affects 14486  
the structure or function of the body, and 14487

(b) sale or dispensing of a drug, device, equipment, or other 14488  
item in accordance with a prescription, and 14489

(c) an individual or group plan that provides, or pays the 14490  
cost of, care, services, or supplies related to the health of an 14491  
individual, except any care, services, supplies, or plans provided 14492  
by the United States Department of Defense and United States 14493

Department of Veteran Affairs, or provided to Native Americans. 14494

"Member State" means a State that is signatory to this 14495  
Compact and has adopted it under the laws of that State. 14496

"Member State Base Funding Level" means a number equal to the 14497  
total Federal spending on Health Care in the Member State during 14498  
Federal fiscal year 2010. On or before the Effective Date, each 14499  
Member State shall determine the Member State Base Funding Level 14500  
for its State, and that number shall be binding upon that Member 14501  
State. The preliminary estimate of Member State Base Funding Level 14502  
for the State of Ohio is \$35,043,000,000. 14503

"Member State Current Year Funding Level" means the Member 14504  
State Base Funding Level multiplied by the Member State Current 14505  
Year Population Adjustment Factor multiplied by the Current Year 14506  
Inflation Adjustment Factor. 14507

"Member State Current Year Population Adjustment Factor" 14508  
means the average population of the Member State in the current 14509  
year less the average population of the Member State in Federal 14510  
fiscal year 2010, divided by the average population of the Member 14511  
State in Federal fiscal year 2010, plus 1. Average population in a 14512  
Member State shall be determined by the United States Census 14513  
Bureau. 14514

"Current Year Inflation Adjustment Factor" means the Total 14515  
Gross Domestic Product Deflator in the current year divided by the 14516  
Total Gross Domestic Product Deflator in Federal fiscal year 2010. 14517  
Total Gross Domestic Product Deflator shall be determined by the 14518  
Bureau of Economic Analysis of the United States Department of 14519  
Commerce. 14520

**Sec. 2. Pledge.** The Member States shall take joint and 14521  
separate action to secure the consent of the United States 14522  
Congress to this Compact in order to return the authority to 14523  
regulate Health Care to the Member States consistent with the 14524

goals and principles articulated in this Compact. The Member 14525  
States shall improve Health Care policy within their respective 14526  
jurisdictions and according to the judgment and discretion of each 14527  
Member State. 14528

**Sec. 3. Legislative Power.** The legislatures of the Member 14529  
States have the primary responsibility to regulate Health Care in 14530  
their respective States. 14531

**Sec. 4. State Control.** Each Member State, within its State, 14532  
may suspend by legislation the operation of all federal laws, 14533  
rules, regulations, and orders regarding Health Care that are 14534  
inconsistent with the laws and regulations adopted by the Member 14535  
State pursuant to this Compact. Federal and State laws, rules, 14536  
regulations, and orders regarding Health Care will remain in 14537  
effect unless a Member State expressly suspends them pursuant to 14538  
its authority under this Compact. For any federal law, rule, 14539  
regulation, or order that remains in effect in a Member State 14540  
after the Effective Date, that Member State shall be responsible 14541  
for the associated funding obligations in its State. 14542

**Sec. 5. Funding.** 14543

(a) Each Federal fiscal year, each Member State shall have 14544  
the right to Federal monies up to an amount equal to its Member 14545  
State Current Year Funding Level for that Federal fiscal year, 14546  
funded by Congress as mandatory spending and not subject to annual 14547  
appropriation, to support the exercise of Member State authority 14548  
under this Compact. This funding shall not be conditional on any 14549  
action of or regulation, policy, law, or rule being adopted by the 14550  
Member State. 14551

(b) By the start of each Federal fiscal year, Congress shall 14552  
establish an initial Member State Current Year Funding Level for 14553  
each Member State, based upon reasonable estimates. The final 14554  
Member State Current Year Funding Level shall be calculated, and 14555



funding shall be reconciled by the United States Congress based 14556  
upon information provided by each Member State and audited by the 14557  
United States Government Accountability Office. 14558

**Sec. 6. Interstate Advisory Health Care Commission.** 14559

(a) The Interstate Advisory Health Care Commission is 14560  
established. The Commission consists of members appointed by each 14561  
Member State through a process to be determined by each Member 14562  
State. A Member State may not appoint more than two members to the 14563  
Commission and may withdraw membership from the Commission at any 14564  
time. Each Commission member is entitled to one vote. The 14565  
Commission shall not act unless a majority of the members are 14566  
present, and no action shall be binding unless approved by a 14567  
majority of the Commission's total membership. 14568

(b) The Commission may elect from among its membership a 14569  
Chairperson. The Commission may adopt and publish bylaws and 14570  
policies that are not inconsistent with this Compact. The 14571  
Commission shall meet at least once a year, and may meet more 14572  
frequently. 14573

(c) The Commission may study issues of Health Care regulation 14574  
that are of particular concern to the Member States. The 14575  
Commission may make non-binding recommendations to the Member 14576  
States. The legislatures of the Member States may consider these 14577  
recommendations in determining the appropriate Health Care 14578  
policies in their respective States. 14579

(d) The Commission shall collect information and data to 14580  
assist the Member States in their regulation of Health Care, 14581  
including assessing the performance of various State Health Care 14582  
programs and compiling information on the prices of Health Care. 14583  
The Commission shall make this information and data available to 14584  
the legislatures of the Member States. Notwithstanding any other 14585  
provision in this Compact, no Member State shall disclose to the 14586

Commission the health information of any individual, nor shall the 14587  
Commission disclose the health information of any individual. 14588

(e) The Commission shall be funded by the Member States as 14589  
agreed to by the Member States. The Commission shall have the 14590  
responsibilities and duties as may be conferred upon it by 14591  
subsequent action of the respective legislatures of the Member 14592  
States in accordance with the terms of this Compact. 14593

(f) The Commission shall not take any action within a Member 14594  
State that contravenes any State law of that Member State. 14595

**Sec. 7. Congressional Consent.** This Compact shall be 14596  
effective on its adoption by at least two Member States and 14597  
consent of the United States Congress. This Compact shall be 14598  
effective unless the United States Congress, in consenting to this 14599  
Compact, alters the fundamental purposes of this Compact, which 14600  
are: 14601

(a) To secure the right of the Member States to regulate 14602  
Health Care in their respective States pursuant to this Compact 14603  
and to suspend the operation of any conflicting federal laws, 14604  
rules, regulations, and orders within their States; and 14605

(b) To secure Federal funding for Member States that choose 14606  
to invoke their authority under this Compact, as prescribed by 14607  
Section 5 above. 14608

**Sec. 8. Amendments.** The Member States, by unanimous 14609  
agreement, may amend this Compact from time to time without the 14610  
prior consent or approval of Congress and any amendment shall be 14611  
effective unless, within one year, the Congress disapproves that 14612  
amendment. Any State may join this Compact after the date on which 14613  
Congress consents to the Compact by adoption into law under its 14614  
State Constitution. 14615

**Sec. 9. Withdrawal; Dissolution.** Any Member State may 14616  
withdraw from this Compact by adopting a law to that effect, but 14617

no such withdrawal shall take effect until six months after the 14618  
Governor of the withdrawing Member State has given notice of the 14619  
withdrawal to the other Member States. A withdrawing State shall 14620  
be liable for any obligations that it may have incurred prior to 14621  
the date on which its withdrawal becomes effective. This Compact 14622  
shall be dissolved upon the withdrawal of all but one of the 14623  
Member States. 14624

Sec. 190.02. Not later than thirty days after "The Health 14625  
Care Compact" entered into under section 190.01 of the Revised 14626  
Code is ratified by the United States congress, the governor shall 14627  
appoint a member to the interstate advisory health care commission 14628  
created under the compact. The governor shall fill a vacancy not 14629  
later than thirty days after the vacancy occurs. 14630

Sec. 191.04. (A) In accordance with federal laws governing 14631  
the confidentiality of individually identifiable health 14632  
information, including the "Health Insurance Portability and 14633  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14634  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14635  
by the United States department of health and human services to 14636  
implement the act, a state agency may exchange protected health 14637  
information with another state agency relating to eligibility for 14638  
or enrollment in a health plan or relating to participation in a 14639  
government program providing public benefits if the exchange of 14640  
information is necessary for either or both of the following: 14641

(1) Operating a health plan; 14642

(2) Coordinating, or improving the administration or 14643  
management of, the health care-related functions of at least one 14644  
government program providing public benefits. 14645

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 14646  
agency also may exchange personally identifiable information with 14647

another state agency for purposes related to and in support of a 14648  
health transformation initiative identified by the executive 14649  
director of the office of health transformation pursuant to 14650  
division (C) of section 191.06 of the Revised Code. 14651

(C) With respect to a state agency that uses or discloses 14652  
personally identifiable information, all of the following 14653  
conditions apply: 14654

(1) The state agency shall use or disclose the information 14655  
only as permitted or required by state and federal law. In 14656  
addition, if the information is obtained during fiscal year 2013, 14657  
2014, or 2015 from an exchange of personally identifiable 14658  
information permitted under division (B) of this section, the 14659  
agency shall also use or disclose the information in accordance 14660  
with all operating protocols that apply to the use or disclosure. 14661

(2) If the state agency is a state agency other than the 14662  
department of medicaid and it uses or discloses protected health 14663  
information that is related to a medicaid recipient and obtained 14664  
from the department of medicaid or another agency operating a 14665  
component of the medicaid program, the state agency shall comply 14666  
with all state and federal laws that apply to the department of 14667  
medicaid when that department, as the state's single state agency 14668  
to supervise the medicaid program, uses or discloses protected 14669  
health information. 14670

(3) A state agency shall implement administrative, physical, 14671  
and technical safeguards for the purpose of protecting the 14672  
confidentiality, integrity, and availability of personally 14673  
identifiable information the creation, receipt, maintenance, or 14674  
transmittal of which is affected or governed by this section. 14675

(4) If a state agency discovers an unauthorized use or 14676  
disclosure of unsecured protected health information or unsecured 14677  
individually identifiable health information, the state agency 14678

shall, not later than seventy-two hours after the discovery, do 14679  
all of the following: 14680

(a) Identify the individuals who are the subject of the 14681  
protected health information or individually identifiable health 14682  
information; 14683

(b) Report the discovery and the names of all individuals 14684  
identified pursuant to division (C)(4)(a) of this section to all 14685  
other state agencies and the executive director of the office of 14686  
health transformation or the executive director's designee; 14687

(c) Mitigate, to the extent reasonably possible, any 14688  
potential adverse effects of the unauthorized use or disclosure. 14689

(5) A state agency shall make available to the executive 14690  
director of the office of health transformation or the executive 14691  
director's designee, and to any other state or federal 14692  
governmental entity required by law to have access on that 14693  
entity's request, all internal practices, records, and 14694  
documentation relating to personally identifiable information it 14695  
receives, uses, or discloses that is affected or governed by this 14696  
section. 14697

(6) On termination or expiration of an operating protocol and 14698  
if feasible, a state agency shall return or destroy all personally 14699  
identifiable information received directly from or received on 14700  
behalf of another state agency. If the personally identifiable 14701  
information is not returned or destroyed, the state agency 14702  
maintaining the information shall extend the protections set forth 14703  
in this section for as long as it is maintained. 14704

(7) If a state agency enters into a subcontract or, when 14705  
required by 45 C.F.R. 164.502(e)(2), a business associate 14706  
agreement, the subcontract or business associate agreement shall 14707  
require the subcontractor or business associate to comply with the 14708  
terms of this section as if the subcontractor or business 14709

associate were a state agency. 14710

**Sec. 191.06.** (A) The provisions of this section shall apply 14711  
only for fiscal years 2013 through ~~2017~~ 2019. 14712

(B) The executive director of the office of health 14713  
transformation or the executive director's designee may facilitate 14714  
the coordination of operations and exchange of information between 14715  
state agencies. The purpose of the executive director's authority 14716  
under this section is to support agency collaboration for health 14717  
transformation purposes, including modernization of the medicaid 14718  
program, streamlining of health and human services programs in 14719  
this state, and improving the quality, continuity, and efficiency 14720  
of health care and health care support systems in this state. 14721

(C) In furtherance of the authority of the executive director 14722  
of the office of health transformation under division (B) of this 14723  
section, the executive director or the executive director's 14724  
designee shall identify each health transformation initiative in 14725  
this state that involves the participation of two or more state 14726  
agencies and that permits or requires an interagency agreement to 14727  
be entered into for purposes of specifying each participating 14728  
agency's role in coordinating, operating, or funding the 14729  
initiative, or facilitating the exchange of data or other 14730  
information for the initiative. The executive director shall 14731  
publish a list of the identified health transformation initiatives 14732  
on the internet web site maintained by the office of health 14733  
transformation. 14734

(D) For each health transformation initiative that is 14735  
identified under division (C) of this section, the executive 14736  
director or the executive director's designee shall, in 14737  
consultation with each participating agency, adopt one or more 14738  
operating protocols. Notwithstanding any law enacted by the 14739  
general assembly or rule adopted by a state agency, the provisions 14740

in a protocol shall supersede any provisions in an interagency 14741  
agreement, including an interagency agreement entered into under 14742  
section 5101.10 or 5162.35 of the Revised Code, that differ from 14743  
the provisions of the protocol. 14744

(E)(1) An operating protocol adopted under division (D) of 14745  
this section shall include both of the following: 14746

(a) All terms necessary to meet the requirements of "other 14747  
arrangements" between a covered entity and a business associate 14748  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14749

(b) If known, the date on which the protocol will terminate 14750  
or expire. 14751

(2) In addition, a protocol may specify the extent to which 14752  
each participating agency is responsible and accountable for 14753  
completing the tasks necessary for successful completion of the 14754  
initiative, including tasks relating to the following components 14755  
of the initiative: 14756

(a) Workflow; 14757

(b) Funding; 14758

(c) Exchange of data or other information that is 14759  
confidential pursuant to state or federal law. 14760

(F) An operating protocol adopted under division (D) of this 14761  
section shall have the same force and effect as an interagency 14762  
agreement or data sharing agreement, and each participating agency 14763  
shall comply with it. 14764

**Sec. 305.05.** The board of county commissioners shall organize 14765  
~~on~~ not later than the second Monday of January of each year, by 14766  
the election of one of its members as president for a term of one 14767  
year. The member so elected shall preside at all regular and 14768  
special sessions of the board. If the position of president 14769  
becomes vacant during the year, the board shall select one of its 14770

members to preside. 14771

Sec. 305.40. (A) There is hereby created the county hub 14772  
program to combat opioid addiction. The purposes of the program 14773  
are as follows: 14774

(1) To strengthen county and community efforts to prevent and 14775  
treat opioid addiction; 14776

(2) To educate youth and adults about the dangers of opioid 14777  
addiction and the negative effects it has on society; 14778

(3) To promote family building and workforce development as 14779  
ways of combatting opioid addiction in communities; 14780

(4) To encourage community engagement in efforts to address 14781  
the purposes specified in divisions (A)(1) to (3) of this section. 14782

(B) As part of the program, each county shall have an entity 14783  
that is responsible for organizing and coordinating, in that 14784  
county, efforts to address the program's purposes. This entity 14785  
shall be known as the "hub coordinating agency." A county's board 14786  
of county commissioners shall designate, by resolution, the hub 14787  
coordinating agency for the county. A hub coordinating agency may 14788  
be any of the following: 14789

(1) A board of alcohol, drug addiction, and mental health 14790  
services; 14791

(2) An opioid prevention coalition or organization; 14792

(3) A post-prison re-entry coalition or organization; 14793

(4) A faith-based coalition or organization; 14794

(5) A community addiction services provider. 14795

(C) A hub coordinating agency shall use funds appropriated to 14796  
it to address the program's purposes described in division (A) of 14797  
this section. Those funds shall not be used to do any of the 14798  
following: 14799



<u>(1) Fund capital improvements or building construction;</u>	14800
<u>(2) Pay for maintenance of buildings or equipment;</u>	14801
<u>(3) Make cash payments to service recipients;</u>	14802
<u>(4) Pay for vehicle purchases or leases;</u>	14803
<u>(5) Pay for professional or credentialing fees or licenses</u>	14804
<u>for any person or entity;</u>	14805
<u>(6) Pay fines or penalties;</u>	14806
<u>(7) Pay for food or beverages.</u>	14807
<u>(D) Not later than January 1, 2020, each hub coordinating</u>	14808
<u>agency shall submit a report to the department of mental health</u>	14809
<u>and addiction services summarizing its work on, and progress</u>	14810
<u>toward, addressing each of the program's purposes specified in</u>	14811
<u>division (A) of this section. The department shall aggregate all</u>	14812
<u>reports it has received and submit a statewide report to the</u>	14813
<u>governor and general assembly. The copy submitted to the general</u>	14814
<u>assembly shall be submitted in accordance with section 101.68 of</u>	14815
<u>the Revised Code.</u>	14816
<b>Sec. 307.283.</b> (A) As used in this section:	14817
(1) "Grant revenue" means revenues from a tax imposed under	14818
section 5739.026 or 5741.023 of the Revised Code that are	14819
allocated for the purpose of division (A)(4) of section 5739.026	14820
of the Revised Code.	14821
(2) "Available grant revenue" means the amount certified	14822
under division (B)(2) of this section, less the amount of any	14823
grants previously awarded for the year under division (C) of this	14824
section.	14825
(3) "Grant" means a payment award for the year to a	14826
government agency for a permanent improvement project in the	14827
amount specified by the community improvements board.	14828

(4) "Government agency" means the county, the state, or a 14829  
political subdivision, including a school district, any part of 14830  
which is located in the county, ~~or the state.~~ 14831

(5) "Debt service charges" means interest, principal, and 14832  
premium on grant award bonds. 14833

(6) "Grant award bonds" means bonds or notes issued under 14834  
section ~~133.312~~ 307.284 of the Revised Code. 14835

(7) "Year" means a calendar year. 14836

(8) "Permanent improvement project" means any permanent 14837  
improvement to be undertaken for which the government agency that 14838  
receives a grant is authorized to expend the proceeds of that 14839  
grant. Any permanent improvement to be undertaken by the state or 14840  
a political subdivision shall be located in the county. A 14841  
permanent improvement to be undertaken by a school district shall 14842  
be located in that school district. 14843

(9) "School district" means a city, local, or exempted 14844  
village school district. 14845

(B) Each year the community improvements board shall convene 14846  
and determine and certify to the board of county commissioners 14847  
each of the following: 14848

(1) The estimated grant revenue to be transferred to the 14849  
community improvement fund during the current year. 14850

(2) The total amount of grants that may be awarded during the 14851  
current year. Except as provided in division (D) of this section, 14852  
the total amount of grants that may be awarded during any year may 14853  
not exceed the sum of the unencumbered balance in the community 14854  
improvements fund on the first day of the year plus the estimated 14855  
grant revenue for the current year, less the debt service charges 14856  
certified under division (B)(3) of this section. 14857

(3) With respect to outstanding grant award bonds, the total 14858

debt service charges for the current year and each of the ensuing 14859  
nine years. 14860

(C) Upon the making of such certifications, the 14861  
community-improvements board may award grants for the year for any 14862  
one or more permanent improvement projects. For each grant 14863  
awarded, the board shall certify to the board of county 14864  
commissioners the project for which the grant is awarded, the 14865  
amount of the grant, and the government agency to which the grant 14866  
is to be paid. The board shall include in the certification, a 14867  
statement instructing the board of county commissioners with 14868  
respect to whether and in what proportion or amount the grant is 14869  
to be reduced or whether the grant is to be paid in full in the 14870  
event the actual grant revenues for the current year are less than 14871  
the estimated grant revenues for the year. By a unanimous vote the 14872  
board of county commissioners may disallow a grant awarded under 14873  
this division, in which case it shall certify its determination to 14874  
the community improvements board, and the grant shall not be paid 14875  
in the current year as otherwise required under division (E) of 14876  
this section. 14877

Except as provided in division (D) of this section, the board 14878  
may not award any grant in any year that exceeds the available 14879  
grant revenue. The board may award grants to more than one 14880  
government agency for the same project and may award grants for 14881  
the same project in more than one year. 14882

(D) The community improvements board may award grants in 14883  
excess of the available grant revenue for any one or more 14884  
permanent improvement projects, but the sum of the grants awarded 14885  
for the year under this division shall not exceed the available 14886  
grant revenue, adjusted to reflect the sum of any grants that are 14887  
not to be paid, as determined under the certification made under 14888  
division (D)(3) of this section, plus the amount by which the 14889  
amount certified under division (D)(1) of this section exceeds the 14890

amount certified under division (D)(2) of this section. For each 14891  
grant awarded under this division, the board shall certify to the 14892  
board of county commissioners the project for which the grant is 14893  
awarded, the amount of the grant, and the government agency to 14894  
which the grant is to be paid. The board of county commissioners 14895  
may disallow a grant awarded under this division, in which case it 14896  
shall certify its determination to the community improvements 14897  
board, and the grant shall not be paid in the current year as 14898  
otherwise required under division (E) of this section. If the 14899  
community improvements board elects to award a grant under this 14900  
division, at the time it makes the certifications required by 14901  
division (B) of this section it shall make the following 14902  
additional certifications: 14903

(1) The estimated grant revenue to be transferred to the 14904  
community improvement fund during each of the nine ensuing years; 14905

(2) The estimated total debt service charges, exclusive of 14906  
principal, for the current year and each of the nine ensuing years 14907  
on grant award bonds that would have to be issued during the 14908  
current year in order to pay a grant awarded under this division; 14909

(3) Which, if any, of the grants awarded under division 14910  
~~(B)~~(C) of this section should not be paid if a grant award made 14911  
under this division is paid. 14912

(E) Except as otherwise provided by divisions (C) and (D) of 14913  
this section, the board of county commissioners shall pay each 14914  
government agency from the county's community improvement fund, 14915  
the amount of its grant award in accordance with the certification 14916  
of the community improvement board. If the balance in the fund is 14917  
insufficient to make the payment of any grant in the amount 14918  
specified in the certification, the board of county commissioners 14919  
may issue grant award bonds in the amount of such insufficiency 14920  
and make the balance of the payment from the proceeds of such 14921  
bonds. The proceeds of a payment received under this division may 14922

be expended solely for the permanent improvement project for which 14923  
the grant was awarded. 14924

(F) If a board of county commissioners disallows a grant 14925  
under division (C) or (D) of this section, the community 14926  
improvements board may reconvene for the purpose of awarding 14927  
grants under this section. For the purpose of making grant awards 14928  
as provided under this division, any grant that the board of 14929  
county commissioners disallows shall be considered not to have 14930  
been awarded. 14931

(G) Before the community improvements board may approve 14932  
funding for a permanent improvement project that has been rejected 14933  
by a separate prior vote of the electorate, there must have 14934  
occurred a subsequent separate vote of the electorate reversing 14935  
the prior result. 14936

Sec. 307.631. A board of county commissioners may appoint a 14937  
health commissioner of the board of health of a city or general 14938  
health district that is entirely or partially located in the 14939  
county in which the board of county commissioners is located to 14940  
establish a drug overdose fatality review committee to review drug 14941  
overdose deaths and opioid-involved deaths. The boards of county 14942  
commissioners of two or more counties may, by adopting a joint 14943  
resolution passed by a majority of the members of each 14944  
participating board of county commissioners, create a regional 14945  
drug overdose fatality review committee to serve all participating 14946  
counties. The joint resolution shall appoint, for each county 14947  
participating as part of the regional review committee, one health 14948  
commissioner from a board of health of a city or general health 14949  
district located at least in part in each county. The health 14950  
commissioners appointed shall select one of their number as the 14951  
health commissioner to establish the regional review committee. 14952  
The regional review committee may be established in the same 14953

manner as provided for single county review committees. 14954

In any county that has a body acting as a drug overdose 14955  
fatality review committee on the effective date of this section, 14956  
the board of county commissioners of that county, in lieu of 14957  
having a health commissioner establish a drug overdose fatality 14958  
review committee, may appoint that body to function as the drug 14959  
overdose fatality review committee for the county. The body shall 14960  
have the same duties, obligations, and protections as a drug 14961  
overdose fatality review committee appointed by a health 14962  
commissioner. The board of county commissioners or an individual 14963  
designated by the board shall convene the body as required by 14964  
section 307.634 of the Revised Code. 14965

Sec. 307.632. (A) If a health commissioner of the board of 14966  
health of a city or a general health district is appointed under 14967  
section 307.631 of the Revised Code to establish a drug overdose 14968  
fatality review committee, the commissioner shall select five 14969  
members to serve on the review committee along with the 14970  
commissioner. The review committee shall consist of the following: 14971

(1) A county coroner or designee; 14972

(2) The chief of police of a police department or the sheriff 14973  
that serves the greatest population in the county or region or a 14974  
designee of the chief or sheriff; 14975

(3) A public health official or designee; 14976

(4) The executive director of a board of alcohol, drug 14977  
addiction, and mental health services or designee; 14978

(5) A physician authorized under Chapter 4731. of the Revised 14979  
Code to practice medicine and surgery or osteopathic medicine and 14980  
surgery. 14981

(B) The majority of the members of a review committee may 14982  
invite additional members to serve on the committee. The 14983

additional members invited under this division shall serve for a 14984  
period of time determined by a majority of the members described 14985  
in division (A) of this section. An additional member shall have 14986  
the same authority, duties, and responsibilities as members 14987  
described in division (A) of this section. 14988

(C) A vacancy in a drug overdose review committee shall be 14989  
filled in the same manner as the original appointment. 14990

(D) A drug overdose fatality review committee member shall 14991  
not receive any compensation for, and shall not be paid for any 14992  
expenses incurred pursuant to, fulfilling the member's duties on 14993  
the committee unless compensation for, or payment for expenses 14994  
incurred pursuant to, those duties is received pursuant to a 14995  
member's regular employment. 14996

Sec. 307.633. The purpose of a drug overdose fatality review 14997  
committee established under section 307.631 of the Revised Code is 14998  
to decrease the incidence of preventable overdose deaths by doing 14999  
all of the following: 15000

(A) Promoting cooperation, collaboration, and communication 15001  
between all groups, professions, agencies, or entities engaged in 15002  
drug abuse prevention, education, or treatment efforts; 15003

(B) Maintaining a comprehensive database of all overdose 15004  
deaths that occur in the county or region served by the review 15005  
committee in order to develop an understanding of the causes and 15006  
incidence of those deaths; 15007

(C) Recommending and developing plans for implementing local 15008  
service and program changes and changes to the groups, 15009  
professions, agencies, or entities that serve local residents that 15010  
might prevent overdose deaths; 15011

(D) Advising the department of health of aggregate data, 15012  
trends, and patterns concerning overdose deaths. 15013

Sec. 307.634. If a drug overdose fatality review committee is 15014  
established under section 307.631 of the Revised Code, the board 15015  
of county commissioners, or if a regional drug overdose fatality 15016  
review committee is established, the group of health commissioners 15017  
appointed to select the health commissioner to establish the 15018  
regional review committee, shall designate either the health 15019  
commissioner that establishes the review committee or a 15020  
representative of the health commissioner to convene meetings and 15021  
be the chairperson of the review committee. If a regional review 15022  
committee includes a county with more than one health district, 15023  
the regional review committee meeting shall be convened in that 15024  
county. If more than one of the counties participating on the 15025  
regional review committee has more than one health district, the 15026  
person convening the meeting shall select one of the counties with 15027  
more than one health district as the county in which to convene 15028  
the meeting. 15029

Sec. 307.635. A drug overdose fatality review committee may 15030  
not conduct a review of a death while an investigation of the 15031  
death or prosecution of a person for causing the death is pending 15032  
unless the prosecuting attorney agrees to allow the review. The 15033  
law enforcement agency conducting the criminal investigation, on 15034  
the conclusion of the investigation, and the prosecuting attorney 15035  
prosecuting the case, on the conclusion of the prosecution, shall 15036  
notify the chairperson of the review committee of the conclusion. 15037

Sec. 307.636. (A) A drug overdose fatality review committee 15038  
shall establish a system for collecting and maintaining 15039  
information necessary for the review of drug overdose or 15040  
opioid-involved deaths in the county or region. In an effort to 15041  
ensure confidentiality, each committee shall do all of the 15042  
following: 15043



<u>(1) Maintain all records in a secure location;</u>	15044
<u>(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;</u>	15045 15046 15047
<u>(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.</u>	15048 15049 15050
<u>(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:</u>	15051 15052
<u>(1) Demographic information of the deceased, including age, sex, race, and ethnicity;</u>	15053 15054
<u>(2) The year in which the death occurred;</u>	15055
<u>(3) The geographic location of the death;</u>	15056
<u>(4) The cause of death;</u>	15057
<u>(5) Any factors contributing to the death;</u>	15058
<u>(6) Any other information the committee considers relevant.</u>	15059
<u>(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:</u>	15060 15061 15062 15063 15064
<u>(1) The total number of drug overdose or opioid-involved deaths in the county or region;</u>	15065 15066
<u>(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;</u>	15067 15068
<u>(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;</u>	15069 15070
<u>(4) A summary of any trends or patterns identified by the committee.</u>	15071 15072

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year. 15073  
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The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review committee determines should be included. 15076  
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(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code. 15079  
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**Sec. 307.637.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information. 15082  
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(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity. 15089  
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(2) With respect to a request made to any other individual or entity, the summary shall contain only information available and reasonably drawn from any record involving the person that the individual or entity develops in the normal course of business. 15093  
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(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee. 15097  
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall 15101  
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provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

**Sec. 307.638.** (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

**Sec. 307.639.** Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

**Sec. 307.678.** (A) As used in this section: 15128

(1) ~~"Stadium" means an open air structure designed and developed to provide a venue for public entertainment, cultural activities and recreation, or any combination thereof, including concerts, athletic and sporting events, and other events and~~

~~exhibitions, together with concession, locker room, parking, 15133  
restroom, and storage facilities, walkways, and other auxiliary 15134  
facilities, whether included within or separate from the 15135  
structure, and all real and personal property and interests 15136  
therein related to the use of the structure for those purposes. 15137~~

~~(2) "Bureau" means a nonprofit corporation that is organized 15138  
under the laws of this state that is, or has among its functions 15139  
acting as, a convention and visitors' bureau, and that currently 15140  
receives revenue from existing lodging taxes. 15141~~

~~(3)(2) "Cooperating parties" means the parties to a 15142  
cooperative agreement. 15143~~

~~(4)(3) "Cooperative agreement" means an agreement entered 15144  
into pursuant to ~~division (B) of~~ or as contemplated by this 15145  
section. 15146~~

~~(4) "Credit enhancement facilities" has the same meaning as 15147  
in section 133.01 of the Revised Code. 15148~~

~~(5) "Corporation" means a nonprofit corporation that is 15149  
organized under the laws of this state and has corporate authority 15150  
under its organizational instruments to acquire, construct, 15151  
reconstruct, equip, finance, furnish, otherwise improve, own, 15152  
lease, or operate a stadium. 15153~~

~~(6) "Debt charges" has the same meaning as in section 133.01 15154  
of the Revised Code, except that "obligations" shall be 15155  
substituted for "securities" wherever "securities" appears in that 15156  
section. 15157~~

~~(7)(6) "Eligible county" means a county ~~having a population 15158  
of at least three hundred seventy five thousand, but not more than 15159  
four hundred thousand, according to the most recent federal 15160  
decennial census within the boundaries of which any part of a 15161  
tourism development district is located. 15162~~~~

(7) "Eligible transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code, within the boundaries of which any part of a tourism development district is located.

(8) "Existing lodging taxes" means taxes levied by a board of county commissioners of an eligible county under division (A) of section 5739.09 of the Revised Code.

(9) "Financing costs" means all costs, fees, and expenses relating to the authorization, including any required election, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing, of obligations, including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, placement memoranda, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies, companies, or corporations, securities depositories, issuers, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, paying redemption premiums, and credit enhancement facilities. Financing costs may be paid from any money available for the purpose, including, unless otherwise provided in the proceedings, from the proceeds of the obligations to which they relate and, as to future financing costs, from the same sources from which debt charges on the obligations are paid and as though debt charges.

(10) "Host municipal corporation" means a municipal corporation, ~~having a population of at least seventy thousand but~~

~~not more than eighty thousand according to the most recent federal~~ 15195  
~~decennial census,~~ within the boundaries of which ~~a stadium~~ any 15196  
part of a tourism development district is located. 15197

(11) "Host school district" means ~~the~~ a school district 15198  
within the boundaries of which ~~a stadium~~ any part of a tourism 15199  
development district is located. 15200

(12) "Incremental sales tax growth" has the same meaning as 15201  
in section 5739.213 of the Revised Code, except that, in the case 15202  
of an eligible county, "incremental sales tax growth" shall 15203  
include only the amount of taxes levied under sections 5739.021 15204  
and 5739.026 of the Revised Code credited to the county's general 15205  
fund. 15206

(13) "Issuer" means a port authority, a new community 15207  
authority, or any other issuer, as defined in section 133.01 of 15208  
the Revised Code, and any corporation. 15209

~~(13)~~(14) "Maintenance and repair costs" means costs and 15210  
expenses incurred by a cooperating party from the party's own 15211  
revenues for maintaining or repairing a project. 15212

(15) "Net lodging tax proceeds" means the proceeds of an 15213  
existing lodging tax that remain after deduction by an eligible 15214  
county of the real and actual costs of administering the tax and 15215  
any portion of such proceeds required to be returned to a 15216  
municipal corporation or township under division (A)(1) of section 15217  
5739.09 of the Revised Code. 15218

(16) "Net tourism development district revenues" means the 15219  
tourism development district revenues remaining after deduction by 15220  
the host municipal corporation of an amount, not to exceed one 15221  
percent of any admissions tax revenues, prescribed in any 15222  
legislation by which, or agreement pursuant to which, tourism 15223  
development district revenues are pledged, or agreed to be pledged 15224  
or contributed, by an eligible county, an eligible transit 15225

authority, or a host municipal corporation, or any combination thereof, in accordance with division (B), (E), (F), or (G) of this section. 15226  
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(17) "New community authority" means a new community authority established under section 349.03 of the Revised Code by an organizational board of commissioners that is or includes the board of county commissioners of an eligible county or the legislative authority of a host municipal corporation. 15229  
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(18) "Obligations" means obligations that are issued or incurred by an issuer pursuant to Chapter 133., 349., or 4582. of the Revised Code, or otherwise, for the purpose of funding or paying, or reimbursing persons for the funding or payment of, project costs, and that evidence the issuer's obligation to repay borrowed money, including interest thereon, or to pay other money obligations of the issuer at any future time, including, without limitation, bonds, notes, anticipatory securities as defined in section 133.01 of the Revised Code, certificates of indebtedness, commercial paper, or installment sale, lease, lease-purchase, or similar agreements. "Obligations" does not include credit enhancement facilities. 15234  
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~~(14)~~(19) "Person" includes an individual, corporation, limited liability company, business trust, estate, trust, partnership, association, eligible county, eligible transit authority, host municipal corporation, port authority, new community authority, and any other political subdivision of the state. 15246  
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(20) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 15252  
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~~(15)~~(21) "Project" means acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, equipping, furnishing, or otherwise improving a stadium tourism 15254  
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facility or any component or element thereof. 15257

~~(16)~~(22) "Project cost" means the cost of acquiring, 15258  
constructing, reconstructing, rehabilitating, remodeling, 15259  
renovating, enlarging, equipping, financing, refinancing, 15260  
furnishing, or otherwise improving a project, including, without 15261  
limitation, financing costs; the cost of architectural, 15262  
engineering, and other professional services, designs, plans, 15263  
specifications, surveys, and estimates of costs; financing or 15264  
refinancing obligations issued by, or reimbursing money advanced 15265  
by, any cooperating party or any other person, where the proceeds 15266  
of the obligations or money advanced was used to pay any other 15267  
cost described in this division; inspections and testing; any 15268  
indemnity or surety bond or premium related to insurance 15269  
pertaining to development of the project; all related direct and 15270  
indirect administrative costs and costs of placing a project in 15271  
service; fees and expenses of trustees, escrow agents, 15272  
depositories, and paying agents for any obligations; interest on 15273  
obligations during the planning, design, and development of a 15274  
project and for up to eighteen months thereafter; funding ~~of~~ and 15275  
replenishing reserves for the payment of debt charges on any 15276  
obligations; ~~and~~ all other expenses necessary or incident to 15277  
planning, or determining the feasibility or practicability of, a 15278  
project, including, without limitation, advocating the enactment 15279  
of legislation to facilitate the development and financing of a 15280  
project; and any other costs of a project that are authorized to 15281  
be financed by the issuer of obligations at the time the 15282  
obligations are issued. 15283

(23) "Taxing authority" means the board of county 15284  
commissioners of an eligible county, the legislative authority, as 15285  
that term is defined in section 5739.01 of the Revised Code, of an 15286  
eligible transit authority, or the legislative authority of a host 15287  
municipal corporation. 15288



(24) "Tourism development district" means an area designated 15289  
by a host municipal corporation under section 715.014 of the 15290  
Revised Code. 15291

(25) "Tourism development district revenues" means money 15292  
received or receivable by a host municipal corporation from 15293  
incremental sales tax growth pursuant to section 5739.213 of the 15294  
Revised Code, from a tax levied by the host municipal corporation 15295  
pursuant to division (C) of section 5739.101 of the Revised Code, 15296  
from a tax levied by the host municipal corporation pursuant to 15297  
section 5739.08 or 5739.09 of the Revised Code on the provision of 15298  
lodging by hotels located in the tourism development district, 15299  
from a tax levied by the host municipal corporation with respect 15300  
to admission to any tourism facility or parking or any other 15301  
activity occurring at any location in the tourism development 15302  
district, or from any tax levied by an eligible county, eligible 15303  
transit authority, or host municipal corporation with respect to 15304  
activities occurring, or property located, in the tourism 15305  
development district, if and to the extent that revenue from any 15306  
such tax is authorized to be used, or is not prohibited by law 15307  
from being used, to foster and develop tourism in the tourism 15308  
development district and is authorized, contracted, pledged or 15309  
assigned by the respective taxing authority to be used to fund or 15310  
pay, or to reimburse other persons for funding or payment of, 15311  
project costs or maintenance and repair costs. 15312

(26) "Tourism facility" means any permanent improvement, as 15313  
defined in section 133.01 of the Revised Code, located in a 15314  
tourism development district. 15315

(B) ~~On or before December 31, 2015,~~ the The board of county 15316  
commissioners of an eligible county, an eligible transit 15317  
authority, a host municipal corporation, the board of education of 15318  
a host school district, a port authority, a bureau, a new 15319  
community authority, and ~~a corporation~~ any other person, or any 15320

combination thereof, may enter into a cooperative agreement for 15321  
any purpose authorized under this section and under which any of 15322  
the following apply: 15323

(1) The board of county commissioners of the eligible county 15324  
and the bureau agree to make available to a cooperating party or 15325  
any other person net lodging tax proceeds of an existing lodging 15326  
tax, not to exceed five hundred thousand dollars each year, to 15327  
fund or pay, or to reimburse other persons for funding or payment 15328  
of, project costs or debt charges on obligations issued by a 15329  
cooperating party to fund, finance, or refinance the payment of 15330  
project costs;. 15331

(2) The board of county commissioners of the eligible county 15332  
agrees, for the purpose of funding or paying or supporting, or for 15333  
reimbursing other persons for funding or payment of, project 15334  
costs, including debt charges on obligations, may do either of the 15335  
following: 15336

(a) Make available to a cooperating party or other person an 15337  
amount equal to incremental sales tax growth or all or a portion 15338  
of the county's tourism development district revenues; 15339

(b) Provide credit enhancement facilities in connection with 15340  
the funding or payment of project costs, including debt charges on 15341  
obligations, or any portion or combination thereof. 15342

(3) The taxing authority of an eligible transit authority 15343  
agrees to make available to a cooperating party or any other 15344  
person an amount equal to incremental sales tax growth or all or a 15345  
portion of the transit authority's tourism development district 15346  
revenues. 15347

(4) The host municipal corporation agrees to make available 15348  
credit enhancement facilities or net tourism development district 15349  
revenues, or any portion or combination thereof, to fund, pay, or 15350  
support, or to reimburse other persons for funding or payment of, 15351

project costs, including debt charges on obligations, or 15352  
maintenance and repair costs, or both. Any agreement to use net 15353  
tourism development district revenues to pay or reimburse other 15354  
persons for payment of maintenance and repair costs shall be 15355  
subject to authorization by any cooperating party providing such 15356  
funding to the host municipal corporation and to annual 15357  
appropriation for such purpose by the legislative authority of the 15358  
host municipal corporation and shall be subordinate to any 15359  
covenant made to or by an issuer in connection with the issuance 15360  
of obligations or credit enhancement facilities to pay project 15361  
costs. 15362

(5) The cooperating parties agree, subject to any conditions 15363  
or limitations provided in the cooperative agreement, to ~~each~~ any 15364  
of the following: 15365

(a) The conveyance, grant, or transfer to a cooperating party 15366  
or any other person of ownership of, property interests in, and 15367  
rights to use ~~a stadium, either~~ real or personal property to 15368  
create a tourism facility or with respect to a tourism facility as 15369  
the ~~stadium~~ facility exists at the time of the agreement or as it 15370  
may be improved by a project; 15371

(b) The respective responsibilities of each cooperating party 15372  
for the management, operation, maintenance, repair, and 15373  
replacement of a ~~stadium~~ tourism facility, including any project 15374  
undertaken with respect to the ~~stadium~~ facility, which may include 15375  
authorization for a cooperating party to contract with any other 15376  
person for any such purpose; 15377

(c) The respective responsibilities of each cooperating party 15378  
for the development and financing of a project, including, without 15379  
limitation, the cooperating party or parties that shall be 15380  
responsible for contracting for the development of a project and 15381  
administering contracts entered into ~~which~~ by the party or parties 15382  
~~enter into~~ for that purpose; 15383

(d) The respective responsibilities of each cooperating party 15384  
to provide money, credit enhancement facilities, or both, whether 15385  
by issuing obligations or otherwise, for the funding, payment, 15386  
financing, or refinancing, or reimbursement to a cooperating party 15387  
or other person for the funding, payment, financing, or 15388  
refinancing, of project costs; 15389

(e) The respective responsibilities of each cooperating 15390  
party, ~~or any other person~~, to provide money, credit enhancement 15391  
facilities, or other security for the payment of debt charges on 15392  
obligations or to fund or replenish reserves or otherwise provide 15393  
for the payment of maintenance and repair costs. 15394

(C) Any conveyance, grant, or transfer of ownership of, 15395  
property interests in, or rights to use a ~~stadium, and any~~ 15396  
~~contract for the development, management, operation, maintenance,~~ 15397  
~~repair, or replacement of a stadium~~ tourism development facility 15398  
or project, including any project undertaken with respect to an 15399  
existing ~~stadium~~ tourism facility, that is contemplated by a 15400  
cooperative agreement may be made or entered into by a cooperating 15401  
party, in such manner and upon such terms as the cooperating 15402  
parties may agree, ~~without any requirement of bidding and without~~ 15403  
regard to ownership of the ~~stadium~~ tourism facility or project, 15404  
notwithstanding any other provision of law that may otherwise 15405  
apply, including, without limitation, any requirement for notice, 15406  
competitive bidding or selection, or the provision of security. A 15407  
~~project constitutes a "port authority facility" within the meaning~~ 15408  
~~of division (D) of section 4582.01 and division (E) of section~~ 15409  
~~4582.21 of the Revised Code and shall be considered a permanent~~ 15410  
~~improvement for one purpose under Chapter 133. of the Revised~~ 15411  
~~Code.~~ 15412

(D) Regardless of whether a cooperative agreement has been 15413  
executed and delivered, the board of county commissioners may 15414  
amend any previously adopted resolution providing for the levy of 15415

an existing lodging tax to permit the use of any portion of the 15416  
net lodging tax proceeds from such tax as provided in this 15417  
section, and a host municipal corporation may amend any previously 15418  
passed ordinance providing for the levy of lodging taxes under 15419  
section 5739.08 or 5739.09 of the Revised Code to permit the use 15420  
of any portion of such lodging taxes as provided in this section. 15421

(E)(1) Notwithstanding any other provision of law, and after 15422  
deducting the real and actual costs of administering an existing 15423  
lodging tax and any portion of such tax required to be returned to 15424  
any municipal corporation or township as provided in division 15425  
(A)(1) of section 5739.09 of the Revised Code, the: 15426

(a) The board of county commissioners of an eligible county 15427  
may provide credit enhancement facilities in connection with any 15428  
project, including, without limitation, for the provision of any 15429  
infrastructure necessary to support a tourism facility. 15430

(b) The board of county commissioners of an eligible county 15431  
and a bureau may agree to make available, and a cooperating party 15432  
or other person may use, proceeds of an existing lodging tax for 15433  
the funding or payment of project costs, including, without 15434  
limitation, the payment of debt charges on obligations. Either the 15435  
board or the bureau, or both, may pledge proceeds of an existing 15436  
lodging tax to the payment of debt charges on obligations. The 15437  
total amount of existing lodging tax proceeds made available for 15438  
such use or so pledged each year shall not exceed five hundred 15439  
thousand dollars. The lien of any such pledge shall be effective 15440  
against all persons when it is made, without the requirement for 15441  
the filing of any notice, and any proceeds of an existing lodging 15442  
tax so pledged and required to be used to pay debt charges on 15443  
obligations shall be paid by the county or bureau at the times, in 15444  
the amounts, and to such payee, including, without limitation, a 15445  
corporate trustee or paying agent, required for such obligations. 15446  
The board of county commissioners may amend any previously adopted 15447

~~resolution providing for the levy of an existing lodging tax to~~ 15448  
~~permit the use of the proceeds of the existing lodging tax as~~ 15449  
~~provided in this division to any person, on such terms and~~ 15450  
~~conditions as the board and the bureau may determine and agree,~~ 15451  
~~net lodging tax proceeds.~~ 15452

~~(E)(c) The board of county commissioners of an eligible~~ 15453  
~~county may agree to make available to any person, on such terms~~ 15454  
~~and conditions as the board may determine and agree, incremental~~ 15455  
~~sales tax growth and all or a portion of the county's tourism~~ 15456  
~~development district revenues.~~ 15457

~~(2) Any amount made available under division (E)(1)(b) or (c)~~ 15458  
~~of this section shall be used to fund or pay, or to reimburse~~ 15459  
~~other persons for funding or payment of, project costs, including,~~ 15460  
~~without limitation, the payment of debt charges on obligations,~~ 15461  
~~the provision of credit enhancement facilities and the funding,~~ 15462  
~~and funding and replenishing reserves for that purpose or, subject~~ 15463  
~~to annual appropriation, to pay, or reimburse other persons for~~ 15464  
~~payment of, repair and maintenance costs.~~ 15465

~~(3) The board of county commissioners, the bureau, or both,~~ 15466  
~~may pledge net lodging tax proceeds, and the board of county~~ 15467  
~~commissioners may pledge incremental sales tax growth and any~~ 15468  
~~tourism development district revenues, or any part or portion or~~ 15469  
~~combination thereof, to the payment of debt charges on obligations~~ 15470  
~~and the funding, or to fund or replenish reserves for that~~ 15471  
~~purpose; provided that, the total amount of net lodging tax~~ 15472  
~~proceeds made available for such use each year shall not exceed~~ 15473  
~~five hundred thousand dollars.~~ 15474

~~The lien of any such pledge shall be effective against all~~ 15475  
~~persons when it is made, without the requirement for the filing of~~ 15476  
~~any notice, and any such net lodging tax proceeds, incremental~~ 15477  
~~sales tax growth, and tourism development district revenues, or~~ 15478  
~~any part or portion or combination thereof, so pledged and~~ 15479

required to pay debt charges on obligations, to provide any credit 15480  
enhancement facilities or to fund, or to fund or replenish 15481  
reserves, or any combination thereof, shall be paid by the county 15482  
or bureau at the times, in the amounts, and to such payee, 15483  
including, without limitation, a corporate trustee or paying 15484  
agent, to which the board of county commissioners and bureau agree 15485  
with respect to net lodging tax proceeds and to which the board of 15486  
county commissioners agree with respect to incremental sales tax 15487  
growth or tourism development district revenues. 15488

(F) Notwithstanding any other provision of law, a host 15489  
municipal corporation may agree to make available to any person, 15490  
on such terms and conditions to which it may determine and agree, 15491  
and any person may use, net tourism development district revenues, 15492  
or any part or portion thereof, to fund or pay, or to reimburse 15493  
other persons for funding or payment of, project costs, including, 15494  
without limitation, the payment of debt charges on obligations and 15495  
the funding, and funding and replenishing reserves for that 15496  
purpose, or, subject to annual appropriation, to pay, or to 15497  
reimburse other persons for payment of maintenance and repair 15498  
costs, and the host municipal corporation may pledge net tourism 15499  
development district revenues, or any part or portion thereof, to 15500  
the payment of debt charges on obligations and to fund and 15501  
replenish reserves for that purpose and may provide credit 15502  
enhancement facilities. The lien of any such pledge shall be 15503  
effective against all persons when it is made, without the 15504  
requirement for the filing of any notice, and any net tourism 15505  
development district revenues so pledged and required to pay debt 15506  
charges on obligations or to fund and replenish reserves shall be 15507  
paid by the host municipal corporation at the times, in the 15508  
amounts, and to such payee, including, without limitation, a 15509  
corporate trustee or paying agent, to which the host municipal 15510  
corporation agrees. 15511

(G) Notwithstanding any other provision of law, an eligible transit authority may agree to make available, on such terms and conditions to which it may determine and agree, to any person, and any person may use, incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, to fund or pay, or to reimburse other persons for funding or payment of, project costs, including, without limitation, the payment of debt charges on obligations and the funding and replenishing of reserves for that purpose, or, subject to annual appropriation, to pay, or to reimburse any other person for payment of, maintenance and repair costs, and the eligible transit authority may pledge incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, to the payment of debt charges on obligations and the funding and replenishing of reserves for that purpose. The lien of any such pledge shall be effective against all persons when it is made, without the requirement for the filing of any notice, and any incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, so pledged and required to pay debt charges on obligations or to fund and replenish reserves shall be paid by the eligible transit authority at the times, in the amounts, and to such payee, including, without limitation, a corporate trustee or paying agent, to which the eligible transit authority agrees.

(H) Except as provided herein with respect to agreements for the payment or reimbursement of maintenance and repair costs, if the term of an agreement made pursuant to division (B), (E), (F), or (G) of this section extends beyond the end of the fiscal year of the eligible county, eligible transit authority, or host municipal corporation in which it is made, the agreement shall be subject to section 5705.44 of the Revised Code, and subject to the certification required by that section, the amount due under any such agreement in each succeeding fiscal year shall be included in



the annual appropriation measure of the eligible county, eligible transit authority, or host municipal corporation for each such fiscal year as a fixed charge. The obligation of an eligible county, eligible transit authority, or host municipal corporation, and of each official thereof, to include the amount required to be paid in any such fiscal year in its annual appropriation measure as a fixed charge and to make such payments from and to the extent of the amounts so pledged, or agreed to be contributed or pledged, shall be a duty specially enjoined by law and resulting from an office, trust, or station under section 2731.01 of the Revised Code, enforceable by writ of mandamus.

(I)(1) Each tourism facility and project constitutes a "port authority facility" within the meaning of division (D) of section 4582.01 and division (E) of section 4582.21 of the Revised Code, and a port authority may issue obligations under Chapter 4582. of the Revised Code, subject only to the procedures and requirements applicable to its issuance of revenue bonds as provided in division (A)(4) of section 4582.06 of the Revised Code or of port authority revenue bonds as provided in division (A)(8) of section 4582.31 of the Revised Code. For the purpose of issuing any such obligations, any net lodging tax proceeds, net tourism development district revenues, amounts provided pursuant to any credit enhancement facilities, and revenue from any other tax pledged, assigned, or otherwise obligated to be contributed to the payment of the obligations shall be treated as revenues of the port authority for the purposes of division (A)(4) of section 4582.06 of the Revised Code and revenues, as defined in section 4582.21 of the Revised Code. Any obligations issued under division (I)(1) of this section shall be considered revenue bonds issued under division (A)(4) of section 4582.06 of the Revised Code or port authority revenue bonds issued under division (A)(8) of section 4582.31 and section 4582.48 of the Revised Code for all purposes. In addition to all other powers available to a port authority

under this section or under Chapter 4582. of the Revised Code with 15578  
respect to the issuance of or provision for the security for 15579  
payment of debt charges on obligations, and with respect to any 15580  
tourism facility or project, the port authority may take any of 15581  
the actions contemplated by Chapter 4582. of the Revised Code, 15582  
including, without limitation, any actions contemplated by section 15583  
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 15584  
issued by a port authority pursuant to division (I)(1) of this 15585  
section shall be special obligations of the port authority and do 15586  
not constitute bonded indebtedness, a general obligation, debt, or 15587  
a pledge of the full faith and credit of the state, the port 15588  
authority, or any other political subdivision of the state. 15589

(2) Each tourism facility and project constitutes "community 15590  
facilities" within the meaning of division (I) of section 349.01 15591  
of the Revised Code, and a new community authority may issue 15592  
obligations pursuant to Chapter 349. of the Revised Code subject 15593  
only to the procedures and requirements applicable to its issuance 15594  
of bonds or notes as used in and pursuant to section 349.08 of the 15595  
Revised Code. For the purpose of issuing any such obligations, net 15596  
lodging tax proceeds, net tourism development district revenues, 15597  
and revenue from any other tax pledged, assigned, or otherwise 15598  
obligated to be contributed to the payment of the obligations 15599  
shall be treated as an income source, as defined in section 349.01 15600  
of the Revised Code. Any obligations issued under division (I)(2) 15601  
of this section shall be considered bonds issued under section 15602  
349.08 of the Revised Code. In addition to all other powers 15603  
available to a new community authority under division (I)(2) of 15604  
this section or under Chapter 349. of the Revised Code with 15605  
respect to the issuance of or provision for the security for 15606  
payment of debt charges on obligations, and with respect to any 15607  
tourism facility or project, the new community authority may take 15608  
any of the actions contemplated by Chapter 349. of the Revised 15609  
Code. Obligations issued by a new community authority pursuant to 15610

division (I)(2) of this section shall be special obligations of 15611  
the new community authority and do not constitute bonded 15612  
indebtedness, a general obligation, debt, or a pledge of the full 15613  
faith and credit of the state, the new community authority, or any 15614  
other political subdivision of the state. 15615

(J) Each project for which funding or payment of project 15616  
costs is provided, in whole or in part, by the issuance of 15617  
obligations secured by a pledge of net lodging tax proceeds or net 15618  
tourism development district revenues, or both, and any agreement 15619  
to provide credit enhancement facilities or to fund or pay, and 15620  
the funding or payment of, such project costs and any maintenance 15621  
and repair costs of the project from net lodging taxes and net 15622  
tourism development district revenues, are hereby determined, 15623  
regardless of the ownership, leasing, or use of the project by any 15624  
person, to constitute implementing and participating in the 15625  
development of sites and facilities within the meaning of Section 15626  
2p of Article VIII, Ohio Constitution, including division (D)(3) 15627  
of that section, and any such obligations are hereby determined to 15628  
be issued, and any such credit enhancement facilities and 15629  
agreements to fund or pay, and funding and payment of, project 15630  
costs and any maintenance and repair costs of the project, are 15631  
determined to be made, under authority of Section 2p of Article 15632  
VIII, Ohio Constitution, for and in furtherance of site and 15633  
facility development purposes within the meaning of division (E) 15634  
of that section, pursuant to provision made by law for the 15635  
procedure for incurring and issuing obligations, separately or in 15636  
combination with other obligations, and refunding, retiring, and 15637  
evidencing obligations, and pursuant to division (F) of Section 2p 15638  
of Article VIII, Ohio Constitution, such that provision for the 15639  
payment of debt charges on the obligations, credit enhancement 15640  
facilities, or both, the purposes and uses to which and the manner 15641  
in which the proceeds of those obligations or credit enhancement 15642  
facilities or money from other sources are to be or may be 15643

applied, and other implementation of those development purposes as 15644  
referred to in this section, including the manner determined by an 15645  
issuer to participate for those purposes, are not subject to 15646  
Sections 4 and 6 of Article VIII, Ohio Constitution. 15647

No obligations may be issued under this section to fund or 15648  
pay maintenance and repair costs. 15649

(K) No obligations may be issued under this section unless 15650  
the issuer's fiscal officer determines that the net lodging tax 15651  
proceeds, net tourism development district revenues, or both, 15652  
pledged, assigned, or otherwise obligated to be contributed to the 15653  
payment of debt charges on such obligations and all other 15654  
obligations issued, outstanding and payable therefrom, are 15655  
expected to be sufficient to pay all debt charges on all such 15656  
obligations except to any extent that such debt charges are to be 15657  
paid from proceeds of obligations or refunding obligations 15658  
deposited or to be deposited into a pledged fund or account, 15659  
including any reserve fund or account, or investment earnings 15660  
thereon. 15661

(L)(1) A board of county commissioners shall not repeal, 15662  
rescind, or reduce the levy of an existing lodging tax or the 15663  
source of any other revenue to the extent its proceeds are revenue 15664  
from that tax or source is pledged to the payment of debt charges 15665  
on obligations, and any such lodging tax or other revenue source 15666  
shall not be subject to repeal, rescission, or reduction by 15667  
initiative, referendum, or subsequent enactment of legislation by 15668  
the general assembly, so long as there remain outstanding any 15669  
obligations as to which the payment of debt charges is secured by 15670  
a pledge of the existing lodging tax or other revenue source. 15671

~~(F)~~(2) The legislative authority of a host municipal 15672  
corporation shall not repeal, rescind, or reduce the levy of any 15673  
tax the proceeds of which constitute tourism development district 15674  
revenues if its proceeds are pledged to the payment of debt 15675

charges on obligations, and any such tax shall not be subject to 15676  
repeal, rescission, or reduction by initiative, referendum, or 15677  
subsequent enactment of legislation by the general assembly, so 15678  
long as there remain outstanding any obligations as to which the 15679  
payment of debt charges is secured by a pledge of those net 15680  
tourism development district revenues. 15681

(3) A transit authority shall not repeal, rescind, or reduce 15682  
the levy of any tax the proceeds of which are pledged to the 15683  
payment of debt charges on obligations, and any such tax shall not 15684  
be subject to repeal, rescission, or reduction by initiative, 15685  
referendum, or subsequent enactment of legislation by the general 15686  
assembly, so long as there remain outstanding any obligations as 15687  
to which the payment of debt charges is secured by the pledge of 15688  
such tax proceeds. 15689

(M) A pledge of the proceeds of an existing lodging tax under 15690  
division (D) of this section shall, assignment, or other agreement 15691  
to contribute net lodging tax proceeds or other revenues or credit 15692  
enhancement facilities made by an eligible county under division 15693  
(B) or (E) of this section; a pledge, assignment, or other 15694  
agreement to contribute net tourism development district revenues 15695  
or credit enhancement facilities made by a host municipality under 15696  
division (B) or (F) of this section; and a pledge, assignment, or 15697  
other agreement made by an eligible county or eligible transit 15698  
authority or agreement to contribute revenue from taxes that 15699  
constitute tourism development district revenues under division 15700  
(B), (E), or (G) of this section, do not constitute bonded 15701  
indebtedness of the eligible county, or indebtedness for the 15702  
purposes of Chapter 133. of the Revised Code, of an eligible 15703  
county, eligible transit authority, or host municipal corporation. 15704

(G)(N) The authority provided by this section is supplemental 15705  
to, and is not intended to limit in any way, any legal authority 15706  
that a cooperating party or any other person may have under any 15707

other provision of law. 15708

**Sec. 307.93.** (A) The boards of county commissioners of two or 15709  
more adjacent counties may contract for the joint establishment of 15710  
a multicounty correctional center, and the board of county 15711  
commissioners of a county or the boards of two or more counties 15712  
may contract with any municipal corporation or municipal 15713  
corporations located in that county or those counties for the 15714  
joint establishment of a municipal-county or multicounty-municipal 15715  
correctional center. The center shall augment county and, where 15716  
applicable, municipal jail programs and facilities by providing 15717  
custody and rehabilitative programs for those persons under the 15718  
charge of the sheriff of any of the contracting counties or of the 15719  
officer or officers of the contracting municipal corporation or 15720  
municipal corporations having charge of persons incarcerated in 15721  
the municipal jail, workhouse, or other correctional facility who, 15722  
in the opinion of the sentencing court, need programs of custody 15723  
and rehabilitation not available at the county or municipal jail 15724  
and by providing custody and rehabilitative programs in accordance 15725  
with division (C) of this section, if applicable. The contract may 15726  
include, but need not be limited to, provisions regarding the 15727  
acquisition, construction, maintenance, repair, termination of 15728  
operations, and administration of the center. The acquisition of 15729  
the facility, to the extent appropriate, may include the leasing 15730  
of the Ohio river valley facility or a specified portion of that 15731  
facility pursuant to division (B)(3) of this section. The contract 15732  
shall prescribe the manner of funding of, and debt assumption for, 15733  
the center and the standards and procedures to be followed in the 15734  
operation of the center. Except as provided in division ~~(H)~~(G) of 15735  
this section, the contracting counties and municipal corporations 15736  
shall form a corrections commission to oversee the administration 15737  
of the center. Members of the commission shall consist of the 15738  
sheriff of each participating county, a member of the board of 15739

county commissioners of each participating county, the chief of 15740  
police of each participating municipal corporation, and the mayor 15741  
or city manager of each participating municipal corporation. Any 15742  
of the foregoing officers may appoint a designee to serve in the 15743  
officer's place on the corrections commission. ~~The~~ 15744

The standards and procedures prescribed under this division 15745  
shall be formulated and agreed to by the commission and may be 15746  
amended at any time during the life of the contract by agreement 15747  
of ~~the parties to the contract upon the advice~~ a majority of the 15748  
voting members of the commission or by other means set forth in 15749  
the contract between the contracting counties and municipal 15750  
corporations. The standards and procedures formulated by the 15751  
commission and amendments to them shall include, but need not be 15752  
limited to, designation of the person in charge of the center, 15753  
designation of a fiscal agent, the categories of employees to be 15754  
employed at the center, the appointing authority of the center, 15755  
and the standards of treatment and security to be maintained at 15756  
the center. The person in charge of, and all persons employed to 15757  
work at, the center shall have all the powers of police officers 15758  
that are necessary for the proper performance of the duties 15759  
relating to their positions at the center. 15760

(B)(1) Upon the establishment of a corrections commission 15761  
under division (A) of this section, the judges specified in this 15762  
division shall form a judicial advisory board for the purpose of 15763  
making recommendations to the corrections commission on issues of 15764  
bed allocation, expansion of the center that the corrections 15765  
commission oversees, and other issues concerning the 15766  
administration of sentences or any other matter determined to be 15767  
appropriate by the board. The judges who shall form the judicial 15768  
advisory board for a corrections commission are the administrative 15769  
judge of the general division of the court of common pleas of each 15770  
county participating in the corrections center, the presiding 15771

judge of the municipal court of each municipal corporation 15772  
participating in the corrections center, and the presiding judge 15773  
of each county court of each county participating in the 15774  
corrections center. If the number of the foregoing members of the 15775  
board is even, the county auditor or the county auditor of the 15776  
most populous county if the board serves more than one county 15777  
shall also be a member of the board. Any of the foregoing judges 15778  
may appoint a designee to serve in the judge's place on the 15779  
judicial advisory board, provided that the designee shall be a 15780  
judge of the same court as the judge who makes the appointment. 15781  
The judicial advisory board for a corrections commission shall 15782  
meet with the corrections commission at least once each year. 15783

(2) Each board of county commissioners that enters a contract 15784  
under division (A) of this section may appoint a building 15785  
commission pursuant to section 153.21 of the Revised Code. If any 15786  
commissions are appointed, they shall function jointly in the 15787  
construction of a multicounty or multicounty-municipal 15788  
correctional center with all the powers and duties authorized by 15789  
law. 15790

(3) Subject to the limitation described in this division, the 15791  
boards of county commissioners that contract or have contracted 15792  
for the joint establishment of a multicounty correctional center 15793  
under division (A) of this section, or the boards of county 15794  
commissioners of the counties and legislative authorities of the 15795  
municipal corporations that contract or have contracted for the 15796  
joint establishment of a municipal-county or multicounty-municipal 15797  
correctional center under that division, may enter into an 15798  
agreement with the director of administrative services pursuant to 15799  
which the contracting counties and municipal corporations shall 15800  
use the Ohio river valley facility or a specified portion of that 15801  
facility as the multicounty correctional center, municipal-county 15802  
correctional center, or multicounty-municipal correctional center 15803



covered by the contract entered into under division (A) of this 15804  
section. A contract with the director of administrative services 15805  
may be entered into under this division only if one or more of the 15806  
contracting counties is adjacent to Scioto county. 15807

The department may enter into an agreement as described in 15808  
this division at any time on or after the effective date of this 15809  
amendment or, if the department had entered into an agreement with 15810  
the board of county commissioners of Lawrence county pursuant to 15811  
section 341.121 of the Revised Code for the use by the sheriff of 15812  
that county of a specified portion of the facility as a jail for 15813  
Lawrence county, at any time on or after the date that control of 15814  
the specified portion of the facility reverts to the state under 15815  
division (B)(4) or (C) of that section. 15816

(C) Prior to the acceptance for custody and rehabilitation 15817  
into a center established under this section of any persons who 15818  
are designated by the department of rehabilitation and correction, 15819  
who plead guilty to or are convicted of a felony of the fourth or 15820  
fifth degree, and who satisfy the other requirements listed in 15821  
section 5120.161 of the Revised Code, the corrections commission 15822  
of a center established under this section shall enter into an 15823  
agreement with the department of rehabilitation and correction 15824  
under section 5120.161 of the Revised Code for the custody and 15825  
rehabilitation in the center of persons who are designated by the 15826  
department, who plead guilty to or are convicted of a felony of 15827  
the fourth or fifth degree, and who satisfy the other requirements 15828  
listed in that section, in exchange for a per diem fee per person. 15829  
Persons incarcerated in the center pursuant to an agreement 15830  
entered into under this division shall be subject to supervision 15831  
and control in the manner described in section 5120.161 of the 15832  
Revised Code. This division does not affect the authority of a 15833  
court to directly sentence a person who is convicted of or pleads 15834  
guilty to a felony to the center in accordance with section 15835

2929.16 of the Revised Code. 15836

(D) Pursuant to section 2929.37 of the Revised Code, each 15837  
board of county commissioners and the legislative authority of 15838  
each municipal corporation that enters into a contract under 15839  
division (A) of this section may require a person who was 15840  
convicted of an offense, who is under the charge of the sheriff of 15841  
their county or of the officer or officers of the contracting 15842  
municipal corporation or municipal corporations having charge of 15843  
persons incarcerated in the municipal jail, workhouse, or other 15844  
correctional facility, and who is confined in the multicounty, 15845  
municipal-county, or multicounty-municipal correctional center as 15846  
provided in that division, to reimburse the applicable county or 15847  
municipal corporation for its expenses incurred by reason of the 15848  
person's confinement in the center. 15849

(E) Notwithstanding any contrary provision in this section or 15850  
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 15851  
corrections commission of a center may establish a policy that 15852  
complies with section 2929.38 of the Revised Code and that 15853  
requires any person who is not indigent and who is confined in the 15854  
multicounty, municipal-county, or multicounty-municipal 15855  
correctional center to pay a reception fee, a fee for medical 15856  
treatment or service requested by and provided to that person, or 15857  
the fee for a random drug test assessed under division (E) of 15858  
section 341.26 of the Revised Code. 15859

(F)(1) The corrections commission of a center established 15860  
under this section may establish a commissary for the center. The 15861  
commissary may be established either in-house or by another 15862  
arrangement. If a commissary is established, all persons 15863  
incarcerated in the center shall receive commissary privileges. A 15864  
person's purchases from the commissary shall be deducted from the 15865  
person's account record in the center's business office. The 15866  
commissary shall provide for the distribution to indigent persons 15867

incarcerated in the center of necessary hygiene articles and 15868  
writing materials. 15869

(2) If a commissary is established, the corrections 15870  
commission of a center established under this section shall 15871  
establish a commissary fund for the center. The management of 15872  
funds in the commissary fund shall be strictly controlled in 15873  
accordance with procedures adopted by the auditor of state. 15874  
Commissary fund revenue over and above operating costs and reserve 15875  
shall be considered profits. All profits from the commissary fund 15876  
shall be used to purchase supplies and equipment for the benefit 15877  
of persons incarcerated in the center and to pay salary and 15878  
benefits for employees of the center, or for any other persons, 15879  
who work in or are employed for the sole purpose of providing 15880  
service to the commissary. The corrections commission shall adopt 15881  
rules and regulations for the operation of any commissary fund it 15882  
establishes. 15883

(G) In lieu of forming a corrections commission to administer 15884  
a multicounty correctional center or a municipal-county or 15885  
multicounty-municipal correctional center, the boards of county 15886  
commissioners and the legislative authorities of the municipal 15887  
corporations contracting to establish the center may also agree to 15888  
contract for the private operation and management of the center as 15889  
provided in section 9.06 of the Revised Code, but only if the 15890  
center houses only misdemeanor inmates. In order to enter into a 15891  
contract under section 9.06 of the Revised Code, all the boards 15892  
and legislative authorities establishing the center shall approve 15893  
and be parties to the contract. 15894

(H) If a person who is convicted of or pleads guilty to an 15895  
offense is sentenced to a term in a multicounty correctional 15896  
center or a municipal-county or multicounty-municipal correctional 15897  
center or is incarcerated in the center in the manner described in 15898  
division (C) of this section, or if a person who is arrested for 15899

an offense, and who has been denied bail or has had bail set and 15900  
has not been released on bail is confined in a multicounty 15901  
correctional center or a municipal-county or multicounty-municipal 15902  
correctional center pending trial, at the time of reception and at 15903  
other times the officer, officers, or other person in charge of 15904  
the operation of the center determines to be appropriate, the 15905  
officer, officers, or other person in charge of the operation of 15906  
the center may cause the convicted or accused offender to be 15907  
examined and tested for tuberculosis, HIV infection, hepatitis, 15908  
including but not limited to hepatitis A, B, and C, and other 15909  
contagious diseases. The officer, officers, or other person in 15910  
charge of the operation of the center may cause a convicted or 15911  
accused offender in the center who refuses to be tested or treated 15912  
for tuberculosis, HIV infection, hepatitis, including but not 15913  
limited to hepatitis A, B, and C, or another contagious disease to 15914  
be tested and treated involuntarily. 15915

(I) As used in this section, ~~"multicounty-municipal":~~ 15916

(1) "Multicounty-municipal" means more than one county and a 15917  
municipal corporation, or more than one municipal corporation and 15918  
a county, or more than one municipal corporation and more than one 15919  
county. 15920

(2) "Ohio river valley facility" has the same meaning as in 15921  
section 341.121 of the Revised Code. 15922

**Sec. 307.984.** (A) To enhance the administration, delivery, 15923  
and effectiveness of family services duties and workforce 15924  
development activities, a board of county commissioners may enter 15925  
into one or more regional plans of cooperation with the following: 15926

(1) One or more other boards of county commissioners; 15927

(2) The chief elected official or officials of one or more 15928  
municipal corporations that are ~~the type of local area~~ areas as 15929

defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 15930

(3) Both boards of county commissioners and such chief 15931  
elected officials. 15932

(B) A regional plan of cooperation must specify how the 15933  
private and government entities included in the plan will 15934  
coordinate and enhance the administration, delivery, and 15935  
effectiveness of family services duties and workforce development 15936  
activities. 15937

**Sec. 317.32.** The county recorder shall charge and collect the 15938  
following fees, to include, except as otherwise provided in 15939  
division (A)(2) of this section, base fees for the recorder's 15940  
services and housing trust fund fees collected pursuant to section 15941  
317.36 of the Revised Code: 15942

(A)(1) Except as otherwise provided in division (A)(2) of 15943  
this section, for recording and indexing an instrument if the 15944  
photocopy or any similar process is employed: 15945

(a) For a deed or other instrument of writing for the 15946  
absolute and unconditional sale or conveyance of lands, tenements, 15947  
and hereditaments, a base fee of thirty-five dollars and a housing 15948  
trust fund fee of thirty-five dollars; 15949

(b) For a mortgage or assignment of rents, a base fee of one 15950  
hundred dollars and a housing trust fund fee of one hundred 15951  
dollars; 15952

(c) For an instrument that conveys or affects an interest in 15953  
utilities, minerals, crude oil, or natural gas, a base fee of 15954  
fourteen dollars for the first two pages and a housing trust fund 15955  
fee of fourteen dollars, and a base fee of four dollars and a 15956  
housing trust fund fee of four dollars for each subsequent page, 15957  
~~size eight and one half inches by fourteen inches, or fraction of 15958  
a page, including the caption page, of such instrument and for 15959~~

entering any reference cited in such an instrument, a base fee of 15960  
two dollars and a housing trust fund fee of two dollars; 15961

(d) For all other instruments, a base fee of thirty-five 15962  
dollars and a housing trust fund fee of thirty-five dollars, 15963  
unless a different fee is prescribed by law elsewhere in the 15964  
Revised Code. 15965

(2) For recording and indexing an instrument described in 15966  
division (D) of section 317.08 of the Revised Code if the 15967  
photocopy or any similar process is employed, a fee of 15968  
~~twenty-eight~~ fifty dollars ~~for the first two pages~~ to be deposited 15969  
as specified elsewhere in this division, ~~and a fee of eight~~ 15970  
~~dollars to be deposited in the same manner for each subsequent~~ 15971  
~~page, size eight and one half inches by fourteen inches, or~~ 15972  
~~fraction of a page, including the caption page, of that~~ 15973  
~~instrument.~~ If the county recorder's technology fund has been 15974  
established under section 317.321 of the Revised Code, of the 15975  
~~twenty-eight~~ fifty dollars, ~~fourteen~~ twenty-five dollars shall be 15976  
deposited into the county treasury to the credit of the county 15977  
recorder's technology fund and ~~fourteen~~ twenty-five dollars shall 15978  
be deposited into the county treasury to the credit of the county 15979  
general fund. If the county recorder's technology fund has not 15980  
been established, the ~~twenty-eight~~ fifty dollars shall be 15981  
deposited into the county treasury to the credit of the county 15982  
general fund. 15983

(B) For certifying a photocopy from the record previously 15984  
recorded, a base fee of one dollar and a housing trust fund fee of 15985  
one dollar per page, size eight and one-half inches by fourteen 15986  
inches, or fraction of a page; for each certification if the 15987  
recorder's seal is required, except as to instruments issued by 15988  
the armed forces of the United States, a base fee of fifty cents 15989  
and a housing trust fund fee of fifty cents; 15990

(C) ~~For~~ Except as provided in division (A)(1)(c) of this 15991

section, for entering any marginal each reference by separate 15992  
regarding a recorded instrument, a base fee of ~~two~~ five dollars 15993  
and a housing trust fund fee of ~~two~~ five dollars for each marginal 15994  
reference set out in that instrument, in addition to the fees set 15995  
forth in division (A)(1) of this section; 15996

(D) For indexing in the real estate mortgage records, 15997  
pursuant to section 1309.519 of the Revised Code, financing 15998  
statements covering crops growing or to be grown, timber to be 15999  
cut, minerals or the like, including oil and gas, accounts subject 16000  
to section 1309.301 of the Revised Code, or fixture filings made 16001  
pursuant to section 1309.334 of the Revised Code, a base fee of 16002  
two dollars and a housing trust fund fee of two dollars for each 16003  
name indexed; 16004

(E) For filing zoning resolutions, including text and maps, 16005  
in the office of the recorder as required under sections 303.11 16006  
and 519.11 of the Revised Code, a base fee of twenty-five dollars 16007  
and a housing trust fund fee of twenty-five dollars, regardless of 16008  
the size or length of the resolutions; 16009

(F) For filing zoning amendments, including text and maps, in 16010  
the office of the recorder as required under sections 303.12 and 16011  
519.12 of the Revised Code, a base fee of ten dollars and a 16012  
housing trust fund fee of ten dollars regardless of the size or 16013  
length of the amendments; 16014

(G) For photocopying a document, other than at the time of 16015  
recording and indexing as provided for in division (A)(1) or (2) 16016  
of this section, a base fee of one dollar and a housing trust fund 16017  
fee of one dollar per page, size eight and one-half inches by 16018  
fourteen inches, or fraction thereof; 16019

(H) For local facsimile transmission of a document, a base 16020  
fee of one dollar and a housing trust fund fee of one dollar per 16021  
page, size eight and one-half inches by fourteen inches, or 16022

fraction thereof; for long distance facsimile transmission of a 16023  
document, a base fee of two dollars and a housing trust fund fee 16024  
of two dollars per page, size eight and one-half inches by 16025  
fourteen inches, or fraction thereof; 16026

(I) For recording a declaration executed pursuant to section 16027  
2133.02 of the Revised Code or a durable power of attorney for 16028  
health care executed pursuant to section 1337.12 of the Revised 16029  
Code, or both a declaration and a durable power of attorney for 16030  
health care, a base fee of at least fourteen dollars but not more 16031  
than twenty dollars and a housing trust fund fee of at least 16032  
fourteen dollars but not more than twenty dollars. 16033

In any county in which the recorder employs the photostatic 16034  
or any similar process for recording maps, plats, or prints, the 16035  
recorder shall determine, charge, and collect for the recording or 16036  
rerecording of any map, plat, or print, a base fee of five cents 16037  
and a housing trust fund fee of five cents per square inch, for 16038  
each square inch of the map, plat, or print filed for that 16039  
recording or rerecording, with a minimum base fee of twenty 16040  
dollars and a minimum housing trust fund fee of twenty dollars; 16041  
for certifying a copy from the record, a base fee of two cents and 16042  
a housing trust fund fee of two cents per square inch of the 16043  
record, with a minimum base fee of two dollars and a minimum 16044  
housing trust fund fee of two dollars. 16045

The fees provided in this section shall be paid upon the 16046  
presentation of the instruments for record or upon the application 16047  
for any certified copy of the record, except that the payment of 16048  
fees for providing copies of instruments conveying or 16049  
extinguishing agricultural easements to the office of farmland 16050  
preservation in the department of agriculture under division (H) 16051  
of section 5301.691 of the Revised Code shall be governed by that 16052  
division. 16053

The fees provided for in this section shall not apply to the 16054



recording, indexing, or making of a certified copy or to the 16055  
filing of any instrument by a county land reutilization 16056  
corporation, its wholly owned subsidiary, or any other electing 16057  
subdivision as defined in section 5722.01 of the Revised Code. 16058

**Sec. 317.321.** (A) Not later than the first day of October of 16059  
any year, the county recorder may submit to the board of county 16060  
commissioners a proposal for funding any of the following: 16061

(1) The acquisition and maintenance of imaging and other 16062  
technological equipment and contract services therefor; 16063

(2) To reserve funds for the office's future technology needs 16064  
if the county recorder has no immediate plans for the acquisition 16065  
of imaging and other technological equipment or contract services, 16066  
or to use the county recorder's technology fund as a dedicated 16067  
revenue source to repay debt to purchase any imaging and other 16068  
technological equipment before the accumulation of adequate 16069  
resources to purchase the equipment with cash. 16070

(3) Subject to division (G) of this section, for other 16071  
expenses associated with the acquisition and maintenance of 16072  
imaging and other technological equipment and contract services. 16073

(B) The proposal shall be in writing and shall include at 16074  
least the following: 16075

(1) A request that an amount not to exceed eight dollars of 16076  
the total base fees collected for filing or recording a document 16077  
for which a fee is charged as required by division (A)(1) of 16078  
section 317.32 or by section 1309.525 or 5310.15 of the Revised 16079  
Code be placed in the county treasury to the credit of the county 16080  
recorder's technology fund; 16081

(2) Except as provided in division (E)(3) of this section, 16082  
the number of years, not to exceed five, for which the county 16083  
recorder requests that the amount requested under division (A)(1) 16084

of this section be given the designation specified in that 16085  
division; 16086

(3) An estimate of the total amount of fees that will be 16087  
generated for filing or recording a document for which a fee is 16088  
charged as required by division (A)(1) or (2) of section 317.32 of 16089  
the Revised Code or by section 1309.525 or 5310.15 of the Revised 16090  
Code; 16091

(4) An estimate of the total amount of fees for filing or 16092  
recording a document for which a fee is charged as required by 16093  
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 16094  
5310.15 of the Revised Code that will be credited to the county 16095  
recorder's technology fund if the request submitted under division 16096  
(B)(1) of this section is approved by the board of county 16097  
commissioners. 16098

(C) A proposal for the purposes of division (A)(1) of this 16099  
section shall include a description or summary of the imaging and 16100  
other technological equipment that the county recorder proposes to 16101  
acquire and maintain, and the nature of contract services that the 16102  
county recorder proposes to utilize, if the proposal is for those 16103  
purposes. A proposal for the purposes of division (A)(2) of this 16104  
section shall explain the general future technology needs of the 16105  
office for imaging and other technological equipment, or for 16106  
revenue to repay debt, if the proposal is for those purposes. A 16107  
proposal for the purposes of division (A)(3) of this section shall 16108  
identify the other expenses associated with the acquisition and 16109  
maintenance of imaging and other technological equipment and 16110  
contract services that the county recorder proposes to pay with 16111  
moneys in the county recorder's technology fund, if the proposal 16112  
is for those purposes. 16113

(D) The board of county commissioners shall receive a 16114  
proposal and the clerk shall enter it on the journal. At the same 16115  
time, the board shall establish a date, not sooner than fifteen or 16116

later than thirty days after the board receives the proposal, on 16117  
which to meet with the recorder to review the proposal. 16118

(E)(1) Except as provided in division (E)(3) of this section, 16119  
not later than the fifteenth day of December of any year in which 16120  
a proposal is submitted under division (A) of this section, the 16121  
board of county commissioners shall approve, reject, or modify the 16122  
proposal and notify the county recorder of its action on the 16123  
proposal. If the board rejects or modifies the proposal, it shall 16124  
make a written finding that the request is for a purpose other 16125  
than for a purpose in division (A) of this section, or that the 16126  
amount requested is excessive as determined by the board. 16127

(2) A proposal submitted under division (A) of this section 16128  
that was approved by the board of county commissioners before, and 16129  
is in effect on, ~~the effective date of this amendment~~ September 16130  
29, 2013, shall continue in effect until January 1, ~~2019~~ 2029, 16131  
notwithstanding the number of years of funding specified in the 16132  
approved proposal. 16133

(3) A proposal submitted under division (A) of this section 16134  
between October 1, 2013, and October 1, ~~2017~~ 2027, may request 16135  
that an amount that does not exceed three dollars be credited to 16136  
the county recorder's technology fund, in addition to the amount 16137  
previously approved by the board of county commissioners in a 16138  
proposal described in division (E)(2) of this section. The 16139  
proposal may be submitted each year during that time period, but 16140  
shall be limited to funding in the following fiscal year. If the 16141  
total of the amount under division (E)(2) of this section and the 16142  
amount requested under this division does not exceed eight 16143  
dollars, the board shall approve the proposal and notify the 16144  
county recorder of its approval. 16145

(4) If the total amount of fees provided for in divisions 16146  
(B), (E)(2), and (E)(3) of this section is less than eight 16147  
dollars, a proposal requesting additional fees may be submitted to 16148

the board of county commissioners under division (E)(1) of this 16149  
section, as long as the total amount of the fees in divisions (B) 16150  
and (E)(2), (3), and (4) of this section that are to be credited 16151  
to the county recorder's technology fund does not exceed eight 16152  
dollars, and the proposal is for a number of years, not to exceed 16153  
five. 16154

(5) When a proposal is approved by the board of county 16155  
commissioners under division (E) of this section, the county 16156  
recorder's technology fund is established in the county treasury, 16157  
and, beginning on the following first day of January, the fees 16158  
approved shall be deposited in that fund. 16159

(F) The acquisition and maintenance of imaging and other 16160  
technological equipment, and other associated expenses and 16161  
contract services therefor, shall be specifically governed by 16162  
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 16163  
and 5705.38, and by division (D) of section 5705.41 of the Revised 16164  
Code. 16165

(G) If the use of the county recorder's technology fund for 16166  
the purposes of division (A)(3) of this section includes 16167  
associated expenses for personnel, the use of the fund for 16168  
personnel shall be strictly confined to personnel directly related 16169  
to imaging and other technological equipment, and any compensation 16170  
increases for those personnel shall not exceed the average of the 16171  
annual aggregate percentage increase or decrease in the 16172  
compensation fixed by the board of county commissioners for their 16173  
employees, and for the officers in section 325.27 of the Revised 16174  
Code. Use of the fund for compensation bonuses, or for recognizing 16175  
outstanding employee performance in a manner described in section 16176  
325.25 of the Revised Code, is prohibited. 16177

(H) If a county is under a fiscal caution under section 16178  
118.025 of the Revised Code, or is under a fiscal watch or fiscal 16179  
emergency as defined in section 118.01 of the Revised Code, the 16180

board of county commissioners, notwithstanding sections 5705.14 to 16181  
5705.16 of the Revised Code, may transfer from the county 16182  
recorder's technology fund any moneys the board deems necessary. 16183

**Sec. 319.11.** The county auditor shall, ~~on or before ninety~~ 16184  
~~days after the close of the fiscal year,~~ prepare a financial 16185  
report of the county for the preceding fiscal year in such form as 16186  
prescribed by the auditor of state and by such date as required 16187  
under section 117.38 of the Revised Code. Upon completing the 16188  
report, the county auditor shall publish notice that the report 16189  
has been completed and is available for public inspection at the 16190  
office of the county auditor. The notice shall be published once 16191  
in a newspaper of general circulation in the county. If there is 16192  
no newspaper of general circulation in the county, then 16193  
publication is required in the newspaper of general circulation in 16194  
an adjoining county that has the largest circulation in that 16195  
adjoining county. The report shall contain at least the 16196  
information required by section 117.38 of the Revised Code, and a 16197  
copy shall be filed with the auditor of state. 16198

No county auditor shall fail or neglect to prepare the report 16199  
or publish notice of completion of the report as required by this 16200  
section. 16201

**Sec. 319.26.** (A)(1) If a county auditor purposely, knowingly, 16202  
or recklessly fails to perform a fiscal duty expressly imposed by 16203  
law with respect to the fiscal duties of the office of county 16204  
auditor or purposely, knowingly, or recklessly commits any act 16205  
expressly prohibited by law with respect to the fiscal duties of 16206  
the office of county auditor, the county treasurer or a county 16207  
commissioner may submit a sworn affidavit alleging the violation, 16208  
together with evidence supporting the allegations, to the auditor 16209  
of state. The sworn affidavit and evidence shall be submitted in 16210  
the format prescribed by rule of the auditor of state under 16211

section 117.45 of the Revised Code. A person who makes a false 16212  
statement in a sworn affidavit, for purposes of this section, is 16213  
guilty of falsification under section 2921.13 of the Revised Code. 16214

(2) The auditor of state shall review the sworn affidavit and 16215  
the evidence. Within ~~ten business~~ thirty calendar days after 16216  
receiving the sworn affidavit, unless, for good cause, additional 16217  
time is required, the auditor of state shall determine whether 16218  
clear and convincing evidence supports the allegations. If the 16219  
auditor of state finds that no allegation is supported by clear 16220  
and convincing evidence, the auditor of state shall submit those 16221  
findings in writing to the county auditor and the person 16222  
initiating the sworn affidavit. If the auditor of state finds by 16223  
clear and convincing evidence that an allegation is supported by 16224  
the evidence, the auditor of state shall submit those findings in 16225  
writing to the attorney general, the county auditor, and the 16226  
person who initiated the sworn affidavit. The findings shall 16227  
include a copy of the sworn affidavit and the evidence submitted 16228  
under division (A)(1) of this section. 16229

(3)(a) The attorney general shall review the auditor of 16230  
state's findings and the sworn affidavit and evidence. Within ten 16231  
business days after receiving the sworn affidavit and evidence, 16232  
unless, for good cause, additional time is required, the attorney 16233  
general shall determine whether clear and convincing evidence 16234  
supports the allegations. If the attorney general finds that no 16235  
allegation is supported by clear and convincing evidence, the 16236  
attorney general, by certified mail, shall notify the auditor of 16237  
state, the county auditor, and the person who initiated the sworn 16238  
affidavit, that no complaint for the removal of the county auditor 16239  
from public office will be filed. 16240

(b) If the attorney general finds by clear and convincing 16241  
evidence that an allegation is supported by the evidence, the 16242  
attorney general, by certified mail, shall notify the auditor of 16243

state, the county auditor, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county auditor from public office under division (B) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(B)(1)(a) The attorney general has a cause of action for removal of a county auditor who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county auditor. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the county auditor by filing a complaint for the removal of the county auditor from public office. If any money is due, the attorney general shall join the sureties on the county auditor's bond as parties. The court of common pleas of the county in which the county auditor holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the county auditor purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly committed any act expressly prohibited by

law with respect to the fiscal duties of that office, the court 16276  
shall issue an order removing the county auditor from office and 16277  
any order necessary for the preservation or restitution of public 16278  
funds. 16279

(2) Except as otherwise provided in this division, an action 16280  
for removal from office under this section is stayed during the 16281  
pendency of any criminal action concerning a violation of an 16282  
existing or former municipal ordinance or law of this or any other 16283  
state or the United States that is substantially equivalent to any 16284  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16285  
conduct in office, if the person charged in the criminal action 16286  
committed the violation while serving as a county auditor and the 16287  
conduct constituting the violation was related to the duties of 16288  
the office of county auditor or to the person's actions as the 16289  
county auditor. The stay may be lifted upon motion of the 16290  
prosecuting attorney in the related criminal action. 16291

(3) Prior to or at the hearing, upon a showing of good cause, 16292  
the court may issue an order restraining the county auditor from 16293  
entering the county auditor's office and from conducting the 16294  
affairs of the office pending the hearing on the complaint. If 16295  
such an order is issued, the court may continue the order until 16296  
the conclusion of the hearing and any appeals under this section. 16297

(4) The board of county commissioners shall be responsible 16298  
for the payment of reasonable attorney's fees for counsel for the 16299  
county auditor. If judgment is entered against the county auditor, 16300  
the court shall order the county auditor to reimburse the board 16301  
for attorney's fees and costs up to a reasonable amount, as 16302  
determined by the court. Expenses incurred by the board in a 16303  
removal action shall be paid out of the county general fund. 16304

(C) The judgment of the court is final and conclusive unless 16305  
reversed, vacated, or modified on appeal. An appeal may be taken 16306  
by any party, and shall proceed as in the case of appeals in civil 16307



actions and in accordance with the Rules of Appellate Procedure. 16308  
Upon the filing of a notice of appeal by any party to the 16309  
proceedings, the court of appeals shall hear the case as an 16310  
expedited appeal under Rule 11.2 of the Rules of Appellate 16311  
Procedure. The county auditor has the right of review or appeal to 16312  
the supreme court. 16313

(D) If a final judgment for removal from public office is 16314  
entered against the county auditor, the office shall be deemed 16315  
vacated, and the vacancy shall be filled as provided in section 16316  
305.02 of the Revised Code. Except as otherwise provided by law, 16317  
an individual removed from public office under this section is not 16318  
entitled to hold any public office for four years following the 16319  
date of the final judgment, and is not entitled to hold any public 16320  
office until any repayment or restitution required by the court is 16321  
satisfied. 16322

(E) For the purposes of this section: 16323

(1) A person acts purposely when it is the person's specific 16324  
intention to cause a certain result, or, when the gist of the 16325  
offense is a prohibition against conduct of a certain nature, 16326  
regardless of what the person intends to accomplish thereby, it is 16327  
the person's specific intention to engage in conduct of that 16328  
nature. 16329

(2) A person acts knowingly, regardless of the person's 16330  
purpose, when the person is aware that the person's conduct will 16331  
probably cause a certain result or will probably be of a certain 16332  
nature. A person has knowledge of circumstances when the person is 16333  
aware that such circumstances probably exist. 16334

(3) A person acts recklessly when, with heedless indifference 16335  
to the consequences, the person perversely disregards a known risk 16336  
that the person's conduct is likely to cause a certain result or 16337  
is likely to be of a certain nature. A person is reckless with 16338

respect to circumstances when, with heedless indifference to the 16339  
consequences, the person perversely disregards a known risk that 16340  
such circumstances are likely to exist. 16341

(F) The proceedings provided for in this section may be used 16342  
as an alternative to the removal proceedings prescribed under 16343  
sections 3.07 to 3.10 of the Revised Code or other methods of 16344  
removal authorized by law. 16345

**Sec. 319.54.** (A) On all moneys collected by the county 16346  
treasurer on any tax duplicate of the county, other than estate 16347  
tax duplicates, and on all moneys received as advance payments of 16348  
personal property and classified property taxes, the county 16349  
auditor, on settlement with the treasurer and tax commissioner, on 16350  
or before the date prescribed by law for such settlement or any 16351  
lawful extension of such date, shall be allowed as compensation 16352  
for the county auditor's services the following percentages: 16353

(1) On the first one hundred thousand dollars, two and 16354  
one-half per cent; 16355

(2) On the next two million dollars, eight thousand three 16356  
hundred eighteen ten-thousandths of one per cent; 16357

(3) On the next two million dollars, six thousand six hundred 16358  
fifty-five ten-thousandths of one per cent; 16359

(4) On all further sums, one thousand six hundred sixty-three 16360  
ten-thousandths of one per cent. 16361

If any settlement is not made on or before the date 16362  
prescribed by law for such settlement or any lawful extension of 16363  
such date, the aggregate compensation allowed to the auditor shall 16364  
be reduced one per cent for each day such settlement is delayed 16365  
after the prescribed date. No penalty shall apply if the auditor 16366  
and treasurer grant all requests for advances up to ninety per 16367  
cent of the settlement pursuant to section 321.34 of the Revised 16368

Code. The compensation allowed in accordance with this section on 16369  
settlements made before the dates prescribed by law, or the 16370  
reduced compensation allowed in accordance with this section on 16371  
settlements made after the date prescribed by law or any lawful 16372  
extension of such date, shall be apportioned ratably by the 16373  
auditor and deducted from the shares or portions of the revenue 16374  
payable to the state as well as to the county, townships, 16375  
municipal corporations, and school districts. 16376

(B) For the purpose of reimbursing county auditors for the 16377  
expenses associated with the increased number of applications for 16378  
reductions in real property taxes under sections 323.152 and 16379  
4503.065 of the Revised Code that result from the amendment of 16380  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 16381  
there shall be paid from the state's general revenue fund to the 16382  
county treasury, to the credit of the real estate assessment fund 16383  
created by section 325.31 of the Revised Code, an amount equal to 16384  
one per cent of the total annual amount of property tax relief 16385  
reimbursement paid to that county under sections 323.156 and 16386  
4503.068 of the Revised Code for the preceding tax year. Payments 16387  
made under this division shall be made at the same times and in 16388  
the same manner as payments made under section 323.156 of the 16389  
Revised Code. 16390

(C) From all moneys collected by the county treasurer on any 16391  
tax duplicate of the county, other than estate tax duplicates, and 16392  
on all moneys received as advance payments of personal property 16393  
and classified property taxes, there shall be paid into the county 16394  
treasury to the credit of the real estate assessment fund created 16395  
by section 325.31 of the Revised Code, an amount to be determined 16396  
by the county auditor, which shall not exceed the percentages 16397  
prescribed in divisions (C)(1) and (2) of this section. 16398

(1) For payments made after June 30, 2007, and before 2011, 16399  
the following percentages: 16400

(a) On the first five hundred thousand dollars, four per cent;	16401 16402
(b) On the next five million dollars, two per cent;	16403
(c) On the next five million dollars, one per cent;	16404
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	16405 16406
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	16407 16408
(2) For payments made in or after 2011, the following percentages:	16409 16410
(a) On the first five hundred thousand dollars, four per cent;	16411 16412
(b) On the next ten million dollars, two per cent;	16413
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	16414 16415
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	16416 16417 16418 16419
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	16420 16421 16422 16423
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement <del>semiannually</del> <u>annually</u> with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	16424 16425 16426 16427 16428
(1) Four per cent on the first one hundred thousand dollars;	16429

(2) One-half of one per cent on all additional sums. 16430

Such percentages shall be computed upon the amount collected 16431  
and reported at each ~~semi-annual~~ annual settlement, and shall be 16432  
for the use of the general fund of the county. 16433

(F) On all cigarette license moneys collected by the county 16434  
treasurer, the county auditor, on settlement semiannually with the 16435  
treasurer, shall be allowed as compensation for the auditor's 16436  
services in the issuing of such licenses one-half of one per cent 16437  
of such moneys, to be apportioned ratably and deducted from the 16438  
shares of the revenue payable to the county and subdivisions, for 16439  
the use of the general fund of the county. 16440

(G) The county auditor shall charge and receive fees as 16441  
follows: 16442

(1) For deeds of land sold for taxes to be paid by the 16443  
purchaser, five dollars; 16444

(2) For the transfer or entry of land, lot, or part of lot, 16445  
or the transfer or entry on or after January 1, 2000, of a used 16446  
manufactured home or mobile home as defined in section 5739.0210 16447  
of the Revised Code, fifty cents for each transfer or entry, to be 16448  
paid by the person requiring it; 16449

(3) For receiving statements of value and administering 16450  
section 319.202 of the Revised Code, one dollar, or ten cents for 16451  
each one hundred dollars or fraction of one hundred dollars, 16452  
whichever is greater, of the value of the real property 16453  
transferred or, for sales occurring on or after January 1, 2000, 16454  
the value of the used manufactured home or used mobile home, as 16455  
defined in section 5739.0210 of the Revised Code, transferred, 16456  
except no fee shall be charged when the transfer is made: 16457

(a) To or from the United States, this state, or any 16458  
instrumentality, agency, or political subdivision of the United 16459  
States or this state; 16460

- (b) Solely in order to provide or release security for a debt or obligation; 16461  
16462
- (c) To confirm or correct a deed previously executed and recorded or when a current owner on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property is a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and is changing the current owner name listed on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code; 16463  
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- (d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either; 16478  
16479  
16480
- (e) On sale for delinquent taxes or assessments; 16481
- (f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order; 16482  
16483  
16484
- (g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 16485  
16486  
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16490
- (h) By a subsidiary corporation to its parent corporation for 16491

no consideration, nominal consideration, or in sole consideration	16492
of the cancellation or surrender of the subsidiary's stock;	16493
(i) By lease, whether or not it extends to mineral or mineral	16494
rights, unless the lease is for a term of years renewable forever;	16495
(j) When the value of the real property or the manufactured	16496
or mobile home or the value of the interest that is conveyed does	16497
not exceed one hundred dollars;	16498
(k) Of an occupied residential property, including a	16499
manufactured or mobile home, being transferred to the builder of a	16500
new residence or to the dealer of a new manufactured or mobile	16501
home when the former residence is traded as part of the	16502
consideration for the new residence or new manufactured or mobile	16503
home;	16504
(l) To a grantee other than a dealer in real property or in	16505
manufactured or mobile homes, solely for the purpose of, and as a	16506
step in, the prompt sale of the real property or manufactured or	16507
mobile home to others;	16508
(m) To or from a person when no money or other valuable and	16509
tangible consideration readily convertible into money is paid or	16510
to be paid for the real estate or manufactured or mobile home and	16511
the transaction is not a gift;	16512
(n) Pursuant to division (B) of section 317.22 of the Revised	16513
Code, or section 2113.61 of the Revised Code, between spouses or	16514
to a surviving spouse pursuant to section 5302.17 of the Revised	16515
Code as it existed prior to April 4, 1985, between persons	16516
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	16517
after April 4, 1985, to a person who is a surviving, survivorship	16518
tenant pursuant to section 5302.17 of the Revised Code on or after	16519
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	16520
(o) To a trustee acting on behalf of minor children of the	16521
deceased;	16522

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	16523 16524
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	16525 16526
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	16527 16528 16529 16530 16531
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	16532 16533 16534 16535
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	16536 16537
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	16538 16539 16540 16541
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	16542 16543 16544 16545
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	16546 16547
(x) Between persons pursuant to section 5302.18 of the Revised Code;	16548 16549
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	16550 16551 16552



(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.

The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

**Sec. 319.63.** (A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per

cent of the amount of the trust fund fees collected during the 16584  
previous calendar quarter. 16585

(B) The treasurer of state shall deposit the ~~first fifty~~ 16586  
~~million dollars~~ of housing trust fund fees received each year 16587  
pursuant to this section into the low- and moderate-income housing 16588  
trust fund created under section 174.02 of the Revised Code. ~~The~~ 16589  
~~treasurer of state shall deposit any amounts received each year in~~ 16590  
~~excess of fifty million dollars into the housing trust reserve~~ 16591  
~~fund created under section 174.09 of the Revised Code, unless the~~ 16592  
~~cash balance of the housing trust reserve fund is greater than~~ 16593  
~~fifteen million dollars. In that event, the treasurer of state~~ 16594  
~~shall deposit any amounts received each year in excess of fifty~~ 16595  
~~million dollars into the state general revenue fund.~~ 16596

(C) The county auditor shall deposit the administrative fee 16597  
that the auditor is permitted to retain pursuant to division (A) 16598  
of this section into the county general fund for the county 16599  
recorder to use in administering the trust fund fee. 16600

**Sec. 321.26.** (A) The county treasurer, on settlement with the 16601  
county auditor, on or before the date prescribed for such 16602  
settlement or any lawful extension of such date, shall be allowed 16603  
as fees on all ~~moneys collected by him on any tax duplicates other~~ 16604  
~~than the inheritance duplicate and on all moneys received by him~~ 16605  
~~as advance payments of personal and classified property taxes,~~ 16606  
qualifying collections the following percentages: 16607

(1) For settlement dates or any lawful extension of such 16608  
dates occurring before January 1, 2018: 16609

(a) On the first one hundred thousand dollars, two and nine 16610  
thousand nine hundred forty-seven ten-thousandths of one per cent; 16611

~~(2)~~(b) On the next two million dollars, nine thousand nine 16612  
hundred eighty-two ten-thousandths of one per cent; 16613

~~(3)(c)~~ On the next two million dollars, seven thousand nine hundred eighty-six ten-thousandths of one per cent; 16614  
16615

~~(4)(d)~~ On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent. 16616  
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(2) For settlement dates or any lawful extension of such dates occurring on or after January 1, 2018: 16618  
16619

(a) On the first five million dollars or an amount as adjusted pursuant to division (B) of this section, nine thousand four hundred ninety-five ten-thousandths of one per cent; 16620  
16621  
16622

(b) On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent. 16623  
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If qualifying collections for a year are less than five million dollars or the amount as adjusted under division (B) of this section, the fee shall equal the product of five million dollars or that adjusted amount, as applicable, multiplied by nine thousand four hundred ninety-five ten-thousandths of one per cent. 16625  
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(B) In January of each year, beginning in 2019, if the sum of qualifying charges for all counties in the preceding year exceeded the sum of qualifying charges for all counties in the second preceding year, the tax commissioner shall multiply the percentage by which that sum increased, rounded to the nearest one-tenth of one per cent, by the dollar amount described in division (A)(2)(a) of this section that is applicable to the preceding year. 16630  
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For settlement dates or any lawful extension of such dates occurring in 2019 or any year thereafter, the tax commissioner shall adjust the dollar amount described in division (A)(2)(a) of this section applicable to the preceding year by adding the resulting product to that dollar amount and rounding the resulting sum to the nearest ten thousand dollars. That adjusted amount shall apply to each year beginning in the calendar year in which 16638  
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the commissioner makes such an adjustment and to each ensuing 16645  
calendar year until a calendar year in which the commissioner 16646  
makes a new adjustment under this division. 16647

The tax commissioner shall not make an adjustment under this 16648  
division for a year in which the qualifying charges in the 16649  
preceding year did not exceed the qualifying charges in the second 16650  
preceding year, the rounded percentage calculated under this 16651  
division does not exceed zero per cent, or the rounded resulting 16652  
sum equals zero. 16653

On or before the first day of February of each year, the tax 16654  
commissioner shall certify to each county auditor and county 16655  
treasurer the dollar amount under division (A)(2)(a) of this 16656  
section applicable to settlement dates or any lawful extension of 16657  
such dates occurring in that year. 16658

(C) In the event any settlement prescribed by law is not made 16659  
on or before the date prescribed by law for such settlement, on or 16660  
before the dates prescribed by any lawful extension thereof, the 16661  
aggregate compensation allowed to the county treasurer shall be 16662  
reduced one per cent for each day such settlement is delayed after 16663  
the prescribed date. No penalty shall apply in the event the 16664  
auditor and treasurer grant all requests for advances up to ninety 16665  
per cent of the settlement pursuant to section 321.34 of the 16666  
Revised Code. The compensation allowed in accordance with this 16667  
section on settlements made on or before the dates prescribed by 16668  
law, or the reduced compensation allowed in accordance with this 16669  
section on settlements made after the date prescribed by law or 16670  
any lawful extension of such date, shall be apportioned ratably by 16671  
the auditor and deducted from the shares or portion of the revenue 16672  
payable to the state as well as to the county, township, 16673  
corporations, and school districts. On all other moneys collected 16674  
by the treasurer as fees or as advance payments, except moneys 16675  
received from the treasurer of state, ~~his~~ the treasurer's 16676

predecessors in office, ~~his~~ the treasurer's legal representatives, 16677  
or the sureties of such predecessors, and except moneys received 16678  
from the proceeds of the bonds of the county or of any municipal 16679  
corporation, five-tenths per cent, to be paid upon the warrant of 16680  
the auditor out of the general fund of the county. 16681

(D) As used in this section: 16682

(1) "Qualifying collections" means moneys collected by a 16683  
county treasurer on any tax duplicates other than the inheritance 16684  
tax duplicate. 16685

(2) "Qualifying charges" means taxes charged and payable 16686  
against real and public utility property for the current tax year 16687  
after making the reduction required by section 319.301 of the 16688  
Revised Code. 16689

**Sec. 321.27.** (A) On settlement ~~semiannually~~ annually with the 16690  
county auditor, the county treasurer shall be allowed as fees on 16691  
all moneys collected by ~~him~~ the treasurer on inheritance estate 16692  
tax duplicates, the following percentages: three per cent on the 16693  
first one hundred thousand dollars; two per cent on the next one 16694  
hundred thousand dollars; five tenths per cent on all additional 16695  
sums. Such percentages shall be computed upon the amount collected 16696  
and reported at each ~~semiannual~~ annual settlement, and shall be 16697  
for the use of the general fund of the county. 16698

(B) On ~~such~~ settlement semiannually with the county auditor, 16699  
the county treasurer shall ~~also~~ be allowed as fees on all 16700  
cigarette license moneys collected by ~~him,~~ the treasurer one-half 16701  
per cent on the amount received, to be paid upon the warrant of 16702  
the auditor and ~~by him~~ apportioned ratably and deducted from the 16703  
shares of revenue payable to the county and subdivisions of the 16704  
county under section 5743.15 of the Revised Code, for the use of 16705  
the general fund of the county. 16706

**Sec. 321.37.** (A)(1) If a county treasurer purposely, 16707  
knowingly, or recklessly fails to perform a fiscal duty expressly 16708  
imposed by law with respect to the fiscal duties of the office of 16709  
county treasurer or purposely, knowingly, or recklessly commits 16710  
any act expressly prohibited by law with respect to the fiscal 16711  
duties of the office of county treasurer, the county auditor or a 16712  
county commissioner may submit a sworn affidavit alleging the 16713  
violation, together with evidence supporting the allegations, to 16714  
the auditor of state. The sworn affidavit and evidence shall be 16715  
submitted in the format prescribed by rule of the auditor of state 16716  
under section 117.45 of the Revised Code. A person who makes a 16717  
false statement in a sworn affidavit, for purposes of this 16718  
section, is guilty of falsification under section 2921.13 of the 16719  
Revised Code. 16720

(2) The auditor of state shall review the sworn affidavit and 16721  
the evidence. Within ~~ten business~~ thirty calendar days after 16722  
receiving the sworn affidavit and evidence, unless, for good 16723  
cause, additional time is required, the auditor of state shall 16724  
determine whether clear and convincing evidence supports the 16725  
allegations. If the auditor of state finds that no allegation is 16726  
supported by clear and convincing evidence, the auditor of state 16727  
shall submit those findings in writing to the county treasurer and 16728  
the person who initiated the sworn affidavit. If the auditor of 16729  
state finds by clear and convincing evidence that an allegation is 16730  
supported by the evidence, the auditor of state shall submit those 16731  
findings in writing to the attorney general, the county treasurer, 16732  
and the person who initiated the sworn affidavit. The findings 16733  
shall include a copy of the sworn affidavit and the evidence 16734  
submitted under division (A)(1) of this section. 16735

(3)(a) The attorney general shall review the auditor of 16736  
state's findings and the sworn affidavit and evidence. Within ten 16737  
business days after receiving them, unless, for good cause, 16738

additional time is required, the attorney general shall determine 16739  
whether clear and convincing evidence supports the allegations. If 16740  
the attorney general finds that no allegation is supported by 16741  
clear and convincing evidence, the attorney general, by certified 16742  
mail, shall notify the auditor of state, the county treasurer, and 16743  
the person who initiated the sworn affidavit, that no complaint 16744  
for the removal of the county treasurer from public office will be 16745  
filed. 16746

(b) If the attorney general finds by clear and convincing 16747  
evidence that an allegation is supported by the evidence, the 16748  
attorney general, by certified mail, shall notify the auditor of 16749  
state, the county treasurer, and the person who initiated the 16750  
sworn affidavit of that fact, and shall commence an action for the 16751  
removal of the county treasurer from public office under division 16752  
(B) of this section. 16753

(c) Nothing in this section is intended to limit the 16754  
authority of the attorney general to enter into mediation, 16755  
settlement, or resolution of any alleged violation before or 16756  
following the commencement of an action under this section. 16757

(B)(1)(a) The attorney general has a cause of action for 16758  
removal of a county treasurer who purposely, knowingly, or 16759  
recklessly fails to perform a fiscal duty expressly imposed by law 16760  
with respect to the fiscal duties of the office of county 16761  
treasurer or purposely, knowingly, or recklessly commits any act 16762  
expressly prohibited by law with respect to the fiscal duties of 16763  
the office of county treasurer. Not later than forty-five days 16764  
after sending a notice under division (A)(3)(b) of this section, 16765  
the attorney general shall cause an action to be commenced against 16766  
the county treasurer by filing a complaint for the removal of the 16767  
county treasurer from public office. If any money is due, the 16768  
attorney general shall join the sureties on the county treasurer's 16769  
bond as parties. The court of common pleas of the county in which 16770

the county treasurer holds office has exclusive original 16771  
jurisdiction of the action. The action shall proceed de novo as in 16772  
the trial of a civil action. The court is not restricted to the 16773  
evidence that was presented to the auditor of state and the 16774  
attorney general before the action was filed. The action is 16775  
governed by the Rules of Civil Procedure. 16776

(b) If the court finds by clear and convincing evidence that 16777  
the county treasurer purposely, knowingly, or recklessly failed to 16778  
perform a fiscal duty expressly imposed by law with respect to the 16779  
fiscal duties of the office of county treasurer or purposely, 16780  
knowingly, or recklessly committed any act expressly prohibited by 16781  
law with respect to the fiscal duties of that office, the court 16782  
shall issue an order removing the county treasurer from office and 16783  
any order necessary for the preservation or restitution of public 16784  
funds. 16785

(2) Except as otherwise provided in this division, an action 16786  
for removal from office under this section is stayed during the 16787  
pendency of any criminal action concerning a violation of an 16788  
existing or former municipal ordinance or law of this or any other 16789  
state or the United States that is substantially equivalent to any 16790  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16791  
conduct in office, if the person charged in the criminal action 16792  
committed the violation while serving as a county treasurer and 16793  
the conduct constituting the violation was related to the duties 16794  
of the office of county treasurer or to the person's actions as 16795  
the county treasurer. The stay may be lifted upon motion of the 16796  
prosecuting attorney in the related criminal action. 16797

(3) Prior to or at the hearing, upon a showing of good cause, 16798  
the court may issue an order restraining the county treasurer from 16799  
entering the county treasurer's office and from conducting the 16800  
affairs of the office pending the hearing on the complaint. If 16801  
such an order is issued, the court may continue the order until 16802



the conclusion of the hearing and any appeals under this section. 16803

(4) The board of county commissioners shall be responsible 16804  
for the payment of reasonable attorney's fees for counsel for the 16805  
county treasurer. If judgment is entered against the county 16806  
treasurer, the court shall order the county treasurer to reimburse 16807  
the board for attorney's fees and costs up to a reasonable amount, 16808  
as determined by the court. Expenses incurred by the board in a 16809  
removal action shall be paid out of the county general fund. 16810

(C) The judgment of the court is final and conclusive unless 16811  
reversed, vacated, or modified on appeal. An appeal may be taken 16812  
by any party, and shall proceed as in the case of appeals in civil 16813  
actions and in accordance with the Rules of Appellate Procedure. 16814  
Upon the filing of a notice of appeal by any party to the 16815  
proceedings, the court of appeals shall hear the case as an 16816  
expedited appeal under Rule 11.2 of the Rules of Appellate 16817  
Procedure. The county treasurer has the right of review or appeal 16818  
to the supreme court. 16819

(D) If a final judgment for removal from public office is 16820  
entered against the county treasurer, the office shall be deemed 16821  
vacated, and the vacancy shall be filled as provided in section 16822  
305.02 of the Revised Code. Except as otherwise provided by law, 16823  
an individual removed from public office under this section is not 16824  
entitled to hold any public office for four years following the 16825  
date of the final judgment, and is not entitled to hold any public 16826  
office until any repayment or restitution required by the court is 16827  
satisfied. 16828

(E) For the purposes of this section: 16829

(1) A person acts purposely when it is the person's specific 16830  
intention to cause a certain result, or, when the gist of the 16831  
offense is a prohibition against conduct of a certain nature, 16832  
regardless of what the person intends to accomplish thereby, it is 16833

the person's specific intention to engage in conduct of that nature. 16834  
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(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. 16836  
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(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist. 16841  
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(F) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law. 16848  
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**Sec. 321.46.** (A) To enhance the background and working knowledge of county treasurers in governmental accounting, portfolio reporting and compliance, investments, cybersecurity, and cash management, the auditor of state and the treasurer of state shall conduct education programs for persons elected for the first time to the office of county treasurer and shall hold biennial continuing education courses for persons who continue to hold the office of county treasurer. 16852  
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Initial education programs for newly elected county treasurers shall be held between the first day of December and the first Monday of September next following that person's election to the office of county treasurer. Similar initial education programs may also be provided to any county treasurer who is appointed to 16860  
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fill a vacancy or who is elected at a special election. 16865

(B)(1) The auditor of state shall determine the manner and 16866  
content of the initial education programs in the subject areas of 16867  
governmental accounting and portfolio reporting and compliance. In 16868  
those areas, newly elected county treasurers shall take at least 16869  
thirteen hours of education before taking office. 16870

(2) The treasurer of state shall determine the manner and 16871  
content of the initial education programs in the subject areas of 16872  
investments and cash management. In those areas, newly elected 16873  
county treasurers shall take at least thirteen hours of education 16874  
before taking office. 16875

(3)(a) After completing one year in office, a county 16876  
treasurer shall take not less than twenty-four hours of continuing 16877  
education during each biennial cycle. For purposes of division 16878  
(B)(3)(a) of this section, a biennial cycle for continuing 16879  
education shall be every two calendar years after the treasurer's 16880  
first year in office. The treasurer of state shall determine the 16881  
manner and content of the continuing education courses in the 16882  
subject areas of investments, cash management, the collection of 16883  
taxes, ethics, and any other subject area that the treasurer of 16884  
state determines is reasonably related to the duties of the office 16885  
of the county treasurer. The auditor of state shall determine the 16886  
manner and content of the continuing education courses in the 16887  
subject areas of governmental accounting, portfolio reporting and 16888  
compliance, office management, cybersecurity, and any other 16889  
subject area that the auditor of state determines is reasonably 16890  
related to the duties of the office of the county treasurer. 16891

(b) A county treasurer who accumulates more than twenty-four 16892  
hours of continuing education in a biennial cycle described in 16893  
division (B)(3)(a) of this section may credit the hours in excess 16894  
of twenty-four hours to the next biennial cycle. However, 16895  
regardless of the total number of hours earned, no more than six 16896

hours in continuing education determined by the treasurer of state 16897  
pursuant to division (B)(3)(a) of this section and six hours in 16898  
continuing education determined by the auditor of state pursuant 16899  
to that division shall be carried over to the next biennial cycle. 16900

(c) A county treasurer who participates in a training program 16901  
or seminar established under section 109.43 of the Revised Code 16902  
may apply the three hours of training to the twenty-four hours of 16903  
continuing education required in a biennial cycle under division 16904  
(B)(3)(a) of this section. 16905

(C) The auditor of state and the treasurer of state may each 16906  
charge counties a registration fee that will meet actual and 16907  
necessary expenses of the training of county treasurers, including 16908  
instructor fees, site acquisition costs, and the cost of course 16909  
materials. The necessary personal expenses of county treasurers as 16910  
a result of attending the initial education programs and 16911  
continuing education courses shall be borne by the counties the 16912  
treasurers represent. 16913

(D) The auditor of state and the treasurer of state may allow 16914  
any other interested person to attend any of the initial education 16915  
programs or continuing education courses held pursuant to this 16916  
section, provided that before attending any such program or 16917  
course, the interested person shall pay to either the auditor of 16918  
state or the treasurer of state, as appropriate, the full 16919  
registration fee set for the program or course. 16920

(E)(1) If a county treasurer fails to complete the initial 16921  
education programs required by this section before taking office, 16922  
the treasurer's authority to invest county funds and to manage the 16923  
county portfolio immediately is suspended, and this authority is 16924  
transferred to the county's investment advisory committee until 16925  
full compliance with the initial education programs is determined 16926  
by the treasurer of state. 16927

(2) If a county treasurer fails to complete continuing education as required by this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee. 16928  
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(F)(1) Notwithstanding divisions (B) and (E) of this section, a county treasurer who fails to complete the initial education programs or continuing education required by this section shall invest only in the Ohio subdivisions fund pursuant to division (A)(6) of section 135.35 of the Revised Code, in no load money market mutual funds pursuant to division (A)(5) of section 135.35 of the Revised Code, or in time certificates of deposit or savings or deposit accounts pursuant to division (A)(3) of section 135.35 of the Revised Code. 16935  
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(2) A county treasurer who has failed to complete the initial education programs required by this section and invests in other than the investments permitted by division (F)(1) of this section immediately shall have the county treasurer's authority to invest county funds and to manage the county portfolio suspended, and this authority shall be transferred to the county's investment advisory committee until full compliance with the initial education programs is determined by the treasurer of state. 16944  
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(3) If a county treasurer fails to complete continuing education required by this section and invests in other than the investments permitted by division (F)(1) of this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee. 16952  
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(G)(1) There is hereby created in the state treasury the 16960  
county treasurer education fund, to be used by the treasurer of 16961  
state for actual and necessary expenses of initial education 16962  
programs and continuing education held pursuant to this section 16963  
and section 135.22 of the Revised Code. All registration fees 16964  
collected by the treasurer of state under this section and section 16965  
135.22 of the Revised Code shall be paid into that fund. 16966

(2) All registration fees collected by the auditor of state 16967  
under this section shall be paid into the auditor of state 16968  
training program fund established under section 117.44 of the 16969  
Revised Code. 16970

(H) The treasurer of state, with the advice and consent of 16971  
the auditor of state, may adopt reasonable rules not inconsistent 16972  
with this section for the implementation of this section. 16973

**Sec. 323.01.** Except as otherwise provided, as used in Chapter 16974  
323. of the Revised Code: 16975

(A) "Subdivision" means any county, township, school 16976  
district, or municipal corporation. 16977

(B) "Municipal corporation" includes charter municipalities. 16978

(C) "Taxes" means the total amount of all charges against an 16979  
entry appearing on a tax list and the duplicate thereof that was 16980  
prepared and certified in accordance with section 319.28 of the 16981  
Revised Code, including taxes levied against real estate; taxes on 16982  
property whose value is certified pursuant to section 5727.23 of 16983  
the Revised Code; recoupment charges applied pursuant to section 16984  
5713.35 of the Revised Code; all assessments; penalties and 16985  
interest charged pursuant to section 323.121 of the Revised Code; 16986  
charges added pursuant to section 319.35 of the Revised Code; and 16987  
all of such charges which remain unpaid from any previous tax 16988  
year. 16989

(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.

(E) "Delinquent taxes" means:

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

~~(2) Any sum of money due and payable, for disability financial assistance provided under Chapter 5115. of the Revised~~

~~Code that is furnished to or in behalf of a subdivision, provided 17021  
that such claim is recognized by a resolution or ordinance of the 17022  
legislative body of such subdivision; 17023~~

~~(3) Any sum of money advanced and paid to or received and 17024  
used by a subdivision, pursuant to a resolution or ordinance of 17025  
such subdivision or its predecessor in interest, and the moral 17026  
obligation to repay which sum, when in funds, shall be recognized 17027  
by resolution or ordinance by the subdivision. 17028~~

**Sec. 323.32.** As used in this section, "railroad note" means a 17029  
note issued pursuant to a court order in the reorganization of a 17030  
railroad company under section 77 of the Bankruptcy Act. 17031

Notwithstanding any other provision of law to the contrary, 17032  
with respect to all payments received in settlement of claims 17033  
arising from delinquent property tax charges and ordered to be 17034  
paid by a railroad company under a plan of reorganization as 17035  
ordered by a federal district court in accordance with provisions 17036  
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 17037  
201-208, the following provisions shall apply: 17038

(A) Except as provided in division (H) of this section, all 17039  
of such payments shall be made payable, and delivered, to the 17040  
county in which the taxing district sharing in a claim for 17041  
delinquent taxes is located. Any notes included in such payment 17042  
shall be issued to such county treasurer, who shall be the 17043  
custodian of all of said notes, and who shall be liable therefor 17044  
upon ~~his~~ the treasurer's bond until such time as said notes 17045  
mature, are sold, or otherwise lawfully pass from ~~his~~ the 17046  
treasurer's custody. 17047

(B) Upon receipt of a payment by cash or check, the county 17048  
treasurer shall immediately cause such funds to be paid into the 17049  
county treasury and credited to a special fund established for 17050  
this purpose, which shall be known as the "undivided bankruptcy 17051



claims fund." All of such moneys so received, including any earned 17052  
interest, shall be credited to said fund. 17053

(C) When the total claim for each county has been satisfied 17054  
by the receipt of cash or notes, or both, the county auditor shall 17055  
remit from the tax list and duplicate of real and public utility 17056  
property in each county, all charges appearing thereon in the name 17057  
of the railroad company for which such payment has been made, 17058  
which are delinquent and unpaid from any year previous to the tax 17059  
year 1977. 17060

(D) At any time that funds are present in the undivided 17061  
bankruptcy claims fund, either upon initial settlement or at any 17062  
later time, the county auditor shall, forthwith, distribute by 17063  
auditors' warrant, such funds to the various taxing districts of 17064  
the county, in which the property taxes, from which the claim in 17065  
bankruptcy has derived, were originally charged. The funds so 17066  
distributed shall be apportioned among the various taxing 17067  
authorities within each taxing district in the same proportions as 17068  
the said taxes were originally levied, taking into account the 17069  
various rates of taxation levied for different purposes for each 17070  
year in which such taxes were charged and remained unpaid, and any 17071  
unpaid special assessments, including compound interest thereon at 17072  
the rate of six per cent per annum to January 1, 1978. 17073

In making such distribution, the auditor shall, first, deduct 17074  
an amount equal to one per cent of the total amount to be 17075  
distributed, as fees for services of the county auditor and 17076  
treasurer in making collection and distribution of the claim in 17077  
bankruptcy. Such deduction shall be in lieu of all fees provided 17078  
for in sections 319.54 and 321.26 of the Revised Code. The amount 17079  
so deducted shall be credited to the general fund of the county. 17080

If any funds received pursuant to this section represent 17081  
taxes which, if collected, would have resulted from any general or 17082  
emergency levy which has since expired, such funds may be credited 17083

to the general operating fund and expended as though they are 17084  
proceeds from a current levy, and if any of such funds represent 17085  
taxes from any current general bond retirement levy or one which 17086  
has since expired, said funds may be credited to the current bond 17087  
retirement fund and used to service any current bond indebtedness, 17088  
or may be credited to the general operating fund of the district, 17089  
if so designated by a majority of the members of the taxing 17090  
authority of the taxing district. 17091

(E) Except as provided in division (H) of this section, when, 17092  
as a part of the settlement of a claim in bankruptcy of a 17093  
reorganized railroad company a county receives notes on behalf of 17094  
a taxing authority in partial payment of said claim, the county 17095  
treasurer shall, within a reasonable length of time, notify the 17096  
taxing authority of each taxing district sharing in the claim that 17097  
such notes are in ~~his~~ the treasurer's custody. Within sixty days 17098  
of receipt of such notice, each taxing authority shall decide by a 17099  
resolution approved by a majority of its members whether: 17100

(1) The notes shall remain in custody of the county 17101  
treasurer, as issued, and allowed to mature according to the terms 17102  
presented on their face with the proceeds to be distributed upon 17103  
maturity pursuant to division (D) of this section; or 17104

(2) The railroad notes shall be exchanged for several new 17105  
notes in denominations equal to the proportionate share, or 17106  
portion thereof, of the taxing district having a share in the 17107  
claim in bankruptcy as determined in division (D) of this section. 17108  
The new notes shall be distributed, upon receipt, to each taxing 17109  
authority in full satisfaction of its claim or in full 17110  
satisfaction of the portion of its claim represented by the notes 17111  
so received. If notes cannot be issued in denominations equal to 17112  
the taxing district's proportionate share, the treasurer shall 17113  
certify to the taxing authority of the district the amount of 17114  
notes held by the treasurer on behalf of the district and for 17115

which notes cannot be issued pursuant to the taxing authority's 17116  
decision under this subdivision. Upon receipt of such 17117  
certification, the taxing authority may borrow money and issue 17118  
notes against such certification in the same manner as is provided 17119  
by division (F) of this section. 17120

If a taxing authority elects the option provided under 17121  
division (E)(1) of this section, it may at any subsequent time 17122  
elect instead the option provided under division (E)(2) of this 17123  
section by resolution approved by a majority of its members. The 17124  
election of the option provided under division (E)(2) of this 17125  
section becomes final upon receipt by the taxing authority of the 17126  
new notes or certification distributed by the county treasurer 17127  
under such division. 17128

Each taxing authority shall certify a copy of any resolution 17129  
adopted under this division to the county treasurer who shall take 17130  
appropriate action as directed by each taxing authority. 17131

(F) A taxing authority having possession of any railroad note 17132  
or a treasurer's certification issued under division (E)(2) of 17133  
this section may, by approval of a majority of its members, borrow 17134  
money and issue its note in anticipation of the revenue payable on 17135  
maturity of the railroad note and pledge the railroad note or the 17136  
proceeds thereof. Such anticipation note shall mature no later 17137  
than the railroad note and shall be in an amount no greater than 17138  
seventy per cent of the face amount of said railroad note. By like 17139  
action a taxing authority may sell any railroad note in its 17140  
possession at public or private offering for not less than the 17141  
prevailing market price. Such a sale or borrowing shall be exempt 17142  
from all other requirements and limitations of the Revised Code, 17143  
including the requirements of the Uniform Bond Law. 17144

(1) If a taxing authority desires to issue delinquent tax 17145  
bonds pursuant to section 131.23 of the Revised Code prior to 17146  
either receipt of any payment from a railroad in bankruptcy or 17147

utilization of the authority granted in this section, the taxing 17148  
authority may determine whether or not the net amount of 17149  
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 17150  
section 131.23 of the Revised Code shall include all or part of 17151  
the delinquent taxes owed by a railroad, or, if notes have been 17152  
received pursuant to this section, the unpaid principal amount of 17153  
such notes. If the taxing authority determines that any such 17154  
railroad delinquencies or note amount shall be included under 17155  
section 131.23 of the Revised Code, the amount which may be 17156  
borrowed pursuant to this section may not exceed seventy per cent 17157  
of the total face amount of railroad notes remaining after 17158  
deducting the amount so included. 17159

(2) If a taxing authority desires to issue delinquent tax 17160  
bonds pursuant to section 131.23 of the Revised Code after 17161  
utilization of the authority granted in this section, the net 17162  
amount of delinquent taxes unpledged for purposes of division 17163  
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 17164  
the principal amount of railroad notes which have been borrowed 17165  
against or sold pursuant to this section. 17166

(G) When a taxing authority receives a railroad note, the 17167  
face amount of such note shall not be considered as revenue for 17168  
any purpose in the year in which the note is received. Upon sale 17169  
or maturity of the note, any proceeds not pledged pursuant to 17170  
division (F) of this section shall be considered as unanticipated 17171  
revenue from a new source and all of the provisions of law 17172  
pertaining to such revenue, including section 5705.36 of the 17173  
Revised Code, shall apply. 17174

(H) When there are present in a county nonrepresented taxing 17175  
districts as provided in amended substitute house bill 336~~7~~ of the 17176  
112th general assembly, all of the provisions of this section 17177  
shall apply to such districts, except as follows: 17178

(1) Payments by cash or check may be made payable, and 17179

delivered, directly to the treasurer of the taxing district. Any 17180  
notes included in the settlement of the district's claim may be 17181  
issued, and delivered, directly to said treasurer. 17182

Upon receipt of any of such payments, the treasurer of the 17183  
taxing district shall certify, to the county treasurer of the 17184  
county in which the district is located, the fact of such receipt 17185  
and the amounts so received. 17186

(2) If the claim of a nonrepresented taxing district is not 17187  
paid directly to the treasurer of the district but is included 17188  
with payments for the remainder of the county, cash payments 17189  
included in the initial settlement shall be distributed as 17190  
provided in divisions (B) and (D) of this section. Any notes 17191  
received as payment shall be exchanged and distributed to 17192  
nonrepresented taxing districts upon receipt. 17193

**Sec. 329.03.** (A) As used in this section, "applicant" or 17194  
"recipient" means ~~any~~ either of the following: 17195

(1) An applicant for or participant in the Ohio works first 17196  
program established under Chapter 5107. of the Revised Code; 17197

~~(2) An applicant for or recipient of disability financial 17198  
assistance under Chapter 5115. of the Revised Code;~~ 17199

~~(3) An applicant for or recipient of cash assistance provided 17200  
under the refugee assistance program established under section 17201  
5101.49 of the Revised Code. 17202~~

(B) Each county department of job and family services shall 17203  
establish a direct deposit system under which cash assistance 17204  
payments to recipients who agree to direct deposit are made by 17205  
electronic transfer to an account in a financial institution 17206  
designated under this section. No financial institution shall 17207  
impose any charge for such an account that the institution does 17208  
not impose on its other customers for the same type of account. 17209

Direct deposit does not affect the exemption of Ohio works first  
and disability financial assistance from attachment, garnishment,  
or other like process afforded by ~~sections~~ section 5107.75 and  
~~5115.06~~ of the Revised Code.

(C) Each county department of job and family services shall  
do all of the following:

(1) Inform each applicant or recipient that the applicant or  
recipient must choose whether to receive cash assistance payments  
under the direct deposit system established under this section or  
under the electronic benefit transfer system established under  
section 5101.33 of the Revised Code;

(2) Inform each applicant and recipient of the conditions  
under which the applicant or recipient may change the system used  
to receive the cash assistance payments;

(3) Inform each applicant or recipient of the procedures  
governing the direct deposit system;

(4) If an applicant or recipient chooses to receive cash  
assistance payments under the direct deposit system, obtain from  
the applicant or recipient an authorization form to designate a  
financial institution equipped for and authorized by law to accept  
direct deposits by electronic transfer and the account into which  
the applicant or recipient wishes the payments to be made;

(5) If an applicant or recipient chooses to receive cash  
assistance payments under the electronic benefit transfer system  
established under section 5101.33 of the Revised Code, obtain from  
the applicant or recipient a signed form to that effect.

The department may require a recipient to complete a new  
authorization form whenever the department considers it necessary.

A recipient's designation of a financial institution and  
account shall remain in effect until withdrawn in writing or

dishonored by the financial institution, except that no change may 17240  
be made in the authorization form until the next eligibility 17241  
redetermination of the recipient unless the county department 17242  
determines that good cause exists for an earlier change or the 17243  
financial institution dishonors the recipient's account. 17244

(D) An applicant or recipient without an account who 17245  
completes an authorization form to receive cash assistance 17246  
payments by direct deposit shall have ten days after receiving the 17247  
authorization form to designate an account suitable for direct 17248  
deposit. If within the required time the applicant or recipient 17249  
does not make the designation, the recipient shall receive cash 17250  
assistance payments under the electronic benefit transfer system 17251  
established under section 5101.33 of the Revised Code. 17252

(E) The director of job and family services may adopt rules 17253  
governing direct deposit systems established under this section. 17254

**Sec. 329.04.** (A) The county department of job and family 17255  
services shall have, exercise, and perform the following powers 17256  
and duties: 17257

(1) Perform any duties assigned by the state department of 17258  
job and family services or department of medicaid regarding the 17259  
provision of public family services, including the provision of 17260  
the following services to prevent or reduce economic or personal 17261  
dependency and to strengthen family life: 17262

(a) Services authorized by a Title IV-A program, as defined 17263  
in section 5101.80 of the Revised Code; 17264

(b) Social services authorized by Title XX of the "Social 17265  
Security Act" and provided for by section 5101.46 or 5101.461 of 17266  
the Revised Code; 17267

(c) If the county department is designated as the child 17268  
support enforcement agency, services authorized by Title IV-D of 17269

the "Social Security Act" and provided for by Chapter 3125. of the 17270  
Revised Code. The county department may perform the services 17271  
itself or contract with other government entities, and, pursuant 17272  
to division (C) of section 2301.35 and section 2301.42 of the 17273  
Revised Code, private entities, to perform the Title IV-D 17274  
services. 17275

(d) Duties assigned under section 5162.031 of the Revised 17276  
Code. 17277

(2) Administer disability financial assistance, as required 17278  
by the state department of job and family services under section 17279  
5115.03 of the Revised Code; 17280

(3) Administer burials insofar as the administration of 17281  
burials was, prior to September 12, 1947, imposed upon the board 17282  
of county commissioners and if otherwise required by state law; 17283

(4) Cooperate with state and federal authorities in any 17284  
matter relating to family services and to act as the agent of such 17285  
authorities; 17286

(5) Submit an annual account of its work and expenses to the 17287  
board of county commissioners and to the state department of job 17288  
and family services and department of medicaid at the close of 17289  
each fiscal year; 17290

(6) Exercise any powers and duties relating to family 17291  
services duties or workforce development activities imposed upon 17292  
the county department of job and family services by law, by 17293  
resolution of the board of county commissioners, or by order of 17294  
the governor, when authorized by law, to meet emergencies during 17295  
war or peace; 17296

(7) Enter into a plan of cooperation with the board of county 17297  
commissioners under section 307.983, consult with the board in the 17298  
development of the transportation work plan developed under 17299  
section 307.985, establish with the board procedures under section 17300



307.986 for providing services to children whose families relocate 17301  
frequently, and comply with the contracts the board enters into 17302  
under sections 307.981 and 307.982 of the Revised Code that affect 17303  
the county department; 17304

(8) For the purpose of complying with a grant agreement the 17305  
board of county commissioners enters into under sections 307.98 17306  
and 5101.21 of the Revised Code, exercise the powers and perform 17307  
the duties the grant agreement assigns to the county department; 17308

~~(9) If the county department is designated as the workforce 17309  
development agency, provide the workforce development activities 17310  
specified in the contract required by section 330.05 of the 17311  
Revised Code. 17312~~

(B) The powers and duties of a county department of job and 17313  
family services are, and shall be exercised and performed, under 17314  
the control and direction of the board of county commissioners. 17315  
The board may assign to the county department any power or duty of 17316  
the board regarding family services duties and workforce 17317  
development activities. If the new power or duty necessitates the 17318  
state department of job and family services or department of 17319  
medicaid changing its federal cost allocation plan, the county 17320  
department may not implement the power or duty unless the United 17321  
States department of health and human services approves the 17322  
changes. 17323

**Sec. 329.051.** The county department of job and family 17324  
services shall make voter registration applications as prescribed 17325  
by the secretary of state under section 3503.10 of the Revised 17326  
Code available to persons who are applying for, receiving 17327  
assistance from, or participating in any of the following: 17328

~~(A) The disability financial assistance program established 17329  
under Chapter 5115. of the Revised Code; 17330~~

<del>(B)</del> The medicaid program;	17331
<del>(C)</del> <u>(B)</u> The Ohio works first program established under Chapter 5107. of the Revised Code;	17332 17333
<del>(D)</del> <u>(C)</u> The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.	17334 17335
<b>Sec. 329.06.</b> (A) Except as provided in division (C) of this section <del>and section 6301.08 of the Revised Code</del> , the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:	17336 17337 17338 17339 17340 17341 17342 17343 17344 17345 17346 17347 17348 17349 17350
(1) Consumers of family services;	17351
(2) The public children services agency;	17352
(3) The child support enforcement agency;	17353
(4) The county family and children first council;	17354
(5) Public and private colleges and universities;	17355
(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	17356 17357 17358 17359

(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	17360 17361 17362 17363
(8) Labor organizations;	17364
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	17365 17366 17367 17368
(B) The county family services planning committee shall do all of the following:	17369 17370
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	17371 17372 17373 17374 17375 17376
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	17377 17378 17379 17380 17381
(a) Return of assistance groups to participation in either program after ceasing to participate;	17382 17383
(b) Teen pregnancy rates among the programs' participants;	17384
(c) The other types of assistance the programs' participants receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised	17385 17386 17387 17388 17389

Code;	17390
(d) Other issues the committee considers appropriate.	17391
The committee shall make recommendations to the board of	17392
county commissioners and county department of job and family	17393
services regarding the committee's findings.	17394
(3) Conduct public hearings on proposed county profiles for	17395
the provision of social services under section 5101.46 of the	17396
Revised Code;	17397
(4) At the request of the board, make recommendations and	17398
provide assistance regarding the family services provided in the	17399
county;	17400
(5) At any other time the committee considers appropriate,	17401
consult with the board and make recommendations regarding the	17402
family services provided in the county. The committee's	17403
recommendations may address the following:	17404
(a) Implementation and administration of family service	17405
programs;	17406
(b) Use of federal, state, and local funds available for	17407
family service programs;	17408
(c) Establishment of goals to be achieved by family service	17409
programs;	17410
(d) Evaluation of the outcomes of family service programs;	17411
(e) Any other matter the board considers relevant to the	17412
provision of family services.	17413
(C) If there is a committee in existence in a county on	17414
October 1, 1997, that the board of county commissioners determines	17415
is capable of fulfilling the responsibilities of a county family	17416
services planning committee, the board may designate the committee	17417
as the county's family services planning committee and the	17418
committee shall serve in that capacity.	17419

**Sec. 340.03.** (A) Subject to rules issued by the director of 17420  
mental health and addiction services after consultation with 17421  
relevant constituencies as required by division (A)(10) of section 17422  
5119.21 of the Revised Code, each board of alcohol, drug 17423  
addiction, and mental health services shall: 17424

(1) Serve as the community addiction and mental health 17425  
planning agency for the county or counties under its jurisdiction, 17426  
and in so doing it shall: 17427

(a) Evaluate the need for facility services, addiction 17428  
services, mental health services, and recovery supports; 17429

(b) In cooperation with other local and regional planning and 17430  
funding bodies and with relevant ethnic organizations, evaluate 17431  
strengths and challenges and set priorities for addiction 17432  
services, mental health services, and recovery supports. A board 17433  
shall include treatment and prevention services when setting 17434  
priorities for addiction services and mental health services. When 17435  
a board sets priorities for addiction services, the board shall 17436  
consult with the county commissioners of the counties in the 17437  
board's service district regarding the services described in 17438  
section 340.15 of the Revised Code and shall give priority to 17439  
those services, except that those services shall not have a 17440  
priority over services provided to pregnant women under programs 17441  
developed in relation to the mandate established in section 17442  
5119.17 of the Revised Code. 17443

(c) In accordance with guidelines issued by the director of 17444  
mental health and addiction services under division (F) of section 17445  
5119.22 of the Revised Code, annually develop and submit to the 17446  
department of mental health and addiction services a community 17447  
addiction and mental health plan that addresses both of the 17448  
following: 17449

(i) The needs of all residents of the district currently 17450

receiving inpatient services in state-operated hospitals, the 17451  
needs of other populations as required by state or federal law or 17452  
programs, and the needs of all children subject to a determination 17453  
made pursuant to section 121.38 of the Revised Code; 17454

(ii) The department's priorities for facility services, 17455  
addiction services, mental health services, and recovery supports 17456  
during the period for which the plan will be in effect. The 17457  
department shall inform all of the boards of the department's 17458  
priorities in a timely manner that enables the boards to know the 17459  
department's priorities before the boards develop and submit the 17460  
plans. 17461

In alcohol, drug addiction, and mental health service 17462  
districts that have separate alcohol and drug addiction services 17463  
and community mental health boards, the alcohol and drug addiction 17464  
services board shall submit a community addiction plan and the 17465  
community mental health board shall submit a community mental 17466  
health plan. Each board shall consult with its counterpart in 17467  
developing its plan and address the interaction between the local 17468  
addiction and mental health systems and populations with regard to 17469  
needs and priorities in developing its plan. 17470

The department shall approve or disapprove the plan, in whole 17471  
or in part, in accordance with division (G) of section 5119.22 of 17472  
the Revised Code. Eligibility for state and federal funding shall 17473  
be contingent upon an approved plan or relevant part of a plan. 17474

If a board determines that it is necessary to amend an 17475  
approved plan, the board shall submit a proposed amendment to the 17476  
director. The director shall approve or disapprove all or part of 17477  
the amendment in accordance with division (H) of section 5119.22 17478  
of the Revised Code. 17479

The board shall operate in accordance with the plan approved 17480  
by the department. 17481

(d) Promote, arrange, and implement working agreements with 17482  
social agencies, both public and private, and with judicial 17483  
agencies. 17484

(2) Investigate, or request another agency to investigate, 17485  
any complaint alleging abuse or neglect of any person receiving 17486  
addiction services, mental health services, or recovery supports 17487  
from a community addiction services provider or community mental 17488  
health services provider or alleging abuse or neglect of a 17489  
resident receiving addiction services or with mental illness or 17490  
severe mental disability residing in a residential facility 17491  
licensed under section 5119.34 of the Revised Code. If the 17492  
investigation substantiates the charge of abuse or neglect, the 17493  
board shall take whatever action it determines is necessary to 17494  
correct the situation, including notification of the appropriate 17495  
authorities. Upon request, the board shall provide information 17496  
about such investigations to the department. 17497

(3) For the purpose of section 5119.36 of the Revised Code, 17498  
cooperate with the director of mental health and addiction 17499  
services in visiting and evaluating whether the certifiable 17500  
services and supports of a community addiction services provider 17501  
or community mental health services provider satisfy the 17502  
certification standards established by rules adopted under that 17503  
section; 17504

(4) In accordance with criteria established under division 17505  
(D) of section 5119.22 of the Revised Code, conduct program audits 17506  
that review and evaluate the quality, effectiveness, and 17507  
efficiency of addiction services, mental health services, and 17508  
recovery supports provided by community addiction services 17509  
providers and community mental health services providers under 17510  
contract with the board and submit the board's findings and 17511  
recommendations to the department of mental health and addiction 17512  
services; 17513

(5) In accordance with section 5119.34 of the Revised Code, 17514  
review an application for a residential facility license and 17515  
provide to the department of mental health and addiction services 17516  
any information about the applicant or facility that the board 17517  
would like the department to consider in reviewing the 17518  
application; 17519

(6) Audit, in accordance with rules adopted by the auditor of 17520  
state pursuant to section 117.20 of the Revised Code, at least 17521  
annually all programs, addiction services, mental health services, 17522  
and recovery supports provided under contract with the board. In 17523  
so doing, the board may contract for or employ the services of 17524  
private auditors. A copy of the fiscal audit report shall be 17525  
provided to the director of mental health and addiction services, ~~the auditor of state,~~ 17526  
and the county auditor of each county in the 17527  
board's district. 17528

(7) Recruit and promote local financial support for addiction 17529  
services, mental health services, and recovery supports from 17530  
private and public sources; 17531

(8) In accordance with guidelines issued by the department as 17532  
necessary to comply with state and federal laws pertaining to 17533  
financial assistance, approve fee schedules and related charges or 17534  
adopt a unit cost schedule or other methods of payment for 17535  
addiction services, mental health services, and recovery supports 17536  
provided by community addiction services providers and community 17537  
mental health services providers that have contracted with the 17538  
board under section 340.036 of the Revised Code; 17539

(9) Submit to the director and the county commissioners of 17540  
the county or counties served by the board, and make available to 17541  
the public, an annual report of the addiction services, mental 17542  
health services, and recovery supports under the jurisdiction of 17543  
the board, including a fiscal accounting; 17544



(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;

(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the list of addiction services, mental health services, and recovery supports submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for the services and supports, which may include prior authorization in appropriate circumstances. In accordance with section 340.037 of the Revised Code, the board may provide addiction services and mental health services directly to a severely mentally disabled person when life or safety is endangered and when no community addiction services provider or community mental health services provider is available to provide the service.

(12) Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction services provider or community mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction services provider or community mental health

services provider. This division does not apply to residential 17577  
facilities licensed pursuant to section 5119.34 of the Revised 17578  
Code. 17579

(13) Establish a mechanism for obtaining advice and 17580  
involvement of persons receiving addiction services, mental health 17581  
services, or recovery supports on matters pertaining to services 17582  
and supports in the alcohol, drug addiction, and mental health 17583  
service district; 17584

(14) Perform the duties required by rules adopted under 17585  
section 5119.22 of the Revised Code regarding referrals by the 17586  
board or community mental health services providers under contract 17587  
with the board of individuals with mental illness or severe mental 17588  
disability to class two residential facilities licensed under 17589  
section 5119.34 of the Revised Code and effective arrangements for 17590  
ongoing mental health services for the individuals. The board is 17591  
accountable in the manner specified in the rules for ensuring that 17592  
the ongoing mental health services are effectively arranged for 17593  
the individuals. 17594

(B) Each board of alcohol, drug addiction, and mental health 17595  
services shall establish such rules, operating procedures, 17596  
standards, and bylaws, and perform such other duties as may be 17597  
necessary or proper to carry out the purposes of this chapter. 17598

(C) A board of alcohol, drug addiction, and mental health 17599  
services may receive by gift, grant, devise, or bequest any 17600  
moneys, lands, or property for the benefit of the purposes for 17601  
which the board is established, and may hold and apply it 17602  
according to the terms of the gift, grant, or bequest. All money 17603  
received, including accrued interest, by gift, grant, or bequest 17604  
shall be deposited in the treasury of the county, the treasurer of 17605  
which is custodian of the alcohol, drug addiction, and mental 17606  
health services funds to the credit of the board and shall be 17607  
available for use by the board for purposes stated by the donor or 17608

grantor. 17609

(D) No member or employee of a board of alcohol, drug 17610  
addiction, and mental health services shall be liable for injury 17611  
or damages caused by any action or inaction taken within the scope 17612  
of the member's official duties or the employee's employment, 17613  
whether or not such action or inaction is expressly authorized by 17614  
this section or any other section of the Revised Code, unless such 17615  
action or inaction constitutes willful or wanton misconduct. 17616  
Chapter 2744. of the Revised Code applies to any action or 17617  
inaction by a member or employee of a board taken within the scope 17618  
of the member's official duties or employee's employment. For the 17619  
purposes of this division, the conduct of a member or employee 17620  
shall not be considered willful or wanton misconduct if the member 17621  
or employee acted in good faith and in a manner that the member or 17622  
employee reasonably believed was in or was not opposed to the best 17623  
interests of the board and, with respect to any criminal action or 17624  
proceeding, had no reasonable cause to believe the conduct was 17625  
unlawful. 17626

(E) The meetings held by any committee established by a board 17627  
of alcohol, drug addiction, and mental health services shall be 17628  
considered to be meetings of a public body subject to section 17629  
121.22 of the Revised Code. 17630

**Sec. 340.033.** The array of addiction services and recovery 17631  
supports for all levels of opioid and co-occurring drug addiction 17632  
required by section 340.032 of the Revised Code to be included in 17633  
a community-based continuum of care established under that section 17634  
shall include, ~~except as otherwise authorized by a waiver issued~~ 17635  
~~under division (A)(2) of section 5119.221 of the Revised Code,~~ at 17636  
least ambulatory and sub-acute detoxification, non-intensive and 17637  
intensive outpatient services, medication-assisted treatment, peer 17638  
support, residential services, recovery housing pursuant to 17639

section 340.034 of the Revised Code, and multiple paths to 17640  
recovery such as twelve-step approaches. The services and supports 17641  
shall be made available in the service district of each board of 17642  
alcohol, drug addiction, and mental health services, except ~~that~~ 17643  
sub-acute as provided by either of the following: 17644

(A) Sub-acute detoxification and residential services may be 17645  
made available through a contract with one or more providers of 17646  
sub-acute detoxification or residential services located in other 17647  
service districts. ~~The~~ 17648

(B) To the extent authorized by a waiver issued under 17649  
division (A)(2) of section 5119.221 of the Revised Code, 17650  
ambulatory detoxification and medication-assisted treatment may be 17651  
made available through a contract with one or more community 17652  
addiction services providers located not more than thirty miles 17653  
beyond the borders of the board's service district. 17654

The services and supports shall be made available in a manner 17655  
that ensures that recipients are able to access the services and 17656  
supports they need for opioid and co-occurring drug addiction in 17657  
an integrated manner and in accordance with their assessed needs 17658  
when changing or obtaining additional addiction services or 17659  
recovery supports for such addiction. An individual seeking a 17660  
service or support for opioid and co-occurring drug addiction 17661  
included in a community-based continuum of care shall not be 17662  
denied the service or support on the basis of the individual's 17663  
prior experience with the service or support. 17664

**Sec. 341.12.** (A) In a county not having a sufficient jail or 17665  
staff, subject to division (B) of this section, the sheriff shall 17666  
convey any person charged with the commission of an offense, 17667  
sentenced to imprisonment in the county jail, or in custody upon 17668  
civil process to a jail in any county the sheriff considers most 17669

convenient and secure. As used in this paragraph, any county 17670  
includes a contiguous county in an adjoining state. 17671

The sheriff may call such aid as is necessary in guarding, 17672  
transporting, or returning such person. Whoever neglects or 17673  
refuses to render such aid, when so called upon, shall forfeit and 17674  
pay the sum of ten dollars, to be recovered by an action in the 17675  
name and for the use of the county. 17676

Such sheriff and the sheriff's assistants shall receive such 17677  
compensation for their services as the county auditor of the 17678  
county from which such person was removed considers reasonable. 17679  
The compensation shall be paid from the county treasury on the 17680  
warrant of the auditor. 17681

The receiving sheriff shall not, pursuant to this section, 17682  
convey the person received to any county other than the one from 17683  
which the person was removed. 17684

(B)(1) If Lawrence county does not have sufficient jail space 17685  
in the county or staff based upon the minimum standards for jails 17686  
in Ohio promulgated pursuant to section 5120.10 of the Revised 17687  
Code, instead of conveying a person in a category described in 17688  
division (A) of this section to a jail in any county pursuant to 17689  
that division, the Lawrence county sheriff may convey the person 17690  
to the Ohio river valley facility in accordance with section 17691  
341.121 of the Revised Code if an agreement for the Lawrence 17692  
county sheriff's use of a portion of that facility entered into 17693  
under that section then is in effect. 17694

(2) If a county other than Lawrence county does not have 17695  
sufficient jail space or staff based upon the minimum standards 17696  
for jails in Ohio promulgated pursuant to section 5120.10 of the 17697  
Revised Code and has entered into an agreement to jail persons 17698  
with the Lawrence county sheriff, instead of conveying a person in 17699  
a category described in division (A) of this section to a jail in 17700

any county pursuant to that division, the sheriff of the other 17701  
county may convey the person to the Ohio river valley facility in 17702  
accordance with section 341.121 of the Revised Code if an 17703  
agreement for the Lawrence county sheriff's use of a portion of 17704  
that facility entered into under that section then is in effect. 17705

(3) As used in divisions (B)(1) and (2) of this section, 17706  
"Ohio river valley facility" has the same meaning as in section 17707  
341.121 of the Revised Code. 17708

**Sec. 341.121.** (A) As used in this section, "Ohio river valley 17709  
facility" means the former Ohio river valley juvenile correctional 17710  
facility in Franklin Furnace, Scioto county, that formerly was 17711  
operated by the department of youth services. 17712

(B) The board of county commissioners of Lawrence county and 17713  
the director of administrative services may enter into an 17714  
agreement pursuant to which the sheriff of Lawrence county may use 17715  
a specified portion of the Ohio river valley facility as a jail 17716  
for Lawrence county. The agreement shall not provide for transfer 17717  
of ownership of any portion of the Ohio river valley facility to 17718  
Lawrence county. If the board and the department enter into an 17719  
agreement of this nature, on and after the effective date of the 17720  
agreement, all of the following apply: 17721

(1) The sheriff of Lawrence county may use the specified 17722  
portion of the Ohio river valley facility for the confinement of 17723  
persons charged with a violation of a law or municipal ordinance, 17724  
sentenced or ordered to confinement for such a violation in a 17725  
jail, or in custody upon civil process, if the violation occurred 17726  
or the person was taken into custody under the civil process 17727  
within Lawrence county or within another county that has entered 17728  
into an agreement with the sheriff pursuant to division (B)(2) of 17729  
section 341.12 of the Revised Code for the confinement of such 17730  
persons; 17731

(2) Any use of the specified portion of the Ohio river valley facility for the confinement of a juvenile who is alleged to be or is adjudicated a delinquent child or juvenile traffic offender shall be in accordance with Chapter 2152. of the Revised Code;

(3) If the sheriff of Lawrence county uses the specified portion of the Ohio river valley facility for one or more of the purposes listed in division (B)(1) of this section and division (B)(2) of section 341.12 of the Revised Code, all of the following apply during that use of that portion of the facility and during the period covered by the agreement entered into pursuant to division (B) of this section:

(a) The sheriff has charge of the specified portion of the facility pursuant to that agreement and all persons confined in it, and shall keep those persons safely, attend to that portion of the facility, and regulate that portion of the facility according to the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code;

(b) The sheriff has all responsibilities and duties regarding the operation and management of the specified portion of the facility, including, but not limited to, safe and secure operation of and staffing for the jail facility, food services, medical services, and other programs, services, and treatment of persons confined in it, and conveyance to and from that portion of the facility of persons who are to be or who have been confined in it, in the same manner as if that facility was a Lawrence county jail;

(c) The sheriff may enter into one or more shared service agreements with any other entity leasing buildings at the Ohio river valley facility regarding any of the responsibilities and duties described in division (B)(3)(b) of this section or regarding any other service related to the operation of the facility;

(d) All provisions of Chapter 341. of the Revised Code, 17763  
except for sections 341.13 to 341.18 of the Revised Code, apply 17764  
with respect to the specified portion of the Ohio river valley 17765  
facility and to the sheriff in the same manner as if that portion 17766  
of the facility was a Lawrence county jail, and sections 341.13 to 17767  
341.18 of the Revised Code apply with respect to that portion of 17768  
the facility and the sheriff if that portion of the facility is 17769  
used for confinement of persons from a county other than Lawrence 17770  
county pursuant to an agreement as described in division (B)(2) of 17771  
section 341.12 of the Revised Code; 17772

(e) Lawrence county has all responsibility for the costs of 17773  
operation of the specified portion of the facility, and for all 17774  
potential liability related to the use or operation of that 17775  
portion of the facility and damages to it, in the same manner as 17776  
if that facility was a Lawrence county jail; 17777

(f) The sheriff has all responsibility for investigating 17778  
crimes and quelling disturbances that occur in the specified 17779  
portion of the facility, and for assisting in the prosecution of 17780  
such crimes, and the prosecuting attorney of Lawrence county and 17781  
prosecutors of municipal corporations located in Lawrence county 17782  
have responsibility for prosecution of such crimes, in the same 17783  
manner as if that facility was a Lawrence county jail; 17784

(g) The sheriff's use of the specified portion of the 17785  
facility shall be in accordance with the terms of the agreement, 17786  
to the extent that the terms are not in conflict with divisions 17787  
(B)(1), (2), and (3) of this section. 17788

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 17789  
portion of the Ohio river valley facility for one or more of the 17790  
purposes listed in division (B)(1) of this section and division 17791  
(B)(2) of section 341.12 of the Revised Code and subsequently 17792  
ceases to use the specified portion of the facility for those 17793  
purposes, the sheriff shall vacate the facility and control of the 17794



specified portion of the facility immediately shall revert to the 17795  
state. 17796

(C) If, prior to the effective date of this amendment, the 17797  
board of county commissioners of Lawrence county and the director 17798  
of administrative services entered into an agreement under 17799  
division (B) of this section for the use by the sheriff of 17800  
Lawrence county of a specified portion of the Ohio river valley 17801  
facility as a jail for the county and if, as of that effective 17802  
date, either party has failed to comply with the terms of the 17803  
agreement, both of the following apply: 17804

(1) On the effective date of this amendment, control of the 17805  
specified portion of the facility immediately shall revert to the 17806  
state. 17807

(2) On and after the effective date of this amendment, the 17808  
sheriff has no authority to use the specified portion of the 17809  
facility as a jail for Lawrence county. 17810

**Sec. 341.25.** (A) The sheriff may establish a commissary for 17811  
the jail. The commissary may be established either in-house or by 17812  
another arrangement. If a commissary is established, all persons 17813  
incarcerated in the jail shall receive commissary privileges. A 17814  
person's purchases from the commissary shall be deducted from the 17815  
person's account record in the jail's business office. The 17816  
commissary shall provide for the distribution to indigent persons 17817  
incarcerated in the jail necessary hygiene articles and writing 17818  
materials. 17819

(B)(1) If a commissary is established, the sheriff shall 17820  
establish a commissary fund for the jail. The management of funds 17821  
in the commissary fund shall be strictly controlled in accordance 17822  
with procedures adopted by the auditor of state. Commissary 17823

(2) Commissary fund revenue over and above operating costs 17824

and reserve shall be considered profits. ~~All~~ 17825

(3) All profits from the commissary fund shall be used to for 17826  
the following: 17827

(a) To purchase supplies and equipment, and to provide life 17828  
skills training and education or treatment services, or both, for 17829  
the benefit of persons incarcerated in the jail, ~~and to;~~ 17830

(b) To pay salary and benefits for employees of the sheriff 17831  
who work in or are employed for the purpose of providing service 17832  
to the commissary; 17833

(c) To purchase technology designed to prevent contraband 17834  
from entering the jail. The 17835

(4) The sheriff shall adopt rules for the operation of any 17836  
commissary fund the sheriff establishes. 17837

**Sec. 349.03.** (A) Proceedings for the organization of a new 17838  
community authority shall be initiated by a petition filed by the 17839  
developer in the office of the clerk of the organizational board 17840  
of commissioners. Such petition shall be signed by the developer 17841  
and may be signed by each proximate city. The legislative 17842  
authorities of each such proximate city shall act in behalf of 17843  
such city. Such petition shall contain: 17844

(1) The name of the proposed new community authority; 17845

(2) The address where the principal office of the authority 17846  
will be located or the manner in which the location will be 17847  
selected; 17848

(3) A map and a full and accurate description of the 17849  
boundaries of the new community district together with a 17850  
description of the properties within such boundaries, if any, 17851  
which will not be included in the new community district. 17852

The total acreage included in such district ~~shall not be less~~ 17853

~~than one thousand acres, all of which acreage shall be owned by,~~ 17854  
or under the control through leases of at least seventy-five 17855  
years' duration, options, or contracts to purchase, of the 17856  
developer, if the developer is a private entity, unless one of the 17857  
following applies: 17858

(a) The district is wholly contained within municipal 17859  
corporations. 17860

(b) More than one-half of the proposed district is, at the 17861  
time of filing the petition under this section, contained within a 17862  
joint economic development district created under sections 715.70 17863  
to 715.83 of the Revised Code. 17864

(4) A statement setting forth the zoning regulations proposed 17865  
for zoning the area within the boundaries of the new community 17866  
district for comprehensive development as a new community, and if 17867  
the area has been zoned for such development, a certified copy of 17868  
the applicable zoning regulations therefor; 17869

(5) A current plan indicating the proposed development 17870  
program for the new community district, the land acquisition and 17871  
land development activities, community facilities, services 17872  
proposed to be undertaken by the new community authority under 17873  
such program, the proposed method of financing such activities and 17874  
services, including a description of the bases, timing, and manner 17875  
of collecting any proposed community development charges, and the 17876  
projected total residential population of, and employment within, 17877  
the new community; 17878

(6) A suggested number of members, consistent with section 17879  
349.04 of the Revised Code, for the board of trustees; 17880

(7) A preliminary economic feasibility analysis, including 17881  
the area development pattern and demand, location and proposed new 17882  
community district size, present and future socio-economic 17883  
conditions, public services provision, financial plan, and the 17884

developer's management capability; 17885

(8) A statement that the development will comply with all 17886  
applicable environmental laws and regulations. 17887

Upon the filing of such petition, the organizational board of 17888  
commissioners shall determine whether such petition complies with 17889  
the requirements of this section as to form and substance. The 17890  
board in subsequent proceedings may at any time permit the 17891  
petition to be amended in form and substance to conform to the 17892  
facts by correcting any errors in the description of the proposed 17893  
new community district or in any other particular. 17894

Upon the determination of the organizational board of 17895  
commissioners that a sufficient petition has been filed in 17896  
accordance with this section, the board shall fix the time and 17897  
place of a hearing on the petition for the establishment of the 17898  
proposed new community authority. Such hearing shall be held not 17899  
less than ninety-five nor more than one hundred fifteen days after 17900  
the petition filing date, except that if the petition has been 17901  
signed by all proximate cities or if the organizational board of 17902  
commissioners is the legislative authority of the only proximate 17903  
city for the proposed new community district, such hearing shall 17904  
be held not less than thirty nor more than forty-five days after 17905  
the petition filing date. The clerk of the organizational board of 17906  
commissioners with which the petition was filed shall give notice 17907  
thereof by publication once each week for three consecutive weeks, 17908  
or as provided in section 7.16 of the Revised Code, in a newspaper 17909  
of general circulation in any county of which a portion is within 17910  
the proposed new community district. Except where the 17911  
organizational board of commissioners is the legislative authority 17912  
of the only proximate city for the proposed new community 17913  
district, such clerk shall also give written notice of the date, 17914  
time, and place of the hearing and furnish a certified copy of the 17915  
petition to the clerk of the legislative authority of each 17916

proximate city which has not signed such petition. Except where 17917  
the organizational board of commissioners is the legislative 17918  
authority of the only proximate city for the proposed new 17919  
community district, in the event that the legislative authority of 17920  
a proximate city which did not sign the petition does not approve 17921  
by ordinance, resolution, or motion the establishment of the 17922  
proposed new community authority and does not deliver such 17923  
ordinance, resolution, or motion to the clerk of the 17924  
organizational board of commissioners with which the petition was 17925  
filed within ninety days following the date of the first 17926  
publication of the notice of the public hearing, the 17927  
organizational board of commissioners shall cancel such public 17928  
hearing and terminate the proceedings for the establishment of the 17929  
new community authority. 17930

Upon the hearing, if the organizational board of 17931  
commissioners determines by resolution that the proposed new 17932  
community district will be conducive to the public health, safety, 17933  
convenience, and welfare, and is intended to result in the 17934  
development of a new community, the board shall by its resolution, 17935  
declare the new community authority to be organized and a body 17936  
politic and corporate with the corporate name designated in the 17937  
resolution, and define the boundary of the new community district. 17938  
In addition, the resolution shall provide the method of selecting 17939  
the board of trustees of the new community authority and fix the 17940  
surety for their bonds in accordance with section 349.04 of the 17941  
Revised Code. 17942

If the organizational board of commissioners finds that the 17943  
establishment of the district will not be conducive to the public 17944  
health, safety, convenience, or welfare, or is not intended to 17945  
result in the development of a new community, it shall reject the 17946  
petition thereby terminating the proceedings for the establishment 17947  
of the new community authority. 17948

(B) At any time after the creation of a new community authority, the developer may file an application with the clerk of the organizational board of commissioners with which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community. If the developer is not a municipal corporation, port authority, or county, all of such an addition to such a district shall be owned by, or under the control through leases of at least seventy-five years' duration, options, or contracts to purchase, of the developer. Upon the filing of the application, the organizational board of commissioners shall follow the same procedure as required by this section in relation to the petition for the establishment of the proposed new community.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by ordinance, the term of the trustee being replaced shall terminate thirty days from the date of passage of such ordinance, and the trustee to be replaced shall be determined by lot. Each newly appointed member shall assume the term of the member's predecessor.

Sec. 503.56. (A) As used in this section:	17982
(1) "Tourism development district" means a district designated by a township under this section.	17983 17984
(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.	17985 17986 17987
(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division <del>(A)(2)(C)</del> of section 5739.101 of the Revised Code.	17988 17989 17990 17991 17992 17993 17994 17995
(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.	17996 17997 17998 17999 18000 18001 18002
(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on <del>the effective date of the enactment of this section</del> <u>September 29, 2015</u> .	18003 18004 18005 18006 18007 18008 18009
(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to	18010 18011

be a tourism development district for the purpose of fostering and 18012  
developing tourism in the district if all of the following 18013  
criteria are met: 18014

(a) The district's area does not exceed ~~two~~ six hundred 18015  
acres. 18016

(b) All territory in the district is contiguous. 18017

(c) Before adopting that resolution or ordinance, the board 18018  
holds at least two public hearings concerning the creation of the 18019  
tourism development district. 18020

(d) Before adopting the resolution or ordinance, the board 18021  
receives a petition signed by every record owner of a parcel of 18022  
real property located in the proposed district and the owner of 18023  
every business that operates in the proposed district. 18024

(e) The board adopts the resolution on or before December 31, 18025  
~~2018~~ 2020. 18026

(2) The petition described in division (B)(1)(d) of this 18027  
section shall include an explanation of the taxes and charges that 18028  
may be levied or imposed in the proposed district. 18029

(3) The board shall certify the resolution to the tax 18030  
commissioner within five days after its adoption, along with a 18031  
description of the boundaries of the district authorized in the 18032  
resolution. That description shall include sufficient information 18033  
for the commissioner to determine if the address of a vendor is 18034  
within the boundaries of the district. 18035

(4) Subject to the limitations of division (B)(1)(a) and (b) 18036  
of this section, the board of trustees of an eligible township may 18037  
enlarge the territory of an existing tourism development district 18038  
in the manner prescribed for the creation of a district under 18039  
divisions (B)(1) to (3) of this section, except that the petition 18040  
described in division (B)(1)(d) of this section must be signed by 18041



every record owner of a parcel of real property located in the 18042  
area proposed to be added to the district and the owner of every 18043  
business that operates in the area proposed to be added to the 18044  
district. 18045

(C) For the purpose of fostering and developing tourism in a 18046  
tourism development district, a lessor leasing real property in a 18047  
tourism development district may impose and collect a uniform fee 18048  
on each parcel of real property leased by the lessor, to be paid 18049  
by each of the person's lessees. A lessee is subject to such a fee 18050  
only if the lease separately states the amount of the fee. Before 18051  
a lessor may impose and collect such a fee, the lessor shall file 18052  
a copy of such lease with the fiscal officer of the township that 18053  
designated the tourism development district. A lessor that imposes 18054  
such a fee shall remit all collections of the fee to the fiscal 18055  
officer of the township in which the real property is located. 18056

The board shall establish all regulations necessary to 18057  
provide for the administration and remittance of such fees. The 18058  
regulations may prescribe the time for payment of the fee, and may 18059  
provide for the imposition of a penalty or interest, or both, for 18060  
late remittances, provided that the penalty does not exceed ten 18061  
per cent of the amount of fee due, and the rate at which interest 18062  
accrues does not exceed the rate per annum prescribed pursuant to 18063  
section 5703.47 of the Revised Code. The regulations shall 18064  
provide, after deducting the real and actual costs of 18065  
administering the fee, that the revenue be used exclusively for 18066  
fostering and developing tourism within the tourism development 18067  
district. 18068

(D) The board of trustees of an eligible township that has 18069  
designated a tourism development district under this section may 18070  
levy one or both of the taxes authorized under section 503.57 or 18071  
5739.101 of the Revised Code. 18072

(E) On or before the first day of each January and ~~June~~ July, 18073

beginning after the designation of the tourism development 18074  
district, the fiscal officer of the township shall certify a list 18075  
of vendors located within the tourism development district to the 18076  
tax commissioner, which shall include the name, address, and 18077  
vendor's license number for each vendor. 18078

Sec. 503.70. (A) As used in this section, "advertising" means 18079  
internet banners and icons that may contain links to commercial 18080  
internet web sites. Advertising does not include spyware, malware, 18081  
or any viruses or programs considered to be malicious. 18082

(B) A board of township trustees may, by resolution, 18083  
authorize the use of commercial advertising on the township's web 18084  
site. The use of commercial advertising must comply with state and 18085  
federal law, including section 9.03 of the Revised Code, and any 18086  
federal regulations or guidelines on the use of commercial 18087  
advertising on the .gov internet domain or other federally 18088  
controlled public domains. 18089

(C) The resolution shall specify the manner of making 18090  
requests for proposals that identify advertisers whose 18091  
advertisements will meet the criteria specified in the request for 18092  
proposals and any requirements and limitations specified in the 18093  
resolution. 18094

(D) The board of township trustees may enter into a contract 18095  
with a qualified advertiser for the placement of commercial 18096  
advertising on the township's web site in exchange for a fee paid 18097  
by the advertiser to the township general fund. 18098

**Sec. 505.94. (A) A board of township trustees may, by 18099**  
resolution, require the registration of all transient vendors 18100  
within the unincorporated territory of the township and may 18101  
regulate the time, place, and manner in which these vendors may 18102  
sell, offer for sale, or solicit orders for future delivery of 18103

goods, or the board may, by resolution, prohibit these activities 18104  
within that territory. A board of township trustees also may, by 18105  
resolution, prohibit solicitation at any residence at which the 18106  
owner or tenant has posted a sign on the property prohibiting 18107  
solicitation or for which the owner or tenant has filed a no 18108  
solicitation registration form with the township, on a form 18109  
prescribed by the board. If the board requires the registration of 18110  
all transient vendors, it may establish a reasonable registration 18111  
fee, not to exceed one hundred fifty dollars for a registration 18112  
period, and this registration shall be valid for a period of at 18113  
least ninety days after the date of registration. ~~Any~~ 18114

Any board of township trustees that provides for the 18115  
registration and regulation, ~~or prohibition,~~ of transient vendors 18116  
under this section shall notify the prosecuting attorney of the 18117  
county in which the township is located of its registration and 18118  
regulatory requirements ~~or prohibition.~~ No transient vendor shall 18119  
fail to register or to comply with regulations ~~or prohibitions~~ 18120  
established by a board of township trustees under this division. 18121

This division does not authorize a board of township trustees 18122  
to apply a resolution it adopts under this division to any person 18123  
invited by an owner or tenant to visit the owner's or tenant's 18124  
premises to sell, offer for sale, or solicit orders for future 18125  
delivery of goods. 18126

(B) As used in this section: 18127

(1) "Goods" means goods, wares, services, merchandise, 18128  
periodicals, and other articles or publications. 18129

(2) "Transient vendor" means any person who opens a temporary 18130  
place of business for the sale of goods or who, on the streets or 18131  
while traveling about the township, sells or offers for sale 18132  
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 18133  
~~payment is required prior to the delivery of the goods,~~ or 18134

attempts to arrange an appointment for a future estimate or sales 18135  
call. "Transient vendor" does not include any person who 18136  
represents any entity exempted from taxation under section 5709.04 18137  
of the Revised Code, ~~that notifies the board of township trustees~~ 18138  
~~that its representatives are present in the township for the~~ 18139  
~~purpose of selling or offering for sale goods, or soliciting~~ 18140  
~~orders for future delivery of goods, or attempting to arrange an~~ 18141  
~~appointment for a future estimate or sales call, and does not~~ 18142  
~~include a or any person licensed under Chapter 4707. of the~~ 18143  
Revised Code. 18144

**Sec. 507.12.** (A) To enhance the background and working 18145  
knowledge of township fiscal officers in government accounting, 18146  
budgeting and financing, financial report preparation, 18147  
cybersecurity, and the rules adopted by the auditor of state, the 18148  
auditor of state shall conduct education programs and continuing 18149  
education courses for individuals elected or appointed for the 18150  
first time to the office of township fiscal officer, and shall 18151  
conduct continuing education courses for individuals who continue 18152  
to hold the office in a subsequent term. The Ohio township 18153  
association also may conduct such initial education programs and 18154  
continuing education courses if approved by the auditor of state. 18155  
The auditor of state, in conjunction with the Ohio township 18156  
association, shall determine the manner and content of the initial 18157  
education programs and continuing education courses. 18158

(B) A newly elected or appointed township fiscal officer 18159  
shall complete at least six hours of initial education programs 18160  
before commencing, or during the first year of, office. A township 18161  
fiscal officer who participates in a training program held under 18162  
section 117.44 of the Revised Code may apply those hours taken 18163  
before commencing office to the six hours of initial education 18164  
programs required under this division. 18165

(C)(1) In addition to the six hours of initial education 18166  
required under division (B) of this section, a newly elected 18167  
township fiscal officer shall complete at least a total of 18168  
eighteen continuing education hours during the township fiscal 18169  
officer's first term of office. 18170

(2) A township fiscal officer who is elected to a subsequent 18171  
term of office shall complete twelve hours of continuing education 18172  
courses in each subsequent term of office. 18173

(3) The auditor of state shall adopt rules specifying the 18174  
initial education programs and continuing education courses that 18175  
are required for a township fiscal officer who has been appointed 18176  
to fill a vacancy. The requirements shall be proportionally 18177  
equivalent, based on the time remaining in the vacated office, to 18178  
the requirements for a newly elected township fiscal officer. 18179

(4) At least two hours of ethics instruction shall be 18180  
included in the continuing education hours required by divisions 18181  
(C)(1) and (2) of this section. 18182

(5) A township fiscal officer who participates in a training 18183  
program or seminar established under section 109.43 of the Revised 18184  
Code may apply the three hours of training to the continuing 18185  
education hours required by divisions (C)(1) and (2) of this 18186  
section. 18187

(D)(1) A certified public accountant who serves as a township 18188  
fiscal officer may apply to the continuing education hours 18189  
required by division (C) of this section any hours of continuing 18190  
education completed under section 4701.11 of the Revised Code 18191  
after being elected or appointed as a township fiscal officer. 18192

(2) A township fiscal officer may apply to the continuing 18193  
education hours required by division (C) of this section any hours 18194  
of continuing education completed under section 135.22 of the 18195  
Revised Code after being elected or appointed as a township fiscal 18196

officer. 18197

(3) A township fiscal officer who teaches an approved 18198  
continuing education course under division (C) of this section is 18199  
entitled to credit for the course in the same manner as if the 18200  
township fiscal officer had attended the course. 18201

(E) The auditor of state shall adopt rules for verifying the 18202  
completion of initial education programs and continuing education 18203  
courses required under this section. The auditor of state shall 18204  
issue a certificate of completion to each township fiscal officer 18205  
who completes the initial education programs and continuing 18206  
education courses. The auditor of state shall issue a "failure to 18207  
complete" notice to any township fiscal officer who is required to 18208  
complete initial education programs and continuing education 18209  
courses under this section, but who fails to do so. The notice is 18210  
for informational purposes only and does not affect any 18211  
individual's ability to hold the office of township fiscal 18212  
officer. 18213

(F) Each board of township trustees shall approve a 18214  
reasonable amount requested by the township fiscal officer to 18215  
cover the costs the township fiscal officer is required to incur 18216  
to meet the requirements of this section, including registration 18217  
fees, lodging and meal expenses, and travel expenses. 18218

**Sec. 507.13.** (A)(1) If a township fiscal officer purposely, 18219  
knowingly, or recklessly fails to perform a fiscal duty expressly 18220  
imposed by law with respect to the fiscal duties of the office of 18221  
township fiscal officer or purposely, knowingly, or recklessly 18222  
commits any act expressly prohibited by law with respect to the 18223  
fiscal duties of that office, four residents of the township may 18224  
submit sworn affidavits alleging the violation, together with 18225  
evidence supporting the allegations, to the auditor of state. The 18226  
sworn affidavits and evidence shall be submitted in the format 18227

prescribed by rule of the auditor of state under section 117.45 of 18228  
the Revised Code. A person who makes a false statement in a sworn 18229  
affidavit, for purposes of this section, is guilty of 18230  
falsification under section 2921.13 of the Revised Code. 18231

(2) The auditor of state shall review the sworn affidavits 18232  
and the evidence. Within ~~ten business~~ thirty calendar days after 18233  
receiving the sworn affidavits, unless, for good cause, additional 18234  
time is required, the auditor of state shall determine whether 18235  
clear and convincing evidence supports the allegations. If the 18236  
auditor of state finds that no allegation is supported by clear 18237  
and convincing evidence, the auditor of state shall submit those 18238  
findings in writing to the township fiscal officer and the persons 18239  
who initiated the sworn affidavits. If the auditor of state finds 18240  
by clear and convincing evidence that an allegation is supported 18241  
by the evidence, the auditor of state shall submit those findings 18242  
in writing to the attorney general, the township fiscal officer, 18243  
and the persons who initiated the sworn affidavits. The findings 18244  
shall include a copy of the sworn affidavits and the evidence 18245  
submitted under division (A)(1) of this section. 18246

(3)(a) The attorney general shall review the auditor of 18247  
state's findings and the sworn affidavits and evidence. Within ten 18248  
business days after receiving the sworn affidavits and evidence, 18249  
unless, for good cause, additional time is required, the attorney 18250  
general shall determine whether clear and convincing evidence 18251  
supports the allegations. If the attorney general finds that no 18252  
allegation is supported by clear and convincing evidence, the 18253  
attorney general, by certified mail, shall notify the auditor of 18254  
state, the township fiscal officer, and the persons who initiated 18255  
the sworn affidavits, that no complaint for the removal of the 18256  
township fiscal officer from public office will be filed. 18257

(b) If the attorney general finds by clear and convincing 18258  
evidence that an allegation is supported by the evidence, the 18259

attorney general, by certified mail, shall notify the auditor of 18260  
state, the township fiscal officer, and the persons who initiated 18261  
the sworn affidavits of that fact, and shall commence an action 18262  
for the removal of the township fiscal officer from public office 18263  
under division (B) of this section. 18264

(c) Nothing in this section is intended to limit the 18265  
authority of the attorney general to enter into mediation, 18266  
settlement, or resolution of any alleged violation before or 18267  
following the commencement of an action under this section. 18268

(B)(1)(a) The attorney general has a cause of action for 18269  
removal of a township fiscal officer who purposely, knowingly, or 18270  
recklessly fails to perform a fiscal duty expressly imposed by law 18271  
with respect to the office of township fiscal officer or 18272  
purposely, knowingly, or recklessly commits any act expressly 18273  
prohibited by law with respect to the fiscal duties of the office 18274  
of township fiscal officer. Not later than forty-five days after 18275  
sending a notice under division (A)(3)(b) of this section, the 18276  
attorney general shall cause an action to be commenced against the 18277  
township fiscal officer by filing a complaint for the removal of 18278  
the township fiscal officer from public office. If any money is 18279  
due, the attorney general shall join the sureties on the township 18280  
fiscal officer's bond as parties. The court of common pleas of the 18281  
county in which the township fiscal officer holds office has 18282  
exclusive original jurisdiction of the action. The action shall 18283  
proceed de novo as in the trial of a civil action. The court is 18284  
not restricted to the evidence that was presented to the auditor 18285  
of state and the attorney general before the action was filed. The 18286  
action is governed by the Rules of Civil Procedure. 18287

(b) If the court finds by clear and convincing evidence that 18288  
the township fiscal officer purposely, knowingly, or recklessly 18289  
failed to perform a fiscal duty expressly imposed by law with 18290  
respect to the fiscal duties of the office of township fiscal 18291



officer or purposely, knowingly, or recklessly committed any act 18292  
expressly prohibited by law with respect to the fiscal duties of 18293  
that office, the court shall issue an order removing the township 18294  
fiscal officer from office and any order necessary for the 18295  
preservation or restitution of public funds. 18296

(2) Except as otherwise provided in this division, an action 18297  
for removal from office under this section is stayed during the 18298  
pendency of any criminal action concerning a violation of an 18299  
existing or former municipal ordinance or law of this or any other 18300  
state or the United States that is substantially equivalent to any 18301  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 18302  
conduct in office, if the person charged in the criminal action 18303  
committed the violation while serving as a township fiscal officer 18304  
and the conduct constituting the violation was related to the 18305  
duties of the office of fiscal officer or to the person's actions 18306  
as the township fiscal officer. The stay may be lifted upon motion 18307  
of the prosecuting attorney in the related criminal action. 18308

(3) Prior to or at the hearing, upon a showing of good cause, 18309  
the court may issue an order restraining the township fiscal 18310  
officer from entering the township fiscal officer's office and 18311  
from conducting the affairs of the office pending the hearing on 18312  
the complaint. If such an order is issued, the court may continue 18313  
the order until the conclusion of the hearing and any appeals 18314  
under this section. 18315

(4) The board of township trustees shall be responsible for 18316  
the payment of reasonable attorney's fees for counsel for the 18317  
township fiscal officer. If judgment is entered against the 18318  
township fiscal officer, the court shall order the township fiscal 18319  
officer to reimburse the board for attorney's fees and costs up to 18320  
a reasonable amount, as determined by the court. Expenses incurred 18321  
by the board in a removal action shall be paid out of the township 18322  
general fund. 18323

(C) The judgment of the court is final and conclusive unless 18324  
reversed, vacated, or modified on appeal. An appeal may be taken 18325  
by any party, and shall proceed as in the case of appeals in civil 18326  
actions and in accordance with the Rules of Appellate Procedure. 18327  
Upon the filing of a notice of appeal by any party to the 18328  
proceedings, the court of appeals shall hear the case as an 18329  
expedited appeal under Rule 11.2 of the Rules of Appellate 18330  
Procedure. The township fiscal officer has the right of review or 18331  
appeal to the supreme court. 18332

(D) If a final judgment for removal from public office is 18333  
entered against the township fiscal officer, the office shall be 18334  
deemed vacated, and the vacancy shall be filled as provided in 18335  
section 503.24 of the Revised Code. Except as otherwise provided 18336  
by law, an individual removed from public office under this 18337  
section is not entitled to hold any public office for four years 18338  
following the date of the final judgment, and is not entitled to 18339  
hold any public office until any repayment or restitution required 18340  
by the court is satisfied. 18341

(E) For the purposes of this section: 18342

(1) A person acts purposely when it is the person's specific 18343  
intention to cause a certain result, or, when the gist of the 18344  
offense is a prohibition against conduct of a certain nature, 18345  
regardless of what the person intends to accomplish thereby, it is 18346  
the person's specific intention to engage in conduct of that 18347  
nature. 18348

(2) A person acts knowingly, regardless of the person's 18349  
purpose, when the person is aware that the person's conduct will 18350  
probably cause a certain result or will probably be of a certain 18351  
nature. A person has knowledge of circumstances when the person is 18352  
aware that such circumstances probably exist. 18353

(3) A person acts recklessly when, with heedless indifference 18354

to the consequences, the person perversely disregards a known risk 18355  
that the person's conduct is likely to cause a certain result or 18356  
is likely to be of a certain nature. A person is reckless with 18357  
respect to circumstances when, with heedless indifference to the 18358  
consequences, the person perversely disregards a known risk that 18359  
such circumstances are likely to exist. 18360

(F) The proceedings provided for in this section may be used 18361  
as an alternative to the removal proceedings prescribed under 18362  
sections 3.07 to 3.10 of the Revised Code or other methods of 18363  
removal authorized by law. 18364

**Sec. 703.20.** (A) Villages may surrender their corporate 18365  
powers upon the petition to the legislative authority or, in the 18366  
alternative, to the board of elections of the village as provided 18367  
in division (B)(1) of this section, of at least ~~forty~~ thirty per 18368  
cent of the electors thereof, to be determined by the number 18369  
voting at the last regular municipal ~~election~~ election and by an 18370  
affirmative vote of a majority of ~~such~~ the electors at a special 18371  
election, which shall be provided for by the legislative 18372  
authority, ~~and or,~~ in the alternative, at a general or special 18373  
election as provided for by the board of elections under division 18374  
(B)(1) of this section. The election shall be conducted, 18375  
canvassed, and the result certified and made known as at regular 18376  
municipal elections. If the result of the election is in favor of 18377  
~~such~~ the surrender, the village clerk or, in the alternative, the 18378  
board of elections shall certify the result to the secretary of 18379  
state, the auditor of state, and the county recorder, who shall 18380  
record it in their respective offices, ~~and thereupon the.~~ The 18381  
corporate powers of ~~such~~ the village shall cease upon the 18382  
recording of the certified election results in the county 18383  
recorder's office. 18384

(B)(1) If the legislative authority of a village fails to act 18385

upon the petition within thirty days after receipt of the 18386  
petition, the electors may present the petition to the board of 18387  
elections to determine the validity and sufficiency of the 18388  
signatures. The petition shall be governed by the rules of section 18389  
3501.38 of the Revised Code. The petition shall be filed with the 18390  
board of elections of the county in which the largest portion of 18391  
the population of the village resides. If the petition is 18392  
sufficient, the board of elections shall submit the question 18393  
"Shall the village of ..... surrender its corporate powers?" 18394  
for the approval or rejection of the electors of the village at 18395  
the next general or special election, in any year, occurring after 18396  
the period ending ninety days after the filing of the petition 18397  
with the board. If the result of the election is in favor of the 18398  
surrender, the board of elections shall certify the results to the 18399  
secretary of state, the auditor of state, and the county recorder, 18400  
who shall record it in their respective offices. The corporate 18401  
powers of the village shall cease upon the recording of the 18402  
certified election results in the county recorder's office. 18403

(2) In addition to filing the petition with the board of 18404  
elections as provided in division (B)(1) of this section, a copy 18405  
of the petition shall be filed with the board of township trustees 18406  
of each township affected by the surrender. 18407

(C) The auditor of state shall assist in facilitating a 18408  
timely and systematic manner for complying with the requirements 18409  
of section 703.21 of the Revised Code. 18410

**Sec. 703.21.** (A) The surrender of corporate powers by a 18411  
village under section 703.20 or 703.201 of the Revised Code does 18412  
not affect vested rights or accrued liabilities of the village, or 18413  
the power to settle claims, dispose of property, or levy and 18414  
collect taxes to pay existing obligations. But, after the 18415  
presentation of the petition mentioned in section 703.20 of the 18416

Revised Code or receipt of the audit report and notice mentioned 18417  
in section 703.201 of the Revised Code, the legislative authority 18418  
of the village shall not create any new liability until the result 18419  
of the election under section 703.20 of the Revised Code is 18420  
declared or the decision of the court of common pleas under 18421  
division (C) of section 703.201 of the Revised Code is declared, 18422  
or thereafter, if the result, in either case, is for the surrender 18423  
of the village's corporate powers. If the auditor of state 18424  
notifies the village that the attorney general may file a legal 18425  
action under section 703.201 of the Revised Code, but the attorney 18426  
general does not file such an action, the village shall not create 18427  
any new liability for thirty days after receipt of the auditor of 18428  
state's notice. 18429

(B) Due and unpaid taxes may be collected after the surrender 18430  
of corporate powers, and all moneys or property remaining after 18431  
the surrender belongs to the township or townships located wholly 18432  
or partly within the village, subject to the agreements entered 18433  
into as provided for in this section for the timely transfer of 18434  
real and personal property and subject to the report of an audit 18435  
or, at the discretion of the auditor of state, an agreed-upon 18436  
procedure audit performed by the auditor of state under section 18437  
117.11 or 117.114 of the Revised Code. The auditor of state shall 18438  
commence the audit or agreed-upon procedure audit within thirty 18439  
days after receipt of the notice of dissolution as provided in 18440  
division (E) of section 117.10 of the Revised Code. Cash balances 18441  
shall be transferred at the completion of the audit or agreed-upon 18442  
procedure audit performed by the auditor of state. ~~If~~ Except as 18443  
otherwise provided by agreement of the affected village and 18444  
townships, if more than one township is to receive the remaining 18445  
money or property, the money and property shall be divided among 18446  
the townships in proportion to the amount of territory that each 18447  
township has within the village boundaries as compared to the 18448  
total territory within the village. 18449

(C)(1) Village real and personal property, other than 18450  
electric and water and sewer utility property, shall be 18451  
transferred in a timely manner in accordance with agreements 18452  
between or among the affected village and township or townships. 18453  
If no such agreements have been reached within sixty days after 18454  
the certificate of dissolution is filed with the county recorder, 18455  
title to real and personal property other than any electric and 18456  
water and sewer utility property vests by operation of law in the 18457  
affected township or townships. If more than one township is 18458  
affected, and agreements have not been reached within sixty days 18459  
after the certificate of dissolution is filed, title vests by 18460  
operation of law in proportion to the amount of territory that 18461  
each township has within the village boundaries as compared to the 18462  
total territory within the village. 18463

(2) Any agreements entered into under this section regarding 18464  
the transfer of real property shall be recorded with the county 18465  
recorder of the county in which the affected real property is 18466  
situated, along with affidavits stating facts relating to title as 18467  
provided for in section 5301.252 of the Revised Code. The county 18468  
recorder shall make appropriate notations in the county records to 18469  
reflect the conveyance of the village's interest in real property 18470  
in accordance with the recorded agreements resulting from the 18471  
surrender of corporate powers. The notations shall include a 18472  
reference to the county's recorded certificate of dissolution. 18473

In the absence of any agreements and upon the recording of 18474  
affidavits relating to title, the county recorder shall make 18475  
appropriate notations in the county records to reflect the 18476  
conveyance of the village's interest in real property and to 18477  
evidence that title vested by operation of law in the township or 18478  
townships as otherwise provided for in this section and as a 18479  
result of the surrender of corporate powers. The recording of a 18480  
certificate of dissolution or a certified copy of it, any 18481

agreements regarding the transfer of real property, and supporting 18482  
affidavits serve as sufficient evidence of a transfer of title 18483  
from the former village to a township or townships. These 18484  
documents shall be recorded in the same manner as a deed of 18485  
conveyance, except that the affected township or townships are 18486  
exempt from any fees specified under section 317.32 of the Revised 18487  
Code. 18488

(3) Cash balances shall be transferred at the completion of 18489  
the audit, or, at the discretion of the auditor of state, the 18490  
agreed-upon procedure audit performed by the auditor of state. 18491

(D)(1) Electric and water and sewer utility property shall be 18492  
transferred by agreement entered into by the village and the 18493  
entity that will be taking over the electric and water and sewer 18494  
utility property and assets. Cash balances shall be transferred at 18495  
the completion of the audit, or, at the discretion of the auditor 18496  
of state, the agreed-upon procedure audit performed by the auditor 18497  
of state. The provision of utility and other services shall be 18498  
uninterrupted during the transition period following the surrender 18499  
of corporate powers. 18500

(2) Following the filing of the certificate of dissolution, 18501  
if it is determined that a county, or a regional water and sewer 18502  
district organized under Chapter 6119. of the Revised Code, is 18503  
obligated to assume utility property and assets by default, the 18504  
board of county commissioners or board of trustees of the 18505  
district, as appropriate, may petition the court of common pleas 18506  
of the county in which the village was located, for an order to 18507  
revise the current user fees, rates, and charges charged, or 18508  
assessments levied, by the utility. The board of county 18509  
commissioners or board of trustees of the district shall file with 18510  
the petition a systems audit of the utility. The systems audit 18511  
shall address the financial solvency of the utility; the utility's 18512  
debt service obligations and operating revenue stream, including 18513

user fees, rates, charges, and assessments; the utility's 18514  
compliance with operating permit requirements; the necessary 18515  
system maintenance, upgrades, and operational modifications and 18516  
their associated costs for the utility; outstanding, pending, or 18517  
potential enforcement actions against the utility; and any other 18518  
relevant matters impacting the operational viability and financial 18519  
solvency of the utility. 18520

(3) When considering whether to grant the order, the court 18521  
shall review the systems audit and any other relevant evidence. 18522  
The order of the court shall assure that the operational viability 18523  
and financial solvency of the utility is maintained, and that an 18524  
unreasonable financial burden is not placed upon the county or 18525  
district due to the acquisition of the utility property and 18526  
assets. 18527

(4) The systems audit required by this section shall not 18528  
prevent the auditor of state from conducting the audit, or, at the 18529  
discretion of the auditor of state, the agreed-upon procedure 18530  
audit, required by this section. 18531

(E) As used in divisions (C) and (D) of this section, 18532  
"certificate of dissolution" means the certified election results 18533  
approving the surrender of corporate powers as recorded by the 18534  
county recorder under section 703.20 of the Revised Code. 18535

After the surrender of corporate powers, all resolutions of 18536  
the township or townships into which the village's territory was 18537  
dissolved shall apply throughout the township's newly included 18538  
territory. 18539

**Sec. 705.22.** At the end of each year the legislative 18540  
authority of a municipal corporation shall have an annual report 18541  
printed, in pamphlet form, giving: 18542

(A) The classified statement of all receipts, expenditures, 18543



assets, and liabilities of the municipal corporation; 18544

(B) A detailed comparison of such receipts and expenditures 18545  
with those of the preceding year; 18546

(C) A summary of the proceedings of the legislative authority 18547  
and a summary of the operations of the administrative departments 18548  
for the previous twelve months. 18549

A copy of this report shall be furnished to ~~the auditor of~~ 18550  
~~state,~~ the municipal library, and any citizen of the municipal 18551  
corporation who applies ~~therefor~~ for the report at the office of 18552  
the clerk. Similar reports may be printed quarterly. All meetings 18553  
of the legislative authority or committees thereof shall be 18554  
public, and any citizen of the municipal corporation shall have 18555  
access to the minutes and records thereof at all reasonable times. 18556

**Sec. 715.014.** (A) As used in this section: 18557

(1) "Tourism development district" means a district 18558  
designated by a municipal corporation under this section. 18559

(2) "Territory of a tourism development district" means all 18560  
of the area included within the territorial boundaries of a 18561  
tourism development district. 18562

(3) "Business" and "owner" have the same meanings as in 18563  
section 503.56 of the Revised Code. 18564

(4) "Eligible municipal corporation" means a municipal 18565  
corporation wholly or partly located in a county having a 18566  
population greater than three hundred seventy-five thousand but 18567  
less than four hundred thousand that levies taxes under section 18568  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 18569  
which does not exceed one-half of one per cent on ~~the effective~~ 18570  
~~date of the enactment of this section~~ September 29, 2015. 18571

(5) "Fiscal officer" means the city auditor, village clerk, 18572  
or other municipal officer having the duties and functions of a 18573

city auditor or village clerk. 18574

(B)(1) The legislative authority of an eligible municipal 18575  
corporation, by resolution or ordinance, may declare an area of 18576  
the municipal corporation to be a tourism development district for 18577  
the purpose of fostering and developing tourism in the district if 18578  
all of the following criteria are met: 18579

(a) The district's area does not exceed ~~two~~ six hundred 18580  
acres. 18581

(b) All territory in the district is contiguous. 18582

(c) Before adopting the resolution or ordinance, the 18583  
legislative authority holds at least two public hearings 18584  
concerning the creation of the tourism development district. 18585

(d) Before adopting the resolution or ordinance, the 18586  
legislative authority receives a petition signed by every record 18587  
owner of a parcel of real property located in the proposed 18588  
district and the owner of every business that operates in the 18589  
proposed district. 18590

(e) The legislative authority adopts the resolution or 18591  
ordinance on or before December 31, ~~2018~~ 2020. 18592

(2) The petition described in division (B)(1)(d) of this 18593  
section shall include an explanation of the taxes and charges that 18594  
may be levied or imposed in the proposed district. 18595

(3) The legislative authority shall certify the resolution or 18596  
ordinance to the tax commissioner within five days after its 18597  
adoption, along with a description of the boundaries of the 18598  
district authorized in the resolution. That description shall 18599  
include sufficient information for the commissioner to determine 18600  
if the address of a vendor is within the boundaries of the 18601  
district. 18602

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 18603

of this section, the legislative authority of an eligible 18604  
municipal corporation may enlarge the territory of an existing 18605  
tourism development district in the manner prescribed for the 18606  
creation of a district under divisions (B)(1) to (3) of this 18607  
section, except that the petition described in division (B)(1)(d) 18608  
of this section must be signed by every record owner of a parcel 18609  
of real property located in the area proposed to be added to the 18610  
district and the owner of every business that operates in the area 18611  
proposed to be added to the district. 18612

(C) For the purpose of fostering and developing tourism in a 18613  
tourism development district, a lessor leasing real property in a 18614  
tourism development district may impose and collect a uniform fee 18615  
on each parcel of real property leased by the lessor, to be paid 18616  
by each of the person's lessees. A lessee is subject to such a fee 18617  
only if the lease separately states the amount of the fee. Before 18618  
a lessor may impose and collect such a fee, the lessor shall file 18619  
a copy of such lease with the fiscal officer. A lessor that 18620  
imposes such a fee shall remit all collections of the fee to the 18621  
municipal corporation in which the real property is located. 18622

The legislative authority of that municipal corporation shall 18623  
establish all regulations necessary to provide for the 18624  
administration and remittance of such fees. The regulations may 18625  
prescribe the time for payment of the fee, and may provide for the 18626  
imposition of a penalty or interest, or both, for late 18627  
remittances, provided that the penalty does not exceed ten per 18628  
cent of the amount of fee due, and the rate at which interest 18629  
accrues does not exceed the rate per annum prescribed pursuant to 18630  
section 5703.47 of the Revised Code. The regulations shall 18631  
provide, after deducting the real and actual costs of 18632  
administering the fee, that the revenue be used exclusively for 18633  
fostering and developing tourism within the tourism development 18634  
district. 18635

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

**Sec. 718.02.** This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and

tangible personal property owned or used by the taxpayer in the 18667  
business or profession during the same period, wherever situated. 18668

As used in the preceding paragraph, tangible personal or real 18669  
property shall include property rented or leased by the taxpayer 18670  
and the value of such property shall be determined by multiplying 18671  
the annual rental thereon by eight; 18672

(2) Wages, salaries, and other compensation paid during the 18673  
taxable period to individuals employed in the business or 18674  
profession for services performed in the municipal corporation to 18675  
wages, salaries, and other compensation paid during the same 18676  
period to individuals employed in the business or profession, 18677  
wherever the individual's services are performed, excluding 18678  
compensation from which taxes are not required to be withheld 18679  
under section 718.011 of the Revised Code; 18680

(3) Total gross receipts of the business or profession from 18681  
sales and rentals made and services performed during the taxable 18682  
period in the municipal corporation to total gross receipts of the 18683  
business or profession during the same period from sales, rentals, 18684  
and services, wherever made or performed. 18685

(B)(1) If the apportionment factors described in division (A) 18686  
of this section do not fairly represent the extent of a taxpayer's 18687  
business activity in a municipal corporation, the taxpayer may 18688  
request, or the tax administrator of the municipal corporation may 18689  
require, that the taxpayer use, with respect to all or any portion 18690  
of the income of the taxpayer, an alternative apportionment method 18691  
involving one or more of the following: 18692

(a) Separate accounting; 18693

(b) The exclusion of one or more of the factors; 18694

(c) The inclusion of one or more additional factors that 18695  
would provide for a more fair apportionment of the income of the 18696  
taxpayer to the municipal corporation; 18697

(d) A modification of one or more of the factors. 18698

(2) A taxpayer request to use an alternative apportionment 18699  
method shall be in writing and shall accompany a tax return, 18700  
timely filed appeal of an assessment, or timely filed amended tax 18701  
return. The taxpayer may use the requested alternative method 18702  
unless the tax administrator denies the request in an assessment 18703  
issued within the period prescribed by division (A) of section 18704  
718.12 of the Revised Code. 18705

(3) A tax administrator may require a taxpayer to use an 18706  
alternative apportionment method as described in division (B)(1) 18707  
of this section only by issuing an assessment to the taxpayer 18708  
within the period prescribed by division (A) of section 718.12 of 18709  
the Revised Code. 18710

(4) Nothing in division (B) of this section nullifies or 18711  
otherwise affects any alternative apportionment arrangement 18712  
approved by a tax administrator or otherwise agreed upon by both 18713  
the tax administrator and taxpayer before January 1, 2016. 18714

(C) As used in division (A)(2) of this section, "wages, 18715  
salaries, and other compensation" includes only wages, salaries, 18716  
or other compensation paid to an employee for services performed 18717  
at any of the following locations: 18718

(1) A location that is owned, controlled, or used by, rented 18719  
to, or under the possession of one of the following: 18720

(a) The employer; 18721

(b) A vendor, customer, client, or patient of the employer, 18722  
or a related member of such a vendor, customer, client, or 18723  
patient; 18724

(c) A vendor, customer, client, or patient of a person 18725  
described in division (C)(1)(b) of this section, or a related 18726  
member of such a vendor, customer, client, or patient. 18727

(2) Any location at which a trial, appeal, hearing, 18728  
investigation, inquiry, review, court-martial, or similar 18729  
administrative, judicial, or legislative matter or proceeding is 18730  
being conducted, provided that the compensation is paid for 18731  
services performed for, or on behalf of, the employer or that the 18732  
employee's presence at the location directly or indirectly 18733  
benefits the employer; 18734

(3) Any other location, if the tax administrator determines 18735  
that the employer directed the employee to perform the services at 18736  
the other location in lieu of a location described in division 18737  
(C)(1) or (2) of this section solely in order to avoid or reduce 18738  
the employer's municipal income tax liability. If a tax 18739  
administrator makes such a determination, the employer may dispute 18740  
the determination by establishing, by a preponderance of the 18741  
evidence, that the tax administrator's determination was 18742  
unreasonable. 18743

(D) For the purposes of division (A)(3) of this section, 18744  
receipts from sales and rentals made and services performed shall 18745  
be situated to a municipal corporation as follows: 18746

(1) Gross receipts from the sale of tangible personal 18747  
property shall be situated to the municipal corporation ~~in which~~ 18748  
~~the sale originated. For the purposes of this division, a sale of~~ 18749  
~~property originates in a municipal corporation~~ only if, regardless 18750  
of where title passes, the property meets ~~any~~ either of the 18751  
following criteria: 18752

(a) The property is shipped to or delivered within the 18753  
municipal corporation from a stock of goods located within the 18754  
municipal corporation. 18755

(b) The property is delivered within the municipal 18756  
corporation from a location outside the municipal corporation, 18757  
provided the taxpayer is regularly engaged through its own 18758

employees in the solicitation or promotion of sales within such 18759  
municipal corporation and the sales result from such solicitation 18760  
or promotion. 18761

~~(c) The property is shipped from a place within the municipal 18762  
corporation to purchasers outside the municipal corporation, 18763  
provided that the taxpayer is not, through its own employees, 18764  
regularly engaged in the solicitation or promotion of sales at the 18765  
place where delivery is made. 18766~~

(2) Gross receipts from the sale of services shall be sitused 18767  
to the municipal corporation to the extent that such services are 18768  
performed in the municipal corporation. 18769

(3) To the extent included in income, gross receipts from the 18770  
sale of real property located in the municipal corporation shall 18771  
be sitused to the municipal corporation. 18772

(4) To the extent included in income, gross receipts from 18773  
rents and royalties from real property located in the municipal 18774  
corporation shall be sitused to the municipal corporation. 18775

(5) Gross receipts from rents and royalties from tangible 18776  
personal property shall be sitused to the municipal corporation 18777  
based upon the extent to which the tangible personal property is 18778  
used in the municipal corporation. 18779

(E) The net profit received by an individual taxpayer from 18780  
the rental of real estate owned directly by the individual or by a 18781  
disregarded entity owned by the individual shall be subject to tax 18782  
only by the municipal corporation in which the property generating 18783  
the net profit is located and the municipal corporation in which 18784  
the individual taxpayer that receives the net profit resides. 18785

A municipal corporation shall allow such taxpayers to elect 18786  
to use separate accounting for the purpose of calculating net 18787  
profit sitused under this division to the municipal corporation in 18788  
which the property is located. 18789



(F)(1) Except as provided in division (F)(2) of this section, 18790  
commissions received by a real estate agent or broker relating to 18791  
the sale, purchase, or lease of real estate shall be sitused to 18792  
the municipal corporation in which the real estate is located. Net 18793  
profit reported by the real estate agent or broker shall be 18794  
allocated to a municipal corporation based upon the ratio of the 18795  
commissions the agent or broker received from the sale, purchase, 18796  
or lease of real estate located in the municipal corporation to 18797  
the commissions received from the sale, purchase, or lease of real 18798  
estate everywhere in the taxable year. 18799

(2) An individual who is a resident of a municipal 18800  
corporation that imposes a municipal income tax shall report the 18801  
individual's net profit from all real estate activity on the 18802  
individual's annual tax return for that municipal corporation. The 18803  
individual may claim a credit for taxes the individual paid on 18804  
such net profit to another municipal corporation to the extent 18805  
that such a credit is allowed under the municipal income tax 18806  
ordinance, or rules of the municipal corporation of residence. 18807

(G) If, in computing a taxpayer's adjusted federal taxable 18808  
income, the taxpayer deducted any amount with respect to a stock 18809  
option granted to an employee, and if the employee is not required 18810  
to include in the employee's income any such amount or a portion 18811  
thereof because it is exempted from taxation under divisions 18812  
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 18813  
municipal corporation to which the taxpayer has apportioned a 18814  
portion of its net profit, the taxpayer shall add the amount that 18815  
is exempt from taxation to the taxpayer's net profit that was 18816  
apportioned to that municipal corporation. In no case shall a 18817  
taxpayer be required to add to its net profit that was apportioned 18818  
to that municipal corporation any amount other than the amount 18819  
upon which the employee would be required to pay tax were the 18820  
amount related to the stock option not exempted from taxation. 18821

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

**Sec. 718.051.** (A)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file any municipal income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio business gateway.

(2) Taxpayers utilizing the Ohio business gateway may file separate returns for each municipal corporation to which the taxpayer's net profit is apportioned or may file a single return that reflects the total tax due to all of the municipal corporations to which the taxpayer's net profit is apportioned.

(B) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio business gateway.

(C) Nothing in this section affects the due dates for filing employer withholding tax returns.

(D) No municipal corporation shall be required to pay any fee or charge for the operation or maintenance of the Ohio business gateway.

(E) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section

does not affect the legal rights of municipalities or taxpayers as 18852  
otherwise permitted by law. This state shall not be a party to the 18853  
administration of municipal income taxes or to an appeal of a 18854  
municipal income tax matter, except as otherwise specifically 18855  
provided by law. 18856

(F) Not later than the fifteenth day and the last day of each 18857  
month, the tax commissioner shall distribute all taxes collected, 18858  
and provide copies of all returns and schedules submitted, through 18859  
the Ohio business gateway since the previous distribution to the 18860  
appropriate municipal corporations. 18861

(G)(1) The tax commissioner shall adopt rules establishing: 18862

(a) The format of documents to be used by taxpayers to file 18863  
returns and make payments through the Ohio business gateway; and 18864

(b) The information taxpayers must submit when filing 18865  
municipal income tax returns through the Ohio business gateway. 18866

The commissioner shall not adopt rules under this division 18867  
that conflict with the requirements of section 718.05 of the 18868  
Revised Code. 18869

(2) The commissioner shall consult with the Ohio business 18870  
gateway steering committee before adopting the rules described in 18871  
division ~~(F)~~(G)(1) of this section. 18872

~~(G)~~(H) Nothing in this section shall be construed as limiting 18873  
or removing the authority of any municipal corporation to 18874  
administer, audit, and enforce the provisions of its municipal 18875  
income tax. 18876

**Sec. 718.27.** (A) As used in this section: 18877

(1) "Applicable law" means this chapter, the resolutions, 18878  
ordinances, codes, directives, instructions, and rules adopted by 18879  
a municipal corporation provided such resolutions, ordinances, 18880  
codes, directives, instructions, and rules impose or directly or 18881

indirectly address the levy, payment, remittance, or filing 18882  
requirements of a municipal income tax. 18883

(2) "Income tax," "estimated income tax," and "withholding 18884  
tax" means any income tax, estimated income tax, and withholding 18885  
tax imposed by a municipal corporation pursuant to applicable law, 18886  
including at any time before January 1, 2016. 18887

(3) A "return" includes any tax return, report, 18888  
reconciliation, schedule, and other document required to be filed 18889  
with a tax administrator or municipal corporation by a taxpayer, 18890  
employer, any agent of the employer, or any other payer pursuant 18891  
to applicable law, including at any time before January 1, 2016. 18892

(4) "Federal short-term rate" means the rate of the average 18893  
market yield on outstanding marketable obligations of the United 18894  
States with remaining periods to maturity of three years or less, 18895  
as determined under section 1274 of the Internal Revenue Code, for 18896  
July of the current year. 18897

(5) "Interest rate as described in division (A) of this 18898  
section" means the federal short-term rate, rounded to the nearest 18899  
whole number per cent, plus five per cent. The rate shall apply 18900  
for the calendar year next following the July of the year in which 18901  
the federal short-term rate is determined in accordance with 18902  
division (A)(4) of this section. 18903

(6) "Unpaid estimated income tax" means estimated income tax 18904  
due but not paid by the date the tax is required to be paid under 18905  
applicable law. 18906

(7) "Unpaid income tax" means income tax due but not paid by 18907  
the date the income tax is required to be paid under applicable 18908  
law. 18909

(8) "Unpaid withholding tax" means withholding tax due but 18910  
not paid by the date the withholding tax is required to be paid 18911  
under applicable law. 18912

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the municipal corporation on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted before January 1, 2016, of the municipal corporation to which the return is to be filed or the payment is to be made.

(C) Each municipal corporation levying a tax on income may impose on a taxpayer, employer, any agent of the employer, and any other payer, and must attempt to collect, the interest amounts and penalties prescribed under division (C) of this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the municipal corporation timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the municipal corporation any return required to be filed.

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax,

unpaid estimated income tax, and unpaid withholding tax. 18944

(2)(a) With respect to unpaid income tax and unpaid estimated 18945  
income tax, a municipal corporation may impose a penalty equal to 18946  
fifteen per cent of the amount not timely paid. 18947

(b) With respect to any unpaid withholding tax, a municipal 18948  
corporation may impose a penalty ~~equal to~~ not exceeding fifty per 18949  
cent of the amount not timely paid. 18950

(3) With respect to returns other than estimated income tax 18951  
returns, a municipal corporation may impose a penalty of 18952  
twenty-five dollars for each failure to timely file each return, 18953  
regardless of the liability shown thereon for each month, or any 18954  
fraction thereof, during which the return remains unfiled 18955  
regardless of the liability shown thereon. The penalty shall not 18956  
exceed one hundred fifty dollars for each failure. 18957

(D)(1) With respect to the income taxes, estimated income 18958  
taxes, withholding taxes, and returns, no municipal corporation 18959  
shall impose, seek to collect, or collect any penalty, amount of 18960  
interest, charges, or additional fees not described in this 18961  
section. 18962

(2) With respect to the income taxes, estimated income taxes, 18963  
withholding taxes, and returns not described in division (A) of 18964  
this section, nothing in this section requires a municipal 18965  
corporation to refund or credit any penalty, amount of interest, 18966  
charges, or additional fees that the municipal corporation has 18967  
properly imposed or collected before January 1, 2016. 18968

(E) Nothing in this section limits the authority of a 18969  
municipal corporation to abate or partially abate penalties or 18970  
interest imposed under this section when the tax administrator 18971  
determines, in the tax administrator's sole discretion, that such 18972  
abatement is appropriate. 18973

(F) By the thirty-first day of October of each year the 18974

municipal corporation shall publish the rate described in division 18975  
(A) of this section applicable to the next succeeding calendar 18976  
year. 18977

(G) The municipal corporation may impose on the taxpayer, 18978  
employer, any agent of the employer, or any other payer the 18979  
municipal corporation's post-judgment collection costs and fees, 18980  
including attorney's fees. 18981

**Sec. 733.78.** (A) As used in this section, "fiscal officer" 18982  
means a village fiscal officer, a village clerk-treasurer, a 18983  
village clerk, a city auditor, a city treasurer or, in the case of 18984  
a municipal corporation having a charter that designates an 18985  
officer who, by virtue of the charter, has duties and functions 18986  
similar to those of the city or village officers referred to in 18987  
this section, the officer so designated by the charter. 18988

(B)(1) If a fiscal officer purposely, knowingly, or 18989  
recklessly fails to perform a fiscal duty expressly imposed by law 18990  
with respect to the fiscal duties of the office of fiscal officer 18991  
or purposely, knowingly, or recklessly commits any act expressly 18992  
prohibited by law with respect to the fiscal duties of the office 18993  
of fiscal officer, a member of the legislative authority of the 18994  
municipal corporation may submit a sworn affidavit alleging the 18995  
violation, together with evidence supporting the allegations, to 18996  
the auditor of state. The sworn affidavit and evidence shall be 18997  
submitted in the format prescribed by rule of the auditor of state 18998  
under section 117.45 of the Revised Code. A person who makes a 18999  
false statement in a sworn affidavit, for purposes of this 19000  
section, is guilty of falsification under section 2921.13 of the 19001  
Revised Code. 19002

(2) The auditor of state shall review the sworn affidavit and 19003  
the evidence. Within ~~ten business~~ thirty calendar days after 19004  
receiving the sworn affidavit and evidence, unless, for good 19005

cause, additional time is required, the auditor of state shall 19006  
determine whether clear and convincing evidence supports the 19007  
allegations. If the auditor of state finds that no allegation is 19008  
supported by clear and convincing evidence, the auditor of state 19009  
shall submit those findings in writing to the fiscal officer and 19010  
the person who initiated the sworn affidavit. If the auditor of 19011  
state finds by clear and convincing evidence that an allegation is 19012  
supported by the evidence, the auditor of state shall submit those 19013  
findings in writing to the attorney general, the fiscal officer, 19014  
and the person who initiated the sworn affidavit. The findings 19015  
shall include a copy of the sworn affidavit and the evidence 19016  
submitted under division (B)(1) of this section. 19017

(3)(a) The attorney general shall review the auditor of 19018  
state's findings and the sworn affidavit and evidence. Within ten 19019  
business days after receiving them, unless, for good cause, 19020  
additional time is required, the attorney general shall determine 19021  
whether clear and convincing evidence supports the allegations. If 19022  
the attorney general finds that no allegation is supported by 19023  
clear and convincing evidence, the attorney general, by certified 19024  
mail, shall notify the auditor of state, the fiscal officer, and 19025  
the person who initiated the sworn affidavit that no complaint for 19026  
the removal of the fiscal officer from public office will be 19027  
filed. 19028

(b) If the attorney general finds by clear and convincing 19029  
evidence that an allegation is supported by the evidence, the 19030  
attorney general, by certified mail, shall notify the auditor of 19031  
state, the fiscal officer, and the person who initiated the sworn 19032  
affidavit of that fact, and shall commence an action for the 19033  
removal of the fiscal officer from public office under division 19034  
(C) of this section. 19035

(c) Nothing in this section is intended to limit the 19036  
authority of the attorney general to enter into mediation, 19037



settlement, or resolution of any alleged violation before or 19038  
following the commencement of an action under this section. 19039

(C)(1)(a) The attorney general has a cause of action for 19040  
removal of a fiscal officer who purposely, knowingly, or 19041  
recklessly fails to perform a fiscal duty expressly imposed by law 19042  
with respect to the fiscal duties of the office of fiscal officer 19043  
or purposely, knowingly, or recklessly commits any act expressly 19044  
prohibited by law with respect to the fiscal duties of the office 19045  
of fiscal officer. Not later than forty-five days after sending a 19046  
notice under division (B)(3)(b) of this section, the attorney 19047  
general shall cause an action to be commenced against the fiscal 19048  
officer by filing a complaint for the removal of the fiscal 19049  
officer from public office. If any money is due, the attorney 19050  
general shall join the sureties on the fiscal officer's bond as 19051  
parties. The court of common pleas of the county in which the 19052  
fiscal officer holds office has exclusive original jurisdiction of 19053  
the action. The action shall proceed de novo as in the trial of a 19054  
civil action. The court is not restricted to the evidence that was 19055  
presented to the auditor of state and the attorney general before 19056  
the action was filed. The action is governed by the Rules of Civil 19057  
Procedure. 19058

(b) If the court finds by clear and convincing evidence that 19059  
the fiscal officer purposely, knowingly, or recklessly failed to 19060  
perform a fiscal duty expressly imposed by law with respect to the 19061  
fiscal duties of the office of fiscal officer or purposely, 19062  
knowingly, or recklessly committed any act expressly prohibited by 19063  
law with respect to the fiscal duties of that office, the court 19064  
shall issue an order removing the fiscal officer from office and 19065  
any order necessary for the preservation or restitution of public 19066  
funds. 19067

(2) Except as otherwise provided in this division, an action 19068  
for removal from office under this section is stayed during the 19069

pendency of any criminal action concerning a violation of an 19070  
existing or former municipal ordinance or law of this or any other 19071  
state or the United States that is substantially equivalent to any 19072  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 19073  
conduct in office, if the person charged in the criminal action 19074  
committed the violation while serving as a fiscal officer and the 19075  
conduct constituting the violation was related to the duties of 19076  
the office of fiscal officer or to the person's actions as the 19077  
fiscal officer. The stay may be lifted upon motion of the 19078  
prosecuting attorney in the related criminal action. 19079

(3) Prior to or at the hearing, upon a showing of good cause, 19080  
the court may issue an order restraining the fiscal officer from 19081  
entering the fiscal officer's office and from conducting the 19082  
affairs of the office pending the hearing on the complaint. If 19083  
such an order is issued, the court may continue the order until 19084  
the conclusion of the hearing and any appeals under this section. 19085

(4) The legislative authority of the municipal corporation 19086  
shall be responsible for the payment of reasonable attorney's fees 19087  
for counsel for the fiscal officer. If judgment is entered against 19088  
the fiscal officer, the court shall order the fiscal officer to 19089  
reimburse the legislative authority for attorney's fees and costs 19090  
up to a reasonable amount, as determined by the court. 19091

(D) The judgment of the court is final and conclusive unless 19092  
reversed, vacated, or modified on appeal. An appeal may be taken 19093  
by any party, and shall proceed as in the case of appeals in civil 19094  
actions and in accordance with the Rules of Appellate Procedure. 19095  
Upon the filing of a notice of appeal by any party to the 19096  
proceedings, the court of appeals shall hear the case as an 19097  
expedited appeal under Rule 11.2 of the Rules of Appellate 19098  
Procedure. The fiscal officer has the right of review or appeal to 19099  
the supreme court. 19100

(E) If a final judgment for removal from public office is 19101

entered against the fiscal officer, the office shall be deemed 19102  
vacated, and the vacancy shall be filled as provided in section 19103  
733.31 of the Revised Code. Except as otherwise provided by law, 19104  
an individual removed from public office under this section is not 19105  
entitled to hold any public office for four years following the 19106  
date of the final judgment, and is not entitled to hold any public 19107  
office until any repayment or restitution required by the court is 19108  
satisfied. 19109

(F) If a municipal corporation's charter establishes a 19110  
procedure for the removal of officers from office that conflicts 19111  
with the removal procedure established by this section, the 19112  
procedure for the removal of officers in the charter prevails. 19113

(G) For the purposes of this section: 19114

(1) A person acts purposely when it is the person's specific 19115  
intention to cause a certain result, or, when the gist of the 19116  
offense is a prohibition against conduct of a certain nature, 19117  
regardless of what the person intends to accomplish thereby, it is 19118  
the person's specific intention to engage in conduct of that 19119  
nature. 19120

(2) A person acts knowingly, regardless of the person's 19121  
purpose, when the person is aware that the person's conduct will 19122  
probably cause a certain result or will probably be of a certain 19123  
nature. A person has knowledge of circumstances when the person is 19124  
aware that such circumstances probably exist. 19125

(3) A person acts recklessly when, with heedless indifference 19126  
to the consequences, the person perversely disregards a known risk 19127  
that the person's conduct is likely to cause a certain result or 19128  
is likely to be of a certain nature. A person is reckless with 19129  
respect to circumstances when, with heedless indifference to the 19130  
consequences, the person perversely disregards a known risk that 19131  
such circumstances are likely to exist. 19132

(H) The proceedings provided for in this section may be used 19133  
as an alternative to the removal proceedings prescribed under 19134  
sections 3.07 to 3.10 of the Revised Code or other methods of 19135  
removal authorized by law. 19136

**Sec. 733.81.** (A) As used in this section, "fiscal officer" 19137  
means the city auditor, city treasurer, village fiscal officer, 19138  
village clerk-treasurer, village clerk, and, in the case of a 19139  
municipal corporation having a charter that designates an officer 19140  
who, by virtue of the charter, has duties and functions similar to 19141  
those of the city or village officers referred to in this section, 19142  
the officer so designated by the charter. 19143

(B) To enhance the background and working knowledge of fiscal 19144  
officers in government accounting, budgeting and financing, 19145  
financial report preparation, cybersecurity, and the rules adopted 19146  
by the auditor of state, the auditor of state shall conduct 19147  
education programs and continuing education courses for 19148  
individuals elected or appointed for the first time to the office 19149  
of fiscal officer, and shall conduct continuing education courses 19150  
for individuals who continue to hold the office in a subsequent 19151  
term. The Ohio municipal league also may conduct such initial 19152  
education programs and continuing education courses if approved by 19153  
the auditor of state. The auditor of state, in conjunction with 19154  
the Ohio municipal league, shall determine the manner and content 19155  
of the initial education programs and continuing education 19156  
courses. 19157

(C) A newly elected or appointed fiscal officer shall 19158  
complete at least six hours of initial education programs before 19159  
commencing, or during the first year of, office. A fiscal officer 19160  
who participates in a training program held under section 117.44 19161  
of the Revised Code may apply those hours taken before commencing 19162  
office to the six hours of initial education programs required 19163

under this division. 19164

(D)(1) In addition to the six hours of initial education 19165  
required under division (B) of this section, a newly elected 19166  
fiscal officer shall complete at least a total of eighteen 19167  
continuing education hours during the fiscal officer's first term 19168  
of office. 19169

(2) A fiscal officer who is elected to a subsequent term of 19170  
office shall complete twelve hours of continuing education courses 19171  
in each subsequent term of office. 19172

(3) The auditor of state shall adopt rules specifying the 19173  
initial education programs and continuing education courses that 19174  
are required for a fiscal officer who has been appointed to fill a 19175  
vacancy. The requirements shall be proportionally equivalent, 19176  
based on the time remaining in the vacated office, to the 19177  
requirements for a newly elected fiscal officer. 19178

(4) At least two hours of ethics instruction shall be 19179  
included in the continuing education hours required by divisions 19180  
(D)(1) and (2) of this section. 19181

(5) A fiscal officer who participates in a training program 19182  
or seminar established under section 109.43 of the Revised Code 19183  
may apply the three hours of training to the continuing education 19184  
hours required by divisions (D)(1) and (2) of this section. 19185

(E)(1) A certified public accountant who serves as a fiscal 19186  
officer may apply to the continuing education hours required by 19187  
division (D) of this section any hours of continuing education 19188  
completed under section 4701.11 of the Revised Code after being 19189  
elected or appointed as a fiscal officer. 19190

(2) A fiscal officer may apply to the continuing education 19191  
hours required by division (D) of this section any hours of 19192  
continuing education completed under section 135.22 of the Revised 19193  
Code after being elected or appointed as a fiscal officer. 19194

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.

(G) The legislative authority of a municipal corporation shall approve a reasonable amount requested by the fiscal officer to cover the costs the fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses.

**Sec. 763.01.** As used in this chapter:

(A) "Private entity" means an entity other than a government entity.

(B) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code.

~~(C) "Workforce Investment Act" means the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended.~~

**Sec. 763.07.** To enhance the administration, delivery, and

effectiveness of family services duties and workforce development 19225  
activities, the chief elected official of a municipal corporation 19226  
that, is a local area for the purpose of Chapter 6301. of the 19227  
~~Revised Code, is the type of local area defined in division (A)(1)~~ 19228  
~~of section 6301.01 of the Revised Code~~ may enter into a regional 19229  
plan of cooperation with one or more boards of county 19230  
commissioners pursuant to section 307.984 of the Revised Code. A 19231  
regional plan of cooperation must specify how the private and 19232  
government entities subject to the plan will coordinate and 19233  
enhance the administration, delivery, and effectiveness of family 19234  
services duties and workforce development activities. 19235

**Sec. 901.04.** (A) The department of agriculture may solicit or 19236  
accept from any public or private source and shall deposit in the 19237  
state treasury to the credit of the agro Ohio fund any grant, 19238  
gift, devise, or bequest of money made to or for the use of the 19239  
department in fulfilling its statutory duties or for promoting any 19240  
part of the public welfare that is under the supervision and 19241  
control of the department. The department may also accept and hold 19242  
on behalf of this state any grant, gift, devise, or bequest of 19243  
other property made to or for the use of the department or for 19244  
promoting any part of the public welfare that is under the 19245  
supervision and control of the department. The department may 19246  
contract for and carry out the terms and conditions of any devise, 19247  
grant, gift, or donation that may be so made. 19248

(B) There is hereby created in the state treasury the agro 19249  
Ohio fund, to which shall be credited all sums received under 19250  
division (A) of this section, divisions (A)(2) and (C) of section 19251  
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 19252  
4503.504 of the Revised Code. ~~All money received under divisions~~ 19253  
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 19254  
~~used for the benefit of agriculture. All~~ 19255

(C) All money received under section 4503.504 of the Revised Code shall be used for the benefit of sustainable agriculture markets in the state as determined by the director of agriculture.

~~(C) The director may use all or any portion of the moneys in the agro Ohio fund to award grants for the purpose of promoting agriculture in this state. With respect to such grants that consist of moneys other than federal moneys, the director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:~~

~~(1) Specific purposes for which grants may be awarded;~~

~~(2) Procedures for soliciting grant applications, applying for grants, awarding grants, and otherwise administering grants;~~

~~(3) Eligibility criteria for receiving grants that must be satisfied by applicants for the grants;~~

~~(4) Any other procedures and requirements that are necessary to administer a grant program.~~

~~(D) Federal moneys deposited into Federal money credited to the agro Ohio fund shall be used in accordance with any terms that federal law prescribes for their use. All other money credited to the fund shall be used for the purpose of promoting agriculture in the state as determined by the director.~~

**Sec. 901.43.** (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting



pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services offered, together with the fee for each service.

(C) The director may enter into a contract with any person, organization, political subdivision, state agency, federal agency, or other entity for the provision of a laboratory service.

(D)(1) The director may adopt rules establishing standards for accreditation of laboratories and laboratory services and in doing so may adopt by reference existing or recognized standards or practices.

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

(E)(1) There is hereby created in the state treasury the animal and consumer protection laboratory fund. Moneys from the following sources shall be deposited into the state treasury to the credit of the fund: all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to the diseases of animals, all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the consumer protection laboratory, all moneys so collected that are from fees generated

for the inspection and accreditation of laboratories and 19317  
laboratory services not related to weights and measures, money 19318  
received by the director under sections 947.01 to 947.06 of the 19319  
Revised Code, and all moneys collected under Chapters 942., 943., 19320  
and 953. of the Revised Code. The director may use the moneys held 19321  
in the fund to pay the expenses necessary to operate the animal 19322  
industry laboratory and the consumer protection laboratory, 19323  
including the purchase of supplies and equipment. 19324

(2) All moneys collected by the director under this section 19325  
that are from fees generated by a laboratory service performed by 19326  
the weights and measures laboratory, and all moneys so collected 19327  
that are from fees generated for the inspection and accreditation 19328  
of laboratories and laboratory services related to weights and 19329  
measures, shall be deposited in the state treasury to the credit 19330  
of the weights and measures laboratory fund, which is hereby 19331  
created in the state treasury. The moneys held in the fund may be 19332  
used to pay the expenses necessary to operate the division of 19333  
weights and measures, including the purchase of supplies and 19334  
equipment. 19335

**Sec. 909.10.** (A) No person shall ship or move bee colonies or 19336  
any used beekeeping equipment into this state from any other state 19337  
or country without an inspection certificate issued by an 19338  
authorized inspector from the state or country wherein shipment or 19339  
movement originated. The certificate shall identify all pathogens 19340  
and parasites diagnosed and any controls that were implemented. 19341

In the absence of inspection facilities in another state or 19342  
country, the director of agriculture may issue a permit 19343  
authorizing the shipment or movement of the bee colonies or used 19344  
beekeeping equipment into this state, provided that upon entry the 19345  
bees or equipment is inspected by the department of agriculture. 19346  
The cost of the inspection shall be paid upon completion in an 19347

amount determined by rule of the director. The inspection fees 19348  
shall be paid to the director and deposited by ~~him~~ the director 19349  
with the treasurer of state to the credit of the ~~general revenue~~ 19350  
plant pest program fund created in section 927.54 of the Revised 19351  
Code. 19352

If any serious bee diseases are diagnosed, appropriate 19353  
controls and eradication measures immediately shall be implemented 19354  
by the person shipping or owning the bee colonies or used 19355  
beekeeping equipment. If the person shipping or owning the bee 19356  
colonies or equipment does not implement any controls or 19357  
eradication measures within forty-eight hours from the inspection, 19358  
the bee colonies or equipment shall be removed from this state at 19359  
the cost of the person shipping or owning them. 19360

(B) Any person selling, shipping, or moving into this state 19361  
any queen bees or packaged bees shall submit to the director an 19362  
inspection report issued by an authorized inspector from the state 19363  
or country wherein shipment or movement originated. One such 19364  
report shall be submitted annually thirty days prior to the 19365  
initial sale, shipment, or movement of queen bees or packaged bees 19366  
of that year. The report shall identify any pathogens and 19367  
parasites diagnosed and any controls that were implemented. If any 19368  
serious bee diseases have not been controlled or if inspection 19369  
reports are not provided as required under this section, such 19370  
shipments shall be prohibited from entering this state. 19371

(C) The director may deny entry of the bee colonies or used 19372  
equipment if ~~he~~ the director determines they are a threat to the 19373  
bee population of this state. 19374

(D) No person shall ship or move into this state any 19375  
Africanized honey bees. 19376

**Sec. 911.11.** The director of agriculture may require any 19377  
person intending to work or working in a bakery to submit to a 19378

thorough examination for the purpose of ascertaining whether the person is afflicted with any contagious, infectious, or other disease or physical ailment, which may render employment detrimental to the public health. All such examinations shall be made by a qualified physician ~~certified~~ licensed under section 4731.14 of the Revised Code, by a physician assistant, by a clinical nurse specialist, by a certified nurse practitioner, or by a certified nurse-midwife. Any written documentation of the examination shall be completed by the individual who did the examination.

**Sec. 924.01.** As used in sections 924.01 to 924.16 and 924.40 to 924.55 of the Revised Code:

(A) "Agricultural commodity" means any food, fiber, feed, animal, or plant, or group of foods, fibers, feeds, animals, or plants that the director of agriculture determines to be of the same nature, in either a natural or a processed state. "Agricultural commodity" does not include grain as defined in section 924.20 of the Revised Code or soybeans.

(B) "Distributor" means any person who sells, offers for sale, markets, or distributes an agricultural commodity that the person has purchased or acquired directly from a producer, or that the person markets on behalf of a producer.

(C) "Handler" means any person who is in the business of packing, grading, selling, offering for sale, or marketing any agricultural commodity in commercial quantities as defined in a marketing program.

(D) "Marketing program" means a program that is established by order of the director pursuant to this chapter, to improve or expand the market for an agricultural commodity.

(E) "Operating committee" means a committee established to

administer a marketing program for an agricultural commodity. 19409

(F) "Person" means any natural person, partnership, sole 19410  
proprietorship, limited liability company, corporation, society, 19411  
agricultural cooperative as defined in section 1729.01 of the 19412  
Revised Code, association, or fiduciary. 19413

(G) "Processor" means any person who is in the business of 19414  
grading, packaging, packing, canning, freezing, dehydrating, 19415  
fermenting, distilling, extracting, preserving, grinding, 19416  
crushing, juicing, or in any other way preserving or changing the 19417  
form of any agricultural commodity. 19418

(H) "Producer" means any person who is in the business of 19419  
producing, or causing to be produced, any agricultural commodity 19420  
for commercial sale, except that when used in reference to nursery 19421  
stock, "producer" also means a distributor, processor, handler, or 19422  
retailer of nursery stock. 19423

**Sec. 924.09.** (A) Each operating committee may make 19424  
assessments upon the marketable agricultural commodity for which 19425  
the marketing program was established. 19426

(B) No operating committee shall levy any assessment: 19427

(1) That was not approved by the producers affected by the 19428  
program; 19429

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or 19430  
two per cent of the average market price of any other agricultural 19431  
commodity during the preceding marketing year as defined for the 19432  
commodity by the United States department of agriculture or, if 19433  
there is no such definition, by the director of agriculture; 19434

(3) Against any producer who is not eligible to vote in a 19435  
referendum for the marketing program that the operating committee 19436  
administers. 19437

(C) The director may require a producer, processor, 19438

distributor, or handler of an agricultural commodity for which a 19439  
marketing program has been established under sections 924.01 to 19440  
924.16 of the Revised Code to withhold assessments from any 19441  
amounts that the producer, processor, distributor, or handler owes 19442  
to producers of the commodity and, notwithstanding division (B)(3) 19443  
of this section, to remit them to the operating committee. Any 19444  
processor, distributor, or handler who pays for any producer any 19445  
assessment that is levied under authority of this section may 19446  
deduct the amount of the assessment from any moneys that the 19447  
processor, distributor, or handler owes to the producer. 19448

(D) No operating committee shall use any assessments that it 19449  
levies for any political or legislative purpose, or for 19450  
preferential treatment of one person to the detriment of any other 19451  
person affected by the marketing program. 19452

(E) The operating committee of each marketing program shall 19453  
refund to a producer the assessments that it collects from the 19454  
producer not later than sixty days after receipt of a valid 19455  
application by the producer for a refund, provided that the 19456  
producer complies with the procedures for a refund that were 19457  
included in the program under division (B)(3) of section 924.04 of 19458  
the Revised Code. 19459

(F) Each application for a refund of assessments levied for a 19460  
program established after April 10, 1985 shall be made on a form 19461  
provided by the director of agriculture. Each operating committee 19462  
for such a program shall ensure that refund forms are available 19463  
where assessments for its program are withheld. 19464

A producer, processor, distributor, or handler marketing 19465  
cattle subject to the "Beef Promotion and Research Act," as 19466  
amended, shall remit the assessment for the national cattlemen's 19467  
beef promotion and research board, as specified in the "Beef 19468  
Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 19469  
2904(8), to the state beef marketing program if the state beef 19470

marketing program is a qualified state beef council as defined by 19471  
that act. Division (E) of this section does not apply to such 19472  
assessments collected by the state beef marketing program on 19473  
behalf of the national cattlemen's beef promotion and research 19474  
board pursuant to the "Beef Promotion and Research Act," as 19475  
amended, for which the producers that pay the assessments receive 19476  
credits from the board. 19477

Sec. 924.211. (A) There is hereby established the soybean 19478  
marketing program. Except as provided under divisions (B) and (C) 19479  
of this section, the procedures, requirements, and other 19480  
provisions that are established under sections 924.20 to 924.30 of 19481  
the Revised Code and rules that apply to the grain marketing 19482  
program shall apply to the soybean marketing program. For purposes 19483  
of that application, references in those sections to "grain" are 19484  
deemed to be replaced with references to "soybeans." 19485

(B) The soybean marketing program operating committee shall 19486  
consist of eighteen members. Fourteen of those members shall be 19487  
elected in accordance with section 924.22 of the Revised Code. The 19488  
director of agriculture shall appoint the remaining four members, 19489  
who shall be from the united soybean board from this state. The 19490  
appointed members of the board shall be voting members of the 19491  
committee. 19492

(C) With regard to the levying of assessments under section 19493  
924.26 of the Revised Code, the assessment on soybeans shall be 19494  
one-half of one per cent of the per-bushel price of soybeans at 19495  
the first point of sale. 19496

**Sec. 927.55.** The fees required by section 927.53 of the 19497  
Revised Code do not apply to: 19498

(A) A person who produces for sale either within this state 19499  
or within any state in which such plants and parts do not require 19500

a certificate of inspection as a condition of entry, only nonhardy 19501  
plants and plant parts, vegetable plants, herbs, or forced floral 19502  
plants, of whatever nature, while in bloom; 19503

(B) A person who conducts the sale of nursery stock as a fund 19504  
raiser for a nonprofit organization or nonprofit purpose for no 19505  
more than two days per year, who is not a nurseryman, dealer, or 19506  
collector, and who makes no more than two ~~hundred~~ thousand dollars 19507  
in ~~sales~~ revenue from the sale of nursery stock during a calendar 19508  
year; 19509

(C) Any public or private arboretum operated not for profit, 19510  
which exchanges inspected nursery stock in limited quantities for 19511  
experimental or permanent arboretum plantings. 19512

**Sec. 939.02.** The director of agriculture shall do all of the 19513  
following: 19514

(A) Provide administrative leadership to soil and water 19515  
conservation districts in planning, budgeting, staffing, and 19516  
administering district programs and the training of district 19517  
supervisors and personnel in their duties, responsibilities, and 19518  
authorities as prescribed in this chapter and Chapter 940. of the 19519  
Revised Code; 19520

(B) Administer this chapter and Chapter 940. of the Revised 19521  
Code pertaining to state responsibilities and provide staff 19522  
assistance to the Ohio soil and water conservation commission in 19523  
exercising its statutory responsibilities; 19524

(C) Assist in expediting state responsibilities for watershed 19525  
development and other natural resource conservation works of 19526  
improvement; 19527

(D) Coordinate the development and implementation of 19528  
cooperative programs and working agreements between soil and water 19529  
conservation districts and the department of agriculture or other 19530



agencies of local, state, and federal government; 19531

(E) Subject to the approval of the Ohio soil and water 19532  
conservation commission, adopt rules in accordance with Chapter 19533  
119. of the Revised Code that do or comply with all of the 19534  
following: 19535

(1) Establish technically feasible and economically 19536  
reasonable standards to achieve a level of management and 19537  
conservation practices in farming operations that will abate wind 19538  
or water erosion of the soil or abate the degradation of the 19539  
waters of the state by residual farm products, manure, or soil 19540  
sediment, including attached substances, and establish criteria 19541  
for determination of the acceptability of such management and 19542  
conservation practices; 19543

(2) Establish procedures for administration of rules for 19544  
agricultural pollution abatement and for enforcement of those 19545  
rules; 19546

(3) Specify the pollution abatement practices eligible for 19547  
state cost sharing and determine the conditions for eligibility, 19548  
the construction standards and specifications, the useful life, 19549  
the maintenance requirements, and the limits of cost sharing for 19550  
those practices. Eligible practices shall be limited to practices 19551  
that address agricultural operations and that require expenditures 19552  
that are likely to exceed the economic returns to the owner or 19553  
operator and that abate soil erosion or degradation of the waters 19554  
of the state by residual farm products, manure, or soil sediment, 19555  
including attached pollutants. 19556

(4) Establish procedures for administering grants to owners 19557  
or operators of agricultural land or animal feeding operations for 19558  
the implementation of operation and management plans; 19559

(5) Do both of the following with regard to composting 19560  
conducted in conjunction with agricultural operations: 19561

(a) Establish methods, techniques, or practices for 19562  
composting dead animals, or particular types of dead animals, that 19563  
are to be used at such operations, as the director considers to be 19564  
necessary or appropriate; 19565

(b) Establish requirements and procedures governing the 19566  
review and approval or disapproval of composting plans by the 19567  
supervisors of soil and water conservation districts under 19568  
division (R) of section 940.06 of the Revised Code. 19569

(6) Establish best management practices for inclusion in 19570  
operation and management plans; 19571

(7) Establish the amount of civil penalties assessed by the 19572  
director under division ~~(B)~~(A) of section 939.07 of the Revised 19573  
Code for violation of rules adopted under division (E) of this 19574  
section; 19575

(8) Not conflict with air or water quality standards adopted 19576  
pursuant to section 3704.03 or 6111.041 of the Revised Code. 19577  
Compliance with rules adopted under this section does not affect 19578  
liability for noncompliance with air or water quality standards 19579  
adopted pursuant to section 3704.03 or 6111.041 of the Revised 19580  
Code. The application of a level of management and conservation 19581  
practices recommended under this section to control windblown soil 19582  
from farming operations creates a presumption of compliance with 19583  
section 3704.03 of the Revised Code as that section applies to 19584  
windblown soil. 19585

(F) Cost share with landowners on practices established 19586  
pursuant to division (E)(3) of this section as moneys are 19587  
appropriated and available for that purpose. Any practice for 19588  
which cost share is provided shall be maintained for its useful 19589  
life. Failure to maintain a cost share practice for its useful 19590  
life shall subject the landowner to full repayment to the 19591  
department. 19592

(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.

(H) In connection with new or relocated projects involving highways, underground cables, pipelines, railroads, and other improvements affecting soil and water resources, including surface and subsurface drainage:

(1) Provide engineering service that is mutually agreeable to the Ohio soil and water conservation commission and the director to aid in the design and installation of soil and water conservation practices as a necessary component of such projects;

(2) Maintain close liaison between the owners of lands on which the projects are executed, soil and water conservation districts, and authorities responsible for such projects;

(3) Review plans for such projects to ensure their compliance with standards developed under division (E) of this section in cooperation with the department of transportation or with any other interested agency that is engaged in soil or water conservation projects in the state in order to minimize adverse impacts on soil and water resources adjacent to or otherwise affected by these projects;

(4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or

other soil and water conservation practices;	19624
(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.	19625 19626 19627 19628
(I) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	19629 19630 19631
(J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	19632 19633 19634 19635
(K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture.	19636 19637 19638 19639 19640 19641
(L) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	19642 19643 19644
(M) When necessary for the purposes of this chapter or Chapter 940. of the Revised Code, develop or approve operation and management plans. The director may designate an employee of the department to develop or approve operation and management plans in lieu of the director.	19645 19646 19647 19648 19649
This section does not restrict the manure of domestic or farm animals defecated on land outside an animal feeding operation or runoff from that land into the waters of the state.	19650 19651 19652
<b>Sec. 940.15.</b> (A) Except as provided in division (B) of this	19653

section, within the limits of funds appropriated to the department 19654  
of agriculture and the soil and water conservation district 19655  
assistance fund created in this section, there shall be paid in 19656  
each calendar year to each soil and water conservation district ~~an~~ 19657  
a matching amount not to exceed one dollar for each one dollar 19658  
received ~~in~~ by a district as follows: 19659

(1) In accordance with section 940.12 of the Revised Code, 19660  
~~received from~~ 19661

(2) From tax levies in excess of the ten-mill levy limitation 19662  
approved for the benefit of soil and water conservation districts, 19663  
~~received pursuant~~ 19664

(3) Pursuant to a contract entered into under section 19665  
6117.021 of the Revised Code, ~~or received from~~ 19666

(4) From an appropriation by a municipal corporation or a 19667  
township to a maximum of eight thousand dollars, provided that the 19668  
Ohio soil and water conservation commission may approve payment to 19669  
a district in an amount in excess of eight thousand dollars in any 19670  
calendar year upon receipt of a request and justification from the 19671  
district. ~~The~~ 19672

The county auditor shall credit such payments to the special 19673  
fund established pursuant to section 940.12 of the Revised Code 19674  
for the soil and water conservation district. The department may 19675  
make advances at least quarterly to each district on the basis of 19676  
the estimated contribution of the state to each district. Moneys 19677  
received by each district shall be expended for the purposes of 19678  
the district. 19679

(B) ~~Money~~ The amount paid to a soil and water conservation 19680  
district under division (A)(3) of this section ~~that results from a~~ 19681  
~~board of county commissioners' compensation to the district~~ 19682  
~~pursuant to a contract entered into under section 6117.021 of the~~ 19683  
~~Revised Code in calendar years 2015, 2016, and 2017, 2018, and~~ 19684

~~2019 shall not exceed the matching amount of money paid to the district under that division during calendar year 2013 that resulted from the board of county commissioners' having used the proceeds of~~ was based on a contract entered into between the district and the board of county commissioners and a district of a type similar to ~~that which~~ a contract that is authorized by section 6117.021 of the Revised Code, ~~directly or indirectly, for matching funds in calendar year 2013, but.~~ However, the matching amount may exceed that 2013 amount to the extent that other sources of local matching funds specified by division (A) of this section are used by the district for local matching funds in state fiscal years ~~2015, 2016, and 2017,~~ 2018, and 2019.

(C) For the purpose of providing money to soil and water conservation districts under this section, there is hereby created in the state treasury the soil and water conservation district assistance fund consisting of money credited to it under sections 3714.073 and 3734.901 and division (A)(4) of section 3734.57 of the Revised Code.

**Sec. 941.12.** (A) ~~Except as provided in rules adopted under section 941.41 of the Revised Code, no animal shall be ordered destroyed by the director of agriculture, in accordance with this chapter, until that animal has been appraised in accordance with divisions (B) and (C) of this section. This section does not apply to any animal that is adulterated with residues and ordered destroyed by the director.~~

~~(B) The director of agriculture shall appraise, based on current market value, any animal destroyed by his order under this chapter, and~~ If an animal is ordered destroyed by the director of agriculture under this chapter, the director shall take an inventory of each animal that is destroyed and record sufficient information in order for an appraisal to be conducted, if

necessary. 19716

(B)(1) Within thirty days after receiving a destruction order 19717  
issued under this chapter, the owner of the animal subject to the 19718  
order that seeks indemnification for the animal shall do both of 19719  
the following: 19720

(a) Request the information recorded under division (A) of 19721  
this section and have an appraisal of the animal conducted at the 19722  
owner's expense; 19723

(b) Request that the department of agriculture conduct an 19724  
appraisal of the animal. If an appraisal is requested, the 19725  
director shall order the appraisal to be conducted. 19726

(2) If the owner and the department do not agree on the value 19727  
of the animal ordered destroyed, the two shall select a third 19728  
disinterested person, at the owner's expense, to appraise the 19729  
animal. The appraisal conducted by that person is the value of the 19730  
animal for purposes of indemnification. 19731

(3) If an appraisal is not conducted under division (B)(1)(a) 19732  
of this section or requested under division (B)(1)(b) of this 19733  
section within thirty days of receiving the destruction order 19734  
issued under this chapter, the owner waives the right to 19735  
indemnification of the animal. 19736

(C) Once the value of the animal ordered destroyed is 19737  
determined, the director may indemnify the owner of the animal if, 19738  
upon the request of the director, the director of budget and 19739  
management provides written notification to the director of 19740  
agriculture that there is an unencumbered balance in the 19741  
appropriation for the current biennium sufficient to pay the 19742  
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 19743  
of the animal, less any salvage value and indemnity received from 19744  
another agency. In no case shall the state indemnity payment 19745  
exceed fifty dollars per head for a grade animal or one hundred 19746

dollars per head for a registered purebred animal. 19747

~~(C) For the purpose of indemnification, the value of any 19748  
animal ordered destroyed shall be determined by an appraisal made 19749  
by a representative chosen by the owner and a representative 19750  
chosen by the department of agriculture. In the event of a 19751  
disagreement as to the amount of the appraisal, a third 19752  
disinterested person shall be selected, at the owner's expense, by 19753  
the two, to act with them in the appraisal of the animal. 19754~~

(D) The director of agriculture may refuse to pay an 19755  
indemnity for any animal ordered destroyed if the owner has been 19756  
convicted of or pleads guilty to a violation of any of the 19757  
provisions of this chapter or the rules promulgated thereunder. 19758

**Sec. 941.55.** (A) Notwithstanding ~~sections~~ section 941.11 and 19759  
~~941.12~~ of the Revised Code, every bovine animal that is ordered 19760  
destroyed because of tuberculosis following a tuberculosis test 19761  
made in accordance with section 941.54 of the Revised Code shall 19762  
be slaughtered in an establishment approved by the department of 19763  
agriculture no later than fifteen days after it is ordered 19764  
destroyed, unless an extension of time is granted by the 19765  
department. 19766

(B) A post mortem examination shall be made by a veterinarian 19767  
authorized by the department, and a report of the examination 19768  
shall be filed within five days after the examination on forms 19769  
provided by the department. 19770

**Sec. 943.23.** (A) A captive whitetail deer licensee shall 19771  
comply with the requirements established in sections 943.20 to 19772  
943.26 of the Revised Code and in rules. The director of 19773  
agriculture may suspend or revoke a license issued under section 19774  
943.03 or 943.031 of the Revised Code regarding monitored captive 19775  
deer, captive deer with status, or captive deer with certified 19776



chronic wasting disease status if the licensee fails to comply 19777  
with those requirements. 19778

(B)(1) The director, after providing an opportunity for an 19779  
adjudication hearing under Chapter 119. of the Revised Code, may 19780  
assess a civil penalty against a person who has violated or is in 19781  
violation of section 943.20 of the Revised Code. If the director 19782  
assesses a civil penalty, the director shall do so as follows: 19783

(a) If, within five years of the violation, the director has 19784  
not previously assessed a civil penalty against the person under 19785  
this section, in an amount not exceeding five hundred dollars; 19786

(b) If, within five years of the violation, the director has 19787  
previously assessed one civil penalty against the person under 19788  
this section, in an amount not exceeding two thousand five hundred 19789  
dollars; 19790

(c) If, within five years of the violation, the director has 19791  
previously assessed two or more civil penalties against the person 19792  
under this section, in an amount not exceeding ten thousand 19793  
dollars. 19794

(2) Money collected under division (B)(1) of this section 19795  
shall be deposited in the state treasury to the credit of the 19796  
captive deer fund created in section 943.26 of the Revised Code. 19797

**Sec. 947.06.** (A) The director of agriculture shall adopt 19798  
rules, subject to Chapter 119. of the Revised Code, to implement, 19799  
administer, and enforce this chapter. No person shall violate such 19800  
a rule of the director. 19801

(B) In cooperation with law enforcement officers in this and 19802  
other states, the director shall develop a uniform procedure for 19803  
notifying livestock marketing and slaughtering establishments of 19804  
reported livestock thefts and of any brands or other identifying 19805  
marks on such livestock. 19806

(C) Moneys received by the director under sections 947.01 to 19807  
947.06 of the Revised Code shall be deposited in the ~~brand~~ 19808  
~~registration state treasury to the credit of the animal and~~ 19809  
~~consumer protection laboratory fund, which is hereby~~ created in 19810  
~~the state treasury. The director shall spend moneys from the fund~~ 19811  
~~to pay the costs and expenses of administering sections 947.01 to~~ 19812  
~~947.06~~ section 901.43 of the Revised Code. 19813

**Sec. 1121.10.** (A) As often as the superintendent of financial 19814  
institutions considers necessary, but at least once each 19815  
twenty-four-month cycle, the superintendent, or any deputy or 19816  
examiner appointed by the superintendent for that purpose, shall 19817  
thoroughly examine the records and affairs of each bank. The 19818  
examination shall include a review of both of the following: 19819

(1) Compliance with law; 19820

(2) Other matters the superintendent determines. 19821

(B) The superintendent may examine the records and affairs of 19822  
any of the following as the superintendent considers necessary: 19823

(1) Any party to a proposed reorganization for which the 19824  
superintendent's approval is required by section 1115.11 or 19825  
1115.14 of the Revised Code; 19826

(2) Any bank, savings and loan association, or savings bank 19827  
proposing to convert to a bank doing business under authority 19828  
granted by the superintendent for which the superintendent's 19829  
approval is required by section 1115.01 of the Revised Code; 19830

(3) Any person proposing to acquire control of a bank for 19831  
which the superintendent's approval is required by section 1115.06 19832  
of the Revised Code, or who acquired control of a bank without the 19833  
approval of the superintendent when that approval was required by 19834  
section 1115.06 of the Revised Code, was the bank of which control 19835  
is to be, or was, acquired; 19836

(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code;

(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state;

(6) Any trust company.

(C) The board of directors or holders of a majority of the shares of a bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code.

(D) The superintendent may conduct all aspects of an examination concurrently or may divide the examination into constituent parts and conduct them at various times.

(E) The superintendent shall preserve the report of each examination, including related correspondence received and copies of related correspondence sent, for ~~twenty~~ ten years after the examination date.

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the Revised Code, a proposed action or transaction is subject to the approval of the superintendent of financial institutions or an opportunity for the superintendent to disapprove, and if the person proposing the action or transaction is required to submit an application or notice to the superintendent, then the application or notice is not complete and the superintendent shall

not accept it for processing until the person pays the fee 19867  
established pursuant to division (C) of section 1121.29 of the 19868  
Revised Code. 19869

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 19870  
a proposed action or transaction is subject to the approval of the 19871  
superintendent or an opportunity for the superintendent to 19872  
disapprove and the superintendent must make that determination 19873  
within a certain time, and if the person proposing the action or 19874  
transaction is required to submit an application or notice to the 19875  
superintendent, then the time in which the superintendent must 19876  
make the determination does not begin to run until the 19877  
superintendent has determined the application or notice is 19878  
complete and has accepted it for processing. 19879

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 19880  
either of the following: 19881

(a) The superintendent from denying, or issuing a disapproval 19882  
of, an application or notice, prior to the superintendent's 19883  
acceptance of the application or notice for processing, on the 19884  
basis that the person who submitted the application or notice 19885  
failed to include all of the items and address all of the issues 19886  
required for the application or notice, if both of the following 19887  
apply: 19888

(i) The superintendent advised the person that the 19889  
application or notice was incomplete. 19890

(ii) After being advised by the superintendent that the 19891  
application or notice was incomplete, the person did not, within a 19892  
reasonable period of time, complete the application or notice. 19893

(b) The superintendent from denying, or issuing a disapproval 19894  
of, an application or notice on the basis that the person who 19895  
submitted the application or notice failed to provide the 19896  
information necessary for the superintendent to adequately 19897

consider the application or notice after the superintendent's 19898  
acceptance of the application or notice for processing, if both of 19899  
the following apply: 19900

(i) After having begun processing the application or notice, 19901  
the superintendent determined and advised the person that 19902  
additional information was necessary to adequately consider the 19903  
application or notice. 19904

(ii) After being advised by the superintendent that 19905  
additional information was necessary to adequately consider the 19906  
application or notice, the person did not, within a reasonable 19907  
period of time, provide that information. 19908

~~(B)~~(C) A determination by the superintendent that an 19909  
application or notice is complete and is accepted for processing 19910  
means only that the application or notice, on its face, appears to 19911  
include all of the items and to address all of the matters that 19912  
are required. A determination by the superintendent that an 19913  
application or notice is complete and is accepted for processing 19914  
is not an assessment of the substance of the application or 19915  
notice, or of the sufficiency of the information provided. 19916

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, 19917  
and savings bank subject to inspection and examination by the 19918  
superintendent of financial institutions and transacting business 19919  
on the thirty-first day of December, or their successors in 19920  
interest, shall pay to the treasurer of state assessments as 19921  
provided in this section. The superintendent shall make each 19922  
assessment based on the total assets as shown on the books of the 19923  
bank, savings and loan association, or savings bank as of the 19924  
thirty-first day of December of the previous year. The 19925  
superintendent shall collect the assessment on an annual or 19926  
periodic basis, as provided by the superintendent. All assessments 19927  
shall be paid within fourteen days after receiving an invoice for 19928

payment of the assessment. 19929

(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code. 19930  
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(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the banking commission for confirmation, and forward copies of the current year's schedule to banks, savings and loan associations, and savings banks doing business under authority granted by the superintendent, or their successors in interest. 19939  
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If during the period between the banking commission's confirmation of the schedule of assessments and the completion of the fiscal year in which those assessments will be collected, the banking commission determines additional money is required to adequately fund the operations of the division of financial institutions for that fiscal year, the banking commission may, by the affirmative vote of two-thirds of its members, increase the schedule of assessments for that fiscal year. The superintendent shall promptly notify each bank, savings and loan association, and savings bank of the increased assessment, and each bank, savings and loan association, and savings bank shall pay the increased assessment as made and invoiced by the superintendent. 19945  
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(4) A bank, savings and loan association, or savings bank authorized by the superintendent to commence business in the period between assessments shall pay the actual reasonable costs 19957  
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of the division's examinations and visitations. The bank, savings and loan association, or savings bank shall pay the costs within fourteen days after receiving an invoice for payment. 19960  
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(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 19963  
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 19972  
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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 19978  
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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent. 19982  
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(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the 19986  
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applications and for conducting and processing the examinations. 19991

(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with the division and for any expenses incurred by the division in the publication or serving of required notices. 19992  
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(F) Assessments and examination and application fees charged and collected pursuant to this section are not refundable. Any fee charged pursuant to this section shall be paid within fourteen days after receiving an invoice for payment of the fee. 19996  
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(G) The superintendent shall pay all assessments and fees charged pursuant to this section and all forfeitures required to be paid to the superintendent into the state treasury to the credit of the banks fund. 20000  
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**Sec. 1121.30.** (A) All assessments, fees, charges, and forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised Code, except civil penalties assessed pursuant to section 1121.35 or 1315.152 of the Revised Code, shall be paid to the superintendent of financial institutions, and the superintendent shall deposit them into the state treasury to the credit of the banks fund, which is hereby created. 20004  
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(B) The superintendent may expend or obligate the banks fund to defray the costs of the division of financial institutions in administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised Code. The superintendent shall pay from the fund all actual and necessary expenses incurred by the superintendent, including for any services rendered by the department of commerce for the division's administration of Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised Code. The fund shall be assessed a proportionate share of the administrative costs of the department and the division of 20012  
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financial institutions. The proportionate share of the 20022  
administration costs of the division of financial institutions 20023  
shall be determined in accordance with procedures prescribed by 20024  
the superintendent and approved by the director of budget and 20025  
management. The amount assessed for the fund's proportional share 20026  
of the department's administrative costs and the division's 20027  
administrative costs shall be paid from the banks fund to the 20028  
division of administration fund and the division of financial 20029  
institutions fund respectively. 20030

(C) Any money deposited into the state treasury to the credit 20031  
of the banks fund, but not expended or encumbered by the 20032  
superintendent to defray the costs of administering Chapters 1101. 20033  
to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised 20034  
Code, shall remain in the banks fund for expenditures by the 20035  
superintendent in subsequent years. 20036

**Sec. 1123.01.** (A) There is hereby created in the division of 20037  
financial institutions a banking commission which shall consist of 20038  
~~seven~~ nine members. The deputy superintendent for banks shall be a 20039  
member of the commission and its chairperson. The governor, with 20040  
the advice and consent of the senate, shall appoint the remaining 20041  
~~six~~ eight members. 20042

(B) After the second Monday in January of each year, the 20043  
governor shall appoint two members. Terms of office shall be for 20044  
~~three~~ four years commencing on the first day of February and 20045  
ending on the thirty-first day of January. Each member shall hold 20046  
office from the date appointed until the end of the term for which 20047  
appointed. In the case of a vacancy in the office of any member, 20048  
the governor shall appoint a successor who shall hold office for 20049  
the remainder of the term for which the successor's predecessor 20050  
was appointed. Any member shall continue in office subsequent to 20051  
the expiration date of the member's term until the member's 20052

successor is appointed, or until sixty days have elapsed, 20053  
whichever occurs first. 20054

(C) No person appointed as a member of the commission may 20055  
serve more than two consecutive full terms. However, a member may 20056  
serve two consecutive full terms following the remainder of a term 20057  
for which the member was appointed to fill a vacancy. 20058

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 20059  
to the commission shall be, at the time of appointment, executive 20060  
officers of banks, savings and loan associations, or savings banks 20061  
transacting business under authority granted by the superintendent 20062  
of financial institutions, and ~~four~~ all of the ~~six~~ members 20063  
appointed to the commission shall have banking experience as a 20064  
director or officer of a bank, savings bank, or savings 20065  
association insured by the federal deposit insurance corporation, 20066  
a bank holding company, or a savings and loan holding company. The 20067  
membership of the commission shall be representative of the 20068  
banking industry as a whole, including representatives of banks of 20069  
various asset sizes and ownership structures, as determined by the 20070  
governor after consultation with the superintendent of financial 20071  
institutions ~~from time to time.~~ 20072

(2) No person who has been convicted of, or has pleaded 20073  
guilty to, a felony involving an act of fraud, dishonesty or, 20074  
breach of trust, theft, or money laundering shall take or hold 20075  
office as a member of the banking commission. 20076

(E) The members of the commission shall receive no salary, 20077  
but their expenses incurred in the performance of their duties 20078  
shall be paid from funds appropriated for that purpose. 20079

(F) The governor may remove any of the ~~six~~ eight members 20080  
appointed to the commission whenever in the governor's judgment 20081  
the public interest requires removal. Upon removing a member of 20082  
the commission, the governor shall file with the superintendent a 20083

statement of the cause for the removal. 20084

**Sec. 1123.02.** (A) The banking commission shall hold regular 20085  
meetings at the times and places it fixes, and shall meet at any 20086  
time on call of the deputy superintendent for banks upon two days' 20087  
notice unless the commission by resolution provides for a shorter 20088  
notice. 20089

(B)(1) A majority of the full commission constitutes a 20090  
quorum, and action taken by a majority of those present at a 20091  
meeting at which there is a quorum constitutes the action of the 20092  
commission. 20093

(2) Notwithstanding division (B)(1) of this section, a 20094  
meeting of the commission may be held by interactive video 20095  
conference or by teleconference in accordance with division (E) of 20096  
this section. 20097

(C) No member shall participate before the commission in a 20098  
proceeding involving any bank, savings and loan association, or 20099  
savings bank of which the member is, or was at any time in the 20100  
preceding twelve months, a member of the board of directors, an 20101  
officer, an employee, or a shareholder. A member may refrain from 20102  
participating in a proceeding before the commission for any other 20103  
cause the member considers sufficient. 20104

(D) The commission may, by a majority vote of those present 20105  
at a meeting at which there is a quorum, adopt and amend bylaws 20106  
and rules the commission, in its judgment, considers necessary and 20107  
proper. The commission shall select one of its members as 20108  
secretary, who shall keep a record of all its proceedings. 20109

(E)(1) The requirement in division (C) of section 121.22 of 20110  
the Revised Code that a member of a public body be present in 20111  
person at a meeting open to the public to be part of a quorum or 20112  
to vote does not apply to the banking commission if the commission 20113

<u>holds the meeting by interactive video conference or by</u>	20114
<u>teleconference in the following manner:</u>	20115
<u>(a) The commission establishes a primary meeting location</u>	20116
<u>that is open and accessible to the public;</u>	20117
<u>(b) Meeting-related materials that are available before the</u>	20118
<u>meeting are sent via electronic mail, facsimile, hand-delivery, or</u>	20119
<u>United States postal service to each commission member;</u>	20120
<u>(c) In the case of an interactive video conference, the</u>	20121
<u>commission causes a clear video and audio connection to be</u>	20122
<u>established that enables all meeting participants at the primary</u>	20123
<u>meeting location to see and hear each commission member;</u>	20124
<u>(d) In the case of a teleconference, the commission causes a</u>	20125
<u>clear audio connection to be established that enables all meeting</u>	20126
<u>participants at the primary meeting location to hear each</u>	20127
<u>commission member;</u>	20128
<u>(e) All commission members have the capability to receive</u>	20129
<u>meeting-related materials that are distributed during a commission</u>	20130
<u>meeting;</u>	20131
<u>(f) A roll call voice vote is recorded for each vote taken;</u>	20132
<u>and</u>	20133
<u>(g) The minutes of the commission meeting identify which</u>	20134
<u>commission members remotely attended the meeting by interactive</u>	20135
<u>video conference or teleconference.</u>	20136
<u>If the commission proceeds under this division, use of an</u>	20137
<u>interactive video conference is preferred, but nothing in this</u>	20138
<u>section prohibits the commission from conducting its meetings by</u>	20139
<u>teleconference or by a combination of interactive video conference</u>	20140
<u>and teleconference at the same meeting.</u>	20141
<u>(2) The banking commission shall adopt rules necessary to</u>	20142
<u>implement division (E)(1) of this section. At a minimum, the</u>	20143

<u>commission shall do all of the following in the rules:</u>	20144
<u>(a) Authorize commission members to remotely attend a</u>	20145
<u>commission meeting by interactive video conference or</u>	20146
<u>teleconference, or by a combination thereof, in lieu of attending</u>	20147
<u>the meeting in person;</u>	20148
<u>(b) Establish a minimum number of commission members that</u>	20149
<u>must be physically present in person at the primary meeting</u>	20150
<u>location if the commission conducts a meeting by interactive video</u>	20151
<u>conference or teleconference;</u>	20152
<u>(c) Require that not more than one commission member remotely</u>	20153
<u>attending a commission meeting by teleconference is permitted to</u>	20154
<u>be physically present at the same remote location;</u>	20155
<u>(d) Establish geographic restrictions for participation in</u>	20156
<u>meetings by interactive video conference and by teleconference;</u>	20157
<u>(e) Establish a policy for distributing and circulating</u>	20158
<u>meeting-related materials to commission members, the public, and</u>	20159
<u>the media in advance of or during a meeting at which commission</u>	20160
<u>members are permitted to attend by interactive video conference or</u>	20161
<u>teleconference;</u>	20162
<u>(f) Establish a method for verifying the identity of a</u>	20163
<u>commission member who remotely attends a meeting by</u>	20164
<u>teleconference.</u>	20165
<b>Sec. 1123.03.</b> The banking commission shall do all of the	20166
following:	20167
(A) Make recommendations to the deputy superintendent for	20168
banks and the superintendent of financial institutions on the	20169
business of banking;	20170
(B) Consider and make recommendations on any matter the	20171
superintendent or deputy superintendent submits to the commission	20172
for that purpose;	20173

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;	20174 20175
<u>(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;</u>	20176 20177 20178
<u>(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;</u>	20179 20180 20181
<u>(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:</u>	20182 20183
(1) Whether there is reasonable cause to believe that there is a significant risk of imminent material harm to the bank;	20184 20185
(2) Whether the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.	20186 20187 20188
<b>Sec. 1155.07.</b> Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of financial institutions may also require monthly reports.	20189 20190 20191 20192 20193 20194 20195 20196 20197
The superintendent may, by written order mailed to the managing officer of such an association, require any association to submit to the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1151.54 of the Revised Code.	20198 20199 20200 20201 20202 20203

Any such association refusing or neglecting to file any 20204  
report required by this section within the time specified shall 20205  
forfeit one hundred dollars for every day that such default 20206  
continues unless such penalty, in whole or in part, is waived by 20207  
the superintendent. The superintendent may maintain an action in 20208  
the name of the state to recover such forfeiture which, upon its 20209  
collection, shall be paid into the state treasury to the credit of 20210  
the ~~savings institutions~~ banks fund established under section 20211  
~~1181.18~~ 1121.30 of the Revised Code. 20212

Every such association shall maintain adequate, complete, and 20213  
correct accounts and shall observe such generally accepted 20214  
accounting principles and practices or generally accepted auditing 20215  
standards, as the superintendent prescribes. The superintendent 20216  
shall demand once a year, and at the expense of the association, 20217  
that its accounts be audited by an independent auditor. A copy of 20218  
the audit report shall be submitted to the board of directors of 20219  
the association and filed, together with management's ~~reponse~~ 20220  
response, with the superintendent within thirty days after 20221  
presentation of the completed report to the board or not later 20222  
than the thirty-first day of March of the year next succeeding the 20223  
year for which the audit was conducted, whichever occurs first, 20224  
unless the time is extended by the superintendent. 20225

At the conclusion of the audit of an association, an 20226  
independent auditor shall attend a meeting at which there are 20227  
present only the outside directors of the association or a 20228  
committee comprised of and appointed by such outside directors and 20229  
fully disclose at that time to those directors all audit 20230  
exceptions that developed during the audit and all relevant data 20231  
and information concerning the financial condition, investment 20232  
practices, and other financial policies and procedures of the 20233  
association. The meeting shall be held at a time and place that is 20234  
agreed upon by the independent auditor and the outside directors 20235

or their committee. A complete record of the proceedings of the 20236  
meeting shall be kept in a minute book that is maintained solely 20237  
for the purpose of keeping such records. Nothing in this paragraph 20238  
shall be construed to prevent the independent auditor from meeting 20239  
at other times with inside directors, officers, or employees of 20240  
the association. 20241

The superintendent may prescribe a schedule for the 20242  
preservation and destruction of books, records, certificates, 20243  
documents, reports, correspondence, and other instruments, papers, 20244  
and writings of such an association, even if such association has 20245  
been liquidated pursuant to law. An association may dispose of any 20246  
books, records, certificates, documents, reports, correspondence, 20247  
and other instruments, papers, and writings which have been 20248  
retained or preserved for the period prescribed by the 20249  
superintendent pursuant to this paragraph. The requirements of 20250  
this paragraph may be complied with by the preservation of records 20251  
in the manner prescribed in section 2317.41 of the Revised Code. 20252

**Sec. 1155.10.** Whenever the superintendent of financial 20253  
institutions considers it necessary, the superintendent may make a 20254  
special examination of any savings and loan association, and the 20255  
expense of the examination shall be paid by the association. Such 20256  
expenses shall be collected by the superintendent and paid into 20257  
the state treasury to the credit of the ~~savings institutions~~ banks 20258  
fund established under section ~~1181.18~~ 1121.30 of the Revised 20259  
Code. Any examination made by the superintendent otherwise than in 20260  
the ordinary routine of the superintendent's duties and because, 20261  
in the superintendent's opinion, the condition of the association 20262  
requires such examination, is a special examination within the 20263  
meaning of this section. 20264

**Sec. 1163.09.** (A) Every savings bank organized under the laws 20265  
of this state, as of the thirty-first day of December and the 20266



thirtieth day of June of each year, shall make a report of the 20267  
affairs and business of the savings bank for the preceding half 20268  
year, showing its financial condition at the end thereof. The 20269  
statement as of the thirty-first day of December shall be the 20270  
annual statement of the savings bank. The superintendent of 20271  
financial institutions may also require monthly reports. 20272

(B) The superintendent, by written order mailed to the 20273  
managing officer of a savings bank, may require any savings bank 20274  
to submit to the superintendent within a reasonable time specified 20275  
in the written order a report concerning its real estate and other 20276  
assets, other than the appraisals required by section 1161.81 of 20277  
the Revised Code. 20278

(C) Any savings bank refusing or neglecting to file any 20279  
report required by this section within the time specified shall 20280  
forfeit one hundred dollars for every day that the default 20281  
continues unless the penalty, in whole or in part, is waived by 20282  
the superintendent. The superintendent may maintain an action in 20283  
the name of the state to recover the forfeiture which, upon its 20284  
collection, shall be paid into the state treasury to the credit of 20285  
the ~~savings institutions~~ banks fund established under section 20286  
~~1181.18~~ 1121.30 of the Revised Code. 20287

(D) Every savings bank shall maintain adequate, complete, and 20288  
correct accounts and shall observe such generally accepted 20289  
accounting principles and practices or generally accepted auditing 20290  
standards, as the superintendent prescribes. The superintendent 20291  
shall demand once a year, and at the expense of the savings bank, 20292  
that its accounts be audited by an independent auditor. A copy of 20293  
the audit report shall be submitted to the board of directors of 20294  
the savings bank and filed, together with management's ~~response~~ 20295  
response, with the superintendent within thirty days after 20296  
presentation of the completed report to the board or not later 20297  
than the thirty-first day of March of the year next succeeding the 20298

year for which the audit was conducted, whichever occurs first, 20299  
unless the time is extended by the superintendent. 20300

(E) At the conclusion of the audit of a savings bank, an 20301  
independent auditor shall attend a meeting at which there are 20302  
present only the outside directors of the savings bank or a 20303  
committee composed of and appointed by the outside directors and 20304  
fully disclose at that time to those directors all audit 20305  
exceptions that developed during the audit and all relevant data 20306  
and information concerning the financial condition, investment 20307  
practices, and other financial policies and procedures of the 20308  
savings bank. The meeting shall be held at a time and place that 20309  
is agreed upon by the independent auditor and the outside 20310  
directors or their committee. A complete record of the proceedings 20311  
of the meeting shall be kept in a minute book that is maintained 20312  
solely for the purpose of keeping these records. Nothing in this 20313  
division shall be construed to prevent the independent auditor 20314  
from meeting at other times with inside directors, officers, or 20315  
employees of the savings bank. 20316

(F) The superintendent may prescribe a schedule for the 20317  
preservation and destruction of books, records, certificates, 20318  
documents, reports, correspondence, and other instruments, papers, 20319  
and writings of a savings bank, even if the savings bank has been 20320  
liquidated pursuant to law. A savings bank may dispose of any 20321  
books, records, certificates, documents, reports, correspondence, 20322  
and other instruments, papers, and writings that have been 20323  
retained or preserved for the period prescribed by the 20324  
superintendent pursuant to this division. The requirements of this 20325  
division may be complied with by the preservation of records in 20326  
the manner prescribed in section 2317.41 of the Revised Code. 20327

**Sec. 1163.13.** Whenever the superintendent of financial 20328  
institutions considers it necessary, the superintendent may make a 20329

special examination of any savings bank, and the expense of the 20330  
examination shall be paid by the savings bank. These moneys shall 20331  
be collected by the superintendent and paid into the state 20332  
treasury to the credit of the ~~savings institutions~~ banks fund 20333  
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 20334  
examination made by the superintendent otherwise than in the 20335  
ordinary routine of the superintendent's duties and because, in 20336  
the superintendent's opinion, the condition of the savings bank 20337  
requires the examination, is a special examination within the 20338  
meaning of this section. 20339

**Sec. 1181.06.** There is hereby created in the state treasury 20340  
the financial institutions fund. The fund shall receive 20341  
assessments on the banks fund established under section 1121.30 of 20342  
the Revised Code, ~~the savings institutions fund established under~~ 20343  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 20344  
established under section 1733.321 of the Revised Code, and the 20345  
consumer finance fund established under section 1321.21 of the 20346  
Revised Code in accordance with procedures prescribed by the 20347  
superintendent of financial institutions and approved by the 20348  
director of budget and management. Such assessments shall be in 20349  
addition to any assessments on these funds required under division 20350  
(G) of section 121.08 of the Revised Code. All operating expenses 20351  
of the division of financial institutions shall be paid from the 20352  
financial institutions fund. 20353

**Sec. 1349.21.** No escrow or closing agent knowingly shall 20354  
make, in an escrow transaction, a disbursement from an escrow 20355  
account on behalf of another person, unless the following 20356  
conditions are met: 20357

(A) The funds necessary for the disbursement: 20358

(1) Have been transferred electronically to or deposited into 20359

the escrow account of the escrow or closing agent and are 20360  
immediately available for withdrawal and disbursement; 20361

(2) Are in an aggregate amount not exceeding ~~one~~ ten thousand 20362  
dollars, have been physically received by the agent prior to 20363  
disbursement and are intended for deposit no later than the next 20364  
banking day after the date of disbursement; or 20365

(3) Are funds drawn on a special or trust bank account as 20366  
described in division (A)(26) of section 4735.18 of the Revised 20367  
Code. 20368

(B) The transfers or deposits described in division (A) of 20369  
this section consist of any of the following: 20370

(1) Business checks drawn on special or trust bank accounts 20371  
described in division (A)(26) of section 4735.18 of the Revised 20372  
Code; 20373

(2) Cash, personal checks, business checks other than those 20374  
described in division (B)(1) of this section, certified checks, 20375  
cashier's checks, official checks, or money orders that are in an 20376  
aggregate amount not exceeding ~~one~~ ten thousand dollars and are 20377  
drawn on an existing account at a federally insured bank, savings 20378  
and loan association, credit union, or savings bank; 20379

(3) Electronically transferred funds via the automated 20380  
clearing house system initiated by, or a check issued by, the 20381  
United States or this state, or by an agency, instrumentality, or 20382  
political subdivision of the United States or this state; or 20383

(4) ~~Electronically~~ Any other electronically transferred funds 20384  
~~via the real time gross settlement system provided by the federal~~ 20385  
~~reserve banks.~~ 20386

Sec. 1501.08. (A) There is hereby created in the state 20387  
treasury the state park maintenance fund. 20388

(1) Notwithstanding section 1546.21 of the Revised Code, on 20389

or after the first day of July of each fiscal year, the director 20390  
of natural resources may request the director of budget and 20391  
management to transfer money from the state park fund to the state 20392  
park maintenance fund in an amount not exceeding five per cent of 20393  
the annual average revenue deposited in the state park fund. 20394

(2) The department of natural resources shall use money in 20395  
the state park maintenance fund only for maintenance, repair, and 20396  
renovation projects at state parks that are approved by the 20397  
director. The department shall not use money in the fund to 20398  
construct new facilities. 20399

(B) The chief of the division of parks and watercraft shall 20400  
submit to the director a list of projects in order to request 20401  
disbursements from the state park maintenance fund. The chief 20402  
shall include with each list a description of necessary 20403  
maintenance, repair, and renovation at state park facilities. The 20404  
director shall determine which projects are eligible for 20405  
disbursement from the fund. The chief shall not begin any project 20406  
for which disbursement is requested before obtaining the 20407  
director's approval as required by this section. 20408

**Sec. 1503.05.** (A) The chief of the division of forestry may 20409  
sell timber and other forest products from the state forest and 20410  
state forest nurseries whenever the chief considers such a sale 20411  
desirable and, with the approval of the attorney general and the 20412  
director of natural resources, may sell portions of the state 20413  
forest lands when such a sale is advantageous to the state. 20414

(B) Except as otherwise provided in this section, a timber 20415  
sale agreement shall not be executed unless the person or 20416  
governmental entity bidding on the sale executes and files a 20417  
surety bond conditioned on completion of the timber sale in 20418  
accordance with the terms of the agreement in an amount determined 20419  
by the chief. All bonds shall be given in a form prescribed by the 20420

chief and shall run to the state as obligee. 20421

The chief shall not approve any bond until it is personally 20422  
signed and acknowledged by both principal and surety, or as to 20423  
either by the attorney in fact thereof, with a certified copy of 20424  
the power of attorney attached. The chief shall not approve the 20425  
bond unless there is attached a certificate of the superintendent 20426  
of insurance that the company is authorized to transact a fidelity 20427  
and surety business in this state. 20428

In lieu of a bond, the bidder may deposit any of the 20429  
following: 20430

(1) Cash in an amount equal to the amount of the bond; 20431

(2) United States government securities having a par value 20432  
equal to or greater than the amount of the bond; 20433

(3) Negotiable certificates of deposit or irrevocable letters 20434  
of credit issued by any bank organized or transacting business in 20435  
this state having a par value equal to or greater than the amount 20436  
of the bond. 20437

The cash or securities shall be deposited on the same terms 20438  
as bonds. If one or more certificates of deposit are deposited in 20439  
lieu of a bond, the chief shall require the bank that issued any 20440  
of the certificates to pledge securities of the aggregate market 20441  
value equal to the amount of the certificate or certificates that 20442  
is in excess of the amount insured by the federal deposit 20443  
insurance corporation. The securities to be pledged shall be those 20444  
designated as eligible under section 135.18 of the Revised Code. 20445  
The securities shall be security for the repayment of the 20446  
certificate or certificates of deposit. 20447

Immediately upon a deposit of cash, securities, certificates 20448  
of deposit, or letters of credit, the chief shall deliver them to 20449  
the treasurer of state, who shall hold them in trust for the 20450  
purposes for which they have been deposited. The treasurer of 20451

state is responsible for the safekeeping of the deposits. A bidder 20452  
making a deposit of cash, securities, certificates of deposit, or 20453  
letters of credit may withdraw and receive from the treasurer of 20454  
state, on the written order of the chief, all or any portion of 20455  
the cash, securities, certificates of deposit, or letters of 20456  
credit upon depositing with the treasurer of state cash, other 20457  
United States government securities, or other negotiable 20458  
certificates of deposit or irrevocable letters of credit issued by 20459  
any bank organized or transacting business in this state, equal in 20460  
par value to the par value of the cash, securities, certificates 20461  
of deposit, or letters of credit withdrawn. 20462

A bidder may demand and receive from the treasurer of state 20463  
all interest or other income from any such securities or 20464  
certificates as it becomes due. If securities so deposited with 20465  
and in the possession of the treasurer of state mature or are 20466  
called for payment by their issuer, the treasurer of state, at the 20467  
request of the bidder who deposited them, shall convert the 20468  
proceeds of the redemption or payment of the securities into other 20469  
United States government securities, negotiable certificates of 20470  
deposit, or cash as the bidder designates. 20471

When the chief finds that a person or governmental agency has 20472  
failed to comply with the conditions of the person's or 20473  
governmental agency's bond, the chief shall make a finding of that 20474  
fact and declare the bond, cash, securities, certificates, or 20475  
letters of credit forfeited. The chief thereupon shall certify the 20476  
total forfeiture to the attorney general, who shall proceed to 20477  
collect the amount of the bond, cash, securities, certificates, or 20478  
letters of credit. 20479

In lieu of total forfeiture, the surety, at its option, may 20480  
cause the timber sale to be completed or pay to the treasurer of 20481  
state the cost thereof. 20482

All moneys collected as a result of forfeitures of bonds, 20483

cash, securities, certificates, and letters of credit under this 20484  
section shall be credited to the state forest fund created in this 20485  
section. 20486

(C) The chief may grant easements and leases on portions of 20487  
the state forest lands and state forest nurseries under terms that 20488  
are advantageous to the state, and the chief may grant mineral 20489  
rights on a royalty basis on those lands and nurseries, with the 20490  
approval of the attorney general and the director. 20491

(D) All moneys received from the sale of state forest lands, 20492  
or in payment for easements or leases on or as rents from those 20493  
lands or from state forest nurseries, shall be paid into the state 20494  
treasury to the credit of the state forest fund, which is hereby 20495  
created. In addition, all moneys received from federal grants, 20496  
payments, and reimbursements, from the sale of reforestation tree 20497  
stock, from the sale of forest products, other than standing 20498  
timber, and from the sale of minerals taken from the state forest 20499  
lands and state forest nurseries, together with royalties from 20500  
mineral rights, shall be paid into the state treasury to the 20501  
credit of the state forest fund. Any other revenues derived from 20502  
the operation of the state forests and related facilities or 20503  
equipment also shall be paid into the state treasury to the credit 20504  
of the state forest fund, as shall contributions received for the 20505  
issuance of Smokey Bear license plates under section 4503.574 of 20506  
the Revised Code and any other moneys required by law to be 20507  
deposited in the fund. 20508

The state forest fund shall not be expended for any purpose 20509  
other than the administration, operation, maintenance, 20510  
development, or utilization of the state forests, forest 20511  
nurseries, and forest programs, for facilities or equipment 20512  
incident to them, ~~or~~ for the further purchase of lands for state 20513  
forest or forest nursery purposes, or for wildfire suppression 20514  
payments and, in the case of contributions received pursuant to 20515



section 4503.574 of the Revised Code, for fire prevention 20516  
purposes. 20517

All moneys received from the sale of standing timber taken 20518  
from state forest lands and state forest nurseries shall be 20519  
deposited into the state treasury to the credit of the forestry 20520  
holding account redistribution fund, which is hereby created. The 20521  
moneys shall remain in the fund until they are redistributed in 20522  
accordance with this division. 20523

The redistribution shall occur at least once each year. To 20524  
begin the redistribution, the chief first shall determine the 20525  
amount of all standing timber sold from state forest lands and 20526  
state forest nurseries, together with the amount of the total sale 20527  
proceeds, in each county, in each township within the county, and 20528  
in each school district within the county. The chief next shall 20529  
determine the amount of the direct costs that the division of 20530  
forestry incurred in association with the sale of that standing 20531  
timber. The amount of the direct costs shall be subtracted from 20532  
the amount of the total sale proceeds and shall be transferred 20533  
from the forestry holding account redistribution fund to the state 20534  
forest fund. 20535

The remaining amount of the total sale proceeds equals the 20536  
net value of the standing timber that was sold. The chief shall 20537  
determine the net value of standing timber sold from state forest 20538  
lands and state forest nurseries in each county, in each township 20539  
within the county, and in each school district within the county 20540  
and shall send to each county treasurer a copy of the 20541  
determination at the time that moneys are paid to the county 20542  
treasurer under this division. 20543

Thirty-five per cent of the net value of standing timber sold 20544  
from state forest lands and state forest nurseries located in a 20545  
county shall be transferred from the forestry holding account 20546  
redistribution fund to the state forest fund. The remaining 20547

sixty-five per cent of the net value shall be transferred from the 20548  
forestry holding account redistribution fund and paid to the 20549  
county treasurer for the use of the general fund of that county. 20550

The county auditor shall do all of the following: 20551

(1) Retain for the use of the general fund of the county 20552  
one-fourth of the amount received by the county under division (D) 20553  
of this section; 20554

(2) Pay into the general fund of any township located within 20555  
the county and containing such lands and nurseries one-fourth of 20556  
the amount received by the county from standing timber sold from 20557  
lands and nurseries located in the township; 20558

(3) Request the board of education of any school district 20559  
located within the county and containing such lands and nurseries 20560  
to identify which fund or funds of the district should receive the 20561  
moneys available to the school district under division (D)(3) of 20562  
this section. After receiving notice from the board, the county 20563  
auditor shall pay into the fund or funds so identified one-half of 20564  
the amount received by the county from standing timber sold from 20565  
lands and nurseries located in the school district, distributed 20566  
proportionately as identified by the board. 20567

The division of forestry shall not supply logs, lumber, or 20568  
other forest products or minerals, taken from the state forest 20569  
lands or state forest nurseries, to any other agency or 20570  
subdivision of the state unless payment is made therefor in the 20571  
amount of the actual prevailing value thereof. This section is 20572  
applicable to the moneys so received. 20573

(E) The chief may enter into a personal service contract for 20574  
consulting services to assist the chief with the sale of timber or 20575  
other forest products and related inventory. Compensation for 20576  
consulting services shall be paid from the proceeds of the sale of 20577  
timber or other forest products and related inventory that are the 20578

subject of the personal service contract. 20579

~~Sec. 1503.141. There is hereby created in the state treasury 20580~~  
~~the wildfire suppression fund. The fund shall consist of any 20581~~  
~~federal moneys received for the purposes of this section and 20582~~  
~~donations, gifts, bequests, and other moneys received for those 20583~~  
~~purposes. In addition, the chief of the division of forestry 20584~~  
~~annually may request that the director of budget and management 20585~~  
~~transfer, and, if so requested, the director shall transfer, Each 20586~~  
~~fiscal year, the director of natural resources or the director's 20587~~  
~~designee shall designate not more than ~~one~~ two hundred thousand 20588~~  
~~dollars ~~to the wildfire suppression fund from~~ in the state forest 20589~~  
~~fund created in section 1503.05 of the Revised Code for wildfire 20590~~  
~~suppression payments. The amount ~~transferred~~ designated shall 20591~~  
~~consist only of money ~~deposited into the state forest~~ credited to 20592~~  
~~the fund from the sale of standing timber taken from state forest 20593~~  
~~lands as set forth in that section. 20594~~

The ~~chief~~ director or the director's designee may use ~~moneys~~ 20595  
~~in the~~ money designated for wildfire suppression ~~fund~~ payments to 20596  
reimburse firefighting agencies and private fire companies for 20597  
their costs incurred in the suppression of wildfires in counties 20598  
within fire protection areas established under section 1503.08 of 20599  
the Revised Code where there is a state forest or national forest, 20600  
or portion thereof. The ~~chief, with the approval of the director~~ 20601  
~~of natural resources, or the director's designee~~ may provide such 20602  
reimbursement in additional counties. The ~~chief~~ director or the 20603  
director's designee shall provide such reimbursement pursuant to 20604  
agreements and contracts entered into under section 1503.14 of the 20605  
Revised Code and in accordance with the following schedule: 20606

(A) For wildfire suppression on private land, an initial 20607  
seventy-dollar payment to the firefighting agency or private fire 20608  
company; 20609

(B) For wildfire suppression on land under the administration 20610  
or care of the department of natural resources or on land that is 20611  
part of any national forest administered by the United States 20612  
department of agriculture forest service, an initial 20613  
one-hundred-dollar payment to the firefighting agency or private 20614  
fire company; 20615

(C) For any wildfire suppression on land specified in 20616  
division (A) or (B) of this section lasting more than two hours, 20617  
an additional payment of thirty-five dollars per hour. 20618

~~If at any time moneys in the fund exceed two hundred thousand 20619  
dollars, the chief shall transfer the moneys that exceed that 20620  
amount to the state forest fund. 20621~~

As used in this section, "firefighting agency" and "private 20622  
fire company" have the same meanings as in section 9.60 of the 20623  
Revised Code. 20624

**Sec. 1505.09.** (A) There is hereby created in the state 20625  
treasury the geological mapping fund, to be administered by the 20626  
chief of the division of geological survey. The Except as provided 20627  
in division (B) of this section, the fund shall be used for the 20628  
purposes of performing the necessary field, laboratory, and 20629  
administrative tasks to map and make public reports on the 20630  
geology, geologic hazards, and energy and mineral resources of the 20631  
state. The source of ~~moneys~~ money for the fund shall include, but 20632  
not be limited to, the mineral severance tax as specified in 20633  
section 5749.02 of the Revised Code transfers made to the fund in 20634  
accordance with section 6111.046 of the Revised Code, and the fees 20635  
collected under rules adopted under section 1505.05 of the Revised 20636  
Code. The chief may seek federal or other ~~moneys~~ money in addition 20637  
to the mineral severance tax and fees to carry out the purposes of 20638  
this section. If the chief receives federal ~~moneys~~ money for the 20639  
purposes of this section, the chief shall deposit ~~those moneys~~ 20640

that money into the state treasury to the credit of a fund created 20641  
by the controlling board to carry out those purposes. Other ~~moneys~~ 20642  
money received by the chief for the purposes of this section in 20643  
addition to the mineral severance tax, fees, and federal ~~moneys~~ 20644  
money shall be credited to the geological mapping fund. 20645

(B) Any money transferred to the geological mapping fund in 20646  
accordance with section 6111.046 of the Revised Code shall be used 20647  
by the chiefs of the divisions of mineral resources management, 20648  
oil and gas resources management, geological survey, and water 20649  
resources in the department of natural resources for the purpose 20650  
of executing their duties under sections 6111.043 to 6111.047 of 20651  
the Revised Code. 20652

**Sec. 1506.23.** (A) There is hereby created in the state 20653  
treasury the Lake Erie protection fund, which shall consist of 20654  
~~moneys~~ money deposited into the fund from the issuance of Lake 20655  
Erie license plates under section 4503.52 of the Revised Code, 20656  
money awarded to the state from the great lakes protection fund, 20657  
and donations, gifts, bequests, and other moneys received for the 20658  
purposes of this section. Not later than the first day of June 20659  
each year, the Ohio Lake Erie commission created in section 20660  
1506.21 of the Revised Code shall designate one of its members to 20661  
administer the fund and, with the approval of the commission, to 20662  
expend moneys from the fund for any of the following purposes: 20663

(1) Accelerating the pace of research into the economic, 20664  
environmental, and human health effects of contamination of Lake 20665  
Erie and its tributaries; 20666

(2) Funding cooperative research and data collection 20667  
regarding Lake Erie water quality and toxic contamination; 20668

(3) Developing improved methods of measuring water quality 20669  
and establishing a firm scientific base for implementing a 20670  
basinwide system of water quality management for Lake Erie and its 20671

tributaries;	20672
(4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants;	20673 20674 20675
(5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection;	20676 20677 20678
(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin;	20679 20680 20681 20682
(7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any educational institution, or any nonprofit organization for the development and implementation of projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie;	20683 20684 20685 20686 20687 20688 20689
(8) Expenses authorized by the Ohio Lake Erie commission necessary to implement this chapter.	20690 20691
(B) Moneys in the Lake Erie protection fund are not intended to replace other moneys expended by any agency of the United States, any state agency, as "agency" is so defined, any political subdivision, any educational institution, or any nonprofit organization for projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie.	20692 20693 20694 20695 20696 20697 20698
(C) Each March, the Ohio Lake Erie commission shall publish a Lake Erie protection agenda that describes proposed uses of the Lake Erie protection fund for the following state fiscal year. The agenda shall be the subject of at least one public meeting of the	20699 20700 20701 20702

commission held in the Lake Erie basin. The commission shall 20703  
submit the agenda to the governor, the president of the senate, 20704  
and the speaker of the house of representatives. 20705

(D) Not later than September 1, 1991, and annually 20706  
thereafter, the Lake Erie commission shall prepare a report of the 20707  
activities that were undertaken by the commission under this 20708  
section during the immediately preceding fiscal year, including, 20709  
without limitation, revenues and expenses for the preceding fiscal 20710  
year. The commission shall submit the report to the governor, the 20711  
president of the senate, and the speaker of the house of 20712  
representatives. 20713

**Sec. 1509.02.** There is hereby created in the department of 20714  
natural resources the division of oil and gas resources 20715  
management, which shall be administered by the chief of the 20716  
division of oil and gas resources management. The division has 20717  
sole and exclusive authority to regulate the permitting, location, 20718  
and spacing of oil and gas wells and production operations within 20719  
the state, excepting only those activities regulated under federal 20720  
laws for which oversight has been delegated to the environmental 20721  
protection agency and activities regulated under sections 6111.02 20722  
to 6111.028 of the Revised Code. The regulation of oil and gas 20723  
activities is a matter of general statewide interest that requires 20724  
uniform statewide regulation, and this chapter and rules adopted 20725  
under it constitute a comprehensive plan with respect to all 20726  
aspects of the locating, drilling, well stimulation, completing, 20727  
and operating of oil and gas wells within this state, including 20728  
site construction and restoration, permitting related to those 20729  
activities, and the disposal of wastes from those wells. In order 20730  
to assist the division in the furtherance of its sole and 20731  
exclusive authority as established in this section, the chief may 20732  
enter into cooperative agreements with other state agencies for 20733  
advice and consultation, including visitations at the surface 20734

location of a well on behalf of the division. Such cooperative 20735  
agreements do not confer on other state agencies any authority to 20736  
administer or enforce this chapter and rules adopted under it. In 20737  
addition, such cooperative agreements shall not be construed to 20738  
dilute or diminish the division's sole and exclusive authority as 20739  
established in this section. Nothing in this section affects the 20740  
authority granted to the director of transportation and local 20741  
authorities in section 723.01 or 4513.34 of the Revised Code, 20742  
provided that the authority granted under those sections shall not 20743  
be exercised in a manner that discriminates against, unfairly 20744  
impedes, or obstructs oil and gas activities and operations 20745  
regulated under this chapter. 20746

The chief shall not hold any other public office, nor shall 20747  
the chief be engaged in any occupation or business that might 20748  
interfere with or be inconsistent with the duties as chief. 20749

~~All moneys~~ Money collected by the chief pursuant to sections 20750  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 20751  
1509.28, 1509.34, ~~and~~ 1509.50, and 5749.02 of the Revised Code, 20752  
~~ninety per cent of moneys received by the treasurer of state from~~ 20753  
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 20754  
~~the Revised Code,~~ all civil penalties paid under section 1509.33 20755  
of the Revised Code, and, notwithstanding any section of the 20756  
Revised Code relating to the distribution or crediting of fines 20757  
for violations of the Revised Code, all fines imposed under 20758  
divisions (A) and (B) of section 1509.99 of the Revised Code and 20759  
fines imposed under divisions (C) and (D) of section 1509.99 of 20760  
the Revised Code for all violations prosecuted by the attorney 20761  
general and for violations prosecuted by prosecuting attorneys 20762  
that do not involve the transportation of brine by vehicle shall 20763  
be deposited into the state treasury to the credit of the oil and 20764  
gas well fund, which is hereby created. Fines imposed under 20765  
divisions (C) and (D) of section 1509.99 of the Revised Code for 20766



violations prosecuted by prosecuting attorneys that involve the 20767  
transportation of brine by vehicle and penalties associated with a 20768  
compliance agreement entered into pursuant to this chapter shall 20769  
be paid to the county treasury of the county where the violation 20770  
occurred. 20771

The fund shall be used solely and exclusively for the 20772  
purposes enumerated in division (B) of section 1509.071 of the 20773  
Revised Code, for the expenses of the division associated with the 20774  
administration of this chapter and Chapter 1571. of the Revised 20775  
Code and rules adopted under them, and for expenses that are 20776  
critical and necessary for the protection of human health and 20777  
safety and the environment related to oil and gas production in 20778  
this state. The expenses of the division in excess of the moneys 20779  
available in the fund shall be paid from general revenue fund 20780  
appropriations to the department. 20781

**Sec. 1509.071.** (A) When the chief of the division of oil and 20782  
gas resources management finds that an owner has failed to comply 20783  
with a final nonappealable order issued or compliance agreement 20784  
entered into under section 1509.04, the restoration requirements 20785  
of section 1509.072, plugging requirements of section 1509.12, or 20786  
permit provisions of section 1509.13 of the Revised Code, or rules 20787  
and orders relating thereto, the chief shall make a finding of 20788  
that fact and declare any surety bond filed to ensure compliance 20789  
with those sections and rules forfeited in the amount set by rule 20790  
of the chief. The chief thereupon shall certify the total 20791  
forfeiture to the attorney general, who shall proceed to collect 20792  
the amount of the forfeiture. In addition, the chief may require 20793  
an owner, operator, producer, or other person who forfeited a 20794  
surety bond to post a new surety bond in the amount of fifteen 20795  
thousand dollars for a single well, thirty thousand dollars for 20796  
two wells, or fifty thousand dollars for three or more wells. 20797

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the chief.

Expenditures from the fund shall be made only for lawful purposes. In addition, expenditures from the fund shall not be made to purchase real property or to remove a dwelling in order to access a well.

The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and

orders issued under it or that a well is an abandoned well for 20829  
which no funds are available to plug the well in accordance with 20830  
this chapter, the chief shall do all of the following: 20831

(a) Determine from the records in the office of the county 20832  
recorder of the county in which the well is located the identity 20833  
of the owner of the land on which the well is located, the 20834  
identity of the owner of the oil or gas lease under which the well 20835  
was drilled or the identity of each person owning an interest in 20836  
the lease, and the identities of the persons having legal title 20837  
to, or a lien upon, any of the equipment appurtenant to the well; 20838

(b) Mail notice to the owner of the land on which the well is 20839  
located informing the landowner that the well is to be plugged. If 20840  
the owner of the oil or gas lease under which the well was drilled 20841  
is different from the owner of the well or if any persons other 20842  
than the owner of the well own interests in the lease, the chief 20843  
also shall mail notice that the well is to be plugged to the owner 20844  
of the lease or to each person owning an interest in the lease, as 20845  
appropriate. 20846

(c) Mail notice to each person having legal title to, or a 20847  
lien upon, any equipment appurtenant to the well, informing the 20848  
person that the well is to be plugged and offering the person the 20849  
opportunity to plug the well and restore the land surface at the 20850  
well site at the person's own expense in order to avoid forfeiture 20851  
of the equipment to this state. 20852

(2) If none of the persons described in division (C)(1)(c) of 20853  
this section plugs the well within sixty days after the mailing of 20854  
the notice required by that division, all equipment appurtenant to 20855  
the well is hereby declared to be forfeited to this state without 20856  
compensation and without the necessity for any action by the state 20857  
for use to defray the cost of plugging and abandoning the well and 20858  
restoring the land surface at the well site. 20859

(D) Expenditures from the fund for the purpose of division 20860  
(B)(1) of this section shall be made in accordance with either of 20861  
the following: 20862

(1) The expenditures may be made pursuant to contracts 20863  
entered into by the chief with persons who agree to furnish all of 20864  
the materials, equipment, work, and labor as specified and 20865  
provided in such a contract for activities associated with the 20866  
restoration or plugging of a well as determined by the chief. The 20867  
activities may include excavation to uncover a well, geophysical 20868  
methods to locate a buried well when clear evidence of leakage 20869  
from the well exists, cleanout of wellbores to remove material 20870  
from a failed plugging of a well, plugging operations, 20871  
installation of vault and vent systems, including associated 20872  
engineering certifications and permits, restoration of property, 20873  
and repair of damage to property that is caused by such 20874  
activities. Expenditures shall not be used for salaries, 20875  
maintenance, equipment, or other administrative purposes, except 20876  
for costs directly attributed to the plugging of an idle and 20877  
orphaned well. Agents or employees of persons contracting with the 20878  
chief for a restoration or plugging project may enter upon any 20879  
land, public or private, on which the well is located for the 20880  
purpose of performing the work. Prior to such entry, the chief 20881  
shall give to the following persons written notice of the 20882  
existence of a contract for a project to restore or plug a well, 20883  
the names of the persons with whom the contract is made, and the 20884  
date that the project will commence: the owner of the well, the 20885  
owner of the land upon which the well is located, the owner or 20886  
agents of adjoining land, and, if the well is located in the same 20887  
township as or in a township adjacent to the excavations and 20888  
workings of a mine and the owner or lessee of that mine has 20889  
provided written notice identifying those townships to the chief 20890  
at any time during the immediately preceding three years, the 20891  
owner or lessee of the mine. 20892

(2)(a) The owner of the land on which a well is located who 20893  
has received notice under division (C)(1)(b) of this section may 20894  
plug the well and be reimbursed by the division of oil and gas 20895  
resources management for the reasonable cost of plugging the well. 20896  
In order to plug the well, the landowner shall submit an 20897  
application to the chief on a form prescribed by the chief and 20898  
approved by the technical advisory council on oil and gas created 20899  
in section 1509.38 of the Revised Code. The application, at a 20900  
minimum, shall require the landowner to provide the same 20901  
information as is required to be included in the application for a 20902  
permit to plug and abandon under section 1509.13 of the Revised 20903  
Code. The application shall be accompanied by a copy of a proposed 20904  
contract to plug the well prepared by a contractor regularly 20905  
engaged in the business of plugging oil and gas wells. The 20906  
proposed contract shall require the contractor to furnish all of 20907  
the materials, equipment, work, and labor necessary to plug the 20908  
well properly and shall specify the price for doing the work, 20909  
including a credit for the equipment appurtenant to the well that 20910  
was forfeited to the state through the operation of division 20911  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 20912  
this section shall be consistent with the expenditures for 20913  
activities described in division (D)(1) of this section. The 20914  
application also shall be accompanied by the permit fee required 20915  
by section 1509.13 of the Revised Code unless the chief, in the 20916  
chief's discretion, waives payment of the permit fee. The 20917  
application constitutes an application for a permit to plug and 20918  
abandon the well for the purposes of section 1509.13 of the 20919  
Revised Code. 20920

(b) Within thirty days after receiving an application and 20921  
accompanying proposed contract under division (D)(2)(a) of this 20922  
section, the chief shall determine whether the plugging would 20923  
comply with the applicable requirements of this chapter and 20924  
applicable rules adopted and orders issued under it and whether 20925

the cost of the plugging under the proposed contract is 20926  
reasonable. If the chief determines that the proposed plugging 20927  
would comply with those requirements and that the proposed cost of 20928  
the plugging is reasonable, the chief shall notify the landowner 20929  
of that determination and issue to the landowner a permit to plug 20930  
and abandon the well under section 1509.13 of the Revised Code. 20931  
Upon approval of the application and proposed contract, the chief 20932  
shall transfer ownership of the equipment appurtenant to the well 20933  
to the landowner. The chief may disapprove an application 20934  
submitted under division (D)(2)(a) of this section if the chief 20935  
determines that the proposed plugging would not comply with the 20936  
applicable requirements of this chapter and applicable rules 20937  
adopted and orders issued under it, that the cost of the plugging 20938  
under the proposed contract is unreasonable, or that the proposed 20939  
contract is not a bona fide, arm's length contract. 20940

(c) After receiving the chief's notice of the approval of the 20941  
application and permit to plug and abandon a well under division 20942  
(D)(2)(b) of this section, the landowner shall enter into the 20943  
proposed contract to plug the well. 20944

(d) Upon determining that the plugging has been completed in 20945  
compliance with the applicable requirements of this chapter and 20946  
applicable rules adopted and orders issued under it, the chief 20947  
shall reimburse the landowner for the cost of the plugging as set 20948  
forth in the proposed contract approved by the chief. The 20949  
reimbursement shall be paid from the oil and gas well fund. If the 20950  
chief determines that the plugging was not completed in accordance 20951  
with the applicable requirements, the chief shall not reimburse 20952  
the landowner for the cost of the plugging, and the landowner or 20953  
the contractor, as applicable, promptly shall transfer back to 20954  
this state title to and possession of the equipment appurtenant to 20955  
the well that previously was transferred to the landowner under 20956  
division (D)(2)(b) of this section. If any such equipment was 20957

removed from the well during the plugging and sold, the landowner 20958  
shall pay to the chief the proceeds from the sale of the 20959  
equipment, and the chief promptly shall pay the moneys so received 20960  
to the treasurer of state for deposit into the oil and gas well 20961  
fund. 20962

The chief may establish an annual limit on the number of 20963  
wells that may be plugged under division (D)(2) of this section or 20964  
an annual limit on the expenditures to be made under that 20965  
division. 20966

As used in division (D)(2) of this section, "plug" and 20967  
"plugging" include the plugging of the well and the restoration of 20968  
the land surface disturbed by the plugging. 20969

(E) Expenditures from the oil and gas well fund for the 20970  
purpose of division (B)(2) of this section may be made pursuant to 20971  
contracts entered into by the chief with persons who agree to 20972  
furnish all of the materials, equipment, work, and labor as 20973  
specified and provided in such a contract. The competitive bidding 20974  
requirements of Chapter 153. of the Revised Code do not apply if 20975  
the chief reasonably determines that an emergency situation exists 20976  
requiring immediate action for the correction of the applicable 20977  
health or safety risk. A contract or purchase of materials for 20978  
purposes of addressing the emergency situation is not subject to 20979  
division (B) of section 127.16 of the Revised Code. The chief, 20980  
designated representatives of the chief, and agents or employees 20981  
of persons contracting with the chief under this division may 20982  
enter upon any land, public or private, for the purpose of 20983  
performing the work. 20984

(F) Contracts entered into by the chief under this section 20985  
are not subject to any of the following: 20986

(1) Chapter 4115. of the Revised Code; 20987

(2) Section 153.54 of the Revised Code, except that the 20988

contractor shall obtain and provide to the chief as a bid guaranty 20989  
a surety bond or letter of credit in an amount equal to ten per 20990  
cent of the amount of the contract; 20991

(3) Section 4733.17 of the Revised Code. 20992

(G) The owner of land on which a well is located who has 20993  
received notice under division (C)(1)(b) of this section, in lieu 20994  
of plugging the well in accordance with division (D)(2) of this 20995  
section, may cause ownership of the well to be transferred to an 20996  
owner who is lawfully doing business in this state and who has met 20997  
the financial responsibility requirements established under 20998  
section 1509.07 of the Revised Code, subject to the approval of 20999  
the chief. The transfer of ownership also shall be subject to the 21000  
landowner's filing the appropriate forms required under section 21001  
1509.31 of the Revised Code and providing to the chief sufficient 21002  
information to demonstrate the landowner's or owner's right to 21003  
produce a formation or formations. That information may include a 21004  
deed, a lease, or other documentation of ownership or property 21005  
rights. 21006

The chief shall approve or disapprove the transfer of 21007  
ownership of the well. If the chief approves the transfer, the 21008  
owner is responsible for operating the well in accordance with 21009  
this chapter and rules adopted under it, including, without 21010  
limitation, all of the following: 21011

(1) Filing an application with the chief under section 21012  
1509.06 of the Revised Code if the owner intends to drill deeper 21013  
or produce a formation that is not listed in the records of the 21014  
division for that well; 21015

(2) Taking title to and possession of the equipment 21016  
appurtenant to the well that has been identified by the chief as 21017  
having been abandoned by the former owner; 21018

(3) Complying with all applicable requirements that are 21019



necessary to drill deeper, plug the well, or plug back the well. 21020

(H) The chief shall issue an order that requires the owner of 21021  
a well to pay the actual documented costs of a corrective action 21022  
that is described in division (B)(2) of this section concerning 21023  
the well. The chief shall transmit the money so recovered to the 21024  
treasurer of state who shall deposit the money in the state 21025  
treasury to the credit of the oil and gas well fund. 21026

(I) The chief may engage in cooperative projects under this 21027  
section with any agency of this state, another state, or the 21028  
United States; any other governmental agencies; or any state 21029  
university or college as defined in section 3345.27 of the Revised 21030  
Code. A contract entered into for purposes of a cooperative 21031  
project is not subject to division (B) of section 127.16 of the 21032  
Revised Code. 21033

**Sec. 1509.28.** (A) The chief of the division of oil and gas 21034  
resources management, upon the chief's own motion ~~or upon~~ 21035  
~~application by the owners of sixty-five per cent of the land area~~ 21036  
~~overlying the pool~~, shall hold a hearing not later than forty-five 21037  
days after the chief's motion to consider the need for the 21038  
operation as a unit of an entire pool or part thereof. ~~An~~ 21039

In addition, an applicant that has the assent of the owners 21040  
of at least sixty-five per cent of the land area overlying a pool 21041  
or a part of a pool may submit an application for the operation as 21042  
a unit of the entire pool or part of the pool. An application by 21043  
~~owners~~ shall be accompanied by a all of the following: 21044

(1) A nonrefundable fee of ten thousand dollars and by such; 21045

(2) The name, address, and telephone number of the applicant; 21046

(3) An affidavit attesting that the owners of at least 21047  
sixty-five per cent of the proposed unit have assented to the 21048  
submission of the application; 21049

(4) An identification of all owners to be included in the unit, including a list specifying which owners are consenting or nonconsenting; 21050  
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(5) Maps illustrating the location of the proposed unit, its boundaries, and the planned development of the proposed unit and identifying each county and township in which the proposed unit is to be located; 21053  
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(6) Such information as the chief may request. 21057

The Not later than five business days after receipt of an application for unit operation, the chief or the chief's designee shall review the application and determine whether the application is complete. If the application is determined to be incomplete, the chief or the chief's designee shall provide to the applicant a notice explaining the deficiency and the additional information needed to eliminate the deficiency. The applicant may submit such additional information needed to eliminate the deficiency. Not later than five business days after additional information is received from an applicant for purposes of remedying a deficiency, the chief shall review the additional information, determine if the additional information eliminates the deficiency in the application, and provide notice to the applicant if any deficiency remains. 21058  
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If notice is not provided by the chief or chief's designee to the applicant within five business days after receipt of the application or, if applicable, within five business days after the chief receives additional information for purposes of remedying a deficiency, the application shall be determined to be complete. Notwithstanding anything in this section to the contrary, the chief shall hold a hearing on an application not later than forty-five days after the application was submitted. However, the chief may grant a continuance of the hearing of not more than fourteen calendar days upon a request by a person owning an 21072  
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interest in the proposed unit not later than ten calendar days 21082  
prior to the scheduled hearing. 21083

The applicant shall attempt to notify all unleased mineral 21084  
rights owners, all nonconsenting owners, and all working interest 21085  
owners proposed to be included in the unit of the hearing by 21086  
certified mail at least fourteen calendar days prior to the 21087  
scheduled hearing date. At the scheduled hearing, the applicant 21088  
shall provide to the chief proof of certified mailing to such 21089  
owners. The applicant also shall publish notice of the hearing in 21090  
a newspaper of general circulation in the county or counties, as 21091  
applicable, in which the proposed unit is to be located. If such a 21092  
newspaper is not available in the applicable county or counties, 21093  
the applicant shall publish the notice in the newspaper of general 21094  
circulation that is nearest to the proposed unit. At the hearing, 21095  
the chief shall consider the need for the operation as a unit of 21096  
an entire pool or part of a pool. 21097

(B) The chief shall ~~make~~ issue an order providing for the 21098  
unit operation of a pool or part thereof not later than thirty 21099  
days after the date of the hearing if the chief finds that such 21100  
operation is reasonably necessary to increase substantially the 21101  
ultimate recovery of oil and gas, and the value of the estimated 21102  
additional recovery of oil or gas exceeds the estimated additional 21103  
cost incident to conducting the operation. ~~The~~ However, if the 21104  
chief does not receive either a transcript of the hearing or 21105  
substantive information regarding an application that was 21106  
requested by the chief from the applicant at the hearing within 21107  
thirty days of the date of the hearing, the chief may delay 21108  
issuing the order. However, the chief shall issue the order not 21109  
later than five business days after receiving either the 21110  
transcript or the substantive information. 21111

Notwithstanding anything in this section to the contrary, the 21112  
chief shall issue an order under this section not later than 21113

forty-five days after the date of the hearing, unless the 21114  
forty-five-day period is waived by the applicant in writing and 21115  
submitted to the chief. 21116

(C) An order providing for the unit operation of a pool or 21117  
part thereof shall be upon terms and conditions that are just and 21118  
reasonable and shall prescribe a plan for unit operations that 21119  
shall include: 21120

(1) A description of the unitized area, termed the unit area; 21121

(2) A statement of the nature of the operations contemplated; 21122

(3) An allocation to the separately owned tracts in the unit 21123  
area of all the oil and gas that is produced from the unit area 21124  
and is saved, being the production that is not used in the conduct 21125  
of operations on the unit area or not unavoidably lost. The 21126  
allocation shall be in accord with the agreement, if any, of the 21127  
interested parties. If there is no such agreement, the chief shall 21128  
determine the value, from the evidence introduced at the hearing, 21129  
of each separately owned tract in the unit area, exclusive of 21130  
physical equipment, for development of oil and gas by unit 21131  
operations, and the production allocated to each tract shall be 21132  
the proportion that the value of each tract so determined bears to 21133  
the value of all tracts in the unit area. 21134

(4) A provision for the credits and charges to be made in the 21135  
adjustment among the owners in the unit area for their respective 21136  
investments in wells, tanks, pumps, machinery, materials, and 21137  
equipment contributed to the unit operations; 21138

(5) A provision providing how the expenses of unit 21139  
operations, including capital investment, shall be determined and 21140  
charged to the separately owned tracts and how the expenses shall 21141  
be paid; 21142

(6) A provision, if necessary, for carrying or otherwise 21143  
financing any person who is unable to meet the person's financial 21144

obligations in connection with the unit, allowing a reasonable 21145  
interest charge for such service that, for an unleased mineral 21146  
rights owner, is two hundred per cent; 21147

(7) A provision for the supervision and conduct of the unit 21148  
operations, in respect to which each person shall have a vote with 21149  
a value corresponding to the percentage of the expenses of unit 21150  
operations chargeable against the interest of that person; 21151

(8) The time when the unit operations shall commence, and the 21152  
manner in which, and the circumstances under which, the unit 21153  
operations shall terminate; 21154

(9) A provision that if the plan for unit operation includes 21155  
unleased mineral rights, each unleased mineral rights owner shall 21156  
receive a one-eighth royalty on production that is allocated to 21157  
each tract, or portions of each tract, included in the unit area 21158  
in which the unleased mineral rights owner has an interest. 21159  
However, nothing in a provision included under division (C)(9) of 21160  
this section precludes the chief from including in the plan for 21161  
unit operation another provision allocating to an unleased mineral 21162  
rights owner its proportionate share of working interest net 21163  
revenues on production allocated to the tract or portions of the 21164  
tract, after accounting for the royalty and the recovery of the 21165  
reasonable interest charge under division (C)(6) of this section. 21166  
If an unleased mineral rights owner owns less than the entire 21167  
undivided mineral interest in a tract, the royalty and working 21168  
interest net revenues on production allocated to the tract, or 21169  
portions thereof, shall be paid only in the proportion that the 21170  
unleased mineral rights owner's interest bears to the entire 21171  
undivided mineral interest in the tract; 21172

(10) Such additional provisions as are found to be 21173  
appropriate for carrying on the unit operations, and for the 21174  
protection or adjustment of correlative rights. 21175

~~(B)~~(D) No order of the chief providing for unit operations 21176  
shall become effective unless and until the plan for unit 21177  
operations prescribed by the chief has been approved in writing by 21178  
those owners who, under the chief's order, will be required to pay 21179  
at least sixty-five per cent of the costs of the unit operation, 21180  
and also by the royalty or, with respect to unleased acreage, fee 21181  
owners of sixty-five per cent of the acreage to be included in the 21182  
unit. If the plan for unit operations has not been so approved by 21183  
owners and royalty owners at the time the order providing for unit 21184  
operations is made, the chief shall upon application and notice 21185  
hold such supplemental hearings as may be required to determine if 21186  
and when the plan for unit operations has been so approved. If the 21187  
owners and royalty owners, or either, owning the required 21188  
percentage of interest in the unit area do not approve the plan 21189  
for unit operations within a period of six months from the date on 21190  
which the order providing for unit operations is made, the order 21191  
shall cease to be of force and shall be revoked by the chief. 21192

An order providing for unit operations may be amended by an 21193  
order made by the chief, in the same manner and subject to the 21194  
same conditions as an original order providing for unit 21195  
operations, provided that: 21196

(1) If such an amendment affects only the rights and 21197  
interests of the owners, the approval of the amendment by the 21198  
royalty owners shall not be required. 21199

(2) No such order of amendment shall change the percentage 21200  
for allocation of oil and gas as established for any separately 21201  
owned tract by the original order, except with the consent of all 21202  
persons owning interest in the tract. 21203

The chief, by an order, may provide for the unit operation of 21204  
a pool or a part thereof that embraces a unit area established by 21205  
a previous order of the chief. Such an order, in providing for the 21206  
allocation of unit production, shall first treat the unit area 21207

previously established as a single tract, and the portion of the 21208  
unit production so allocated thereto shall then be allocated among 21209  
the separately owned tracts included in the previously established 21210  
unit area in the same proportions as those specified in the 21211  
previous order. 21212

Oil and gas allocated to a separately owned tract shall be 21213  
deemed, for all purposes, to have been actually produced from the 21214  
tract, and all operations, including, but not limited to, the 21215  
commencement, drilling, operation of, or production from a well 21216  
upon any portion of the unit area shall be deemed for all purposes 21217  
the conduct of such operations and production from any lease or 21218  
contract for lands any portion of which is included in the unit 21219  
area. The operations conducted pursuant to the order of the chief 21220  
shall constitute a fulfillment of all the express or implied 21221  
obligations of each lease or contract covering lands in the unit 21222  
area to the extent that compliance with such obligations cannot be 21223  
had because of the order of the chief. 21224

Oil and gas allocated to any tract, and the proceeds from the 21225  
sale thereof, shall be the property and income of the several 21226  
persons to whom, or to whose credit, the same are allocated or 21227  
payable under the order providing for unit operations. 21228

No order of the chief or other contract relating to the sale 21229  
or purchase of production from a separately owned tract shall be 21230  
terminated by the order providing for unit operations, but shall 21231  
remain in force and apply to oil and gas allocated to the tract 21232  
until terminated in accordance with the provisions thereof. 21233

Notwithstanding ~~divisions (A) to (H)~~ of section 1509.73 of 21234  
the Revised Code and rules adopted under it, the chief shall issue 21235  
an order for the unit operation of a pool or a part of a pool that 21236  
encompasses a unit area for which all or a portion of the mineral 21237  
rights are owned by the ~~department of transportation~~ state or a 21238  
political subdivision of the state. However, the chief shall not 21239

issue such an order with regard to a state park operated under 21240  
Chapter 1541. of the Revised Code as of January 1, 2017, or a 21241  
nature preserve as defined in section 1517.01 of the Revised Code. 21242  
Further, the chief shall not authorize the disruption of surface 21243  
land in a state forest operated under Chapter 1503. of the Revised 21244  
Code by an order issued under this section. 21245

Except to the extent that the parties affected so agree, no 21246  
order providing for unit operations shall be construed to result 21247  
in a transfer of all or any part of the title of any person to the 21248  
oil and gas rights in any tract in the unit area. All property, 21249  
whether real or personal, that may be acquired for the account of 21250  
the owners within the unit area shall be the property of such 21251  
owners in the proportion that the expenses of unit operations are 21252  
charged. 21253

(E) An order of the chief providing for unit operation under 21254  
this section does not authorize an owner to use the surface of 21255  
unleased land unless that use is consistent with a separate 21256  
agreement between the surface rights owner of that land and the 21257  
owner. 21258

(F) An unleased mineral rights owner of any tract included in 21259  
a unit by an order of the chief issued under this section shall 21260  
not incur liability for any personal or property damage associated 21261  
with any drilling, testing, completing, producing, operating, or 21262  
plugging activities related to a well within the unit unless the 21263  
damage arises from a purposeful or grossly negligent act of the 21264  
unleased mineral rights owner. 21265

(G) As used in this section, "unleased mineral rights owner" 21266  
means an owner that has not leased the owner's mineral rights for 21267  
oil or gas, unless the chief separately defines that class of 21268  
owner in an order for unit operation. 21269

**Sec. 1509.71.** (A) It is the policy of the state to provide 21270



access to and support the exploration for, development of, and 21271  
production of oil and natural gas resources owned or controlled by 21272  
the state in an effort to use the state's natural resources 21273  
responsibly. 21274

(B) There is hereby created the oil and gas leasing 21275  
commission consisting of the chief of the division of geological 21276  
survey and the following four members ~~appointed by the governor~~: 21277

(1) Two members, appointed by the speaker of the house of 21278  
representatives, from a list of not less than four persons 21279  
recommended by a statewide organization representing the oil and 21280  
gas industry; 21281

(2) One member, appointed by the president of the senate, of 21282  
the public with expertise in finance or real estate; 21283

(3) One member, appointed by the president of the senate, 21284  
representing a statewide environmental or conservation 21285  
organization. 21286

(C) Initial appointments shall be made to the commission not 21287  
later than thirty days after the effective date of this ~~section~~ 21288  
amendment. Of the initial members appointed to the commission by 21289  
the speaker of the house of representatives, one shall serve a 21290  
term of two years, and one shall serve a term of three years. Of 21291  
the initial members appointed by the president of the senate, one 21292  
shall serve a term of four years, and one shall serve a term of 21293  
five years. Thereafter, terms of office of members shall be for 21294  
five years from the date of appointment. Each member appointed by 21295  
the ~~governor~~ speaker or president shall hold office from the date 21296  
of appointment until the end of the term for which the member was 21297  
appointed. ~~The governor shall fill a vacancy occurring on the~~ 21298  
~~commission by appointing a member within sixty days after the~~ 21299  
~~vacancy occurs~~ A vacancy shall be filled in the same manner as the 21300  
original appointment. A member appointed to fill a vacancy 21301

occurring prior to the expiration of the term for which the 21302  
member's predecessor was appointed shall hold office for the 21303  
remainder of that term. A member shall continue in office 21304  
subsequent to the expiration date of the member's term until the 21305  
member's successor takes office, or until a period of sixty days 21306  
has elapsed, whichever occurs first. 21307

(D) Three members constitute a quorum of the commission, and 21308  
no action of the commission is valid unless it has the concurrence 21309  
of at least three members. The commission shall keep a record of 21310  
its proceedings. The chief of the division of geological survey 21311  
shall serve as the chairperson of the commission. 21312

(E) The ~~governor~~ speaker or president may remove an appointed 21313  
member from the commission for inefficiency, malfeasance, 21314  
misfeasance, or nonfeasance. 21315

(F) Members of the commission shall receive no compensation, 21316  
but shall be reimbursed for their actual and necessary expenses 21317  
incurred in the course of the performance of their duties as 21318  
members of the commission. 21319

(G) The department of natural resources shall furnish 21320  
clerical, technical, legal, and other services required by the 21321  
commission in the performance of its duties. 21322

**Sec. 1513.18.** (A) All money that becomes the property of the 21323  
state under division (G) of section 1513.16 of the Revised Code 21324  
shall be deposited in the reclamation forfeiture fund, which is 21325  
hereby created in the state treasury. Disbursements from the fund 21326  
shall be made by the chief of the division of mineral resources 21327  
management for the purpose of reclaiming areas of land affected by 21328  
coal mining under a coal mining and reclamation permit issued on 21329  
or after September 1, 1981, on which an operator has defaulted. 21330

(B) The fund also shall consist of all money from the 21331

collection of liens under section 1513.081 of the Revised Code, 21332  
~~any moneys transferred to it under section 1513.181 of the Revised~~ 21333  
~~Code from the coal mining and reclamation reserve fund created in~~ 21334  
~~that section,~~ all money credited to the fund from the fee levied 21335  
by division (F)(8)(c) of section 1513.16 of the Revised Code, 21336  
fines collected under division (E) of section 1513.02 and section 21337  
1513.99 of the Revised Code, fines collected for a violation of 21338  
section 2921.31 of the Revised Code that, prior to July 1, 1996, 21339  
would have been a violation of division (G) of section 1513.17 of 21340  
the Revised Code as it existed prior to that date, and ~~moneys~~ 21341  
money collected and credited to it pursuant to section 5749.02 of 21342  
the Revised Code. Disbursements from the fund shall be made by the 21343  
chief in accordance with division (D) of this section for the 21344  
purpose of reclaiming areas that an operator has affected by 21345  
mining and failed to reclaim under a coal mining and reclamation 21346  
permit issued under this chapter. 21347

The chief may expend ~~moneys~~ money from the fund to pay 21348  
necessary administrative costs, including engineering and design 21349  
services, incurred by the division of mineral resources management 21350  
in reclaiming these areas. The chief also may expend ~~moneys~~ money 21351  
from the fund to pay necessary administrative costs of the 21352  
reclamation forfeiture fund advisory board created in section 21353  
1513.182 of the Revised Code as authorized by the board under that 21354  
section. Expenditures from the fund to pay such administrative 21355  
costs need not be made under contract. 21356

(C) Except when paying necessary administrative costs 21357  
authorized by division (B) of this section, expenditures from the 21358  
fund shall be made under contracts entered into by the chief, with 21359  
the approval of the director of natural resources, in accordance 21360  
with procedures established by the chief, by rules adopted in 21361  
accordance with section 1513.02 of the Revised Code. The chief may 21362  
reclaim the land in the same manner as set forth in sections 21363

1513.21 to 1513.24 of the Revised Code. Each contract awarded by the chief shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once and at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after advertising, no bids are received at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will best be served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject any or all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published. The chief, with the approval of the director, may enter into a contract with the landowner, a coal mine operator or surface mine operator mining under a current, valid permit issued under this chapter or Chapter 1514. of the Revised Code, or a contractor hired by the surety or trustee, if the performance security is held in trust, to complete reclamation on land affected by coal mining on which an operator has defaulted, or with a contractor hired by the trust administrator of an alternative financial security that is provided in accordance with division (F)(8) of section 1513.16 of the Revised Code to provide long-term water treatment or a long-term alternative water supply on areas affected by coal mining on which a permittee has defaulted or not fully funded an alternative financial security, without advertising for bids.

(D)(1) The chief shall expend money credited to the reclamation forfeiture fund from the forfeiture of the performance

security applicable to an area of land to pay for the cost of 21397  
completing reclamation to the standards established by this 21398  
chapter and rules adopted under it. 21399

(2) If the performance security for the area of land was 21400  
provided under division (C)(1) of section 1513.08 of the Revised 21401  
Code, the chief shall use the money from the forfeited performance 21402  
security and any alternative financial security provided under 21403  
division (F)(8) of section 1513.16 of the Revised Code to complete 21404  
the reclamation that the operator failed to do under the 21405  
operator's applicable coal mining and reclamation permit issued 21406  
under this chapter. 21407

(3) If the performance security for the area of land was 21408  
provided under division (C)(2) of section 1513.08 of the Revised 21409  
Code, the chief shall use the money from the forfeited performance 21410  
security and any alternative financial security provided under 21411  
division (F)(8) of section 1513.16 of the Revised Code to complete 21412  
the reclamation that the operator failed to do under the 21413  
operator's applicable coal mining and reclamation permit issued 21414  
under this chapter. If the money credited to the reclamation 21415  
forfeiture fund from the forfeiture of the performance security 21416  
provided under division (C)(2) of section 1513.08 of the Revised 21417  
Code and any alternative financial security provided under 21418  
division (F)(8) of section 1513.16 of the Revised Code is not 21419  
sufficient to complete the reclamation to the standards 21420  
established by this chapter and rules adopted under it, the chief 21421  
shall notify the reclamation forfeiture fund advisory board of the 21422  
amount of the insufficiency. The chief may expend money credited 21423  
to the reclamation forfeiture fund under section 5749.02 of the 21424  
Revised Code, or credited to the reclamation forfeiture fund from 21425  
the fee levied by division (F)(8)(c) of section 1513.16 of the 21426  
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 21427  
~~the Revised Code~~ to complete the reclamation to the standards 21428

established by this chapter and rules adopted under it. Except as 21429  
provided in division (D)(5) of this section, the chief shall not 21430  
expend money from the fund in an amount that exceeds the 21431  
difference between the amount of the performance security provided 21432  
under division (C)(2) of section 1513.08 of the Revised Code and 21433  
the estimated cost of reclamation as determined by the chief under 21434  
divisions (B) and (E) of that section. 21435

(4) Except as provided in division (D)(5) of this section, 21436  
money from the reclamation forfeiture fund shall not be used for 21437  
reclamation of land or water resources affected by mine drainage 21438  
that requires extended water treatment after reclamation is 21439  
completed under the terms of the permit. In addition, money from 21440  
the reclamation forfeiture fund shall not be used to supplement 21441  
the performance security of an applicant or permittee that has 21442  
provided performance security in accordance with division (C)(1) 21443  
of section 1513.08 of the Revised Code. 21444

(5) If a permittee relies in part on the reclamation 21445  
forfeiture fund for alternative financial security under division 21446  
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 21447  
reclamation forfeiture fund may be used for reclamation of the 21448  
land or water resources affected by mine drainage that requires 21449  
water treatment after reclamation is completed under the terms of 21450  
the permit or an alternative water supply after reclamation is 21451  
completed under the terms of the permit in an amount not to exceed 21452  
the balance of the alternative financial security provided by the 21453  
reclamation forfeiture fund under that division. 21454

(E) The chief shall keep a detailed accounting of the 21455  
expenditures from the reclamation forfeiture fund to complete 21456  
reclamation of the land or water resources, as applicable, and, 21457  
upon completion of the reclamation, shall certify the expenditures 21458  
to the attorney general. Upon the chief's certification of the 21459  
expenditures from the reclamation forfeiture fund, the attorney 21460

general shall bring an action for that amount of money. The 21461  
operator is liable for that expense in addition to any other 21462  
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 21463  
credited to the reclamation forfeiture fund. The chief shall not 21464  
postpone the reclamation because of any action brought by the 21465  
attorney general under this division. Prior to completing 21466  
reclamation, the chief may collect through the attorney general 21467  
any additional amount that the chief believes will be necessary 21468  
for reclamation in excess of the forfeited performance security 21469  
and any alternative financial security amount applicable to the 21470  
land or water resources that the operator should have, but failed 21471  
to, reclaim. 21472

(F) Except as otherwise provided in division (H) of this 21473  
section, if any part of the ~~moneys~~ money in the reclamation 21474  
forfeiture fund remains in the fund after the chief has caused the 21475  
area of land to be reclaimed and has paid all the reclamation 21476  
costs and expenses, the chief may expend those ~~moneys~~ money to 21477  
complete other reclamation work performed under this section on 21478  
forfeiture areas affected under a coal mining and reclamation 21479  
permit issued on or after September 1, 1981. 21480

(G) The chief shall require every contractor performing 21481  
reclamation work pursuant to this section to pay workers at the 21482  
greater of their regular rate of pay, as established by contract, 21483  
agreement, or prior custom or practice, or the average wage rate 21484  
paid in this state for the same or similar work as determined by 21485  
the chief under section 1513.02 of the Revised Code. 21486

(H) All investment earnings of the fund shall be credited to 21487  
the fund and shall be used only for the reclamation of land for 21488  
which performance security was provided under division (C)(2) of 21489  
section 1513.08 of the Revised Code. 21490

**Sec. 1513.20.** The chief of the division of mineral resources 21491

management, with the approval of the director of natural 21492  
resources, may purchase or acquire by gift, donation, or 21493  
contribution any eroded land, including land affected by strip 21494  
mining, for which no cash is held in the reclamation forfeiture 21495  
fund created by section 1513.18 of the Revised Code. For this 21496  
purpose the chief may expend ~~moneys~~ money deposited in the 21497  
~~unreclaimed lands~~ mining regulation and safety fund created by 21498  
section 1513.30 of the Revised Code. All lands purchased or 21499  
acquired shall be deeded to the state, but no deed shall be 21500  
accepted or the purchase price paid until the title has been 21501  
approved by the attorney general. 21502

**Sec. 1513.25.** After completion of the reclamation of a tract 21503  
of land acquired pursuant to section 1513.20 of the Revised Code, 21504  
the chief of the division of mineral resources management may, if 21505  
the land is suitable to the uses of any other department, 21506  
division, office, or institution of the state, transfer the land 21507  
or tract to that department, division, office, or institution, 21508  
subject to the approval of the director of natural resources. 21509

With the approval of the attorney general and the director, 21510  
the chief may sell any such land or tract, after completion of the 21511  
plan of reclamation, when the sale is advantageous to the state. 21512

With the approval of the attorney general and the director, 21513  
the chief may grant easements and leases on the land or tract 21514  
under terms advantageous to the state, and may grant mineral 21515  
rights on a royalty basis. 21516

All ~~moneys~~ money received from the sale of reclaimed lands, 21517  
or in payment for easements, leases, or royalties, shall be paid 21518  
to the ~~unreclaimed lands~~ mining regulation and safety fund created 21519  
in section 1513.30 of the Revised Code. 21520

**Sec. 1513.27.** As used in this section and sections 1513.28, 21521



1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 21522  
adjacent property" means physical injury or harm to nearby 21523  
property caused by the unreclaimed condition of lands mined prior 21524  
to April 10, 1972, or pursuant to a license issued prior to April 21525  
10, 1972, including, without limitation, injury or harm to 21526  
vegetation on adjacent property, pollution of surface or 21527  
underground waters on adjacent property, loss or interruption of 21528  
water supply on adjacent property, flow of acid water onto or 21529  
across adjacent property, flooding of adjacent property, 21530  
landslides onto or across adjacent property, erosion of adjacent 21531  
property, or deposition of sediment upon adjacent property. Damage 21532  
to adjacent property does not include any diminution of the market 21533  
value of adjacent property caused exclusively by the visual or 21534  
aesthetic appearance of such unreclaimed lands. 21535

The chief of the division of mineral resources management, 21536  
with the approval of the director of natural resources, may enter 21537  
into a written agreement, which may be in the form of a contract, 21538  
with the owner of any unreclaimed land affected by mining before 21539  
April 10, 1972, or pursuant to a license issued before April 10, 21540  
1972, that causes or may cause pollution of the waters of the 21541  
state or damage to adjacent property, is not likely to be mined in 21542  
the foreseeable future, and lies within the boundaries of a 21543  
project area approved by the chief under section 1513.30 of the 21544  
Revised Code, under which the state or its agents may enter the 21545  
land to reclaim it at state expense with ~~moneys~~ money from the 21546  
~~unreclaimed lands~~ mining regulation and safety fund by 21547  
establishing vegetative cover and substantially reducing or 21548  
eliminating erosion, sedimentation, landslides, pollution, 21549  
accumulation or discharge of acid water, flooding, and damage to 21550  
adjacent property. The agreement may include provisions pertaining 21551  
to liability for damages and any other provisions necessary or 21552  
desirable to achieve the purposes of this section. 21553

If the chief makes a finding of fact that land or water resources have been adversely affected by past coal mining practices; if the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent the adverse effects should be taken; and if the owners of the affected land or water resources either are not known or readily available or will not give permission for the state, political subdivisions, or their agents, employees, or contractors to enter on the property to restore, reclaim, abate, control, or prevent the adverse effects, the chief or the chief's agents, employees, or contractors may enter on the affected property in order to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Prior to entering on the property, the chief or the chief's agents, employees, or contractors shall give notice by mail to the owners, if known, or, if not known, by posting notice on the premises and advertising once in a newspaper of general circulation in the county or municipal corporation in which the land lies. Such an entry shall be construed as an exercise of the police power for the protection of public health, safety, and welfare and shall not be construed as an act of condemnation of property or of trespass. The ~~moneys~~ money expended for the work and the benefits accruing to any premises so entered upon shall be chargeable against land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of the entry. This provision is not intended to create new rights of action or eliminate existing immunities.

Each agreement entered into pursuant to this section shall contain provisions for the reimbursement of a portion of the costs of the reclamation that is commensurate with the increase in the fair market value of the property attributable to the reclamation work thereon, as determined by appraisals made before and after reclamation in the manner stated in the agreement, unless the

determination discloses an increase in value that is 21587  
insubstantial. For reimbursement of the portion, the agreement may 21588  
include provisions for any of the following: 21589

(A) Public use for soil, water, forest, or wildlife 21590  
conservation or public recreation purposes; 21591

(B) Payment to the state of the share of the income from the 21592  
crops or timber produced on the land that is stated in the 21593  
agreement; 21594

(C) Imposition of a lien in the amount of the increase in 21595  
fair market value payable upon transfer or conveyance of the 21596  
property to a new owner. All such reimbursements and payments 21597  
shall be credited to the ~~unreclaimed lands~~ mining regulation and 21598  
safety fund. 21599

(D) Payment to the state in cash of the amount of the 21600  
increase in fair market value, payable upon completion of the 21601  
reclamation. 21602

For the purpose of selecting lands to be reclaimed within the 21603  
boundaries of approved project areas, the chief shall consult the 21604  
owners of unreclaimed lands, may consult with local officials, 21605  
civic and professional organizations, and interested individuals, 21606  
and shall consider the feasibility, cost, and public benefits of 21607  
reclaiming particular lands, their potential for being mined, and 21608  
the availability of federal or other assistance for reclamation. 21609  
Before entering into the agreement, the chief shall prepare or 21610  
approve a detailed plan with topographic maps indicating the 21611  
reclamation improvements to be made. The plan may include 21612  
improvements recommended by the owner, but may not include 21613  
improvements that the chief finds are not necessary to establish 21614  
vegetative cover or substantially reduce or eliminate erosion, 21615  
sedimentation, landslides, pollution, accumulation or discharge of 21616  
acid water, flooding, or damage to adjacent property. 21617

With the approval of the director and upon entering into the 21618  
agreement with the owner, the chief may carry out the plan of 21619  
reclamation or any part thereof with the employees and equipment 21620  
of any division of the department of natural resources, or the 21621  
chief may carry out the plan or any part thereof by contracting 21622  
therefor. 21623

The chief, with the approval of the director and written 21624  
consent of the owner, may enter into a contract with an operator 21625  
mining adjacent land under a current, valid permit to carry out 21626  
the plan of reclamation on the unreclaimed land or any part of the 21627  
plan without advertising for bids. Contracts entered into with 21628  
operators mining adjacent land are not subject to division (B) of 21629  
section 127.16 of the Revised Code. 21630

The chief shall require every operator mining adjacent land 21631  
who performs reclamation work pursuant to this section to pay 21632  
workers at the greater of their regular rate of pay, as 21633  
established by contract, agreement, or prior custom or practice, 21634  
or the average wage rate paid in this state for the same or 21635  
similar work performed in the same or similar locality by private 21636  
companies doing their own reclamation work. Each contract awarded 21637  
by the chief to other than an operator mining adjacent land shall 21638  
be awarded to the lowest responsible bidder after sealed bids are 21639  
received, opened, and published at the time and place fixed by the 21640  
chief. The chief shall publish notice of the time and place at 21641  
which bids will be received, opened, and published, at least once 21642  
at least ten days before the date of the opening of the bids, in a 21643  
newspaper of general circulation in the county in which the area 21644  
of land to be reclaimed under the contract is located. If, after 21645  
so advertising for bids, no bids are received by the chief at the 21646  
time and place fixed for receiving them, the chief may advertise 21647  
again for bids, or, if the chief considers the public interest 21648  
will be best served, the chief may enter into a contract for the 21649

reclamation of the area of land without further advertisement for 21650  
bids. The chief may reject all bids received and again publish 21651  
notice of the time and place at which bids for contracts will be 21652  
received, opened, and published. The chief, with the approval of 21653  
the director and written consent of the owner, may enter into a 21654  
contract with a licensed mine operator mining adjacent land under 21655  
a valid permit to carry out the plan of reclamation on the 21656  
unreclaimed land or any part of the plan without advertising for 21657  
bids. 21658

**Sec. 1513.28.** The chief of the division of mineral resources 21659  
management, with the approval of the director of natural 21660  
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 21661  
~~lands~~ mining regulation and safety fund created by section 1513.30 21662  
of the Revised Code for the payment by the state of up to 21663  
seventy-five per cent of the reasonable and necessary reclamation 21664  
expenses incurred by the owner of any unreclaimed land affected by 21665  
mining before April 10, 1972, or pursuant to a license issued 21666  
before April 10, 1972, that causes or may cause pollution of the 21667  
waters of the state or damage to adjacent property, is not likely 21668  
to be mined in the foreseeable future, and lies within the 21669  
boundaries of a project area approved by the chief under section 21670  
1513.30 of the Revised Code. 21671

The owner shall submit application for a grant on forms 21672  
furnished by the division, together with detailed plans and 21673  
topographic maps indicating the reclamation improvements to be 21674  
made, an itemized estimate of the project's cost, a description of 21675  
the project's benefits, and such other information as the chief 21676  
prescribes. The plan of reclamation may be prepared in 21677  
consultation with a local soil and water conservation district. 21678

The chief may award the applicant a grant only after finding 21679  
that the proposed reclamation work will establish vegetative cover 21680

and substantially reduce or eliminate erosion, sedimentation, 21681  
landslides, pollution, accumulation or discharge of acid water, 21682  
flooding, and damage to adjacent property. 21683

For the purpose of establishing priorities for awarding 21684  
grants under this section and section 1513.31 of the Revised Code, 21685  
the chief shall consider each project's feasibility, cost, and 21686  
public benefits of reclaiming the particular land, its potential 21687  
for being mined, and the availability of federal or other 21688  
financial assistance for reclamation. 21689

The chief shall determine the amount of a grant under this 21690  
section based upon the chief's determination of what constitutes 21691  
reasonable and necessary expenses actually incurred for 21692  
establishing vegetative cover, substantially reducing or 21693  
eliminating erosion, sedimentation, landslides, pollution, 21694  
accumulation or discharge of acid water, flooding, or damage to 21695  
adjacent property, and preparing the plan of reclamation. The 21696  
owner may elect to have other improvements made concurrently, but 21697  
in no event shall any part of the grant be made for such other 21698  
improvements, and in no event shall the amount of the grant exceed 21699  
seventy-five per cent of the total amount, determined by the 21700  
chief, of what constitutes reasonable and necessary expenses 21701  
actually incurred for the reclamation measures listed in this 21702  
section. 21703

The chief shall enter into a contract for funding with each 21704  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 21705  
are used for the purposes of this section and that the reclamation 21706  
work is properly done. The final payment may not be made until the 21707  
chief inspects and approves the completed reclamation work. 21708

Each such contract shall contain provisions for the 21709  
reimbursement of a portion of the costs of the reclamation that is 21710  
commensurate with the increase in the fair market value of the 21711  
property attributable to the reclamation work thereon, as 21712

determined by appraisals made before and after reclamation in the 21713  
manner stated in the agreement, unless such determination 21714  
discloses an increase in value that is insubstantial in comparison 21715  
to the benefits to the public from the abatement of pollution or 21716  
prevention of damage to adjacent property, considering the 21717  
applicant's share of the reclamation cost. For reimbursement of 21718  
such portion, the contract may include provisions for: 21719

(A) Public use for soil, water, forest, or wildlife 21720  
conservation or public recreation purposes; 21721

(B) Payment to the state of the share of the income from the 21722  
crops or timber produced on the land that is stated in the 21723  
agreement; 21724

(C) Imposition of a lien in the amount of the increase in 21725  
fair market value payable upon transfer or conveyance of the 21726  
property to a new owner; 21727

(D) Payment to the state in cash in the amount of the 21728  
increase in fair market value, payable upon completion of the 21729  
reclamation. 21730

All such reimbursements and payments shall be credited to the 21731  
~~unreclaimed lands~~ mining regulation and safety fund. 21732

Not more than forty per cent of the money credited to the 21733  
fund during the preceding calendar year may be expended during a 21734  
calendar year for grants under this section. 21735

The chief shall require every landowner performing 21736  
reclamation work pursuant to this section to pay workers at the 21737  
greater of their regular rate of pay, as established by contract, 21738  
agreement, or prior custom or practice, or the average wage rate 21739  
in this state for the same or similar work performed in the same 21740  
or similar locality by private companies doing their own 21741  
reclamation work. 21742

Sec. 1513.30. (A) There is hereby created in the state 21743  
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 21744  
to be administered by the chief of the division of mineral 21745  
resources management ~~and~~. The fund shall be used for the purpose 21746  
of reclaiming following purposes: 21747

(1) Reclaiming land, public or private, affected by mining, 21748  
or controlling mine drainage, for which no cash is held in the 21749  
reclamation forfeiture fund created in section 1513.18 of the 21750  
Revised Code ~~or the surface mining fund created in section;~~ 21751

(2) Specified purposes in sections 1514.06, 1514.11, and 21752  
1561.48 of the Revised Code; 21753

(3) Administration and enforcement of Chapter 1513. of the 21754  
Revised Code. 21755

All investment earnings of the fund shall be deposited into 21756  
the fund. 21757

(B) In order to direct expenditures from the ~~unreclaimed~~ 21758  
~~lands~~ mining regulation and safety fund toward reclamation 21759  
projects that fulfill priority needs and provide the greatest 21760  
public benefits, the chief periodically shall consider projects to 21761  
be financed from the ~~unreclaimed lands~~ mining regulation and 21762  
safety fund. For the purpose of selecting project areas and 21763  
determining the boundaries of project areas, the chief shall 21764  
consider the feasibility, cost, and public benefits of reclaiming 21765  
the areas, their potential for being mined, the availability of 21766  
federal or other financial assistance for reclamation, and the 21767  
geographic distribution of project areas to ensure fair 21768  
distribution among affected areas. 21769

(C) The chief shall give priority to areas where there is 21770  
little or no likelihood of mining within the foreseeable future, 21771  
reclamation is feasible at reasonable cost with available funds, 21772



and either of the following applies: 21773

~~(A)(1)~~ The pollution of the waters of the state and damage to 21774  
adjacent property are most severe and widespread. 21775

~~(B)(2)~~ Reclamation will make possible public uses for soil, 21776  
water, forest, or wildlife conservation or public recreation 21777  
purposes, will facilitate orderly commercial or industrial site 21778  
development, or will facilitate the use or improve the enjoyment 21779  
of nearby public conservation or recreation lands. 21780

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation 21781  
and safety fund for reclamation projects may be made only for 21782  
projects that are within the boundaries of project areas approved 21783  
by the chief. Expenditures from the ~~unreclaimed lands~~ mining 21784  
regulation and safety fund shall be made by the chief, with the 21785  
approval of the director of natural resources. 21786

~~The chief may expend an amount not to exceed twenty per cent 21787  
of the moneys credited annually by the treasurer of state to the 21788  
unreclaimed lands fund for the purpose of administering the fund. 21789~~

(E) The chief may engage in cooperative projects under this 21790  
section with any agency of the United States, appropriate state 21791  
agencies, or state universities or colleges as defined in section 21792  
3345.27 of the Revised Code and may transfer money from the fund 21793  
to other appropriate state agencies or to state universities or 21794  
colleges in order to carry out the reclamation activities 21795  
authorized by this section. 21796

~~If the director of natural resources determines it to be 21797  
necessary, the director may request the controlling board to 21798  
transfer an amount of money from the fund to the coal mining 21799  
administration and reclamation reserve fund created in section 21800  
1513.181 of the Revised Code. 21801~~

(F) Notwithstanding any other provisions of law to the 21802  
contrary, money credited to the mining regulation and safety fund 21803

that is derived from taxes levied in division (A)(3) or (4) of 21804  
section 5749.02 of the Revised Code shall not be used for any 21805  
purposes authorized under this chapter. 21806

**Sec. 1513.31.** For the purpose of promoting local or regional 21807  
economic or community development, the chief of the division of 21808  
mineral resources management, with the approval of the director of 21809  
natural resources, may make grants of money from the ~~unreclaimed~~ 21810  
~~lands~~ mining regulation and safety fund created by section 1513.30 21811  
of the Revised Code for the payment by the state of up to 21812  
seventy-five per cent of the reasonable and necessary expenses 21813  
incurred by a political subdivision, community improvement 21814  
corporation incorporated under Chapter 1724. of the Revised Code, 21815  
or other nonprofit corporation incorporated under Chapter 1702. of 21816  
the Revised Code for the reclamation of any unreclaimed land 21817  
affected by mining before April 10, 1972, or pursuant to a license 21818  
issued before April 10, 1972, that is owned by the political 21819  
subdivision or corporation, is to be reclaimed for the purpose of 21820  
commercial or industrial site development by the political 21821  
subdivision or corporation or the development of recreational 21822  
facilities by the political subdivision, and lies within the 21823  
boundaries of a project area approved by the chief. 21824

The owner shall submit an application for a grant on forms 21825  
furnished by the division of mineral resources management together 21826  
with detailed plans and topographic maps indicating the 21827  
reclamation improvements to be made, an itemized estimate of the 21828  
project's cost, a description of the project's benefits, and such 21829  
other information as the chief prescribes. The chief may award the 21830  
applicant a grant only after finding that the proposed reclamation 21831  
work will render the unreclaimed land suitable for commercial, 21832  
industrial, or, if the land is owned by a political subdivision, 21833  
recreational site development and will substantially reduce or 21834  
eliminate the damage, if any, to adjacent property that is or may 21835

be caused by the condition of the unreclaimed land. 21836

The chief shall determine the amount of the grant based upon 21837  
the chief's determination of what constitutes reasonable and 21838  
necessary expenses actually incurred for preparing the plan of 21839  
reclamation; preparing the unreclaimed land for commercial, 21840  
industrial, or, in the case of land owned by a political 21841  
subdivision, recreational site development, including backfilling, 21842  
grading, resoiling, planting, or other work to restore the land to 21843  
a condition suitable for such development; and, if the condition 21844  
of the unreclaimed land so requires, establishing vegetative cover 21845  
or substantially reducing or eliminating erosion, sedimentation, 21846  
landslides, pollution, accumulation or discharge of acid water, 21847  
flooding, or damage to adjacent property. The owner may have other 21848  
improvements made concurrently with the reclamation work, but 21849  
shall not spend any part of the grant for such other improvements. 21850  
No grant shall exceed seventy-five per cent of the total amount, 21851  
as determined by the chief, of what constitutes reasonable and 21852  
necessary expenses actually incurred for the reclamation measures 21853  
listed in this section. 21854

The chief shall enter into a contract for funding with each 21855  
applicant awarded a grant in order to ensure that the ~~moneys~~ money 21856  
granted are used for the purposes of this section and that the 21857  
reclamation work is properly done. The final payment under a grant 21858  
may not be made until the chief inspects and approves the 21859  
completed reclamation work. 21860

**Sec. 1513.32.** For the purpose of promoting local or regional 21861  
economic or community development, the chief of the division of 21862  
mineral resources management, with the approval of the director of 21863  
natural resources, may enter into a written agreement, which may 21864  
be in the form of a contract, with a political subdivision, 21865  
community improvement corporation incorporated under Chapter 1724. 21866

of the Revised Code, or other nonprofit corporation incorporated 21867  
under Chapter 1702. of the Revised Code that owns any unreclaimed 21868  
land affected by mining before April 10, 1972, or pursuant to a 21869  
license issued before April 10, 1972, under which the state or its 21870  
agents may enter upon the land to reclaim it at state expense with 21871  
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 21872  
safety fund created by section 1513.30 of the Revised Code for the 21873  
purpose of commercial or industrial site development if the land 21874  
is owned by a political subdivision or corporation or the 21875  
development of recreational facilities if the land is owned by a 21876  
political subdivision. The agreement may include provisions 21877  
pertaining to liability for damages and any other provisions 21878  
necessary or desirable to achieve the purposes of this section. 21879

For the purpose of selecting lands to be reclaimed for 21880  
commercial, industrial, or, if the lands are owned by a political 21881  
subdivision, recreational site development, the chief shall 21882  
consult with the owners of unreclaimed lands and with local 21883  
officials, civic and professional organizations, and interested 21884  
individuals and shall consider the feasibility, cost, and public 21885  
benefits of reclaiming particular lands and the availability of 21886  
federal or other assistance for the reclamation. The chief shall 21887  
select for reclamation under this section only lands that lie 21888  
within the boundaries of a project area approved by the chief. 21889

Before entering into the agreement, the chief shall prepare 21890  
or approve a detailed plan with topographic maps indicating the 21891  
reclamation improvements to be made, an itemized estimate of the 21892  
project's cost, a description of the project's benefits, and such 21893  
other information as the chief considers appropriate. The plan 21894  
shall include only reclamation work that is necessary to render 21895  
the unreclaimed land suitable for commercial, industrial, or, if 21896  
the land is owned by a political subdivision, recreational site 21897  
development and will substantially reduce or eliminate the damage, 21898

if any, to adjacent property that is or may be caused by the 21899  
condition of the unreclaimed land. The plan may include 21900  
improvements recommended by the owner, but may not include any 21901  
improvements that the chief finds are not necessary to prepare the 21902  
unreclaimed land for commercial, industrial, or, if the land is 21903  
owned by a political subdivision, recreational site development, 21904  
or if the condition of the unreclaimed land so requires, are not 21905  
necessary to establish vegetative cover or substantially reduce or 21906  
eliminate erosion, sedimentation, landslides, pollution, 21907  
accumulation or discharge of acid water, flooding, or damage to 21908  
adjacent property. 21909

With the approval of the director and upon entering into an 21910  
agreement with the owner, the chief may carry out the plan of 21911  
reclamation or any part thereof with the employees or equipment of 21912  
the department, or the chief may carry out the plan or any part 21913  
thereof by contracting therefor in accordance with the procedures 21914  
prescribed in section 1513.27 of the Revised Code. The chief shall 21915  
keep an itemized record of the state's expense in carrying out the 21916  
plan. 21917

Expenditure of not more than twenty per cent of the ~~moneys~~ 21918  
money credited to the ~~unreclaimed lands~~ mining regulation and 21919  
safety fund during the preceding fiscal year may be approved by 21920  
the chief during a fiscal year for conducting reclamation projects 21921  
under this section and for making grants under section 1513.31 of 21922  
the Revised Code, provided that such expenditures are primarily 21923  
for the pollution abatement purposes of section 1513.30 of the 21924  
Revised Code. 21925

**Sec. 1513.33.** The amount of any grant to a community 21926  
improvement corporation or nonprofit corporation made under 21927  
section 1513.31 of the Revised Code or the state's expenses 21928  
incurred in reclaiming unreclaimed land owned by a community 21929

improvement corporation or nonprofit corporation under section 21930  
1513.32 of the Revised Code shall constitute a loan by the state 21931  
to the corporation. Entry into a grant contract under section 21932  
1513.31 of the Revised Code or into a reclamation agreement under 21933  
section 1513.32 of the Revised Code by the chief of the division 21934  
of mineral resources management constitutes the designation of the 21935  
community improvement corporation or nonprofit corporation as the 21936  
state's agent for the commercial or industrial development of the 21937  
land named in the contract or agreement. 21938

Each grant contract under section 1513.31 of the Revised Code 21939  
or reclamation agreement under section 1513.32 of the Revised Code 21940  
shall include terms for repayment of the grant or reimbursement of 21941  
the state for its reclamation expenses, which shall require 21942  
repayment of the loan in full upon the first sale, lease, or 21943  
rental of the land reclaimed under the contract or agreement if 21944  
the entire parcel of reclaimed land is sold, leased, or rented. If 21945  
the corporation establishes a business enterprise on the entire 21946  
parcel of reclaimed land, the contract shall require repayment of 21947  
the loan in full upon the commencement of operation of the 21948  
business enterprise. If the reclaimed land is sold, leased, or 21949  
rented in portions or the corporation establishes a business 21950  
enterprise on any portion of the reclaimed land, the contract or 21951  
agreement shall require repayment of that portion of the loan that 21952  
corresponds to the portion of the reclaimed land sold, leased, or 21953  
rented upon the first sale, lease, or rental of that portion, or 21954  
upon commencement of operation of the business enterprise on that 21955  
portion, by the corporation in the proportion that the acreage of 21956  
the reclaimed land sold, leased, rented, or used in business by 21957  
the corporation bears to the total acreage of land reclaimed under 21958  
the contract or agreement. 21959

To secure repayment of the ~~moneys~~ money granted under section 21960  
1513.31 of the Revised Code or of the state's reclamation expenses 21961

under section 1513.32 of the Revised Code to or on behalf of a 21962  
community improvement corporation or nonprofit corporation, the 21963  
state shall have a lien on the land owned by the corporation that 21964  
is land reclaimed under section 1513.31 or 1513.32 of the Revised 21965  
Code equal to the amount of the grant made under section 1513.31 21966  
of the Revised Code or to the state's expenses incurred in 21967  
reclaiming the land under section 1513.32 of the Revised Code. 21968  
Within thirty days after the final grant payment is made under 21969  
section 1513.31 of the Revised Code or after the completion of the 21970  
reclamation work under section 1513.32 of the Revised Code, the 21971  
chief shall cause to be recorded in the office of the county 21972  
recorder of the county in which the reclaimed land is located a 21973  
statement that shall contain an itemized accounting of the grant 21974  
paid under section 1513.31 of the Revised Code or an itemized 21975  
record of the state's expenses incurred in reclaiming the land 21976  
under section 1513.32 of the Revised Code. The statement shall 21977  
constitute a notice of lien and operate as of the date of delivery 21978  
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 21979  
money paid out or the reclamation expenses incurred by the state 21980  
and shall have priority as a lien second only to the lien of real 21981  
property taxes imposed upon the land. The notice of lien and the 21982  
lien shall not be valid as against any mortgagee, pledgee, 21983  
purchaser, or judgment creditor whose rights have attached prior 21984  
to the date of filing of the statement by the chief or to any 21985  
prior or subsequent lien for real property taxes imposed pursuant 21986  
to section 5719.04 of the Revised Code. 21987

The county recorder shall record and index the chief's 21988  
statement, under the name of the state and the corporation, in the 21989  
official records maintained by the county recorder's office. The 21990  
county recorder shall impose no charge for the recording or 21991  
indexing of the statement. If the land is registered, the county 21992  
recorder shall make a notation and enter a memorial of the lien 21993  
upon the page of the register in which the last certificate of 21994

title to the land is registered, stating the name of the claimant, 21995  
amount claimed, volume and page of the record where recorded, and 21996  
exact time the memorial was entered. 21997

The lien shall continue in force so long as any portion of 21998  
the amount granted under section 1513.31 of the Revised Code or 21999  
the state's reclamation expenses incurred under section 1513.32 of 22000  
the Revised Code remains unpaid. Upon repayment in full of those 22001  
~~moneys~~ money or expenses, the chief promptly shall issue a 22002  
certificate of release of the lien. Upon presentation of the 22003  
certificate of release, the county recorder of the county where 22004  
the lien is recorded shall record the lien as having been 22005  
discharged. 22006

A lien imposed under this section shall be foreclosed upon 22007  
the substantial failure of a corporation to repay any portion of 22008  
the amount granted under section 1513.31 of the Revised Code or 22009  
the state's reclamation expenses incurred under section 1513.32 of 22010  
the Revised Code in accordance with the terms of the grant 22011  
contract or reclamation agreement. Before foreclosing any lien 22012  
under this section, the chief shall make a written demand upon the 22013  
corporation to comply with the repayment terms of the contract or 22014  
agreement. If the corporation does not pay the amount due within 22015  
sixty days, the chief shall refer the matter to the attorney 22016  
general, who shall institute a civil action to foreclose the lien 22017  
of the state. 22018

All ~~moneys~~ money collected from loan repayments and lien 22019  
foreclosures under this section shall be credited to the 22020  
~~unreclaimed lands~~ mining regulation and safety fund created by 22021  
section 1513.30 of the Revised Code. 22022

**Sec. 1513.37.** (A) There is hereby created in the state 22023  
treasury the abandoned mine reclamation fund, which shall be 22024  
administered by the chief of the division of mineral resources 22025



management. The fund shall consist of grants from the secretary of 22026  
the interior from the federal abandoned mine reclamation fund 22027  
established by Title IV of the "Surface Mining Control and 22028  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 22029  
regulations adopted under it, and amendments to the act and 22030  
regulations. Expenditures from the abandoned mine reclamation fund 22031  
shall be made by the chief for the following purposes: 22032

(1) Reclamation and restoration of land and water resources 22033  
adversely affected by past coal mining, including, but not limited 22034  
to, reclamation and restoration of abandoned strip mine areas, 22035  
abandoned coal processing areas, and abandoned coal refuse 22036  
disposal areas; sealing and filling of abandoned deep mine entries 22037  
and voids; planting of land adversely affected by past coal 22038  
mining; prevention of erosion and sedimentation; prevention, 22039  
abatement, treatment, and control of water pollution created by 22040  
coal mine drainage, including restoration of streambeds and 22041  
construction and operation of water treatment plants; prevention, 22042  
abatement, and control of burning coal refuse disposal areas and 22043  
burning coal in situ; and prevention, abatement, and control of 22044  
coal mine subsidence; 22045

(2) Acquisition and filling of voids and sealing of tunnels, 22046  
shafts, and entryways of noncoal lands; 22047

(3) Acquisition of land as provided for in this section; 22048

(4) Administrative expenses incurred in accomplishing the 22049  
purposes of this section; 22050

(5) All other necessary expenses to accomplish the purposes 22051  
of this section. 22052

(B) Expenditures of ~~moneys~~ money from the fund on land and 22053  
water eligible pursuant to division (C) of this section shall 22054  
reflect the following priorities in the order stated: 22055

(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	22056 22057 22058
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	22059 22060
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	22061 22062 22063 22064 22065
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	22066 22067 22068
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	22069 22070 22071 22072
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	22073 22074 22075 22076
(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:	22077 22078 22079 22080 22081
(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;	22082 22083 22084 22085

(b) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and August 16, 1982, and that any ~~moneys~~ money for reclamation or abatement that are available pursuant to a bond, performance security, or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site;

(c) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and November 5, 1990, that the surety of the mining operator became insolvent during that time, and that, as of November 5, 1990, any ~~moneys~~ money immediately available from proceedings relating to that insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

(2) In determining which sites to reclaim pursuant to divisions (C)(1)(b) and (c) of this section, the chief shall follow the priorities stated in divisions (B)(1) and (2) of this section and shall ensure that priority is given to those sites that are in the immediate vicinity of a residential area or that have an adverse economic impact on a local community.

(3) Surface coal mining operations on lands eligible for remining shall not affect the eligibility of those lands for reclamation and restoration under this section after the release of the bond, performance security, or other form of financial guarantee for any such operation as provided under division (F) of section 1513.16 of the Revised Code. If the bond, performance security, or other form of financial guarantee for a surface coal mining operation on lands eligible for remining is forfeited, ~~moneys~~ money available under this section may be used if the amount of the bond, performance security, or other form of financial guarantee is not sufficient to provide for adequate

reclamation or abatement, except that if conditions warrant, the 22118  
chief immediately shall exercise the authority granted under 22119  
division (L) of this section. 22120

(D) The chief may submit to the secretary of the interior a 22121  
state reclamation plan and annual projects to carry out the 22122  
purposes of this section. 22123

(1) The reclamation plan generally shall identify the areas 22124  
to be reclaimed, the purposes for which the reclamation is 22125  
proposed, the relationship of the lands to be reclaimed and the 22126  
proposed reclamation to surrounding areas, the specific criteria 22127  
for ranking and identifying projects to be funded, and the legal 22128  
authority and programmatic capability to perform the work in 22129  
accordance with this section. 22130

(2) On an annual basis, the chief may submit to the secretary 22131  
an application for support of the abandoned mine reclamation fund 22132  
and implementation of specific reclamation projects. The annual 22133  
requests shall include such information as may be requested by the 22134  
secretary. 22135

(3) The costs for each proposed project under this section 22136  
shall include actual construction costs, actual operation and 22137  
maintenance costs of permanent facilities, planning and 22138  
engineering costs, construction inspection costs, and other 22139  
necessary administrative expenses. 22140

(4) The chief may submit annual and other reports required by 22141  
the secretary when funds are provided by the secretary under Title 22142  
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 22143  
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 22144  
amendments to the act and regulations. 22145

(E)(1) There is hereby created in the state treasury the acid 22146  
mine drainage abatement and treatment fund, which shall be 22147  
administered by the chief. The fund shall consist of grants from 22148

the secretary of the interior from the federal abandoned mine 22149  
reclamation fund pursuant to section 402(g)(6) of Title IV of the 22150  
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 22151  
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 22152  
be credited to the fund. 22153

(2) The chief shall make expenditures from the fund, in 22154  
consultation with the United States department of agriculture, 22155  
soil conservation service, to implement acid mine drainage 22156  
abatement and treatment plans approved by the secretary. The plans 22157  
shall provide for the comprehensive abatement of the causes and 22158  
treatment of the effects of acid mine drainage within qualified 22159  
hydrologic units affected by coal mining practices and shall 22160  
include at least all of the following: 22161

(a) An identification of the qualified hydrologic unit. As 22162  
used in division (E) of this section, "qualified hydrologic unit" 22163  
means a hydrologic unit that meets all of the following criteria: 22164

(i) The water quality in the unit has been significantly 22165  
affected by acid mine drainage from coal mining practices in a 22166  
manner that has an adverse impact on biological resources. 22167

(ii) The unit contains lands and waters that meet the 22168  
eligibility requirements established under division (C) of this 22169  
section and any of the priorities established in divisions (B)(1) 22170  
to (3) of this section. 22171

(iii) The unit contains lands and waters that are proposed to 22172  
be the subject of expenditures from the reclamation forfeiture 22173  
fund created in section 1513.18 of the Revised Code or the 22174  
~~unreclaimed lands~~ mining regulation and safety fund created in 22175  
section 1513.30 of the Revised Code. 22176

(b) The extent to which acid mine drainage is affecting the 22177  
water quality and biological resources within the hydrologic unit; 22178

(c) An identification of the sources of acid mine drainage 22179

within the hydrologic unit;	22180
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	22181 22182 22183
(e) The cost of undertaking the proposed abatement and treatment measures;	22184 22185
(f) An identification of existing and proposed sources of funding for those measures;	22186 22187
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	22188 22189
(3) The chief may make grants of <del>moneys</del> <u>money</u> from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	22190 22191 22192 22193 22194
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	22195 22196
(i) Identify a watershed as a qualified hydrologic unit;	22197
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	22198 22199 22200
(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.	22201 22202 22203 22204
A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mineral resources management, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other	22205 22206 22207 22208 22209

information that the chief requires. 22210

For the purposes of establishing priorities for awarding 22211  
grants under division (E)(3) of this section, the chief shall 22212  
consider each project's feasibility, cost-effectiveness, and 22213  
environmental benefit, together with the availability of matching 22214  
funding, including in-kind services, for the project. 22215

The chief shall enter into a contract for funding with each 22216  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 22217  
are used for the purposes of this section and that the work that 22218  
the project involves is done properly. The contract is not subject 22219  
to division (B) of section 127.16 of the Revised Code. The final 22220  
payment of grant ~~moneys~~ money shall not be made until the chief 22221  
inspects and approves the completed project. 22222

The chief shall require each applicant awarded a grant under 22223  
this section who conducts a project involving construction work to 22224  
pay workers at the greater of their regular rate of pay, as 22225  
established by contract, agreement, or prior custom or practice, 22226  
or the average wage rate paid in this state for the same or 22227  
similar work performed in the same or a similar locality by 22228  
private companies doing similar work on similar projects. 22229

As used in division (E)(3) of this section, "watershed group" 22230  
means a charitable organization as defined in section 1716.01 of 22231  
the Revised Code that has been established for the purpose of 22232  
conducting reclamation of land and waters adversely affected by 22233  
coal mining practices and specifically for conducting acid mine 22234  
drainage abatement. 22235

(F)(1) If the chief makes a finding of fact that land or 22236  
water resources have been adversely affected by past coal mining 22237  
practices; the adverse effects are at a stage where, in the public 22238  
interest, action to restore, reclaim, abate, control, or prevent 22239  
the adverse effects should be taken; the owners of the land or 22240

water resources where entry must be made to restore, reclaim, 22241  
abate, control, or prevent the adverse effects of past coal mining 22242  
practices are not known or are not readily available; or the 22243  
owners will not give permission for the state, political 22244  
subdivisions, or their agents, employees, or contractors to enter 22245  
upon the property to restore, reclaim, abate, control, or prevent 22246  
the adverse effects of past coal mining practices; then, upon 22247  
giving notice by mail to the owners, if known, or, if not known, 22248  
by posting notice upon the premises and advertising once in a 22249  
newspaper of general circulation in the municipal corporation or 22250  
county in which the land lies, the chief or the chief's agents, 22251  
employees, or contractors may enter upon the property adversely 22252  
affected by past coal mining practices and any other property to 22253  
have access to the property to do all things necessary or 22254  
expedient to restore, reclaim, abate, control, or prevent the 22255  
adverse effects. The entry shall be construed as an exercise of 22256  
the police power for the protection of the public health, safety, 22257  
and general welfare and shall not be construed as an act of 22258  
condemnation of property nor of trespass on it. The ~~moneys~~ money 22259  
expended for the work and the benefits accruing to any such 22260  
premises so entered upon shall be chargeable against the land and 22261  
shall mitigate or offset any claim in or any action brought by any 22262  
owner of any interest in the premises for any alleged damages by 22263  
virtue of the entry, but this provision is not intended to create 22264  
new rights of action or eliminate existing immunities. 22265

(2) The chief or the chief's authorized representatives may 22266  
enter upon any property for the purpose of conducting studies or 22267  
exploratory work to determine the existence of adverse effects of 22268  
past coal mining practices and to determine the feasibility of 22269  
restoration, reclamation, abatement, control, or prevention of 22270  
such adverse effects. The entry shall be construed as an exercise 22271  
of the police power for the protection of the public health, 22272  
safety, and general welfare and shall not be construed as an act 22273



of condemnation of property nor trespass on it. 22274

(3) The chief may acquire any land by purchase, donation, or 22275  
condemnation that is adversely affected by past coal mining 22276  
practices if the chief determines that acquisition of the land is 22277  
necessary to successful reclamation and that all of the following 22278  
apply: 22279

(a) The acquired land, after restoration, reclamation, 22280  
abatement, control, or prevention of the adverse effects of past 22281  
coal mining practices, will serve recreation and historic 22282  
purposes, serve conservation and reclamation purposes, or provide 22283  
open space benefits. 22284

(b) Permanent facilities such as a treatment plant or a 22285  
relocated stream channel will be constructed on the land for the 22286  
restoration, reclamation, abatement, control, or prevention of the 22287  
adverse effects of past coal mining practices. 22288

(c) Acquisition of coal refuse disposal sites and all coal 22289  
refuse thereon will serve the purposes of this section or public 22290  
ownership is desirable to meet emergency situations and prevent 22291  
recurrences of the adverse effects of past coal mining practices. 22292

(4)(a) Title to all lands acquired pursuant to this section 22293  
shall be in the name of the state. The price paid for land 22294  
acquired under this section shall reflect the market value of the 22295  
land as adversely affected by past coal mining practices. 22296

(b) The chief may receive grants on a matching basis from the 22297  
secretary of the interior for the purpose of carrying out this 22298  
section. 22299

(5)(a) Where land acquired pursuant to this section is 22300  
considered to be suitable for industrial, commercial, residential, 22301  
or recreational development, the chief may sell the land by public 22302  
sale under a system of competitive bidding at not less than fair 22303  
market value and under other requirements imposed by rule to 22304

ensure that the lands are put to proper use consistent with local 22305  
and state land use plans, if any, as determined by the chief. 22306

(b) The chief, when requested, and after appropriate public 22307  
notice, shall hold a public meeting in the county, counties, or 22308  
other appropriate political subdivisions of the state in which 22309  
lands acquired pursuant to this section are located. The meetings 22310  
shall be held at a time that shall afford local citizens and 22311  
governments the maximum opportunity to participate in the decision 22312  
concerning the use or disposition of the lands after restoration, 22313  
reclamation, abatement, control, or prevention of the adverse 22314  
effects of past coal mining practices. 22315

(6) In addition to the authority to acquire land under 22316  
division (F)(3) of this section, the chief may use money in the 22317  
fund to acquire land by purchase, donation, or condemnation, and 22318  
to reclaim and transfer acquired land to a political subdivision, 22319  
or to any person, if the chief determines that it is an integral 22320  
and necessary element of an economically feasible plan for the 22321  
construction or rehabilitation of housing for persons disabled as 22322  
the result of employment in the mines or work incidental to that 22323  
employment, persons displaced by acquisition of land pursuant to 22324  
this section, persons dislocated as the result of adverse effects 22325  
of coal mining practices that constitute an emergency as provided 22326  
in the "Surface Mining Control and Reclamation Act of 1977," 91 22327  
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 22328  
dislocated as the result of natural disasters or catastrophic 22329  
failures from any cause. Such activities shall be accomplished 22330  
under such terms and conditions as the chief requires, which may 22331  
include transfers of land with or without monetary consideration, 22332  
except that to the extent that the consideration is below the fair 22333  
market value of the land transferred, no portion of the difference 22334  
between the fair market value and the consideration shall accrue 22335  
as a profit to those persons. No part of the funds provided under 22336

this section may be used to pay the actual construction costs of 22337  
housing. The chief may carry out the purposes of division (F)(6) 22338  
of this section directly or by making grants and commitments for 22339  
grants and may advance money under such terms and conditions as 22340  
the chief may require to any agency or instrumentality of the 22341  
state or any public body or nonprofit organization designated by 22342  
the chief. 22343

(G)(1) Within six months after the completion of projects to 22344  
restore, reclaim, abate, control, or prevent adverse effects of 22345  
past coal mining practices on privately owned land, the chief 22346  
shall itemize the ~~moneys~~ money so expended and may file a 22347  
statement of the expenditures in the office of the county recorder 22348  
of the county in which the land lies, together with a notarized 22349  
appraisal by an independent appraiser of the value of the land 22350  
before the restoration, reclamation, abatement, control, or 22351  
prevention of adverse effects of past coal mining practices if the 22352  
~~moneys~~ money so expended result in a significant increase in 22353  
property value. The statement shall constitute a lien upon the 22354  
land as of the date of the expenditures of the ~~moneys~~ money and 22355  
shall have priority as a lien second only to the lien of real 22356  
property taxes imposed upon the land. The lien shall not exceed 22357  
the amount determined by the appraisal to be the increase in the 22358  
fair market value of the land as a result of the restoration, 22359  
reclamation, abatement, control, or prevention of the adverse 22360  
effects of past coal mining practices. No lien shall be filed 22361  
under division (G) of this section against the property of any 22362  
person who owned the surface prior to May 2, 1977, and did not 22363  
consent to, participate in, or exercise control over the mining 22364  
operation that necessitated the reclamation performed. 22365

(2) The landowner may petition, within sixty days after the 22366  
filing of the lien, to determine the increase in the fair market 22367  
value of the land as a result of the restoration, reclamation, 22368

abatement, control, or prevention of the adverse effects of past 22369  
coal mining practices. The amount reported to be the increase in 22370  
value of the premises shall constitute the amount of the lien and 22371  
shall be recorded with the statement provided in this section. Any 22372  
party aggrieved by the decision may appeal as provided by state 22373  
law. 22374

(3) The lien provided in division (G) of this section shall 22375  
be recorded and indexed, under the name of the state and the 22376  
landowner, in the official records in the office of the county 22377  
recorder of the county in which the land lies. The county recorder 22378  
shall impose no charge for the recording or indexing of the lien. 22379  
If the land is registered, the county recorder shall make a 22380  
notation and enter a memorial of the lien upon the page of the 22381  
register in which the last certificate of title to the land is 22382  
registered, stating the name of the claimant, amount claimed, 22383  
volume and page of the record where recorded, and exact time the 22384  
memorial was entered. 22385

(4) The lien shall continue in force so long as any portion 22386  
of the amount of the lien remains unpaid. If the lien remains 22387  
unpaid at the time of conveyance of the land on which the lien was 22388  
placed, the conveyance may be set aside. Upon repayment in full of 22389  
the ~~moneys~~ money expended under this section, the chief promptly 22390  
shall issue a certificate of release of the lien. Upon 22391  
presentation of the certificate of release, the county recorder of 22392  
the county in which the lien is recorded shall record the lien as 22393  
having been discharged. 22394

(5) A lien imposed under this section shall be foreclosed 22395  
upon the substantial failure of a landowner to pay any portion of 22396  
the amount of the lien. Before foreclosing any lien under this 22397  
section, the chief shall make a written demand upon the landowner 22398  
for payment. If the landowner does not pay the amount due within 22399  
sixty days, the chief shall refer the matter to the attorney 22400

general, who shall institute a civil action to foreclose the lien. 22401

(H)(1) The chief may fill voids, seal abandoned tunnels, 22402  
shafts, and entryways, and reclaim surface impacts of underground 22403  
or strip mines that the chief determines could endanger life and 22404  
property, constitute a hazard to the public health and safety, or 22405  
degrade the environment. 22406

(2) In those instances where mine waste piles are being 22407  
reworked for conservation purposes, the incremental costs of 22408  
disposing of the wastes from those operations by filling voids and 22409  
sealing tunnels may be eligible for funding, provided that the 22410  
disposal of these wastes meets the purposes of this section. 22411

(3) The chief may acquire by purchase, donation, easement, or 22412  
otherwise such interest in land as the chief determines necessary 22413  
to carry out division (H) of this section. 22414

(I) The chief shall report annually to the secretary of the 22415  
interior on operations under the fund and include recommendations 22416  
as to its future uses. 22417

(J)(1) The chief may engage in any work and do all things 22418  
necessary or expedient, including the adoption of rules, to 22419  
implement and administer this section. 22420

(2) The chief may engage in cooperative projects under this 22421  
section with any agency of the United States, any other state, or 22422  
their governmental agencies or with any state university or 22423  
college as defined in section 3345.27 of the Revised Code. The 22424  
cooperative projects are not subject to division (B) of section 22425  
127.16 of the Revised Code. 22426

(3) The chief may request the attorney general to initiate in 22427  
any court of competent jurisdiction an action in equity for an 22428  
injunction to restrain any interference with the exercise of the 22429  
right to enter or to conduct any work provided in this section, 22430  
which remedy is in addition to any other remedy available under 22431

this section. 22432

(4) The chief may construct or operate a plant or plants for 22433  
the control and treatment of water pollution resulting from mine 22434  
drainage. The extent of this control and treatment may be 22435  
dependent upon the ultimate use of the water. Division (J)(4) of 22436  
this section does not repeal or supersede any portion of the 22437  
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 22438  
U.S.C.A. 1151, as amended, and no control or treatment under 22439  
division (J)(4) of this section, in any way, shall be less than 22440  
that required by that act. The construction of a plant or plants 22441  
may include major interceptors and other facilities appurtenant to 22442  
the plant. 22443

(5) The chief may transfer money from the abandoned mine 22444  
reclamation fund and the acid mine drainage abatement and 22445  
treatment fund to other appropriate state agencies or to state 22446  
universities or colleges in order to carry out the reclamation 22447  
activities authorized by this section. 22448

(K) The chief may contract for any part of work to be 22449  
performed under this section, with or without advertising for 22450  
bids, if the chief determines that a condition exists that could 22451  
reasonably be expected to cause substantial physical harm to 22452  
persons, property, or the environment and to which persons or 22453  
improvements on real property are currently exposed. 22454

The chief shall require every contractor performing 22455  
reclamation work under this section to pay its workers at the 22456  
greater of their regular rate of pay, as established by contract, 22457  
agreement, or prior custom or practice, or the average wage rate 22458  
paid in this state for the same or similar work as determined by 22459  
the chief under section 1513.02 of the Revised Code. 22460

(L)(1) The chief may contract for the emergency restoration, 22461  
reclamation, abatement, control, or prevention of adverse effects 22462

of mining practices on eligible lands if the chief determines that 22463  
an emergency exists constituting a danger to the public health, 22464  
safety, or welfare and that no other person or agency will act 22465  
expeditiously to restore, reclaim, abate, control, or prevent 22466  
those adverse effects. The chief may enter into a contract for 22467  
emergency work under division (L) of this section without 22468  
advertising for bids. Any such contract or any purchase of 22469  
materials for emergency work under division (L) of this section is 22470  
not subject to division (B) of section 127.16 of the Revised Code. 22471

(2) The chief or the chief's agents, employees, or 22472  
contractors may enter on any land where such an emergency exists, 22473  
and on other land in order to have access to that land, in order 22474  
to restore, reclaim, abate, control, or prevent the adverse 22475  
effects of mining practices and to do all things necessary or 22476  
expedient to protect the public health, safety, or welfare. Such 22477  
an entry shall be construed as an exercise of the police power and 22478  
shall not be construed as an act of condemnation of property or of 22479  
trespass. The ~~moneys~~ money expended for the work and the benefits 22480  
accruing to any premises so entered upon shall be chargeable 22481  
against the land and shall mitigate or offset any claim in or any 22482  
action brought by any owner of any interest in the premises for 22483  
any alleged damages by virtue of the entry. This provision is not 22484  
intended to create new rights of action or eliminate existing 22485  
immunities. 22486

**Sec. 1514.03.** Within thirty days after each anniversary date 22487  
of issuance of a surface or in-stream mining permit, the operator 22488  
shall file with the chief of the division of mineral resources 22489  
management an annual report, on a form prescribed and furnished by 22490  
the chief, that, for the period covered by the report, shall state 22491  
the amount of and identify the types of minerals and coal, if any 22492  
coal, produced and shall state the number of acres affected and 22493  
the number of acres estimated to be affected during the next year 22494

of operation. An annual report is not required to be filed if a 22495  
final report is filed in lieu thereof. 22496

Each annual report for a surface mining operation shall 22497  
include a progress map indicating the location of areas of land 22498  
affected during the period of the report and the location of the 22499  
area of land estimated to be affected during the next year. The 22500  
map shall be prepared in accordance with division (A)(11) or (12) 22501  
of section 1514.02 of the Revised Code, as appropriate, except 22502  
that a map prepared in accordance with division (A)(12) of that 22503  
section may be certified by the operator or authorized agent of 22504  
the operator in lieu of certification by a professional engineer 22505  
or surveyor registered under Chapter 4733. of the Revised Code. 22506  
However, the chief may require that an annual progress map or a 22507  
final map be prepared by a registered professional engineer or 22508  
registered surveyor if the chief has reason to believe that the 22509  
operator exceeded the boundaries of the permit area or, if the 22510  
operator filed the map required under division (A)(11) of section 22511  
1514.02 of the Revised Code, that the operator extracted ten 22512  
thousand tons or more of minerals during the period covered by the 22513  
report. 22514

Each annual report for an in-stream mining operation shall 22515  
include a statement of the total tonnage removed by in-stream 22516  
mining for each month and of the surface acreage and depth of 22517  
material removed by in-stream mining and shall include a map that 22518  
identifies the area affected by the in-stream mining if the 22519  
in-stream mining for the year addressed by the report occurred 22520  
beyond the area identified in the most recent approved map, 22521  
soundings that depict the cross-sectional views of the channel 22522  
bottom of the watercourse if the soundings depict a 22523  
cross-sectional view of the channel bottom that is different from 22524  
the most recent approved map, and water elevations for the 22525  
watercourse if water elevations are different from those indicated 22526



on the most recent approved map. 22527

Each annual report shall be accompanied by a filing fee in 22528  
the amount of five hundred dollars, except in the case of an 22529  
annual report filed by a small operator or an in-stream mining 22530  
operator. A small operator, which is a surface mine operator who 22531  
intends to extract fewer than ten thousand tons of minerals and no 22532  
coal during the next year of operation under the permit, or an 22533  
in-stream mining operator shall include a filing fee in the amount 22534  
of two hundred fifty dollars with each annual report. The annual 22535  
report of any operator also shall be accompanied by an acreage fee 22536  
in the amount of seventy-five dollars multiplied by the number of 22537  
acres estimated in the report to be affected during the next year 22538  
of operation under the permit. The acreage fee shall be adjusted 22539  
by subtracting a credit of seventy-five dollars per excess acre 22540  
paid for the preceding year if the acreage paid for the preceding 22541  
year exceeds the acreage actually affected or by adding an 22542  
additional amount of seventy-five dollars per excess acre affected 22543  
if the acreage actually affected exceeds the acreage paid for the 22544  
preceding year. 22545

With each annual report the operator shall file a performance 22546  
bond in the amount, unless otherwise provided by rule, of five 22547  
hundred dollars multiplied by the number of acres estimated to be 22548  
affected during the next year of operation under the permit for 22549  
which no performance bond previously was filed. Unless otherwise 22550  
provided by rule, the bond shall be adjusted by subtracting a 22551  
credit of five hundred dollars per excess acre for which bond was 22552  
filed for the preceding year if the acreage for which the bond was 22553  
filed for the preceding year exceeds the acreage actually 22554  
affected, or by adding an amount of five hundred dollars per 22555  
excess acre affected if the acreage actually affected exceeds the 22556  
acreage for which bond was filed for the preceding year. 22557

Within thirty days after the expiration of the surface or 22558

in-stream mining permit, or completion or abandonment of the 22559  
operation, whichever occurs earlier, the operator shall submit a 22560  
final report containing the same information required in an annual 22561  
report, but covering the time from the last annual report to the 22562  
expiration of the permit, or completion or abandonment of the 22563  
operation, whichever occurs earlier. 22564

Each final report shall include a map indicating the location 22565  
of the area of land affected during the period of the report and 22566  
the location of the total area of land affected under the permit. 22567  
The map shall be prepared in accordance with division (A)(11) or 22568  
(12) of section 1514.02 of the Revised Code, as appropriate. 22569

In the case of a final report for an in-stream mining 22570  
operation, the map also shall include the information required 22571  
under division (A)(18) of section 1514.02 of the Revised Code, as 22572  
applicable. 22573

If the final report and certified map, as verified by the 22574  
chief, show that the number of acres affected under the permit is 22575  
larger than the number of acres for which the operator has paid an 22576  
acreage fee or filed a performance bond, upon notification by the 22577  
chief, the operator shall pay an additional acreage fee in the 22578  
amount of seventy-five dollars multiplied by the difference 22579  
between the number of acres affected under the permit and the 22580  
number of acres for which the operator has paid an acreage fee and 22581  
shall file an additional performance bond in the amount, unless 22582  
otherwise provided by rule, of five hundred dollars multiplied by 22583  
the difference between the number of acres affected under the 22584  
permit and the number of acres for which the operator has filed 22585  
bond. 22586

If the final report and certified map, as verified by the 22587  
chief, show that the number of acres affected under the permit is 22588  
smaller than the number of acres for which the operator has filed 22589  
a performance bond, the chief shall order release of the excess 22590

bond. However, the chief shall retain a performance bond in a 22591  
minimum amount of ten thousand dollars irrespective of the number 22592  
of acres affected under the permit. The release of the excess bond 22593  
shall be in an amount, unless otherwise provided by rule, equal to 22594  
five hundred dollars multiplied by the difference between the 22595  
number of acres affected under the permit and the number of acres 22596  
for which the operator has filed bond. 22597

The fees collected pursuant to this section and section 22598  
1514.02 of the Revised Code shall be deposited with the treasurer 22599  
of state to the credit of the ~~surface~~ mining regulation and safety 22600  
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 22601

If upon inspection the chief finds that any filing fee, 22602  
acreage fee, performance bond, or part thereof is not paid when 22603  
due or is paid on the basis of false or substantially inaccurate 22604  
reports, the chief may request the attorney general to recover the 22605  
unpaid amounts that are due the state, and the attorney general 22606  
shall commence appropriate legal proceedings to recover the unpaid 22607  
amounts. 22608

**Sec. 1514.051.** (A) If an operator or a partner or officer of 22609  
the operator forfeits a performance bond, the division of mineral 22610  
resources management shall have a priority lien in front of all 22611  
other interested creditors against the assets of that operator for 22612  
the amount that is needed to perform any reclamation that is 22613  
required as a result of the operator's mining activities. The 22614  
chief of the division of mineral resources management shall file a 22615  
statement in the office of the county recorder of each county in 22616  
which the mined land lies of the estimated costs to reclaim the 22617  
land. Estimated costs shall include direct and indirect costs of 22618  
the development, design, construction, management, and 22619  
administration of the reclamation. The statement shall constitute 22620  
a lien on the assets of the operator as of the date of the filing. 22621

The lien shall continue in force so long as any portion of the 22622  
lien remains unpaid or until the chief issues a certificate of 22623  
release of the lien. If the chief issues a certificate of release 22624  
of the lien, the chief shall file a certificate of release in the 22625  
office of each applicable county recorder. 22626

(B) The chief promptly shall issue a certificate of release 22627  
under any of the following circumstances: 22628

(1) Upon the repayment in full of the money that is necessary 22629  
to complete the reclamation; 22630

(2) Upon the transfer of an existing permit that includes the 22631  
areas of the surface mine for which reclamation was not completed 22632  
from the operator that forfeited the performance bond to a new 22633  
operator; 22634

(3) Any other circumstance that the chief determines to be in 22635  
the best interests of the state. 22636

(C) The chief may modify the amount of a lien under this 22637  
section. If the chief modifies a lien, the chief shall file a 22638  
statement in the office of the county recorder of each applicable 22639  
county of the new amount of the lien. 22640

(D) The chief may authorize a closing agent to hold a 22641  
certificate of release in escrow for a period not to exceed one 22642  
hundred eighty days for the purpose of facilitating the transfer 22643  
of unreclaimed mine land. 22644

(E) All money from the collection of liens under this section 22645  
shall be deposited in the state treasury to the credit of the 22646  
~~surface mining regulation and safety~~ fund created in section 22647  
~~1514.06 1513.30~~ of the Revised Code. 22648

**Sec. 1514.06.** (A) ~~There is hereby created in the state~~ 22649  
~~treasury the surface mining fund consisting of all~~ All money that 22650

becomes the property of the state pursuant to sections 1514.05 and 22651  
1514.051 of the Revised Code, money ~~credited to the fund collected~~ 22652  
under divisions (C)(1) and (2) of section 1514.071, and other 22653  
money specified in section 1514.11 of the Revised Code shall be 22654  
credited to the mining regulation and safety fund created in 22655  
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 22656  
~~the fund shall be credited to the fund. Expenditures from the fund~~ 22657  
~~shall be made by the~~ The chief of the division of mineral 22658  
resources management may expend such money for the purpose of 22659  
reclaiming areas of land affected by surface or in-stream mining 22660  
under a permit issued under this chapter that the operator has 22661  
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 22662  
~~the fund that is sufficient to achieve that purpose and, in doing~~ 22663  
~~so, considers the timeliness of reclamation activity, the chief~~ 22664  
~~may use the fund for other purposes specified in section 1514.11~~ 22665  
~~of the Revised Code.~~ 22666

(B) Expenditures of ~~moneys~~ money from the fund for the 22667  
purposes specified in division (A) of this section, except as 22668  
otherwise provided by this section, shall be made pursuant to 22669  
contracts entered into by the chief with persons who agree to 22670  
furnish all of the materials, equipment, work, and labor, as 22671  
specified and provided in the contracts, for the prices stipulated 22672  
therein. With the approval of the director of natural resources, 22673  
the chief may reclaim the land in the same manner as the chief 22674  
required of the operator who failed to reclaim the land. Each 22675  
contract awarded by the chief shall be awarded to the lowest 22676  
responsive and responsible bidder, in accordance with section 22677  
9.312 of the Revised Code, after sealed bids are received, opened, 22678  
and published at the time and place fixed by the chief. The chief 22679  
shall publish notice of the time and place at which bids will be 22680  
received, opened, and published, at least once at least ten days 22681  
before the date of the opening of the bids, in a newspaper of 22682  
general circulation in the county in which the area of land to be 22683

reclaimed under the contract is located. If, after so advertising 22684  
for bids, no bids are received by the chief at the time and place 22685  
fixed for receiving them, the chief may advertise again for bids, 22686  
or, if the chief considers the public interest will be best 22687  
served, the chief may enter into a contract for the reclamation of 22688  
the area of land without further advertisement for bids. The chief 22689  
may reject any or all bids received and again publish notice of 22690  
the time and place at which bids for contracts will be received, 22691  
opened, and published. 22692

(C) With the approval of the director, the chief, without 22693  
advertising for bids, may enter into a contract with the 22694  
landowner, a surface or in-stream mine operator or coal mine 22695  
operator mining under a current, valid permit issued under this 22696  
chapter or Chapter 1513. of the Revised Code, or a contractor 22697  
hired by a surety to complete reclamation, to carry out 22698  
reclamation on land affected by surface or in-stream mining 22699  
operations that an operator has failed to reclaim. 22700

(D) With the approval of the director, the chief may carry 22701  
out all or part of the reclamation work on land affected by 22702  
surface or in-stream mining operations that the operator has 22703  
failed to reclaim using the employees and equipment of any 22704  
division of the department of natural resources. 22705

(E) The chief shall require every contractor performing 22706  
reclamation work under this section to pay workers at the greater 22707  
of their regular rate of pay, as established by contract, 22708  
agreement, or prior custom or practice, or the average wage rate 22709  
paid in this state for the same or similar work, as determined by 22710  
the chief under section 1513.02 of the Revised Code. 22711

(F) Each contract entered into by the chief under this 22712  
section shall provide only for the reclamation of land affected by 22713  
the surface or in-stream mining operation or operations of one 22714  
operator and not reclaimed by the operator as required by this 22715

chapter. If there is money in the fund derived from the 22716  
performance bond deposited with the chief by one operator to 22717  
ensure the reclamation of two or more areas of land affected by 22718  
the surface or in-stream mining operation or operations of one 22719  
operator and not reclaimed by the operator as required by this 22720  
chapter, the chief may award a single contract for the reclamation 22721  
of all such areas of land. 22722

(G) The cost of the reclamation work done under this section 22723  
on each area of land affected by surface or in-stream mining 22724  
operations that an operator has failed to reclaim shall be paid 22725  
out of the money in the fund derived from the performance bond 22726  
that was deposited with the chief to ensure the reclamation of 22727  
that area of land. ~~If the amount of money is not sufficient to pay~~ 22728  
~~the cost of doing all of the reclamation work on the area of land~~ 22729  
~~that the operator should have done, but failed to do, the chief~~ 22730  
~~may expend from the reclamation forfeiture fund created in section~~ 22731  
~~1513.18 of the Revised Code or the surface mining fund created in~~ 22732  
~~this section the amount of money needed to complete reclamation to~~ 22733  
~~the standards required by this chapter. The operator is liable for~~ 22734  
that expense in addition to any other liabilities imposed by law. 22735  
At the request of the chief, the attorney general shall bring an 22736  
action against the operator for the amount of the expenditures 22737  
from either the mining regulation and safety fund. Moneys Money so 22738  
recovered shall be deposited in the state treasury to the credit 22739  
of the that fund ~~from which the expenditures were made.~~ 22740

~~(H) If any part of the money in the surface mining fund~~ 22741  
~~remains in the fund after the chief has caused the area of land to~~ 22742  
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 22743  
~~or if any money remains because the area of land has been~~ 22744  
~~repermitted under this chapter or reclaimed by a person other than~~ 22745  
~~the chief, the chief may expend the remaining money to complete~~ 22746  
~~other reclamation work performed under this section. The chief~~ 22747

~~shall prepare an annual report that summarizes the money credited 22748~~  
~~to the fund and expenditures made from the fund and post the 22749~~  
~~report on the division of mineral resources management's web site. 22750~~

**Sec. 1514.071.** (A) In addition to any other penalties 22751  
established under this chapter, the chief of the division of 22752  
mineral resources management may assess a civil penalty against 22753  
any person who fails to comply with an order issued by the chief 22754  
under section 1514.07 of the Revised Code by the date specified in 22755  
the order or as subsequently extended by the chief. 22756

(B) Civil penalties assessed under this section shall not 22757  
exceed one thousand dollars for each occurrence of noncompliance 22758  
with an order. Each day of continuing noncompliance, up to a 22759  
maximum of thirty days, may be deemed a separate occurrence for 22760  
purposes of penalty assessments. In determining the amount of the 22761  
assessment, the chief shall consider the seriousness of the 22762  
noncompliance, the effect of the noncompliance, and the operator's 22763  
history of noncompliance. 22764

(C) Upon issuance of a notice of noncompliance with an order, 22765  
the chief shall inform the person to whom the notice of 22766  
noncompliance is issued of the amount of any civil penalty to be 22767  
assessed and provide an opportunity for an adjudicatory hearing 22768  
with the reclamation commission pursuant to section 1514.09 of the 22769  
Revised Code. The person charged with the penalty shall have 22770  
thirty days from receipt of the assessment to pay the penalty in 22771  
full or, if the person wishes to contest the amount of the 22772  
penalty, file a petition for review of the assessment with the 22773  
commission pursuant to section 1514.09 of the Revised Code and 22774  
forward the amount of the penalty to the secretary of the 22775  
commission as required by this division. Failure to forward the 22776  
money to the secretary within thirty days after the chief informs 22777  
the person of the amount of the penalty shall result in a waiver 22778



of all legal rights to contest the amount of the penalty. 22779

If, after a hearing, the commission affirms or modifies the 22780  
amount of the penalty, the person charged with the penalty shall 22781  
have thirty days after receipt of the written decision to file an 22782  
appeal from the commission's order in accordance with section 22783  
1514.09 of the Revised Code. 22784

At the time that the petition for review of the assessment is 22785  
filed with the secretary, the person shall forward the amount of 22786  
the penalty to the secretary for placement in the reclamation 22787  
penalty fund created in division (F)(3) of section 1513.02 of the 22788  
Revised Code. Pursuant to administrative or judicial review of the 22789  
penalty, the secretary shall do either of the following: 22790

(1) If it is determined that the amount of the penalty should 22791  
be reduced, within thirty days, remit the appropriate amount of 22792  
the penalty to the person, with interest, and forward any balance 22793  
of the penalty, with interest, to the chief for deposit in the 22794  
~~surface~~ mining regulation and safety fund created in section 22795  
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 22796  
surface or in-stream mining operations in the state; 22797

(2) If the penalty was not reduced, forward the entire 22798  
penalty, with interest, to the chief for deposit in the ~~surface~~ 22799  
mining regulation and safety fund for reclamation of abandoned 22800  
surface or in-stream mining operations in the state. 22801

(D) Civil penalties owed under this section may be recovered 22802  
in a civil action brought by the attorney general upon the request 22803  
of the chief. 22804

**Sec. 1514.11.** In addition to the purposes otherwise 22805  
authorized ~~in section 1514.06 of the Revised Code~~ by law, the 22806  
chief of the division of mineral resources management may use 22807  
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 22808

created under ~~that~~ section 1513.30 of the Revised Code for the 22809  
administration and enforcement of this chapter, for the 22810  
reclamation of land affected by surface or in-stream mining under 22811  
a permit issued under this chapter that the operator failed to 22812  
reclaim and for which the performance bond filed by the operator 22813  
is insufficient to complete the reclamation, and for the 22814  
reclamation of land affected by surface or in-stream mining that 22815  
was abandoned and left unreclaimed and for which no permit was 22816  
issued or bond filed under this chapter. Also, the chief may use 22817  
the portion of the ~~surface~~ mining regulation and safety fund that 22818  
consists of ~~moneys~~ money collected from the severance taxes levied 22819  
under section 5749.02 of the Revised Code for mine safety and 22820  
first aid training. For purposes of reclamation under this 22821  
section, the chief shall expend ~~moneys~~ money in the fund in 22822  
accordance with the procedures and requirements established in 22823  
section 1514.06 of the Revised Code and may enter into contracts 22824  
and perform work in accordance with that section. 22825

Fees collected under sections 1514.02 and 1514.03 of the 22826  
Revised Code, ~~one half of the moneys and money~~ collected from the 22827  
severance taxes levied under ~~divisions (A)(3) and (4) of~~ section 22828  
5749.02 of the Revised Code, ~~and all of the moneys collected from~~ 22829  
~~the severance tax levied under division (A)(7) of section 5749.02~~ 22830  
~~of the Revised Code~~ shall be credited to the fund in accordance 22831  
with those sections. Notwithstanding any section of the Revised 22832  
Code relating to the distribution or crediting of fines for 22833  
violations of the Revised Code, all fines imposed under section 22834  
1514.99 of the Revised Code shall be credited to the fund. 22835

**Sec. 1514.41.** (A) If a surface mining operation is not 22836  
inspected by the mine safety and health administration in the 22837  
United States department of labor, the chief of the division of 22838  
mineral resources management annually shall conduct a minimum of 22839  
two inspections of the operation. 22840

(B) If a surface mining operation is identified through a safety performance evaluation ~~conducted under section 1514.45 of the Revised Code and rules~~ as having ~~lost time accidents in an amount greater than the national average~~ three or more violations per day during an inspection conducted by the mine safety and health administration in the United States department of labor, the chief shall conduct a minimum of two inspections of the operation for one year following the identification. However, the chief, in consultation with a statewide organization representing the industrial minerals surface mining organization, may adopt rules, in accordance with Chapter 119. of the Revised Code, establishing exceptions to the safety inspection requirement under this division.

(C) If a fatality of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for two years following the fatality.

(D) If a life-threatening injury of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for one year following the injury.

**Sec. 1514.46.** If the operator of a surface mining operation requests the division of mineral resources management to conduct mine safety training, the chief of the division of mineral resources management shall conduct mine safety training for the employees of that operator. For persons who are not employed by a holder of a surface mining permit issued under this chapter and who seek the training, the chief may charge a fee in an amount established in rules for conducting it. The safety training shall

be conducted in accordance with rules and shall emphasize the 22872  
standards adopted in rules and include any other content that the 22873  
chief determines is beneficial. Any fees collected under this 22874  
section shall be deposited in the state treasury to the credit of 22875  
the ~~surface~~ mining regulation and safety fund created in section 22876  
~~1514.06~~ 1513.30 of the Revised Code. 22877

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 22878  
of storing, conserving, or retarding water, or for any other 22879  
purpose, nor shall any levee be constructed for the purpose of 22880  
diverting or retaining flood water, unless the person or 22881  
governmental agency desiring the construction has a construction 22882  
permit for the dam or levee issued by the chief of the division of 22883  
water resources. 22884

A construction permit is not required under this section for: 22885

(1) A dam that is or will be less than ten feet in height and 22886  
that has or will have a storage capacity of not more than fifty 22887  
acre-feet at the elevation of the top of the dam, as determined by 22888  
the chief. For the purposes of this section, the height of a dam 22889  
shall be measured from the natural stream bed or lowest ground 22890  
elevation at the downstream or outside limit of the dam to the 22891  
elevation of the top of the dam. 22892

(2) A dam, regardless of height, that has or will have a 22893  
storage capacity of not more than fifteen acre-feet at the 22894  
elevation of the top of the dam, as determined by the chief; 22895

(3) A dam, regardless of storage capacity, that is or will be 22896  
six feet or less in height, as determined by the chief; 22897

(4) A dam or levee that belongs to a class exempted by the 22898  
chief; 22899

(5) The repair, maintenance, improvement, alteration, or 22900  
removal of a dam or levee that is subject to section 1521.062 of 22901

the Revised Code, unless the construction constitutes an 22902  
enlargement or reconstruction of the structure as determined by 22903  
the chief; 22904

(6) A dam or impoundment constructed under Chapter 1513. of 22905  
the Revised Code. 22906

(B) Before a construction permit may be issued, three copies 22907  
of the plans and specifications, including a detailed cost 22908  
estimate, for the proposed construction, prepared by a registered 22909  
professional engineer, together with ~~the~~ any filing fee specified 22910  
by rules adopted by the chief in accordance with division (I) of 22911  
this section and the bond or other security required by section 22912  
1521.061 of the Revised Code, shall be filed with the chief. The 22913  
detailed estimate of the cost shall include all costs associated 22914  
with the construction of the dam or levee, including supervision 22915  
and inspection of the construction by a registered professional 22916  
engineer. ~~The filing fee shall be based on the detailed cost~~ 22917  
~~estimate for the proposed construction as filed with and approved~~ 22918  
~~by the chief, and shall be determined by the following schedule~~ 22919  
~~unless otherwise provided by rules adopted under this section:~~ 22920

~~(1) For the first one hundred thousand dollars of estimated~~ 22921  
~~cost, a fee of four per cent;~~ 22922

~~(2) For the next four hundred thousand dollars of estimated~~ 22923  
~~cost, a fee of three per cent;~~ 22924

~~(3) For the next five hundred thousand dollars of estimated~~ 22925  
~~cost, a fee of two per cent;~~ 22926

~~(4) For all costs in excess of one million dollars, a fee of~~ 22927  
~~one half of one per cent.~~ 22928

~~In no case shall the filing fee be less than one thousand~~ 22929  
~~dollars or more than one hundred thousand dollars. If the actual~~ 22930  
~~cost exceeds the estimated cost by more than fifteen per cent, an~~ 22931  
~~additional filing fee shall be required equal to the fee~~ 22932

~~determined by the preceding schedule less the original filing fee.~~ 22933  
All fees collected pursuant to this section, and all fines 22934  
collected pursuant to section 1521.99 of the Revised Code, shall 22935  
be deposited in the state treasury to the credit of the dam safety 22936  
fund, which is hereby created. Expenditures from the fund shall be 22937  
made by the chief for the purpose of administering this section 22938  
and sections 1521.061 and 1521.062 of the Revised Code. 22939

(C) The chief shall, within thirty days from the date of the 22940  
receipt of the application, fee, and bond or other security, issue 22941  
or deny a construction permit for the construction or may issue a 22942  
construction permit conditioned upon the making of such changes in 22943  
the plans and specifications for the construction as the chief 22944  
considers advisable if the chief determines that the construction 22945  
of the proposed dam or levee, in accordance with the plans and 22946  
specifications filed, would endanger life, health, or property. 22947

(D) The chief may deny a construction permit after finding 22948  
that a dam or levee built in accordance with the plans and 22949  
specifications would endanger life, health, or property, because 22950  
of improper or inadequate design, or for such other reasons as the 22951  
chief may determine. 22952

In the event the chief denies a permit for the construction 22953  
of the dam or levee, or issues a permit conditioned upon a making 22954  
of changes in the plans or specifications for the construction, 22955  
the chief shall state the reasons therefor and so notify, in 22956  
writing, the person or governmental agency making the application 22957  
for a permit. If the permit is denied, the chief shall return the 22958  
bond or other security to the person or governmental agency making 22959  
application for the permit. 22960

The decision of the chief conditioning or denying a 22961  
construction permit is subject to appeal as provided in Chapter 22962  
119. of the Revised Code. A dam or levee built substantially at 22963  
variance from the plans and specifications upon which a 22964

construction permit was issued is in violation of this section. 22965  
The chief may at any time inspect any dam or levee, or site upon 22966  
which any dam or levee is to be constructed, in order to determine 22967  
whether it complies with this section. 22968

(E) A registered professional engineer shall inspect the 22969  
construction for which the permit was issued during all phases of 22970  
construction and shall furnish to the chief such regular reports 22971  
of the engineer's inspections as the chief may require. When the 22972  
chief finds that construction has been fully completed in 22973  
accordance with the terms of the permit and the plans and 22974  
specifications approved by the chief, the chief shall approve the 22975  
construction. When one year has elapsed after approval of the 22976  
completed construction, and the chief finds that within this 22977  
period no fact has become apparent to indicate that the 22978  
construction was not performed in accordance with the terms of the 22979  
permit and the plans and specifications approved by the chief, or 22980  
that the construction as performed would endanger life, health, or 22981  
property, the chief shall release the bond or other security. No 22982  
bond or other security shall be released until one year after 22983  
final approval by the chief, unless the dam or levee has been 22984  
modified so that it will not retain water and has been approved as 22985  
nonhazardous after determination by the chief that the dam or 22986  
levee as modified will not endanger life, health, or property. 22987

(F) When inspections required by this section are not being 22988  
performed, the chief shall notify the person or governmental 22989  
agency to which the permit has been issued that inspections are 22990  
not being performed by the registered professional engineer and 22991  
that the chief will inspect the remainder of the construction. 22992  
Thereafter, the chief shall inspect the construction and the cost 22993  
of inspection shall be charged against the owner. Failure of the 22994  
registered professional engineer to submit required inspection 22995  
reports shall be deemed notice that the engineer's inspections are 22996

not being performed. 22997

(G) The chief may order construction to cease on any dam or 22998  
levee that is being built in violation of this section, and may 22999  
prohibit the retention of water behind any dam or levee that has 23000  
been built in violation of this section. The attorney general, 23001  
upon written request of the chief, may bring an action for an 23002  
injunction against any person who violates this section or to 23003  
enforce an order or prohibition of the chief made pursuant to this 23004  
section. 23005

(H) The chief may adopt rules in accordance with Chapter 119. 23006  
of the Revised Code, for the design and construction of dams and 23007  
levees for which a construction permit is required by this section 23008  
or for which periodic inspection is required by section 1521.062 23009  
of the Revised Code, ~~for establishing a filing fee schedule in~~ 23010  
~~lieu of the schedule established under division (B) of this~~ 23011  
~~section,~~ for deposit and forfeiture of bonds and other securities 23012  
required by section 1521.061 of the Revised Code, for the periodic 23013  
inspection, operation, repair, improvement, alteration, or removal 23014  
of all dams and levees, as specified in section 1521.062 of the 23015  
Revised Code, and for establishing classes of dams or levees that 23016  
are exempt from the requirements of this section and section 23017  
1521.062 of the Revised Code as being of a size, purpose, or 23018  
situation that does not present a substantial hazard to life, 23019  
health, or property. The chief may, by rule, limit the period 23020  
during which a construction permit issued under this section is 23021  
valid. The rules may allow for the extension of the period during 23022  
which a permit is valid upon written request, provided that the 23023  
written request includes a revised construction cost estimate, and 23024  
may require the payment of an additional filing fee for the 23025  
requested extension. If a construction permit expires without an 23026  
extension before construction is completed, the person or agency 23027  
shall apply for a new permit, and shall not continue construction 23028



until the new permit is issued. 23029

(I) The chief shall adopt rules in accordance with Chapter 23030  
119. of the Revised Code establishing a filing fee schedule for 23031  
purposes of division (B) of this section. 23032

**Sec. 1521.063.** (A) Except for the federal government, the 23033  
owner of a dam, that is classified as a class I, class II, or 23034  
class III dam under rules adopted under section 1521.06 of the 23035  
Revised Code and subject to section 1521.062 of the Revised Code 23036  
shall pay an annual fee, ~~based upon the height of the dam, the~~ 23037  
~~linear foot length of the dam, and the per acre foot of volume of~~ 23038  
~~water impounded by the dam in accordance with the annual fee~~ 23039  
~~schedule established in rules adopted under division (B) of this~~ 23040  
~~section.~~ The fee shall be paid to the division of water resources 23041  
on or before the thirtieth day of June of each year. ~~The annual~~ 23042  
~~fee shall be as follows until otherwise provided by rules adopted~~ 23043  
~~under this section:~~ 23044

~~(1) For any dam classified as a class I dam under rules 23045~~  
~~adopted by the chief of the division of water resources under 23046~~  
~~section 1521.06 of the Revised Code, three hundred dollars plus 23047~~  
~~ten dollars per foot of height of dam, five cents per foot of 23048~~  
~~length of the dam and five cents per acre foot of water impounded 23049~~  
~~by the dam;~~ 23050

~~(2) For any dam classified as a class II dam under those 23051~~  
~~rules, ninety dollars plus six dollars per foot of height of dam, 23052~~  
~~five cents per foot of length of the dam and five cents per acre 23053~~  
~~foot of water impounded by the dam;~~ 23054

~~(3) For any dam classified as a class III dam under those 23055~~  
~~rules, ninety dollars plus four dollars per foot of height of the 23056~~  
~~dam, five cents per foot of length of the dam, and five cents 23057~~  
~~per acre foot of volume of water impounded by the dam.~~ 23058

~~For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.~~

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) of this section if the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action plan pursuant to standards established in rules adopted under this section. The chief shall not discount an annual fee by more than twenty-five per cent of the total annual fee that is due. In addition, the chief shall not discount the annual fee that is due from the owner of a dam who has been assessed a penalty under this section.

(B)(1) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section ~~and~~.

(2) The chief shall, in accordance with Chapter 119. of the Revised Code, adopt rules for the establishment of an annual fee schedule ~~in lieu of the schedule established in division (A) for purposes~~ of this section.

(3) The annual fee schedule must be based on the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it.

(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action.

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts, municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof.

**Sec. 1531.01.** As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.

(B) "Resident" means any individual who has resided in this state for not less than six months next preceding the date of making application for a license.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the

chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal

with the same effect as it applies to the whole.	23151
(M) "Angling" means fishing with not more than two hand	23152
lines, not more than two units of rod and line, or a combination	23153
of not more than one hand line and one rod and line, either in	23154
hand or under control at any time while fishing. The hand line or	23155
rod and line shall have attached to it not more than three baited	23156
hooks, not more than three artificial fly rod lures, or one	23157
artificial bait casting lure equipped with not more than three	23158
sets of three hooks each.	23159
(N) "Trotline" means a device for catching fish that consists	23160
of a line having suspended from it, at frequent intervals,	23161
vertical lines with hooks attached.	23162
(O) "Fish" means a cold-blooded vertebrate having fins.	23163
(P) "Measurement of fish" means length from the end of the	23164
nose to the longest tip or end of the tail.	23165
(Q) "Wild birds" includes game birds and nongame birds.	23166
(R) "Game" includes game birds, game quadrupeds, and	23167
fur-bearing animals.	23168
(S) "Game birds" includes mourning doves, ringneck pheasants,	23169
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	23170
grouse, wild turkey, Hungarian partridge, Chukar partridge,	23171
woodcocks, black-breasted plover, golden plover, Wilson's snipe or	23172
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	23173
duck, geese, brant, and crows.	23174
(T) "Nongame birds" includes all other wild birds not	23175
included and defined as game birds or migratory game birds.	23176
(U) "Wild quadrupeds" includes game quadrupeds and	23177
fur-bearing animals.	23178
(V) "Game quadrupeds" includes cottontail rabbits, gray	23179
squirrels, black squirrels, fox squirrels, red squirrels, flying	23180

squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 23181  
wild boar, elk, and black bears. 23182

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 23183  
skunks, opossums, muskrats, fox, beavers, badgers, otters, 23184  
coyotes, and bobcats. 23185

(X) "Wild animals" includes mollusks, crustaceans, aquatic 23186  
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 23187  
and all other wild mammals, but does not include domestic deer. 23188

(Y) "Hunting" means pursuing, shooting, killing, following 23189  
after or on the trail of, lying in wait for, shooting at, or 23190  
wounding wild birds or wild quadrupeds while employing any device 23191  
commonly used to kill or wound wild birds or wild quadrupeds 23192  
whether or not the acts result in killing or wounding. "Hunting" 23193  
includes every attempt to kill or wound and every act of 23194  
assistance to any other person in killing or wounding or 23195  
attempting to kill or wound wild birds or wild quadrupeds. 23196

(Z) "Trapping" means securing or attempting to secure 23197  
possession of a wild bird or wild quadruped by means of setting, 23198  
placing, drawing, or using any device that is designed to close 23199  
upon, hold fast, confine, or otherwise capture a wild bird or wild 23200  
quadruped whether or not the means results in capture. "Trapping" 23201  
includes every act of assistance to any other person in capturing 23202  
wild birds or wild quadrupeds by means of the device whether or 23203  
not the means results in capture. 23204

(AA) "Muskrat spear" means any device used in spearing 23205  
muskrats. 23206

(BB) "Channels and passages" means those narrow bodies of 23207  
water lying between islands or between an island and the mainland 23208  
in Lake Erie. 23209

(CC) "Island" means a rock or land elevation above the waters 23210  
of Lake Erie having an area of five or more acres above water. 23211

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye

(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt	23244
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus	23245
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other	23246
than buffalo and quillback (Carpiodes sp., Catostomus sp.,	23247
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone	23248
chrysops), white perch (Roccus americanus), and yellow perch	23249
(Perca flavescens). When the common name of a fish is used in this	23250
chapter or Chapter 1533. of the Revised Code, it refers to the	23251
fish designated by the scientific name in this definition.	23252
(II) "Fishing" means taking or attempting to take fish by any	23253
method, and all other acts such as placing, setting, drawing, or	23254
using any device commonly used to take fish whether resulting in a	23255
taking or not.	23256
(JJ) "Fillet" means the pieces of flesh taken or cut from	23257
both sides of a fish, joined to form one piece of flesh.	23258
(KK) "Part fillet" means a piece of flesh taken or cut from	23259
one side of a fish.	23260
(LL) "Round" when used in describing fish means with head and	23261
tail intact.	23262
(MM) "Migrate" means the transit or movement of fish to or	23263
from one place to another as a result of natural forces or	23264
instinct and includes, but is not limited to, movement of fish	23265
induced or caused by changes in the water flow.	23266
(NN) "Spreader bar" means a brail or rigid bar placed across	23267
the entire width of the back, at the top and bottom of the cars in	23268
all trap, crib, and fyke nets for the purpose of keeping the	23269
meshes hanging squarely while the nets are fishing.	23270
(OO) "Fishing guide" means any person who, for consideration	23271
or hire, operates a boat, rents, leases, or otherwise furnishes	23272
angling devices, ice fishing shanties or shelters of any kind, or	23273
other fishing equipment, and accompanies, guides, directs, or	23274



assists any other person in order for the other person to engage 23275  
in fishing. 23276

(PP) "Net" means fishing devices with meshes composed of 23277  
twine or synthetic material and includes, but is not limited to, 23278  
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 23279  
seines, except minnow seines and minnow dip nets. 23280

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 23281  
nets, dip nets, carp aprons, trotlines, other similar gear, and 23282  
any boat used in conjunction with that gear, but does not include 23283  
gill nets. 23284

(RR) "Native wildlife" means any species of the animal 23285  
kingdom indigenous to this state. 23286

(SS) "Gill net" means a single section of fabric or netting 23287  
seamed to a float line at the top and a lead line at the bottom, 23288  
which is designed to entangle fish in the net openings as they 23289  
swim into it. 23290

(TT) "Tag fishing tournament" means a contest in which a 23291  
participant pays a fee, or gives other valuable consideration, for 23292  
a chance to win a prize by virtue of catching a tagged or 23293  
otherwise specifically marked fish within a limited period of 23294  
time. 23295

(UU) "Tenant" means an individual who resides on land for 23296  
which the individual pays rent and whose annual income is 23297  
primarily derived from agricultural production conducted on that 23298  
land, as "agricultural production" is defined in section 929.01 of 23299  
the Revised Code. 23300

(VV) "Nonnative wildlife" means any wild animal not 23301  
indigenous to this state, but does not include domestic deer. 23302

(WW) "Reptiles" includes common musk turtle (*sternotherus* 23303  
*odoratus*), common snapping turtle (*Chelydra serpentina* 23304

serpentina), spotted turtle ( <i>Clemmys guttata</i> ), eastern box turtle	23305
( <i>Terrapene carolina carolina</i> ), Blanding's turtle ( <i>Emydoidea</i>	23306
<i>blandingii</i> ), common map turtle ( <i>Graptemys geographica</i> ), ouachita	23307
map turtle ( <i>Graptemys pseudogeographica ouachitensis</i> ), midland	23308
painted turtle ( <i>Chrysemys picta marginata</i> ), red-eared slider	23309
( <i>Trachemys scripta elegans</i> ), eastern spiny softshell turtle	23310
( <i>Apalone spinifera spinifera</i> ), midland smooth softshell turtle	23311
( <i>Apalone mutica mutica</i> ), northern fence lizard ( <i>Sceloporus</i>	23312
<i>undulatus hyacinthinus</i> ), ground skink ( <i>Scincella lateralis</i> ),	23313
five-lined skink ( <i>Eumeces fasciatus</i> ), broadhead skink ( <i>Eumeces</i>	23314
<i>laticeps</i> ), northern coal skink ( <i>Eumeces anthracinus anthracinus</i> ),	23315
European wall lizard ( <i>Podarcis muralis</i> ), queen snake ( <i>Regina</i>	23316
<i>septemvittata</i> ), Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern	23317
water snake ( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake	23318
( <i>Nerodia sipedon insularum</i> ), copperbelly water snake ( <i>Nerodia</i>	23319
<i>erythrogaster neglecta</i> ), northern brown snake ( <i>Storeria dekayi</i>	23320
<i>dekayi</i> ), midland brown snake ( <i>Storeria dekayi wrightorum</i> ),	23321
northern redbelly snake ( <i>Storeria occipitomaculata</i>	23322
<i>occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis</i>	23323
<i>sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ),	23324
Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	23325
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	23326
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	23327
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	23328
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	23329
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	23330
( <i>Carphophis amoenus helena</i> ), eastern worm snake ( <i>Carphophis</i>	23331
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	23332
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	23333
( <i>opheodrys aestivus</i> ), smooth green snake ( <i>opheodrys vernalis</i>	23334
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	23335
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	23336
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	23337

triangulum), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	23338
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	23339
rattlesnake ( <i>Crotalus horridus horridus</i> ).	23340
(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	23341
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	23342
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	23343
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	23344
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	23345
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	23346
streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	23347
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	23348
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	23349
mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	23350
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	23351
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	23352
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	23353
( <i>Hemidactylium scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	23354
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	23355
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	23356
<i>montanus</i> ), northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	23357
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	23358
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda</i>	23359
<i>longicauda</i> ), cave salamander ( <i>Eurycea lucifuga</i> ), southern	23360
two-lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	23361
<i>woodhousii fowleri</i> ), American toad ( <i>Bufo americanus</i> ), eastern	23362
spadefoot ( <i>Scaphiopus holbrookii</i> ), Blanchard's cricket frog ( <i>Acris</i>	23363
<i>crepitans blanchardi</i> ), northern spring peeper ( <i>Pseudacris crucifer</i>	23364
<i>crucifer</i> ), gray treefrog ( <i>Hyla versicolor</i> ), Cope's gray treefrog	23365
( <i>Hyla chrysoscelis</i> ), western chorus frog ( <i>Pseudacris triseriata</i>	23366
<i>triseriata</i> ), mountain chorus frog ( <i>Pseudacris brachyphona</i> ),	23367
bullfrog ( <i>Rana catesbeiana</i> ), green frog ( <i>Rana clamitans melanota</i> ),	23368
northern leopard frog ( <i>Rana pipiens</i> ), pickerel frog ( <i>Rana</i>	23369
<i>palustris</i> ), southern leopard frog ( <i>Rana utricularia</i> ), and wood	23370

frog ( <i>Rana sylvatica</i> ).	23371
(YY) "Deer" means white-tailed deer ( <i>Odocoileus virginianus</i> ).	23372 23373
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	23374 23375 23376
(AAA) "Migratory game bird" includes waterfowl ( <i>Anatidae</i> ); doves ( <i>Columbidae</i> ); cranes ( <i>Gruidae</i> ); cormorants ( <i>Phalacrocoracidae</i> ); rails, coots, and gallinules ( <i>Rallidae</i> ); and woodcock and snipe ( <i>Scolopacidae</i> ).	23377 23378 23379 23380
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	23381 23382 23383
(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "Electric-powered all-purpose vehicle" does not include a utility vehicle as defined in section 4501.01 of the Revised Code, any vehicle that is principally used in playing golf, any motor vehicle or aircraft that is required to be registered under Chapter 4503. or 4561. of the Revised Code, or any vehicle that is excluded from the definition of "motor vehicle" as provided in division (B) of section 4501.01 of the Revised Code.	23384 23385 23386 23387 23388 23389 23390 23391 23392 23393 23394 23395 23396 23397
(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of	23398 23399 23400 23401

wildlife may approve, where game birds, game quadrupeds, reptiles, 23402  
amphibians, or fur-bearing animals are raised and may be sold 23403  
under the authority of a commercial propagating license or captive 23404  
white-tailed deer propagation license obtained under section 23405  
1533.71 of the Revised Code. 23406

(EEE) "Commercial bird shooting preserve" means an area of 23407  
land where game birds are released and hunted by shooting as 23408  
authorized by a commercial bird shooting preserve license obtained 23409  
under section 1533.72 of the Revised Code. 23410

(FFF) "Wild animal hunting preserve" means an area of land 23411  
where game, captive white-tailed deer, and nonnative wildlife, 23412  
other than game birds, are released and hunted as authorized by a 23413  
wild animal hunting preserve license obtained under section 23414  
1533.721 of the Revised Code. 23415

(GGG) "Captive white-tailed deer" means legally acquired deer 23416  
that are held in private ownership at a facility licensed under 23417  
section 943.03 or 943.031 of the Revised Code and under section 23418  
1533.71 or 1533.721 of the Revised Code. 23419

Sec. 1533.06. Not later than one year after the effective 23420  
date of this section, the chief of the division of wildlife shall 23421  
establish all of the following: 23422

(A) A risk assessment policy for aquatic species that 23423  
provides for both of the following: 23424

(1) An evaluation of the overall risk of a species based on 23425  
the best available biological information derived from 23426  
professionally accepted science and practices in fisheries or 23427  
aquatic invasive species management; 23428

(2) A determination of whether a species shall be listed as 23429  
an injurious aquatic invasive species. 23430

(B) A definition of injurious invasive aquatic species. 23431

The chief shall adopt rules in accordance with section 23432  
1531.10 of the Revised Code necessary to administer this section. 23433

**Sec. 1533.11.** (A)(1) Except as provided in this section or 23434  
section 1533.731 of the Revised Code, no person shall hunt deer on 23435  
lands of another without first obtaining an annual deer permit. 23436  
Except as provided in this section, no person shall hunt wild 23437  
turkeys on lands of another without first obtaining an annual wild 23438  
turkey permit. ~~Each~~ Except as provided in division (A)(2) of 23439  
section 1533.12 of the Revised Code, a deer or wild turkey permit 23440  
shall run concurrently with the hunting license. Except as 23441  
provided in rules adopted under division (B) of that section, each 23442  
applicant for a deer or wild turkey permit shall pay an annual fee 23443  
~~of twenty three dollars for each permit unless the rules adopted~~ 23444  
~~under division (B) of section 1533.12 of the Revised Code provide~~ 23445  
~~for issuance of a deer or wild turkey permit to the applicant free~~ 23446  
~~of charge. Except as provided in rules adopted under division~~ 23447  
~~(B)(2) of that section, each applicant who is a resident of this~~ 23448  
~~state and who at the time of application is sixty six years of age~~ 23449  
~~or older shall procure a senior deer or wild turkey permit, the~~ 23450  
~~fee for which shall be one half of the regular deer or wild turkey~~ 23451  
~~permit fee. Each applicant who is under the age of eighteen years~~ 23452  
~~shall procure a youth deer or wild turkey permit, the fee for~~ 23453  
~~which shall be one half of the regular deer or wild turkey permit~~ 23454  
~~fee. Except as provided in division (A)(2) of section 1533.12 of~~ 23455  
~~the Revised Code, a deer or wild turkey permit shall run~~ 23456  
~~concurrently with the hunting license~~ in accordance with the 23457  
following schedule: 23458

<u>Deer permit - resident</u>	<u>\$23.00</u>	23459
<u>Deer permit - nonresident, all ages</u>	<u>\$250.00</u>	23460
<u>Youth deer permit - resident</u>	<u>\$11.50</u>	23461
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	23462
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	23463

<u>Wild turkey permit - nonresident, all ages</u>	<u>\$75.00</u>	23464
<u>Youth wild turkey permit - resident</u>	<u>\$11.50</u>	23465
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	23466
<u>(2) As used in division (A)(1) of this section:</u>		23467
<u>(a) "Youth" means an applicant who is under the age of</u>		23468
<u>eighteen years at the time of application for a permit.</u>		23469
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		23470
<u>or older at the time of application for a permit. The</u>		23471
<u>(3) The money received shall be paid into the state treasury</u>		23472
<u>to the credit of the wildlife fund, created in section 1531.17 of</u>		23473
<u>the Revised Code, exclusively for the use of the division of</u>		23474
<u>wildlife in the acquisition and development of land for deer or</u>		23475
<u>wild turkey management, for investigating deer or wild turkey</u>		23476
<u>problems, and for the stocking, management, and protection of deer</u>		23477
<u>or wild turkey. Every</u>		23478
<u>(4) Every person, while hunting deer or wild turkey on lands</u>		23479
<u>of another, shall carry the person's deer or wild turkey permit</u>		23480
<u>and exhibit it to any enforcement officer so requesting. Failure</u>		23481
<u>to so carry and exhibit such a permit constitutes an offense under</u>		23482
<u>this section. The</u>		23483
<u>(5) The chief of the division of wildlife shall adopt any</u>		23484
<u>additional rules the chief considers necessary to carry out this</u>		23485
<u>section and section 1533.10 of the Revised Code.</u>		23486
<u>(6) An owner who is a resident of this state or an owner who</u>		23487
<u>is exempt from obtaining a hunting license under section 1533.10</u>		23488
<u>of the Revised Code and the children of the owner of lands in this</u>		23489
<u>state may hunt deer or wild turkey thereon without a deer or wild</u>		23490
<u>turkey permit. If the owner of land in this state is a limited</u>		23491
<u>liability company or a limited liability partnership that consists</u>		23492
<u>of three or fewer individual members or partners, as applicable,</u>		23493
<u>an individual member or partner who is a resident of this state</u>		23494

and the member's or partner's children of any age may hunt deer or 23495  
wild turkey on the land owned by the limited liability company or 23496  
limited liability partnership without a deer or wild turkey 23497  
permit. In addition, if the owner of land in this state is a trust 23498  
that has a total of three or fewer trustees and beneficiaries, an 23499  
individual who is a trustee or beneficiary and who is a resident 23500  
of this state and the individual's children of any age may hunt 23501  
deer or wild turkey on the land owned by the trust without a deer 23502  
or wild turkey permit. The tenant and children of the tenant may 23503  
hunt deer or wild turkey on lands where they reside without a deer 23504  
or wild turkey permit. 23505

(B) A deer or wild turkey permit is not transferable. No 23506  
person shall carry a deer or wild turkey permit issued in the name 23507  
of another person. 23508

(C) The wildlife refunds fund is hereby created in the state 23509  
treasury. The fund shall consist of money received from 23510  
application fees for deer permits that are not issued. Money in 23511  
the fund shall be used to make refunds of such application fees. 23512

(D) If the division establishes a system for the electronic 23513  
submission of information regarding deer or wild turkey that are 23514  
taken, the division shall allow the owner and the children of the 23515  
owner of lands in this state to use the owner's name or address 23516  
for purposes of submitting that information electronically via 23517  
that system. 23518

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 23519  
(A)(2) of this section, every person on active duty in the armed 23520  
forces of the United States who is stationed in this state and who 23521  
wishes to engage in an activity for which a license, permit, or 23522  
stamp is required under this chapter first shall obtain the 23523  
requisite license, permit, or stamp. Such a person is eligible to 23524  
obtain a resident hunting or fishing license regardless of whether 23525



the person qualifies as a resident of this state. To obtain a 23526  
resident hunting or fishing license, the person shall present a 23527  
card or other evidence identifying the person as being on active 23528  
duty in the armed forces of the United States and as being 23529  
stationed in this state. 23530

(2) Every person on active duty in the armed forces of the 23531  
United States, while on leave or furlough, may take or catch fish 23532  
of the kind lawfully permitted to be taken or caught within the 23533  
state, may hunt any wild bird or wild quadruped lawfully permitted 23534  
to be hunted within the state, and may trap fur-bearing animals 23535  
lawfully permitted to be trapped within the state, without 23536  
procuring a fishing license, a hunting license, a fur taker 23537  
permit, or a wetlands habitat stamp required by this chapter, 23538  
provided that the person shall carry on the person when fishing, 23539  
hunting, or trapping, a card or other evidence identifying the 23540  
person as being on active duty in the armed forces of the United 23541  
States, and provided that the person is not otherwise violating 23542  
any of the hunting, fishing, and trapping laws of this state. 23543

In order to hunt deer or wild turkey, any such person shall 23544  
obtain a deer or wild turkey permit, as applicable, under section 23545  
1533.11 of the Revised Code. Such a person is eligible to obtain a 23546  
deer or wild turkey permit at the resident rate, regardless of 23547  
whether the person is a resident of this state. However, the 23548  
person need not obtain a hunting license in order to obtain such a 23549  
permit. 23550

(B) The chief of the division of wildlife shall provide by 23551  
rule adopted under section 1531.10 of the Revised Code all of the 23552  
following: 23553

(1) Every resident of this state with a disability that has 23554  
been determined by the veterans administration to be permanently 23555  
and totally disabling, who receives a pension or compensation from 23556  
the veterans administration, and who received an honorable 23557

discharge from the armed forces of the United States, and every 23558  
veteran to whom the registrar of motor vehicles has issued a set 23559  
of license plates under section 4503.41 of the Revised Code, shall 23560  
be issued a fishing license, hunting license, fur taker permit, 23561  
deer or wild turkey permit, or wetlands habitat stamp, or any 23562  
combination of those licenses, permits, and stamp, free of charge 23563  
on an annual, multi-year, or lifetime basis as determined 23564  
appropriate by the chief when application is made to the chief in 23565  
the manner prescribed by and on forms provided by the chief. 23566

(2) Every resident of the state who was born on or before 23567  
December 31, 1937, shall be issued an annual fishing license, 23568  
hunting license, fur taker permit, deer or wild turkey permit, or 23569  
wetlands habitat stamp, or any combination of those licenses, 23570  
permits, and stamp, free of charge when application is made to the 23571  
chief in the manner prescribed by and on forms provided by the 23572  
chief. 23573

(3) Every resident of state or county institutions, 23574  
charitable institutions, and military homes in this state shall be 23575  
issued an annual fishing license free of charge when application 23576  
is made to the chief in the manner prescribed by and on forms 23577  
provided by the chief. 23578

(4) Any mobility impaired or blind person, as defined in 23579  
section 955.011 of the Revised Code, who is a resident of this 23580  
state and who is unable to engage in fishing without the 23581  
assistance of another person shall be issued an annual fishing 23582  
license free of charge when application is made to the chief in 23583  
the manner prescribed by and on forms provided by the chief. The 23584  
person who is assisting the mobility impaired or blind person may 23585  
assist in taking or catching fish of the kind permitted to be 23586  
taken or caught without procuring the license required under 23587  
section 1533.32 of the Revised Code, provided that only one line 23588  
is used by both persons. 23589

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

**Sec. 1561.14.** A person who applies for a certificate as a mine electrician shall be able to read and write the English language, and prior to the date of the application for examination either shall have had at least one year's experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, or in a noncoal mine, or shall have had such experience as the chief of the division of mineral resources management determines to be equivalent. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any ~~moneys~~ money collected under this section shall be paid into the

state treasury to the credit of the mining regulation and safety 23621  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 23622

**Sec. 1561.16.** (A) As used in this section and sections 23623  
1561.17 to 1561.21 of the Revised Code, "actual practical 23624  
experience" means previous employment that involved a person's 23625  
regular presence in the type of mining operation in which the 23626  
experience is required to exist; participation in functions 23627  
relating to the hazards involved in and the utilization of 23628  
equipment, tools, and work crews and individuals for that type of 23629  
mining; and regular exposure to the methods, procedures, and 23630  
safety laws applicable to that type of mining. Credit of up to one 23631  
year for a portion of the required experience time may be given 23632  
upon documentation to the chief of the division of mineral 23633  
resources management of an educational degree in a field related 23634  
to mining. Credit of up to two years of the required experience 23635  
time may be given upon presentation to the chief of proof of 23636  
graduation from an accredited school of mines or mining after a 23637  
four-year course of study with employment in the mining industry 23638  
during interim breaks during the school years. 23639

(B) A person who applies for a certificate as a mine 23640  
foreperson of gaseous mines shall be able to read and write the 23641  
English language; shall have had at least five years' actual 23642  
practical experience in the underground workings of a gaseous mine 23643  
or the equivalent thereof in the judgment of the chief; and shall 23644  
have had practical experience obtained by actual contact with gas 23645  
in mines and have knowledge of the dangers and nature of noxious 23646  
and explosive gases and ventilation of gaseous mines. An applicant 23647  
for a certificate as a foreperson of gaseous mines shall meet the 23648  
same requirements, except that the applicant shall have had at 23649  
least three years' actual practical experience in the underground 23650  
workings of a gaseous mine or the equivalent thereof in the 23651  
judgment of the chief. Each applicant for examination shall pay a 23652

fee established in rules adopted under this section to the chief 23653  
on the first day of such examination. 23654

(C) A person who has been issued a certificate as a mine 23655  
foreperson or a foreperson of a gaseous mine and who has not 23656  
worked in an underground coal mine for a period of more than two 23657  
calendar years shall apply for and obtain recertification from the 23658  
chief in accordance with rules adopted under this section before 23659  
performing the duties of a mine foreperson or a foreperson of a 23660  
gaseous mine. An applicant for recertification shall pay a fee 23661  
established in rules adopted under this section at the time of 23662  
application for recertification. 23663

(D) A person who has been issued a certificate as a mine 23664  
foreperson or a foreperson of a gaseous mine and who has not 23665  
worked in an underground coal mine for a period of one or more 23666  
calendar years shall successfully complete a retraining course in 23667  
accordance with rules adopted under this section before performing 23668  
the duties of a mine foreperson or a foreperson of a gaseous mine. 23669

(E) The chief, in consultation with a statewide association 23670  
representing the coal mining industry and a statewide association 23671  
representing employees of coal mines, shall adopt rules in 23672  
accordance with Chapter 119. of the Revised Code that do all of 23673  
the following: 23674

(1) Prescribe requirements, criteria, and procedures for the 23675  
recertification of a mine foreperson or a foreperson of a gaseous 23676  
mine who has not worked in an underground coal mine for a period 23677  
of more than two calendar years; 23678

(2) Prescribe requirements, criteria, and procedures for the 23679  
retraining of a mine foreperson or a foreperson of a gaseous mine 23680  
who has not worked in an underground coal mine for a period of one 23681  
or more calendar years; 23682

(3) Establish fees for the examination and recertification of 23683

mine forepersons or forepersons of gaseous mines under this 23684  
section; 23685

(4) Prescribe any other requirements, criteria, and 23686  
procedures that the chief determines are necessary to administer 23687  
this section. 23688

(F) Any ~~moneys~~ money collected under this section shall be 23689  
paid into the state treasury to the credit of the mining 23690  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23691  
the Revised Code. 23692

**Sec. 1561.17.** (A) A person who applies for a certificate as 23693  
mine foreperson or foreperson of nongaseous mines shall be able to 23694  
read and write the English language; shall have had at least three 23695  
years' actual practical experience in mines, or the equivalent 23696  
thereof in the judgment of the chief of the division of mineral 23697  
resources management; and shall have knowledge of the dangers and 23698  
nature of noxious gases. Each applicant for examination shall pay 23699  
a fee established in rules adopted under this section to the chief 23700  
on the first day of the examination. 23701

(B) A person who has been issued a certificate as a mine 23702  
foreperson or a foreperson of a nongaseous coal mine and who has 23703  
not worked in an underground coal mine for a period of more than 23704  
two calendar years shall apply for and obtain recertification from 23705  
the chief in accordance with rules adopted under this section 23706  
before performing the duties of a mine foreperson or a foreperson 23707  
of a nongaseous coal mine. An applicant for recertification shall 23708  
pay a fee established in rules adopted under this section at the 23709  
time of application for recertification. 23710

(C) A person who has been issued a certificate as a mine 23711  
foreperson or a foreperson of a nongaseous coal mine and who has 23712  
not worked in an underground coal mine for a period of one or more 23713  
calendar years shall successfully complete a retraining course in 23714

accordance with rules adopted under this section before performing 23715  
the duties of a mine foreperson or a foreperson of a nongaseous 23716  
coal mine. 23717

(D) The chief, in consultation with a statewide association 23718  
representing the coal mining industry and a statewide association 23719  
representing employees of coal mines, shall adopt rules in 23720  
accordance with Chapter 119. of the Revised Code that do all of 23721  
the following: 23722

(1) Prescribe requirements, criteria, and procedures for the 23723  
recertification of a mine foreperson or a foreperson of a 23724  
nongaseous coal mine who has not worked in an underground coal 23725  
mine for a period of more than two calendar years; 23726

(2) Prescribe requirements, criteria, and procedures for the 23727  
retraining of a mine foreperson or a foreperson of a nongaseous 23728  
coal mine who has not worked in an underground coal mine for a 23729  
period of one or more calendar years; 23730

(3) Establish fees for the examination and recertification of 23731  
mine forepersons or forepersons of nongaseous coal mines under 23732  
this section; 23733

(4) Prescribe any other requirements, criteria, and 23734  
procedures that the chief determines are necessary to administer 23735  
this section. 23736

(E) Any ~~moneys~~ money collected under this section shall be 23737  
paid into the state treasury to the credit of the mining 23738  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23739  
the Revised Code. 23740

**Sec. 1561.18.** A person who applies for a certificate as a 23741  
foreperson of surface maintenance facilities at underground or 23742  
surface mines shall be able to read and write the English language 23743  
and shall have had at least three years' actual practical 23744

experience in or around the surface maintenance facilities of 23745  
underground or surface mines or the equivalent thereof in the 23746  
judgment of the chief of the division of mineral resources 23747  
management. Each applicant for examination shall pay a fee of ten 23748  
dollars to the chief on the first day of the examination. Any 23749  
~~moneys~~ money collected under this section shall be paid into the 23750  
state treasury to the credit of the mining regulation and safety 23751  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 23752

**Sec. 1561.19.** A person who applies for a certificate as a 23753  
mine foreperson of surface mines shall be able to read and write 23754  
the English language and shall have had at least five years' 23755  
actual practical experience in surface mines. An applicant for a 23756  
certificate as a foreperson of surface mines shall meet the same 23757  
requirements, except that the applicant shall have had at least 23758  
three years' actual practical experience in surface mines or the 23759  
equivalent thereof in the judgment of the chief of the division of 23760  
mineral resources management. Each applicant for examination shall 23761  
pay a fee of ten dollars to the chief on the first day of the 23762  
examination. Any ~~moneys~~ money collected under this section shall 23763  
be paid into the state treasury to the credit of the mining 23764  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23765  
the Revised Code. 23766

**Sec. 1561.20.** A person who applies for a certificate as a 23767  
surface mine blaster shall be able to read and write the English 23768  
language; shall have had at least one year's actual practical 23769  
experience in surface mines or the equivalent thereof in the 23770  
judgment of the chief of the division of mineral resources 23771  
management; shall have knowledge of the dangers and nature of the 23772  
use of explosives, related equipment, and blasting techniques; and 23773  
shall have knowledge of safety laws and rules, including those 23774  
related to the storage, use, and transportation of explosives. 23775



Each applicant for examination shall pay a fee of ten dollars to 23776  
the chief on the first day of the examination. Any ~~moneys~~ money 23777  
collected under this section shall be paid into the state treasury 23778  
to the credit of the mining regulation and safety fund created in 23779  
section ~~1561.48~~ 1513.30 of the Revised Code. 23780

**Sec. 1561.21.** A person who applies for a certificate as a 23781  
shot firer shall be able to read and write the English language; 23782  
shall have had at least one year's actual practical experience in 23783  
the underground workings of mines or the equivalent thereof in the 23784  
judgment of the chief of the division of mineral resources 23785  
management; shall have knowledge of the dangers and nature of 23786  
noxious and explosive gases; shall have knowledge of the dangers 23787  
and nature of the use of explosives, related equipment, and 23788  
blasting techniques; and shall have knowledge of safety laws and 23789  
rules, including those related to the underground storage, use, 23790  
and transportation of explosives. Each applicant for examination 23791  
shall pay a fee of ten dollars to the chief on the first day of 23792  
the examination. Any ~~moneys~~ money collected under this section 23793  
shall be paid into the state treasury to the credit of the mining 23794  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23795  
the Revised Code. 23796

Any person who possesses a mine foreperson or foreperson 23797  
certificate issued by the chief shall be considered certified as a 23798  
shot firer. 23799

**Sec. 1561.22.** A person who applies for a certificate as fire 23800  
boss shall be able to read and write the English language; shall 23801  
have had at least three years' actual practical experience in the 23802  
underground workings of a gaseous mine or the equivalent thereof 23803  
in the judgment of the chief of the division of mineral resources 23804  
management; and shall have knowledge of the dangers and nature of 23805  
noxious and explosive gases gained by actual contact with gas in 23806

mines and ventilation of gaseous mines. Each applicant for 23807  
examination shall pay a fee of ten dollars to the chief on the 23808  
first day of the examination. Any ~~moneys~~ money collected under 23809  
this section shall be paid into the state treasury to the credit 23810  
of the mining regulation and safety fund created in section 23811  
~~1561.48~~ 1513.30 of the Revised Code. 23812

**Sec. 1561.26.** (A) As used in this section: 23813

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 23814  
meanings as in section 4765.01 of the Revised Code. 23815

(2) "Mine medical responder" has the same meaning as in 23816  
section 1565.15 of the Revised Code. 23817

(B) The superintendent of rescue stations, with the approval 23818  
of the chief of the division of mineral resources management, 23819  
shall, at each rescue station provided for in section 1561.25 of 23820  
the Revised Code, train and employ rescue crews of six members 23821  
each, one of whom shall hold a mine foreperson or fire boss 23822  
certificate and be designated captain, and train and employ any 23823  
number of such rescue crews as the superintendent believes 23824  
necessary. One member of a rescue crew shall be certified as an 23825  
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 23826  
member of a rescue crew shall devote the time specified by the 23827  
chief each month for training purposes and shall be available at 23828  
all times to assist in rescue work at explosions, mine fires, and 23829  
other emergencies. 23830

A captain of mine rescue crews shall receive for service as 23831  
captain the sum of twenty-four dollars per month, and each member 23832  
shall receive the sum of twenty dollars per month, all payable on 23833  
requisition approved by the chief. When engaged in rescue work at 23834  
explosions, mine fires, or other emergencies away from their 23835  
station, the members of the rescue crews and captains of the same 23836  
shall be paid the sum of six dollars per hour for work on the 23837

surface, which includes the time consumed by those members in 23838  
traveling to and from the scene of the emergency when the scene is 23839  
away from the station of the members, and the sum of seven dollars 23840  
per hour for all work underground at the emergency, and in 23841  
addition thereto, the necessary living expenses of the members 23842  
when the emergency is away from their home station, all payable on 23843  
requisition approved by the chief. 23844

Each member of a mine rescue crew shall undergo an annual 23845  
medical examination. The chief may designate to perform an 23846  
examination any individual authorized by the Revised Code to do 23847  
so, including a physician assistant, a clinical nurse specialist, 23848  
a certified nurse practitioner, or a certified nurse-midwife. In 23849  
designating the individual to perform a medical examination, the 23850  
chief shall choose one near the station of the member of the 23851  
rescue crews. The examiner shall report the examination results to 23852  
the chief and if, in the opinion of the chief, the report 23853  
indicates that the member is physically unfit for further 23854  
services, the chief shall relieve the member from further duty. 23855  
The fee charged by the examiner for the examination shall be paid 23856  
in the same manner as fees are paid to doctors employed by the 23857  
industrial commission for special medical examinations. 23858

The chief may remove any member of a rescue crew for any 23859  
reason. Such crews shall be subject to the orders of the chief, 23860  
the superintendent, and the deputy mine inspectors when engaged in 23861  
actual mine rescue work. Mine rescue crews shall, in case of death 23862  
or injury when engaged in rescue work, wherever the same may 23863  
occur, be paid compensation, or their dependents shall be paid 23864  
death benefits, from the workers' compensation fund, in the same 23865  
manner as other employees of the state. 23866

(C) In addition to the training of rescue crews, each 23867  
assistant superintendent of rescue stations, with the approval of 23868  
the superintendent, shall provide for and conduct safety, first 23869

aid, and rescue classes at any mine or for any group of miners who 23870  
make application for the conducting of such classes. The chief may 23871  
assess a fee for safety and first aid classes for the purpose of 23872  
covering the costs associated with providing those classes. The 23873  
chief shall establish a fee schedule for safety and first aid 23874  
classes by rule adopted in accordance with Chapter 119. of the 23875  
Revised Code. Fees collected under this section shall be deposited 23876  
in the ~~surface~~ mining regulation and safety fund created in 23877  
section ~~1514.06~~ 1513.30 of the Revised Code. 23878

The superintendent shall prescribe and provide for a uniform 23879  
schedule of conducting such safety and rescue classes as will 23880  
provide a competent knowledge of modern safety and rescue methods 23881  
in, at, and about mines. 23882

(D) No member of a mine rescue crew who performs mine rescue 23883  
at an underground coal mine and no operator of a mine whose 23884  
employee participates as a member of such a mine rescue crew is 23885  
liable in any civil action that arises under the laws of this 23886  
state for damage or injury caused in the performance of rescue 23887  
work at an underground coal mine. However, a member of such a mine 23888  
rescue crew may be liable if the member acted with malicious 23889  
purpose, in bad faith, or in a wanton or reckless manner. 23890

This division does not eliminate, limit, or reduce any 23891  
immunity from civil liability that is conferred on a member of 23892  
such a mine rescue crew or an operator by any other provision of 23893  
the Revised Code or by case law. 23894

**Sec. 1561.45.** Fines collected by reason of prosecutions under 23895  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 23896  
Code shall be paid to the chief of the division of mineral 23897  
resources management, and by the chief paid into the state 23898  
treasury to the credit of the mining regulation and safety fund 23899  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 23900

**Sec. 1561.46.** Fees received by the chief of the division of mineral resources management under sections 1561.16 to 1561.22 of the Revised Code shall be paid by the chief into the state treasury to the credit of the mining regulation and safety fund created in section ~~1561.48~~ 1513.30 of the Revised Code.

**Sec. 1561.48.** All ~~moneys~~ money collected under sections 1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid into the state treasury to the credit of the mining regulation and safety fund, ~~which is hereby created by section 1513.30 of the Revised Code.~~ The department of natural resources shall use the ~~moneys~~ money in the fund to pay the operating expenses of the division of mineral resources management.

**Sec. 1711.51.** There is hereby created within the department of agriculture an advisory council on amusement ride safety to consist of the director of agriculture or the director's designee, the general manager of the Ohio state fair or the general manager's designee, plus ~~eleven~~ the following appointed members, ~~of whom:~~ one shall be a representative of temporary amusement ride owners, one shall be a representative of the greater Ohio showmen's association and the owner of a ride, three shall be representatives of owners of amusement parks, one shall be a representative of the Ohio fair managers' association, one shall be a representative of the insurance industry, one shall be an engineer, who has an academic degree in engineering and who is knowledgeable in the amusement ride industry, one shall be a representative of the Ohio festivals and events association, and two shall be representatives of the general public. ~~One~~ Not later than thirty days after the effective date of this amendment, two additional members shall be appointed to the council. The

additional members shall be representatives of the inflatable 23931  
amusement ride industry who are owners or operators of inflatable 23932  
amusement rides or consultants from the industry. 23933

One member of the council shall be designated annually by the 23934  
governor as chairperson. The appointed members not representing 23935  
the general public shall be appointed by the governor, with the 23936  
advice and consent of the senate. One member representing the 23937  
general public shall be appointed by the speaker of the house of 23938  
representatives and the remaining member representing the general 23939  
public shall be appointed by the president of the senate. The 23940  
council shall select from its membership a vice-chairperson to act 23941  
as chairperson in the chairperson's absence. 23942

Of the members first appointed by the governor, four shall be 23943  
appointed for terms of two years, three for terms of four years, 23944  
and two for terms of six years. The members appointed initially by 23945  
the speaker of the house of representatives and the president of 23946  
the senate shall each serve terms of six years. Of the additional 23947  
members appointed by the governor who are representatives of the 23948  
inflatable amusement ride industry, one shall be appointed for an 23949  
initial term of four years and one shall be appointed for an 23950  
initial term of six years. All members appointed ~~thereafter~~ after 23951  
the initial terms shall serve six-year terms. Any member appointed 23952  
to fill a vacancy occurring prior to the expiration of the term 23953  
for which the member's predecessor was appointed shall hold office 23954  
for the remainder of that term. Any member shall continue in 23955  
office subsequent to the expiration date of the member's term 23956  
until the member's successor takes office. 23957

Members of the council shall be residents of this state and 23958  
shall be reimbursed for actual and necessary expenses incurred in 23959  
attending meetings of the council and in the performance of their 23960  
official duties. 23961

Sec. 1711.53. (A)(1) No person shall operate an amusement 23962  
ride within the state without a permit issued by the director of 23963  
agriculture under division (A)(2) of this section. No person shall 23964  
operate an aquatic amusement ride, as defined in section 3749.01 23965  
of the Revised Code, without also complying with Chapter 3749. of 23966  
the Revised Code. The owner of an amusement ride, whether the ride 23967  
is a temporary amusement ride or a permanent amusement ride, who 23968  
desires to operate the amusement ride within the state shall, 23969  
prior to the operation of the amusement ride and annually 23970  
thereafter, submit to the department of agriculture an application 23971  
for a permit, together with the appropriate permit and inspection 23972  
fee, on a form to be furnished by the department. Prior to issuing 23973  
any permit the department shall, within thirty days after the date 23974  
on which it receives the application, inspect each amusement ride 23975  
described in the application. The owner of an amusement ride shall 23976  
have the amusement ride ready for inspection not later than two 23977  
hours after the time that is requested by the person for the 23978  
inspection. 23979

(2) For each amusement ride found to comply with the rules 23980  
adopted by the director under division (B) of this section and 23981  
division (B) of section 1711.551 of the Revised Code, the director 23982  
shall issue an annual permit, provided that evidence of liability 23983  
insurance coverage for the amusement ride as required by section 23984  
1711.54 of the Revised Code is on file with the department. 23985

(3) The director shall issue with each permit a decal 23986  
indicating that the amusement ride has been issued the permit. The 23987  
owner of the amusement ride shall affix the decal on the ride at a 23988  
location where the decal is easily visible to the patrons of the 23989  
ride. A copy of the permit shall be kept on file at the same 23990  
address as the location of the amusement ride identified on the 23991  
permit, and shall be made available for inspection, upon 23992  
reasonable demand, by any person. An owner may operate an 23993

amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for a schedule of fines, with no fine exceeding five thousand dollars, for violations of sections 1711.50 to 1711.57 of the Revised Code or any rules adopted under this division and for the classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and based upon generally accepted engineering standards and practices. In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association, the standards of the American society for testing and materials (ASTM) or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities. Insofar as is practicable and consistent with sections 1711.50 to 1711.57 of the Revised Code, rules adopted under this division shall be consistent with the rules of other states. The department shall cause sections 1711.50 to 1711.57 of the Revised Code and the rules adopted in accordance with this division and division (B) of section 1711.551 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or



modification of any rule adopted under division (B) of this 24026  
section if there are practical difficulties or unnecessary 24027  
hardships for the amusement ride to comply with the rules. Any 24028  
application shall set forth the reasons for the request. The 24029  
director, with the approval of the advisory council on amusement 24030  
ride safety, may waive or modify the application of a rule to any 24031  
amusement ride if the public safety is secure. Any authorization 24032  
by the director under this division shall be in writing and shall 24033  
set forth the conditions under which the waiver or modification is 24034  
authorized, and the department shall retain separate records of 24035  
all proceedings under this division. 24036

(D)(1) The director shall employ and provide for training of 24037  
a chief inspector and additional inspectors and employees as may 24038  
be necessary to administer and enforce sections 1711.50 to 1711.57 24039  
of the Revised Code. The director may appoint or contract with 24040  
other persons to perform inspections of amusement rides, provided 24041  
that the persons meet the qualifications for inspectors 24042  
established by rules adopted under division (B) of this section 24043  
and are not owners, or employees of owners, of any amusement ride 24044  
subject to inspection under sections 1711.50 to 1711.57 of the 24045  
Revised Code. No person shall inspect an amusement ride who, 24046  
within six months prior to the date of inspection, was an employee 24047  
of the owner of the ride. 24048

(2) Before the director contracts with other persons to 24049  
inspect amusement rides, the director shall seek the advice of the 24050  
advisory council on amusement ride safety on whether to contract 24051  
with those persons. The advice shall not be binding upon the 24052  
director. After having received the advice of the council, the 24053  
director may proceed to contract with inspectors in accordance 24054  
with the procedures specified in division (E)(2) of section 24055  
1711.11 of the Revised Code. 24056

(3) With the advice and consent of the advisory council on 24057

amusement ride safety, the director may employ a special 24058  
consultant to conduct an independent investigation of an amusement 24059  
ride accident. This consultant need not be in the civil service of 24060  
the state, but shall have qualifications to conduct the 24061  
investigation acceptable to the council. 24062

(E)(1) Except as otherwise provided in division (E)(1) of 24063  
this section, the department shall charge the following amusement 24064  
ride fees: 24065

Permit	\$	150	24066
Annual inspection and reinspection per ride:			24067
Kiddie rides	\$	100	24068
Roller coaster	\$	1,200	24069
Aerial lifts or bungee jumping facilities	\$	450	24070
Go karts, per kart	\$	5	24071
<del>Inflatable rides, kiddie and adult</del>	<del>\$</del>	<del>105</del>	24072
Other rides	\$	160	24073
Midseason operational inspection per ride	\$	25	24074
Expedited inspection per ride	\$	100	24075
Failure to cancel scheduled inspection per ride	\$	100	24076
Failure to have amusement ride ready for inspection			24077
per ride	\$	100	24078

The go kart inspection fee is in addition to the inspection 24079  
fee for the go kart track. 24080

The director shall adopt rules in accordance with Chapter 24081  
119. of the Revised Code establishing the annual fee for an 24082  
inspection and reinspection of an inflatable ride. If the director 24083  
issues a permit for an inflatable ride for a time period of less 24084  
than one year, the director shall charge a prorated fee for the 24085  
permit equal to one-twelfth of the annual permit fee multiplied by 24086  
the number of full months for which the permit is issued. 24087

The fees for an expedited inspection, failure to cancel a 24088  
scheduled inspection, and failure to have an amusement ride ready 24089

for inspection do not apply to go karts. 24090

As used in division (E)(1) of this section, "expedited 24091  
inspection" means an inspection of an amusement ride by the 24092  
department not later than ten days after the owner of the 24093  
amusement ride files an application for a permit under this 24094  
section. 24095

(2) All fees and fines collected by the department under 24096  
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 24097  
in the state treasury to the credit of the amusement ride 24098  
inspection fund, which is hereby created, and shall be used only 24099  
for the purpose of administering and enforcing sections 1711.11 24100  
and 1711.50 to 1711.57 of the Revised Code. 24101

(3) The owner of an amusement ride shall be required to pay a 24102  
reinspection fee only if the reinspection was conducted at the 24103  
owner's request under division (F) of this section, if the 24104  
reinspection is required by division (F) of this section because 24105  
of an accident, or if the reinspection is required by division (F) 24106  
of section 1711.55 of the Revised Code. If a reinspection is 24107  
conducted at the request of the chief officer of a fair, festival, 24108  
or event where the ride is operating, the reinspection fee shall 24109  
be charged to the fair, festival, or event. 24110

(4) The rules adopted under division (B) of this section 24111  
shall define "roller coaster," "aerial lifts," "go karts," and 24112  
"other rides" for purposes of determining the fees under division 24113  
(E) of this section. The rules shall define "other rides" to 24114  
include go kart tracks. 24115

(F) A reinspection of an amusement ride shall take place if 24116  
an accident occurs, if the owner of the ride or the chief officer 24117  
of the fair, festival, or event where the ride is operating 24118  
requests a reinspection, or if the reinspection is required by 24119  
division (F) of section 1711.55 of the Revised Code. 24120

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

**Sec. 1721.01.** A company or association incorporated for cemetery purposes may appropriate or otherwise acquire, and may hold, not more than six hundred forty acres of land at any one location, which shall be exempt from execution, and from being appropriated for any public purpose, except as otherwise provided

~~in this section, and from taxation, if held exclusively for~~ 24153  
~~cemetery or burial purposes, and with no view to profit.~~ A company 24154  
or association of that nature may own land at multiple locations, 24155  
and as many as six hundred forty acres owned at each location in 24156  
accordance with this section are entitled to the exemptions 24157  
specified in this section. 24158

Lands of cemetery associations not containing graves or not 24159  
containing graves that are in use as such on the date a written 24160  
notice, as provided in this section, is served upon the officers 24161  
of a cemetery, shall be subject to appropriation for highway or 24162  
street purposes if an appropriation commences within four years of 24163  
the serving of the notice. For such purposes said lands shall be 24164  
subject to the exercise of the right of eminent domain by the 24165  
municipal corporation in which such lands are located, by the 24166  
board of county commissioners of the county in which such lands 24167  
are located, or by the director of transportation under the same 24168  
conditions and in the same manner as any private property; and, if 24169  
any burial occurs within the area specifically designated in the 24170  
written notice, the appropriating agency shall have the same 24171  
powers with respect to such burial as are given to a board of 24172  
township trustees by section 517.21 of the Revised Code and shall 24173  
pay any costs resulting from the exercise of these powers. This 24174  
section shall not be construed as authorizing an appropriating 24175  
agency to exercise the powers specified by section 517.21 of the 24176  
Revised Code in any part of a cemetery other than the area 24177  
specifically designated in the written notice. 24178

The appropriating agency shall serve upon the officers or 24179  
agents having control of a cemetery a written notice that a 24180  
specifically designated area of the cemetery may be needed for 24181  
highway purposes. No such notice may be served more than once. 24182

Such appropriation proceedings shall be made in the manner 24183  
provided for in sections 163.01 to 163.22 of the Revised Code or, 24184

if by the director of transportation, as otherwise provided by 24185  
law. 24186

The board of trustees of such company or association, 24187  
whenever in its opinion any portion of such lands is unsuitable 24188  
for burial purposes, may sell and convey by deed in fee simple, in 24189  
such manner, and upon such terms, as are provided by resolution of 24190  
such board, any such portion of said lands, and apply the proceeds 24191  
thereof to the general purposes of the company or association; but 24192  
on such sale being made, the lands so sold shall be returned by 24193  
the board to the auditor of the proper county and placed by that 24194  
auditor upon the grand tax list and duplicate of real and public 24195  
utility property for taxation. 24196

Such company or association may also take, set aside, or hold 24197  
any personal property received by it from any source for cemetery 24198  
purposes; and if such company or association is incorporated not 24199  
for profit, all personal property, including the income therefrom, 24200  
owned or held by it, or for its use, for cemetery purposes and 24201  
with no view to profit, shall be exempt from execution, from being 24202  
appropriated for any public purpose, and from taxation, and no tax 24203  
shall be assessed upon any personal property or the income 24204  
therefrom expressly exempted under this section. 24205

~~This chapter does not authorize the exemption of real 24206  
property used for a funeral home or any other activity not 24207  
permitted to be conducted by a cemetery association exempt from 24208  
taxation under section 501(c)(13) of the "Internal Revenue Code of 24209  
1954," 26 U.S.C.A. 501, or any successor provision. 24210~~

All exemptions ~~from taxation~~ provided for in this section 24211  
shall be in addition to such other exemptions ~~from taxation~~ as a 24212  
company or association incorporated for cemetery purposes, or its 24213  
real or personal property, has under any other provisions of the 24214  
Revised Code. 24215

**Sec. 1721.10.** Except as otherwise provided in this section, 24216  
lands appropriated and set apart as burial grounds, either for 24217  
public or for private use, and recorded or filed as such in the 24218  
office of the county recorder of the county where they are 24219  
situated, and any burial ground that has been used as such for 24220  
fifteen years are exempt from sale on execution on a judgment, 24221  
~~taxation,~~ dower, and compulsory partition; but land appropriated 24222  
and set apart as a private burial ground is not so exempt if it 24223  
exceeds in value the sum of fifty dollars. 24224

The lien for taxes against such burial grounds may be 24225  
enforced in the same manner prescribed for abandoned lands under 24226  
sections 323.65 to 323.79 of the Revised Code except that the 24227  
burial ground may be transferred only to a municipal corporation, 24228  
county, or township under division (D) of section 323.74 of the 24229  
Revised Code. No burial ground that is otherwise exempt from sale 24230  
or execution under this section shall be offered for sale at 24231  
public auction. 24232

**Sec. 1733.04.** (A) In addition to the authority conferred by 24233  
section 1701.13 of the Revised Code, but subject to any 24234  
limitations contained in sections 1733.01 to 1733.45 of the 24235  
Revised Code, and its articles and regulations, a credit union may 24236  
do any of the following: 24237

(1) Make loans as provided in section 1733.25 of the Revised 24238  
Code; 24239

(2) Invest its money as provided in section 1733.30 of the 24240  
Revised Code; 24241

(3) If authorized by the code of regulations, rebate to the 24242  
borrowing members a portion of the member's interest paid to the 24243  
credit union; 24244

(4) If authorized by the regulations, charge a membership or 24245

entrance fee not to exceed one dollar per member;	24246
(5) Purchase group savings life insurance and group credit life insurance;	24247 24248
(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;	24249 24250
(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.	24251 24252 24253 24254 24255 24256 24257 24258 24259 24260 24261 24262
<u>(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code and the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code. Credit unions participating in such programs shall pay interest at a rate not lower than the product of the prevailing interest rate multiplied by the sum of one plus the treasurer's assessment rate. For purposes of division (A)(8) of section 1733.04 of the Revised Code:</u>	24263 24264 24265 24266 24267 24268 24269 24270 24271
<u>(a) "Prevailing interest rate" means a current interest rate benchmark selected by the treasurer of state that banks are willing to pay to hold deposits for a specific time period, as measured by a third-party organization.</u>	24272 24273 24274 24275
<u>(b) "Treasurer's assessment rate" means a number not</u>	24276



exceeding ten per cent that is calculated in a manner determined 24277  
by the treasurer of state and that seeks to account for the effect 24278  
that varying tax treatment among different types of financial 24279  
institutions has on the ability of financial institutions to pay 24280  
competitive interest rates to hold deposits. 24281

(B) The authority of a credit union shall be subject to the 24282  
following: 24283

(1) A credit union may not borrow money in excess of 24284  
twenty-five per cent of its shares and undivided earnings, without 24285  
prior specific authorization by the superintendent of credit 24286  
unions. 24287

(2) A credit union may not pay a commission or other 24288  
compensation to any person for securing members or for the sale of 24289  
its shares, except that reasonable incentives may be made 24290  
available directly to members or potential members to promote 24291  
thrift. 24292

(3) A credit union, subject to the approval of the 24293  
superintendent, may have service facilities other than its home 24294  
office. 24295

(4) Real estate may be acquired by lease, purchase, or 24296  
otherwise as necessary and to the extent required for use of the 24297  
credit union presently and in the future operation of its office 24298  
or headquarters, and in case of a purchase of real estate, the 24299  
superintendent must first be notified in writing prior to the 24300  
purchase of the real estate. The superintendent shall notify the 24301  
credit union not more than thirty days after receipt of the 24302  
notification to purchase the real estate if the purchase is 24303  
denied, approved, or modified. If the superintendent does not 24304  
respond within thirty days after receipt of the notification to 24305  
purchase the real estate, it shall be deemed approved. Nothing 24306  
herein contained shall be deemed to prohibit a credit union from 24307

taking title to real estate in connection with a default in the 24308  
payment of a loan, provided that title to such real estate shall 24309  
not be held by the credit union for more than two years without 24310  
the prior written approval of the superintendent. A credit union 24311  
also may lease space in any real estate it acquires in accordance 24312  
with rules adopted by the superintendent. 24313

(C)(1) As used in division (C) of this section: 24314

(a) "School" means an elementary or secondary school. 24315

(b) "Student" means a child enrolled in a school. 24316

(c) "Student branch" means the designation provided to the 24317  
credit union for the in-school services and financial education 24318  
offered to students. 24319

(2) A credit union, upon agreement with a school board, in 24320  
the case of a public school, or the governing authority, in the 24321  
case of a nonpublic school, and with the permission of the 24322  
superintendent, may open and maintain a student branch. 24323

(3) Notwithstanding any other provision of this section, any 24324  
student enrolled in the school maintaining a student branch who is 24325  
not otherwise qualified for membership in the credit union 24326  
maintaining the student branch is qualified to be a member of that 24327  
student branch. 24328

(4) The student's membership in the student branch expires 24329  
upon the student's graduation from secondary school. 24330

(5) The student branch is for the express use of students and 24331  
may not be used by faculty, staff, or lineal ancestors or 24332  
descendents of students. 24333

(6) Faculty, staff, or lineal ancestors or descendents of 24334  
students are not eligible for membership in the credit union 24335  
maintaining the student branch unless otherwise qualified by this 24336  
section to be members. 24337

(7) The superintendent may adopt rules appropriate to the 24338  
formation and operation of student branches. 24339

(D) A credit union may guarantee the signature of a member in 24340  
connection with a transaction involving tangible or intangible 24341  
property in which a member has or seeks to acquire an interest. 24342

**Sec. 1733.24.** (A) A credit union is authorized to receive 24343  
funds for deposit in share accounts, share draft accounts, and 24344  
share certificates from its members, from other credit unions, and 24345  
from an officer, employee, or agent of the federal, state, or 24346  
local governments, or political subdivisions of the state, in 24347  
accordance with such terms, rates, and conditions as may be 24348  
established by its board of directors, and for purposes of the 24349  
agricultural linked deposit program created under sections 135.71 24350  
to 135.76 of the Revised Code and the business linked deposit 24351  
program created under sections 135.77 to 135.774 of the Revised 24352  
Code. 24353

(B) The shares and share accounts of the credit union may be 24354  
of one or more classes, as designated by the board of directors, 24355  
subject to approval of the superintendent of credit unions based 24356  
on rules that shall assure equitable distribution of dividends 24357  
among classes, considering costs and advantages of each class to 24358  
the members of the credit union, including without limitation 24359  
special services rendered, length of ownership, minimum 24360  
investment, conditions of repurchase, and other appropriate 24361  
standards or combinations thereof. In the event the articles of 24362  
incorporation of the credit union indicate the authorized number 24363  
of shares to be unlimited, the designation of classification of 24364  
shares and share accounts of the credit union may be effected by 24365  
the board of directors, subject to the approval of the 24366  
superintendent, and does not require amendment of the articles of 24367  
incorporation. All shares of the credit union shall have a par 24368

value per share as set by the board of directors. Redemptions and 24369  
liquidating dividends shall be prorated to each member on the 24370  
basis of the price paid the credit union for such share, 24371  
irrespective of the class of such shares. 24372

(C)(1) Each credit union shall have one class of shares 24373  
designated as "membership share." The membership shares, or if a 24374  
credit union has but one class of shares, then all of the shares 24375  
of the credit union, shall have a par value as set by the board of 24376  
directors. 24377

(2) Two or more persons that are eligible for membership that 24378  
have jointly subscribed for one or more shares under a joint 24379  
account each may be admitted to membership. 24380

(D) A credit union need not issue certificates for any or all 24381  
of its classes of shares but irrespective of whether certificates 24382  
are issued, a registry of shares must be kept, including all of 24383  
the transactions of the credit union pertaining to such shares. 24384

(E) A credit union is authorized to maintain share draft 24385  
accounts in accordance with rules prescribed by the 24386  
superintendent. The credit union may pay dividends on share draft 24387  
accounts, may pay dividends at different rates on different types 24388  
of share draft accounts, and may permit the owners of such share 24389  
draft accounts to make withdrawals by negotiable or transferable 24390  
instruments or other orders for the purpose of making transfers to 24391  
third parties. 24392

(F) Unless otherwise provided by written agreement of the 24393  
parties, the rights, responsibilities, and liabilities attaching 24394  
to a share draft withdrawn from, transferred to, or otherwise 24395  
handled by a credit union are defined in and governed by Chapters 24396  
1303. and 1304. of the Revised Code, as if the credit union were a 24397  
bank. 24398

(G) Unless otherwise provided in the articles or regulations, 24399

a member may designate any person or persons to own or hold 24400  
shares, or share accounts with the member in joint tenancy with 24401  
right of survivorship and not as tenants in common. 24402

(H) Shares or share accounts may be issued in the name of a 24403  
custodian under the Ohio transfers to minors act, a member in 24404  
trust for a beneficiary, a fiduciary or custodian in trust for a 24405  
member beneficiary, or a fiduciary or custodian in trust upon the 24406  
death of a member. Redemption of such shares or payment of such 24407  
share accounts to a member, to the extent of the payment, 24408  
discharges the liability of the credit union to the member and the 24409  
beneficiary, and the credit union shall be under no obligation to 24410  
see to the application of the payment. Unless prior to the death 24411  
of a member, the member has notified the credit union in writing 24412  
in a form approved by the credit union of a different beneficiary 24413  
to receive the proceeds of such shares or share accounts, then the 24414  
proceeds shall be paid to the beneficiary or to the beneficiary's 24415  
parent or legal representative. Any payment made pursuant to 24416  
written instructions of the member or pursuant to the provisions 24417  
herein contained shall be a valid and sufficient release and 24418  
discharge of the credit union in connection with any such share or 24419  
share accounts. 24420

(I)(1) Except as otherwise provided in the articles or 24421  
regulations, and subject to the provisions thereof, a minor may 24422  
purchase shares, share accounts, or other depository instruments, 24423  
and except for qualification as a voting member, the credit union 24424  
may deal with the minor with respect to shares, share accounts, or 24425  
other depository instruments owned by the minor as if the minor 24426  
were a person of legal age. 24427

(2) If shares, share accounts, or other depository 24428  
instruments are issued in the name of a minor, redemption of any 24429  
part or all of the shares or withdrawal of funds by payment to the 24430  
minor of the shares or funds and any declared dividends or 24431

interest releases the credit union from all obligation to the 24432  
minor as to the shares reduced or funds withdrawn. 24433

(J) The regulations may require advance written notice of a 24434  
member's intention to withdraw the member's shares. Such advance 24435  
notice shall not exceed sixty days. 24436

**Sec. 1751.72.** (A) As used in this section: 24437

(1) "Chronic condition" means a medical condition that has 24438  
persisted after reasonable efforts have been made to relieve or 24439  
cure its cause and has continued, either continuously or 24440  
episodically, for longer than six continuous months. 24441

(2) "Clinical peer" means a health care practitioner in the 24442  
same, or in a similar, specialty that typically manages the 24443  
medical condition, procedure, or treatment under review. 24444

(3) "Covered person" means a person receiving coverage for 24445  
health services under a policy, contract, or agreement issued by a 24446  
health insuring corporation. 24447

(4) "Emergency services" has the same meaning as in section 24448  
1753.28 of the Revised Code. 24449

(5) "Fraudulent or materially incorrect information" means 24450  
any type of intentional deception or misrepresentation made by a 24451  
person with the knowledge that the deception could result in some 24452  
unauthorized benefit to the covered person in question. 24453

(6) "Health care practitioner" has the same meaning as in 24454  
section 3701.74 of the Revised Code. 24455

(7) "NCPDP SCRIPT standard" means the national council for 24456  
prescription drug programs SCRIPT standard version 201310 or the 24457  
most recent standard adopted by the the United States department 24458  
of health and human services. 24459

(8) "Prior authorization requirement" means any practice 24460

implemented by a health insuring corporation in which coverage of 24461  
a health care service, device, or drug is dependent upon a covered 24462  
person or a health care practitioner obtaining approval from the 24463  
health insuring corporation prior to the service, device, or drug 24464  
being performed, received, or prescribed, as applicable. "Prior 24465  
authorization" includes prospective or utilization review 24466  
procedures conducted prior to providing a health care service, 24467  
device, or drug. 24468

(9) "Urgent care services" means a medical care or other 24469  
service for a condition where application of the timeframe for 24470  
making routine or non-life threatening care determinations is 24471  
either of the following: 24472

(a) Could seriously jeopardize the life, health, or safety of 24473  
the patient or others due to the patient's psychological state; 24474

(b) In the opinion of a practitioner with knowledge of the 24475  
patient's medical or behavioral condition, would subject the 24476  
patient to adverse health consequences without the care or 24477  
treatment that is the subject of the request. 24478

(10) "Utilization review" and "utilization review 24479  
organization" have the same meanings as in section 1751.77 of the 24480  
Revised Code. 24481

(B) If a policy, contract, or agreement issued by a health 24482  
insuring corporation contains a prior authorization requirement, 24483  
then all of the following apply: 24484

(1) On or before January 1, 2018, the health insuring 24485  
corporation shall permit health care practitioners to access the 24486  
prior authorization form through the applicable electronic 24487  
software system. 24488

(2)(a) For policies issued on or after January 1, 2018, the 24489  
health insuring corporation or other payer acting on behalf of the 24490  
health insuring corporation, shall accept prior authorization 24491

requests through a secure electronic transmission. 24492

(b) For policies issued on or after January 1, 2018, the 24493  
health insuring corporation, a pharmacy benefit manager 24494  
responsible for handling prior authorization requests, or other 24495  
payer acting on behalf of the health insuring corporation shall 24496  
accept and respond to prior prescription benefit authorization 24497  
requests through a secure electronic transmission using NCPDP 24498  
SCRIPT standard ePA transactions, and for prior medical benefit 24499  
authorization requests through a secure electronic transmission 24500  
using standards established by the council for affordable quality 24501  
health care on operating rules for information exchange or its 24502  
successor. 24503

(c) For purposes of division (B)(2) of this section, neither 24504  
of the following shall be considered a secure electronic 24505  
transmission: 24506

(i) A facsimile; 24507

(ii) A proprietary payer portal for prescription drug 24508  
requests that does not use NCPDP SCRIPT standard. 24509

(3) For policies issued on or after January 1, 2018, a health 24510  
care practitioner and health insuring corporation may enter into a 24511  
contractual arrangement under which the health insuring 24512  
corporation agrees to process prior authorization requests that 24513  
are not submitted electronically because of the financial hardship 24514  
that electronic submission of prior authorization requests would 24515  
create for the health care practitioner or if internet 24516  
connectivity is limited or unavailable where the health care 24517  
practitioner is located. 24518

(4)(a) For policies issued on or after January 1, 2018, if 24519  
the health care practitioner submits the request for prior 24520  
authorization as described in divisions (B)(1) and (2) of this 24521  
section, the health insuring corporation shall respond to all 24522



prior authorization requests within forty-eight hours for urgent 24523  
care services, or ten calendar days for any prior authorization 24524  
request that is not for an urgent care service, of the time the 24525  
request is received by the health insuring corporation. Division 24526  
(B)(4) of this section does not apply to emergency services. 24527

(b) The response required under division (B)(4)(a) of this 24528  
section shall indicate whether the request is approved or denied. 24529  
If the prior authorization is denied, the health insuring 24530  
corporation shall provide the specific reason for the denial. 24531

(c) If the prior authorization request is incomplete, the 24532  
health insuring corporation shall indicate the specific additional 24533  
information that is required to process the request. 24534

(5)(a) For policies issued on or after January 1, 2018, if a 24535  
health care practitioner submits a prior authorization request as 24536  
described in divisions (B)(1) and (2) of this section, the health 24537  
insuring corporation shall provide an electronic receipt to the 24538  
health care practitioner acknowledging that the prior 24539  
authorization request was received. 24540

(b) For policies issued on or after January 1, 2018, if a 24541  
health insuring corporation requests additional information that 24542  
is required to process a prior authorization request as described 24543  
in division (B)(4)(c) of this section, the health care 24544  
practitioner shall provide an electronic receipt to the health 24545  
insuring corporation acknowledging that the request for additional 24546  
information was received. 24547

(6)(a) For policies issued on or after January 1, 2017, for a 24548  
prior approval related to a chronic condition, the health insuring 24549  
corporation shall honor a prior authorization approval for an 24550  
approved drug for the lesser of the following from the date of the 24551  
approval: 24552

(i) Twelve months; 24553

(ii) The last day of the covered person's eligibility under the policy, contract, or agreement. 24554  
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(b) The duration of all other prior authorization approvals shall be dictated by the policy, contract, or agreement issued by the health insuring corporation. 24556  
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(c) A health insuring corporation may, in relation to a prior approval under division (B)(6)(a) of this section, require a health care practitioner to submit information to the health insuring corporation indicating that the patient's chronic condition has not changed. 24559  
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(i) The request for information by the health insuring corporation and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication. 24564  
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(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly. 24568  
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(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the health insuring corporation may terminate the twelve-month approval. 24572  
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(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose. 24576  
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(e) A twelve-month approval provided under division (B)(6)(a) of this section does not apply to and is not required for any of the following: 24581  
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(i) Medications that are prescribed for a non-maintenance condition;	24584 24585
(ii) Medications that have a typical treatment of less than one year;	24586 24587
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	24588 24589 24590
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	24591 24592 24593
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	24594 24595 24596
(vi) Medications that are not prescribed by an in-network provider as part of a care management program.	24597 24598
(7) For policies issued on or after January 1, 2017, a health insuring corporation may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	24599 24600 24601 24602 24603
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	24604 24605 24606
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	24607 24608
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	24609 24610 24611
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of	24612 24613

the Revised Code, of any drug that has received a twelve-month approval under division (B)(6)(a) of this section when there is a release of either of the following:

(a) A United States food and drug administration approved comparable brand product or a generic counterpart of a brand product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, a health insuring corporation shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the health insuring corporation shall review the claim for coverage and medical necessity. The health insuring corporation shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall disclose to all participating

health care practitioners any new prior authorization requirement 24644  
at least thirty days prior to the effective date of the new 24645  
requirement. 24646

(b) The notice may be sent via electronic mail or standard 24647  
mail and shall be conspicuously entitled "Notice of Changes to 24648  
Prior Authorization Requirements." The notice is not required to 24649  
contain a complete listing of all changes made to the prior 24650  
authorization requirements, but shall include specific information 24651  
on where the health care practitioner may locate the information 24652  
on the health insuring corporation's web site or, if applicable, 24653  
the health insuring corporation's portal. 24654

(c) All participating health care practitioners shall 24655  
promptly notify the health insuring corporation of any changes to 24656  
the health care practitioner's electronic mail or standard mail 24657  
address. 24658

(11)(a) For policies issued on or after January 1, 2017, the 24659  
health insuring corporation shall make available to all 24660  
participating health care practitioners on its web site or 24661  
provider portal a listing of its prior authorization requirements, 24662  
including specific information or documentation that a 24663  
practitioner must submit in order for the prior authorization 24664  
request to be considered complete. 24665

(b) The health insuring corporation shall make available on 24666  
its web site information about the policies, contracts, or 24667  
agreements offered by the health insuring corporation that clearly 24668  
identifies specific services, drugs, or devices to which a prior 24669  
authorization requirement exists. 24670

(12) For policies issued on or after January 1, 2018, the 24671  
health insuring corporation shall establish a streamlined appeal 24672  
process relating to adverse prior authorization determinations 24673  
that shall include all of the following: 24674

(a) For urgent care services, the appeal shall be considered 24675  
within forty-eight hours after the health insuring corporation 24676  
receives the appeal. 24677

(b) For all other matters, the appeal shall be considered 24678  
within ten calendar days after the health insuring corporation 24679  
receives the appeal. 24680

(c) The appeal shall be between the health care practitioner 24681  
requesting the service in question and a clinical peer. 24682

(d) If the appeal does not resolve the disagreement, either 24683  
the covered person or an authorized representative as defined in 24684  
section 3922.01 of the Revised Code may request an external review 24685  
under Chapter 3922. of the Revised Code to the extent Chapter 24686  
3922. of the Revised Code is applicable. 24687

(C) For policies issued on or after January 1, 2017, except 24688  
in cases of fraudulent or materially incorrect information, a 24689  
health insuring corporation shall not retroactively deny a prior 24690  
authorization for a health care service, drug, or device when all 24691  
of the following are met: 24692

(1) The health care practitioner submits a prior 24693  
authorization request to the health insuring corporation for a 24694  
health care service, drug, or device. 24695

(2) The health insuring corporation approves the prior 24696  
authorization request after determining that all of the following 24697  
are true: 24698

(a) The patient is eligible under the health benefit plan. 24699

(b) The health care service, drug, or device is covered under 24700  
the patient's health benefit plan. 24701

(c) The health care service, drug, or device meets the health 24702  
insuring corporation's standards for medical necessity and prior 24703  
authorization. 24704

(3) The health care practitioner renders the health care service, drug, or device pursuant to the approved prior authorization request and all of the terms and conditions of the health care practitioner's contract with the health insuring corporation. 24705  
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(4) On the date the health care practitioner renders the prior approved health care service, drug, or device, all of the following are true: 24710  
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(a) The patient is eligible under the health benefit plan. 24713

(b) The patient's condition or circumstances related to the patient's care has not changed. 24714  
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(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request. 24716  
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(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the health insuring corporation, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization. 24719  
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(D) Any provision of a contractual arrangement entered into between a health insuring corporation and a health care practitioner or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable. 24728  
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(E) For policies issued on or after January 1, 2017, committing a series of violations of this section that, taken together, constitute a practice or pattern shall be considered an unfair and deceptive practice under sections 3901.19 to 3901.26 of 24732  
24733  
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the Revised Code. 24736

(F) The superintendent of insurance may adopt rules in 24737  
accordance with Chapter 119. of the Revised Code as necessary to 24738  
implement the provisions of this section. 24739

(G) This section does not apply to any of the following types 24740  
of coverage: a policy, contract, certificate, or agreement that 24741  
covers only a specified accident, accident only, credit, dental, 24742  
disability income, long-term care, hospital indemnity, 24743  
supplemental coverage as described in section 3923.37 of the 24744  
Revised Code, specified disease, or vision care; a dental benefit 24745  
that is offered as a part of a policy, contract, certificate, or 24746  
agreement offered by a health insuring corporation; coverage 24747  
issued as a supplement to liability insurance; insurance arising 24748  
out of workers' compensation or similar law; automobile medical 24749  
payment insurance; insurance under which benefits are payable with 24750  
or without regard to fault and which is statutorily required to be 24751  
contained in any liability insurance policy or equivalent 24752  
self-insurance; a medicare supplement policy of insurance as 24753  
defined by the superintendent of insurance by rule; coverage under 24754  
a plan through medicare or the federal employees benefit program; 24755  
or any coverage issued under Chapter 55 of Title 10 of the United 24756  
States Code and any coverage issued as a supplement to that 24757  
coverage. 24758

**Sec. 1751.75.** A health insuring corporation may present 24759  
evidence of compliance with the requirements of sections 1751.73 24760  
and 1751.74 of the Revised Code by submitting certification to the 24761  
superintendent of insurance of its accreditation by an 24762  
independent, private accrediting organization, such as the 24763  
national committee on quality assurance, the national quality 24764  
health council, the joint commission on accreditation of health 24765  
care organizations, the accreditation association for ambulatory 24766



health care, or the American accreditation healthcare 24767  
commission/utilization review accreditation commission. The 24768  
superintendent, upon review of the organization's accreditation 24769  
process, may determine that such accreditation constitutes 24770  
compliance by the health insuring corporation with the 24771  
requirements of these sections. 24772

**Sec. 1923.12.** (A) If a resident or a resident's estate has 24773  
been evicted from a manufactured home park pursuant to a judgment 24774  
entered under section 1923.09 or 1923.11 of the Revised Code and 24775  
if the resident or estate has abandoned or otherwise left 24776  
unoccupied the resident's manufactured home, mobile home, or 24777  
recreational vehicle on the residential premises of the 24778  
manufactured home park for a period of three days following the 24779  
entry of the judgment, the operator of the manufactured home park 24780  
may provide to the titled owner of the home or vehicle a written 24781  
notice to remove the home or vehicle from the manufactured home 24782  
park within fourteen days from the date of the delivery of the 24783  
notice. The park operator shall deliver or cause the delivery of 24784  
the notice by personal delivery to the owner or by ordinary mail 24785  
sent to the last known address of the owner. Except as provided in 24786  
divisions (D) and (E) of this section, if the owner of the 24787  
manufactured home, mobile home, or recreational vehicle does not 24788  
remove it or cause it to be removed from the manufactured home 24789  
park within fourteen days from the date of the delivery of the 24790  
notice, the park operator may follow the procedures of division 24791  
(B) of section 1923.13 and division (B) of section 1923.14 of the 24792  
Revised Code to permit the removal of the home or vehicle from the 24793  
manufactured home park, and the potential sale, destruction, or 24794  
transfer of ownership of the home or vehicle. 24795

(B) Every notice provided to the titled owner of a 24796  
manufactured home, mobile home, or recreational vehicle under this 24797  
section shall contain the following language printed in a 24798

conspicuous manner: "You are being asked to remove your 24799  
manufactured home, mobile home, or recreational vehicle from the 24800  
residential premises of ....., a manufactured home park, in 24801  
accordance with a judgment of eviction entered in ..... court 24802  
on ..... against ....., If the manufactured home, mobile 24803  
home, or recreational vehicle is not removed from the manufactured 24804  
home park within fourteen days from the date of delivery of this 24805  
notice, the home or vehicle may be sold or destroyed, or its title 24806  
may be transferred to ....., pursuant to division (B) of both 24807  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 24808  
doubt regarding your legal rights, it is recommended that you seek 24809  
legal assistance." 24810

(C)(1) Before requesting a writ of execution under division 24811  
(B) of section 1923.13 of the Revised Code, the park operator 24812  
shall conduct or cause to be conducted a search of the appropriate 24813  
public records that relate to the manufactured home, mobile home, 24814  
or recreational vehicle, and make or cause to be made reasonably 24815  
diligent inquiries, for the purpose of identifying any persons who 24816  
have an outstanding right, title, or interest in the home or 24817  
vehicle. 24818

(2) If the search or inquiries pursuant to division (C)(1) of 24819  
this section reveal any person who has an outstanding right, 24820  
title, or interest in the manufactured home, mobile home, or 24821  
recreational vehicle, the park operator shall ~~list the name and~~ 24822  
~~last known address of each~~ provide to the person with a right, 24823  
~~title, or interest of that nature on its request for the writ of~~ 24824  
~~execution. In addition, if personal property has been abandoned on~~ 24825  
~~the residential premises and the park operator has knowledge of~~ 24826  
~~any person who has an outstanding right, title, or interest in any~~ 24827  
~~of the personal property, the park operator shall list the item or~~ 24828  
~~items of personal property and the name and last known address of~~ 24829  
~~each person with the outstanding right, title, or interest on the~~ 24830

~~request for the writ of execution. The park operator also shall~~ 24831  
~~certify on the request that the park operator provided the written~~ 24832  
~~notice required by this section. The clerk of the municipal court,~~ 24833  
~~county court, or court of common pleas may require the park~~ 24834  
~~operator to pay an advance deposit sufficient to secure payment of~~ 24835  
~~the appraisal of the manufactured home, mobile home, or~~ 24836  
~~recreational vehicle and the advertisement of the sale of the home~~ 24837  
~~or vehicle written notice to remove the home or vehicle from the~~ 24838  
~~manufactured home park or arrange for the sale of the home or~~ 24839  
~~vehicle within twenty-one days from the date of the delivery of~~ 24840  
~~the notice.~~ 24841

The notice shall contain the following language printed in a 24842  
conspicuous manner: "You are being asked to remove the 24843  
manufactured home, mobile home, or recreational vehicle that you 24844  
have an outstanding right, title, or interest in from the 24845  
residential premises of ....., a manufactured home park, in 24846  
accordance with a judgment of eviction entered in ..... court 24847  
on ..... against ..... If the manufactured home, mobile 24848  
home, or recreational vehicle is not removed from the manufactured 24849  
home park within twenty-one days from the date of delivery of this 24850  
notice, the home or vehicle may be sold or destroyed, or its title 24851  
may be transferred to ....., pursuant to division (B) of both 24852  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 24853  
doubt regarding your legal rights, it is recommended that you seek 24854  
legal assistance." 24855

The park operator shall deliver or cause the delivery of the 24856  
notice by personal delivery to the person or by ordinary mail sent 24857  
to the last known address of the person. If a sale of the home or 24858  
vehicle is arranged, the person shall pay any rent due to the park 24859  
operator during the pendency of the sale. If the person does not 24860  
remove the home or vehicle or arrange for its sale within 24861  
twenty-one days from the date of the delivery of the notice, the 24862

park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 24863  
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(3) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 24868  
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(D) When a deceased resident or a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or recreational vehicle will be stored during the administration of the estate. The costs for the removal and storage of the manufactured home, mobile home, or recreational vehicle shall be a claim against the resident's estate without further presentation 24876  
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of the claim to the executor or administrator. 24895

(E)(1) When the resident who has been evicted from a 24896  
manufactured home park pursuant to a judgment entered under 24897  
section 1923.09 or 1923.11 of the Revised Code is the titled owner 24898  
of a manufactured home, mobile home, or recreational vehicle and 24899  
is or becomes deceased prior to the removal of the home or vehicle 24900  
from the manufactured home park, and no probate court has granted 24901  
~~letters testamentary or of~~ administration with respect to the 24902  
resident's estate within ninety days of the deceased's death, the 24903  
park operator may store the home or vehicle at a storage facility 24904  
or at another location within the manufactured home park before 24905  
and after a probate court grants letters testamentary or of 24906  
administration with respect to the resident's estate pursuant to 24907  
Title XXI of the Revised Code. 24908

(2) If a probate court grants administration with respect to 24909  
the resident's estate within ninety days of the date of the 24910  
eviction of the resident from the park, the removal of the 24911  
manufactured home, mobile home, or recreational vehicle from the 24912  
park and potential sale, destruction, or transfer of ownership of 24913  
the home or vehicle shall be conducted pursuant to division (D) of 24914  
this section. 24915

(3) If no probate court grants ~~letters testamentary or of~~ 24916  
administration with respect to the resident's estate within ~~one~~ 24917  
~~year~~ ninety days of the date of the eviction of the resident from 24918  
the manufactured home park pursuant to a judgment entered under 24919  
section 1923.09 or 1923.11 of the Revised Code, the park operator 24920  
may follow the procedures of ~~division (B) of section 1923.13 and~~ 24921  
~~division (B) of section 1923.14 of the Revised Code to permit the~~ 24922  
~~removal of the manufactured home, mobile home, or recreational~~ 24923  
~~vehicle from the park and potential sale, destruction, or transfer~~ 24924  
~~of ownership of the home or vehicle.~~ 24925

~~(3) If a probate court grants letters testamentary or of~~ 24926

~~administration with respect to the resident's estate within one~~ 24927  
~~year of the date of the eviction of the resident from the park,~~ 24928  
~~the removal of the manufactured home, mobile home, or recreational~~ 24929  
~~vehicle from the park and potential sale, destruction, or transfer~~ 24930  
~~of ownership of the home or vehicle shall be conducted pursuant to~~ 24931  
~~division (D) of this section shall conduct or cause to be~~ 24932  
conducted a search of the appropriate public records that relate 24933  
to the manufactured home, mobile home, or recreational vehicle, 24934  
and make or cause to be made reasonably diligent inquiries, for 24935  
the purpose of identifying any persons who have an outstanding 24936  
right, title, or interest in the home or vehicle. 24937

(a) If the search or inquiries pursuant to division (E)(3) of 24938  
this section reveal any person who has an outstanding right, 24939  
title, or interest in the manufactured home, mobile home, or 24940  
recreational vehicle, the park operator shall provide to the 24941  
person a written notice to remove the home or vehicle from the 24942  
manufactured home park or arrange for the sale of the home or 24943  
vehicle within twenty-one days from the date of the delivery of 24944  
the notice. The notice shall be in the form described in division 24945  
(C)(2) of this section. The park operator shall deliver or cause 24946  
the delivery of the notice by personal delivery to the person or 24947  
by ordinary mail sent to the last known address of the person. If 24948  
a sale of the home or vehicle is arranged, the person shall pay 24949  
any rent due to the park operator during the pendency of the sale. 24950  
If the person does not remove the home or vehicle or arrange for 24951  
its sale within twenty-one days from the date of the delivery of 24952  
the notice, the park operator may follow the procedures of 24953  
division (B) of section 1923.13 and division (B) of section 24954  
1923.14 of the Revised Code to permit the removal of the home or 24955  
vehicle from the manufactured home park, and the potential sale, 24956  
destruction, or transfer of ownership of the home or vehicle. 24957

(b) If the search or inquiries reveal no person who has an 24958

outstanding right, title, or interest in the manufactured home, 24959  
mobile home, or recreational vehicle, the park operator shall 24960  
publish notice of a petition for a writ of execution in a 24961  
newspaper of general circulation in the county where the home or 24962  
vehicle has been abandoned. The publication shall contain the name 24963  
of the deceased and the last known address of the home or vehicle 24964  
and shall run for two consecutive weeks. The park operator shall 24965  
provide to the clerk of the court written certification by the 24966  
newspaper of the dates of the publication and an affidavit signed 24967  
by the operator attesting to the publication. The park operator 24968  
may then follow the procedures of division (B) of section 1923.13 24969  
and division (B) of section 1923.14 of the Revised Code to permit 24970  
the removal of the home or vehicle from the manufactured home 24971  
park, and the potential sale, destruction, or transfer of 24972  
ownership of the home or vehicle. 24973

**Sec. 1923.13.** (A) When a judgment of restitution is entered 24974  
by a court in an action under this chapter, unless the plaintiff 24975  
or the plaintiff's agent or attorney proceeds under division (B) 24976  
of this section, at the request of the plaintiff or the 24977  
plaintiff's agent or attorney, that court shall issue a writ of 24978  
execution on the judgment, in the following form, as near as 24979  
practicable: 24980

"The state of Ohio, ..... county: To any 24981  
constable or police officer of ..... township, city, 24982  
or village; or To the sheriff of ..... 24983  
county; or To any authorized bailiff of the ..... (name of 24984  
court): 24985

Whereas, in a certain action for the forcible entry and 24986  
detention (or the forcible detention, as the case may be), of the 24987  
following described premises, to wit: ....., lately tried 24988  
before this court, wherein ..... was plaintiff, and 24989

..... was defendant, ..... judgment was rendered on 24990  
the ..... day of ....., ....., that the plaintiff 24991  
have restitution of those premises; and also that the plaintiff 24992  
recover costs in the sum of ..... You therefore are 24993  
hereby commanded to cause the defendant to be forthwith removed 24994  
from those premises, and the plaintiff to have restitution of 24995  
them; also, that you levy of the goods and chattels of the 24996  
defendant, and make the costs previously mentioned and all 24997  
accruing costs, and of this writ make legal service and due 24998  
return. 24999

Witness my hand, this ..... day of ....., ..... 25000  
..... Judge, ..... (Name of court)" 25001

(B) When a judgment of restitution is entered by a court in 25002  
any action under this chapter against a manufactured home park 25003  
resident or the estate of a manufactured home park resident, at 25004  
the request of the plaintiff or the plaintiff's agent or attorney, 25005  
that court shall issue a writ of execution on the judgment, in the 25006  
following form, as near as practicable: 25007

"The state of Ohio, ..... county; To any constable or 25008  
police officer of ..... township, city, or village; or To the 25009  
sheriff of ..... county; or To any authorized bailiff of the 25010  
..... (name of court): 25011

Whereas, in a certain action for eviction of a resident or a 25012  
resident's estate from the following described residential 25013  
premises of a manufactured home park on which the following 25014  
described manufactured home, mobile home, or recreational vehicle 25015  
is located, to wit: ....., lately tried before this court, 25016  
wherein ..... was plaintiff, and ..... was defendant, 25017  
..... judgment was rendered on the ..... day of 25018  
....., ....., that the plaintiff have restitution of the 25019  
premises and also that the plaintiff recover costs in the sum of 25020  
..... You therefore are hereby authorized to cause the 25021



defendant to be removed and set out from the residential premises, 25022  
if ~~necessary~~ the defendant holds over on the premises subsequent 25023  
to an eviction judgment against the defendant. In accordance with 25024  
division (A) of section 1923.12 of the Revised Code, three days 25025  
after the eviction judgment, the plaintiff is hereby commanded to 25026  
post a fourteen-day notice to the defendant to sell or remove the 25027  
manufactured home, mobile home, or recreational vehicle from the 25028  
premises, at the defendant's costs. If the manufactured home, 25029  
mobile home, or recreational vehicle is not sold or removed by the 25030  
defendant at the expiration of the fourteen-day notice, it is 25031  
hereby ordered that the defendant forfeits the right to the 25032  
manufactured home, mobile home, or recreational vehicle and the 25033  
plaintiff is hereby authorized to exercise the rights set forth 25034  
herein. Also, you are to levy of the goods and chattels of the 25035  
defendant, and make the costs previously mentioned and all 25036  
accruing costs, and of this writ make legal service and due 25037  
return. 25038

Further, you are authorized to cause the manufactured home, 25039  
mobile home, or recreational vehicle, and all personal property on 25040  
the residential premises, to be, ~~at your option, either (1)~~ 25041  
~~removed from the manufactured home park and, if necessary, moved~~ 25042  
~~to a storage facility of your choice, or (2)~~ retained at their 25043  
current location on the residential premises, until they are 25044  
disposed of in a manner authorized by this writ or the law of this 25045  
state. 25046

If the manufactured home, mobile home, or recreational 25047  
vehicle has been abandoned by the defendant, the park operator is 25048  
hereby commanded to submit a notarized affidavit to the county 25049  
auditor of the county where the park is located listing the titled 25050  
owner, address, serial number, and the value of the manufactured 25051  
home, mobile home, or recreational vehicle. Within fifteen days 25052  
after receipt of the affidavit, the county auditor is hereby 25053

commanded to confirm whether the county auditor agrees or 25054  
disagrees with the stated value on the affidavit. Either of the 25055  
following shall apply: 25056

(1) If the county auditor agrees with the stated value on the 25057  
affidavit, the county auditor is hereby commanded to sign the 25058  
original affidavit attesting to the agreement of the value of the 25059  
manufactured home, mobile home, or recreational vehicle and return 25060  
the original affidavit to the park operator within fifteen days 25061  
after receipt of the affidavit from the park operator. 25062

(2) If the county auditor disagrees with the stated value on 25063  
the affidavit, the county auditor is hereby commanded to notify 25064  
the park operator of the disagreement within fifteen days after 25065  
receipt of the affidavit. The park operator is hereby authorized 25066  
to submit additional materials in support of the stated value on 25067  
the affidavit consistent with industry valuation standards within 25068  
ten days after receipt of the notice of the disagreement. If the 25069  
park operator submits additional materials in support of the 25070  
stated value on the affidavit, then after reviewing the additional 25071  
materials submitted, either of the following shall apply: 25072

(a) If the county auditor agrees with the stated value on the 25073  
affidavit, the county auditor is hereby commanded to sign the 25074  
original affidavit attesting to the agreement of the value of the 25075  
manufactured home, mobile home, or recreational vehicle and return 25076  
the original affidavit to the park operator within ten days after 25077  
receipt of the additional materials. 25078

(b) If the county auditor continues to disagree with the 25079  
stated value on the affidavit, the county auditor is hereby 25080  
commanded to notify the park operator of the continued 25081  
disagreement within ten days of receipt of the additional material 25082  
and return the original affidavit to the park operator. The park 25083  
operator is hereby authorized to appeal to this court for a ruling 25084  
on the disagreement pursuant to court rule. 25085

The park operator is hereby commanded to submit to this court 25086  
the affidavit signed by the county auditor stating the value of 25087  
the manufactured home, mobile home, or recreational vehicle, which 25088  
shall be deemed to be the park operator's sworn testimony. If the 25089  
park operator knowingly falsifies information on the affidavit the 25090  
park operator shall be guilty of falsification under divisions 25091  
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 25092

If the manufactured home, mobile home, or recreational 25093  
vehicle has been so abandoned and has a value of more than three 25094  
thousand dollars, and the requirements of section 1923.12 of the 25095  
Revised Code have been satisfied, you are hereby authorized to 25096  
cause the sale of the home or vehicle and personal property in the 25097  
home or vehicle in accordance with division (B)(3) of section 25098  
1923.14 of the Revised Code. ~~A search of appropriate public~~ 25099  
~~records or other reasonably diligent inquiries reveals the~~ 25100  
~~following persons, whose last known addresses are listed next to~~ 25101  
~~their names, may continue to have an outstanding right, title, or~~ 25102  
~~interest in the home or vehicle: .....~~ In addition, the 25103  
~~following persons, whose last known addresses are listed next to~~ 25104  
~~their names, may continue to have an outstanding right, title, or~~ 25105  
~~interest in certain personal property left in the home and listed~~ 25106  
~~next to their names: .....~~ If you are unable to sell the 25107  
manufactured home, mobile home, or recreational vehicle due to a 25108  
want of bidders, after it is offered for sale on two occasions, 25109  
you are hereby commanded to cause the presentation of this writ to 25110  
a clerk of the court of common pleas title division for the 25111  
issuance of a certificate of title transferring the title of the 25112  
home or vehicle to the plaintiff, free and clear of all security 25113  
interests, liens, and encumbrances, in accordance with division 25114  
(B)(3) of section 1923.14 of the Revised Code. 25115

If the manufactured home, mobile home, or recreational 25116  
vehicle has been so abandoned and has a value of ~~less than~~ three 25117

thousand dollars or less and if the requirements of section 25118  
1923.12 of the Revised Code have been satisfied, you are hereby 25119  
authorized ~~either to cause the sale or destruction of the home or~~ 25120  
~~vehicle, or~~ to cause the presentation of this writ to a clerk of 25121  
the court of common pleas title division for the issuance of a 25122  
certificate of title transferring the title of the home or vehicle 25123  
to the plaintiff, free and clear of all security interests, liens, 25124  
and encumbrances, in accordance with division (B)(4) of section 25125  
1923.14 of the Revised Code. 25126

Upon this writ's presentation by the levying officer to a 25127  
clerk of the court of common pleas title division under the 25128  
circumstances described in either of the two preceding paragraphs 25129  
and in accordance with division (B)(3) or (4) of section 1923.14 25130  
of the Revised Code, as applicable, the clerk is hereby commanded 25131  
to issue a certificate of title transferring the title of the 25132  
manufactured home, mobile home, or recreational vehicle to the 25133  
plaintiff, free and clear of all security interests, liens, and 25134  
encumbrances, in the manner prescribed in section 4505.10 of the 25135  
Revised Code. 25136

Witness my hand, this ..... day of ....., 25137  
..... , ..... Judge, ..... (Name of court)." 25138

**Sec. 1923.14.** (A) Except as otherwise provided in this 25139  
section, within ten days after receiving a writ of execution 25140  
described in division (A) or (B) of section 1923.13 of the Revised 25141  
Code, the sheriff, police officer, constable, or bailiff shall 25142  
execute it by restoring the plaintiff to the possession of the 25143  
premises, and shall levy and collect ~~the~~ reasonable costs, not to 25144  
exceed the standard motion fee, and make return, as upon other 25145  
executions. If an appeal from the judgment of restitution is filed 25146  
and if, following the filing of the appeal, a stay of execution is 25147  
obtained and any required bond is filed with the court of common 25148

pleas, municipal court, or county court, the judge of that court 25149  
immediately shall issue an order to the sheriff, police officer, 25150  
constable, or bailiff commanding the delay of all further 25151  
proceedings upon the execution. If the premises have been restored 25152  
to the plaintiff, the sheriff, police officer, constable, or 25153  
bailiff shall forthwith place the defendant in possession of them, 25154  
and return the writ with the sheriff's, police officer's, 25155  
constable's, or bailiff's proceedings and the costs taxed on it. 25156

(B)(1) After a ~~court of common pleas~~, municipal court, or 25157  
county court issues a writ of execution described in division (B) 25158  
of section 1923.13 of the Revised Code, the clerk of the court 25159  
shall send by regular mail, to the last known address of each 25160  
person other than the titled owner of the manufactured home, 25161  
mobile home, or recreational vehicle that is the subject of the 25162  
writ ~~and to the last known address of each other person~~ who is 25163  
listed on the writ as having any outstanding right, title, or 25164  
interest in the home, vehicle, or personal property and to the 25165  
auditor and treasurer of the county in which the court is located, 25166  
a written notice that the home or vehicle potentially may be sold, 25167  
destroyed, or have its title transferred under the circumstances 25168  
described in division (B)(3) or (4) of this section. A person 25169  
having any outstanding right, title, or interest in the home, 25170  
vehicle, or personal property is not required to consent to the 25171  
notice required under this division in order for the writ to be 25172  
executed. 25173

(2) Except as otherwise provided in this division, after 25174  
causing the defendant to be removed from the residential premises 25175  
of the manufactured home park, if necessary, by writ of 25176  
restitution, and receiving a writ of execution described in 25177  
division (B) of section 1923.13 of the Revised Code, ~~and after~~ 25178  
~~causing the defendant to be removed from the residential premises~~ 25179  
~~of the manufactured home park, if necessary,~~ in accordance with 25180

the writ, the sheriff, police officer, constable, or bailiff may 25181  
cause the manufactured home, mobile home, or recreational vehicle 25182  
that is the subject of the writ, and all personal property on the 25183  
residential premises, ~~at the sheriff's, police officer's,~~ 25184  
~~constable's, or bailiff's option, either to be removed from the~~ 25185  
~~manufactured home park and, if necessary, moved to a storage~~ 25186  
~~facility of the sheriff's, police officer's, constable's, or~~ 25187  
~~bailiff's choice, or to be retained at their current location on~~ 25188  
the residential premises, until they are claimed by the defendant 25189  
or they are disposed of in a manner authorized by division (B)(3), 25190  
(4), or (6) of this section or by another section of the Revised 25191  
Code. ~~The sheriff, police officer, constable, or bailiff shall not~~ 25192  
~~cause the manufactured home, mobile home, or recreational vehicle~~ 25193  
~~that is the subject of the writ, or the personal property, to be~~ 25194  
~~removed from the manufactured home park or moved to a storage~~ 25195  
~~facility if the holder of any outstanding lien, right, title, or~~ 25196  
~~interest in the home or vehicle, other than the titled owner of~~ 25197  
~~the home or vehicle, meets the conditions set forth in division~~ 25198  
~~(B)(6) or (7) of this section.~~ 25199

~~The sheriff, police officer, constable, or bailiff who~~ 25200  
~~removes the manufactured home, mobile home, or recreational~~ 25201  
~~vehicle, or the abandoned personal property, from the residential~~ 25202  
~~premises shall be immune from civil liability pursuant to section~~ 25203  
~~2744.03 of the Revised Code for any damage caused to the home,~~ 25204  
~~vehicle, or any personal property during the removal.~~ 25205

The park operator shall not be liable for any damage caused 25206  
by the park operator's removal of the manufactured home, mobile 25207  
home, or recreational vehicle or the removal of the personal 25208  
property from the residential premises, or for any damage to the 25209  
home, vehicle, or personal property during the time the home, 25210  
vehicle, or property remains abandoned or stored in the 25211  
manufactured home park, unless the damage is the result of acts 25212

that the park operator or the park operator's agents or employees 25213  
performed with malicious purpose, in bad faith, or in a wanton or 25214  
reckless manner. The reasonable costs for a removal of the 25215  
manufactured home, mobile home, or recreational vehicle and 25216  
personal property and, as applicable, the reasonable costs for its 25217  
storage shall constitute a lien upon the home or vehicle payable 25218  
by the titled owner of the home or vehicle or payable pursuant to 25219  
division (B)(3) of this section to the park operator. 25220

The sheriff, police officer, constable, or bailiff shall not 25221  
be liable for any damage caused by the park operator's removal of 25222  
the manufactured home, mobile home, or recreational vehicle or the 25223  
removal of the personal property from the residential premises, or 25224  
for any damage to the home, vehicle, or personal property during 25225  
the time the home, vehicle, or property remains abandoned or 25226  
stored in the manufactured home park. 25227

(3) Except as provided in divisions (B)(4), (5), and (6) of 25228  
this section and division (D) of section 1923.12 of the Revised 25229  
Code, within sixty days after receiving a writ of execution 25230  
described in division (B) of section 1923.13 of the Revised Code 25231  
for a manufactured home, mobile home, or recreational vehicle, 25232  
determined to have a value of more than three thousand dollars, 25233  
the sheriff, police officer, constable, or bailiff shall commence 25234  
proceedings for the sale of the manufactured home, mobile home, or 25235  
recreational vehicle that is the subject of the writ, and the 25236  
abandoned personal property on the residential premises, if the 25237  
home or vehicle is determined to be abandoned in accordance with 25238  
the procedures for the sale of goods on execution under Chapter 25239  
2329. of the Revised Code. In addition to all notices required to 25240  
be given under section 2329.13 of the Revised Code, the sheriff, 25241  
police officer, constable, or bailiff shall serve at their 25242  
respective last known addresses a written notice of the date, 25243  
time, and place of the sale upon all persons who are listed on the 25244

writ of execution as having any outstanding right, title, or 25245  
interest in the abandoned manufactured home, mobile home, or 25246  
recreational vehicle and the personal property and shall provide 25247  
written notice to the auditor and the treasurer of the county in 25248  
which the court issuing the writ is located. 25249

Unless the proceedings are governed by division (D) of 25250  
section 1923.12 of the Revised Code, notwithstanding any statutory 25251  
provision to the contrary, including, but not limited to, section 25252  
2329.66 of the Revised Code, there shall be no stay of execution 25253  
or exemption from levy or sale on execution available to the 25254  
titled owner of the abandoned manufactured home, mobile home, or 25255  
recreational vehicle in relation to a sale under this division. 25256  
Except as otherwise provided in sections 2113.031, 2117.25, and 25257  
5162.21 of the Revised Code in a case involving a deceased 25258  
resident or resident's estate, the sheriff, police officer, 25259  
constable, or bailiff shall distribute the proceeds from the sale 25260  
of an abandoned manufactured home, mobile home, or recreational 25261  
vehicle and any personal property under this division in the 25262  
following manner: 25263

(a) The sheriff, police officer, constable, or bailiff shall 25264  
first pay the costs for any moving of and any storage outside the 25265  
manufactured home park of the home or vehicle and any personal 25266  
property pursuant to division (B)(2) of this section, the costs of 25267  
the sale, ~~including reimbursing the park operator for the deposit~~ 25268  
~~that the park operator paid to the clerk of court under division~~ 25269  
~~(C) of section 1923.12 of the Revised Code~~ any advertising 25270  
expenses paid by the park operator for the sale of the 25271  
manufactured home, mobile home, or recreational vehicle under 25272  
division (B)(3) of this section, and any unpaid court costs 25273  
assessed against the defendant in the underlying action. 25274

(b) Following the payment required by division (B)(3)(a) of 25275  
this section, the sheriff, police officer, constable, or bailiff 25276



shall pay all outstanding tax liens on the home or vehicle. 25277

(c) Following the payment required by division (B)(3)(b) of 25278  
this section, the sheriff, police officer, constable, or bailiff 25279  
shall pay all other outstanding security interests, liens, or 25280  
encumbrances on the home or vehicle by priority of filing or other 25281  
priority. 25282

(d) Following the payment required by division (B)(3)(c) of 25283  
this section, the sheriff, police officer, constable, or bailiff 25284  
shall pay any outstanding monetary judgment rendered under section 25285  
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 25286  
and any costs associated with retaining the home or vehicle prior 25287  
to the sale at its location on the residential premises within the 25288  
manufactured home park pursuant to division (B)(2) of this 25289  
section. 25290

(e) After complying with divisions (B)(3)(a) to (d) of this 25291  
section, the sheriff, police officer, constable, or bailiff shall 25292  
report any remaining money as unclaimed funds pursuant to Chapter 25293  
169. of the Revised Code. 25294

Upon the return of any writ of execution for the satisfaction 25295  
of which an abandoned manufactured home, mobile home, or 25296  
recreational vehicle has been sold under this division, on careful 25297  
examination of the proceedings of the sheriff, police officer, 25298  
constable, or bailiff conducting the sale, if the court that 25299  
issued the writ finds that the sale was made, in all respects, in 25300  
conformity with ~~the relevant provisions of Chapter 2329. of the~~ 25301  
~~Revised Code and with~~ this division, it the court shall direct the 25302  
clerk of the court to make an entry on the journal that the court 25303  
is satisfied with the legality of the sale and order the ~~court~~ 25304  
~~shall direct the clerk of the court of common pleas of the county~~ 25305  
~~in which the writ was issued~~ title division to issue a certificate 25306  
of title, free and clear of all security interests, liens, and 25307  
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 25308

~~of the court of common pleas shall issue the new certificate of~~ 25309  
~~title to the purchaser of the home or vehicle regardless of~~ 25310  
~~whether the writ was issued by the court of common pleas or~~ 25311  
~~another court duly authorized to issue the writ.~~ If the 25312  
manufactured home, mobile home, or recreational vehicle sold under 25313  
this division is located in a manufactured home park, the 25314  
purchaser of the home or vehicle shall have no right to maintain 25315  
the home or vehicle in the manufactured home park without the park 25316  
operator's consent and the sheriff, police officer, constable, or 25317  
bailiff conducting the sale shall notify all prospective 25318  
purchasers of this fact prior to the commencement of the sale. 25319

If, after it is offered for sale on two occasions under this 25320  
division, the abandoned manufactured home, mobile home, or 25321  
recreational vehicle cannot be sold due to a want of bidders, the 25322  
sheriff, police officer, constable, or bailiff shall present the 25323  
writ of execution unsatisfied to the clerk of the court of common 25324  
pleas title division, of the county in which the writ was issued 25325  
for the issuance by the clerk in the manner prescribed in section 25326  
4505.10 of the Revised Code of a certificate of title transferring 25327  
the title of the home or vehicle to the plaintiff, free and clear 25328  
of all security interests, liens, and encumbrances. ~~The clerk of~~ 25329  
~~the court of common pleas shall issue the new certificate of title~~ 25330  
~~transferring the title of the manufactured home, mobile home, or~~ 25331  
~~recreational vehicle to the plaintiff regardless of whether the~~ 25332  
~~writ was issued by the court of common pleas or another court duly~~ 25333  
~~authorized to issue the writ.~~ If any taxes are owed on the home or 25334  
vehicle at this time, the county auditor shall remove the 25335  
delinquent taxes from the manufactured home tax list and the 25336  
delinquent manufactured home tax list and remit any penalties for 25337  
late payment of manufactured home taxes. Acceptance of the 25338  
certificate of title by the plaintiff terminates all further 25339  
proceedings under this section. In accordance with division (E)(3) 25340  
of section 4503.061 of the Revised Code, the plaintiff shall 25341

notify the county auditor of the transfer of title. Pursuant to 25342  
section 4503.061 of the Revised Code, if the manufactured home, 25343  
mobile home, or recreational vehicle is destroyed or removed, the 25344  
plaintiff shall provide the county auditor with notice of removal 25345  
or destruction of the manufactured home, mobile home, or 25346  
recreational vehicle. 25347

(4) Except as provided in division (B)(5) or (6) of this 25348  
section and division (D) of section 1923.12 of the Revised Code, 25349  
within ~~sixty~~ thirty days after receiving a writ of execution 25350  
described in division (B) of section 1923.13 of the Revised Code, 25351  
if the manufactured home, mobile home, or recreational vehicle is 25352  
determined to be abandoned and to have a value of ~~less than~~ three 25353  
thousand dollars or less, ~~the sheriff, police officer, constable,~~ 25354  
~~or bailiff shall serve at their respective last known addresses a~~ 25355  
~~written notice of potential action as described in this division~~ 25356  
~~upon all persons who are listed on the writ as having any~~ 25357  
~~outstanding right, title, or interest in the home or vehicle. This~~ 25358  
~~notice shall be in addition to all notices required to be given~~ 25359  
~~under section 2329.13 of the Revised Code. Subject to the~~ 25360  
~~fulfillment of these notice requirements, the sheriff, police~~ 25361  
~~officer, constable, or bailiff shall take one of the following~~ 25362  
~~actions with respect to the abandoned manufactured home, mobile~~ 25363  
~~home, or recreational vehicle:~~ 25364

~~(a) Cause its destruction if there is no person having an~~ 25365  
~~outstanding right, title, or interest in the home or vehicle,~~ 25366  
~~other than the titled owner of the home or vehicle;~~ 25367

~~(b) Proceed with its sale under division (B)(3) of this~~ 25368  
~~section;~~ 25369

~~(c) If there is no person having an outstanding right, title,~~ 25370  
~~or interest in the home or vehicle other than the titled owner of~~ 25371  
~~the home or vehicle, or if there is an outstanding right, title,~~ 25372  
~~or interest in the home or vehicle and the lienholder consents in~~ 25373

~~writing~~, present the writ of execution to the clerk of the court 25374  
of common pleas title division, of the county in which the writ 25375  
was issued for the issuance by the clerk in the manner prescribed 25376  
in section 4505.10 of the Revised Code of a certificate of title 25377  
transferring the title of the home or vehicle to the plaintiff, 25378  
free and clear of all security interests, liens, and encumbrances. 25379  
~~The clerk of the court of common pleas shall issue the new~~ 25380  
~~certificate of title transferring the title of the home or vehicle~~ 25381  
~~regardless of whether the writ was issued by the court of common~~ 25382  
~~pleas or another court duly authorized to issue the writ.~~ If any 25383  
taxes are owed on the home or vehicle at this time, the county 25384  
auditor shall remove the delinquent taxes from the manufactured 25385  
home tax list and the delinquent manufactured home tax list and 25386  
remit any penalties for late payment of manufactured home taxes. 25387  
Acceptance of the certificate of title by the plaintiff terminates 25388  
all further proceedings under this section. In accordance with 25389  
division (E)(3) of section 4503.061 of the Revised Code, the 25390  
plaintiff shall notify the county auditor of the transfer of 25391  
title. Pursuant to section 4503.0611 of the Revised Code, if the 25392  
manufactured home, mobile home, or recreational vehicle is 25393  
destroyed or removed, the plaintiff shall provide the county 25394  
auditor with notice of removal or destruction of the manufactured 25395  
home, mobile home, or recreational vehicle. 25396

(5) At any time prior to the issuance of the writ of 25397  
execution described in division (B) of section 1923.13 of the 25398  
Revised Code, the titled owner of the manufactured home, mobile 25399  
home, or recreational vehicle that would be the subject of the 25400  
writ may remove the abandoned home or vehicle from the 25401  
manufactured home park ~~or other place of storage~~ upon payment to 25402  
the county auditor of all outstanding tax liens on the home or 25403  
vehicle and, unless the owner is indigent, payment to the clerk of 25404  
court of all unpaid court costs assessed against the defendant in 25405  
the underlying action. After the issuance of the writ of 25406

execution, the titled owner of the home or vehicle may remove the 25407  
abandoned home or vehicle from the manufactured home park ~~or other~~ 25408  
~~place of storage~~ at any time up to the day before the scheduled 25409  
sale, destruction, or transfer of the home or vehicle pursuant to 25410  
division (B)(3) or (4) of this section upon payment of all of the 25411  
following: 25412

(a) All costs ~~for moving and storage of the home or vehicle~~ 25413  
~~pursuant to division (B)(2) of this section and all costs~~ incurred 25414  
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 25415  
~~including the date of the removal of the home or vehicle;~~ 25416

(b) All outstanding tax liens on the home or vehicle; 25417

(c) Unless the owner is indigent, all unpaid court costs 25418  
assessed against the defendant in the underlying action. 25419

(6) At any time after the issuance of the writ of execution 25420  
described in division (B) of section 1923.13 of the Revised Code, 25421  
the holder of any outstanding lien, right, title, or interest in 25422  
the manufactured home, mobile home, or recreational vehicle, other 25423  
than the titled owner of the home or vehicle, may stop the 25424  
sheriff, police officer, constable, or bailiff from proceeding 25425  
with the sale under this division by doing both of the following: 25426

(a) Commencing a proceeding to repossess the home or vehicle 25427  
pursuant to Chapters 1309. and 1317. of the Revised Code; 25428

(b) Paying to the park operator all monthly rental payments 25429  
for the lot on which the home or vehicle is located from the time 25430  
of the issuance of the writ of execution until the time that the 25431  
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 25432  
the Revised Code. 25433

(7)(a) At any time prior to the day before the scheduled sale 25434  
of the property pursuant to division (B)(3) of this section, the 25435  
defendant may remove any personal property of the defendant from 25436  
the abandoned home or vehicle or other place of storage. 25437

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

**Sec. 2151.34.** (A) As used in this section:

(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.

(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(9) "Companion animal" has the same meaning as in section

959.131 of the Revised Code.	25467
<u>(10) "Expunge" has the same meaning as in section 2151.355 of</u>	25468
<u>the Revised Code.</u>	25469
(B) The court has jurisdiction over all proceedings under	25470
this section.	25471
(C)(1) Any of the following persons may seek relief under	25472
this section by filing a petition with the court:	25473
(a) Any person on behalf of that person;	25474
(b) Any parent or adult family or household member on behalf	25475
of any other family or household member;	25476
(c) Any person who is determined by the court in its	25477
discretion as an appropriate person to seek relief under this	25478
section on behalf of any child.	25479
(2) The petition shall contain or state all of the following:	25480
(a) An allegation that the respondent engaged in a violation	25481
of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22,	25482
or 2911.211 of the Revised Code, committed a sexually oriented	25483
offense, or engaged in a violation of any municipal ordinance that	25484
is substantially equivalent to any of those offenses against the	25485
person to be protected by the protection order, including a	25486
description of the nature and extent of the violation;	25487
(b) If the petitioner seeks relief in the form of electronic	25488
monitoring of the respondent, an allegation that at any time	25489
preceding the filing of the petition the respondent engaged in	25490
conduct that would cause a reasonable person to believe that the	25491
health, welfare, or safety of the person to be protected was at	25492
risk, a description of the nature and extent of that conduct, and	25493
an allegation that the respondent presents a continuing danger to	25494
the person to be protected;	25495
(c) A request for relief under this section.	25496

(3) The court in its discretion may determine whether or not 25497  
to give notice that a petition has been filed under division 25498  
(C)(1) of this section on behalf of a child to any of the 25499  
following: 25500

(a) A parent of the child if the petition was filed by any 25501  
person other than a parent of the child; 25502

(b) Any person who is determined by the court to be an 25503  
appropriate person to receive notice of the filing of the 25504  
petition. 25505

(D)(1) If a person who files a petition pursuant to this 25506  
section requests an ex parte order, the court shall hold an ex 25507  
parte hearing as soon as possible after the petition is filed, but 25508  
not later than the next day after the court is in session after 25509  
the petition is filed. The court, for good cause shown at the ex 25510  
parte hearing, may enter any temporary orders, with or without 25511  
bond, that the court finds necessary for the safety and protection 25512  
of the person to be protected by the order. Immediate and present 25513  
danger to the person to be protected by the protection order 25514  
constitutes good cause for purposes of this section. Immediate and 25515  
present danger includes, but is not limited to, situations in 25516  
which the respondent has threatened the person to be protected by 25517  
the protection order with bodily harm or in which the respondent 25518  
previously has been convicted of, pleaded guilty to, or been 25519  
adjudicated a delinquent child for committing a violation of 25520  
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 25521  
2911.211 of the Revised Code, a sexually oriented offense, or a 25522  
violation of any municipal ordinance that is substantially 25523  
equivalent to any of those offenses against the person to be 25524  
protected by the protection order. 25525

(2)(a) If the court, after an ex parte hearing, issues a 25526  
protection order described in division (E) of this section, the 25527  
court shall schedule a full hearing for a date that is within ten 25528



court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person

to be protected by the protection order. The court may include 25560  
within a protection order issued under this section a term 25561  
requiring that the respondent not remove, damage, hide, harm, or 25562  
dispose of any companion animal owned or possessed by the person 25563  
to be protected by the order, and may include within the order a 25564  
term authorizing the person to be protected by the order to remove 25565  
a companion animal owned by the person to be protected by the 25566  
order from the possession of the respondent. 25567

(b) After a full hearing, if the court considering a petition 25568  
that includes an allegation of the type described in division 25569  
(C)(2)(b) of this section or the court, upon its own motion, finds 25570  
upon clear and convincing evidence that the petitioner reasonably 25571  
believed that the respondent's conduct at any time preceding the 25572  
filing of the petition endangered the health, welfare, or safety 25573  
of the person to be protected and that the respondent presents a 25574  
continuing danger to the person to be protected and if division 25575  
(N) of this section does not prohibit the issuance of an order 25576  
that the respondent be electronically monitored, the court may 25577  
order that the respondent be electronically monitored for a period 25578  
of time and under the terms and conditions that the court 25579  
determines are appropriate. Electronic monitoring shall be in 25580  
addition to any other relief granted to the petitioner. 25581

(2)(a) Any protection order issued pursuant to this section 25582  
shall be valid until a date certain but not later than the date 25583  
the respondent attains nineteen years of age. 25584

(b) Any protection order issued pursuant to this section may 25585  
be renewed in the same manner as the original order was issued. 25586

(3) A court may not issue a protection order that requires a 25587  
petitioner to do or to refrain from doing an act that the court 25588  
may require a respondent to do or to refrain from doing under 25589  
division (E)(1) of this section unless all of the following apply: 25590

(a) The respondent files a separate petition for a protection order in accordance with this section. 25591  
25592

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 25593  
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 25597  
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section. 25602  
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(4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 25616  
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(5)(a) A protection order issued under this section shall clearly state that the person to be protected by the order cannot waive or nullify by invitation or consent any requirement in the order. 25618  
25619  
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(b) Division (E)(5)(a) of this section does not limit any 25622  
discretion of a court to determine that a respondent alleged to 25623  
have violated section 2919.27 of the Revised Code, violated a 25624  
municipal ordinance substantially equivalent to that section, or 25625  
committed contempt of court, which allegation is based on an 25626  
alleged violation of a protection order issued under this section, 25627  
did not commit the violation or was not in contempt of court. 25628

(6) Any protection order issued pursuant to this section 25629  
shall include a provision that the court will automatically seal 25630  
all of the records of the proceeding in which the order is issued 25631  
on the date the respondent attains the age of nineteen years 25632  
unless the petitioner provides the court with evidence that the 25633  
respondent has not complied with all of the terms of the 25634  
protection order. The protection order shall specify the date when 25635  
the respondent attains the age of nineteen years. 25636

(F)(1) The court shall cause the delivery of a copy of any 25637  
protection order that is issued under this section to the 25638  
petitioner, to the respondent, and to all law enforcement agencies 25639  
that have jurisdiction to enforce the order. The court shall 25640  
direct that a copy of the order be delivered to the respondent and 25641  
the parent, guardian, or legal custodian of the respondent on the 25642  
same day that the order is entered. 25643

(2) Upon the issuance of a protection order under this 25644  
section, the court shall provide the parties to the order with the 25645  
following notice orally or by form: 25646

"NOTICE 25647

As a result of this order, it may be unlawful for you to 25648  
possess or purchase a firearm, including a rifle, pistol, or 25649  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 25650  
922(g)(8). If you have any questions whether this law makes it 25651  
illegal for you to possess or purchase a firearm or ammunition, 25652  
you should consult an attorney." 25653

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is

appealed and an appellate court to which the last appeal of that 25685  
order is taken affirms the order. 25686

(H) The filing of proceedings under this section does not 25687  
excuse a person from filing any report or giving any notice 25688  
required by section 2151.421 of the Revised Code or by any other 25689  
law. 25690

(I) Any law enforcement agency that investigates an alleged 25691  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 25692  
2903.22, or 2911.211 of the Revised Code, an alleged commission of 25693  
a sexually oriented offense, or an alleged violation of a 25694  
municipal ordinance that is substantially equivalent to any of 25695  
those offenses shall provide information to the victim and the 25696  
family or household members of the victim regarding the relief 25697  
available under this section. 25698

(J)(1) Subject to division (J)(2) of this section and 25699  
regardless of whether a protection order is issued or a consent 25700  
agreement is approved by a court of another county or by a court 25701  
of another state, no court or unit of state or local government 25702  
shall charge the petitioner any fee, cost, deposit, or money in 25703  
connection with the filing of a petition pursuant to this section, 25704  
in connection with the filing, issuance, registration, 25705  
modification, enforcement, dismissal, withdrawal, or service of a 25706  
protection order, consent agreement, or witness subpoena or for 25707  
obtaining a certified copy of a protection order or consent 25708  
agreement. 25709

(2) Regardless of whether a protection order is issued or a 25710  
consent agreement is approved pursuant to this section, the court 25711  
may assess costs against the respondent in connection with the 25712  
filing, issuance, registration, modification, enforcement, 25713  
dismissal, withdrawal, or service of a protection order, consent 25714  
agreement, or witness subpoena or for obtaining a certified copy 25715  
of a protection order or consent agreement. 25716

(K)(1) A person who violates a protection order issued under 25717  
this section is subject to the following sanctions: 25718

(a) A delinquent child proceeding or a criminal prosecution 25719  
for a violation of section 2919.27 of the Revised Code, if the 25720  
violation of the protection order constitutes a violation of that 25721  
section; 25722

(b) Punishment for contempt of court. 25723

(2) The punishment of a person for contempt of court for 25724  
violation of a protection order issued under this section does not 25725  
bar criminal prosecution of the person or a delinquent child 25726  
proceeding concerning the person for a violation of section 25727  
2919.27 of the Revised Code. However, a person punished for 25728  
contempt of court is entitled to credit for the punishment imposed 25729  
upon conviction of or adjudication as a delinquent child for a 25730  
violation of that section, and a person convicted of or 25731  
adjudicated a delinquent child for a violation of that section 25732  
shall not subsequently be punished for contempt of court arising 25733  
out of the same activity. 25734

(L) In all stages of a proceeding under this section, a 25735  
petitioner may be accompanied by a victim advocate. 25736

(M)(1) A petitioner who obtains a protection order under this 25737  
section may provide notice of the issuance or approval of the 25738  
order to the judicial and law enforcement officials in any county 25739  
other than the county in which the order is issued by registering 25740  
that order in the other county pursuant to division (M)(2) of this 25741  
section and filing a copy of the registered order with a law 25742  
enforcement agency in the other county in accordance with that 25743  
division. A person who obtains a protection order issued by a 25744  
court of another state may provide notice of the issuance of the 25745  
order to the judicial and law enforcement officials in any county 25746  
of this state by registering the order in that county pursuant to 25747

section 2919.272 of the Revised Code and filing a copy of the 25748  
registered order with a law enforcement agency in that county. 25749

(2) A petitioner may register a protection order issued 25750  
pursuant to this section in a county other than the county in 25751  
which the court that issued the order is located in the following 25752  
manner: 25753

(a) The petitioner shall obtain a certified copy of the order 25754  
from the clerk of the court that issued the order and present that 25755  
certified copy to the clerk of the court of common pleas or the 25756  
clerk of a municipal court or county court in the county in which 25757  
the order is to be registered. 25758

(b) Upon accepting the certified copy of the order for 25759  
registration, the clerk of the court of common pleas, municipal 25760  
court, or county court shall place an endorsement of registration 25761  
on the order and give the petitioner a copy of the order that 25762  
bears that proof of registration. 25763

(3) The clerk of each court of common pleas, municipal court, 25764  
or county court shall maintain a registry of certified copies of 25765  
protection orders that have been issued by courts in other 25766  
counties pursuant to this section and that have been registered 25767  
with the clerk. 25768

(N) If the court orders electronic monitoring of the 25769  
respondent under this section, the court shall direct the 25770  
sheriff's office or any other appropriate law enforcement agency 25771  
to install the electronic monitoring device and to monitor the 25772  
respondent. Unless the court determines that the respondent is 25773  
indigent, the court shall order the respondent to pay the cost of 25774  
the installation and monitoring of the electronic monitoring 25775  
device. If the court determines that the respondent is indigent 25776  
and subject to the maximum amount allowable to be paid in any year 25777  
from the fund and the rules promulgated by the attorney general 25778



under section 2903.214 of the Revised Code, the cost of the 25779  
installation and monitoring of the electronic monitoring device 25780  
may be paid out of funds from the reparations fund created 25781  
pursuant to section 2743.191 of the Revised Code. The total amount 25782  
paid from the reparations fund created pursuant to section 25783  
2743.191 of the Revised Code for electronic monitoring under this 25784  
section and sections 2903.214 and 2919.27 of the Revised Code 25785  
shall not exceed three hundred thousand dollars per year. When the 25786  
total amount paid from the reparations fund in any year for 25787  
electronic monitoring under those sections equals or exceeds three 25788  
hundred thousand dollars, the court shall not order pursuant to 25789  
this section that an indigent respondent be electronically 25790  
monitored. 25791

(O) The court, in its discretion, may determine if the 25792  
respondent is entitled to court-appointed counsel in a proceeding 25793  
under this section. 25794

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 25795  
neglected, or dependent child, the court may make any of the 25796  
following orders of disposition: 25797

(1) Place the child in protective supervision; 25798

(2) Commit the child to the temporary custody of a any of the 25799  
following: 25800

(a) A public children services agency,~~a;~~ 25801

(b) A private child placing agency,~~either;~~ 25802

(c) Either parent,~~a;~~ 25803

(d) A relative residing within or outside the state,~~or a;~~ 25804

(e) A probation officer for placement in a certified foster 25805  
home,~~or in any other home approved by the court;~~ 25806

(f) Any other person approved by the court. 25807

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious

affiliation, and the responsibility for support; 25840

(d) That the person understands that the person must be 25841  
present in court for the dispositional hearing in order to affirm 25842  
the person's intention to become legal custodian, to affirm that 25843  
the person understands the effect of the custodianship before the 25844  
court, and to answer any questions that the court or any parties 25845  
to the case may have. 25846

(4) Commit the child to the permanent custody of a public 25847  
children services agency or private child placing agency, if the 25848  
court determines in accordance with division (E) of section 25849  
2151.414 of the Revised Code that the child cannot be placed with 25850  
one of the child's parents within a reasonable time or should not 25851  
be placed with either parent and determines in accordance with 25852  
division (D)(1) of section 2151.414 of the Revised Code that the 25853  
permanent commitment is in the best interest of the child. If the 25854  
court grants permanent custody under this division, the court, 25855  
upon the request of any party, shall file a written opinion 25856  
setting forth its findings of fact and conclusions of law in 25857  
relation to the proceeding. 25858

(5) Place the child in a planned permanent living arrangement 25859  
with a public children services agency or private child placing 25860  
agency, if a public children services agency or private child 25861  
placing agency requests the court to place the child in a planned 25862  
permanent living arrangement and if the court finds, by clear and 25863  
convincing evidence, that a planned permanent living arrangement 25864  
is in the best interest of the child, that the child is sixteen 25865  
years of age or older, and that one of the following exists: 25866

(a) The child, because of physical, mental, or psychological 25867  
problems or needs, is unable to function in a family-like setting 25868  
and must remain in residential or institutional care now and for 25869  
the foreseeable future beyond the date of the dispositional 25870  
hearing held pursuant to section 2151.35 of the Revised Code. 25871

(b) The parents of the child have significant physical, 25872  
mental, or psychological problems and are unable to care for the 25873  
child because of those problems, adoption is not in the best 25874  
interest of the child, as determined in accordance with division 25875  
(D)(1) of section 2151.414 of the Revised Code, and the child 25876  
retains a significant and positive relationship with a parent or 25877  
relative. 25878

(c) The child has been counseled on the permanent placement 25879  
options available to the child, and is unwilling to accept or 25880  
unable to adapt to a permanent placement. 25881

(6) Order the removal from the child's home until further 25882  
order of the court of the person who committed abuse as described 25883  
in section 2151.031 of the Revised Code against the child, who 25884  
caused or allowed the child to suffer neglect as described in 25885  
section 2151.03 of the Revised Code, or who is the parent, 25886  
guardian, or custodian of a child who is adjudicated a dependent 25887  
child and order any person not to have contact with the child or 25888  
the child's siblings. 25889

(B)(1) When making a determination on whether to place a 25890  
child in a planned permanent living arrangement pursuant to 25891  
division (A)(5)(b) or (c) of this section, the court shall 25892  
consider all relevant information that has been presented to the 25893  
court, including information gathered from the child, the child's 25894  
guardian ad litem, and the public children services agency or 25895  
private child placing agency. 25896

(2) A child who is placed in a planned permanent living 25897  
arrangement pursuant to division (A)(5)(b) or (c) of this section 25898  
shall be placed in an independent living setting or in a family 25899  
setting in which the caregiver has been provided by the agency 25900  
that has custody of the child with a notice that addresses the 25901  
following: 25902

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in

the removal of the child from their legal custody if any of the 25935  
conditions listed in divisions (A)(5)(a) to (c) of this section 25936  
are found to exist, and the summons served on the parents contains 25937  
a full explanation of their right to be represented by counsel and 25938  
to have counsel appointed pursuant to Chapter 120. of the Revised 25939  
Code if they are indigent. 25940

If after making disposition as authorized by division (A)(2) 25941  
of this section, a motion is filed that requests permanent custody 25942  
of the child, the court may grant permanent custody of the child 25943  
to the movant in accordance with section 2151.414 of the Revised 25944  
Code. 25945

(D) If the court issues an order for protective supervision 25946  
pursuant to division (A)(1) of this section, the court may place 25947  
any reasonable restrictions upon the child, the child's parents, 25948  
guardian, or custodian, or any other person, including, but not 25949  
limited to, any of the following: 25950

(1) Order a party, within forty-eight hours after the 25951  
issuance of the order, to vacate the child's home indefinitely or 25952  
for a specified period of time; 25953

(2) Order a party, a parent of the child, or a physical 25954  
custodian of the child to prevent any particular person from 25955  
having contact with the child; 25956

(3) Issue an order restraining or otherwise controlling the 25957  
conduct of any person which conduct would not be in the best 25958  
interest of the child. 25959

(E) As part of its dispositional order, the court shall 25960  
journalize a case plan for the child. The journalized case plan 25961  
shall not be changed except as provided in section 2151.412 of the 25962  
Revised Code. 25963

(F)(1) The court shall retain jurisdiction over any child for 25964  
whom the court issues an order of disposition pursuant to division 25965

(A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. The court shall retain jurisdiction over a person who meets the requirements described in division (A)(1) of section 5101.1411 of the Revised Code and who is subject to a voluntary participation agreement that is in effect. The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of

the date on which the complaint in the case was filed or the child 25998  
was first placed into shelter care, except that, upon the filing 25999  
of a motion pursuant to section 2151.415 of the Revised Code, the 26000  
temporary custody order shall continue and not terminate until the 26001  
court issues a dispositional order under that section. In 26002  
resolving the motion, the court shall not order an existing 26003  
temporary custody order to continue beyond two years after the 26004  
date on which the complaint was filed or the child was first 26005  
placed into shelter care, whichever date is earlier, regardless of 26006  
whether any extensions have been previously ordered pursuant to 26007  
division (D) of section 2151.415 of the Revised Code. 26008

(H)(1) No later than one year after the earlier of the date 26009  
the complaint in the case was filed or the child was first placed 26010  
in shelter care, a party may ask the court to extend an order for 26011  
protective supervision for six months or to terminate the order. A 26012  
party requesting extension or termination of the order shall file 26013  
a written request for the extension or termination with the court 26014  
and give notice of the proposed extension or termination in 26015  
writing before the end of the day after the day of filing it to 26016  
all parties and the child's guardian ad litem. If a public 26017  
children services agency or private child placing agency requests 26018  
termination of the order, the agency shall file a written status 26019  
report setting out the facts supporting termination of the order 26020  
at the time it files the request with the court. If no party 26021  
requests extension or termination of the order, the court shall 26022  
notify the parties that the court will extend the order for six 26023  
months or terminate it and that it may do so without a hearing 26024  
unless one of the parties requests a hearing. All parties and the 26025  
guardian ad litem shall have seven days from the date a notice is 26026  
sent pursuant to this division to object to and request a hearing 26027  
on the proposed extension or termination. 26028

(a) If it receives a timely request for a hearing, the court 26029



shall schedule a hearing to be held no later than thirty days 26030  
after the request is received by the court. The court shall give 26031  
notice of the date, time, and location of the hearing to all 26032  
parties and the guardian ad litem. At the hearing, the court shall 26033  
determine whether extension or termination of the order is in the 26034  
child's best interest. If termination is in the child's best 26035  
interest, the court shall terminate the order. If extension is in 26036  
the child's best interest, the court shall extend the order for 26037  
six months. 26038

(b) If it does not receive a timely request for a hearing, 26039  
the court may extend the order for six months or terminate it 26040  
without a hearing and shall journalize the order of extension or 26041  
termination not later than fourteen days after receiving the 26042  
request for extension or termination or after the date the court 26043  
notifies the parties that it will extend or terminate the order. 26044  
If the court does not extend or terminate the order, it shall 26045  
schedule a hearing to be held no later than thirty days after the 26046  
expiration of the applicable fourteen-day time period and give 26047  
notice of the date, time, and location of the hearing to all 26048  
parties and the child's guardian ad litem. At the hearing, the 26049  
court shall determine whether extension or termination of the 26050  
order is in the child's best interest. If termination is in the 26051  
child's best interest, the court shall terminate the order. If 26052  
extension is in the child's best interest, the court shall issue 26053  
an order extending the order for protective supervision six 26054  
months. 26055

(2) If the court grants an extension of the order for 26056  
protective supervision pursuant to division (H)(1) of this 26057  
section, a party may, prior to termination of the extension, file 26058  
with the court a request for an additional extension of six months 26059  
or for termination of the order. The court and the parties shall 26060  
comply with division (H)(1) of this section with respect to 26061

extending or terminating the order. 26062

(3) If a court grants an extension pursuant to division 26063  
(H)(2) of this section, the court shall terminate the order for 26064  
protective supervision at the end of the extension. 26065

(I) The court shall not issue a dispositional order pursuant 26066  
to division (A) of this section that removes a child from the 26067  
child's home unless the court complies with section 2151.419 of 26068  
the Revised Code and includes in the dispositional order the 26069  
findings of fact required by that section. 26070

(J) If a motion or application for an order described in 26071  
division (A)(6) of this section is made, the court shall not issue 26072  
the order unless, prior to the issuance of the order, it provides 26073  
to the person all of the following: 26074

(1) Notice and a copy of the motion or application; 26075

(2) The grounds for the motion or application; 26076

(3) An opportunity to present evidence and witnesses at a 26077  
hearing regarding the motion or application; 26078

(4) An opportunity to be represented by counsel at the 26079  
hearing. 26080

(K) The jurisdiction of the court shall terminate one year 26081  
after the date of the award or, if the court takes any further 26082  
action in the matter subsequent to the award, the date of the 26083  
latest further action subsequent to the award, if the court awards 26084  
legal custody of a child to either of the following: 26085

(1) A legal custodian who, at the time of the award of legal 26086  
custody, resides in a county of this state other than the county 26087  
in which the court is located; 26088

(2) A legal custodian who resides in the county in which the 26089  
court is located at the time of the award of legal custody, but 26090  
moves to a different county of this state prior to one year after 26091

the date of the award or, if the court takes any further action in 26092  
the matter subsequent to the award, one year after the date of the 26093  
latest further action subsequent to the award. 26094

The court in the county in which the legal custodian resides 26095  
then shall have jurisdiction in the matter. 26096

**Sec. 2151.417.** (A) Any court that issues a dispositional 26097  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 26098  
Revised Code may review at any time the child's placement or 26099  
custody arrangement, the case plan prepared for the child pursuant 26100  
to section 2151.412 of the Revised Code, the actions of the public 26101  
children services agency or private child placing agency in 26102  
implementing that case plan, the child's permanency plan if the 26103  
child's permanency plan has been approved, and any other aspects 26104  
of the child's placement or custody arrangement. In conducting the 26105  
review, the court shall determine the appropriateness of any 26106  
agency actions, the safety and appropriateness of continuing the 26107  
child's placement or custody arrangement, and whether any changes 26108  
should be made with respect to the child's permanency plan or 26109  
placement or custody arrangement or with respect to the actions of 26110  
the agency under the child's placement or custody arrangement. 26111  
Based upon the evidence presented at a hearing held after notice 26112  
to all parties and the guardian ad litem of the child, the court 26113  
may require the agency, the parents, guardian, or custodian of the 26114  
child, and the physical custodians of the child to take any 26115  
reasonable action that the court determines is necessary and in 26116  
the best interest of the child or to discontinue any action that 26117  
it determines is not in the best interest of the child. 26118

(B) If a court issues a dispositional order pursuant to 26119  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 26120  
court has continuing jurisdiction over the child as set forth in 26121  
division (F)(1) of section 2151.353 of the Revised Code. The court 26122

may amend a dispositional order in accordance with division (F)(2) 26123  
of section 2151.353 of the Revised Code at any time upon its own 26124  
motion or upon the motion of any interested party. The court shall 26125  
comply with section 2151.42 of the Revised Code in amending any 26126  
dispositional order pursuant to this division. 26127

(C)(1) Any court that issues a dispositional order pursuant 26128  
to section 2151.353, 2151.414, or 2151.415 of the Revised Code 26129  
shall hold a review hearing one year after the earlier of the date 26130  
on which the complaint in the case was filed or the child was 26131  
first placed into shelter care to review the case plan prepared 26132  
pursuant to section 2151.412 of the Revised Code and the child's 26133  
placement or custody arrangement, to approve or review the 26134  
permanency plan for the child, and to make changes to the case 26135  
plan and placement or custody arrangement consistent with the 26136  
permanency plan. The court shall schedule the review hearing at 26137  
the time that it holds the dispositional hearing pursuant to 26138  
section 2151.35 of the Revised Code. 26139

(2) The court shall hold a similar review hearing no later 26140  
than every twelve months after the initial review hearing until 26141  
the child is adopted, returned to the parents, or the court 26142  
otherwise terminates the child's placement or custody arrangement, 26143  
except that the dispositional hearing held pursuant to section 26144  
2151.415 of the Revised Code shall take the place of the first 26145  
review hearing to be held under this section. The court shall 26146  
schedule each subsequent review hearing at the conclusion of the 26147  
review hearing immediately preceding the review hearing to be 26148  
scheduled. 26149

(3) The court is not required to continue holding review 26150  
hearings under divisions (C)(1) and (2) of this section regarding 26151  
a child subject to an order of legal custody under section 26152  
2151.353 or 2151.415 of the Revised Code, if all of the following 26153  
apply: 26154

(a) The child is not subject to an order of protective supervision under section 2151.353 or 2151.415 of the Revised Code. 26155  
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(b) A public children services agency or private child placing agency is not providing services to the child. 26158  
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(c) The court finds that further review under divisions (C)(1) and (2) of this section are no longer necessary to serve the child's best interests. 26160  
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(D) If, within fourteen days after a written summary of an administrative review is filed with the court pursuant to section 2151.416 of the Revised Code, the court does not approve the proposed change to the case plan filed pursuant to division (E) of section 2151.416 of the Revised Code or a party or the guardian ad litem requests a review hearing pursuant to division (E) of that section, the court shall hold a review hearing in the same manner that it holds review hearings pursuant to division (C) of this section, except that if a review hearing is required by this division and if a hearing is to be held pursuant to division (C) of this section or section 2151.415 of the Revised Code, the hearing held pursuant to division (C) of this section or section 2151.415 of the Revised Code shall take the place of the review hearing required by this division. 26163  
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(E) If a court determines pursuant to section 2151.419 of the Revised Code that a public children services agency or private child placing agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, and return the child to the child's home, and the court does not return the child to the child's home pursuant to division (A)(3) of section 2151.419 of the Revised Code, the court shall hold a review hearing to approve the permanency plan for the child and, if appropriate, to make changes to the child's case plan and the 26177  
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child's placement or custody arrangement consistent with the 26187  
permanency plan. The court may hold the hearing immediately 26188  
following the determination under section 2151.419 of the Revised 26189  
Code and shall hold it no later than thirty days after making that 26190  
determination. 26191

(F) The court shall give notice of the review hearings held 26192  
pursuant to this section to every interested party, including, but 26193  
not limited to, the appropriate agency employees who are 26194  
responsible for the child's care and planning, the child's 26195  
parents, any person who had guardianship or legal custody of the 26196  
child prior to the custody order, the child's guardian ad litem, 26197  
and the child. The court shall summon every interested party to 26198  
appear at the review hearing and give them an opportunity to 26199  
testify and to present other evidence with respect to the child's 26200  
custody arrangement, including, but not limited to, the following: 26201  
the case plan for the child; the permanency plan, if one exists; 26202  
the actions taken by the child's custodian; the need for a change 26203  
in the child's custodian or caseworker; and the need for any 26204  
specific action to be taken with respect to the child. The court 26205  
shall require any interested party to testify or present other 26206  
evidence when necessary to a proper determination of the issues 26207  
presented at the review hearing. In any review hearing that 26208  
pertains to a permanency plan for a child who will not be returned 26209  
to the parent, the court shall consider in-state and out-of-state 26210  
placement options and the court shall determine whether the 26211  
in-state or the out-of-state placement continues to be appropriate 26212  
and in the best interests of the child. In any review hearing that 26213  
pertains to a permanency plan for a child, the court or a citizens 26214  
board appointed by the court pursuant to division (H) of this 26215  
section shall consult with the child, in an age-appropriate 26216  
manner, regarding the proposed permanency plan for the child. 26217

(G) After the review hearing, the court shall take the 26218

following actions based upon the evidence presented:	26219
(1) If an administrative review has been conducted, determine whether the conclusions of the review are supported by a preponderance of the evidence and approve or modify the case plan based upon that evidence;	26220 26221 26222 26223
(2) If the hearing was held under division (C) or (E) of this section, approve a permanency plan for the child that specifies whether and, if applicable, when the child will be safely returned home or placed for adoption, for legal custody, or in a planned permanent living arrangement. A permanency plan approved after a hearing under division (E) of this section shall not include any provision requiring the child to be returned to the child's home.	26224 26225 26226 26227 26228 26229 26230
(3) If the child is in temporary custody, do all of the following:	26231 26232
(a) Determine whether the child can and should be returned home with or without an order for protective supervision;	26233 26234
(b) If the child can and should be returned home with or without an order for protective supervision, terminate the order for temporary custody;	26235 26236 26237
(c) If the child cannot or should not be returned home with an order for protective supervision, determine whether the agency currently with custody of the child should retain custody or whether another public children services agency, private child placing agency, or an individual should be given custody of the child.	26238 26239 26240 26241 26242 26243
The court shall comply with section 2151.42 of the Revised Code in taking any action under this division.	26244 26245
(4) If the child is in permanent custody, determine what actions are required by the custodial agency and of any other organizations or persons in order to facilitate an adoption of the	26246 26247 26248

child and make any appropriate orders with respect to the custody 26249  
arrangement or conditions of the child, including, but not limited 26250  
to, a transfer of permanent custody to another public children 26251  
services agency or private child placing agency; 26252

(5) Journalize the terms of the updated case plan for the 26253  
child. 26254

(H) The court may appoint a referee or a citizens review 26255  
board to conduct the review hearings that the court is required by 26256  
this section to conduct, subject to the review and approval by the 26257  
court of any determinations made by the referee or citizens review 26258  
board. If the court appoints a citizens review board to conduct 26259  
the review hearings, the board shall consist of one member 26260  
representing the general public and four members who are trained 26261  
or experienced in the care or placement of children and have 26262  
training or experience in the fields of medicine, psychology, 26263  
social work, education, or any related field. Of the initial 26264  
appointments to the board, two shall be for a term of one year, 26265  
two shall be for a term of two years, and one shall be for a term 26266  
of three years, with all the terms ending one year after the date 26267  
on which the appointment was made. Thereafter, all terms of the 26268  
board members shall be for three years and shall end on the same 26269  
day of the same month of the year as did the term that they 26270  
succeed. Any member appointed to fill a vacancy occurring prior to 26271  
the expiration of the term for which the member's predecessor was 26272  
appointed shall hold office for the remainder of the term. 26273

(I) A copy of the court's determination following any review 26274  
hearing held pursuant to this section shall be sent to the 26275  
custodial agency, the guardian ad litem of the child who is the 26276  
subject of the review hearing, and, if that child is not the 26277  
subject of a permanent commitment hearing, the parents of the 26278  
child. 26279

(J) If the hearing held under this section takes the place of 26280



an administrative review that otherwise would have been held under 26281  
section 2151.416 of the Revised Code, the court at the hearing 26282  
held under this section shall do all of the following in addition 26283  
to any other requirements of this section: 26284

(1) Determine the continued necessity for and the safety and 26285  
appropriateness of the child's placement; 26286

(2) Determine the extent of compliance with the child's case 26287  
plan; 26288

(3) Determine the extent of progress that has been made 26289  
toward alleviating or mitigating the causes necessitating the 26290  
child's placement in foster care; 26291

(4) Project a likely date by which the child may be safely 26292  
returned home or placed for adoption or legal custody. 26293

(K)(1) Whenever the court is required to approve a permanency 26294  
plan under this section or section 2151.415 of the Revised Code, 26295  
the public children services agency or private child placing 26296  
agency that filed the complaint in the case, has custody of the 26297  
child, or will be given custody of the child shall develop a 26298  
permanency plan for the child. The agency must file the plan with 26299  
the court prior to the hearing under this section or section 26300  
2151.415 of the Revised Code. 26301

(2) The permanency plan developed by the agency must specify 26302  
whether and, if applicable, when the child will be safely returned 26303  
home or placed for adoption or legal custody. If the agency 26304  
determines that there is a compelling reason why returning the 26305  
child home or placing the child for adoption or legal custody is 26306  
not in the best interest of the child, the plan shall provide that 26307  
the child will be placed in a planned permanent living 26308  
arrangement. A permanency plan developed as a result of a 26309  
determination made under division (A)(2) of section 2151.419 of 26310  
the Revised Code may not include any provision requiring the child 26311

to be returned home. 26312

(3)(a) Whenever a court is required under this section or 26313  
section 2151.415 or 2151.419 of the Revised Code to conduct a 26314  
review hearing to approve a permanency plan, the court shall 26315  
determine whether the agency required to develop the plan has made 26316  
reasonable efforts to finalize it. If the court determines the 26317  
agency has not made reasonable efforts to finalize the plan, the 26318  
court shall issue an order finalizing a permanency plan requiring 26319  
the agency to use reasonable efforts to do the following: 26320

(i) Place the child in a timely manner into a permanent 26321  
placement; 26322

(ii) Complete whatever steps are necessary to finalize the 26323  
permanent placement of the child. 26324

(b) In making reasonable efforts as required in division 26325  
(K)(3)(a) of this section, the agency shall consider the child's 26326  
health and safety as the paramount concern. 26327

**Sec. 2151.43.** In cases against an adult under sections 26328  
2151.01 to 2151.54 of the Revised Code, any person may file an 26329  
affidavit with the clerk of the juvenile court setting forth 26330  
briefly, in plain and ordinary language, the charges against the 26331  
accused who shall be tried thereon. When the child is a recipient 26332  
of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the 26333  
county department of job and family services shall file charges 26334  
against any person who fails to provide support to a child in 26335  
violation of section 2919.21 of the Revised Code, unless the 26336  
department files charges under section 3113.06 of the Revised 26337  
Code, or unless charges of nonsupport are filed by a relative or 26338  
guardian of the child, or unless action to enforce support is 26339  
brought under Chapter 3115. of the Revised Code. 26340

In such prosecution an indictment by the grand jury or 26341

information by the prosecuting attorney shall not be required. The 26342  
clerk shall issue a warrant for the arrest of the accused, who, 26343  
when arrested, shall be taken before the juvenile judge and tried 26344  
according to such sections. 26345

The affidavit may be amended at any time before or during the 26346  
trial. 26347

The judge may bind such adult over to the grand jury, where 26348  
the act complained of constitutes a felony. 26349

**Sec. 2151.49.** In every case of conviction under sections 26350  
2151.01 to 2151.54 of the Revised Code, where imprisonment is 26351  
imposed as part of the punishment, the juvenile judge may suspend 26352  
sentence, before or during commitment, upon such condition as the 26353  
juvenile judge imposes. In the case of conviction for nonsupport 26354  
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 26355  
the Revised Code, if the juvenile judge suspends sentence on 26356  
condition that the person make payments for support, the payment 26357  
shall be made to the county department of job and family services 26358  
rather than to the child or custodian of the child. 26359

The court, in accordance with sections 3119.29 to 3119.56 of 26360  
the Revised Code, shall include in each support order made under 26361  
this section the requirement that one or both of the parents 26362  
provide for the health care needs of the child to the satisfaction 26363  
of the court. 26364

**Sec. 2301.56.** (A) A facility governing board that proposes or 26365  
establishes one or more community-based correctional facilities 26366  
and programs or district community-based correctional facilities 26367  
and programs may apply to the division of parole and community 26368  
services of the department of rehabilitation and correction for 26369  
state financial assistance for the cost of renovation, 26370  
maintenance, and operation of any of the facilities and programs. 26371

If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility

and program in an amount less than the total amount of the 26404  
submitted request for funding. 26405

(C) Pursuant to section 2929.37 of the Revised Code, a board 26406  
of county commissioners may require a person who was convicted of 26407  
an offense and who is confined in a community-based correctional 26408  
facility or district community-based correctional facility as 26409  
provided in sections 2301.51 to 2301.58 of the Revised Code to 26410  
reimburse the county for its expenses incurred by reason of the 26411  
person's confinement. 26412

(D)(1) Community-based correctional facilities and programs 26413  
and district community-based correctional facilities and programs 26414  
are public offices under section 117.01 of the Revised Code and 26415  
are subject to audit under section 117.10 of the Revised Code. The 26416  
audits of the facilities and programs shall include financial 26417  
audits and, in addition, in the circumstances specified in this 26418  
division, performance audits by the auditor of state. If a private 26419  
or nonprofit entity performs the day-to-day operation of any 26420  
community-based correctional facility and program or district 26421  
community-based correctional facility and program, the private or 26422  
nonprofit entity also is subject to financial audits under section 26423  
117.10 of the Revised Code, and, in addition, in the circumstances 26424  
specified in this division, to performance audits by the auditor 26425  
of state. The auditor of state shall conduct the performance 26426  
audits of a facility and program and of an entity required under 26427  
section 117.10 of the Revised Code and this division and, 26428  
notwithstanding the time period for audits specified in section 26429  
117.11 of the Revised Code, shall conduct the financial audits of 26430  
a facility and program and of an entity required under section 26431  
117.10 of the Revised Code and this division, in accordance with 26432  
the following criteria: 26433

(a) For each facility and program and each entity, the 26434  
auditor of state shall conduct the initial financial audit within 26435

two years after March 31, 2003, or, if the facility and program in question is established on or after March 31, 2003, within two years after the date on which it is established.

(b) After the initial financial audit described in division (D)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after March 31, 2003, regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the facility governing board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

~~(2) The department of rehabilitation and correction~~ Each community-based correctional facility and program, district community-based correctional facility and program, and, to the extent that information is available, private or nonprofit entity that performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program shall prepare and provide to the auditor of state ~~quarterly~~ an annual financial reports for each ~~community based correctional facility and program, for each district community based correctional facility and program, and, to the extent that information is available, for each private or nonprofit entity that performs the day to day operation of any community based correctional facility and program or district community based correctional facility and program.~~ Each report

~~shall cover a three month period and shall be provided to the~~ 26468  
~~auditor of state not later than fifteen days after the end of the~~ 26469  
~~period covered by the report in accordance with section 117.38 of~~ 26470  
~~the Revised Code.~~ 26471

**Sec. 2305.02.** ~~The A court of common pleas in the county where~~ 26472  
~~the underlying criminal action was initiated~~ has exclusive, 26473  
original jurisdiction to hear and determine ~~a civil~~ an action or 26474  
proceeding that is commenced by an individual who ~~seeks a~~ 26475  
~~determination by that court that the individual satisfies~~ 26476  
divisions (A)(1) to (5) of section 2743.48 of the Revised Code and 26477  
that seeks a determination by the court either that the offense of 26478  
which the individual was found guilty, including all lesser 26479  
included offenses, was not committed by the individual or that no 26480  
offense was committed by any person. If ~~that~~ the court enters the 26481  
requested determination, it shall comply with division (B) of that 26482  
section. 26483

**Sec. 2329.211.** (A)(1) In every action demanding the judicial 26484  
or execution sale of residential property, if the judgment 26485  
creditor is the purchaser at the sale, the purchaser shall not be 26486  
required to make a sale deposit. All other purchasers shall make a 26487  
sale deposit as follows: 26488

(a) If the appraised value of the residential property is 26489  
less than or equal to ten thousand dollars, the deposit shall be 26490  
two thousand dollars. 26491

(b) If the appraised value of the residential property is 26492  
greater than ten thousand dollars but less than or equal to two 26493  
hundred thousand dollars, the deposit shall be five thousand 26494  
dollars. 26495

(c) If the appraised value of the residential property is 26496  
greater than two hundred thousand dollars, the deposit shall be 26497

ten thousand dollars. 26498

(2) The timing of the deposit and other payment requirements 26499  
shall be established by the court or the person conducting the 26500  
sale and included in the advertisement of the sale. If the 26501  
purchaser fails to meet the timing or other requirements of the 26502  
deposit, the sale shall be invalid. 26503

(3) If the sale is held online, the deposit may be made by a 26504  
financial transaction device as defined in section 301.28 of the 26505  
Revised Code. 26506

(B) In every action demanding the judicial or execution sale 26507  
of commercial property, the purchaser at the sale shall make a 26508  
deposit pursuant to the requirements, if any, established for the 26509  
sale. 26510

**Sec. 2329.271.** (A)(1) Subject to division (A)(2) of this 26511  
section, the purchaser of lands and tenements taken in execution 26512  
shall submit to the officer who makes the sale the following 26513  
information: 26514

(a)(i) If the purchaser is an individual, the information 26515  
shall include the individual's name, mailing address, which shall 26516  
not be a post office box, electronic mail address, telephone 26517  
number, and financial transaction device information of the 26518  
purchaser; 26519

(ii) If the purchaser is an entity, the information shall 26520  
include the entity's legal name, trade name if different from its 26521  
legal name, state and date of formation, active status with the 26522  
office of the secretary of state, mailing address, telephone 26523  
number, financial transaction device information, the name of an 26524  
individual contact person for the entity, and the contact person's 26525  
title, mailing address, which shall not be a post office box, 26526  
electronic mail address, and telephone number. 26527



(b) An attorney or a law firm that represents a purchaser may submit the information required under division (A)(1)(a) of this section in a representative capacity, either as an individual or entity.

(c) If the lands and tenements taken in execution are intended to be used as residential rental property and the residential rental property is purchased by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following with the provision that the purchaser be readily accessible through the identified contact person:

(i) A trustee, in the case of a trust or business trust;

(ii) The executor or administrator, in the case of an estate;

(iii) A general partner, in the case of a partnership or a limited partnership;

(iv) A member, manager, ~~or~~ officer, or contact person, in the case of a limited liability company;

(v) An associate, in the case of an association;

(vi) An officer, in the case of a corporation;

(vii) A member, manager, or officer, in the case of any other business entity.

(d) A statement indicating ~~whether~~ if the purchaser ~~will occupy~~ intends to use the lands and tenements taken in execution as residential rental property.

(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located,

the information required by divisions (A)(1)(a) and (d) of this 26558  
section shall be the contact information for ~~the office of~~ an 26559  
employee or contact person of the purchasing entity that is 26560  
located in that county and that the purchasing entity has 26561  
designated to receive notices or inquiries about the property. If 26562  
the purchasing entity has a place of business outside the county 26563  
in which the real property is located and the purchasing entity's 26564  
principal place of business is located in this state, the 26565  
information required by divisions (A)(1)(a) and (d) of this 26566  
section shall be the contact information for ~~the office of~~ an 26567  
employee or contact person of the purchasing entity that is 26568  
located in this state and that the purchasing entity has 26569  
designated to receive notices or inquiries about the property. If 26570  
the purchasing entity's principal place of business is not located 26571  
in this state, the information required by divisions (A)(1)(a) and 26572  
(d) of this section shall be the contact information for ~~a natural~~ 26573  
~~person who is employed by the purchasing entity~~ an employee or 26574  
contact person at the purchasing entity's principal place of 26575  
business outside of this state and whom the purchasing entity has 26576  
designated to receive notices or inquiries about the property. 26577

(B)(1) The information required by division (A) of this 26578  
section shall be part of the record of the court of common pleas. 26579  
If the court has ordered or the clerk of the court has issued an 26580  
order for the sheriff to advertise and sell the lands and 26581  
tenements, the information also shall be part of the sheriff's 26582  
record of proceedings. Except as provided in division (B)(2) of 26583  
this section, the information is a public record and open to 26584  
public inspection. 26585

(2) The electronic mail address, telephone number, and 26586  
financial transaction device information required in division 26587  
(A)(1) of this section are confidential and not public records for 26588  
purposes of section 149.43 of the Revised Code. 26589

(C) The requirements of division (A) of this section shall not apply if the purchaser of the lands and tenements of the sale is the plaintiff or a lien holder who is a party to the action. 26590  
26591  
26592

(D) As used in this section, ~~"financial"~~ 26593

(1) "Financial transaction device" has the same meaning as in 26594  
section 301.28 of the Revised Code. 26595

(2) "Residential rental property" has the same meaning as in 26596  
section 5323.01 of the Revised Code. 26597

**Sec. 2329.31.** (A) Upon the return of any writ of execution 26598  
for the satisfaction of which lands and tenements have been sold, 26599  
on careful examination of the proceedings of the officer making 26600  
the sale, if the court of common pleas finds that the sale was 26601  
made, in all respects, in conformity with sections 2329.01 to 26602  
2329.61 of the Revised Code, it shall, within thirty days of the 26603  
return of the writ, direct the clerk of the court of common pleas 26604  
to make an entry on the journal that the court is satisfied of the 26605  
legality of such sale. Nothing in this section prevents the court 26606  
of common pleas from staying the confirmation of the sale to 26607  
permit a property owner time to redeem the property or for any 26608  
other reason that it determines is appropriate. In those 26609  
instances, the sale shall be confirmed within thirty days after 26610  
the termination of any stay of confirmation. 26611

(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ 26612  
to pay within thirty days of the 26613  
confirmation of the sale the balance due on the purchase price of 26614  
the lands and tenements. 26615

(C)(1) The officer making the sale shall record the prepared 26616  
deed required by section 2329.36 of the Revised Code within 26617  
fourteen days after the confirmation of sale and payment of the 26618  
balance due. 26619

(2)(a) If the deed is not prepared and recorded within the 26620  
fourteen-day period, the purchaser may file a motion with the 26621  
court to proceed with the transfer of title. If the court finds 26622  
that a proper sale was made, it shall enter an order transferring 26623  
the title of the lands and tenements to the purchaser, ordering 26624  
the plaintiff to present a certified copy of the order to the 26625  
county recorder for recording, and ordering the county recorder to 26626  
record the order in the record of deeds. The order, when filed 26627  
with the county recorder, shall have the same effect as a deed 26628  
prepared pursuant to section 2329.36 of the Revised Code. 26629

(b) Upon the issuance of the court order described in 26630  
division (C)(2)(a) of this section, the plaintiff, or the 26631  
plaintiff's attorney, shall present a certified copy of the order 26632  
to be recorded in the office of the county recorder. The county 26633  
recorder shall record the order in the record of deeds. 26634

(c) The clerk shall issue a copy of the court order to the 26635  
county auditor to transfer record ownership of the lands and 26636  
tenements for the purpose of real estate taxes. Real estate taxes 26637  
coming due after the date of the sale shall not prohibit the 26638  
auditor from transferring ownership of the lands and tenements on 26639  
its records or cause the recorder to deny recording. The real 26640  
estate taxes shall become the responsibility of the new title 26641  
holder of the lands and tenements. The sheriff shall not require 26642  
the confirmation of sale to be amended for taxes not due and 26643  
payable as of the date of the sale. 26644

**Sec. 2329.311.** (A) In sales of residential properties taken 26645  
in execution or order of sale that are sold at an auction with the 26646  
minimum bid pursuant to division (B) of section 2329.52 of the 26647  
Revised Code, the judgment creditor and the first lienholder each 26648  
have the right to redeem the property within fourteen days after 26649  
the sale by paying the purchase price. The redeeming party shall 26650

pay the purchase price to the clerk of the court in which the 26651  
judgment was rendered or the order of sale was made. Upon timely 26652  
payment, the court shall proceed as described in section 2329.31 26653  
of the Revised Code, with the redeeming party considered the 26654  
successful purchaser at the sale. 26655

(B) If the judgment creditor and the first lienholder each 26656  
seek to redeem the property, pursuant to division (A) of this 26657  
section, the court shall resolve the conflict in favor of the 26658  
first lienholder. 26659

**Sec. 2329.44.** (A) On a sale made pursuant to this chapter, if 26660  
the officer who makes the sale receives from the sale more money 26661  
than is necessary to satisfy the writ of execution, with interest 26662  
and costs, the officer who made the sale shall deliver any balance 26663  
remaining after satisfying the writ of execution, with interest 26664  
and costs, to the clerk of the court that issued the writ of 26665  
execution. The clerk then shall do one of the following: 26666

(1) If the balance is ~~twenty-five~~ one hundred dollars or 26667  
more, send to the judgment debtor whose property was the subject 26668  
of the sale a notice that indicates the amount of the balance, 26669  
informs the judgment debtor that ~~he~~ the judgment debtor is 26670  
entitled to receive the balance, and sets forth the procedure that 26671  
the judgment debtor is required to follow to obtain the balance. 26672  
This notice shall be sent to the judgment debtor at the address of 26673  
the judgment debtor in the caption on the judgment or at any 26674  
different address ~~he~~ the judgment debtor may have provided, by 26675  
certified mail, return receipt requested, within ninety days after 26676  
the sale. If the certified mail envelope is returned with an 26677  
endorsement showing failure or refusal of delivery, the clerk 26678  
immediately shall send the judgment debtor, at the address of the 26679  
judgment debtor in the caption on the judgment or any different 26680  
address ~~he~~ the judgment debtor may have provided, a similar notice 26681

by ordinary mail. If the ordinary mail envelope is returned for 26682  
any reason, the clerk immediately shall give a similar notice to 26683  
the judgment debtor by an advertisement in a newspaper published 26684  
in and of general circulation in the county, which advertisement 26685  
shall run at least once a week for at least three consecutive 26686  
weeks. The advertisement shall include the case number, the name 26687  
of the judgment debtor, and information on how to contact the 26688  
clerk. If the balance remains unclaimed for ninety days following 26689  
the first date of publication, the clerk shall dispose of the 26690  
balance in the same manner as unclaimed money is disposed of under 26691  
sections 2335.34 and 2335.35 of the Revised Code. 26692

(2) If the balance is less than ~~twenty-five~~ one hundred 26693  
dollars, send to the judgment debtor whose property was the 26694  
subject of the sale a notice that indicates the amount of the 26695  
balance, informs the judgment debtor that ~~he~~ the judgment debtor 26696  
is entitled to receive the balance, and sets forth the procedure 26697  
that the judgment debtor is required to follow to obtain the 26698  
balance. This notice shall be sent to the judgment debtor at the 26699  
address of the judgment debtor in the caption on the judgment or 26700  
at any different address ~~he~~ the judgment debtor may have provided, 26701  
by ordinary mail. If the balance remains unclaimed for ninety days 26702  
following the date of mailing, the clerk shall dispose of the 26703  
balance in the same manner as unclaimed money is disposed of under 26704  
sections 2335.34 and 2335.35 of the Revised Code. 26705

(B)(1) Subject to division (B)(2) of this section, the clerk 26706  
of the court that issued the writ of execution, on demand and 26707  
whether or not the notice required by division (A)(1) or (2) of 26708  
this section is provided as prescribed, shall pay the balance to 26709  
the judgment debtor or ~~his~~ the judgment debtor's legal 26710  
representatives. 26711

(2) The clerk of the court that issued the writ of execution 26712  
is not required to pay the balance to the judgment debtor or ~~his~~ 26713

the judgment debtor's legal representatives pursuant to division 26714  
(B)(1) of this section until the judgment debtor or the legal 26715  
representatives pay to the clerk ~~twenty five dollars if the~~ 26716  
~~balance is twenty five dollars or more, or five dollars if the~~ 26717  
~~balance is less than twenty five dollars to compensate the clerk~~ 26718  
~~for~~ the actual costs incurred in the provision of the notice 26719  
required by division (A)(1) or (2) of this section. 26720

**Sec. 2329.66.** (A) Every person who is domiciled in this state 26721  
may hold property exempt from execution, garnishment, attachment, 26722  
or sale to satisfy a judgment or order, as follows: 26723

(1)(a) In the case of a judgment or order regarding money 26724  
owed for health care services rendered or health care supplies 26725  
provided to the person or a dependent of the person, one parcel or 26726  
item of real or personal property that the person or a dependent 26727  
of the person uses as a residence. Division (A)(1)(a) of this 26728  
section does not preclude, affect, or invalidate the creation 26729  
under this chapter of a judgment lien upon the exempted property 26730  
but only delays the enforcement of the lien until the property is 26731  
sold or otherwise transferred by the owner or in accordance with 26732  
other applicable laws to a person or entity other than the 26733  
surviving spouse or surviving minor children of the judgment 26734  
debtor. Every person who is domiciled in this state may hold 26735  
exempt from a judgment lien created pursuant to division (A)(1)(a) 26736  
of this section the person's interest, not to exceed one hundred 26737  
twenty-five thousand dollars, in the exempted property. 26738

(b) In the case of all other judgments and orders, the 26739  
person's interest, not to exceed one hundred twenty-five thousand 26740  
dollars, in one parcel or item of real or personal property that 26741  
the person or a dependent of the person uses as a residence. 26742

(c) For purposes of divisions (A)(1)(a) and (b) of this 26743  
section, "parcel" means a tract of real property as identified on 26744

the records of the auditor of the county in which the real 26745  
property is located. 26746

(2) The person's interest, not to exceed three thousand two 26747  
hundred twenty-five dollars, in one motor vehicle; 26748

(3) The person's interest, not to exceed four hundred 26749  
dollars, in cash on hand, money due and payable, money to become 26750  
due within ninety days, tax refunds, and money on deposit with a 26751  
bank, savings and loan association, credit union, public utility, 26752  
landlord, or other person, other than personal earnings. 26753

(4)(a) The person's interest, not to exceed five hundred 26754  
twenty-five dollars in any particular item or ten thousand seven 26755  
hundred seventy-five dollars in aggregate value, in household 26756  
furnishings, household goods, wearing apparel, appliances, books, 26757  
animals, crops, musical instruments, firearms, and hunting and 26758  
fishing equipment that are held primarily for the personal, 26759  
family, or household use of the person; 26760

(b) The person's aggregate interest in one or more items of 26761  
jewelry, not to exceed one thousand three hundred fifty dollars, 26762  
held primarily for the personal, family, or household use of the 26763  
person or any of the person's dependents. 26764

(5) The person's interest, not to exceed an aggregate of two 26765  
thousand twenty-five dollars, in all implements, professional 26766  
books, or tools of the person's profession, trade, or business, 26767  
including agriculture; 26768

(6)(a) The person's interest in a beneficiary fund set apart, 26769  
appropriated, or paid by a benevolent association or society, as 26770  
exempted by section 2329.63 of the Revised Code; 26771

(b) The person's interest in contracts of life or endowment 26772  
insurance or annuities, as exempted by section 3911.10 of the 26773  
Revised Code; 26774



(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	26775 26776 26777
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	26778 26779 26780 26781
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	26782 26783 26784 26785
(7) The person's professionally prescribed or medically necessary health aids;	26786 26787
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	26788 26789 26790
(9) The person's interest in the following:	26791
(a) Moneys paid or payable for <del>living</del> maintenance or rights, as exempted by section 3304.19 of the Revised Code;	26792 26793
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	26794 26795
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	26796 26797
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	26798 26799
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	26800 26801 26802
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	26803 26804

(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26805  
26806

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund; 26807  
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for 26829  
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the support of the person and any of the person's dependents, 26837  
except if all the following apply: 26838

(i) The plan or contract was established by or under the 26839  
auspices of an insider that employed the person at the time the 26840  
person's rights or interests under the plan or contract arose. 26841

(ii) The payment is on account of age or length of service. 26842

(iii) The plan or contract is not qualified under the 26843  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 26844  
amended. 26845

(c) Except for any portion of the assets that were deposited 26846  
for the purpose of evading the payment of any debt and except as 26847  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 26848  
3123.06 of the Revised Code, the person's rights or interests in 26849  
the assets held in, or to directly or indirectly receive any 26850  
payment or benefit under, any individual retirement account, 26851  
individual retirement annuity, "Roth IRA," account opened pursuant 26852  
to a program administered by a state under section 529 or 529A of 26853  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 26854  
as amended, or education individual retirement account that 26855  
provides payments or benefits by reason of illness, disability, 26856  
death, retirement, or age or provides payments or benefits for 26857  
purposes of education or qualified disability expenses, to the 26858  
extent that the assets, payments, or benefits described in 26859  
division (A)(10)(c) of this section are attributable to or derived 26860  
from any of the following or from any earnings, dividends, 26861  
interest, appreciation, or gains on any of the following: 26862

(i) Contributions of the person that were less than or equal 26863  
to the applicable limits on deductible contributions to an 26864  
individual retirement account or individual retirement annuity in 26865  
the year that the contributions were made, whether or not the 26866  
person was eligible to deduct the contributions on the person's 26867

federal tax return for the year in which the contributions were made; 26868  
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(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made; 26870  
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(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 26874  
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(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26879  
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(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents. 26883  
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(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that a decedent, upon or 26892  
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by reason of the decedent's death, directly or indirectly left to 26899  
or for the benefit of the person, either outright or in trust or 26900  
otherwise, including, but not limited to, any of those rights or 26901  
interests in assets or to receive payments or benefits that were 26902  
transferred, conveyed, or otherwise transmitted by the decedent by 26903  
means of a will, trust, exercise of a power of appointment, 26904  
beneficiary designation, transfer or payment on death designation, 26905  
or any other method or procedure. 26906

(f) The exemptions under divisions (A)(10)(a) to (e) of this 26907  
section also shall apply or otherwise be available to an alternate 26908  
payee under a qualified domestic relations order (QDRO) or other 26909  
similar court order. 26910

(g) A person's interest in any plan, program, instrument, or 26911  
device described in divisions (A)(10)(a) to (e) of this section 26912  
shall be considered an exempt interest even if the plan, program, 26913  
instrument, or device in question, due to an error made in good 26914  
faith, failed to satisfy any criteria applicable to that plan, 26915  
program, instrument, or device under the "Internal Revenue Code of 26916  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26917

(11) The person's right to receive spousal support, child 26918  
support, an allowance, or other maintenance to the extent 26919  
reasonably necessary for the support of the person and any of the 26920  
person's dependents; 26921

(12) The person's right to receive, or moneys received during 26922  
the preceding twelve calendar months from, any of the following: 26923

(a) An award of reparations under sections 2743.51 to 2743.72 26924  
of the Revised Code, to the extent exempted by division (D) of 26925  
section 2743.66 of the Revised Code; 26926

(b) A payment on account of the wrongful death of an 26927  
individual of whom the person was a dependent on the date of the 26928  
individual's death, to the extent reasonably necessary for the 26929

support of the person and any of the person's dependents; 26930

(c) Except in cases in which the person who receives the 26931  
payment is an inmate, as defined in section 2969.21 of the Revised 26932  
Code, and in which the payment resulted from a civil action or 26933  
appeal against a government entity or employee, as defined in 26934  
section 2969.21 of the Revised Code, a payment, not to exceed 26935  
twenty thousand two hundred dollars, on account of personal bodily 26936  
injury, not including pain and suffering or compensation for 26937  
actual pecuniary loss, of the person or an individual for whom the 26938  
person is a dependent; 26939

(d) A payment in compensation for loss of future earnings of 26940  
the person or an individual of whom the person is or was a 26941  
dependent, to the extent reasonably necessary for the support of 26942  
the debtor and any of the debtor's dependents. 26943

(13) Except as provided in sections 3119.80, 3119.81, 26944  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 26945  
earnings of the person owed to the person for services in an 26946  
amount equal to the greater of the following amounts: 26947

(a) If paid weekly, thirty times the current federal minimum 26948  
hourly wage; if paid biweekly, sixty times the current federal 26949  
minimum hourly wage; if paid semimonthly, sixty-five times the 26950  
current federal minimum hourly wage; or if paid monthly, one 26951  
hundred thirty times the current federal minimum hourly wage that 26952  
is in effect at the time the earnings are payable, as prescribed 26953  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 26954  
U.S.C. 206(a)(1), as amended; 26955

(b) Seventy-five per cent of the disposable earnings owed to 26956  
the person. 26957

(14) The person's right in specific partnership property, as 26958  
exempted by the person's rights in a partnership pursuant to 26959  
section 1776.50 of the Revised Code, except as otherwise set forth 26960

in section 1776.50 of the Revised Code; 26961

(15) A seal and official register of a notary public, as 26962  
exempted by section 147.04 of the Revised Code; 26963

(16) The person's interest in a tuition unit or a payment 26964  
under section 3334.09 of the Revised Code pursuant to a tuition 26965  
payment contract, as exempted by section 3334.15 of the Revised 26966  
Code; 26967

(17) Any other property that is specifically exempted from 26968  
execution, attachment, garnishment, or sale by federal statutes 26969  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 26970  
U.S.C.A. 101, as amended; 26971

(18) The person's aggregate interest in any property, not to 26972  
exceed one thousand seventy-five dollars, except that division 26973  
(A)(18) of this section applies only in bankruptcy proceedings. 26974

(B) On April 1, 2010, and on the first day of April in each 26975  
third calendar year after 2010, the Ohio judicial conference shall 26976  
adjust each dollar amount set forth in this section to reflect any 26977  
increase in the consumer price index for all urban consumers, as 26978  
published by the United States department of labor, or, if that 26979  
index is no longer published, a generally available comparable 26980  
index, for the three-year period ending on the thirty-first day of 26981  
December of the preceding year. Any adjustments required by this 26982  
division shall be rounded to the nearest twenty-five dollars. 26983

The Ohio judicial conference shall prepare a memorandum 26984  
specifying the adjusted dollar amounts. The judicial conference 26985  
shall transmit the memorandum to the director of the legislative 26986  
service commission, and the director shall publish the memorandum 26987  
in the register of Ohio. (Publication of the memorandum in the 26988  
register of Ohio shall continue until the next memorandum 26989  
specifying an adjustment is so published.) The judicial conference 26990  
also may publish the memorandum in any other manner it concludes 26991

will be reasonably likely to inform persons who are affected by 26992  
its adjustment of the dollar amounts. 26993

(C) As used in this section: 26994

(1) "Disposable earnings" means net earnings after the 26995  
garnishee has made deductions required by law, excluding the 26996  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 26997  
3121.03, or 3123.06 of the Revised Code. 26998

(2) "Insider" means: 26999

(a) If the person who claims an exemption is an individual, a 27000  
relative of the individual, a relative of a general partner of the 27001  
individual, a partnership in which the individual is a general 27002  
partner, a general partner of the individual, or a corporation of 27003  
which the individual is a director, officer, or in control; 27004

(b) If the person who claims an exemption is a corporation, a 27005  
director or officer of the corporation; a person in control of the 27006  
corporation; a partnership in which the corporation is a general 27007  
partner; a general partner of the corporation; or a relative of a 27008  
general partner, director, officer, or person in control of the 27009  
corporation; 27010

(c) If the person who claims an exemption is a partnership, a 27011  
general partner in the partnership; a general partner of the 27012  
partnership; a person in control of the partnership; a partnership 27013  
in which the partnership is a general partner; or a relative in, a 27014  
general partner of, or a person in control of the partnership; 27015

(d) An entity or person to which or whom any of the following 27016  
applies: 27017

(i) The entity directly or indirectly owns, controls, or 27018  
holds with power to vote, twenty per cent or more of the 27019  
outstanding voting securities of the person who claims an 27020  
exemption, unless the entity holds the securities in a fiduciary 27021



or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the

date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

**Sec. 2743.48.** (A) As used in this section and section 2743.49 of the Revised Code, a "wrongfully imprisoned individual" means an individual who satisfies each of the following:

(1) The individual was charged with a violation of a section of the Revised Code by an indictment or information, and the violation charged was an aggravated felony ~~or~~ felony, or misdemeanor.

(2) The individual was found guilty of, but did not plead guilty to, the particular charge or a lesser-included offense by the court or jury involved, and the offense of which the individual was found guilty was an aggravated felony ~~or~~ felony, or misdemeanor.

(3) The individual was sentenced to an indefinite or definite term of imprisonment in a state correctional institution for the offense of which the individual was found guilty.

(4) The individual's conviction was vacated, dismissed, or reversed on appeal, ~~the prosecuting attorney in the case cannot or will not seek any further appeal of right or upon leave of court, and no criminal proceeding is pending, can be brought, or will be brought by any prosecuting attorney, city director of law, village solicitor, or other chief legal officer of a municipal corporation against the individual for any act associated with that conviction.~~

(5) Subsequent to sentencing ~~and~~ or during or subsequent to imprisonment, an error in procedure was discovered that occurred

prior to, during, or after sentencing, that violated the 27082  
individual's rights to a fair trial under the Ohio Constitution or 27083  
the United States Constitution, and that resulted in the 27084  
individual's release, or it was determined by ~~the~~ a court of 27085  
common pleas ~~in the county where the underlying criminal action~~ 27086  
~~was initiated~~ either that the ~~charged~~ offense of which the 27087  
individual was found guilty, including all lesser-included 27088  
offenses, ~~either~~ was not committed by the individual or that no 27089  
offense was ~~not~~ committed by any person. The provisions of this 27090  
division regarding discovery of an error in procedure as they 27091  
exist on and after the effective date of this amendment apply with 27092  
respect to any such discovery that occurs on or after the 27093  
effective date of this amendment and with respect to any 27094  
individual whose action to be declared a wrongfully imprisoned 27095  
individual was barred or dismissed on or after March 5, 2014, and 27096  
prior to the effective date of this amendment based on the 27097  
provisions of this division as they existed prior to that 27098  
effective date. 27099

(B)(1) A person may file a civil action to be declared a 27100  
wrongfully imprisoned individual in ~~the~~ a court of common pleas ~~in~~ 27101  
~~the county where the underlying criminal action was initiated.~~ 27102  
That civil action shall be separate from the underlying finding of 27103  
guilt ~~by the court of common pleas~~. Upon the filing of a civil 27104  
action to be determined a wrongfully imprisoned individual, the 27105  
attorney general shall be served with a copy of the complaint and 27106  
shall be heard. 27107

(2) When ~~the~~ a court of common pleas ~~in the county where the~~ 27108  
~~underlying criminal action was initiated~~ determines ~~in a separate~~ 27109  
~~civil action~~ that a person is a wrongfully imprisoned individual, 27110  
the court shall provide the person with a copy of this section and 27111  
orally inform the person and the person's attorney of the person's 27112  
rights under this section to commence a civil action against the 27113

state in the court of claims because of the person's wrongful 27114  
imprisonment and to be represented in that civil action by counsel 27115  
of the person's own choice. 27116

(3) The court described in division (B)(1) of this section 27117  
shall notify the clerk of the court of claims, in writing and 27118  
within seven days after the date of the entry of its determination 27119  
that the person is a wrongfully imprisoned individual, of the name 27120  
and proposed mailing address of the person and of the fact that 27121  
the person has the rights to commence a civil action and to have 27122  
legal representation as provided in this section. The clerk of the 27123  
court of claims shall maintain in the clerk's office a list of 27124  
wrongfully imprisoned individuals for whom notices are received 27125  
under this section and shall create files in the clerk's office 27126  
for each such individual. 27127

(4) Within sixty days after the date of the entry of the 27128  
determination by ~~the a~~ court of common pleas ~~in the county where~~  
~~the underlying criminal action was initiated~~ that a person is a 27129  
wrongfully imprisoned individual, the clerk of the court of claims 27130  
shall forward a preliminary judgment to the president of the 27131  
controlling board requesting the payment of fifty per cent of the 27132  
amount described in division (E)(2)(b) of this section to the 27133  
wrongfully imprisoned individual. The board shall take all actions 27134  
necessary to cause the payment of that amount out of the emergency 27135  
purposes special purpose account of the board. 27136  
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(5) If an individual was serving at the time of the wrongful 27138  
imprisonment concurrent sentences on other convictions that were 27139  
not vacated, dismissed, or reversed on appeal, the individual is 27140  
not eligible for compensation as described in this section for any 27141  
portion of that wrongful imprisonment that occurred during a 27142  
concurrent sentence of that nature. 27143

(C)(1) In a civil action under this section, a wrongfully 27144  
imprisoned individual has the right to have counsel of the 27145

individual's own choice. 27146

(2) If a wrongfully imprisoned individual who is the subject 27147  
of a court determination as described in division (B)(2) of this 27148  
section does not commence a civil action under this section within 27149  
six months after the entry of that determination, the clerk of the 27150  
court of claims shall send a letter to the wrongfully imprisoned 27151  
individual, at the address set forth in the notice received from 27152  
the court of common pleas pursuant to division (B)(3) of this 27153  
section or to any later address provided by the wrongfully 27154  
imprisoned individual, that reminds the wrongfully imprisoned 27155  
individual of the wrongfully imprisoned individual's rights under 27156  
this section. Until the statute of limitations provided in 27157  
division (H) of this section expires and unless the wrongfully 27158  
imprisoned individual commences a civil action under this section, 27159  
the clerk of the court of claims shall send a similar letter in a 27160  
similar manner to the wrongfully imprisoned individual at least 27161  
once each three months after the sending of the first reminder. 27162

(D) Notwithstanding any provisions of this chapter to the 27163  
contrary, a wrongfully imprisoned individual has and may file a 27164  
civil action against the state, in the court of claims, to recover 27165  
a sum of money as described in this section, because of the 27166  
individual's wrongful imprisonment. The court of claims shall have 27167  
exclusive, original jurisdiction over such a civil action. The 27168  
civil action shall proceed, be heard, and be determined as 27169  
provided in sections 2743.01 to 2743.20 of the Revised Code, 27170  
except that if a provision of this section conflicts with a 27171  
provision in any of those sections, the provision in this section 27172  
controls. 27173

(E)(1) In a civil action as described in division (D) of this 27174  
section, the complainant may establish that the claimant is a 27175  
wrongfully imprisoned individual by submitting to the court of 27176  
claims a certified copy of the judgment entry of the court of 27177

common pleas associated with the claimant's conviction and 27178  
sentencing, and a certified copy of the entry of the determination 27179  
of the court of common pleas that the claimant is a wrongfully 27180  
imprisoned individual under division (B)(2) of this section. No 27181  
other evidence shall be required of the complainant to establish 27182  
that the claimant is a wrongfully imprisoned individual, and the 27183  
claimant shall be irrebuttably presumed to be a wrongfully 27184  
imprisoned individual. 27185

(2) In a civil action as described in division (D) of this 27186  
section, upon presentation of requisite proof to the court of 27187  
claims, a wrongfully imprisoned individual is entitled to receive 27188  
a sum of money that equals the total of each of the following 27189  
amounts: 27190

(a) The amount of any fine or court costs imposed and paid, 27191  
and the reasonable attorney's fees and other expenses incurred by 27192  
the wrongfully imprisoned individual in connection with all 27193  
associated criminal proceedings and appeals, and, if applicable, 27194  
in connection with obtaining the wrongfully imprisoned 27195  
individual's discharge from confinement in the state correctional 27196  
institution; 27197

(b) For each full year of imprisonment in the state 27198  
correctional institution for the offense of which the wrongfully 27199  
imprisoned individual was found guilty, forty thousand three 27200  
hundred thirty dollars or the adjusted amount determined by the 27201  
auditor of state pursuant to section 2743.49 of the Revised Code, 27202  
and for each part of a year of being so imprisoned, a pro-rated 27203  
share of forty thousand three hundred thirty dollars or the 27204  
adjusted amount determined by the auditor of state pursuant to 27205  
section 2743.49 of the Revised Code; 27206

(c) Any loss of wages, salary, or other earned income that 27207  
directly resulted from the wrongfully imprisoned individual's 27208  
arrest, prosecution, conviction, and wrongful imprisonment; 27209

(d) The amount of the following cost debts the department of 27210  
rehabilitation and correction recovered from the wrongfully 27211  
imprisoned individual who was in custody of the department or 27212  
under the department's supervision: 27213

(i) Any user fee or copayment for services at a detention 27214  
facility, including, but not limited to, a fee or copayment for 27215  
sick call visits; 27216

(ii) The cost of housing and feeding the wrongfully 27217  
imprisoned individual in a detention facility; 27218

(iii) The cost of supervision of the wrongfully imprisoned 27219  
individual; 27220

(iv) The cost of any ancillary services provided to the 27221  
wrongfully imprisoned individual. 27222

(3) The court of claims shall deduct any known debts owed by 27223  
the wrongfully imprisoned individual to the state, as defined in 27224  
division (A) of section 2743.01 of the Revised Code, or a 27225  
political subdivision, as defined in division (B) of section 27226  
2743.01 of the Revised Code, from the sum of money described in 27227  
division (E)(2) of this section, and those deducted amounts shall 27228  
be paid to the state or political subdivision, whichever is 27229  
applicable. 27230

(F)(1) If the court of claims determines in a civil action as 27231  
described in division (D) of this section that the complainant is 27232  
a wrongfully imprisoned individual, it shall enter judgment for 27233  
the wrongfully imprisoned individual in the amount of the sum of 27234  
money to which the wrongfully imprisoned individual is entitled 27235  
under division (E)(2) of this section. In determining that sum, 27236  
the court of claims shall not take into consideration any expenses 27237  
incurred by the state or any of its political subdivisions in 27238  
connection with the arrest, prosecution, and imprisonment of the 27239  
wrongfully imprisoned individual, including, but not limited to, 27240

expenses for food, clothing, shelter, and medical services. The 27241  
court shall reduce that sum by the amount of the payment to the 27242  
wrongfully imprisoned individual described in division (B)(4) of 27243  
this section. 27244

(2) If the wrongfully imprisoned individual was represented 27245  
in the civil action under this section by counsel of the 27246  
wrongfully imprisoned individual's own choice, the court of claims 27247  
shall include in the judgment entry referred to in division (F)(1) 27248  
of this section an award for the reasonable attorney's fees of 27249  
that counsel. These fees shall be paid as provided in division (G) 27250  
of this section. 27251

(3) The state consents to be sued by a wrongfully imprisoned 27252  
individual because the imprisonment was wrongful, and to liability 27253  
on its part because of that fact, only as provided in this 27254  
section. However, this section does not affect any liability of 27255  
the state or of its employees to a wrongfully imprisoned 27256  
individual on a claim for relief that is not based on the fact of 27257  
the wrongful imprisonment, including, but not limited to, a claim 27258  
for relief that arises out of circumstances occurring during the 27259  
wrongfully imprisoned individual's confinement in the state 27260  
correctional institution. 27261

(G) The clerk of the court of claims shall forward a 27262  
certified copy of a judgment under division (F) of this section to 27263  
the president of the controlling board. The board shall take all 27264  
actions necessary to cause the payment of the judgment out of the 27265  
emergency purposes special purpose account of the board. 27266

(H) To be eligible to recover a sum of money as described in 27267  
this section because of wrongful imprisonment, both of the 27268  
following shall apply to a wrongfully imprisoned individual: 27269

(1) The wrongfully imprisoned individual shall not have been, 27270  
prior to September 24, 1986, the subject of an act of the general 27271



assembly that authorized an award of compensation for the wrongful 27272  
imprisonment or have been the subject of an action before the 27273  
former sundry claims board that resulted in an award of 27274  
compensation for the wrongful imprisonment. 27275

(2) The wrongfully imprisoned individual shall commence a 27276  
civil action under this section in the court of claims no later 27277  
than two years after the date of the entry of the determination of 27278  
the court of common pleas that the individual is a wrongfully 27279  
imprisoned individual under division (B)(2) of this section. 27280

**Sec. 2743.75.** (A) In order to provide for an expeditious and 27281  
economical procedure that attempts to resolve disputes alleging a 27282  
denial of access to public records in violation of division (B) of 27283  
section 149.43 of the Revised Code, except for a court that hears 27284  
a mandamus action pursuant to that section, the court of claims 27285  
shall be the sole and exclusive authority in this state that 27286  
adjudicates or resolves complaints based on alleged violations of 27287  
that section. The clerk of the court of claims shall designate one 27288  
or more current employees or hire one or more individuals to serve 27289  
as special masters to hear complaints brought under this section. 27290  
All special masters shall have been engaged in the practice of law 27291  
in this state for at least four years and be in good standing with 27292  
the supreme court at the time of designation or hiring. The clerk 27293  
may assign administrative and clerical work associated with 27294  
complaints brought under this section to current employees or may 27295  
hire such additional employees as may be necessary to perform such 27296  
work. 27297

(B) The clerk of the court of common pleas in each county 27298  
shall act as the clerk of the court of claims for purposes of 27299  
accepting those complaints filed with the clerk under division 27300  
(D)(1) of this section, accepting filing fees for those 27301  
complaints, and serving those complaints. 27302

(C)(1) Subject to division (C)(2) of this section, a person 27303  
allegedly aggrieved by a denial of access to public records in 27304  
violation of division (B) of section 149.43 of the Revised Code 27305  
may seek relief under that section or under this section, 27306  
provided, however, that if the allegedly aggrieved person files a 27307  
complaint under either section, that person may not seek relief 27308  
that pertains to the same request for records in a complaint filed 27309  
under the other section. 27310

(2) If the allegedly aggrieved person files a complaint under 27311  
this section and the court of claims determines that the complaint 27312  
constitutes a case of first impression that involves an issue of 27313  
substantial public interest, the court shall dismiss the complaint 27314  
without prejudice and direct the allegedly aggrieved person to 27315  
commence a mandamus action in the court of appeals with 27316  
appropriate jurisdiction as provided in division (C)(1) of section 27317  
149.43 of the Revised Code. 27318

(D)(1) An allegedly aggrieved person who proceeds under this 27319  
section shall file a complaint, on a form prescribed by the clerk 27320  
of the court of claims, with the clerk of the court of claims or 27321  
with the clerk of the court of common pleas of the county in which 27322  
the public office from which the records are requested is located. 27323  
The person shall attach to the complaint copies of the original 27324  
records request and any written responses or other communications 27325  
relating to the request from the public office or person 27326  
responsible for public records and shall pay a filing fee of 27327  
twenty-five dollars made payable to the clerk of the court with 27328  
whom the complaint is filed. The clerk shall serve a copy of the 27329  
complaint on the public office or person responsible for public 27330  
records for the particular public office in accordance with Civil 27331  
Rule 4.1 and, if the complaint is filed with the clerk of the 27332  
court of common pleas, shall forward the complaint to the clerk of 27333  
the court of claims, and to no other court, within three business 27334

days after service is complete. 27335

(2) Upon receipt of a complaint filed under division (D)(1) 27336  
of this section, the clerk of the court of claims shall assign a 27337  
case number for the action and a special master to examine the 27338  
complaint. Notwithstanding any provision to the contrary in this 27339  
section, upon the recommendation of the special master, the court 27340  
of claims on its own motion may dismiss the complaint at any time. 27341  
The allegedly aggrieved person may voluntarily dismiss the 27342  
complaint filed by that person under division (D)(1) of this 27343  
section. 27344

(E)(1) Upon service of a complaint under division (D)(1) of 27345  
this section, except as otherwise provided in this division, the 27346  
special master assigned by the clerk under division (D)(2) of this 27347  
section immediately shall refer the case to mediation services 27348  
that the court of claims makes available to persons. If, in the 27349  
interest of justice considering the circumstances of the case or 27350  
the parties, the special master determines that the case should 27351  
not be referred to mediation, the special master shall notify the 27352  
court that the case was not referred to mediation, and the case 27353  
shall proceed in accordance with division (F) of this section. If 27354  
the case is referred to mediation, any further proceedings under 27355  
division (F) of this section shall be stayed until the conclusion 27356  
of the mediation. Any mediation proceedings under this division 27357  
may be conducted by teleconference, telephone, or other electronic 27358  
means. If an agreement is reached during mediation, the court 27359  
shall dismiss the complaint. If an agreement is not reached, the 27360  
special master shall notify the court that the case was not 27361  
resolved and that the mediation has been terminated. 27362

(2) Within ten business days after the termination of the 27363  
mediation or the notification to the court that the case was not 27364  
referred to mediation under division (E)(1) of this section, the 27365  
public office or person responsible for public records shall file 27366

a response, and if applicable, a motion to dismiss the complaint, 27367  
with the clerk of the court of claims and transmit copies of the 27368  
pleadings to the allegedly aggrieved party. No further motions or 27369  
pleadings shall be accepted by the clerk of the court of claims or 27370  
by the special master assigned by the clerk under division (D)(2) 27371  
of this section unless the special master directs in writing that 27372  
a further motion or pleading be filed. 27373

(3) All of the following apply prior to the submission of the 27374  
special master's report and recommendation to the court of claims 27375  
under division (F)(1) of this section: 27376

(a) The special master shall not permit any discovery. 27377

(b) The parties may attach supporting affidavits to their 27378  
respective pleadings. 27379

(c) The special master may require either or both of the 27380  
parties to submit additional information or documentation 27381  
supported by affidavits. 27382

(F)(1) Not later than seven business days after receiving the 27383  
response, or motion to dismiss the complaint, if applicable, of 27384  
the public office or person responsible for public records, the 27385  
special master shall submit to the court of claims a report and 27386  
recommendation based on the ordinary application of statutory law 27387  
and case law as they existed at the time of the filing of the 27388  
complaint. For good cause shown, the special master may extend the 27389  
seven-day period for the submission of the report and 27390  
recommendation to the court of claims under this division by an 27391  
additional seven business days. 27392

(2) Upon submission of the special master's report and 27393  
recommendation to the court of claims under division (F)(1) of 27394  
this section, the clerk shall send copies of the report and 27395  
recommendation to each party by certified mail, return receipt 27396  
requested, not later than three business days after the report and 27397

recommendation is filed. Either party may object to the report and 27398  
recommendation within seven business days after receiving the 27399  
report and recommendation by filing a written objection with the 27400  
clerk and sending a copy to the other party by certified mail, 27401  
return receipt requested. Any objection to the report and 27402  
recommendation shall be specific and state with particularity all 27403  
grounds for the objection. If neither party timely objects, the 27404  
court of claims shall promptly issue a final order adopting the 27405  
report and recommendation, unless it determines that there is an 27406  
error of law or other defect evident on the face of the report and 27407  
recommendation. If either party timely objects, the other party 27408  
may file with the clerk a response within seven business days 27409  
after receiving the objection and send a copy of the response to 27410  
the objecting party by certified mail, return receipt requested. 27411  
The court, within seven business days after the response to the 27412  
objection is filed, shall issue a final order that adopts, 27413  
modifies, or rejects the report and recommendation. 27414

(3) If the court of claims determines that the public office 27415  
or person responsible for the public records denied the aggrieved 27416  
person access to the public records in violation of division (B) 27417  
of section 149.43 of the Revised Code and if no appeal from the 27418  
court's final order is taken under division (G) of this section, 27419  
both of the following apply: 27420

(a) The public office or the person responsible for the 27421  
public records shall permit the aggrieved person to inspect or 27422  
receive copies of the public records that the court requires to be 27423  
disclosed in its order. 27424

(b) The aggrieved person shall be entitled to recover from 27425  
the public office or person responsible for the public records the 27426  
amount of the filing fee of twenty-five dollars and any other 27427  
costs associated with the action that are incurred by the 27428  
aggrieved person, but shall not be entitled to recover attorney's 27429

fees, except that division (G)(2) of this section applies if an appeal is taken under division (G)(1) of this section.

(G)(1) Any appeal from a final order of the court of claims under this section or from an order of the court of claims dismissing the complaint as provided in division (D)(2) of this section shall be taken to the court of appeals of the appellate district where the principal place of business of the public office from which the public record is requested is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public office is located but the appeal shall be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged denials of access to public records in violation of division (B) of section 149.43 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly.

(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public office or person responsible for the public records determines that the public office or person denied the aggrieved person access to the public records in violation of division (B) of section 149.43 of the Revised Code and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees

to the aggrieved person in accordance with division (C) of section 27462  
149.43 of the Revised Code. No discovery may be conducted on the 27463  
issue of the public office or person responsible for the public 27464  
records filing the appeal with the alleged intent to either delay 27465  
compliance with the court of claims' order for no reasonable cause 27466  
or unduly harass the aggrieved person. This division shall not be 27467  
construed as creating a presumption that the public office or the 27468  
person responsible for the public records filed the appeal with 27469  
the intent to either delay compliance with the court of claims' 27470  
order for no reasonable cause or unduly harass the aggrieved 27471  
person. 27472

(H) The powers of the court of claims prescribed in section 27473  
2743.05 of the Revised Code apply to the proceedings in that court 27474  
under this section. 27475

(I)(1) All filing fees collected by a clerk of the court of 27476  
common pleas under division (D)(1) of this section shall be paid 27477  
to the county treasurer for deposit into the county general 27478  
revenue fund. All such money collected during a month shall be 27479  
transmitted on or before the twentieth day of the following month 27480  
by the clerk of the court of common pleas to the county treasurer. 27481

(2) All filing fees collected by the clerk of the court of 27482  
claims under division (D)(1) of this section shall be ~~kept~~ 27483  
deposited into the state treasury to the credit of the public 27484  
records fund, which is hereby created. Money credited to the fund 27485  
shall be used by the court of claims to assist in paying for its 27486  
costs to implement this section. All investment earnings of the 27487  
fund shall be credited to the fund. Not later than the first day 27488  
of February of each year, the clerk of the court of claims shall 27489  
prepare a report accessible to the public that details the fees 27490  
collected during the preceding calendar year by the clerk of the 27491  
court of claims and the clerks of the courts of common pleas under 27492  
this section. 27493

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

**Sec. 2903.213.** (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order  
.....  
Name and address of court

State of Ohio

v. No. ....

.....

Name of Defendant



(Name of person), moves the court to issue a protection order 27525  
containing terms designed to ensure the safety and protection of 27526  
the complainant or the alleged victim in the above-captioned case, 27527  
in relation to the named defendant, pursuant to its authority to 27528  
issue a protection order under section 2903.213 of the Revised 27529  
Code. 27530

A complaint, a copy of which has been attached to this 27531  
motion, has been filed in this court charging the named defendant 27532  
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 27533  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 27534  
a municipal ordinance substantially similar to section 2903.13, 27535  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 27536  
the commission of a sexually oriented offense. 27537

I understand that I must appear before the court, at a time 27538  
set by the court not later than the next day that the court is in 27539  
session after the filing of this motion, for a hearing on the 27540  
motion, and that any protection order granted pursuant to this 27541  
motion is a pretrial condition of release and is effective only 27542  
until the disposition of the criminal proceeding arising out of 27543  
the attached complaint or until the issuance under section 27544  
2903.214 of the Revised Code of a protection order arising out of 27545  
the same activities as those that were the basis of the attached 27546  
complaint. 27547

..... 27548

Signature of person 27549

..... 27550

Address of person" 27551

(C)(1) As soon as possible after the filing of a motion that 27552  
requests the issuance of a protection order under this section, 27553  
but not later than the next day that the court is in session after 27554  
the filing of the motion, the court shall conduct a hearing to 27555

determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender

charged with a violation of section 2919.27 of the Revised Code, 27588  
with a violation of a municipal ordinance substantially equivalent 27589  
to that section, or with contempt of court, which charge is based 27590  
on an alleged violation of a protection order issued under this 27591  
section, did not commit the violation or was not in contempt of 27592  
court. 27593

(D)(1) Except when the complaint involves a person who is a 27594  
family or household member as defined in section 2919.25 of the 27595  
Revised Code, upon the filing of a complaint that alleges a 27596  
violation specified in division (A) of this section, the court, 27597  
upon its own motion, may issue a protection order under this 27598  
section as a pretrial condition of release of the alleged offender 27599  
if it finds that the safety and protection of the complainant or 27600  
the alleged victim may be impaired by the continued presence of 27601  
the alleged offender. 27602

(2)(a) If the court issues a protection order under this 27603  
section as an ex parte order, it shall conduct, as soon as 27604  
possible after the issuance of the order but not later than the 27605  
next day that the court is in session after its issuance, a 27606  
hearing to determine whether the order should remain in effect, be 27607  
modified, or be revoked. The hearing shall be conducted under the 27608  
standards set forth in division (C) of this section. 27609

(b) If at a hearing conducted under division (D)(2)(a) of 27610  
this section the court determines that the ex parte order that the 27611  
court issued should be revoked, the court, on its own motion, 27612  
shall order that the ex parte order that is revoked and all of the 27613  
records pertaining to that ex parte order be expunged. 27614

(3) If a municipal court or a county court issues a 27615  
protection order under this section and if, subsequent to the 27616  
issuance of the order, the alleged offender who is the subject of 27617  
the order is bound over to the court of common pleas for 27618  
prosecution of a felony arising out of the same activities as 27619

those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the

alleged offender on the complaint upon which the order is based. 27652

(F) A person who meets the criteria for bail under Criminal 27653  
Rule 46 and who, if required to do so pursuant to that rule, 27654  
executes or posts bond or deposits cash or securities as bail, 27655  
shall not be held in custody pending a hearing before the court on 27656  
a motion requesting a protection order under this section. 27657

(G)(1) A copy of a protection order that is issued under this 27658  
section shall be issued by the court to the complainant, to the 27659  
alleged victim, to the person who requested the order, to the 27660  
defendant, and to all law enforcement agencies that have 27661  
jurisdiction to enforce the order. The court shall direct that a 27662  
copy of the order be delivered to the defendant on the same day 27663  
that the order is entered. If a municipal court or a county court 27664  
issues a protection order under this section and if, subsequent to 27665  
the issuance of the order, the defendant who is the subject of the 27666  
order is bound over to the court of common pleas for prosecution 27667  
as described in division (D)(3) of this section, the municipal 27668  
court or county court shall direct that a copy of the order be 27669  
delivered to the court of common pleas to which the defendant is 27670  
bound over. 27671

(2) All law enforcement agencies shall establish and maintain 27672  
an index for the protection orders delivered to the agencies 27673  
pursuant to division (G)(1) of this section. With respect to each 27674  
order delivered, each agency shall note on the index the date and 27675  
time of the agency's receipt of the order. 27676

(3) Regardless of whether the petitioner has registered the 27677  
protection order in the county in which the officer's agency has 27678  
jurisdiction, any officer of a law enforcement agency shall 27679  
enforce a protection order issued pursuant to this section in 27680  
accordance with the provisions of the order. 27681

(H) Upon a violation of a protection order issued pursuant to 27682

this section, the court may issue another protection order under 27683  
this section, as a pretrial condition of release, that modifies 27684  
the terms of the order that was violated. 27685

(I)(1) Subject to division (I)(2) of this section and 27686  
regardless of whether a protection order is issued or a consent 27687  
agreement is approved by a court of another county or by a court 27688  
of another state, no court or unit of state or local government 27689  
shall charge the movant any fee, cost, deposit, or money in 27690  
connection with the filing of a motion pursuant to this section, 27691  
in connection with the filing, issuance, registration, 27692  
modification, enforcement, dismissal, withdrawal, or service of a 27693  
protection order, consent agreement, or witness subpoena or for 27694  
obtaining certified copies of a protection order or consent 27695  
agreement. 27696

(2) Regardless of whether a protection order is issued or a 27697  
consent agreement is approved pursuant to this section, if the 27698  
defendant is convicted the court may assess costs against the 27699  
defendant in connection with the filing, issuance, registration, 27700  
modification, enforcement, dismissal, withdrawal, or service of a 27701  
protection order, consent agreement, or witness subpoena or for 27702  
obtaining a certified copy of a protection order or consent 27703  
agreement. 27704

(J) As used in this section: 27705

(1) "Sexually oriented offense" has the same meaning as in 27706  
section 2950.01 of the Revised Code. 27707

(2) "Companion animal" has the same meaning as in section 27708  
959.131 of the Revised Code. 27709

(3) "Expunge" means to destroy, delete, and erase a record, 27710  
as appropriate for the record's physical or electronic form or 27711  
characteristic, so that the record is permanently irretrievable. 27712

<b>Sec. 2903.214.</b> (A) As used in this section:	27713
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	27714 27715
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	27716 27717
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	27718 27719
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	27720 27721
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	27722 27723
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	27724 27725
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	27726 27727
<u>(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	27728 27729
(B) The court has jurisdiction over all proceedings under this section.	27730 27731
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	27732 27733 27734 27735 27736
(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description	27737 27738 27739 27740 27741

of the nature and extent of the violation; 27742

(2) If the petitioner seeks relief in the form of electronic 27743  
monitoring of the respondent, an allegation that at any time 27744  
preceding the filing of the petition the respondent engaged in 27745  
conduct that would cause a reasonable person to believe that the 27746  
health, welfare, or safety of the person to be protected was at 27747  
risk, a description of the nature and extent of that conduct, and 27748  
an allegation that the respondent presents a continuing danger to 27749  
the person to be protected; 27750

(3) A request for relief under this section. 27751

(D)(1) If a person who files a petition pursuant to this 27752  
section requests an ex parte order, the court shall hold an ex 27753  
parte hearing as soon as possible after the petition is filed, but 27754  
not later than the next day that the court is in session after the 27755  
petition is filed. The court, for good cause shown at the ex parte 27756  
hearing, may enter any temporary orders, with or without bond, 27757  
that the court finds necessary for the safety and protection of 27758  
the person to be protected by the order. Immediate and present 27759  
danger to the person to be protected by the protection order 27760  
constitutes good cause for purposes of this section. Immediate and 27761  
present danger includes, but is not limited to, situations in 27762  
which the respondent has threatened the person to be protected by 27763  
the protection order with bodily harm or in which the respondent 27764  
previously has been convicted of or pleaded guilty to a violation 27765  
of section 2903.211 of the Revised Code or a sexually oriented 27766  
offense against the person to be protected by the protection 27767  
order. 27768

(2)(a) If the court, after an ex parte hearing, issues a 27769  
protection order described in division (E) of this section, the 27770  
court shall schedule a full hearing for a date that is within ten 27771  
court days after the ex parte hearing. The court shall give the 27772  
respondent notice of, and an opportunity to be heard at, the full 27773



hearing. The court shall hold the full hearing on the date 27774  
scheduled under this division unless the court grants a 27775  
continuance of the hearing in accordance with this division. Under 27776  
any of the following circumstances or for any of the following 27777  
reasons, the court may grant a continuance of the full hearing to 27778  
a reasonable time determined by the court: 27779

(i) Prior to the date scheduled for the full hearing under 27780  
this division, the respondent has not been served with the 27781  
petition filed pursuant to this section and notice of the full 27782  
hearing. 27783

(ii) The parties consent to the continuance. 27784

(iii) The continuance is needed to allow a party to obtain 27785  
counsel. 27786

(iv) The continuance is needed for other good cause. 27787

(b) An ex parte order issued under this section does not 27788  
expire because of a failure to serve notice of the full hearing 27789  
upon the respondent before the date set for the full hearing under 27790  
division (D)(2)(a) of this section or because the court grants a 27791  
continuance under that division. 27792

(3) If a person who files a petition pursuant to this section 27793  
does not request an ex parte order, or if a person requests an ex 27794  
parte order but the court does not issue an ex parte order after 27795  
an ex parte hearing, the court shall proceed as in a normal civil 27796  
action and grant a full hearing on the matter. 27797

(E)(1)(a) After an ex parte or full hearing, the court may 27798  
issue any protection order, with or without bond, that contains 27799  
terms designed to ensure the safety and protection of the person 27800  
to be protected by the protection order, including, but not 27801  
limited to, a requirement that the respondent refrain from 27802  
entering the residence, school, business, or place of employment 27803  
of the petitioner or family or household member. If the court 27804

includes a requirement that the respondent refrain from entering 27805  
the residence, school, business, or place of employment of the 27806  
petitioner or family or household member in the order, it also 27807  
shall include in the order provisions of the type described in 27808  
division (E)(5) of this section. The court may include within a 27809  
protection order issued under this section a term requiring that 27810  
the respondent not remove, damage, hide, harm, or dispose of any 27811  
companion animal owned or possessed by the person to be protected 27812  
by the order, and may include within the order a term authorizing 27813  
the person to be protected by the order to remove a companion 27814  
animal owned by the person to be protected by the order from the 27815  
possession of the respondent. 27816

(b) After a full hearing, if the court considering a petition 27817  
that includes an allegation of the type described in division 27818  
(C)(2) of this section, or the court upon its own motion, finds 27819  
upon clear and convincing evidence that the petitioner reasonably 27820  
believed that the respondent's conduct at any time preceding the 27821  
filing of the petition endangered the health, welfare, or safety 27822  
of the person to be protected and that the respondent presents a 27823  
continuing danger to the person to be protected, the court may 27824  
order that the respondent be electronically monitored for a period 27825  
of time and under the terms and conditions that the court 27826  
determines are appropriate. Electronic monitoring shall be in 27827  
addition to any other relief granted to the petitioner. 27828

(2)(a) Any protection order issued pursuant to this section 27829  
shall be valid until a date certain but not later than five years 27830  
from the date of its issuance. 27831

(b) Any protection order issued pursuant to this section may 27832  
be renewed in the same manner as the original order was issued. 27833

(3) A court may not issue a protection order that requires a 27834  
petitioner to do or to refrain from doing an act that the court 27835  
may require a respondent to do or to refrain from doing under 27836

division (E)(1) of this section unless all of the following apply: 27837

(a) The respondent files a separate petition for a protection 27838  
order in accordance with this section. 27839

(b) The petitioner is served with notice of the respondent's 27840  
petition at least forty-eight hours before the court holds a 27841  
hearing with respect to the respondent's petition, or the 27842  
petitioner waives the right to receive this notice. 27843

(c) If the petitioner has requested an ex parte order 27844  
pursuant to division (D) of this section, the court does not delay 27845  
any hearing required by that division beyond the time specified in 27846  
that division in order to consolidate the hearing with a hearing 27847  
on the petition filed by the respondent. 27848

(d) After a full hearing at which the respondent presents 27849  
evidence in support of the request for a protection order and the 27850  
petitioner is afforded an opportunity to defend against that 27851  
evidence, the court determines that the petitioner has committed a 27852  
violation of section 2903.211 of the Revised Code against the 27853  
person to be protected by the protection order issued pursuant to 27854  
division (E)(3) of this section, has committed a sexually oriented 27855  
offense against the person to be protected by the protection order 27856  
issued pursuant to division (E)(3) of this section, or has 27857  
violated a protection order issued pursuant to section 2903.213 of 27858  
the Revised Code relative to the person to be protected by the 27859  
protection order issued pursuant to division (E)(3) of this 27860  
section. 27861

(4) No protection order issued pursuant to this section shall 27862  
in any manner affect title to any real property. 27863

(5)(a) If the court issues a protection order under this 27864  
section that includes a requirement that the alleged offender 27865  
refrain from entering the residence, school, business, or place of 27866  
employment of the petitioner or a family or household member, the 27867

order shall clearly state that the order cannot be waived or 27868  
nullified by an invitation to the alleged offender from the 27869  
complainant to enter the residence, school, business, or place of 27870  
employment or by the alleged offender's entry into one of those 27871  
places otherwise upon the consent of the petitioner or family or 27872  
household member. 27873

(b) Division (E)(5)(a) of this section does not limit any 27874  
discretion of a court to determine that an alleged offender 27875  
charged with a violation of section 2919.27 of the Revised Code, 27876  
with a violation of a municipal ordinance substantially equivalent 27877  
to that section, or with contempt of court, which charge is based 27878  
on an alleged violation of a protection order issued under this 27879  
section, did not commit the violation or was not in contempt of 27880  
court. 27881

(F)(1) The court shall cause the delivery of a copy of any 27882  
protection order that is issued under this section to the 27883  
petitioner, to the respondent, and to all law enforcement agencies 27884  
that have jurisdiction to enforce the order. The court shall 27885  
direct that a copy of the order be delivered to the respondent on 27886  
the same day that the order is entered. 27887

(2) Upon the issuance of a protection order under this 27888  
section, the court shall provide the parties to the order with the 27889  
following notice orally or by form: 27890

"NOTICE 27891

As a result of this order, it may be unlawful for you to 27892  
possess or purchase a firearm, including a rifle, pistol, or 27893  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 27894  
922(g)(8). If you have any questions whether this law makes it 27895  
illegal for you to possess or purchase a firearm or ammunition, 27896  
you should consult an attorney." 27897

(3) All law enforcement agencies shall establish and maintain 27898

an index for the protection orders delivered to the agencies 27899  
pursuant to division (F)(1) of this section. With respect to each 27900  
order delivered, each agency shall note on the index the date and 27901  
time that it received the order. 27902

(4) Regardless of whether the petitioner has registered the 27903  
protection order in the county in which the officer's agency has 27904  
jurisdiction pursuant to division (M) of this section, any officer 27905  
of a law enforcement agency shall enforce a protection order 27906  
issued pursuant to this section by any court in this state in 27907  
accordance with the provisions of the order, including removing 27908  
the respondent from the premises, if appropriate. 27909

(G)(1) Any proceeding under this section shall be conducted 27910  
in accordance with the Rules of Civil Procedure, except that a 27911  
protection order may be obtained under this section with or 27912  
without bond. An order issued under this section, other than an ex 27913  
parte order, that grants a protection order, or that refuses to 27914  
grant a protection order, is a final, appealable order. The 27915  
remedies and procedures provided in this section are in addition 27916  
to, and not in lieu of, any other available civil or criminal 27917  
remedies. 27918

(2) If as provided in division (G)(1) of this section an 27919  
order issued under this section, other than an ex parte order, 27920  
refuses to grant a protection order, the court, on its own motion, 27921  
shall order that the ex parte order issued under this section and 27922  
all of the records pertaining to that ex parte order be expunged 27923  
after either of the following occurs: 27924

(a) The period of the notice of appeal from the order that 27925  
refuses to grant a protection order has expired. 27926

(b) The order that refuses to grant the protection order is 27927  
appealed and an appellate court to which the last appeal of that 27928  
order is taken affirms the order. 27929

(H) The filing of proceedings under this section does not 27930  
excuse a person from filing any report or giving any notice 27931  
required by section 2151.421 of the Revised Code or by any other 27932  
law. 27933

(I) Any law enforcement agency that investigates an alleged 27934  
violation of section 2903.211 of the Revised Code or an alleged 27935  
commission of a sexually oriented offense shall provide 27936  
information to the victim and the family or household members of 27937  
the victim regarding the relief available under this section and 27938  
section 2903.213 of the Revised Code. 27939

(J)(1) Subject to division (J)(2) of this section and 27940  
regardless of whether a protection order is issued or a consent 27941  
agreement is approved by a court of another county or by a court 27942  
of another state, no court or unit of state or local government 27943  
shall charge the petitioner any fee, cost, deposit, or money in 27944  
connection with the filing of a petition pursuant to this section, 27945  
in connection with the filing, issuance, registration, 27946  
modification, enforcement, dismissal, withdrawal, or service of a 27947  
protection order, consent agreement, or witness subpoena or for 27948  
obtaining a certified copy of a protection order or consent 27949  
agreement. 27950

(2) Regardless of whether a protection order is issued or a 27951  
consent agreement is approved pursuant to this section, the court 27952  
may assess costs against the respondent in connection with the 27953  
filing, issuance, registration, modification, enforcement, 27954  
dismissal, withdrawal, or service of a protection order, consent 27955  
agreement, or witness subpoena or for obtaining a certified copy 27956  
of a protection order or consent agreement. 27957

(K)(1) A person who violates a protection order issued under 27958  
this section is subject to the following sanctions: 27959

(a) Criminal prosecution for a violation of section 2919.27 27960

of the Revised Code, if the violation of the protection order 27961  
constitutes a violation of that section; 27962

(b) Punishment for contempt of court. 27963

(2) The punishment of a person for contempt of court for 27964  
violation of a protection order issued under this section does not 27965  
bar criminal prosecution of the person for a violation of section 27966  
2919.27 of the Revised Code. However, a person punished for 27967  
contempt of court is entitled to credit for the punishment imposed 27968  
upon conviction of a violation of that section, and a person 27969  
convicted of a violation of that section shall not subsequently be 27970  
punished for contempt of court arising out of the same activity. 27971

(L) In all stages of a proceeding under this section, a 27972  
petitioner may be accompanied by a victim advocate. 27973

(M)(1) A petitioner who obtains a protection order under this 27974  
section or a protection order under section 2903.213 of the 27975  
Revised Code may provide notice of the issuance or approval of the 27976  
order to the judicial and law enforcement officials in any county 27977  
other than the county in which the order is issued by registering 27978  
that order in the other county pursuant to division (M)(2) of this 27979  
section and filing a copy of the registered order with a law 27980  
enforcement agency in the other county in accordance with that 27981  
division. A person who obtains a protection order issued by a 27982  
court of another state may provide notice of the issuance of the 27983  
order to the judicial and law enforcement officials in any county 27984  
of this state by registering the order in that county pursuant to 27985  
section 2919.272 of the Revised Code and filing a copy of the 27986  
registered order with a law enforcement agency in that county. 27987

(2) A petitioner may register a protection order issued 27988  
pursuant to this section or section 2903.213 of the Revised Code 27989  
in a county other than the county in which the court that issued 27990  
the order is located in the following manner: 27991

(a) The petitioner shall obtain a certified copy of the order 27992  
from the clerk of the court that issued the order and present that 27993  
certified copy to the clerk of the court of common pleas or the 27994  
clerk of a municipal court or county court in the county in which 27995  
the order is to be registered. 27996

(b) Upon accepting the certified copy of the order for 27997  
registration, the clerk of the court of common pleas, municipal 27998  
court, or county court shall place an endorsement of registration 27999  
on the order and give the petitioner a copy of the order that 28000  
bears that proof of registration. 28001

(3) The clerk of each court of common pleas, municipal court, 28002  
or county court shall maintain a registry of certified copies of 28003  
protection orders that have been issued by courts in other 28004  
counties pursuant to this section or section 2903.213 of the 28005  
Revised Code and that have been registered with the clerk. 28006

(N)(1) If the court orders electronic monitoring of the 28007  
respondent under this section, the court shall direct the 28008  
sheriff's office or any other appropriate law enforcement agency 28009  
to install the electronic monitoring device and to monitor the 28010  
respondent. Unless the court determines that the respondent is 28011  
indigent, the court shall order the respondent to pay the cost of 28012  
the installation and monitoring of the electronic monitoring 28013  
device. If the court determines that the respondent is indigent 28014  
and subject to the maximum amount allowable to be paid in any year 28015  
from the fund and the rules promulgated by the attorney general 28016  
under division (N)(2) of this section, the cost of the 28017  
installation and monitoring of the electronic monitoring device 28018  
may be paid out of funds from the reparations fund created 28019  
pursuant to section 2743.191 of the Revised Code. The total amount 28020  
of costs for the installation and monitoring of electronic 28021  
monitoring devices paid pursuant to this division and sections 28022  
2151.34 and 2919.27 of the Revised Code from the reparations fund 28023



shall not exceed three hundred thousand dollars per year. 28024

(2) The attorney general may promulgate rules pursuant to 28025  
section 111.15 of the Revised Code to govern payments made from 28026  
the reparations fund pursuant to this division and sections 28027  
2151.34 and 2919.27 of the Revised Code. The rules may include 28028  
reasonable limits on the total cost paid pursuant to this division 28029  
and sections 2151.34 and 2919.27 of the Revised Code per 28030  
respondent, the amount of the three hundred thousand dollars 28031  
allocated to each county, and how invoices may be submitted by a 28032  
county, court, or other entity. 28033

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 28034  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 28035  
2911.211 of the Revised Code if the alleged victim of the 28036  
violation was a family or household member at the time of the 28037  
violation, a violation of a municipal ordinance that is 28038  
substantially similar to any of those sections if the alleged 28039  
victim of the violation was a family or household member at the 28040  
time of the violation, any offense of violence if the alleged 28041  
victim of the offense was a family or household member at the time 28042  
of the commission of the offense, or any sexually oriented offense 28043  
if the alleged victim of the offense was a family or household 28044  
member at the time of the commission of the offense, the 28045  
complainant, the alleged victim, or a family or household member 28046  
of an alleged victim may file, or, if in an emergency the alleged 28047  
victim is unable to file, a person who made an arrest for the 28048  
alleged violation or offense under section 2935.03 of the Revised 28049  
Code may file on behalf of the alleged victim, a motion that 28050  
requests the issuance of a temporary protection order as a 28051  
pretrial condition of release of the alleged offender, in addition 28052  
to any bail set under Criminal Rule 46. The motion shall be filed 28053  
with the clerk of the court that has jurisdiction of the case at 28054  
any time after the filing of the complaint. 28055

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No. ....

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented

offense charged), or charging the named defendant with a violation 28087  
of a municipal ordinance that is substantially similar to 28088  
..... (section of the Revised Code designating 28089  
the specified violation, offense of violence, or sexually oriented 28090  
offense charged) involving a family or household member. 28091

I understand that I must appear before the court, at a time 28092  
set by the court within twenty-four hours after the filing of this 28093  
motion, for a hearing on the motion or that, if I am unable to 28094  
appear because of hospitalization or a medical condition resulting 28095  
from the offense alleged in the complaint, a person who can 28096  
provide information about my need for a temporary protection order 28097  
must appear before the court in lieu of my appearing in court. I 28098  
understand that any temporary protection order granted pursuant to 28099  
this motion is a pretrial condition of release and is effective 28100  
only until the disposition of the criminal proceeding arising out 28101  
of the attached complaint, or the issuance of a civil protection 28102  
order or the approval of a consent agreement, arising out of the 28103  
same activities as those that were the basis of the complaint, 28104  
under section 3113.31 of the Revised Code. 28105

..... 28106

Signature of person 28107

(or signature of the arresting officer who filed the motion on 28108  
behalf of the alleged victim) 28109

..... 28110

Address of person (or office address of the arresting officer who 28111  
filed the motion on behalf of the alleged victim)" 28112

(C)(1) As soon as possible after the filing of a motion that 28113  
requests the issuance of a temporary protection order, but not 28114  
later than twenty-four hours after the filing of the motion, the 28115  
court shall conduct a hearing to determine whether to issue the 28116  
order. The person who requested the order shall appear before the 28117

court and provide the court with the information that it requests 28118  
concerning the basis of the motion. If the person who requested 28119  
the order is unable to appear and if the court finds that the 28120  
failure to appear is because of the person's hospitalization or 28121  
medical condition resulting from the offense alleged in the 28122  
complaint, another person who is able to provide the court with 28123  
the information it requests may appear in lieu of the person who 28124  
requested the order. If the court finds that the safety and 28125  
protection of the complainant, alleged victim, or any other family 28126  
or household member of the alleged victim may be impaired by the 28127  
continued presence of the alleged offender, the court may issue a 28128  
temporary protection order, as a pretrial condition of release, 28129  
that contains terms designed to ensure the safety and protection 28130  
of the complainant, alleged victim, or the family or household 28131  
member, including a requirement that the alleged offender refrain 28132  
from entering the residence, school, business, or place of 28133  
employment of the complainant, alleged victim, or the family or 28134  
household member. The court may include within a protection order 28135  
issued under this section a term requiring that the alleged 28136  
offender not remove, damage, hide, harm, or dispose of any 28137  
companion animal owned or possessed by the complainant, alleged 28138  
victim, or any other family or household member of the alleged 28139  
victim, and may include within the order a term authorizing the 28140  
complainant, alleged victim, or other family or household member 28141  
of the alleged victim to remove a companion animal owned by the 28142  
complainant, alleged victim, or other family or household member 28143  
from the possession of the alleged offender. 28144

(2)(a) If the court issues a temporary protection order that 28145  
includes a requirement that the alleged offender refrain from 28146  
entering the residence, school, business, or place of employment 28147  
of the complainant, the alleged victim, or the family or household 28148  
member, the order shall state clearly that the order cannot be 28149  
waived or nullified by an invitation to the alleged offender from 28150

the complainant, alleged victim, or family or household member to 28151  
enter the residence, school, business, or place of employment or 28152  
by the alleged offender's entry into one of those places otherwise 28153  
upon the consent of the complainant, alleged victim, or family or 28154  
household member. 28155

(b) Division (C)(2)(a) of this section does not limit any 28156  
discretion of a court to determine that an alleged offender 28157  
charged with a violation of section 2919.27 of the Revised Code, 28158  
with a violation of a municipal ordinance substantially equivalent 28159  
to that section, or with contempt of court, which charge is based 28160  
on an alleged violation of a temporary protection order issued 28161  
under this section, did not commit the violation or was not in 28162  
contempt of court. 28163

(D)(1) Upon the filing of a complaint that alleges a 28164  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 28165  
Revised Code if the alleged victim of the violation was a family 28166  
or household member at the time of the violation, a violation of a 28167  
municipal ordinance that is substantially similar to any of those 28168  
sections if the alleged victim of the violation was a family or 28169  
household member at the time of the violation, any offense of 28170  
violence if the alleged victim of the offense was a family or 28171  
household member at the time of the commission of the offense, or 28172  
any sexually oriented offense if the alleged victim of the offense 28173  
was a family or household member at the time of the commission of 28174  
the offense, the court, upon its own motion, may issue a temporary 28175  
protection order as a pretrial condition of release if it finds 28176  
that the safety and protection of the complainant, alleged victim, 28177  
or other family or household member of the alleged offender may be 28178  
impaired by the continued presence of the alleged offender. 28179

(2)(a) If the court issues a temporary protection order under 28180  
this section as an ex parte order, it shall conduct, as soon as 28181  
possible after the issuance of the order, a hearing in the 28182

presence of the alleged offender not later than the next day on 28183  
which the court is scheduled to conduct business after the day on 28184  
which the alleged offender was arrested or at the time of the 28185  
appearance of the alleged offender pursuant to summons to 28186  
determine whether the order should remain in effect, be modified, 28187  
or be revoked. The hearing shall be conducted under the standards 28188  
set forth in division (C) of this section. 28189

(b) If at a hearing conducted under division (D)(2)(a) of 28190  
this section the court determines that the ex parte order that the 28191  
court issued should be revoked, the court, on its own motion, 28192  
shall order that the ex parte order that is revoked and all of the 28193  
records pertaining to that ex parte order be expunged. 28194

(3) An order issued under this section shall contain only 28195  
those terms authorized in orders issued under division (C) of this 28196  
section. 28197

(4) If a municipal court or a county court issues a temporary 28198  
protection order under this section and if, subsequent to the 28199  
issuance of the order, the alleged offender who is the subject of 28200  
the order is bound over to the court of common pleas for 28201  
prosecution of a felony arising out of the same activities as 28202  
those that were the basis of the complaint upon which the order is 28203  
based, notwithstanding the fact that the order was issued by a 28204  
municipal court or county court, the order shall remain in effect, 28205  
as though it were an order of the court of common pleas, while the 28206  
charges against the alleged offender are pending in the court of 28207  
common pleas, for the period of time described in division (E)(2) 28208  
of this section, and the court of common pleas has exclusive 28209  
jurisdiction to modify the order issued by the municipal court or 28210  
county court. This division applies when the alleged offender is 28211  
bound over to the court of common pleas as a result of the person 28212  
waiving a preliminary hearing on the felony charge, as a result of 28213  
the municipal court or county court having determined at a 28214

preliminary hearing that there is probable cause to believe that 28215  
the felony has been committed and that the alleged offender 28216  
committed it, as a result of the alleged offender having been 28217  
indicted for the felony, or in any other manner. 28218

(E) A temporary protection order that is issued as a pretrial 28219  
condition of release under this section: 28220

(1) Is in addition to, but shall not be construed as a part 28221  
of, any bail set under Criminal Rule 46; 28222

(2) Is effective only until the occurrence of either of the 28223  
following: 28224

(a) The disposition, by the court that issued the order or, 28225  
in the circumstances described in division (D)(4) of this section, 28226  
by the court of common pleas to which the alleged offender is 28227  
bound over for prosecution, of the criminal proceeding arising out 28228  
of the complaint upon which the order is based; 28229

(b) The issuance of a protection order or the approval of a 28230  
consent agreement, arising out of the same activities as those 28231  
that were the basis of the complaint upon which the order is 28232  
based, under section 3113.31 of the Revised Code; 28233

(3) Shall not be construed as a finding that the alleged 28234  
offender committed the alleged offense, and shall not be 28235  
introduced as evidence of the commission of the offense at the 28236  
trial of the alleged offender on the complaint upon which the 28237  
order is based. 28238

(F) A person who meets the criteria for bail under Criminal 28239  
Rule 46 and who, if required to do so pursuant to that rule, 28240  
executes or posts bond or deposits cash or securities as bail, 28241  
shall not be held in custody pending a hearing before the court on 28242  
a motion requesting a temporary protection order. 28243

(G)(1) A copy of any temporary protection order that is 28244

issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this protection order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other



than the county in which the order is issued by registering that 28277  
order in the other county in accordance with division (N) of 28278  
section 3113.31 of the Revised Code and filing a copy of the 28279  
registered protection order with a law enforcement agency in the 28280  
other county in accordance with that division. 28281

(5) Any officer of a law enforcement agency shall enforce a 28282  
temporary protection order issued by any court in this state in 28283  
accordance with the provisions of the order, including removing 28284  
the defendant from the premises, regardless of whether the order 28285  
is registered in the county in which the officer's agency has 28286  
jurisdiction as authorized by division (G)(4) of this section. 28287

(H) Upon a violation of a temporary protection order, the 28288  
court may issue another temporary protection order, as a pretrial 28289  
condition of release, that modifies the terms of the order that 28290  
was violated. 28291

(I)(1) As used in divisions (I)(1) and (2) of this section, 28292  
"defendant" means a person who is alleged in a complaint to have 28293  
committed a violation, offense of violence, or sexually oriented 28294  
offense of the type described in division (A) of this section. 28295

(2) If a complaint is filed that alleges that a person 28296  
committed a violation, offense of violence, or sexually oriented 28297  
offense of the type described in division (A) of this section, the 28298  
court may not issue a temporary protection order under this 28299  
section that requires the complainant, the alleged victim, or 28300  
another family or household member of the defendant to do or 28301  
refrain from doing an act that the court may require the defendant 28302  
to do or refrain from doing under a temporary protection order 28303  
unless both of the following apply: 28304

(a) The defendant has filed a separate complaint that alleges 28305  
that the complainant, alleged victim, or other family or household 28306  
member in question who would be required under the order to do or 28307

refrain from doing the act committed a violation or offense of 28308  
violence of the type described in division (A) of this section. 28309

(b) The court determines that both the complainant, alleged 28310  
victim, or other family or household member in question who would 28311  
be required under the order to do or refrain from doing the act 28312  
and the defendant acted primarily as aggressors, that neither the 28313  
complainant, alleged victim, or other family or household member 28314  
in question who would be required under the order to do or refrain 28315  
from doing the act nor the defendant acted primarily in 28316  
self-defense, and, in accordance with the standards and criteria 28317  
of this section as applied in relation to the separate complaint 28318  
filed by the defendant, that it should issue the order to require 28319  
the complainant, alleged victim, or other family or household 28320  
member in question to do or refrain from doing the act. 28321

(J)(1) Subject to division (J)(2) of this section and 28322  
regardless of whether a protection order is issued or a consent 28323  
agreement is approved by a court of another county or a court of 28324  
another state, no court or unit of state or local government shall 28325  
charge the movant any fee, cost, deposit, or money in connection 28326  
with the filing of a motion pursuant to this section, in 28327  
connection with the filing, issuance, registration, modification, 28328  
enforcement, dismissal, withdrawal, or service of a protection 28329  
order, consent agreement, or witness subpoena or for obtaining a 28330  
certified copy of a protection order or consent agreement. 28331

(2) Regardless of whether a protection order is issued or a 28332  
consent agreement is approved pursuant to this section, if the 28333  
defendant is convicted the court may assess costs against the 28334  
defendant in connection with the filing, issuance, registration, 28335  
modification, enforcement, dismissal, withdrawal, or service of a 28336  
protection order, consent agreement, or witness subpoena or for 28337  
obtaining a certified copy of a protection order or consent 28338  
agreement. 28339

(K) As used in this section:	28340
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	28341 28342
(2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	28343 28344
(3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.	28345 28346
<u>(4) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	28347 28348
<b>Sec. 2925.01.</b> As used in this chapter:	28349
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	28350 28351 28352 28353 28354 28355
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	28356 28357
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	28358 28359 28360
(D) "Bulk amount" of a controlled substance means any of the following:	28361 28362
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	28363 28364 28365 28366 28367 28368

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	28369 28370 28371 28372
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	28373 28374 28375
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	28376 28377 28378 28379 28380
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	28381 28382 28383 28384 28385
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	28386 28387 28388
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	28389 28390 28391 28392 28393 28394 28395 28396 28397 28398 28399

(g) An amount equal to or exceeding three grams of a 28400  
compound, mixture, preparation, or substance that is or contains 28401  
any amount of a schedule II stimulant, or any of its salts or 28402  
isomers, that is not in a final dosage form manufactured by a 28403  
person authorized by the Federal Food, Drug, and Cosmetic Act and 28404  
the federal drug abuse control laws. 28405

(2) An amount equal to or exceeding one hundred twenty grams 28406  
or thirty times the maximum daily dose in the usual dose range 28407  
specified in a standard pharmaceutical reference manual of a 28408  
compound, mixture, preparation, or substance that is or contains 28409  
any amount of a schedule III or IV substance other than an 28410  
anabolic steroid or a schedule III opiate or opium derivative; 28411

(3) An amount equal to or exceeding twenty grams or five 28412  
times the maximum daily dose in the usual dose range specified in 28413  
a standard pharmaceutical reference manual of a compound, mixture, 28414  
preparation, or substance that is or contains any amount of a 28415  
schedule III opiate or opium derivative; 28416

(4) An amount equal to or exceeding two hundred fifty 28417  
milliliters or two hundred fifty grams of a compound, mixture, 28418  
preparation, or substance that is or contains any amount of a 28419  
schedule V substance; 28420

(5) An amount equal to or exceeding two hundred solid dosage 28421  
units, sixteen grams, or sixteen milliliters of a compound, 28422  
mixture, preparation, or substance that is or contains any amount 28423  
of a schedule III anabolic steroid. 28424

(E) "Unit dose" means an amount or unit of a compound, 28425  
mixture, or preparation containing a controlled substance that is 28426  
separately identifiable and in a form that indicates that it is 28427  
the amount or unit by which the controlled substance is separately 28428  
administered to or taken by an individual. 28429

(F) "Cultivate" includes planting, watering, fertilizing, or 28430

tilling. 28431

(G) "Drug abuse offense" means any of the following: 28432

(1) A violation of division (A) of section 2913.02 that 28433  
constitutes theft of drugs, or a violation of section 2925.02, 28434  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 28435  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 28436  
2925.37 of the Revised Code; 28437

(2) A violation of an existing or former law of this or any 28438  
other state or of the United States that is substantially 28439  
equivalent to any section listed in division (G)(1) of this 28440  
section; 28441

(3) An offense under an existing or former law of this or any 28442  
other state, or of the United States, of which planting, 28443  
cultivating, harvesting, processing, making, manufacturing, 28444  
producing, shipping, transporting, delivering, acquiring, 28445  
possessing, storing, distributing, dispensing, selling, inducing 28446  
another to use, administering to another, using, or otherwise 28447  
dealing with a controlled substance is an element; 28448

(4) A conspiracy to commit, attempt to commit, or complicity 28449  
in committing or attempting to commit any offense under division 28450  
(G)(1), (2), or (3) of this section. 28451

(H) "Felony drug abuse offense" means any drug abuse offense 28452  
that would constitute a felony under the laws of this state, any 28453  
other state, or the United States. 28454

(I) "Harmful intoxicant" does not include beer or 28455  
intoxicating liquor but means any of the following: 28456

(1) Any compound, mixture, preparation, or substance the gas, 28457  
fumes, or vapor of which when inhaled can induce intoxication, 28458  
excitement, giddiness, irrational behavior, depression, 28459  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 28460

harmful physiological effects, and includes, but is not limited	28461
to, any of the following:	28462
(a) Any volatile organic solvent, plastic cement, model	28463
cement, fingernail polish remover, lacquer thinner, cleaning	28464
fluid, gasoline, or other preparation containing a volatile	28465
organic solvent;	28466
(b) Any aerosol propellant;	28467
(c) Any fluorocarbon refrigerant;	28468
(d) Any anesthetic gas.	28469
(2) Gamma Butyrolactone;	28470
(3) 1,4 Butanediol.	28471
(J) "Manufacture" means to plant, cultivate, harvest,	28472
process, make, prepare, or otherwise engage in any part of the	28473
production of a drug, by propagation, extraction, chemical	28474
synthesis, or compounding, or any combination of the same, and	28475
includes packaging, repackaging, labeling, and other activities	28476
incident to production.	28477
(K) "Possess" or "possession" means having control over a	28478
thing or substance, but may not be inferred solely from mere	28479
access to the thing or substance through ownership or occupation	28480
of the premises upon which the thing or substance is found.	28481
(L) "Sample drug" means a drug or pharmaceutical preparation	28482
that would be hazardous to health or safety if used without the	28483
supervision of a licensed health professional authorized to	28484
prescribe drugs, or a drug of abuse, and that, at one time, had	28485
been placed in a container plainly marked as a sample by a	28486
manufacturer.	28487
(M) "Standard pharmaceutical reference manual" means the	28488
current edition, with cumulative changes if any, of references	28489
that are approved by the state board of pharmacy.	28490

(N) "Juvenile" means a person under eighteen years of age.	28491
(O) "Counterfeit controlled substance" means any of the	28492
following:	28493
(1) Any drug that bears, or whose container or label bears, a	28494
trademark, trade name, or other identifying mark used without	28495
authorization of the owner of rights to that trademark, trade	28496
name, or identifying mark;	28497
(2) Any unmarked or unlabeled substance that is represented	28498
to be a controlled substance manufactured, processed, packed, or	28499
distributed by a person other than the person that manufactured,	28500
processed, packed, or distributed it;	28501
(3) Any substance that is represented to be a controlled	28502
substance but is not a controlled substance or is a different	28503
controlled substance;	28504
(4) Any substance other than a controlled substance that a	28505
reasonable person would believe to be a controlled substance	28506
because of its similarity in shape, size, and color, or its	28507
markings, labeling, packaging, distribution, or the price for	28508
which it is sold or offered for sale.	28509
(P) An offense is "committed in the vicinity of a school" if	28510
the offender commits the offense on school premises, in a school	28511
building, or within one thousand feet of the boundaries of any	28512
school premises, regardless of whether the offender knows the	28513
offense is being committed on school premises, in a school	28514
building, or within one thousand feet of the boundaries of any	28515
school premises.	28516
(Q) "School" means any school operated by a board of	28517
education, any community school established under Chapter 3314. of	28518
the Revised Code, or any nonpublic school for which the state	28519
board of education prescribes minimum standards under section	28520
3301.07 of the Revised Code, whether or not any instruction,	28521



extracurricular activities, or training provided by the school is 28522  
being conducted at the time a criminal offense is committed. 28523

(R) "School premises" means either of the following: 28524

(1) The parcel of real property on which any school is 28525  
situated, whether or not any instruction, extracurricular 28526  
activities, or training provided by the school is being conducted 28527  
on the premises at the time a criminal offense is committed; 28528

(2) Any other parcel of real property that is owned or leased 28529  
by a board of education of a school, the governing authority of a 28530  
community school established under Chapter 3314. of the Revised 28531  
Code, or the governing body of a nonpublic school for which the 28532  
state board of education prescribes minimum standards under 28533  
section 3301.07 of the Revised Code and on which some of the 28534  
instruction, extracurricular activities, or training of the school 28535  
is conducted, whether or not any instruction, extracurricular 28536  
activities, or training provided by the school is being conducted 28537  
on the parcel of real property at the time a criminal offense is 28538  
committed. 28539

(S) "School building" means any building in which any of the 28540  
instruction, extracurricular activities, or training provided by a 28541  
school is conducted, whether or not any instruction, 28542  
extracurricular activities, or training provided by the school is 28543  
being conducted in the school building at the time a criminal 28544  
offense is committed. 28545

(T) "Disciplinary counsel" means the disciplinary counsel 28546  
appointed by the board of commissioners on grievances and 28547  
discipline of the supreme court under the Rules for the Government 28548  
of the Bar of Ohio. 28549

(U) "Certified grievance committee" means a duly constituted 28550  
and organized committee of the Ohio state bar association or of 28551  
one or more local bar associations of the state of Ohio that 28552

complies with the criteria set forth in Rule V, section 6 of the 28553  
Rules for the Government of the Bar of Ohio. 28554

(V) "Professional license" means any license, permit, 28555  
certificate, registration, qualification, admission, temporary 28556  
license, temporary permit, temporary certificate, or temporary 28557  
registration that is described in divisions (W)(1) to (36) of this 28558  
section and that qualifies a person as a professionally licensed 28559  
person. 28560

(W) "Professionally licensed person" means any of the 28561  
following: 28562

(1) A person who has obtained a license as a manufacturer of 28563  
controlled substances or a wholesaler of controlled substances 28564  
under Chapter 3719. of the Revised Code; 28565

(2) A person who has received a certificate or temporary 28566  
certificate as a certified public accountant or who has registered 28567  
as a public accountant under Chapter 4701. of the Revised Code and 28568  
who holds an Ohio permit issued under that chapter; 28569

(3) A person who holds a certificate of qualification to 28570  
practice architecture issued or renewed and registered under 28571  
Chapter 4703. of the Revised Code; 28572

(4) A person who is registered as a landscape architect under 28573  
Chapter 4703. of the Revised Code or who holds a permit as a 28574  
landscape architect issued under that chapter; 28575

(5) A person licensed under Chapter 4707. of the Revised 28576  
Code; 28577

(6) A person who has been issued a certificate of 28578  
registration as a registered barber under Chapter 4709. of the 28579  
Revised Code; 28580

(7) A person licensed and regulated to engage in the business 28581  
of a debt pooling company by a legislative authority, under 28582

authority of Chapter 4710. of the Revised Code;	28583
(8) A person who has been issued a cosmetologist's license,	28584
hair designer's license, manicurist's license, esthetician's	28585
license, natural hair stylist's license, advanced cosmetologist's	28586
license, advanced hair designer's license, advanced manicurist's	28587
license, advanced esthetician's license, advanced natural hair	28588
stylist's license, cosmetology instructor's license, hair design	28589
instructor's license, manicurist instructor's license, esthetics	28590
instructor's license, natural hair style instructor's license,	28591
independent contractor's license, or tanning facility permit under	28592
Chapter 4713. of the Revised Code;	28593
(9) A person who has been issued a license to practice	28594
dentistry, a general anesthesia permit, a conscious intravenous	28595
sedation permit, a limited resident's license, a limited teaching	28596
license, a dental hygienist's license, or a dental hygienist's	28597
teacher's certificate under Chapter 4715. of the Revised Code;	28598
(10) A person who has been issued an embalmer's license, a	28599
funeral director's license, a funeral home license, or a crematory	28600
license, or who has been registered for an embalmer's or funeral	28601
director's apprenticeship under Chapter 4717. of the Revised Code;	28602
(11) A person who has been licensed as a registered nurse or	28603
practical nurse, or who has been issued a certificate for the	28604
practice of nurse-midwifery under Chapter 4723. of the Revised	28605
Code;	28606
(12) A person who has been licensed to practice optometry or	28607
to engage in optical dispensing under Chapter 4725. of the Revised	28608
Code;	28609
(13) A person licensed to act as a pawnbroker under Chapter	28610
4727. of the Revised Code;	28611
(14) A person licensed to act as a precious metals dealer	28612
under Chapter 4728. of the Revised Code;	28613

- (15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code; 28614  
28615  
28616  
28617
- (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 28618  
28619
- (17) A person who has been issued a ~~certificate~~ license to practice medicine and surgery, osteopathic medicine and surgery, a ~~limited branch of medicine,~~ or ~~podiatry~~ podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 28620  
28621  
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28625
- (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; 28626  
28627
- (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 28628  
28629
- (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 28630  
28631
- (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 28632  
28633
- (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; 28634  
28635
- (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 28636  
28637
- (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 28638  
28639
- (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; 28640  
28641
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or 28642  
28643

who is registered as a graduate animal technician under Chapter	28644
4741. of the Revised Code;	28645
(27) A person who has been issued a hearing aid dealer's or	28646
fitter's license or trainee permit under Chapter 4747. of the	28647
Revised Code;	28648
(28) A person who has been issued a class A, class B, or	28649
class C license or who has been registered as an investigator or	28650
security guard employee under Chapter 4749. of the Revised Code;	28651
(29) A person licensed and registered to practice as a	28652
nursing home administrator under Chapter 4751. of the Revised	28653
Code;	28654
(30) A person licensed to practice as a speech-language	28655
pathologist or audiologist under Chapter 4753. of the Revised	28656
Code;	28657
(31) A person issued a license as an occupational therapist	28658
or physical therapist under Chapter 4755. of the Revised Code;	28659
(32) A person who is licensed as a licensed professional	28660
clinical counselor, licensed professional counselor, social	28661
worker, independent social worker, independent marriage and family	28662
therapist, or marriage and family therapist, or registered as a	28663
social work assistant under Chapter 4757. of the Revised Code;	28664
(33) A person issued a license to practice dietetics under	28665
Chapter 4759. of the Revised Code;	28666
(34) A person who has been issued a license or limited permit	28667
to practice respiratory therapy under Chapter 4761. of the Revised	28668
Code;	28669
(35) A person who has been issued a real estate appraiser	28670
certificate under Chapter 4763. of the Revised Code;	28671
(36) A person who has been admitted to the bar by order of	28672
the supreme court in compliance with its prescribed and published	28673

rules.	28674
(X) "Cocaine" means any of the following:	28675
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	28676 28677
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	28678 28679 28680 28681
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	28682 28683 28684 28685 28686 28687
(Y) "L.S.D." means lysergic acid diethylamide.	28688
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	28689 28690 28691
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	28692 28693
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	28694 28695 28696 28697 28698 28699 28700
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison	28701 28702 28703

term is a necessary sanction for a felony in order to comply with 28704  
the purposes and principles of sentencing under section 2929.11 of 28705  
the Revised Code. 28706

(DD) "Major drug offender" has the same meaning as in section 28707  
2929.01 of the Revised Code. 28708

(EE) "Minor drug possession offense" means either of the 28709  
following: 28710

(1) A violation of section 2925.11 of the Revised Code as it 28711  
existed prior to July 1, 1996; 28712

(2) A violation of section 2925.11 of the Revised Code as it 28713  
exists on and after July 1, 1996, that is a misdemeanor or a 28714  
felony of the fifth degree. 28715

(FF) "Mandatory prison term" has the same meaning as in 28716  
section 2929.01 of the Revised Code. 28717

(GG) "Adulterate" means to cause a drug to be adulterated as 28718  
described in section 3715.63 of the Revised Code. 28719

(HH) "Public premises" means any hotel, restaurant, tavern, 28720  
store, arena, hall, or other place of public accommodation, 28721  
business, amusement, or resort. 28722

(II) "Methamphetamine" means methamphetamine, any salt, 28723  
isomer, or salt of an isomer of methamphetamine, or any compound, 28724  
mixture, preparation, or substance containing methamphetamine or 28725  
any salt, isomer, or salt of an isomer of methamphetamine. 28726

(JJ) "Lawful prescription" means a prescription that is 28727  
issued for a legitimate medical purpose by a licensed health 28728  
professional authorized to prescribe drugs, that is not altered or 28729  
forged, and that was not obtained by means of deception or by the 28730  
commission of any theft offense. 28731

(KK) "Deception" and "theft offense" have the same meanings 28732  
as in section 2913.01 of the Revised Code. 28733

Sec. 2925.23. (A) No person shall knowingly make a false	28734
statement in any prescription, order, report, or record required	28735
by Chapter 3719. or 4729. of the Revised Code.	28736
(B) No person shall intentionally make, utter, or sell, or	28737
knowingly possess any of the following that is a false or forged:	28738
(1) Prescription;	28739
(2) Uncompleted preprinted prescription blank used for	28740
writing a prescription;	28741
(3) Official written order;	28742
(4) License for a terminal distributor of dangerous drugs, as	28743
<del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code;	28744
(5) <del>Registration certificate</del> <u>License</u> for a wholesale	28745
distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section	28746
<del>4729.60</del> <u>4729.01</u> of the Revised Code.	28747
(C) No person, by theft as defined in section 2913.02 of the	28748
Revised Code, shall acquire any of the following:	28749
(1) A prescription;	28750
(2) An uncompleted preprinted prescription blank used for	28751
writing a prescription;	28752
(3) An official written order;	28753
(4) A blank official written order;	28754
(5) A license or blank license for a terminal distributor of	28755
dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of	28756
the Revised Code;	28757
(6) A <del>registration certificate</del> <u>license</u> or blank <del>registration</del>	28758
<del>certificate</del> <u>license</u> for a wholesale distributor of dangerous	28759
drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the	28760
Revised Code.	28761



(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.

(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G)(1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed

for the offense under this section or sections 2929.11 to 2929.18 28793  
of the Revised Code, the court that sentences an offender who is 28794  
convicted of or pleads guilty to any violation of divisions (A) to 28795  
(D) of this section may suspend for not more than five years the 28796  
offender's driver's or commercial driver's license or permit. 28797  
However, if the offender pleaded guilty to or was convicted of a 28798  
violation of section 4511.19 of the Revised Code or a 28799  
substantially similar municipal ordinance or the law of another 28800  
state or the United States arising out of the same set of 28801  
circumstances as the violation, the court shall suspend the 28802  
offender's driver's or commercial driver's license or permit for 28803  
not more than five years. 28804

If the offender is a professionally licensed person, in 28805  
addition to any other sanction imposed for a violation of this 28806  
section, the court immediately shall comply with section 2925.38 28807  
of the Revised Code. 28808

(2) Any offender who received a mandatory suspension of the 28809  
offender's driver's or commercial driver's license or permit under 28810  
this section prior to ~~the effective date of this amendment~~ 28811  
September 13, 2016, may file a motion with the sentencing court 28812  
requesting the termination of the suspension. However, an offender 28813  
who pleaded guilty to or was convicted of a violation of section 28814  
4511.19 of the Revised Code or a substantially similar municipal 28815  
ordinance or law of another state or the United States that arose 28816  
out of the same set of circumstances as the violation for which 28817  
the offender's license or permit was suspended under this section 28818  
shall not file such a motion. 28819

Upon the filing of a motion under division (G)(2) of this 28820  
section, the sentencing court, in its discretion, may terminate 28821  
the suspension. 28822

(H) Notwithstanding any contrary provision of section 3719.21 28823  
of the Revised Code, the clerk of court shall pay a fine imposed 28824

for a violation of this section pursuant to division (A) of 28825  
section 2929.18 of the Revised Code in accordance with and subject 28826  
to the requirements of division (F) of section 2925.03 of the 28827  
Revised Code. The agency that receives the fine shall use the fine 28828  
as specified in division (F) of section 2925.03 of the Revised 28829  
Code. 28830

**Sec. 2929.20.** (A) As used in this section: 28831

(1)(a) Except as provided in division (A)(1)(b) of this 28832  
section, "eligible offender" means any person who, on or after 28833  
April 7, 2009, is serving a stated prison term that includes one 28834  
or more nonmandatory prison terms. 28835

(b) "Eligible offender" does not include any person who, on 28836  
or after April 7, 2009, is serving a stated prison term for any of 28837  
the following criminal offenses that was a felony and was 28838  
committed while the person held a public office in this state: 28839

(i) A violation of section 2921.02, 2921.03, 2921.05, 28840  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 28841  
Code; 28842

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 28843  
2921.12 of the Revised Code, when the conduct constituting the 28844  
violation was related to the duties of the offender's public 28845  
office or to the offender's actions as a public official holding 28846  
that public office; 28847

(iii) A violation of an existing or former municipal 28848  
ordinance or law of this or any other state or the United States 28849  
that is substantially equivalent to any violation listed in 28850  
division (A)(1)(b)(i) of this section; 28851

(iv) A violation of an existing or former municipal ordinance 28852  
or law of this or any other state or the United States that is 28853  
substantially equivalent to any violation listed in division 28854

(A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.

(3) "Public office" means any elected federal, state, or local government office in this state.

(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code.

(5) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code.

(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section.

(C) An eligible offender may file a motion for judicial

release with the sentencing court within the following applicable 28885  
periods: 28886

(1) If the aggregated nonmandatory prison term or terms is 28887  
less than two years, the eligible offender may file the motion ~~not~~ 28888  
~~earlier than thirty days~~ at any time after the offender is 28889  
delivered to a state correctional institution or, if the prison 28890  
term includes a mandatory prison term or terms, ~~not earlier than~~ 28891  
~~thirty days~~ at any time after the expiration of all mandatory 28892  
prison terms. 28893

(2) If the aggregated nonmandatory prison term or terms is at 28894  
least two years but less than five years, the eligible offender 28895  
may file the motion not earlier than one hundred eighty days after 28896  
the offender is delivered to a state correctional institution or, 28897  
if the prison term includes a mandatory prison term or terms, not 28898  
earlier than one hundred eighty days after the expiration of all 28899  
mandatory prison terms. 28900

(3) If the aggregated nonmandatory prison term or terms is 28901  
five years, the eligible offender may file the motion not earlier 28902  
than the date on which the eligible offender has served four years 28903  
of the offender's stated prison term or, if the prison term 28904  
includes a mandatory prison term or terms, not earlier than four 28905  
years after the expiration of all mandatory prison terms. 28906

(4) If the aggregated nonmandatory prison term or terms is 28907  
more than five years but not more than ten years, the eligible 28908  
offender may file the motion not earlier than the date on which 28909  
the eligible offender has served five years of the offender's 28910  
stated prison term or, if the prison term includes a mandatory 28911  
prison term or terms, not earlier than five years after the 28912  
expiration of all mandatory prison terms. 28913

(5) If the aggregated nonmandatory prison term or terms is 28914  
more than ten years, the eligible offender may file the motion not 28915

earlier than the later of the date on which the offender has 28916  
served one-half of the offender's stated prison term or the date 28917  
specified in division (C)(4) of this section. 28918

(D) Upon receipt of a timely motion for judicial release 28919  
filed by an eligible offender under division (C) of this section 28920  
or upon the sentencing court's own motion made within the 28921  
appropriate time specified in that division, the court may deny 28922  
the motion without a hearing or schedule a hearing on the motion. 28923  
The court shall not grant the motion without a hearing. If a court 28924  
denies a motion without a hearing, the court later may consider 28925  
judicial release for that eligible offender on a subsequent motion 28926  
filed by that eligible offender unless the court denies the motion 28927  
with prejudice. If a court denies a motion with prejudice, the 28928  
court may later consider judicial release on its own motion. If a 28929  
court denies a motion after a hearing, the court shall not 28930  
consider a subsequent motion for that eligible offender. The court 28931  
shall hold only one hearing for any eligible offender. 28932

A hearing under this section shall be conducted in open court 28933  
not less than thirty or more than sixty days after the motion is 28934  
filed, provided that the court may delay the hearing for one 28935  
hundred eighty additional days. If the court holds a hearing, the 28936  
court shall enter a ruling on the motion within ten days after the 28937  
hearing. If the court denies the motion without a hearing, the 28938  
court shall enter its ruling on the motion within sixty days after 28939  
the motion is filed. 28940

(E) If a court schedules a hearing under division (D) of this 28941  
section, the court shall notify the eligible offender and the head 28942  
of the state correctional institution in which the eligible 28943  
offender is confined prior to the hearing. The head of the state 28944  
correctional institution immediately shall notify the appropriate 28945  
person at the department of rehabilitation and correction of the 28946  
hearing, and the department within twenty-four hours after receipt 28947

of the notice, shall post on the database it maintains pursuant to 28948  
section 5120.66 of the Revised Code the offender's name and all of 28949  
the information specified in division (A)(1)(c)(i) of that 28950  
section. If the court schedules a hearing for judicial release, 28951  
the court promptly shall give notice of the hearing to the 28952  
prosecuting attorney of the county in which the eligible offender 28953  
was indicted. Upon receipt of the notice from the court, the 28954  
prosecuting attorney shall do whichever of the following is 28955  
applicable: 28956

(1) Subject to division (E)(2) of this section, notify the 28957  
victim of the offense or the victim's representative pursuant to 28958  
division (B) of section 2930.16 of the Revised Code; 28959

(2) If the offense was an offense of violence that is a 28960  
felony of the first, second, or third degree, except as otherwise 28961  
provided in this division, notify the victim or the victim's 28962  
representative of the hearing regardless of whether the victim or 28963  
victim's representative has requested the notification. The notice 28964  
of the hearing shall not be given under this division to a victim 28965  
or victim's representative if the victim or victim's 28966  
representative has requested pursuant to division (B)(2) of 28967  
section 2930.03 of the Revised Code that the victim or the 28968  
victim's representative not be provided the notice. If notice is 28969  
to be provided to a victim or victim's representative under this 28970  
division, the prosecuting attorney may give the notice by any 28971  
reasonable means, including regular mail, telephone, and 28972  
electronic mail, in accordance with division (D)(1) of section 28973  
2930.16 of the Revised Code. If the notice is based on an offense 28974  
committed prior to March 22, 2013, the notice also shall include 28975  
the opt-out information described in division (D)(1) of section 28976  
2930.16 of the Revised Code. The prosecuting attorney, in 28977  
accordance with division (D)(2) of section 2930.16 of the Revised 28978  
Code, shall keep a record of all attempts to provide the notice, 28979

and of all notices provided, under this division. Division (E)(2) 28980  
of this section, and the notice-related provisions of division (K) 28981  
of this section, division (D)(1) of section 2930.16, division (H) 28982  
of section 2967.12, division (E)(1)(b) of section 2967.19, 28983  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 28984  
2967.28, and division (A)(2) of section 5149.101 of the Revised 28985  
Code enacted in the act in which division (E)(2) of this section 28986  
was enacted, shall be known as "Roberta's Law." 28987

(F) Upon an offender's successful completion of 28988  
rehabilitative activities, the head of the state correctional 28989  
institution may notify the sentencing court of the successful 28990  
completion of the activities. 28991

(G) Prior to the date of the hearing on a motion for judicial 28992  
release under this section, the head of the state correctional 28993  
institution in which the eligible offender is confined shall send 28994  
to the court an institutional summary report on the eligible 28995  
offender's conduct in the institution and in any institution from 28996  
which the eligible offender may have been transferred. Upon the 28997  
request of the prosecuting attorney of the county in which the 28998  
eligible offender was indicted or of any law enforcement agency, 28999  
the head of the state correctional institution, at the same time 29000  
the person sends the institutional summary report to the court, 29001  
also shall send a copy of the report to the requesting prosecuting 29002  
attorney and law enforcement agencies. The institutional summary 29003  
report shall cover the eligible offender's participation in 29004  
school, vocational training, work, treatment, and other 29005  
rehabilitative activities and any disciplinary action taken 29006  
against the eligible offender. The report shall be made part of 29007  
the record of the hearing. A presentence investigation report is 29008  
not required for judicial release. 29009

(H) If the court grants a hearing on a motion for judicial 29010  
release under this section, the eligible offender shall attend the 29011



hearing if ordered to do so by the court. Upon receipt of a copy 29012  
of the journal entry containing the order, the head of the state 29013  
correctional institution in which the eligible offender is 29014  
incarcerated shall deliver the eligible offender to the sheriff of 29015  
the county in which the hearing is to be held. The sheriff shall 29016  
convey the eligible offender to and from the hearing. 29017

(I) At the hearing on a motion for judicial release under 29018  
this section, the court shall afford the eligible offender and the 29019  
eligible offender's attorney an opportunity to present written 29020  
and, if present, oral information relevant to the motion. The 29021  
court shall afford a similar opportunity to the prosecuting 29022  
attorney, the victim or the victim's representative, and any other 29023  
person the court determines is likely to present additional 29024  
relevant information. The court shall consider any statement of a 29025  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 29026  
Code, any victim impact statement prepared pursuant to section 29027  
2947.051 of the Revised Code, and any report made under division 29028  
(G) of this section. The court may consider any written statement 29029  
of any person submitted to the court pursuant to division (L) of 29030  
this section. After ruling on the motion, the court shall notify 29031  
the victim of the ruling in accordance with sections 2930.03 and 29032  
2930.16 of the Revised Code. 29033

(J)(1) A court shall not grant a judicial release under this 29034  
section to an eligible offender who is imprisoned for a felony of 29035  
the first or second degree, or to an eligible offender who 29036  
committed an offense under Chapter 2925. or 3719. of the Revised 29037  
Code and for whom there was a presumption under section 2929.13 of 29038  
the Revised Code in favor of a prison term, unless the court, with 29039  
reference to factors under section 2929.12 of the Revised Code, 29040  
finds both of the following: 29041

(a) That a sanction other than a prison term would adequately 29042  
punish the offender and protect the public from future criminal 29043

violations by the eligible offender because the applicable factors 29044  
indicating a lesser likelihood of recidivism outweigh the 29045  
applicable factors indicating a greater likelihood of recidivism; 29046

(b) That a sanction other than a prison term would not demean 29047  
the seriousness of the offense because factors indicating that the 29048  
eligible offender's conduct in committing the offense was less 29049  
serious than conduct normally constituting the offense outweigh 29050  
factors indicating that the eligible offender's conduct was more 29051  
serious than conduct normally constituting the offense. 29052

(2) A court that grants a judicial release to an eligible 29053  
offender under division (J)(1) of this section shall specify on 29054  
the record both findings required in that division and also shall 29055  
list all the factors described in that division that were 29056  
presented at the hearing. 29057

(K) If the court grants a motion for judicial release under 29058  
this section, the court shall order the release of the eligible 29059  
offender, shall place the eligible offender under an appropriate 29060  
community control sanction, under appropriate conditions, and 29061  
under the supervision of the department of probation serving the 29062  
court and shall reserve the right to reimpose the sentence that it 29063  
reduced if the offender violates the sanction. If the court 29064  
reimposes the reduced sentence, it may do so either concurrently 29065  
with, or consecutive to, any new sentence imposed upon the 29066  
eligible offender as a result of the violation that is a new 29067  
offense. Except as provided in division (R)(2) of this section, 29068  
the period of community control shall be no longer than five 29069  
years. The court, in its discretion, may reduce the period of 29070  
community control by the amount of time the eligible offender 29071  
spent in jail or prison for the offense and in prison. If the 29072  
court made any findings pursuant to division (J)(1) of this 29073  
section, the court shall serve a copy of the findings upon counsel 29074  
for the parties within fifteen days after the date on which the 29075

court grants the motion for judicial release. 29076

If the court grants a motion for judicial release, the court 29077  
shall notify the appropriate person at the department of 29078  
rehabilitation and correction, and the department shall post 29079  
notice of the release on the database it maintains pursuant to 29080  
section 5120.66 of the Revised Code. The court also shall notify 29081  
the prosecuting attorney of the county in which the eligible 29082  
offender was indicted that the motion has been granted. Unless the 29083  
victim or the victim's representative has requested pursuant to 29084  
division (B)(2) of section 2930.03 of the Revised Code that the 29085  
victim or victim's representative not be provided the notice, the 29086  
prosecuting attorney shall notify the victim or the victim's 29087  
representative of the judicial release in any manner, and in 29088  
accordance with the same procedures, pursuant to which the 29089  
prosecuting attorney is authorized to provide notice of the 29090  
hearing pursuant to division (E)(2) of this section. If the notice 29091  
is based on an offense committed prior to March 22, 2013, the 29092  
notice to the victim or victim's representative also shall include 29093  
the opt-out information described in division (D)(1) of section 29094  
2930.16 of the Revised Code. 29095

(L) In addition to and independent of the right of a victim 29096  
to make a statement pursuant to section 2930.14, 2930.17, or 29097  
2946.051 of the Revised Code and any right of a person to present 29098  
written information or make a statement pursuant to division (I) 29099  
of this section, any person may submit to the court, at any time 29100  
prior to the hearing on the offender's motion for judicial 29101  
release, a written statement concerning the effects of the 29102  
offender's crime or crimes, the circumstances surrounding the 29103  
crime or crimes, the manner in which the crime or crimes were 29104  
perpetrated, and the person's opinion as to whether the offender 29105  
should be released. 29106

(M) The changes to this section that are made on September 29107

30, 2011, apply to any judicial release decision made on or after 29108  
September 30, 2011, for any eligible offender. 29109

(N) Notwithstanding the eligibility requirements specified in 29110  
division (A) of this section and the filing time frames specified 29111  
in division (C) of this section and notwithstanding the findings 29112  
required under division (J) of this section, the sentencing court, 29113  
upon the court's own motion and after considering whether the 29114  
release of the offender into society would create undue risk to 29115  
public safety, may grant a judicial release to an offender who is 29116  
not serving a life sentence at any time during the offender's 29117  
imposed sentence when the director of rehabilitation and 29118  
correction certifies to the sentencing court through the chief 29119  
medical officer for the department of rehabilitation and 29120  
correction that the offender is in imminent danger of death, is 29121  
medically incapacitated, or is suffering from a terminal illness. 29122

(O) The director of rehabilitation and correction shall not 29123  
certify any offender under division (N) of this section who is 29124  
serving a death sentence. 29125

(P) A motion made by the court under division (N) of this 29126  
section is subject to the notice, hearing, and other procedural 29127  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 29128  
and (L) of this section, except for the following: 29129

(1) The court may waive the offender's appearance at any 29130  
hearing scheduled by the court if the offender's condition makes 29131  
it impossible for the offender to participate meaningfully in the 29132  
proceeding. 29133

(2) The court may grant the motion without a hearing, 29134  
provided that the prosecuting attorney and victim or victim's 29135  
representative to whom notice of the hearing was provided under 29136  
division (E) of this section indicate that they do not wish to 29137  
participate in the hearing or present information relevant to the 29138

motion. 29139

(Q) The court may request health care records from the 29140  
department of rehabilitation and correction to verify the 29141  
certification made under division (N) of this section. 29142

(R)(1) If the court grants judicial release under division 29143  
(N) of this section, the court shall do all of the following: 29144

(a) Order the release of the offender; 29145

(b) Place the offender under an appropriate community control 29146  
sanction, under appropriate conditions; 29147

(c) Place the offender under the supervision of the 29148  
department of probation serving the court or under the supervision 29149  
of the adult parole authority. 29150

(2) The court, in its discretion, may revoke the judicial 29151  
release if the offender violates the community control sanction 29152  
described in division (R)(1) of this section. The period of that 29153  
community control is not subject to the five-year limitation 29154  
described in division (K) of this section and shall not expire 29155  
earlier than the date on which all of the offender's mandatory 29156  
prison terms expire. 29157

(S) If the health of an offender who is released under 29158  
division (N) of this section improves so that the offender is no 29159  
longer terminally ill, medically incapacitated, or in imminent 29160  
danger of death, the court shall, upon the court's own motion, 29161  
revoke the judicial release. The court shall not grant the motion 29162  
without a hearing unless the offender waives a hearing. If a 29163  
hearing is held, the court shall afford the offender and the 29164  
offender's attorney an opportunity to present written and, if the 29165  
offender or the offender's attorney is present, oral information 29166  
relevant to the motion. The court shall afford a similar 29167  
opportunity to the prosecuting attorney, the victim or the 29168  
victim's representative, and any other person the court determines 29169

is likely to present additional relevant information. A court that 29170  
grants a motion under this division shall specify its findings on 29171  
the record. 29172

**Sec. 2929.34.** (A) A person who is convicted of or pleads 29173  
guilty to aggravated murder, murder, or an offense punishable by 29174  
life imprisonment and who is sentenced to a term of life 29175  
imprisonment or a prison term pursuant to that conviction shall 29176  
serve that term in an institution under the control of the 29177  
department of rehabilitation and correction. 29178

(B)(1) A person who is convicted of or pleads guilty to a 29179  
felony other than aggravated murder, murder, or an offense 29180  
punishable by life imprisonment and who is sentenced to a term of 29181  
imprisonment or a prison term pursuant to that conviction shall 29182  
serve that term as follows: 29183

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 29184  
this section, in an institution under the control of the 29185  
department of rehabilitation and correction if the term is a 29186  
prison term or as otherwise determined by the sentencing court 29187  
pursuant to section 2929.16 of the Revised Code if the term is not 29188  
a prison term; 29189

(b) In a facility of a type described in division (G)(1) of 29190  
section 2929.13 of the Revised Code, if the offender is sentenced 29191  
pursuant to that division. 29192

(2) If the term is a prison term, the person may be 29193  
imprisoned in a jail that is not a minimum security jail pursuant 29194  
to agreement under section 5120.161 of the Revised Code between 29195  
the department of rehabilitation and correction and the local 29196  
authority that operates the jail. 29197

(3)(a) Except as provided in division (B)(3)(b) of this 29198  
section, on and after July 1, 2018, no person sentenced to a 29199

prison term that is twelve months or less for a felony of the 29200  
fifth degree shall serve the term in an institution under the 29201  
control of the department of rehabilitation and correction. The 29202  
person shall instead serve the sentence as a term of confinement 29203  
in a facility of a type described in division (C) or (D) of this 29204  
section, except that if the person is sentenced for multiple 29205  
offenses and the total term for all of the offenses for which the 29206  
person is sentenced exceeds twelve months, the person shall serve 29207  
the term in an institution under the control of the department of 29208  
rehabilitation and correction. Nothing in this division or in 29209  
section 5120.116 of the Revised Code relieves the state of its 29210  
obligation to pay for the cost of confinement of the person in a 29211  
community-based correctional facility under division (D) of this 29212  
section. 29213

(b) Division (B)(3)(a) of this section does not apply to any 29214  
person to whom any of the following apply: 29215

(i) The felony of the fifth degree was an offense of 29216  
violence, as defined in section 2901.01 of the Revised Code, a sex 29217  
offense under Chapter 2907. of the Revised Code, or any offense 29218  
for which a mandatory prison term is required. 29219

(ii) The person previously has been convicted of or pleaded 29220  
guilty to any felony offense of violence, as defined in section 29221  
2901.01 of the Revised Code. 29222

(iii) The person previously has been convicted of or pleaded 29223  
guilty to any felony sex offense under Chapter 2907. of the 29224  
Revised Code. 29225

(iv) The person's sentence is required to be served 29226  
concurrently to any other sentence imposed upon the person for a 29227  
felony that is required to be served in an institution under the 29228  
control of the department of rehabilitation and correction. 29229

(v) The person's sentence is authorized to be served in an 29230

institution of the type described in division (B)(1)(a) of this 29231  
section under the local confinement exemption for the county 29232  
served by the court of common pleas that imposed the sentence and 29233  
that applies in the state fiscal year in which the sentence was 29234  
imposed, as determined under division (B)(1) of section 5120.116 29235  
of the Revised Code, or under an initial or continuing local 29236  
confinement waiver with respect to that person, as determined 29237  
under section 5120.117 of the Revised Code. 29238

(C) A person who is convicted of or pleads guilty to one or 29239  
more misdemeanors and who is sentenced to a jail term or term of 29240  
imprisonment pursuant to the conviction or convictions shall serve 29241  
that term in a county, multicounty, municipal, municipal-county, 29242  
or multicounty-municipal jail or workhouse; in a community 29243  
alternative sentencing center or district community alternative 29244  
sentencing center when authorized by section 307.932 of the 29245  
Revised Code; or, if the misdemeanor or misdemeanors are not 29246  
offenses of violence, in a minimum security jail. 29247

(D) Nothing in this section prohibits the commitment, 29248  
referral, or sentencing of a person who is convicted of or pleads 29249  
guilty to a felony to a community-based correctional facility. 29250

**Sec. 2929.341.** (A) On or after the date that is thirty days 29251  
following the effective date of this section, if a judge sentences 29252  
a person to a prison term or jail term to be served in a local 29253  
correctional facility and the sentence would increase the inmate 29254  
population of the facility beyond its desired inmate capacity, the 29255  
sheriff, administrator, jailer, or other person responsible for 29256  
operating the local correctional facility may notify the judge 29257  
that the sentence will have that effect. 29258

(B) If a sheriff, administrator, jailer, or other person 29259  
responsible for operating a local correctional facility provides 29260  
notice to a judge under division (A) of this section, within 29261



twenty-four hours after receiving the notice, the judge shall do 29262  
either of the following: 29263

(1) Modify the sentence of the offender by sentencing the 29264  
offender to another local correctional facility where the judge is 29265  
authorized to sentence an offender or, unless the offense requires 29266  
a mandatory prison term or jail term, by imposing a community 29267  
control sanction in substitution of the original sentence; 29268

(2) Order the release of an inmate who is confined in the 29269  
facility under a sentence previously imposed by the judge and who 29270  
is not serving a mandatory prison term or jail term. 29271

(C) If the judge does not act in accordance with division (B) 29272  
of this section within twenty-four hours of receiving notice under 29273  
division (A) of this section that the local correctional facility 29274  
would exceed its desired inmate capacity, the sheriff, 29275  
administrator, jailer, or other person responsible for operating 29276  
the facility may release an inmate who has served at least ninety 29277  
per cent of the inmate's sentence, so long as the inmate has not 29278  
been convicted of or pleaded guilty to any offense of violence, as 29279  
defined in section 2901.01 of the Revised Code, or any sex offense 29280  
under Chapter 2907. of the Revised Code, and is not serving a 29281  
mandatory prison term or jail term. 29282

(D) As used in this section: 29283

(1) "Desired inmate capacity" means the capacity of a local 29284  
correctional facility specified in the memorandum of understanding 29285  
approved by the department of rehabilitation and correction under 29286  
section 5149.38 of the Revised Code or, if the memorandum is not 29287  
approved, either within thirty days following the effective date 29288  
of this section or by thirty days after the beginning of the state 29289  
fiscal year whenever the memorandum is revised, the capacity of 29290  
the facility previously determined by the department of 29291  
rehabilitation and correction. 29292

(2) "Local correctional facility" means a facility of a type 29293  
described in division (C) or (D) of section 2929.34 of the Revised 29294  
Code. 29295

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 29296  
an indigent person under division (E) of section 120.16 or 29297  
division (E) of section 120.26 of the Revised Code, or otherwise 29298  
appointed by the court, except for counsel appointed by the court 29299  
to provide legal representation for a person charged with a 29300  
violation of an ordinance of a municipal corporation, shall be 29301  
paid for their services by the county the compensation and 29302  
expenses that the trial court approves. Each request for payment 29303  
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 29304  
~~affidavit of indigency that are~~ completed by the indigent person 29305  
on ~~forms~~ a form prescribed by the state public defender. 29306  
Compensation and expenses shall not exceed the amounts fixed by 29307  
the board of county commissioners pursuant to division (B) of this 29308  
section. 29309

(B) The board of county commissioners shall establish a 29310  
schedule of fees by case or on an hourly basis to be paid by the 29311  
county for legal services provided by appointed counsel. Prior to 29312  
establishing such schedule, the board shall request the bar 29313  
association or associations of the county to submit a proposed 29314  
schedule for cases other than capital cases. The schedule 29315  
submitted shall be subject to the review, amendment, and approval 29316  
of the board of county commissioners, except with respect to 29317  
capital cases. With respect to capital cases, the schedule shall 29318  
provide for fees by case or on an hourly basis to be paid to 29319  
counsel in the amount or at the rate set by the capital case 29320  
attorney fee council pursuant to division (D) of section 120.33 of 29321  
the Revised Code, and the board of county commissioners shall 29322  
approve that amount or rate. 29323

With respect to capital cases, counsel shall be paid 29324  
compensation and expenses in accordance with the amount or at the 29325  
rate set by the capital case attorney fee council pursuant to 29326  
division (D) of section 120.33 of the Revised Code. 29327

(C) In a case where counsel have been appointed to conduct an 29328  
appeal under Chapter 120. of the Revised Code, such compensation 29329  
shall be fixed by the court of appeals or the supreme court, as 29330  
provided in divisions (A) and (B) of this section. 29331

(D) The fees and expenses approved by the court under this 29332  
section shall not be taxed as part of the costs and shall be paid 29333  
by the county. However, if the person represented has, or 29334  
reasonably may be expected to have, the means to meet some part of 29335  
the cost of the services rendered to the person, the person shall 29336  
pay the county an amount that the person reasonably can be 29337  
expected to pay. Pursuant to section 120.04 of the Revised Code, 29338  
the county shall pay to the state public defender a percentage of 29339  
the payment received from the person in an amount proportionate to 29340  
the percentage of the costs of the person's case that were paid to 29341  
the county by the state public defender pursuant to this section. 29342  
The money paid to the state public defender shall be credited to 29343  
the client payment fund created pursuant to division (B)(5) of 29344  
section 120.04 of the Revised Code. 29345

(E) The county auditor shall draw a warrant on the county 29346  
treasurer for the payment of such counsel in the amount fixed by 29347  
the court, plus the expenses that the court fixes and certifies to 29348  
the auditor. The county auditor shall report periodically, but not 29349  
less than annually, to the board of county commissioners and to 29350  
the Ohio public defender commission the amounts paid out pursuant 29351  
to the approval of the court under this section, separately 29352  
stating costs and expenses that are reimbursable under section 29353  
120.35 of the Revised Code. The board, after review and approval 29354  
of the auditor's report, may then certify it to the state public 29355

defender for reimbursement. The request for reimbursement shall be 29356  
accompanied by a financial disclosure form completed by each 29357  
indigent person for whom counsel was provided on a form prescribed 29358  
by the state public defender. The state public defender shall 29359  
review the report and, in accordance with the standards, 29360  
guidelines, and maximums established pursuant to divisions (B)(7) 29361  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 29362  
of the total cost, other than costs and expenses that are 29363  
reimbursable under section 120.35 of the Revised Code, if any, of 29364  
paying appointed counsel in each county and pay ~~fifty~~ one hundred 29365  
per cent of costs and expenses that are reimbursable under section 29366  
120.35 of the Revised Code, if any, to the board. 29367

(F) If any county system for paying appointed counsel fails 29368  
to maintain the standards for the conduct of the system 29369  
established by the rules of the Ohio public defender commission 29370  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 29371  
Code or the standards established by the state public defender 29372  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 29373  
the commission shall notify the board of county commissioners of 29374  
the county that the county system for paying appointed counsel has 29375  
failed to comply with its rules. Unless the board corrects the 29376  
conduct of its appointed counsel system to comply with the rules 29377  
within ninety days after the date of the notice, the state public 29378  
defender may deny all or part of the county's reimbursement from 29379  
the state provided for in this section. 29380

**Sec. 2953.25.** (A) As used in this section: 29381

(1) "Collateral sanction" means a penalty, disability, or 29382  
disadvantage that is related to employment or occupational 29383  
licensing, however denominated, as a result of the individual's 29384  
conviction of or plea of guilty to an offense and that applies by 29385  
operation of law in this state whether or not the penalty, 29386

disability, or disadvantage is included in the sentence or	29387
judgment imposed.	29388
"Collateral sanction" does not include imprisonment,	29389
probation, parole, supervised release, forfeiture, restitution,	29390
fine, assessment, or costs of prosecution.	29391
(2) "Decision-maker" includes, but is not limited to, the	29392
state acting through a department, agency, board, commission, or	29393
instrumentality established by the law of this state for the	29394
exercise of any function of government, a political subdivision,	29395
an educational institution, or a government contractor or	29396
subcontractor made subject to this section by contract, law, or	29397
ordinance.	29398
(3) "Department-funded program" means a residential or	29399
nonresidential program that is not a term in a state correctional	29400
institution, that is funded in whole or part by the department of	29401
rehabilitation and correction, and that is imposed as a sanction	29402
for an offense, as part of a sanction that is imposed for an	29403
offense, or as a term or condition of any sanction that is imposed	29404
for an offense.	29405
(4) "Designee" means the person designated by the deputy	29406
director of the division of parole and community services to	29407
perform the duties designated in division (B) of this section.	29408
(5) "Division of parole and community services" means the	29409
division of parole and community services of the department of	29410
rehabilitation and correction.	29411
(6) "Offense" means any felony or misdemeanor under the laws	29412
of this state.	29413
(7) "Political subdivision" has the same meaning as in	29414
section 2969.21 of the Revised Code.	29415
(B)(1) <del>After the provisions of this division become operative</del>	29416

~~as described in division (J) of this section, an~~ An individual who 29417  
is subject to one or more collateral sanctions as a result of 29418  
being convicted of or pleading guilty to an offense and who either 29419  
has served a term in a state correctional institution for any 29420  
offense or has spent time in a department-funded program for any 29421  
offense may file a petition with the designee of the deputy 29422  
director of the division of parole and community services for a 29423  
certificate of qualification for employment. 29424

(2) ~~After the provisions of this division become operative as~~ 29425  
~~described in division (J) of this section, an~~ An individual who is 29426  
subject to one or more collateral sanctions as a result of being 29427  
convicted of or pleading guilty to an offense and who is not in a 29428  
category described in division (B)(1) of this section may file a 29429  
~~petition with the court of common pleas of the county in which the~~ 29430  
~~person resides or with the designee of the deputy director of the~~ 29431  
~~division of parole and community services~~ for a certificate of 29432  
qualification for employment by doing either of the following: 29433

(a) In the case of an individual who resides in this state, 29434  
filing a petition with the court of common pleas of the county in 29435  
which the person resides or with the designee of the deputy 29436  
director of the division of parole and community services; 29437

(b) In the case of an individual who resides outside of this 29438  
state, filing a petition with the court of common pleas of any 29439  
county in which any conviction or plea of guilty from which the 29440  
individual seeks relief was entered or with the designee of the 29441  
deputy director of the division of parole and community services. 29442

(3) A petition under division (B)(1) or (2) of this section 29443  
shall be made on a copy of the form prescribed by the division of 29444  
parole and community services under division (J) of this section 29445  
and shall contain all of the information described in division (F) 29446  
of this section. 29447

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this section, an individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable: 29448  
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29450  
29451

~~(a)~~(i) If the offense that resulted in the collateral 29452  
sanction from which the individual seeks relief is a felony, at 29453  
any time after the expiration of one year from the date of release 29454  
of the individual from any period of incarceration in a state or 29455  
local correctional facility that was imposed for that offense and 29456  
all periods of supervision imposed after release from the period 29457  
of incarceration or, if the individual was not incarcerated for 29458  
that offense, at any time after the expiration of one year from 29459  
the date of the individual's final release from all other 29460  
sanctions imposed for that offense. 29461

~~(b)~~(ii) If the offense that resulted in the collateral 29462  
sanction from which the individual seeks relief is a misdemeanor, 29463  
at any time after the expiration of six months from the date of 29464  
release of the individual from any period of incarceration in a 29465  
local correctional facility that was imposed for that offense and 29466  
all periods of supervision imposed after release from the period 29467  
of incarceration or, if the individual was not incarcerated for 29468  
that offense, at any time after the expiration of six months from 29469  
the date of the final release of the individual from all sanctions 29470  
imposed for that offense including any period of supervision. 29471

(b) The department of rehabilitation and correction may 29472  
establish criteria by rule adopted under Chapter 119. of the 29473  
Revised Code that, if satisfied by an individual, would allow the 29474  
individual to file a petition before the expiration of six months 29475  
or one year from the date of final release, whichever is 29476  
applicable under division (B)(4)(a) of this section. 29477

(5)(a) A designee that receives a petition for a 29478  
~~certification~~ certificate of qualification for employment from an 29479

individual under division (B)(1) or (2) of this section shall 29480  
review the petition to determine whether it is complete. If the 29481  
petition is complete, the designee shall forward the petition, and 29482  
any other information the designee possesses that relates to the 29483  
petition, to the court of common pleas of the county in which the 29484  
individual resides if the individual submitting the petition 29485  
resides in this state or, if the individual resides outside of 29486  
this state, to the court of common pleas of the county in which 29487  
the conviction or plea of guilty from which the individual seeks 29488  
relief was entered. 29489

(b) A court of common pleas that receives a petition for a 29490  
certificate of qualification for employment from an individual 29491  
under division (B)(2) of this section, or that is forwarded a 29492  
petition for such a certificate under division (B)(5)(a) of this 29493  
section, shall attempt to determine all other courts in this state 29494  
in which the individual was convicted of or pleaded guilty to an 29495  
offense other than the offense from which the individual is 29496  
seeking relief. The court that receives or is forwarded the 29497  
petition shall notify all other courts in this state that it 29498  
determines under this division were courts in which the individual 29499  
was convicted of or pleaded guilty to an offense other than the 29500  
offense from which the individual is seeking relief that the 29501  
individual has filed the petition and that the court may send 29502  
comments regarding the possible issuance of the certificate. 29503

A court of common pleas that receives a petition for a 29504  
certificate of qualification for employment under division (B)(2) 29505  
of this section shall notify the county's prosecuting attorney ~~of~~ 29506  
~~the county in which the individual resides~~ that the individual has 29507  
filed the petition. 29508

A court of common pleas that receives a petition for a 29509  
certificate of qualification for employment under division (B)(2) 29510  
of this section, or that is forwarded a petition for qualification 29511



under division (B)(5)(a) of this section may direct the clerk of 29512  
court to process and record all notices required in or under this 29513  
section. 29514

(C)(1) Upon receiving a petition for a certificate of 29515  
qualification for employment filed by an individual under division 29516  
(B)(2) of this section or being forwarded a petition for such a 29517  
certificate under division (B)(5)(a) of this section, the court 29518  
shall review the individual's petition, the individual's criminal 29519  
history, all filings submitted by the prosecutor or by the victim 29520  
in accordance with rules adopted by the division of parole and 29521  
community services, the applicant's military service record, if 29522  
applicable, and whether the applicant has an emotional, mental, or 29523  
physical condition that is traceable to the applicant's military 29524  
service in the armed forces of the United States and that was a 29525  
contributing factor in the commission of the offense or offenses, 29526  
and all other relevant evidence. The court may order any report, 29527  
investigation, or disclosure by the individual that the court 29528  
believes is necessary for the court to reach a decision on whether 29529  
to approve the individual's petition for a certificate of 29530  
qualification for employment. 29531

(2) Upon receiving a petition for a certificate of 29532  
qualification for employment filed by an individual under division 29533  
(B)(2) of this section or being forwarded a petition for such a 29534  
certificate under division (B)(5)(a) of this section, except as 29535  
otherwise provided in this division, the court shall decide 29536  
whether to issue the certificate within sixty days after the court 29537  
receives or is forwarded the completed petition and all 29538  
information requested for the court to make that decision. Upon 29539  
request of the individual who filed the petition, the court may 29540  
extend the sixty-day period specified in this division. 29541

(3) Subject to division (C)(5) of this section, a court that 29542  
receives an individual's petition for a certificate of 29543

qualification for employment under division (B)(2) of this section 29544  
or that is forwarded a petition for such a certificate under 29545  
division (B)(5)(a) of this section may issue a certificate of 29546  
qualification for employment, at the court's discretion, if the 29547  
court finds that the individual has established all of the 29548  
following by a preponderance of the evidence: 29549

(a) Granting the petition will materially assist the 29550  
individual in obtaining employment or occupational licensing. 29551

(b) The individual has a substantial need for the relief 29552  
requested in order to live a law-abiding life. 29553

(c) Granting the petition would not pose an unreasonable risk 29554  
to the safety of the public or any individual. 29555

(4) The submission of an incomplete petition by an individual 29556  
shall not be grounds for the designee or court to deny the 29557  
petition. 29558

(5) ~~A court that receives an individual's petition for a 29559  
certificate of qualification for employment under division (B)(2) 29560  
of this section or that is forwarded a petition for such a 29561  
certificate under division (B)(5)(a) of this section shall not 29562  
issue a certificate of qualification for employment that grants 29563  
the individual shall not create relief from any of the following 29564  
collateral sanctions: 29565~~

(a) Requirements imposed by Chapter 2950. of the Revised Code 29566  
and rules adopted under sections 2950.13 and 2950.132 of the 29567  
Revised Code; 29568

(b) A driver's license, commercial driver's license, or 29569  
probationary license suspension, cancellation, or revocation 29570  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 29571  
Revised Code if the relief sought is available pursuant to section 29572  
4510.021 or division (B) of section 4510.13 of the Revised Code; 29573

(c) Restrictions on employment as a prosecutor or law enforcement officer;	29574 29575
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;	29576 29577 29578 29579 29580 29581 29582 29583 29584 29585
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	29586 29587 29588 29589 29590
(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;	29591 29592 29593
(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.	29594 29595 29596 29597
(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent	29598 29599 29600 29601 29602 29603 29604

petition for a certificate of qualification for employment. The 29605  
written notice must notify the individual of any conditions placed 29606  
on the individual's filing of a subsequent petition for a 29607  
certificate of qualification for employment. 29608

If a court of common pleas that receives an individual's 29609  
petition for a certificate of qualification for employment under 29610  
division (B)(2) of this section or that is forwarded a petition 29611  
for such a certificate under division (B)(5)(a) of this section 29612  
denies the petition, the individual may appeal the decision to the 29613  
court of appeals only if the individual alleges that the denial 29614  
was an abuse of discretion on the part of the court of common 29615  
pleas. 29616

(D)(1) A certificate of qualification for employment issued 29617  
to an individual lifts the automatic bar of a collateral sanction, 29618  
and a decision-maker shall consider on a case-by-case basis 29619  
whether to grant or deny the issuance or restoration of an 29620  
occupational license or an employment opportunity, notwithstanding 29621  
the individual's possession of the certificate, without, however, 29622  
reconsidering or rejecting any finding made by a designee or court 29623  
under division (C)(3) of this section. 29624

(2) The certificate constitutes a rebuttable presumption that 29625  
the person's criminal convictions are insufficient evidence that 29626  
the person is unfit for the license, employment opportunity, or 29627  
certification in question. Notwithstanding the presumption 29628  
established under this division, the agency may deny the license 29629  
or certification for the person if it determines that the person 29630  
is unfit for issuance of the license. 29631

(3) If an employer that has hired a person who has been 29632  
issued a certificate of qualification for employment applies to a 29633  
licensing agency for a license or certification and the person has 29634  
a conviction or guilty plea that otherwise would bar the person's 29635  
employment with the employer or licensure for the employer because 29636

of a mandatory civil impact, the agency shall give the person 29637  
individualized consideration, notwithstanding the mandatory civil 29638  
impact, the mandatory civil impact shall be considered for all 29639  
purposes to be a discretionary civil impact, and the certificate 29640  
constitutes a rebuttable presumption that the person's criminal 29641  
convictions are insufficient evidence that the person is unfit for 29642  
the employment, or that the employer is unfit for the license or 29643  
certification, in question. 29644

(E) A certificate of qualification for employment does not 29645  
grant the individual to whom the certificate was issued relief 29646  
from the mandatory civil impacts identified in division (A)(1) of 29647  
section 2961.01 or division (B) of section 2961.02 of the Revised 29648  
Code. 29649

(F) A petition for a certificate of qualification for 29650  
employment filed by an individual under division (B)(1) or (2) of 29651  
this section shall include all of the following: 29652

(1) The individual's name, date of birth, and social security 29653  
number; 29654

(2) All aliases of the individual and all social security 29655  
numbers associated with those aliases; 29656

(3) The individual's residence address, including the city, 29657  
county, and state of residence and zip code; 29658

(4) The length of time that the individual has ~~been a~~ 29659  
~~resident of this~~ resided in the individual's current state of 29660  
residence, expressed in years and months of residence; 29661

(5) ~~The name or type of each collateral sanction from which~~ 29662  
~~the individual is requesting a certificate of qualification for~~ 29663  
~~employment~~ A general statement as to why the individual has filed 29664  
the petition and how the certificate of qualification for 29665  
employment would assist the individual; 29666

- (6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses; 29667  
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- (7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 29671  
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- (8) Verifiable references and endorsements; 29674
- (9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 29675  
29676  
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- (10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 29678  
29679
- (11) Any other information required by rule by the department of rehabilitation and correction. 29680  
29681
- (G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 29682  
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- (2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence. 29691  
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- (3) If an employer hires an individual who has been issued a 29696

certificate of qualification for employment under this section, if 29697  
the individual, after being hired, subsequently demonstrates 29698  
dangerousness or is convicted of or pleads guilty to a felony, and 29699  
if the employer retains the individual as an employee after the 29700  
demonstration of dangerousness or the conviction or guilty plea, 29701  
the employer may be held liable in a civil action that is based on 29702  
or relates to the retention of the individual as an employee only 29703  
if it is proved by a preponderance of the evidence that the person 29704  
having hiring and firing responsibility for the employer had 29705  
actual knowledge that the employee was dangerous or had been 29706  
convicted of or pleaded guilty to the felony and was willful in 29707  
retaining the individual as an employee after the demonstration of 29708  
dangerousness or the conviction or guilty plea of which the person 29709  
has actual knowledge. 29710

(H) A certificate of qualification for employment issued 29711  
under this section shall be ~~presumptively~~ revoked if the 29712  
individual to whom the certificate of qualification for employment 29713  
was issued is convicted of or pleads guilty to a felony offense 29714  
committed subsequent to the issuance of the certificate of 29715  
qualification for employment. The department of rehabilitation and 29716  
correction shall periodically review the certificates listed in 29717  
the database described in division (K) of this section to identify 29718  
those that are subject to revocation under this division. Upon 29719  
identifying a certificate of qualification for employment that is 29720  
subject to revocation, the department shall note in the database 29721  
that the certificate has been revoked, the reason for revocation, 29722  
and the effective date of revocation, which shall be the date of 29723  
the conviction or plea of guilty subsequent to the issuance of the 29724  
certificate. 29725

(I) A designee's forwarding, or failure to forward, a 29726  
petition for a certificate of qualification for employment to a 29727  
court or a court's issuance, or failure to issue, a petition for a 29728

certificate of qualification for employment to an individual under 29729  
division (B) of this section does not give rise to a claim for 29730  
damages against the department of rehabilitation and correction or 29731  
court. 29732

(J) ~~Not later than ninety days after September 28, 2012, the~~ 29733  
The division of parole and community services shall adopt rules in 29734  
accordance with Chapter 119. of the Revised Code for the 29735  
implementation and administration of this section and shall 29736  
prescribe the form for the petition to be used under division 29737  
(B)(1) or (2) of this section. The form for the petition shall 29738  
include places for all of the information specified in division 29739  
(F) of this section. ~~Upon the adoption of the rules, the~~ 29740  
~~provisions of divisions (A) to (I) of this section become~~ 29741  
~~operative.~~ 29742

(K) The department of rehabilitation and correction shall 29743  
~~conduct a study to determine the manner for transferring the~~ 29744  
~~mechanism for the issuance of a certificate of qualification for~~ 29745  
~~employment created by this section to an electronic database~~ 29746  
~~established and maintained by the department. The~~ maintain a 29747  
~~database to which the mechanism is to be transferred shall include~~ 29748  
that identifies granted certificates and revoked certificates and 29749  
~~shall be designed to track~~ tracks the number of certificates 29750  
granted and revoked, the industries, occupations, and professions 29751  
with respect to which the certificates have been most applicable, 29752  
and the types of employers that have accepted the certificates, 29753  
~~and the recidivism rates of individuals who have been issued the~~ 29754  
~~certificates. Not later than the date that is one year after~~ 29755  
~~September 28, 2012, the~~ The department of rehabilitation and 29756  
~~correction shall submit to the general assembly and the governor~~ 29757  
annually create a report that ~~contains the results of the study~~ 29758  
~~and recommendations for transferring the mechanism for the~~ 29759  
~~issuance of certificate of qualification for employment created by~~ 29760



~~this section to an electronic summarizes the information 29761  
maintained in the database established and maintained by the 29762  
department and shall make the report available to the public on 29763  
its internet web site. 29764~~

~~(L) The department of rehabilitation and correction, in 29765  
conjunction with the Ohio judicial conference, shall conduct a 29766  
study to determine whether the application process for 29767  
certificates of qualification for employment created by this 29768  
section is feasible based upon the caseload capacity of the 29769  
department and the courts of common pleas. Not later than the date 29770  
that is one year after September 28, 2012, the department shall 29771  
submit to the general assembly a report that contains the results 29772  
of the study and any recommendations for improvement of the 29773  
application process. 29774~~

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 29775  
the Revised Code, an eligible offender may apply to the sentencing 29776  
court if convicted in this state, or to a court of common pleas if 29777  
convicted in another state or in a federal court, for the sealing 29778  
of the record of the case that pertains to the conviction. 29779  
Application may be made at the expiration of three years after the 29780  
offender's final discharge if convicted of a felony, or at the 29781  
expiration of one year after the offender's final discharge if 29782  
convicted of a misdemeanor. 29783

(2) Any person who has been arrested for any misdemeanor 29784  
offense and who has effected a bail forfeiture for the offense 29785  
charged may apply to the court in which the misdemeanor criminal 29786  
case was pending when bail was forfeited for the sealing of the 29787  
record of the case that pertains to the charge. Except as provided 29788  
in section 2953.61 of the Revised Code, the application may be 29789  
filed at any time after the expiration of one year from the date 29790  
on which the bail forfeiture was entered upon the minutes of the 29791

court or the journal, whichever entry occurs first. 29792

(B) Upon the filing of an application under this section, the 29793  
court shall set a date for a hearing and shall notify the 29794  
prosecutor for the case of the hearing on the application. The 29795  
prosecutor may object to the granting of the application by filing 29796  
an objection with the court prior to the date set for the hearing. 29797  
The prosecutor shall specify in the objection the reasons for 29798  
believing a denial of the application is justified. The court 29799  
shall direct its regular probation officer, a state probation 29800  
officer, or the department of probation of the county in which the 29801  
applicant resides to make inquiries and written reports as the 29802  
court requires concerning the applicant. The probation officer or 29803  
county department of probation that the court directs to make 29804  
inquiries concerning the applicant shall determine whether or not 29805  
the applicant was fingerprinted at the time of arrest or under 29806  
section 109.60 of the Revised Code. If the applicant was so 29807  
fingerprinted, the probation officer or county department of 29808  
probation shall include with the written report a record of the 29809  
applicant's fingerprints. If the applicant was convicted of or 29810  
pleaded guilty to a violation of division (A)(2) or (B) of section 29811  
2919.21 of the Revised Code, the probation officer or county 29812  
department of probation that the court directed to make inquiries 29813  
concerning the applicant shall contact the child support 29814  
enforcement agency enforcing the applicant's obligations under the 29815  
child support order to inquire about the offender's compliance 29816  
with the child support order. 29817

(C)(1) The court shall do each of the following: 29818

(a) Determine whether the applicant is an eligible offender 29819  
or whether the forfeiture of bail was agreed to by the applicant 29820  
and the prosecutor in the case. If the applicant applies as an 29821  
eligible offender pursuant to division (A)(1) of this section and 29822  
has two or three convictions that result from the same indictment, 29823

information, or complaint, from the same plea of guilty, or from 29824  
the same official proceeding, and result from related criminal 29825  
acts that were committed within a three-month period but do not 29826  
result from the same act or from offenses committed at the same 29827  
time, in making its determination under this division, the court 29828  
initially shall determine whether it is not in the public interest 29829  
for the two or three convictions to be counted as one conviction. 29830  
If the court determines that it is not in the public interest for 29831  
the two or three convictions to be counted as one conviction, the 29832  
court shall determine that the applicant is not an eligible 29833  
offender; if the court does not make that determination, the court 29834  
shall determine that the offender is an eligible offender. 29835

(b) Determine whether criminal proceedings are pending 29836  
against the applicant; 29837

(c) If the applicant is an eligible offender who applies 29838  
pursuant to division (A)(1) of this section, determine whether the 29839  
applicant has been rehabilitated to the satisfaction of the court; 29840

(d) If the prosecutor has filed an objection in accordance 29841  
with division (B) of this section, consider the reasons against 29842  
granting the application specified by the prosecutor in the 29843  
objection; 29844

(e) Weigh the interests of the applicant in having the 29845  
records pertaining to the applicant's conviction or bail 29846  
forfeiture sealed against the legitimate needs, if any, of the 29847  
government to maintain those records. 29848

(2) If the court determines, after complying with division 29849  
(C)(1) of this section, that the applicant is an eligible offender 29850  
or the subject of a bail forfeiture, that no criminal proceeding 29851  
is pending against the applicant, ~~and~~ that the interests of the 29852  
applicant in having the records pertaining to the applicant's 29853  
conviction or bail forfeiture sealed are not outweighed by any 29854

legitimate governmental needs to maintain those records, and that 29855  
the rehabilitation of an applicant who is an eligible offender 29856  
applying pursuant to division (A)(1) of this section has been 29857  
attained to the satisfaction of the court, the court, except as 29858  
provided in ~~divisions~~ division (C)(4), (G), (H), or (I) of this 29859  
section, shall order all official records of the case that pertain 29860  
to the conviction or bail forfeiture sealed and, except as 29861  
provided in division (F) of this section, all index references to 29862  
the case that pertain to the conviction or bail forfeiture deleted 29863  
and, in the case of bail forfeitures, shall dismiss the charges in 29864  
the case. The proceedings in the case that pertain to the 29865  
conviction or bail forfeiture shall be considered not to have 29866  
occurred and the conviction or bail forfeiture of the person who 29867  
is the subject of the proceedings shall be sealed, except that 29868  
upon conviction of a subsequent offense, the sealed record of 29869  
prior conviction or bail forfeiture may be considered by the court 29870  
in determining the sentence or other appropriate disposition, 29871  
including the relief provided for in sections 2953.31 to 2953.33 29872  
of the Revised Code. 29873

(3) An applicant may request the sealing of the records of 29874  
more than one case in a single application under this section. 29875  
Upon the filing of an application under this section, the 29876  
applicant, unless indigent, shall pay a fee of fifty dollars, 29877  
regardless of the number of records the application requests to 29878  
have sealed. The court shall pay thirty dollars of the fee into 29879  
the state treasury. It shall pay twenty dollars of the fee into 29880  
the county general revenue fund if the sealed conviction or bail 29881  
forfeiture was pursuant to a state statute, or into the general 29882  
revenue fund of the municipal corporation involved if the sealed 29883  
conviction or bail forfeiture was pursuant to a municipal 29884  
ordinance. 29885

(4) If the court orders the official records pertaining to 29886

the case sealed, the court shall do one of the following: 29887

(a) If the applicant was fingerprinted at the time of arrest 29888  
or under section 109.60 of the Revised Code and the record of the 29889  
applicant's fingerprints was provided to the court under division 29890  
(B) of this section, forward a copy of the sealing order and the 29891  
record of the applicant's fingerprints to the bureau of criminal 29892  
identification and investigation. 29893

(b) If the applicant was not fingerprinted at the time of 29894  
arrest or under section 109.60 of the Revised Code, or the record 29895  
of the applicant's fingerprints was not provided to the court 29896  
under division (B) of this section, but fingerprinting was 29897  
required for the offense, order the applicant to appear before a 29898  
sheriff to have the applicant's fingerprints taken according to 29899  
the fingerprint system of identification on the forms furnished by 29900  
the superintendent of the bureau of criminal identification and 29901  
investigation. The sheriff shall forward the applicant's 29902  
fingerprints to the court. The court shall forward the applicant's 29903  
fingerprints and a copy of the sealing order to the bureau of 29904  
criminal identification and investigation. 29905

Failure of the court to order fingerprints at the time of 29906  
sealing does not constitute a reversible error. 29907

(5) At the time an applicant files an application under 29908  
division (A) of this section, the following shall apply: 29909

(a) The clerk of court shall notify the applicant in writing 29910  
that the court will send notice of any order under division (C)(2) 29911  
of this section to the qualified third party selected by the 29912  
attorney general under section 109.38 of the Revised Code and 29913  
shall inform the applicant of the procedures under section 109.381 29914  
of the Revised Code. 29915

(b) The applicant shall then notify the clerk if the 29916  
applicant wishes to opt out of receiving the benefits of having 29917

the court send notice of its order under division (C)(2) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order. 29918  
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(c) If the applicant does not opt out under division (C)(5)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code. 29922  
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(6)(a) Upon the issuance of an order under division (C)(2) of this section, and unless the applicant opts out under division (C)(5)(b) of this section, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section to the qualified third party. The court shall send notice of the order under division (C)(2) of this section to the qualified third party. 29927  
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(b) If the applicant's application under division (A) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (C)(2) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (C)(2) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section that is intended for the qualified third party back to the applicant. 29934  
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(D) Inspection of the sealed records included in the order may be made only by the following persons or for the following purposes: 29943  
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(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged 29946  
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would be affected by virtue of the person's previously having been convicted of a crime;

(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;

(3) Upon application by the person who is the subject of the records, by the persons named in the application;

(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;

(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;

(9) By the bureau of criminal identification and

investigation or any authorized employee of the bureau for the 29979  
purpose of performing a criminal history records check on a person 29980  
to whom a certificate as prescribed in section 109.77 of the 29981  
Revised Code is to be awarded; 29982

(10) By the bureau of criminal identification and 29983  
investigation or any authorized employee of the bureau for the 29984  
purpose of conducting a criminal records check of an individual 29985  
pursuant to division (B) of section 109.572 of the Revised Code 29986  
that was requested pursuant to any of the sections identified in 29987  
division (B)(1) of that section; 29988

(11) By the bureau of criminal identification and 29989  
investigation, an authorized employee of the bureau, a sheriff, or 29990  
an authorized employee of a sheriff in connection with a criminal 29991  
records check described in section 311.41 of the Revised Code; 29992

(12) By the attorney general or an authorized employee of the 29993  
attorney general or a court for purposes of determining a person's 29994  
classification pursuant to Chapter 2950. of the Revised Code; 29995

(13) By a court, the registrar of motor vehicles, a 29996  
prosecuting attorney or the prosecuting attorney's assistants, or 29997  
a law enforcement officer for the purpose of assessing points 29998  
against a person under section 4510.036 of the Revised Code or for 29999  
taking action with regard to points assessed. 30000

When the nature and character of the offense with which a 30001  
person is to be charged would be affected by the information, it 30002  
may be used for the purpose of charging the person with an 30003  
offense. 30004

(E) In any criminal proceeding, proof of any otherwise 30005  
admissible prior conviction may be introduced and proved, 30006  
notwithstanding the fact that for any such prior conviction an 30007  
order of sealing previously was issued pursuant to sections 30008  
2953.31 to 2953.36 of the Revised Code. 30009



(F) The person or governmental agency, office, or department 30010  
that maintains sealed records pertaining to convictions or bail 30011  
forfeitures that have been sealed pursuant to this section may 30012  
maintain a manual or computerized index to the sealed records. The 30013  
index shall contain only the name of, and alphanumeric identifiers 30014  
that relate to, the persons who are the subject of the sealed 30015  
records, the word "sealed," and the name of the person, agency, 30016  
office, or department that has custody of the sealed records, and 30017  
shall not contain the name of the crime committed. The index shall 30018  
be made available by the person who has custody of the sealed 30019  
records only for the purposes set forth in divisions (C), (D), and 30020  
(E) of this section. 30021

(G) Notwithstanding any provision of this section or section 30022  
2953.33 of the Revised Code that requires otherwise, a board of 30023  
education of a city, local, exempted village, or joint vocational 30024  
school district that maintains records of an individual who has 30025  
been permanently excluded under sections 3301.121 and 3313.662 of 30026  
the Revised Code is permitted to maintain records regarding a 30027  
conviction that was used as the basis for the individual's 30028  
permanent exclusion, regardless of a court order to seal the 30029  
record. An order issued under this section to seal the record of a 30030  
conviction does not revoke the adjudication order of the 30031  
superintendent of public instruction to permanently exclude the 30032  
individual who is the subject of the sealing order. An order 30033  
issued under this section to seal the record of a conviction of an 30034  
individual may be presented to a district superintendent as 30035  
evidence to support the contention that the superintendent should 30036  
recommend that the permanent exclusion of the individual who is 30037  
the subject of the sealing order be revoked. Except as otherwise 30038  
authorized by this division and sections 3301.121 and 3313.662 of 30039  
the Revised Code, any school employee in possession of or having 30040  
access to the sealed conviction records of an individual that were 30041  
the basis of a permanent exclusion of the individual is subject to 30042

section 2953.35 of the Revised Code. 30043

(H) For purposes of sections 2953.31 to 2953.36 of the 30044  
Revised Code, DNA records collected in the DNA database and 30045  
fingerprints filed for record by the superintendent of the bureau 30046  
of criminal identification and investigation shall not be sealed 30047  
unless the superintendent receives a certified copy of a final 30048  
court order establishing that the offender's conviction has been 30049  
overturned. For purposes of this section, a court order is not 30050  
"final" if time remains for an appeal or application for 30051  
discretionary review with respect to the order. 30052

(I) The sealing of a record under this section does not 30053  
affect the assessment of points under section 4510.036 of the 30054  
Revised Code and does not erase points assessed against a person 30055  
as a result of the sealed record. 30056

**Sec. 2953.37.** (A) As used in this section: 30057

(1) "Expunge" means to destroy, delete, and erase a record as 30058  
appropriate for the record's physical or electronic form or 30059  
characteristic so that the record is permanently irretrievable. 30060

(2) "Official records" has the same meaning as in section 30061  
2953.51 of the Revised Code. 30062

(3) "Prosecutor" has the same meaning as in section 2953.31 30063  
of the Revised Code. 30064

(4) "Record of conviction" means the record related to a 30065  
conviction of or plea of guilty to an offense. 30066

(B) Any person who is convicted of, was convicted of, pleads 30067  
guilty to, or has pleaded guilty to a violation of division (B), 30068  
(C), or (E) of section 2923.16 of the Revised Code as the division 30069  
existed prior to September 30, 2011, and who is authorized by 30070  
division (H)(2)(a) of that section to file an application under 30071  
this section for the expungement of the conviction record may 30072

apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after September 30, 2011;

(c) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records.

(2)(a) The court may order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (D)(1) of this section, determines both of the following:

(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the

Revised Code as it existed prior to September 30, 2011, and the 30135  
conduct that was the basis of the violation no longer would be a 30136  
violation of that division on or after September 30, 2011, or that 30137  
the applicant has been convicted of or pleaded guilty to a 30138  
violation of division (B) or (C) of section 2923.16 of the Revised 30139  
Code as the division existed prior to September 30, 2011, and the 30140  
conduct that was the basis of the violation no longer would be a 30141  
violation of that division on or after September 30, 2011, due to 30142  
the application of division (F)(5) of that section as it exists on 30143  
and after September 30, 2011; 30144

(ii) That the interests of the applicant in having the 30145  
records pertaining to the applicant's conviction or guilty plea 30146  
expunged are not outweighed by any legitimate needs of the 30147  
government to maintain those records. 30148

(b) The proceedings in the case that is the subject of an 30149  
order issued under division (D)(2)(a) of this section shall be 30150  
considered not to have occurred and the conviction or guilty plea 30151  
of the person who is the subject of the proceedings shall be 30152  
expunged. The record of the conviction shall not be used for any 30153  
purpose, including, but not limited to, a criminal records check 30154  
under section 109.572 of the Revised Code or a determination under 30155  
section 2923.125 or 2923.1212 of the Revised Code of eligibility 30156  
for a concealed handgun license. The applicant may, and the court 30157  
shall, reply that no record exists with respect to the applicant 30158  
upon any inquiry into the matter. 30159

(3) Upon the filing of an application under this section, the 30160  
applicant, unless indigent, shall pay a fee of fifty dollars. The 30161  
court shall pay thirty dollars of the fee into the state treasury 30162  
and shall pay twenty dollars of the fee into the county general 30163  
revenue fund. 30164

(4) At the time an applicant files an application under 30165  
division (B) of this section, the following shall apply: 30166

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (D)(2)(a) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(b) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(c) If the applicant does not opt out under division (D)(4)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code.

(5)(a) Upon issuance of an order under division (D)(2)(a) of this section, and unless the applicant opts out under division (D)(4)(b) of this section, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section to the qualified third party. The court shall send notice of the order under division (D)(2)(a) of this section to the qualified third party.

(b) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (D)(2)(a) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section that is intended for the qualified third

party back to the applicant. 30199

**Sec. 2953.38.** (A) As used in this section: 30200

(1) "Expunge" means to destroy, delete, or erase a record as 30201  
appropriate for the record's physical or electronic form or 30202  
characteristic so that the record is permanently irretrievable. 30203

(2) "Prosecutor" has the same meaning as in section 2953.31 30204  
of the Revised Code. 30205

(3) "Record of conviction" means the record related to a 30206  
conviction of or plea of guilty to an offense. 30207

(4) "Victim of human trafficking" means a person who is or 30208  
was a victim of a violation of section 2905.32 of the Revised 30209  
Code, regardless of whether anyone has been convicted of a 30210  
violation of that section or of any other section for victimizing 30211  
the person. 30212

(B) Any person who is or was convicted of a violation of 30213  
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 30214  
apply to the sentencing court for the expungement of the record of 30215  
conviction if the person's participation in the offense was a 30216  
result of the person having been a victim of human trafficking. 30217  
The person may file the application at any time. The application 30218  
shall do all of the following: 30219

(1) Identify the applicant, the offense for which the 30220  
expungement is sought, the date of the conviction of that offense, 30221  
and the court in which the conviction occurred; 30222

(2) Describe the evidence and provide copies of any 30223  
documentation showing that the person is entitled to relief under 30224  
this section; 30225

(3) Include a request for expungement of the record of 30226  
conviction of that offense under this section. 30227

(C) The court may deny an application made under division (B) 30228  
of this section if it finds that the application fails to assert 30229  
grounds on which relief may be granted. 30230

(D) If the court does not deny an application under division 30231  
(C) of this section, it shall set a date for a hearing and shall 30232  
notify the prosecutor for the case from which the record of 30233  
conviction resulted of the hearing on the application. The 30234  
prosecutor may object to the granting of the application by filing 30235  
an objection with the court prior to the date set for the hearing. 30236  
The prosecutor shall specify in the objection the reasons for 30237  
believing a denial of the application is justified. The court may 30238  
direct its regular probation officer, a state probation officer, 30239  
or the department of probation of the county in which the 30240  
applicant resides to make inquiries and written reports as the 30241  
court requires concerning the applicant. 30242

(E) At the hearing held under division (D) of this section, 30243  
the court shall do both of the following: 30244

(1) If the prosecutor has filed an objection, consider the 30245  
reasons against granting the application specified by the 30246  
prosecutor in the objection; 30247

(2) Determine whether the applicant has demonstrated by a 30248  
preponderance of the evidence that the applicant's participation 30249  
in the offense was a result of having been a victim of human 30250  
trafficking. 30251

(F) If after a hearing the court finds that the applicant has 30252  
demonstrated by a preponderance of the evidence that the 30253  
applicant's participation in the offense that is the subject of 30254  
the application was the result of the applicant having been a 30255  
victim of human trafficking, the court shall grant the application 30256  
and order that the record of conviction be expunged. 30257

(G)(1) The court shall send notice of the order of 30258



expungement to each public office or agency that the court has 30259  
reason to believe may have an official record pertaining to the 30260  
case if the court, after complying with division (E) of this 30261  
section, determines both of the following: 30262

(a) That the applicant has been convicted of a violation of 30263  
section 2907.24, 2907.241, or 2907.25 of the Revised Code; 30264

(b) That the interests of the applicant in having the records 30265  
pertaining to the applicant's conviction expunged are not 30266  
outweighed by any legitimate needs of the government to maintain 30267  
those records. 30268

(2) The proceedings in the case that is the subject of an 30269  
order issued under division (F) of this section shall be 30270  
considered not to have occurred and the conviction of the person 30271  
who is the subject of the proceedings shall be expunged. The 30272  
record of the conviction shall not be used for any purpose, 30273  
including, but not limited to, a criminal records check under 30274  
section 109.572 of the Revised Code. The applicant may, and the 30275  
court shall, reply that no record exists with respect to the 30276  
applicant upon any inquiry into the matter. 30277

(H) Upon the filing of an application under this section, the 30278  
applicant, unless indigent, shall pay a fee of fifty dollars. The 30279  
court shall pay thirty dollars of the fee into the state treasury 30280  
and shall pay twenty dollars of the fee into the county general 30281  
revenue fund. 30282

(I) At the time an applicant files an application under 30283  
division (B) of this section, the following shall apply: 30284

(1) The clerk of court shall notify the applicant in writing 30285  
that the court will send notice of any order under division (F) of 30286  
this section to the qualified third party selected by the attorney 30287  
general under section 109.38 of the Revised Code and shall inform 30288  
the applicant of the procedures under section 109.381 of the 30289

Revised Code. 30290

(2) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (F) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order. 30291  
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(3) If the applicant does not opt out under division (I)(2) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code. 30297  
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(J)(1) Upon the issuance of an order under division (F) of this section, and unless the applicant opts out under division (I)(2) of this section, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section to the qualified third party. The court shall send notice of the order under division (F) of this section to the qualified third party. 30302  
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(2) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (F) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (F) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section that is intended for the qualified third party back to the applicant. 30308  
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**Sec. 2953.53.** (A)(1) The court shall send notice of any order to seal official records issued pursuant to division (B)(3) of section 2953.52 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any 30317  
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order issued pursuant to division (B)(4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2)(a) At the time an applicant files an application under division (A) of section 2953.52 of the Revised Code, the following shall apply:

(i) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(ii) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(iii) If the applicant does not opt out under division (A)(2)(a)(ii) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code.

(b) Upon the issuance of an order under division (B)(4) of section 2953.52 of the Revised Code, and unless the applicant opts out under division (A)(2)(a)(ii) of this section, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section to the qualified third party. The court shall send notice of the order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party.

(c) If the applicant's application under division (A) of section 2953.52 of the Revised Code is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (B)(4) of that section, that the applicant wishes to opt out of having the court send notice of its order under division (B)(4) of that section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section that is intended for the qualified third party back to the applicant.

(B) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.52 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(C) An order to seal official records issued pursuant to section 2953.52 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (A) or (B) of this section.

(D) Upon receiving a copy of an order to seal official records pursuant to division (A) or (B) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.52 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with the provisions of section 2953.54 of the Revised Code, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division (F) of section 2953.32 of the Revised Code, access to which may not be afforded to any person other than the person who has custody of the sealed official records. The sealed official records to which such an index pertains shall not be available to any person, except that the official records of a case that have been sealed may be made available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose;

(2) To a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(3) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(4) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.

Sec. 2967.122. (A) Except as provided in division (B) of this section, at least two weeks before any offender who is serving a sentence for a felony is released from confinement in any state correctional institution, the adult parole authority shall provide notice of the release to the sheriff of the county in which the offender was convicted and to the sheriff of the county in which the offender will reside. Notice required by this section may be contained in a weekly list of all offenders who are scheduled for

release. 30415

(B)(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for an offender or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to an offender, the adult parole authority shall provide notice to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 30416  
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(2) At least sixty days before an offender is transferred to transitional control under section 2967.26 of the Revised Code, the adult parole authority shall provide notice of the pendency of the transfer to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 30423  
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(C) The notice required by divisions (A) and (B) of this section shall contain all of the following: 30428  
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(1) The name of the offender being released; 30430

(2) The date of the offender's release; 30431

(3) The offense for the violation of which the offender was convicted and incarcerated; 30432  
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(4) The date of the offender's conviction pursuant to which the offender was incarcerated; 30434  
30435

(5) The sentence imposed for that conviction; 30436

(6) The length of any supervision that the offender will be under; 30437  
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(7) The name, business address, and business phone number of the offender's supervising officer, if the offender is to be supervised upon release; 30439  
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(8) The address at which the convict will reside. 30442

(D) This section does not apply to the release from 30443

confinement of an offender if, upon admission to the state 30444  
correctional institution, the offender has less than fourteen days 30445  
to serve on the sentence. 30446

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 30447  
this section and subject to the maximum aggregate total specified 30448  
in division (A)~~(2)~~(3) of this section, a person confined in a 30449  
state correctional institution or placed in the substance use 30450  
disorder treatment program may provisionally earn one day or five 30451  
days of credit, based on the category set forth in division 30452  
(D)(1), (2), (3), (4), or (5) of this section in which the person 30453  
is included, toward satisfaction of the person's stated prison 30454  
term for each completed month during which the person, if confined 30455  
in a state correctional institution, productively participates in 30456  
an education program, vocational training, employment in prison 30457  
industries, treatment for substance abuse, or any other 30458  
constructive program developed by the department with specific 30459  
standards for performance by prisoners or during which the person, 30460  
if placed in the substance use disorder treatment program, 30461  
productively participates in the program. Except as provided in 30462  
division (C) of this section and subject to the maximum aggregate 30463  
total specified in division (A)~~(2)~~(3) of this section, a person so 30464  
confined in a state correctional institution who successfully 30465  
completes two programs or activities of that type may, in 30466  
addition, provisionally earn up to five days of credit toward 30467  
satisfaction of the person's stated prison term for the successful 30468  
completion of the second program or activity. The person shall not 30469  
be awarded any provisional days of credit for the successful 30470  
completion of the first program or activity or for the successful 30471  
completion of any program or activity that is completed after the 30472  
second program or activity. At the end of each calendar month in 30473  
which a person productively participates in a program or activity 30474  
listed in this division or successfully completes a program or 30475

activity listed in this division, the department of rehabilitation 30476  
and correction shall determine and record the total number of days 30477  
credit that the person provisionally earned in that calendar 30478  
month. If the person in a state correctional institution violates 30479  
prison rules or the person in the substance use disorder treatment 30480  
program violates program or department rules, the department may 30481  
deny the person a credit that otherwise could have been 30482  
provisionally awarded to the person or may withdraw one or more 30483  
credits previously provisionally earned by the person. Days of 30484  
credit provisionally earned by a person shall be finalized and 30485  
awarded by the department subject to administrative review by the 30486  
department of the person's conduct. 30487

(2) The Unless a person is serving a mandatory prison term or 30488  
a prison term for an offense of violence or a sexually oriented 30489  
offense, and notwithstanding the maximum aggregate total specified 30490  
in division (A)(3) of this section, a person who successfully 30491  
completes an Ohio high school diploma or Ohio certificate of high 30492  
school equivalence certified by the Ohio central school system 30493  
shall earn ninety days of credit toward satisfaction of the 30494  
person's stated prison term or a ten per cent reduction of the 30495  
person's stated prison term, whichever is less. 30496

(3) Except for persons described in division (A)(2) of this 30497  
section, the aggregate days of credit provisionally earned by a 30498  
person for program or activity participation and program and 30499  
activity completion under this section and the aggregate days of 30500  
credit finally credited to a person under this section shall not 30501  
exceed eight per cent of the total number of days in the person's 30502  
stated prison term. 30503

(B) The department of rehabilitation and correction shall 30504  
adopt rules that specify the programs or activities for which 30505  
credit may be earned under this section, the criteria for 30506  
determining productive participation in, or completion of, the 30507



programs or activities and the criteria for awarding credit, 30508  
including criteria for awarding additional credit for successful 30509  
program or activity completion, and the criteria for denying or 30510  
withdrawing previously provisionally earned credit as a result of 30511  
a violation of prison rules, or program or department rules, 30512  
whichever is applicable. 30513

(C) No person confined in a state correctional institution or 30514  
placed in a substance use disorder treatment program to whom any 30515  
of the following applies shall be awarded any days of credit under 30516  
division (A) of this section: 30517

(1) The person is serving a prison term that section 2929.13 30518  
or section 2929.14 of the Revised Code specifies cannot be reduced 30519  
pursuant to this section or this chapter or is serving a sentence 30520  
for which section 2967.13 or division (B) of section 2929.143 of 30521  
the Revised Code specifies that the person is not entitled to any 30522  
earned credit under this section. 30523

(2) The person is sentenced to death or is serving a prison 30524  
term or a term of life imprisonment for aggravated murder, murder, 30525  
or a conspiracy or attempt to commit, or complicity in committing, 30526  
aggravated murder or murder. 30527

(3) The person is serving a sentence of life imprisonment 30528  
without parole imposed pursuant to section 2929.03 or 2929.06 of 30529  
the Revised Code, a prison term or a term of life imprisonment 30530  
without parole imposed pursuant to section 2971.03 of the Revised 30531  
Code, or a sentence for a sexually oriented offense that was 30532  
committed on or after September 30, 2011. 30533

(D) This division does not apply to a determination of 30534  
whether a person confined in a state correctional institution or 30535  
placed in a substance use disorder treatment program may earn any 30536  
days of credit under division (A) of this section for successful 30537  
completion of a second program or activity. The determination of 30538

whether a person confined in a state correctional institution may 30539  
earn one day of credit or five days of credit under division (A) 30540  
of this section for each completed month during which the person 30541  
productively participates in a program or activity specified under 30542  
that division shall be made in accordance with the following: 30543

(1) The offender may earn one day of credit under division 30544  
(A) of this section, except as provided in division (C) of this 30545  
section, if the most serious offense for which the offender is 30546  
confined is any of the following that is a felony of the first or 30547  
second degree: 30548

(a) A violation of division (A) of section 2903.04 or of 30549  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 30550  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 30551  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 30552  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 30553  
of the Revised Code; 30554

(b) A conspiracy or attempt to commit, or complicity in 30555  
committing, any other offense for which the maximum penalty is 30556  
imprisonment for life or any offense listed in division (D)(1)(a) 30557  
of this section. 30558

(2) The offender may earn one day of credit under division 30559  
(A) of this section, except as provided in division (C) of this 30560  
section, if the offender is serving a stated prison term that 30561  
includes a prison term imposed for a sexually oriented offense 30562  
that the offender committed prior to September 30, 2011. 30563

(3) The offender may earn one day of credit under division 30564  
(A) of this section, except as provided in division (C) of this 30565  
section, if the offender is serving a stated prison term that 30566  
includes a prison term imposed for a felony other than carrying a 30567  
concealed weapon an essential element of which is any conduct or 30568  
failure to act expressly involving any deadly weapon or dangerous 30569

ordnance. 30570

(4) Except as provided in division (C) of this section, if 30571  
the most serious offense for which the offender is confined is a 30572  
felony of the first or second degree and divisions (D)(1), (2), 30573  
and (3) of this section do not apply to the offender, the offender 30574  
may earn one day of credit under division (A) of this section if 30575  
the offender committed that offense prior to September 30, 2011, 30576  
and the offender may earn five days of credit under division (A) 30577  
of this section if the offender committed that offense on or after 30578  
September 30, 2011. 30579

(5) Except as provided in division (C) of this section, if 30580  
the most serious offense for which the offender is confined is a 30581  
felony of the third, fourth, or fifth degree or an unclassified 30582  
felony and neither division (D)(2) nor (3) of this section applies 30583  
to the offender, the offender may earn one day of credit under 30584  
division (A) of this section if the offender committed that 30585  
offense prior to September 30, 2011, and the offender may earn 30586  
five days of credit under division (A) of this section if the 30587  
offender committed that offense on or after September 30, 2011. 30588

(E) The department annually shall seek and consider the 30589  
written feedback of the Ohio prosecuting attorneys association, 30590  
the Ohio judicial conference, the Ohio public defender, the Ohio 30591  
association of criminal defense lawyers, and other organizations 30592  
and associations that have an interest in the operation of the 30593  
corrections system and the earned credits program under this 30594  
section as part of its evaluation of the program and in 30595  
determining whether to modify the program. 30596

(F) As used in this section: 30597

(1) "Sexually oriented offense" has the same meaning as in 30598  
section 2950.01 of the Revised Code. 30599

(2) "Substance use disorder treatment program" means the 30600

substance use disorder treatment program established by the 30601  
department of rehabilitation and correction under section 5120.035 30602  
of the Revised Code. 30603

**Sec. 3109.14.** (A) As used in this section, "birth record" and 30604  
"certification of birth" have the meanings given in section 30605  
3705.01 of the Revised Code. 30606

(B)(1) The director of health, a person authorized by the 30607  
director, a local commissioner of health, or a local registrar of 30608  
vital statistics shall charge and collect a fee for each certified 30609  
copy of a birth record, for each certification of birth, and for 30610  
each copy of a death record. The fee shall be ~~three~~ six dollars. 30611  
The fee is in addition to the fee imposed by section 3705.24 or 30612  
any other section of the Revised Code. A local commissioner of 30613  
health or a local registrar of vital statistics may retain an 30614  
amount of each additional fee collected, not to exceed three per 30615  
cent of the amount of the additional fee, to be used for costs 30616  
directly related to the collection of the fee and the forwarding 30617  
of the fee to the department of health. 30618

The additional fees collected by the director of health or a 30619  
person authorized by the director and the additional fees 30620  
collected but not retained by a local commissioner of health or a 30621  
local registrar of vital statistics shall be forwarded to the 30622  
department of health not later than thirty days following the end 30623  
of each quarter. Not later than two days after the fees are 30624  
forwarded to the department each quarter, the department shall pay 30625  
the collected fees to the treasurer of state in accordance with 30626  
rules adopted by the treasurer of state under section 113.08 of 30627  
the Revised Code. 30628

(2) Upon the filing for a divorce decree under section 30629  
3105.10 or a decree of dissolution under section 3105.65 of the 30630  
Revised Code, a court of common pleas shall charge and collect a 30631

fee. The fee shall be ~~eleven~~ fourteen dollars. The fee is in 30632  
addition to any other court costs or fees. The county clerk of 30633  
courts may retain an amount of each additional fee collected, not 30634  
to exceed three per cent of the amount of the additional fee, to 30635  
be used for costs directly related to the collection of the fee 30636  
and the forwarding of the fee to the treasurer of state. The 30637  
additional fees collected, but not retained, under division (B)(2) 30638  
of this section shall be forwarded to the treasurer of state not 30639  
later than twenty days following the end of each month. 30640

(C) The treasurer of state shall deposit the fees paid or 30641  
forwarded under this section in the state treasury to the credit 30642  
of the children's trust fund, which is hereby created. A person or 30643  
government entity that fails to forward the fees in a timely 30644  
manner, as determined by the treasurer of state, shall send to the 30645  
treasurer of state, in addition to the fees, a penalty equal to 30646  
ten per cent of the fees. 30647

The treasurer of state shall invest the moneys in the fund, 30648  
and all earnings resulting from investment of the fund shall be 30649  
credited to the fund, except that actual administrative costs 30650  
incurred by the treasurer of state in administering the fund may 30651  
be deducted from the earnings resulting from investments. The 30652  
amount that may be deducted shall not exceed three per cent of the 30653  
total amount of fees credited to the fund in each fiscal year, 30654  
except that the children's trust fund board may approve an amount 30655  
for actual administrative costs exceeding three per cent but not 30656  
exceeding four per cent of such amount. The balance of the 30657  
investment earnings shall be credited to the fund. Moneys credited 30658  
to the fund shall be used only for the purposes described in 30659  
sections 3109.13 to 3109.179 of the Revised Code. 30660

**Sec. 3109.15.** There is hereby created within the department 30661  
of job and family services the children's trust fund board 30662

consisting of fifteen members. The directors of mental health and 30663  
addiction services, health, and job and family services shall be 30664  
members of the board. Eight public members shall be appointed by 30665  
the governor. These members shall be persons with demonstrated 30666  
knowledge in programs for children, shall be representative of the 30667  
demographic composition of this state, and, to the extent 30668  
practicable, shall be representative of the following categories: 30669  
the educational community; the legal community; the social work 30670  
community; the medical community; the voluntary sector; and 30671  
professional providers of child abuse and child neglect services. 30672  
~~Five of these members shall be residents of metropolitan 30673~~  
~~statistical areas as defined by the United States office of 30674~~  
~~management and budget where the population exceeds four hundred 30675~~  
~~thousand; no two such members shall be residents of the same 30676~~  
~~metropolitan statistical area.~~ Two members of the board shall be 30677  
members of the house of representatives appointed by the speaker 30678  
of the house of representatives and shall be members of two 30679  
different political parties. Two members of the board shall be 30680  
members of the senate appointed by the president of the senate and 30681  
shall be members of two different political parties. All members 30682  
of the board appointed by the speaker of the house of 30683  
representatives or the president of the senate shall serve until 30684  
the expiration of the sessions of the general assembly during 30685  
which they were appointed. They may be reappointed to an unlimited 30686  
number of successive terms of two years at the pleasure of the 30687  
speaker of the house of representatives or president of the 30688  
senate. Public members shall serve terms of three years. Each 30689  
member shall serve until the member's successor is appointed, or 30690  
until a period of sixty days has elapsed, whichever occurs first. 30691  
No public member may serve more than two consecutive full terms. 30692  
All vacancies on the board shall be filled for the balance of the 30693  
unexpired term in the same manner as the original appointment. 30694

Any member of the board may be removed by the member's 30695

appointing authority for misconduct, incompetency, or neglect of 30696  
duty after first being given the opportunity to be heard in the 30697  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 30698  
a member, except a member of the general assembly or a judge of 30699  
any court in the state, who fails to attend at least three-fifths 30700  
of the regular and special meetings held by the board during any 30701  
two-year period forfeits the member's position on the board. 30702

Each member of the board shall serve without compensation but 30703  
shall be reimbursed for all actual and necessary expenses incurred 30704  
in the performance of official duties. 30705

At the beginning of the first year of each even-numbered 30706  
general assembly, the chairperson of the board shall be appointed 30707  
by the speaker of the house of representatives from among members 30708  
of the board who are members of the house of representatives. At 30709  
the beginning of the first year of each odd-numbered general 30710  
assembly, the chairperson of the board shall be appointed by the 30711  
president of the senate from among the members of the board who 30712  
are senate members. 30713

The board shall biennially select a vice-chair from among its 30714  
nonlegislative members. 30715

**Sec. 3111.04.** (A)(1) Except as provided in division (A)(2) of 30716  
this section, an action to determine the existence or nonexistence 30717  
of the father and child relationship may be brought by the child 30718  
or the child's personal representative, the child's mother or her 30719  
personal representative, a man alleged or alleging himself to be 30720  
the child's father, the child support enforcement agency of the 30721  
county in which the child resides if the child's mother, father, 30722  
or alleged father is a recipient of public assistance or of 30723  
services under Title IV-D of the "Social Security Act," 88 Stat. 30724  
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 30725  
personal representative. 30726

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape or sexual battery, the victim of the rape or sexual battery was the child's mother, and the child was conceived as a result of the rape or sexual battery.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(E) As used in this section:

(1) "Public assistance" means ~~all~~ both of the following:

(a) Medicaid;

(b) Ohio works first under Chapter 5107. of the Revised Code;

~~(c) Disability financial assistance under Chapter 5115. of~~



~~the Revised Code.~~ 30757

(2) "Rape" means a violation of section 2907.02 of the Revised Code or similar law of another state. 30758  
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(3) "Sexual battery" means a violation of section 2907.03 of the Revised Code or similar law of another state. 30760  
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**Sec. 3113.06.** No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who is legally a ward of a public children services agency or is the recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, shall neglect or refuse to pay such agency the reasonable cost of maintaining such child when such father or mother is able to do so by reason of property, labor, or earnings. 30762  
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An offense under this section shall be held committed in the county in which the agency is located. The agency shall file charges against any parent who violates this section, unless the agency files charges under section 2919.21 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless an action to enforce support is brought under Chapter 3115. of the Revised Code. 30770  
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**Sec. 3113.07.** As used in this section, "executive director" has the same meaning as in section 5153.01 of the Revised Code. 30777  
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Sentence may be suspended, if a person, after conviction under section 3113.06 of the Revised Code and before sentence thereunder, appears before the court of common pleas in which such conviction took place and enters into bond to the state in a sum fixed by the court at not less than five hundred dollars, with sureties approved by such court, conditioned that such person will pay, so long as the child remains a ward of the public children services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 30779  
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~~5115.~~ of the Revised Code, to the executive director thereof or to a trustee to be named by the court, for the benefit of such agency or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ ~~5115.~~ of the Revised Code, to the county department of job and family services, the reasonable cost of keeping such child. The amount of such costs and the time of payment shall be fixed by the court.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

**Sec. 3113.31.** (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than

eighteen years of age.	30817
(3) "Family or household member" means any of the following:	30818
(a) Any of the following who is residing with or has resided with the respondent:	30819 30820
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	30821 30822
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	30823 30824 30825
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	30826 30827 30828 30829
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	30830 30831
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	30832 30833 30834 30835 30836 30837
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	30838 30839
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	30840 30841
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	30842 30843
<u>(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	30844 30845

(B) The court has jurisdiction over all proceedings under 30846  
this section. The petitioner's right to relief under this section 30847  
is not affected by the petitioner's leaving the residence or 30848  
household to avoid further domestic violence. 30849

(C) A person may seek relief under this section on the 30850  
person's own behalf, or any parent or adult household member may 30851  
seek relief under this section on behalf of any other family or 30852  
household member, by filing a petition with the court. The 30853  
petition shall contain or state: 30854

(1) An allegation that the respondent engaged in domestic 30855  
violence against a family or household member of the respondent, 30856  
including a description of the nature and extent of the domestic 30857  
violence; 30858

(2) The relationship of the respondent to the petitioner, and 30859  
to the victim if other than the petitioner; 30860

(3) A request for relief under this section. 30861

(D)(1) If a person who files a petition pursuant to this 30862  
section requests an ex parte order, the court shall hold an ex 30863  
parte hearing on the same day that the petition is filed. The 30864  
court, for good cause shown at the ex parte hearing, may enter any 30865  
temporary orders, with or without bond, including, but not limited 30866  
to, an order described in division (E)(1)(a), (b), or (c) of this 30867  
section, that the court finds necessary to protect the family or 30868  
household member from domestic violence. Immediate and present 30869  
danger of domestic violence to the family or household member 30870  
constitutes good cause for purposes of this section. Immediate and 30871  
present danger includes, but is not limited to, situations in 30872  
which the respondent has threatened the family or household member 30873  
with bodily harm, in which the respondent has threatened the 30874  
family or household member with a sexually oriented offense, or in 30875  
which the respondent previously has been convicted of, pleaded 30876

guilty to, or been adjudicated a delinquent child for an offense 30877  
that constitutes domestic violence against the family or household 30878  
member. 30879

(2)(a) If the court, after an ex parte hearing, issues an 30880  
order described in division (E)(1)(b) or (c) of this section, the 30881  
court shall schedule a full hearing for a date that is within 30882  
seven court days after the ex parte hearing. If any other type of 30883  
protection order that is authorized under division (E) of this 30884  
section is issued by the court after an ex parte hearing, the 30885  
court shall schedule a full hearing for a date that is within ten 30886  
court days after the ex parte hearing. The court shall give the 30887  
respondent notice of, and an opportunity to be heard at, the full 30888  
hearing. The court shall hold the full hearing on the date 30889  
scheduled under this division unless the court grants a 30890  
continuance of the hearing in accordance with this division. Under 30891  
any of the following circumstances or for any of the following 30892  
reasons, the court may grant a continuance of the full hearing to 30893  
a reasonable time determined by the court: 30894

(i) Prior to the date scheduled for the full hearing under 30895  
this division, the respondent has not been served with the 30896  
petition filed pursuant to this section and notice of the full 30897  
hearing. 30898

(ii) The parties consent to the continuance. 30899

(iii) The continuance is needed to allow a party to obtain 30900  
counsel. 30901

(iv) The continuance is needed for other good cause. 30902

(b) An ex parte order issued under this section does not 30903  
expire because of a failure to serve notice of the full hearing 30904  
upon the respondent before the date set for the full hearing under 30905  
division (D)(2)(a) of this section or because the court grants a 30906  
continuance under that division. 30907

(3) If a person who files a petition pursuant to this section 30908  
does not request an ex parte order, or if a person requests an ex 30909  
parte order but the court does not issue an ex parte order after 30910  
an ex parte hearing, the court shall proceed as in a normal civil 30911  
action and grant a full hearing on the matter. 30912

(E)(1) After an ex parte or full hearing, the court may grant 30913  
any protection order, with or without bond, or approve any consent 30914  
agreement to bring about a cessation of domestic violence against 30915  
the family or household members. The order or agreement may: 30916

(a) Direct the respondent to refrain from abusing or from 30917  
committing sexually oriented offenses against the family or 30918  
household members; 30919

(b) Grant possession of the residence or household to the 30920  
petitioner or other family or household member, to the exclusion 30921  
of the respondent, by evicting the respondent, when the residence 30922  
or household is owned or leased solely by the petitioner or other 30923  
family or household member, or by ordering the respondent to 30924  
vacate the premises, when the residence or household is jointly 30925  
owned or leased by the respondent, and the petitioner or other 30926  
family or household member; 30927

(c) When the respondent has a duty to support the petitioner 30928  
or other family or household member living in the residence or 30929  
household and the respondent is the sole owner or lessee of the 30930  
residence or household, grant possession of the residence or 30931  
household to the petitioner or other family or household member, 30932  
to the exclusion of the respondent, by ordering the respondent to 30933  
vacate the premises, or, in the case of a consent agreement, allow 30934  
the respondent to provide suitable, alternative housing; 30935

(d) Temporarily allocate parental rights and responsibilities 30936  
for the care of, or establish temporary parenting time rights with 30937  
regard to, minor children, if no other court has determined, or is 30938

determining, the allocation of parental rights and 30939  
responsibilities for the minor children or parenting time rights; 30940

(e) Require the respondent to maintain support, if the 30941  
respondent customarily provides for or contributes to the support 30942  
of the family or household member, or if the respondent has a duty 30943  
to support the petitioner or family or household member; 30944

(f) Require the respondent, petitioner, victim of domestic 30945  
violence, or any combination of those persons, to seek counseling; 30946

(g) Require the respondent to refrain from entering the 30947  
residence, school, business, or place of employment of the 30948  
petitioner or family or household member; 30949

(h) Grant other relief that the court considers equitable and 30950  
fair, including, but not limited to, ordering the respondent to 30951  
permit the use of a motor vehicle by the petitioner or other 30952  
family or household member and the apportionment of household and 30953  
family personal property; 30954

(i) Require that the respondent not remove, damage, hide, 30955  
harm, or dispose of any companion animal owned or possessed by the 30956  
petitioner; 30957

(j) Authorize the petitioner to remove a companion animal 30958  
owned by the petitioner from the possession of the respondent; 30959

(k) Require a wireless service transfer in accordance with 30960  
sections 3113.45 to 3113.459 of the Revised Code. 30961

(2) If a protection order has been issued pursuant to this 30962  
section in a prior action involving the respondent and the 30963  
petitioner or one or more of the family or household members or 30964  
victims, the court may include in a protection order that it 30965  
issues a prohibition against the respondent returning to the 30966  
residence or household. If it includes a prohibition against the 30967  
respondent returning to the residence or household in the order, 30968

it also shall include in the order provisions of the type 30969  
described in division (E)(7) of this section. This division does 30970  
not preclude the court from including in a protection order or 30971  
consent agreement, in circumstances other than those described in 30972  
this division, a requirement that the respondent be evicted from 30973  
or vacate the residence or household or refrain from entering the 30974  
residence, school, business, or place of employment of the 30975  
petitioner or a family or household member, and, if the court 30976  
includes any requirement of that type in an order or agreement, 30977  
the court also shall include in the order provisions of the type 30978  
described in division (E)(7) of this section. 30979

(3)(a) Any protection order issued or consent agreement 30980  
approved under this section shall be valid until a date certain, 30981  
but not later than five years from the date of its issuance or 30982  
approval, or not later than the date a respondent who is less than 30983  
eighteen years of age attains nineteen years of age, unless 30984  
modified or terminated as provided in division (E)(8) of this 30985  
section. 30986

(b) Subject to the limitation on the duration of an order or 30987  
agreement set forth in division (E)(3)(a) of this section, any 30988  
order under division (E)(1)(d) of this section shall terminate on 30989  
the date that a court in an action for divorce, dissolution of 30990  
marriage, or legal separation brought by the petitioner or 30991  
respondent issues an order allocating parental rights and 30992  
responsibilities for the care of children or on the date that a 30993  
juvenile court in an action brought by the petitioner or 30994  
respondent issues an order awarding legal custody of minor 30995  
children. Subject to the limitation on the duration of an order or 30996  
agreement set forth in division (E)(3)(a) of this section, any 30997  
order under division (E)(1)(e) of this section shall terminate on 30998  
the date that a court in an action for divorce, dissolution of 30999  
marriage, or legal separation brought by the petitioner or 31000



respondent issues a support order or on the date that a juvenile 31001  
court in an action brought by the petitioner or respondent issues 31002  
a support order. 31003

(c) Any protection order issued or consent agreement approved 31004  
pursuant to this section may be renewed in the same manner as the 31005  
original order or agreement was issued or approved. 31006

(4) A court may not issue a protection order that requires a 31007  
petitioner to do or to refrain from doing an act that the court 31008  
may require a respondent to do or to refrain from doing under 31009  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 31010  
section unless all of the following apply: 31011

(a) The respondent files a separate petition for a protection 31012  
order in accordance with this section. 31013

(b) The petitioner is served notice of the respondent's 31014  
petition at least forty-eight hours before the court holds a 31015  
hearing with respect to the respondent's petition, or the 31016  
petitioner waives the right to receive this notice. 31017

(c) If the petitioner has requested an ex parte order 31018  
pursuant to division (D) of this section, the court does not delay 31019  
any hearing required by that division beyond the time specified in 31020  
that division in order to consolidate the hearing with a hearing 31021  
on the petition filed by the respondent. 31022

(d) After a full hearing at which the respondent presents 31023  
evidence in support of the request for a protection order and the 31024  
petitioner is afforded an opportunity to defend against that 31025  
evidence, the court determines that the petitioner has committed 31026  
an act of domestic violence or has violated a temporary protection 31027  
order issued pursuant to section 2919.26 of the Revised Code, that 31028  
both the petitioner and the respondent acted primarily as 31029  
aggressors, and that neither the petitioner nor the respondent 31030  
acted primarily in self-defense. 31031

(5) No protection order issued or consent agreement approved 31032  
under this section shall in any manner affect title to any real 31033  
property. 31034

(6)(a) If a petitioner, or the child of a petitioner, who 31035  
obtains a protection order or consent agreement pursuant to 31036  
division (E)(1) of this section or a temporary protection order 31037  
pursuant to section 2919.26 of the Revised Code and is the subject 31038  
of a parenting time order issued pursuant to section 3109.051 or 31039  
3109.12 of the Revised Code or a visitation or companionship order 31040  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 31041  
Revised Code or division (E)(1)(d) of this section granting 31042  
parenting time rights to the respondent, the court may require the 31043  
public children services agency of the county in which the court 31044  
is located to provide supervision of the respondent's exercise of 31045  
parenting time or visitation or companionship rights with respect 31046  
to the child for a period not to exceed nine months, if the court 31047  
makes the following findings of fact: 31048

(i) The child is in danger from the respondent; 31049

(ii) No other person or agency is available to provide the 31050  
supervision. 31051

(b) A court that requires an agency to provide supervision 31052  
pursuant to division (E)(6)(a) of this section shall order the 31053  
respondent to reimburse the agency for the cost of providing the 31054  
supervision, if it determines that the respondent has sufficient 31055  
income or resources to pay that cost. 31056

(7)(a) If a protection order issued or consent agreement 31057  
approved under this section includes a requirement that the 31058  
respondent be evicted from or vacate the residence or household or 31059  
refrain from entering the residence, school, business, or place of 31060  
employment of the petitioner or a family or household member, the 31061  
order or agreement shall state clearly that the order or agreement 31062

cannot be waived or nullified by an invitation to the respondent 31063  
from the petitioner or other family or household member to enter 31064  
the residence, school, business, or place of employment or by the 31065  
respondent's entry into one of those places otherwise upon the 31066  
consent of the petitioner or other family or household member. 31067

(b) Division (E)(7)(a) of this section does not limit any 31068  
discretion of a court to determine that a respondent charged with 31069  
a violation of section 2919.27 of the Revised Code, with a 31070  
violation of a municipal ordinance substantially equivalent to 31071  
that section, or with contempt of court, which charge is based on 31072  
an alleged violation of a protection order issued or consent 31073  
agreement approved under this section, did not commit the 31074  
violation or was not in contempt of court. 31075

(8)(a) The court may modify or terminate as provided in 31076  
division (E)(8) of this section a protection order or consent 31077  
agreement that was issued after a full hearing under this section. 31078  
The court that issued the protection order or approved the consent 31079  
agreement shall hear a motion for modification or termination of 31080  
the protection order or consent agreement pursuant to division 31081  
(E)(8) of this section. 31082

(b) Either the petitioner or the respondent of the original 31083  
protection order or consent agreement may bring a motion for 31084  
modification or termination of a protection order or consent 31085  
agreement that was issued or approved after a full hearing. The 31086  
court shall require notice of the motion to be made as provided by 31087  
the Rules of Civil Procedure. If the petitioner for the original 31088  
protection order or consent agreement has requested that the 31089  
petitioner's address be kept confidential, the court shall not 31090  
disclose the address to the respondent of the original protection 31091  
order or consent agreement or any other person, except as 31092  
otherwise required by law. The moving party has the burden of 31093  
proof to show, by a preponderance of the evidence, that 31094

modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate. 31095  
31096  
31097  
31098  
31099

(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following: 31100  
31101  
31102  
31103

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement; 31104  
31105

(ii) Whether the petitioner fears the respondent; 31106

(iii) The current nature of the relationship between the petitioner and the respondent; 31107  
31108

(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together; 31109  
31110  
31111  
31112

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; 31113  
31114

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; 31115  
31116

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement; 31117  
31118  
31119  
31120

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or 31121  
31122  
31123  
31124

the law of any other state; 31125

(ix) Whether the respondent has participated in any domestic 31126  
violence treatment, intervention program, or other counseling 31127  
addressing domestic violence and whether the respondent has 31128  
completed the treatment, program, or counseling; 31129

(x) The time that has elapsed since the protection order was 31130  
issued or since the consent agreement was approved; 31131

(xi) The age and health of the respondent; 31132

(xii) When the last incident of abuse, threat of harm, or 31133  
commission of a sexually oriented offense occurred or other 31134  
relevant information concerning the safety and protection of the 31135  
petitioner or other protected parties. 31136

(d) If a protection order or consent agreement is modified or 31137  
terminated as provided in division (E)(8) of this section, the 31138  
court shall issue copies of the modified or terminated order or 31139  
agreement as provided in division (F) of this section. A 31140  
petitioner may also provide notice of the modification or 31141  
termination to the judicial and law enforcement officials in any 31142  
county other than the county in which the order or agreement is 31143  
modified or terminated as provided in division (N) of this 31144  
section. 31145

(e) If the respondent moves for modification or termination 31146  
of a protection order or consent agreement pursuant to this 31147  
section and the court denies the motion, the court may assess 31148  
costs against the respondent for the filing of the motion. 31149

(9) Any protection order issued or any consent agreement 31150  
approved pursuant to this section shall include a provision that 31151  
the court will automatically seal all of the records of the 31152  
proceeding in which the order is issued or agreement approved on 31153  
the date the respondent attains the age of nineteen years unless 31154  
the petitioner provides the court with evidence that the 31155

respondent has not complied with all of the terms of the 31156  
protection order or consent agreement. The protection order or 31157  
consent agreement shall specify the date when the respondent 31158  
attains the age of nineteen years. 31159

(F)(1) A copy of any protection order, or consent agreement, 31160  
that is issued, approved, modified, or terminated under this 31161  
section shall be issued by the court to the petitioner, to the 31162  
respondent, and to all law enforcement agencies that have 31163  
jurisdiction to enforce the order or agreement. The court shall 31164  
direct that a copy of an order be delivered to the respondent on 31165  
the same day that the order is entered. 31166

(2) Upon the issuance of a protection order or the approval 31167  
of a consent agreement under this section, the court shall provide 31168  
the parties to the order or agreement with the following notice 31169  
orally or by form: 31170

"NOTICE 31171

As a result of this order or consent agreement, it may be 31172  
unlawful for you to possess or purchase a firearm, including a 31173  
rifle, pistol, or revolver, or ammunition pursuant to federal law 31174  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 31175  
law makes it illegal for you to possess or purchase a firearm or 31176  
ammunition, you should consult an attorney." 31177

(3) All law enforcement agencies shall establish and maintain 31178  
an index for the protection orders and the approved consent 31179  
agreements delivered to the agencies pursuant to division (F)(1) 31180  
of this section. With respect to each order and consent agreement 31181  
delivered, each agency shall note on the index the date and time 31182  
that it received the order or consent agreement. 31183

(4) Regardless of whether the petitioner has registered the 31184  
order or agreement in the county in which the officer's agency has 31185  
jurisdiction pursuant to division (N) of this section, any officer 31186

of a law enforcement agency shall enforce a protection order 31187  
issued or consent agreement approved by any court in this state in 31188  
accordance with the provisions of the order or agreement, 31189  
including removing the respondent from the premises, if 31190  
appropriate. 31191

(G)(1) Any proceeding under this section shall be conducted 31192  
in accordance with the Rules of Civil Procedure, except that an 31193  
order under this section may be obtained with or without bond. An 31194  
order issued under this section, other than an ex parte order, 31195  
that grants a protection order or approves a consent agreement, 31196  
that refuses to grant a protection order or approve a consent 31197  
agreement that modifies or terminates a protection order or 31198  
consent agreement, or that refuses to modify or terminate a 31199  
protection order or consent agreement, is a final, appealable 31200  
order. The remedies and procedures provided in this section are in 31201  
addition to, and not in lieu of, any other available civil or 31202  
criminal remedies. 31203

(2) If as provided in division (G)(1) of this section an 31204  
order issued under this section, other than an ex parte order, 31205  
refuses to grant a protection order, the court, on its own motion, 31206  
shall order that the ex parte order issued under this section and 31207  
all of the records pertaining to that ex parte order be expunged 31208  
after either of the following occurs: 31209

(a) The period of the notice of appeal from the order that 31210  
refuses to grant a protection order has expired. 31211

(b) The order that refuses to grant the protection order is 31212  
appealed and an appellate court to which the last appeal of that 31213  
order is taken affirms the order. 31214

(H) The filing of proceedings under this section does not 31215  
excuse a person from filing any report or giving any notice 31216  
required by section 2151.421 of the Revised Code or by any other 31217

law. When a petition under this section alleges domestic violence 31218  
against minor children, the court shall report the fact, or cause 31219  
reports to be made, to a county, township, or municipal peace 31220  
officer under section 2151.421 of the Revised Code. 31221

(I) Any law enforcement agency that investigates a domestic 31222  
dispute shall provide information to the family or household 31223  
members involved regarding the relief available under this section 31224  
and section 2919.26 of the Revised Code. 31225

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 31226  
section and regardless of whether a protection order is issued or 31227  
a consent agreement is approved by a court of another county or a 31228  
court of another state, no court or unit of state or local 31229  
government shall charge the petitioner any fee, cost, deposit, or 31230  
money in connection with the filing of a petition pursuant to this 31231  
section or in connection with the filing, issuance, registration, 31232  
modification, enforcement, dismissal, withdrawal, or service of a 31233  
protection order, consent agreement, or witness subpoena or for 31234  
obtaining a certified copy of a protection order or consent 31235  
agreement. 31236

(2) Regardless of whether a protection order is issued or a 31237  
consent agreement is approved pursuant to this section, the court 31238  
may assess costs against the respondent in connection with the 31239  
filing, issuance, registration, modification, enforcement, 31240  
dismissal, withdrawal, or service of a protection order, consent 31241  
agreement, or witness subpoena or for obtaining a certified copy 31242  
of a protection order or consent agreement. 31243

(K)(1) The court shall comply with Chapters 3119., 3121., 31244  
3123., and 3125. of the Revised Code when it makes or modifies an 31245  
order for child support under this section. 31246

(2) If any person required to pay child support under an 31247  
order made under this section on or after April 15, 1985, or 31248



modified under this section on or after December 31, 1986, is 31249  
found in contempt of court for failure to make support payments 31250  
under the order, the court that makes the finding, in addition to 31251  
any other penalty or remedy imposed, shall assess all court costs 31252  
arising out of the contempt proceeding against the person and 31253  
require the person to pay any reasonable attorney's fees of any 31254  
adverse party, as determined by the court, that arose in relation 31255  
to the act of contempt. 31256

(L)(1) A person who violates a protection order issued or a 31257  
consent agreement approved under this section is subject to the 31258  
following sanctions: 31259

(a) Criminal prosecution or a delinquent child proceeding for 31260  
a violation of section 2919.27 of the Revised Code, if the 31261  
violation of the protection order or consent agreement constitutes 31262  
a violation of that section; 31263

(b) Punishment for contempt of court. 31264

(2) The punishment of a person for contempt of court for 31265  
violation of a protection order issued or a consent agreement 31266  
approved under this section does not bar criminal prosecution of 31267  
the person or a delinquent child proceeding concerning the person 31268  
for a violation of section 2919.27 of the Revised Code. However, a 31269  
person punished for contempt of court is entitled to credit for 31270  
the punishment imposed upon conviction of or adjudication as a 31271  
delinquent child for a violation of that section, and a person 31272  
convicted of or adjudicated a delinquent child for a violation of 31273  
that section shall not subsequently be punished for contempt of 31274  
court arising out of the same activity. 31275

(M) In all stages of a proceeding under this section, a 31276  
petitioner may be accompanied by a victim advocate. 31277

(N)(1) A petitioner who obtains a protection order or consent 31278  
agreement under this section or a temporary protection order under 31279

section 2919.26 of the Revised Code may provide notice of the 31280  
issuance or approval of the order or agreement to the judicial and 31281  
law enforcement officials in any county other than the county in 31282  
which the order is issued or the agreement is approved by 31283  
registering that order or agreement in the other county pursuant 31284  
to division (N)(2) of this section and filing a copy of the 31285  
registered order or registered agreement with a law enforcement 31286  
agency in the other county in accordance with that division. A 31287  
person who obtains a protection order issued by a court of another 31288  
state may provide notice of the issuance of the order to the 31289  
judicial and law enforcement officials in any county of this state 31290  
by registering the order in that county pursuant to section 31291  
2919.272 of the Revised Code and filing a copy of the registered 31292  
order with a law enforcement agency in that county. 31293

(2) A petitioner may register a temporary protection order, 31294  
protection order, or consent agreement in a county other than the 31295  
county in which the court that issued the order or approved the 31296  
agreement is located in the following manner: 31297

(a) The petitioner shall obtain a certified copy of the order 31298  
or agreement from the clerk of the court that issued the order or 31299  
approved the agreement and present that certified copy to the 31300  
clerk of the court of common pleas or the clerk of a municipal 31301  
court or county court in the county in which the order or 31302  
agreement is to be registered. 31303

(b) Upon accepting the certified copy of the order or 31304  
agreement for registration, the clerk of the court of common 31305  
pleas, municipal court, or county court shall place an endorsement 31306  
of registration on the order or agreement and give the petitioner 31307  
a copy of the order or agreement that bears that proof of 31308  
registration. 31309

(3) The clerk of each court of common pleas, the clerk of 31310  
each municipal court, and the clerk of each county court shall 31311

maintain a registry of certified copies of temporary protection 31312  
orders, protection orders, or consent agreements that have been 31313  
issued or approved by courts in other counties and that have been 31314  
registered with the clerk. 31315

(O) Nothing in this section prohibits the domestic relations 31316  
division of a court of common pleas in counties that have a 31317  
domestic relations division or a court of common pleas in counties 31318  
that do not have a domestic relations division from designating a 31319  
minor child as a protected party on a protection order or consent 31320  
agreement. 31321

**Sec. 3119.05.** When a court computes the amount of child 31322  
support required to be paid under a court child support order or a 31323  
child support enforcement agency computes the amount of child 31324  
support to be paid pursuant to an administrative child support 31325  
order, all of the following apply: 31326

(A) The parents' current and past income and personal 31327  
earnings shall be verified by electronic means or with suitable 31328  
documents, including, but not limited to, paystubs, employer 31329  
statements, receipts and expense vouchers related to 31330  
self-generated income, tax returns, and all supporting 31331  
documentation and schedules for the tax returns. 31332

(B) The amount of any pre-existing child support obligation 31333  
of a parent under a child support order and the amount of any 31334  
court-ordered spousal support actually paid shall be deducted from 31335  
the gross income of that parent to the extent that payment under 31336  
the child support order or that payment of the court-ordered 31337  
spousal support is verified by supporting documentation. 31338

(C) If other minor children who were born to the parent and a 31339  
person other than the other parent who is involved in the 31340  
immediate child support determination live with the parent, the 31341  
court or agency shall deduct an amount from that parent's gross 31342

income that equals the number of such minor children times the 31343  
federal income tax exemption for such children less child support 31344  
received for them for the year, not exceeding the federal income 31345  
tax exemption. 31346

(D) When the court or agency calculates the gross income of a 31347  
parent, it shall include the lesser of the following as income 31348  
from overtime and bonuses: 31349

(1) The yearly average of all overtime, commissions, and 31350  
bonuses received during the three years immediately prior to the 31351  
time when the person's child support obligation is being computed; 31352

(2) The total overtime, commissions, and bonuses received 31353  
during the year immediately prior to the time when the person's 31354  
child support obligation is being computed. 31355

(E) When the court or agency calculates the gross income of a 31356  
parent, it shall not include any income earned by the spouse of 31357  
that parent. 31358

(F) The court shall issue a separate order for extraordinary 31359  
medical or dental expenses, including, but not limited to, 31360  
orthodontia, psychological, appropriate private education, and 31361  
other expenses, and may consider the expenses in adjusting a child 31362  
support order. 31363

(G) When a court or agency calculates the amount of child 31364  
support to be paid pursuant to a court child support order or an 31365  
administrative child support order, if the combined gross income 31366  
of both parents is an amount that is between two amounts set forth 31367  
in the first column of the schedule, the court or agency may use 31368  
the basic child support obligation that corresponds to the higher 31369  
of the two amounts in the first column of the schedule, use the 31370  
basic child support obligation that corresponds to the lower of 31371  
the two amounts in the first column of the schedule, or calculate 31372  
a basic child support obligation that is between those two amounts 31373

and corresponds proportionally to the parents' actual combined gross income. 31374  
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(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a reasonable period of years. 31376  
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(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if either of the following conditions exist: 31379  
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(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, ~~financial assistance under the disability financial assistance program established under Chapter 5115. of the Revised Code,~~ supplemental security income, or means-tested veterans' benefits; 31384  
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(2) The parent is incarcerated or institutionalized for a period of twelve months or more with no other available assets, unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code when the obligee or a child who is the subject of the support order is a victim of the offense. 31391  
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(J) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, 31398  
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and the incomes of the parents as they existed, for that prior 31405  
period of time. 31406

(K) A court or agency may disregard a parent's additional 31407  
income from overtime or additional employment when the court or 31408  
agency finds that the additional income was generated primarily to 31409  
support a new or additional family member or members, or under 31410  
other appropriate circumstances. 31411

(L) If both parents involved in the immediate child support 31412  
determination have a prior order for support relative to a minor 31413  
child or children born to both parents, the court or agency shall 31414  
collect information about the existing order or orders and 31415  
consider those together with the current calculation for support 31416  
to ensure that the total of all orders for all children of the 31417  
parties does not exceed the amount that would have been ordered if 31418  
all children were addressed in a single judicial or administrative 31419  
proceeding. 31420

**Sec. 3121.03.** If a court or child support enforcement agency 31421  
that issued or modified a support order, or the agency 31422  
administering the support order, is required by the Revised Code 31423  
to issue one or more withholding or deduction notices described in 31424  
this section or other orders described in this section, the court 31425  
or agency shall issue one or more of the following types of 31426  
notices or orders, as appropriate, for payment of the support and 31427  
also, if required by the Revised Code or the court, to pay any 31428  
arrearages: 31429

(A)(1) If the court or the child support enforcement agency 31430  
determines that the obligor is receiving income from a payor, the 31431  
court or agency shall require the payor to do all of the 31432  
following: 31433

(a) Withhold from the obligor's income a specified amount for 31434  
support in satisfaction of the support order and begin the 31435

withholding no later than fourteen business days following the 31436  
date the notice is mailed or transmitted to the payor under 31437  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 31438  
division (A)(2) of this section or, if the payor is an employer, 31439  
no later than the first pay period that occurs after fourteen 31440  
business days following the date the notice is mailed or 31441  
transmitted; 31442

(b) Send the amount withheld to the office of child support 31443  
in the department of job and family services pursuant to section 31444  
3121.43 of the Revised Code immediately but not later than seven 31445  
business days after the date the obligor is paid; 31446

(c) Continue the withholding at intervals specified in the 31447  
notice until further notice from the court or child support 31448  
enforcement agency. 31449

To the extent possible, the amount specified to be withheld 31450  
shall satisfy the amount ordered for support in the support order 31451  
plus any arrearages owed by the obligor under any prior support 31452  
order that pertained to the same child or spouse, notwithstanding 31453  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 31454  
2716.041, and 2716.05 of the Revised Code. However, in no case 31455  
shall the sum of the amount to be withheld and any fee withheld by 31456  
the payor as a charge for its services exceed the maximum amount 31457  
permitted under section 303(b) of the "Consumer Credit Protection 31458  
Act," 15 U.S.C. 1673(b). 31459

(2) A court or agency that imposes an income withholding 31460  
requirement shall, within the applicable time specified in section 31461  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 31462  
Code, send to the obligor's payor by regular mail or via secure 31463  
federally managed data transmission interface a notice that 31464  
contains all of the information applicable to withholding notices 31465  
set forth in section 3121.037 of the Revised Code. The notice is 31466  
final and is enforceable by the court. 31467

(B)(1) If the court or child support enforcement agency 31468  
determines that the obligor has funds that are not exempt under 31469  
the laws of this state or the United States from execution, 31470  
attachment, or other legal process and are on deposit in an 31471  
account in a financial institution under the jurisdiction of the 31472  
court that issued the court support order, or in the case of an 31473  
administrative child support order, under the jurisdiction of the 31474  
common pleas court of the county in which the agency that issued 31475  
or is administering the order is located, the court or agency may 31476  
require any financial institution in which the obligor's funds are 31477  
on deposit to do all of the following: 31478

(a) Deduct from the obligor's account a specified amount for 31479  
support in satisfaction of the support order and begin the 31480  
deduction no later than fourteen business days following the date 31481  
the notice was mailed or transmitted to the financial institution 31482  
under section 3121.035 or 3123.06 of the Revised Code and division 31483  
(B)(2) of this section; 31484

(b) Send the amount deducted to the office of child support 31485  
in the department of job and family services pursuant to section 31486  
3121.43 of the Revised Code immediately but not later than seven 31487  
business days after the date the latest deduction was made; 31488

(c) Provide the date on which the amount was deducted; 31489

(d) Continue the deduction at intervals specified in the 31490  
notice until further notice from the court or child support 31491  
enforcement agency. 31492

To the extent possible, the amount to be deducted shall 31493  
satisfy the amount ordered for support in the support order plus 31494  
any arrearages that may be owed by the obligor under any prior 31495  
support order that pertained to the same child or spouse, 31496  
notwithstanding the limitations of sections 2329.66, 2329.70, and 31497  
2716.13 of the Revised Code. 31498



(2) A court or agency that imposes a deduction requirement shall, within the applicable period of time specified in section 3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send to the financial institution by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to deduction notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(C) With respect to any court support order it issues, a court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part of the court support order or, if the court support order has previously been issued, as a separate order. The cash bond shall be in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the obligor will make payment as previously ordered and will pay any arrearages under any prior court support order that pertained to the same child or spouse.

The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court support order has previously been issued, as soon as possible after the issuance of the order under this section. The additional order requiring notice by the obligor shall state all of the following:

(1) That when the obligor begins to receive income from a payor the obligor may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a

payor the court will proceed to collect on the bond if the court 31531  
determines that payments due under the court support order have 31532  
not been made and that the amount that has not been paid is at 31533  
least equal to the support owed for one month under the court 31534  
support order and will issue a notice requiring the withholding of 31535  
an amount from income for support in accordance with this section. 31536  
The notice required of the obligor shall include a description of 31537  
the nature of any new employment, the name and business address of 31538  
any new employer, and any other information reasonably required by 31539  
the court. 31540

The court shall not order an obligor to post a cash bond 31541  
under this section unless the court determines that the obligor 31542  
has the ability to do so. 31543

A child support enforcement agency may not issue a cash bond 31544  
order. If a child support enforcement agency is required to issue 31545  
a withholding or deduction notice under this section with respect 31546  
to a court support order but the agency determines that no 31547  
withholding or deduction notice would be appropriate, the agency 31548  
may request that the court issue a cash bond order under this 31549  
section, and upon the request, the court may issue the order. 31550

(D)(1) If the obligor under a court support order is 31551  
unemployed, has no income, and does not have an account at any 31552  
financial institution, or on request of a child support 31553  
enforcement agency under division (D)(1) or (2) of this section, 31554  
the court shall issue an order requiring the obligor, if able to 31555  
engage in employment, to seek employment or participate in a work 31556  
activity to which a recipient of assistance under Title IV-A of 31557  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 31558  
as amended, may be assigned as specified in section 407(d) of the 31559  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 31560  
shall include in the order requirements that the obligor register 31561  
with the OhioMeansJobs web site and to notify the child support 31562

enforcement agency on obtaining employment, obtaining any income, 31563  
or obtaining ownership of any asset with a value of five hundred 31564  
dollars or more. The court may issue the order regardless of 31565  
whether the obligee to whom the obligor owes support is a 31566  
recipient of assistance under Title IV-A of the "Social Security 31567  
Act." The court shall issue the order as part of a court support 31568  
order or, if a court support order has previously been issued, as 31569  
a separate order. If a child support enforcement agency is 31570  
required to issue a withholding or deduction notice under this 31571  
section with respect to a court support order but determines that 31572  
no withholding or deduction notice would be appropriate, the 31573  
agency may request that the court issue a court order under 31574  
division (D)(1) of this section, and, on the request, the court 31575  
may issue the order. 31576

(2) If the obligor under an administrative child support 31577  
order is unemployed, has no income, and does not have an account 31578  
at any financial institution, the agency shall issue an 31579  
administrative order requiring the obligor, if able to engage in 31580  
employment, to seek employment or participate in a work activity 31581  
to which a recipient of assistance under Title IV-A of the "Social 31582  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 31583  
may be assigned as specified in section 407(d) of the "Social 31584  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 31585  
include in the order requirements that the obligor register with 31586  
the OhioMeansJobs web site and to notify the agency on obtaining 31587  
employment or income, or ownership of any asset with a value of 31588  
five hundred dollars or more. The agency may issue the order 31589  
regardless of whether the obligee to whom the obligor owes support 31590  
is a recipient of assistance under Title IV-A of the "Social 31591  
Security Act." If an obligor fails to comply with an 31592  
administrative order issued pursuant to division (D)(2) of this 31593  
section, the agency shall submit a request to a court for the 31594  
court to issue an order under division (D)(1) of this section. 31595

**Sec. 3301.0711.** (A) The department of education shall: 31596

(1) Annually furnish to, grade, and score all assessments 31597  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 31598  
the Revised Code to be administered by city, local, exempted 31599  
village, and joint vocational school districts, except that each 31600  
district shall score any assessment administered pursuant to 31601  
division (B)(10) of this section. Each assessment so furnished 31602  
shall include the data verification code of the student to whom 31603  
the assessment will be administered, as assigned pursuant to 31604  
division (D)(2) of section 3301.0714 of the Revised Code. In 31605  
furnishing the practice versions of Ohio graduation tests 31606  
prescribed by division (D) of section 3301.0710 of the Revised 31607  
Code, the department shall make the tests available on its web 31608  
site for reproduction by districts. In awarding contracts for 31609  
grading assessments, the department shall give preference to 31610  
Ohio-based entities employing Ohio residents. 31611

(2) Adopt rules for the ethical use of assessments and 31612  
prescribing the manner in which the assessments prescribed by 31613  
section 3301.0710 of the Revised Code shall be administered to 31614  
students. 31615

(B) Except as provided in divisions (C) and (J) of this 31616  
section, the board of education of each city, local, and exempted 31617  
village school district shall, in accordance with rules adopted 31618  
under division (A) of this section: 31619

(1) Administer the English language arts assessments 31620  
prescribed under division (A)(1)(a) of section 3301.0710 of the 31621  
Revised Code twice annually to all students in the third grade who 31622  
have not attained the score designated for that assessment under 31623  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 31624

(2) Administer the mathematics assessment prescribed under 31625  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 31626

least once annually to all students in the third grade.	31627
(3) Administer the assessments prescribed under division	31628
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	31629
annually to all students in the fourth grade.	31630
(4) Administer the assessments prescribed under division	31631
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	31632
annually to all students in the fifth grade.	31633
(5) Administer the assessments prescribed under division	31634
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	31635
annually to all students in the sixth grade.	31636
(6) Administer the assessments prescribed under division	31637
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	31638
annually to all students in the seventh grade.	31639
(7) Administer the assessments prescribed under division	31640
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	31641
annually to all students in the eighth grade.	31642
(8) Except as provided in division (B)(9) of this section,	31643
administer any assessment prescribed under division (B)(1) of	31644
section 3301.0710 of the Revised Code as follows:	31645
(a) At least once annually to all tenth grade students and at	31646
least twice annually to all students in eleventh or twelfth grade	31647
who have not yet attained the score on that assessment designated	31648
under that division;	31649
(b) To any person who has successfully completed the	31650
curriculum in any high school or the individualized education	31651
program developed for the person by any high school pursuant to	31652
section 3323.08 of the Revised Code but has not received a high	31653
school diploma and who requests to take such assessment, at any	31654
time such assessment is administered in the district.	31655
(9) In lieu of the board of education of any city, local, or	31656

exempted village school district in which the student is also 31657  
enrolled, the board of a joint vocational school district shall 31658  
administer any assessment prescribed under division (B)(1) of 31659  
section 3301.0710 of the Revised Code at least twice annually to 31660  
any student enrolled in the joint vocational school district who 31661  
has not yet attained the score on that assessment designated under 31662  
that division. A board of a joint vocational school district may 31663  
also administer such an assessment to any student described in 31664  
division (B)(8)(b) of this section. 31665

(10) If the district has a three-year average graduation rate 31666  
of not more than seventy-five per cent, administer each assessment 31667  
prescribed by division (D) of section 3301.0710 of the Revised 31668  
Code in September to all ninth grade students who entered ninth 31669  
grade prior to July 1, 2014. 31670

Except as provided in section 3313.614 of the Revised Code 31671  
for administration of an assessment to a person who has fulfilled 31672  
the curriculum requirement for a high school diploma but has not 31673  
passed one or more of the required assessments, the assessments 31674  
prescribed under division (B)(1) of section 3301.0710 of the 31675  
Revised Code shall not be administered after the date specified in 31676  
the rules adopted by the state board of education under division 31677  
(D)(1) of section 3301.0712 of the Revised Code. 31678

(11)(a) Except as provided in division (B)(11)(b) of this 31679  
section, administer the assessments prescribed by division (B)(2) 31680  
of section 3301.0710 and section 3301.0712 of the Revised Code in 31681  
accordance with the timeline and plan for implementation of those 31682  
assessments prescribed by rule of the state board adopted under 31683  
division (D)(1) of section 3301.0712 of the Revised Code; 31684

(b) A student who has presented evidence to the district or 31685  
school of having satisfied the condition prescribed by division 31686  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 31687  
high school diploma prior to the date of the administration of the 31688

assessment prescribed under division (B)(1) of section 3301.0712 31689  
of the Revised Code shall not be required to take that assessment. 31690  
However, no board shall prohibit a student who is not required to 31691  
take such assessment from taking the assessment. 31692

(C)(1)(a) In the case of a student receiving special 31693  
education services under Chapter 3323. of the Revised Code, the 31694  
individualized education program developed for the student under 31695  
that chapter shall specify the manner in which the student will 31696  
participate in the assessments administered under this section, 31697  
except that a student with significant cognitive disabilities to 31698  
whom an alternate assessment is administered in accordance with 31699  
division (C)(1) of this section and a student determined to have a 31700  
disability that includes an intellectual disability as outlined in 31701  
guidance issued by the department shall not be required to take 31702  
the assessment prescribed under division (B)(1) of section 31703  
3301.0712 of the Revised Code. The individualized education 31704  
program may excuse the student from taking any particular 31705  
assessment required to be administered under this section if it 31706  
instead specifies an alternate assessment method approved by the 31707  
department of education as conforming to requirements of federal 31708  
law for receipt of federal funds for disadvantaged pupils. To the 31709  
extent possible, the individualized education program shall not 31710  
excuse the student from taking an assessment unless no reasonable 31711  
accommodation can be made to enable the student to take the 31712  
assessment. No board shall prohibit a student who is not required 31713  
to take an assessment under division (C)(1) of this section from 31714  
taking the assessment. 31715

(b) Any alternate assessment approved by the department for a 31716  
student under this division shall produce measurable results 31717  
comparable to those produced by the assessment it replaces in 31718  
order to allow for the student's results to be included in the 31719  
data compiled for a school district or building under section 31720

3302.03 of the Revised Code. 31721

(c)(i) Any student enrolled in a chartered nonpublic school 31722  
who has been identified, based on an evaluation conducted in 31723  
accordance with section 3323.03 of the Revised Code or section 504 31724  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 31725  
794, as amended, as a child with a disability shall be excused 31726  
from taking any particular assessment required to be administered 31727  
under this section if a plan developed for the student pursuant to 31728  
rules adopted by the state board excuses the student from taking 31729  
that assessment. 31730

(ii) A student with significant cognitive disabilities to 31731  
whom an alternate assessment is administered in accordance with 31732  
division (C)(1) of this section and a student determined to have a 31733  
disability that includes an intellectual disability as outlined in 31734  
guidance issued by the department shall not be required to take 31735  
the assessment prescribed under division (B)(1) of section 31736  
3301.0712 of the Revised Code. 31737

(iii) In the case of any student so excused from taking an 31738  
assessment under division (C)(1)(c) of this section, the chartered 31739  
nonpublic school shall not prohibit the student from taking the 31740  
assessment. 31741

(2) A district board may, for medical reasons or other good 31742  
cause, excuse a student from taking an assessment administered 31743  
under this section on the date scheduled, but that assessment 31744  
shall be administered to the excused student not later than nine 31745  
days following the scheduled date. The district board shall 31746  
annually report the number of students who have not taken one or 31747  
more of the assessments required by this section to the state 31748  
board not later than the thirtieth day of June. 31749

(3) As used in this division, "limited English proficient 31750  
student" has the same meaning as in 20 U.S.C. 7801. 31751



No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

(4)(a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section.

(b) No governing authority shall require a limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit a limited English proficient student from taking an assessment from which the student was excused under division (C)(4) of this section.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any

student whose results indicate that the student is failing to make 31815  
satisfactory progress toward being able to attain scores at the 31816  
proficient level on the Ohio graduation tests. Intervention 31817  
services shall be provided in any skill in which a student 31818  
demonstrates unsatisfactory progress and shall be commensurate 31819  
with the student's performance. Schools shall provide the 31820  
intervention services prior to the end of the school year, during 31821  
the summer following the ninth grade, in the next succeeding 31822  
school year, or at any combination of those times. 31823

(E) Except as provided in section 3313.608 of the Revised 31824  
Code and division (N) of this section, no school district board of 31825  
education shall utilize any student's failure to attain a 31826  
specified score on an assessment administered under this section 31827  
as a factor in any decision to deny the student promotion to a 31828  
higher grade level. However, a district board may choose not to 31829  
promote to the next grade level any student who does not take an 31830  
assessment administered under this section or make up an 31831  
assessment as provided by division (C)(2) of this section and who 31832  
is not exempt from the requirement to take the assessment under 31833  
division (C)(3) of this section. 31834

(F) No person shall be charged a fee for taking any 31835  
assessment administered under this section. 31836

(G)(1) Each school district board shall designate one 31837  
location for the collection of assessments administered in the 31838  
spring under division (B)(1) of this section and those 31839  
administered under divisions (B)(2) to (7) of this section. Each 31840  
district board shall submit the assessments to the entity with 31841  
which the department contracts for the scoring of the assessments 31842  
as follows: 31843

(a) If the district's total enrollment in grades kindergarten 31844  
through twelve during the first full school week of October was 31845  
less than two thousand five hundred, not later than the Friday 31846

after all of the assessments have been administered; 31847

(b) If the district's total enrollment in grades kindergarten 31848  
through twelve during the first full school week of October was 31849  
two thousand five hundred or more, but less than seven thousand, 31850  
not later than the Monday after all of the assessments have been 31851  
administered; 31852

(c) If the district's total enrollment in grades kindergarten 31853  
through twelve during the first full school week of October was 31854  
seven thousand or more, not later than the Tuesday after all of 31855  
the assessments have been administered. 31856

However, any assessment that a student takes during the 31857  
make-up period described in division (C)(2) of this section shall 31858  
be submitted not later than the Friday following the day the 31859  
student takes the assessment. 31860

(2) The department or an entity with which the department 31861  
contracts for the scoring of the assessment shall send to each 31862  
school district board a list of the individual scores of all 31863  
persons taking a state achievement assessment as follows: 31864

(a) Except as provided in division (G)(2)(b) or (c) of this 31865  
section, within forty-five days after the administration of the 31866  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 31867  
Revised Code, but in no case shall the scores be returned later 31868  
than the thirtieth day of June following the administration; 31869

(b) In the case of the third-grade English language arts 31870  
assessment, within forty-five days after the administration of 31871  
that assessment, but in no case shall the scores be returned later 31872  
than the fifteenth day of June following the administration; 31873

(c) In the case of the writing component of an assessment or 31874  
end-of-course examination in the area of English language arts, 31875  
except for the third-grade English language arts assessment, the 31876  
results may be sent after forty-five days of the administration of 31877

the writing component, but in no case shall the scores be returned 31878  
later than the thirtieth day of June following the administration. 31879

(3) For assessments administered under this section by a 31880  
joint vocational school district, the department or entity shall 31881  
also send to each city, local, or exempted village school district 31882  
a list of the individual scores of any students of such city, 31883  
local, or exempted village school district who are attending 31884  
school in the joint vocational school district. 31885

(4) A school district or other public or chartered nonpublic 31886  
school may administer in a paper format any assessment 31887  
administered under this section, and shall not be required to 31888  
administer in an online format any such assessments. A district or 31889  
school may administer such assessments in any combination of 31890  
online and paper formats. 31891

The department of education shall furnish, free of charge, 31892  
all such assessments regardless of the format selected by the 31893  
district or school. 31894

(H) Individual scores on any assessments administered under 31895  
this section shall be released by a district board only in 31896  
accordance with section 3319.321 of the Revised Code and the rules 31897  
adopted under division (A) of this section. No district board or 31898  
its employees shall utilize individual or aggregate results in any 31899  
manner that conflicts with rules for the ethical use of 31900  
assessments adopted pursuant to division (A) of this section. 31901

(I) Except as provided in division (G) of this section, the 31902  
department or an entity with which the department contracts for 31903  
the scoring of the assessment shall not release any individual 31904  
scores on any assessment administered under this section. The 31905  
state board shall adopt rules to ensure the protection of student 31906  
confidentiality at all times. The rules may require the use of the 31907  
data verification codes assigned to students pursuant to division 31908

(D)(2) of section 3301.0714 of the Revised Code to protect the 31909  
confidentiality of student scores. 31910

(J) Notwithstanding division (D) of section 3311.52 of the 31911  
Revised Code, this section does not apply to the board of 31912  
education of any cooperative education school district except as 31913  
provided under rules adopted pursuant to this division. 31914

(1) In accordance with rules that the state board shall 31915  
adopt, the board of education of any city, exempted village, or 31916  
local school district with territory in a cooperative education 31917  
school district established pursuant to divisions (A) to (C) of 31918  
section 3311.52 of the Revised Code may enter into an agreement 31919  
with the board of education of the cooperative education school 31920  
district for administering any assessment prescribed under this 31921  
section to students of the city, exempted village, or local school 31922  
district who are attending school in the cooperative education 31923  
school district. 31924

(2) In accordance with rules that the state board shall 31925  
adopt, the board of education of any city, exempted village, or 31926  
local school district with territory in a cooperative education 31927  
school district established pursuant to section 3311.521 of the 31928  
Revised Code shall enter into an agreement with the cooperative 31929  
district that provides for the administration of any assessment 31930  
prescribed under this section to both of the following: 31931

(a) Students who are attending school in the cooperative 31932  
district and who, if the cooperative district were not 31933  
established, would be entitled to attend school in the city, 31934  
local, or exempted village school district pursuant to section 31935  
3313.64 or 3313.65 of the Revised Code; 31936

(b) Persons described in division (B)(8)(b) of this section. 31937

Any assessment of students pursuant to such an agreement 31938  
shall be in lieu of any assessment of such students or persons 31939

pursuant to this section. 31940

(K)(1) Except as otherwise provided in division (K)(1) or (2) 31941  
of this section, each chartered nonpublic school for which at 31942  
least sixty-five per cent of its total enrollment is made up of 31943  
students who are participating in state scholarship programs shall 31944  
administer the elementary assessments prescribed by section 31945  
3301.0710 of the Revised Code. In accordance with procedures and 31946  
deadlines prescribed by the department, the parent or guardian of 31947  
a student enrolled in the school who is not participating in a 31948  
state scholarship program may submit notice to the chief 31949  
administrative officer of the school that the parent or guardian 31950  
does not wish to have the student take the elementary assessments 31951  
prescribed for the student's grade level under division (A) of 31952  
section 3301.0710 of the Revised Code. If a parent or guardian 31953  
submits an opt-out notice, the school shall not administer the 31954  
assessments to that student. This option does not apply to any 31955  
assessment required for a high school diploma under section 31956  
3313.612 of the Revised Code. 31957

(2) A chartered nonpublic school may submit to the 31958  
superintendent of public instruction a request for a waiver from 31959  
administering the elementary assessments prescribed by division 31960  
(A) of section 3301.0710 of the Revised Code. The state 31961  
superintendent shall approve or disapprove a request for a waiver 31962  
submitted under division (K)(2) of this section. No waiver shall 31963  
be approved for any school year prior to the 2015-2016 school 31964  
year. 31965

To be eligible to submit a request for a waiver, a chartered 31966  
nonpublic school shall meet the following conditions: 31967

(a) At least ninety-five per cent of the students enrolled in 31968  
the school are children with disabilities, as defined under 31969  
section 3323.01 of the Revised Code, or have received a diagnosis 31970  
by a school district or from a physician, including a 31971

neuropsychiatrist or psychiatrist, or a psychologist who is 31972  
authorized to practice in this or another state as having a 31973  
condition that impairs academic performance, such as dyslexia, 31974  
dyscalculia, attention deficit hyperactivity disorder, or 31975  
Asperger's syndrome. 31976

(b) The school has solely served a student population 31977  
described in division (K)(1)(a) of this section for at least ten 31978  
years. 31979

(c) The school provides to the department at least five years 31980  
of records of internal testing conducted by the school that 31981  
affords the department data required for accountability purposes, 31982  
including diagnostic assessments and nationally standardized 31983  
norm-referenced achievement assessments that measure reading and 31984  
math skills. 31985

(3) Any chartered nonpublic school that is not subject to 31986  
division (K)(1) of this section may participate in the assessment 31987  
program by administering any of the assessments prescribed by 31988  
division (A) of section 3301.0710 of the Revised Code. The chief 31989  
administrator of the school shall specify which assessments the 31990  
school will administer. Such specification shall be made in 31991  
writing to the superintendent of public instruction prior to the 31992  
first day of August of any school year in which assessments are 31993  
administered and shall include a pledge that the nonpublic school 31994  
will administer the specified assessments in the same manner as 31995  
public schools are required to do under this section and rules 31996  
adopted by the department. 31997

(4) The department of education shall furnish the assessments 31998  
prescribed by section 3301.0710 of the Revised Code to each 31999  
chartered nonpublic school that is subject to division (K)(1) of 32000  
this section or participates under division (K)(3) of this 32001  
section. 32002



(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

~~(1) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.~~

~~(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.~~

~~(3)(2)(a) Except as provided in division (L)(3)(b) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:~~

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code; 32035  
32036

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment. 32037  
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(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code. 32044  
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(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment. 32046  
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(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section. 32056  
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(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code 32064  
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to each superintendent. 32066

(N) Notwithstanding division (E) of this section, a school 32067  
district may use a student's failure to attain a score in at least 32068  
the proficient range on the mathematics assessment described by 32069  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 32070  
an assessment described by division (A)(1)(b), (c), (d), (e), or 32071  
(f) of section 3301.0710 of the Revised Code as a factor in 32072  
retaining that student in the current grade level. 32073

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 32074  
(6), and (7) of this section, the assessments required by division 32075  
(A)(1) of section 3301.0710 of the Revised Code shall become 32076  
public records pursuant to section 149.43 of the Revised Code on 32077  
the thirty-first day of July following the school year that the 32078  
assessments were administered. 32079

(2) The department may field test proposed questions with 32080  
samples of students to determine the validity, reliability, or 32081  
appropriateness of questions for possible inclusion in a future 32082  
year's assessment. The department also may use anchor questions on 32083  
assessments to ensure that different versions of the same 32084  
assessment are of comparable difficulty. 32085

Field test questions and anchor questions shall not be 32086  
considered in computing scores for individual students. Field test 32087  
questions and anchor questions may be included as part of the 32088  
administration of any assessment required by division (A)(1) or 32089  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 32090  
the Revised Code. 32091

(3) Any field test question or anchor question administered 32092  
under division (O)(2) of this section shall not be a public 32093  
record. Such field test questions and anchor questions shall be 32094  
redacted from any assessments which are released as a public 32095  
record pursuant to division (O)(1) of this section. 32096

(4) This division applies to the assessments prescribed by 32097  
division (A) of section 3301.0710 of the Revised Code. 32098

(a) The first administration of each assessment, as specified 32099  
in former section 3301.0712 of the Revised Code, shall be a public 32100  
record. 32101

(b) For subsequent administrations of each assessment prior 32102  
to the 2011-2012 school year, not less than forty per cent of the 32103  
questions on the assessment that are used to compute a student's 32104  
score shall be a public record. The department shall determine 32105  
which questions will be needed for reuse on a future assessment 32106  
and those questions shall not be public records and shall be 32107  
redacted from the assessment prior to its release as a public 32108  
record. However, for each redacted question, the department shall 32109  
inform each city, local, and exempted village school district of 32110  
the statewide academic standard adopted by the state board under 32111  
section 3301.079 of the Revised Code and the corresponding 32112  
benchmark to which the question relates. The preceding sentence 32113  
does not apply to field test questions that are redacted under 32114  
division (O)(3) of this section. 32115

(c) The administrations of each assessment in the 2011-2012, 32116  
2012-2013, and 2013-2014 school years shall not be a public 32117  
record. 32118

(5) Each assessment prescribed by division (B)(1) of section 32119  
3301.0710 of the Revised Code shall not be a public record. 32120

(6) ~~Beginning with the spring administration for~~ (a) Except 32121  
as provided in division (O)(6)(b) of this section, for the 32122  
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 32123  
year years, questions on the assessments prescribed under division 32124  
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 32125  
of the Revised Code and the corresponding preferred answers that 32126  
are used to compute a student's score shall become a public record 32127

as follows: 32128

~~(a)~~(i) Forty per cent of the questions and preferred answers 32129  
on the assessments on the thirty-first day of July following the 32130  
administration of the assessment; 32131

~~(b)~~(ii) Twenty per cent of the questions and preferred 32132  
answers on the assessment on the thirty-first day of July one year 32133  
after the administration of the assessment; 32134

~~(c)~~(iii) The remaining forty per cent of the questions and 32135  
preferred answers on the assessment on the thirty-first day of 32136  
July two years after the administration of the assessment. 32137

The entire content of an assessment shall become a public 32138  
record within three years of its administration. 32139

The department shall make the questions that become a public 32140  
record under this division readily accessible to the public on the 32141  
department's web site. Questions on the spring administration of 32142  
each assessment shall be released on an annual basis, in 32143  
accordance with this division. 32144

(b) No questions and corresponding preferred answers shall 32145  
become a public record under division (O)(6) of this section after 32146  
July 31, 2017. 32147

(7) Division (O)(7) of this section applies to the 32148  
assessments prescribed by division (A) of section 3301.0710 and 32149  
division (B)(2) of section 3301.0712 of the Revised Code. 32150

Beginning with the assessments administered in the spring of 32151  
the 2017-2018 school year, not less than forty per cent of the 32152  
questions on each assessment that are used to compute a student's 32153  
score shall be a public record. The department shall determine 32154  
which questions will be needed for reuse on a future assessment 32155  
and those questions shall not be public records and shall be 32156  
redacted from the assessment prior to its release as a public 32157

record. However, for each redacted question, the department shall 32158  
inform each city, local, and exempted village school district of 32159  
the corresponding statewide academic standard adopted by the state 32160  
board under section 3301.079 of the Revised Code and the 32161  
corresponding benchmark to which the question relates. The 32162  
department is not required to provide corresponding standards and 32163  
benchmarks to field test questions that are redacted under 32164  
division (O)(3) of this section. 32165

(P) As used in this section: 32166

(1) "Three-year average" means the average of the most recent 32167  
consecutive three school years of data. 32168

(2) "Dropout" means a student who withdraws from school 32169  
before completing course requirements for graduation and who is 32170  
not enrolled in an education program approved by the state board 32171  
of education or an education program outside the state. "Dropout" 32172  
does not include a student who has departed the country. 32173

(3) "Graduation rate" means the ratio of students receiving a 32174  
diploma to the number of students who entered ninth grade four 32175  
years earlier. Students who transfer into the district are added 32176  
to the calculation. Students who transfer out of the district for 32177  
reasons other than dropout are subtracted from the calculation. If 32178  
a student who was a dropout in any previous year returns to the 32179  
same school district, that student shall be entered into the 32180  
calculation as if the student had entered ninth grade four years 32181  
before the graduation year of the graduating class that the 32182  
student joins. 32183

(4) "State scholarship programs" means the educational choice 32184  
scholarship pilot program established under sections 3310.01 to 32185  
3310.17 of the Revised Code, the autism scholarship program 32186  
established under section 3310.41 of the Revised Code, the Jon 32187  
Peterson special needs scholarship program established under 32188

sections 3310.51 to 3310.64 of the Revised Code, and the pilot 32189  
project scholarship program established under sections 3313.974 to 32190  
3313.979 of the Revised Code. 32191

(5) "Other public school" means a community school 32192  
established under Chapter 3314., a STEM school established under 32193  
Chapter 3326., or a college-preparatory boarding school 32194  
established under Chapter 3328. of the Revised Code. 32195

**Sec. 3301.0712.** (A) The state board of education, the 32196  
superintendent of public instruction, and the chancellor of higher 32197  
education shall develop a system of college and work ready 32198  
assessments as described in division (B) of this section to assess 32199  
whether each student upon graduating from high school is ready to 32200  
enter college or the workforce. Beginning with students who enter 32201  
the ninth grade for the first time on or after July 1, 2014, the 32202  
system shall replace the Ohio graduation tests prescribed in 32203  
division (B)(1) of section 3301.0710 of the Revised Code as a 32204  
measure of student academic performance and one determinant of 32205  
eligibility for a high school diploma in the manner prescribed by 32206  
rule of the state board adopted under division (D) of this 32207  
section. 32208

(B) The college and work ready assessment system shall 32209  
consist of the following: 32210

(1) Nationally standardized assessments that measure college 32211  
and career readiness and are used for college admission. The 32212  
assessments shall be selected jointly by the state superintendent 32213  
and the chancellor, and one of which shall be selected by each 32214  
school district or school to administer to its students. The 32215  
assessments prescribed under division (B)(1) of this section shall 32216  
be administered to all eleventh-grade students in the spring of 32217  
the school year. 32218

(2) Seven end-of-course examinations, one in each of the 32219

areas of English language arts I, English language arts II, 32220  
science, Algebra I, geometry, American history, and American 32221  
government. The end-of-course examinations shall be selected 32222  
jointly by the state superintendent and the chancellor in 32223  
consultation with faculty in the appropriate subject areas at 32224  
institutions of higher education of the university system of Ohio. 32225  
Advanced placement examinations and international baccalaureate 32226  
examinations, as prescribed under section 3313.6013 of the Revised 32227  
Code, in the areas of science, American history, and American 32228  
government may be used as end-of-course examinations in accordance 32229  
with division (B)(4)(a)(i) of this section. Final course grades 32230  
for courses taken under any other advanced standing program, as 32231  
prescribed under section 3313.6013 of the Revised Code, in the 32232  
areas of science, American history, and American government may be 32233  
used in lieu of end-of-course examinations in accordance with 32234  
division (B)(4)(a)(ii) of this section. 32235

(3)(a) Not later than July 1, 2013, each school district 32236  
board of education shall adopt interim end-of-course examinations 32237  
that comply with the requirements of divisions (B)(3)(b)(i) and 32238  
(ii) of this section to assess mastery of American history and 32239  
American government standards adopted under division (A)(1)(b) of 32240  
section 3301.079 of the Revised Code and the topics required under 32241  
division (M) of section 3313.603 of the Revised Code. Each high 32242  
school of the district shall use the interim examinations until 32243  
the state superintendent and chancellor select end-of-course 32244  
examinations in American history and American government under 32245  
division (B)(2) of this section. 32246

(b) Not later than July 1, 2014, the state superintendent and 32247  
the chancellor shall select the end-of-course examinations in 32248  
American history and American government. 32249

(i) The end-of-course examinations in American history and 32250  
American government shall require demonstration of mastery of the 32251



American history and American government content for social 32252  
studies standards adopted under division (A)(1)(b) of section 32253  
3301.079 of the Revised Code and the topics required under 32254  
division (M) of section 3313.603 of the Revised Code. 32255

(ii) At least twenty per cent of the end-of-course 32256  
examination in American government shall address the topics on 32257  
American history and American government described in division (M) 32258  
of section 3313.603 of the Revised Code. 32259

(4)(a) Notwithstanding anything to the contrary in this 32260  
section, beginning with the 2014-2015 school year, both of the 32261  
following shall apply: 32262

(i) If a student is enrolled in an appropriate advanced 32263  
placement or international baccalaureate course, that student 32264  
shall take the advanced placement or international baccalaureate 32265  
examination in lieu of the science, American history, or American 32266  
government end-of-course examinations prescribed under division 32267  
(B)(2) of this section. The state board shall specify the score 32268  
levels for each advanced placement examination and international 32269  
baccalaureate examination for purposes of calculating the minimum 32270  
cumulative performance score that demonstrates the level of 32271  
academic achievement necessary to earn a high school diploma. 32272

(ii) If a student is enrolled in an appropriate course under 32273  
any other advanced standing program, as described in section 32274  
3313.6013 of the Revised Code, that student shall not be required 32275  
to take the science, American history, or American government 32276  
end-of-course examination, whichever is applicable, prescribed 32277  
under division (B)(2) of this section. Instead, that student's 32278  
final course grade shall be used in lieu of the applicable 32279  
end-of-course examination prescribed under that section. The state 32280  
superintendent, in consultation with the chancellor, shall adopt 32281  
guidelines for purposes of calculating the corresponding final 32282  
course grades that demonstrate the level of academic achievement 32283

necessary to earn a high school diploma. 32284

Division (B)(4)(a)(ii) of this section shall apply only to 32285  
courses for which students receive transcribed credit, as defined 32286  
in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall 32287  
not apply to remedial or developmental courses. 32288

(b) No student shall take a substitute examination or 32289  
examination prescribed under division (B)(4)(a) of this section in 32290  
place of the end-of-course examinations in English language arts 32291  
I, English language arts II, Algebra I, or geometry prescribed 32292  
under division (B)(2) of this section. 32293

(c) The state board shall consider additional assessments 32294  
that may be used, beginning with the 2016-2017 school year, as 32295  
substitute examinations in lieu of the end-of-course examinations 32296  
prescribed under division (B)(2) of this section. 32297

(5) The state board shall do all of the following: 32298

(a) Determine and designate at least five ranges of scores on 32299  
each of the end-of-course examinations prescribed under division 32300  
(B)(2) of this section, and substitute examinations prescribed 32301  
under division (B)(4) of this section. Each range of scores shall 32302  
be considered to demonstrate a level of achievement so that any 32303  
student attaining a score within such range has achieved one of 32304  
the following: 32305

(i) An advanced level of skill; 32306

(ii) An accelerated level of skill; 32307

(iii) A proficient level of skill; 32308

(iv) A basic level of skill; 32309

(v) A limited level of skill. 32310

(b) Determine a method by which to calculate a cumulative 32311  
performance score based on the results of a student's 32312  
end-of-course examinations or substitute examinations; 32313

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a proficient

score on the end-of-course examination from which the student is 32344  
exempt; 32345

(ii) The student's final course grade shall be used in lieu 32346  
of a score on the end-of-course examination from which the student 32347  
is exempt. 32348

The state superintendent, in consultation with the 32349  
chancellor, shall adopt guidelines for purposes of calculating the 32350  
corresponding final course grades and the minimum cumulative 32351  
performance score that demonstrates the level of academic 32352  
achievement necessary to earn a high school diploma. 32353

(7)(a) Notwithstanding anything to the contrary in this 32354  
section, the state board may replace the algebra I end-of-course 32355  
examination prescribed under division (B)(2) of this section with 32356  
an algebra II end-of-course examination, beginning with the 32357  
2016-2017 school year for students who enter ninth grade on or 32358  
after July 1, 2016. 32359

(b) If the state board replaces the algebra I end-of-course 32360  
examination with an algebra II end-of-course examination as 32361  
authorized under division (B)(7)(a) of this section, both of the 32362  
following shall apply: 32363

(i) A student who is enrolled in an advanced placement or 32364  
international baccalaureate course in algebra II shall take the 32365  
advanced placement or international baccalaureate examination in 32366  
lieu of the algebra II end-of-course examination. 32367

(ii) A student who is enrolled in an algebra II course under 32368  
any other advanced standing program, as described in section 32369  
3313.6013 of the Revised Code, shall not be required to take the 32370  
algebra II end-of-course examination. Instead, that student's 32371  
final course grade shall be used in lieu of the examination. 32372

(c) If a school district or school utilizes an integrated 32373  
approach to mathematics instruction, the district or school may do 32374

either or both of the following:	32375
(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;	32376 32377 32378
(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.	32379 32380 32381
(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.	32382 32383 32384 32385 32386 32387
(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.	32388 32389 32390 32391 32392
(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.	32393 32394 32395 32396 32397 32398 32399 32400
(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.	32401 32402 32403
(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice,	32404 32405

guidance, and recommendations for the alignment of standards and 32406  
model curricula to the assessments and in the design of the 32407  
end-of-course examinations prescribed by this section. 32408

(D) Upon completion of the development of the assessment 32409  
system, the state board shall adopt rules prescribing all of the 32410  
following: 32411

(1) A timeline and plan for implementation of the assessment 32412  
system, including a phased implementation if the state board 32413  
determines such a phase-in is warranted; 32414

(2) The date after which a person shall meet the requirements 32415  
of the entire assessment system as a prerequisite for a diploma of 32416  
adult education under section 3313.611 of the Revised Code; 32417

(3) Whether and the extent to which a person may be excused 32418  
from an American history end-of-course examination and an American 32419  
government end-of-course examination under division (H) of section 32420  
3313.61 and division (B)(3) of section 3313.612 of the Revised 32421  
Code; 32422

(4) The date after which a person who has fulfilled the 32423  
curriculum requirement for a diploma but has not passed one or 32424  
more of the required assessments at the time the person fulfilled 32425  
the curriculum requirement shall meet the requirements of the 32426  
entire assessment system as a prerequisite for a high school 32427  
diploma under division (B) of section 3313.614 of the Revised 32428  
Code; 32429

(5) The extent to which the assessment system applies to 32430  
students enrolled in a dropout recovery and prevention program for 32431  
purposes of division (F) of section 3313.603 and section 3314.36 32432  
of the Revised Code. 32433

(E) Not later than forty-five days prior to the state board's 32434  
adoption of a resolution directing the department to file the 32435  
rules prescribed by division (D) of this section in final form 32436

under section 119.04 of the Revised Code, the superintendent of 32437  
public instruction shall present the assessment system developed 32438  
under this section to the respective committees of the house of 32439  
representatives and senate that consider education legislation. 32440

(F)(1) Any person enrolled in a nonchartered nonpublic school 32441  
or any person who has been excused from attendance at school for 32442  
the purpose of home instruction under section 3321.04 of the 32443  
Revised Code may choose to participate in the system of 32444  
assessments administered under divisions (B)(1) and (2) of this 32445  
section. However, no such person shall be required to participate 32446  
in the system of assessments. 32447

(2) The department shall adopt rules for the administration 32448  
and scoring of any assessments under division (F)(1) of this 32449  
section. 32450

(G) Not later than December 31, 2014, the state board shall 32451  
select at least one nationally recognized job skills assessment. 32452  
Each school district shall administer that assessment to those 32453  
students who opt to take it. The state shall reimburse a school 32454  
district for the costs of administering that assessment. The state 32455  
board shall establish the minimum score a student must attain on 32456  
the job skills assessment in order to demonstrate a student's 32457  
workforce readiness and employability. The administration of the 32458  
job skills assessment to a student under this division shall not 32459  
exempt a school district from administering the assessments 32460  
prescribed in division (B) of this section to that student. 32461

**Sec. 3301.0714.** (A) The state board of education shall adopt 32462  
rules for a statewide education management information system. The 32463  
rules shall require the state board to establish guidelines for 32464  
the establishment and maintenance of the system in accordance with 32465  
this section and the rules adopted under this section. The 32466  
guidelines shall include: 32467

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	32468 32469 32470
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	32471 32472 32473
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	32474 32475
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	32476 32477
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	32478 32479
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	32480 32481 32482
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	32483 32484 32485
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services	32486 32487 32488 32489 32490 32491 32492 32493 32494 32495 32496 32497 32498



for students with a specific type of disability. The categories of 32499  
instructional services required by the guidelines under this 32500  
division shall be the same as the categories of instructional 32501  
services used in determining cost units pursuant to division 32502  
(C)(3) of this section. 32503

(b) The numbers of students receiving support or 32504  
extracurricular services for each of the support services or 32505  
extracurricular programs offered by the school district, such as 32506  
counseling services, health services, and extracurricular sports 32507  
and fine arts programs. The categories of services required by the 32508  
guidelines under this division shall be the same as the categories 32509  
of services used in determining cost units pursuant to division 32510  
(C)(4)(a) of this section. 32511

(c) Average student grades in each subject in grades nine 32512  
through twelve; 32513

(d) Academic achievement levels as assessed under sections 32514  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 32515

(e) The number of students designated as having a disabling 32516  
condition pursuant to division (C)(1) of section 3301.0711 of the 32517  
Revised Code; 32518

(f) The numbers of students reported to the state board 32519  
pursuant to division (C)(2) of section 3301.0711 of the Revised 32520  
Code; 32521

(g) Attendance rates and the average daily attendance for the 32522  
year. For purposes of this division, a student shall be counted as 32523  
present for any field trip that is approved by the school 32524  
administration. 32525

(h) Expulsion rates; 32526

(i) Suspension rates; 32527

(j) Dropout rates; 32528

(k) Rates of retention in grade;	32529
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	32530 32531 32532
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	32533 32534 32535 32536 32537
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	32538 32539 32540 32541 32542 32543 32544 32545 32546
(2) Personnel and classroom enrollment data for each school district, including:	32547 32548
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	32549 32550 32551 32552 32553 32554 32555 32556 32557 32558
(b) The total number of employees and the number of full-time	32559

equivalent employees providing each category of service used 32560  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 32561  
total numbers of licensed employees and nonlicensed employees and 32562  
the numbers of full-time equivalent licensed employees and 32563  
nonlicensed employees providing each category used pursuant to 32564  
division (C)(4)(c) of this section. The guidelines adopted under 32565  
this section shall require these categories of data to be 32566  
maintained for the school district as a whole and, wherever 32567  
applicable, for each grade in the school district as a whole, for 32568  
each school building as a whole, and for each grade in each school 32569  
building. 32570

(c) The total number of regular classroom teachers teaching 32571  
classes of regular education and the average number of pupils 32572  
enrolled in each such class, in each of grades kindergarten 32573  
through five in the district as a whole and in each school 32574  
building in the school district. 32575

(d) The number of lead teachers employed by each school 32576  
district and each school building. 32577

(3)(a) Student demographic data for each school district, 32578  
including information regarding the gender ratio of the school 32579  
district's pupils, the racial make-up of the school district's 32580  
pupils, the number of limited English proficient students in the 32581  
district, and an appropriate measure of the number of the school 32582  
district's pupils who reside in economically disadvantaged 32583  
households. The demographic data shall be collected in a manner to 32584  
allow correlation with data collected under division (B)(1) of 32585  
this section. Categories for data collected pursuant to division 32586  
(B)(3) of this section shall conform, where appropriate, to 32587  
standard practices of agencies of the federal government. 32588

(b) With respect to each student entering kindergarten, 32589  
whether the student previously participated in a public preschool 32590  
program, a private preschool program, or a head start program, and 32591

the number of years the student participated in each of these 32592  
programs. 32593

(4) Any data required to be collected pursuant to federal 32594  
law. 32595

(C) The education management information system shall include 32596  
cost accounting data for each district as a whole and for each 32597  
school building in each school district. The guidelines adopted 32598  
under this section shall require the cost data for each school 32599  
district to be maintained in a system of mutually exclusive cost 32600  
units and shall require all of the costs of each school district 32601  
to be divided among the cost units. The guidelines shall require 32602  
the system of mutually exclusive cost units to include at least 32603  
the following: 32604

(1) Administrative costs for the school district as a whole. 32605  
The guidelines shall require the cost units under this division 32606  
(C)(1) to be designed so that each of them may be compiled and 32607  
reported in terms of average expenditure per pupil in formula ADM 32608  
in the school district, as determined pursuant to section 3317.03 32609  
of the Revised Code. 32610

(2) Administrative costs for each school building in the 32611  
school district. The guidelines shall require the cost units under 32612  
this division (C)(2) to be designed so that each of them may be 32613  
compiled and reported in terms of average expenditure per 32614  
full-time equivalent pupil receiving instructional or support 32615  
services in each building. 32616

(3) Instructional services costs for each category of 32617  
instructional service provided directly to students and required 32618  
by guidelines adopted pursuant to division (B)(1)(a) of this 32619  
section. The guidelines shall require the cost units under 32620  
division (C)(3) of this section to be designed so that each of 32621  
them may be compiled and reported in terms of average expenditure 32622

per pupil receiving the service in the school district as a whole 32623  
and average expenditure per pupil receiving the service in each 32624  
building in the school district and in terms of a total cost for 32625  
each category of service and, as a breakdown of the total cost, a 32626  
cost for each of the following components: 32627

(a) The cost of each instructional services category required 32628  
by guidelines adopted under division (B)(1)(a) of this section 32629  
that is provided directly to students by a classroom teacher; 32630

(b) The cost of the instructional support services, such as 32631  
services provided by a speech-language pathologist, classroom 32632  
aide, multimedia aide, or librarian, provided directly to students 32633  
in conjunction with each instructional services category; 32634

(c) The cost of the administrative support services related 32635  
to each instructional services category, such as the cost of 32636  
personnel that develop the curriculum for the instructional 32637  
services category and the cost of personnel supervising or 32638  
coordinating the delivery of the instructional services category. 32639

(4) Support or extracurricular services costs for each 32640  
category of service directly provided to students and required by 32641  
guidelines adopted pursuant to division (B)(1)(b) of this section. 32642  
The guidelines shall require the cost units under division (C)(4) 32643  
of this section to be designed so that each of them may be 32644  
compiled and reported in terms of average expenditure per pupil 32645  
receiving the service in the school district as a whole and 32646  
average expenditure per pupil receiving the service in each 32647  
building in the school district and in terms of a total cost for 32648  
each category of service and, as a breakdown of the total cost, a 32649  
cost for each of the following components: 32650

(a) The cost of each support or extracurricular services 32651  
category required by guidelines adopted under division (B)(1)(b) 32652  
of this section that is provided directly to students by a 32653

licensed employee, such as services provided by a guidance 32654  
counselor or any services provided by a licensed employee under a 32655  
supplemental contract; 32656

(b) The cost of each such services category provided directly 32657  
to students by a nonlicensed employee, such as janitorial 32658  
services, cafeteria services, or services of a sports trainer; 32659

(c) The cost of the administrative services related to each 32660  
services category in division (C)(4)(a) or (b) of this section, 32661  
such as the cost of any licensed or nonlicensed employees that 32662  
develop, supervise, coordinate, or otherwise are involved in 32663  
administering or aiding the delivery of each services category. 32664

(D)(1) The guidelines adopted under this section shall 32665  
require school districts to collect information about individual 32666  
students, staff members, or both in connection with any data 32667  
required by division (B) or (C) of this section or other reporting 32668  
requirements established in the Revised Code. The guidelines may 32669  
also require school districts to report information about 32670  
individual staff members in connection with any data required by 32671  
division (B) or (C) of this section or other reporting 32672  
requirements established in the Revised Code. The guidelines shall 32673  
not authorize school districts to request social security numbers 32674  
of individual students. The guidelines shall prohibit the 32675  
reporting under this section of a student's name, address, and 32676  
social security number to the state board of education or the 32677  
department of education. The guidelines shall also prohibit the 32678  
reporting under this section of any personally identifiable 32679  
information about any student, except for the purpose of assigning 32680  
the data verification code required by division (D)(2) of this 32681  
section, to any other person unless such person is employed by the 32682  
school district or the information technology center operated 32683  
under section 3301.075 of the Revised Code and is authorized by 32684  
the district or technology center to have access to such 32685

information or is employed by an entity with which the department 32686  
contracts for the scoring or the development of state assessments. 32687  
The guidelines may require school districts to provide the social 32688  
security numbers of individual staff members and the county of 32689  
residence for a student. Nothing in this section prohibits the 32690  
state board of education or department of education from providing 32691  
a student's county of residence to the department of taxation to 32692  
facilitate the distribution of tax revenue. 32693

(2)(a) The guidelines shall provide for each school district 32694  
or community school to assign a data verification code that is 32695  
unique on a statewide basis over time to each student whose 32696  
initial Ohio enrollment is in that district or school and to 32697  
report all required individual student data for that student 32698  
utilizing such code. The guidelines shall also provide for 32699  
assigning data verification codes to all students enrolled in 32700  
districts or community schools on the effective date of the 32701  
guidelines established under this section. The assignment of data 32702  
verification codes for other entities, as described in division 32703  
(D)(2)(c) of this section, the use of those codes, and the 32704  
reporting and use of associated individual student data shall be 32705  
coordinated by the department in accordance with state and federal 32706  
law. 32707

School districts shall report individual student data to the 32708  
department through the information technology centers utilizing 32709  
the code. The entities described in division (D)(2)(c) of this 32710  
section shall report individual student data to the department in 32711  
the manner prescribed by the department. 32712

Except as provided in sections 3301.941, 3310.11, 3310.42, 32713  
3310.63, 3313.978, and 3317.20 of the Revised Code, and except for 32714  
the purpose of making per-pupil payments to community schools 32715  
under division (C) of section 3314.08 of the Revised Code, at no 32716  
time shall the state board or the department have access to 32717

information that would enable any data verification code to be 32718  
matched to personally identifiable student data. 32719

(b) Each school district and community school shall ensure 32720  
that the data verification code is included in the student's 32721  
records reported to any subsequent school district, community 32722  
school, or state institution of higher education, as defined in 32723  
section 3345.011 of the Revised Code, in which the student 32724  
enrolls. Any such subsequent district or school shall utilize the 32725  
same identifier in its reporting of data under this section. 32726

(c) The director of any state agency that administers a 32727  
publicly funded program providing services to children who are 32728  
younger than compulsory school age, as defined in section 3321.01 32729  
of the Revised Code, including the directors of health, job and 32730  
family services, mental health and addiction services, and 32731  
developmental disabilities, shall request and receive, pursuant to 32732  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 32733  
verification code for a child who is receiving those services. 32734

(E) The guidelines adopted under this section may require 32735  
school districts to collect and report data, information, or 32736  
reports other than that described in divisions (A), (B), and (C) 32737  
of this section for the purpose of complying with other reporting 32738  
requirements established in the Revised Code. The other data, 32739  
information, or reports may be maintained in the education 32740  
management information system but are not required to be compiled 32741  
as part of the profile formats required under division (G) of this 32742  
section or the annual statewide report required under division (H) 32743  
of this section. 32744

(F) Beginning with the school year that begins July 1, 1991, 32745  
the board of education of each school district shall annually 32746  
collect and report to the state board, in accordance with the 32747  
guidelines established by the board, the data required pursuant to 32748  
this section. A school district may collect and report these data 32749



notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32750

(G) The state board shall, in accordance with the procedures 32751  
it adopts, annually compile the data reported by each school 32752  
district pursuant to division (D) of this section. The state board 32753  
shall design formats for profiling each school district as a whole 32754  
and each school building within each district and shall compile 32755  
the data in accordance with these formats. These profile formats 32756  
shall: 32757

(1) Include all of the data gathered under this section in a 32758  
manner that facilitates comparison among school districts and 32759  
among school buildings within each school district; 32760

(2) Present the data on academic achievement levels as 32761  
assessed by the testing of student achievement maintained pursuant 32762  
to division (B)(1)(d) of this section. 32763

(H)(1) The state board shall, in accordance with the 32764  
procedures it adopts, annually prepare a statewide report for all 32765  
school districts and the general public that includes the profile 32766  
of each of the school districts developed pursuant to division (G) 32767  
of this section. Copies of the report shall be sent to each school 32768  
district. 32769

(2) The state board shall, in accordance with the procedures 32770  
it adopts, annually prepare an individual report for each school 32771  
district and the general public that includes the profiles of each 32772  
of the school buildings in that school district developed pursuant 32773  
to division (G) of this section. Copies of the report shall be 32774  
sent to the superintendent of the district and to each member of 32775  
the district board of education. 32776

(3) Copies of the reports received from the state board under 32777  
divisions (H)(1) and (2) of this section shall be made available 32778  
to the general public at each school district's offices. Each 32779  
district board of education shall make copies of each report 32780

available to any person upon request and payment of a reasonable 32781  
fee for the cost of reproducing the report. The board shall 32782  
annually publish in a newspaper of general circulation in the 32783  
school district, at least twice during the two weeks prior to the 32784  
week in which the reports will first be available, a notice 32785  
containing the address where the reports are available and the 32786  
date on which the reports will be available. 32787

(I) Any data that is collected or maintained pursuant to this 32788  
section and that identifies an individual pupil is not a public 32789  
record for the purposes of section 149.43 of the Revised Code. 32790

(J) As used in this section: 32791

(1) "School district" means any city, local, exempted 32792  
village, or joint vocational school district and, in accordance 32793  
with section 3314.17 of the Revised Code, any community school. As 32794  
used in division (L) of this section, "school district" also 32795  
includes any educational service center or other educational 32796  
entity required to submit data using the system established under 32797  
this section. 32798

(2) "Cost" means any expenditure for operating expenses made 32799  
by a school district excluding any expenditures for debt 32800  
retirement except for payments made to any commercial lending 32801  
institution for any loan approved pursuant to section 3313.483 of 32802  
the Revised Code. 32803

(K) Any person who removes data from the information system 32804  
established under this section for the purpose of releasing it to 32805  
any person not entitled under law to have access to such 32806  
information is subject to section 2913.42 of the Revised Code 32807  
prohibiting tampering with data. 32808

(L)(1) In accordance with division (L)(2) of this section and 32809  
the rules adopted under division (L)(10) of this section, the 32810  
department of education may sanction any school district that 32811

reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	32843 32844 32845
(iv) Continue monitoring the district's data reporting;	32846
(v) Assign department staff to supervise the district's data management system;	32847 32848
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	32849 32850 32851
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	32852 32853 32854 32855
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	32856 32857 32858 32859 32860
(ix) Any other action designed to correct the district's data reporting problems.	32861 32862
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	32863 32864 32865 32866 32867 32868
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	32869 32870 32871 32872

withheld funds from the district under that division, the 32873  
department may release those funds to the district, except that if 32874  
the department withheld funding under division (L)(2)(c) of this 32875  
section, the department shall not release the funds withheld under 32876  
division (L)(2)(b) of this section and, if the department withheld 32877  
funding under division (L)(2)(d) of this section, the department 32878  
shall not release the funds withheld under division (L)(2)(b) or 32879  
(c) of this section. 32880

(5) Notwithstanding anything in this section to the contrary, 32881  
the department may use its own staff or an outside entity to 32882  
conduct an audit of a school district's data reporting practices 32883  
any time the department has reason to believe the district has not 32884  
made a good faith effort to report data as required by this 32885  
section. If any audit conducted by an outside entity under 32886  
division (L)(2)(d)(i) or (5) of this section confirms that a 32887  
district has not made a good faith effort to report data as 32888  
required by this section, the district shall reimburse the 32889  
department for the full cost of the audit. The department may 32890  
withhold state funds due to the district for this purpose. 32891

(6) Prior to issuing a revised report card for a school 32892  
district under division (L)(2)(d)(viii) of this section, the 32893  
department may hold a hearing to provide the district with an 32894  
opportunity to demonstrate that it made a good faith effort to 32895  
report data as required by this section. The hearing shall be 32896  
conducted by a referee appointed by the department. Based on the 32897  
information provided in the hearing, the referee shall recommend 32898  
whether the department should issue a revised report card for the 32899  
district. If the referee affirms the department's contention that 32900  
the district did not make a good faith effort to report data as 32901  
required by this section, the district shall bear the full cost of 32902  
conducting the hearing and of issuing any revised report card. 32903

(7) If the department determines that any inaccurate data 32904

reported under this section caused a school district to receive 32905  
excess state funds in any fiscal year, the district shall 32906  
reimburse the department an amount equal to the excess funds, in 32907  
accordance with a payment schedule determined by the department. 32908  
The department may withhold state funds due to the district for 32909  
this purpose. 32910

(8) Any school district that has funds withheld under 32911  
division (L)(2) of this section may appeal the withholding in 32912  
accordance with Chapter 119. of the Revised Code. 32913

(9) In all cases of a disagreement between the department and 32914  
a school district regarding the appropriateness of an action taken 32915  
under division (L)(2) of this section, the burden of proof shall 32916  
be on the district to demonstrate that it made a good faith effort 32917  
to report data as required by this section. 32918

(10) The state board of education shall adopt rules under 32919  
Chapter 119. of the Revised Code to implement division (L) of this 32920  
section. 32921

(M) No information technology center or school district shall 32922  
acquire, change, or update its student administration software 32923  
package to manage and report data required to be reported to the 32924  
department unless it converts to a student software package that 32925  
is certified by the department. 32926

(N) The state board of education, in accordance with sections 32927  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32928  
license as defined under division (A) of section 3319.31 of the 32929  
Revised Code that has been issued to any school district employee 32930  
found to have willfully reported erroneous, inaccurate, or 32931  
incomplete data to the education management information system. 32932

(O) No person shall release or maintain any information about 32933  
any student in violation of this section. Whoever violates this 32934  
division is guilty of a misdemeanor of the fourth degree. 32935

(P) The department shall disaggregate the data collected 32936  
under division (B)(1)(n) of this section according to the race and 32937  
socioeconomic status of the students assessed. 32938

(Q) If the department cannot compile any of the information 32939  
required by division (H) of section 3302.03 of the Revised Code 32940  
based upon the data collected under this section, the department 32941  
shall develop a plan and a reasonable timeline for the collection 32942  
of any data necessary to comply with that division. 32943

**Sec. 3301.16.** Pursuant to standards prescribed by the state 32944  
board of education as provided in division (D) of section 3301.07 32945  
of the Revised Code, the state board shall classify and charter 32946  
school districts and individual schools within each district 32947  
except that no charter shall be granted to a nonpublic school 32948  
unless the school complies with divisions (K)(1) and (L) of 32949  
section 3301.0711, as applicable, and ~~section~~ sections 3301.164 32950  
and 3313.612 of the Revised Code. 32951

In the course of considering the charter of a new school 32952  
district created under section 3311.26 or 3311.38 of the Revised 32953  
Code, the state board shall require the party proposing creation 32954  
of the district to submit to the board a map, certified by the 32955  
county auditor of the county in which the proposed new district is 32956  
located, showing the boundaries of the proposed new district. In 32957  
the case of a proposed new district located in more than one 32958  
county, the map shall be certified by the county auditor of each 32959  
county in which the proposed district is located. 32960

The state board shall revoke the charter of any school 32961  
district or school which fails to meet the standards for 32962  
elementary and high schools as prescribed by the board. The state 32963  
board shall also revoke the charter of any nonpublic school that 32964  
does not comply with divisions (K)(1) and (L) of section 32965  
3301.0711, if applicable, and ~~section~~ sections 3301.164 and 32966

3313.612 of the Revised Code. 32967

In the issuance and revocation of school district or school 32968  
charters, the state board shall be governed by the provisions of 32969  
Chapter 119. of the Revised Code. 32970

No school district, or individual school operated by a school 32971  
district, shall operate without a charter issued by the state 32972  
board under this section. 32973

In case a school district charter is revoked pursuant to this 32974  
section, the state board may dissolve the school district and 32975  
transfer its territory to one or more adjacent districts. An 32976  
equitable division of the funds, property, and indebtedness of the 32977  
school district shall be made by the state board among the 32978  
receiving districts. The board of education of a receiving 32979  
district shall accept such territory pursuant to the order of the 32980  
state board. Prior to dissolving the school district, the state 32981  
board shall notify the appropriate educational service center 32982  
governing board and all adjacent school district boards of 32983  
education of its intention to do so. Boards so notified may make 32984  
recommendations to the state board regarding the proposed 32985  
dissolution and subsequent transfer of territory. Except as 32986  
provided in section 3301.161 of the Revised Code, the transfer 32987  
ordered by the state board shall become effective on the date 32988  
specified by the state board, but the date shall be at least 32989  
thirty days following the date of issuance of the order. 32990

A high school is one of higher grade than an elementary 32991  
school, in which instruction and training are given in accordance 32992  
with sections 3301.07 and 3313.60 of the Revised Code and which 32993  
also offers other subjects of study more advanced than those 32994  
taught in the elementary schools and such other subjects as may be 32995  
approved by the state board of education. 32996

An elementary school is one in which instruction and training 32997



are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3301.164. Each chartered nonpublic school shall do the following:

(A) Publish on the school's web site the number of students enrolled in the school by the last day of October of the current school year;

(B) Publish on the school's web site the school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students;

(C) Publish on the school's web site and make available to parents, guardians, and custodians of students enrolled in the school the curricula and reading lists for each grade level of the school.

Sec. 3301.65. (A) The department of education, not later than the first day of May each year, shall submit to the joint education oversight committee of the house of representatives and senate, created in section 103.45 of the Revised Code, the manual containing the standards, procedures, timelines, and other requirements the department intends to use to review or audit the full-time equivalency student enrollment reporting by all school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the next school year.

(B) In addition to the requirement of division (A) of this

section, not later than the first day of May each year that the 33028  
department proposes changes to the manual, the department shall 33029  
submit to the joint education oversight committee, and to each 33030  
school district, community school, STEM school, and 33031  
college-preparatory boarding school a detailed summary of the 33032  
changes, specifically comparing the differences between the prior 33033  
school year's manual and the proposed manual. The department shall 33034  
post the summary and the proposed manual in a prominent location 33035  
on the department's web site. 33036

(C) In the event that the department fails to comply with 33037  
this section or the specific timelines prescribed herein, or the 33038  
joint education oversight committee, pursuant to division (D) of 33039  
section 103.45 of the Revised Code, determines that schools are 33040  
not reasonably capable of compliance with the proposed manual, the 33041  
proposed manual shall be ineffective, and the department shall 33042  
conduct its reviews or audits using the manual and accompanying 33043  
standards, procedures, timelines, and other requirements from the 33044  
previous school year. 33045

**Sec. 3302.03.** Annually, not later than the fifteenth day of 33046  
September or the preceding Friday when that day falls on a 33047  
Saturday or Sunday, the department of education shall assign a 33048  
letter grade for overall academic performance and for each 33049  
separate performance measure for each school district, and each 33050  
school building in a district, in accordance with this section. 33051  
The state board shall adopt rules pursuant to Chapter 119. of the 33052  
Revised Code to establish performance criteria for each letter 33053  
grade and prescribe a method by which the department assigns each 33054  
letter grade. For a school building to which any of the 33055  
performance measures do not apply, due to grade levels served by 33056  
the building, the state board shall designate the performance 33057  
measures that are applicable to the building and that must be 33058  
calculated separately and used to calculate the building's overall 33059

grade. The department shall issue annual report cards reflecting 33060  
the performance of each school district, each building within each 33061  
district, and for the state as a whole using the performance 33062  
measures and letter grade system described in this section. The 33063  
department shall include on the report card for each district and 33064  
each building within each district the most recent two-year trend 33065  
data in student achievement for each subject and each grade. 33066

(A)(1) For the 2012-2013 school year, the department shall 33067  
issue grades as described in division (E) of this section for each 33068  
of the following performance measures: 33069

(a) Annual measurable objectives; 33070

(b) Performance index score for a school district or 33071  
building. Grades shall be awarded as a percentage of the total 33072  
possible points on the performance index system as adopted by the 33073  
state board. In adopting benchmarks for assigning letter grades 33074  
under division (A)(1)(b) of this section, the state board of 33075  
education shall designate ninety per cent or higher for an "A," at 33076  
least seventy per cent but not more than eighty per cent for a 33077  
"C," and less than fifty per cent for an "F." 33078

(c) The extent to which the school district or building meets 33079  
each of the applicable performance indicators established by the 33080  
state board under section 3302.02 of the Revised Code and the 33081  
percentage of applicable performance indicators that have been 33082  
achieved. In adopting benchmarks for assigning letter grades under 33083  
division (A)(1)(c) of this section, the state board shall 33084  
designate ninety per cent or higher for an "A." 33085

(d) The four- and five-year adjusted cohort graduation rates. 33086

In adopting benchmarks for assigning letter grades under 33087  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 33088  
department shall designate a four-year adjusted cohort graduation 33089  
rate of ninety-three per cent or higher for an "A" and a five-year 33090

cohort graduation rate of ninety-five per cent or higher for an 33091  
"A." 33092

(e) The overall score under the value-added progress 33093  
dimension of a school district or building, for which the 33094  
department shall use up to three years of value-added data as 33095  
available. The letter grade assigned for this growth measure shall 33096  
be as follows: 33097

(i) A score that is at least two standard errors of measure 33098  
above the mean score shall be designated as an "A." 33099

(ii) A score that is at least one standard error of measure 33100  
but less than two standard errors of measure above the mean score 33101  
shall be designated as a "B." 33102

(iii) A score that is less than one standard error of measure 33103  
above the mean score but greater than or equal to one standard 33104  
error of measure below the mean score shall be designated as a 33105  
"C." 33106

(iv) A score that is not greater than one standard error of 33107  
measure below the mean score but is greater than or equal to two 33108  
standard errors of measure below the mean score shall be 33109  
designated as a "D." 33110

(v) A score that is not greater than two standard errors of 33111  
measure below the mean score shall be designated as an "F." 33112

Whenever the value-added progress dimension is used as a 33113  
graded performance measure, whether as an overall measure or as a 33114  
measure of separate subgroups, the grades for the measure shall be 33115  
calculated in the same manner as prescribed in division (A)(1)(e) 33116  
of this section. 33117

(f) The value-added progress dimension score for a school 33118  
district or building disaggregated for each of the following 33119  
subgroups: students identified as gifted, students with 33120

disabilities, and students whose performance places them in the 33121  
lowest quintile for achievement on a statewide basis. Each 33122  
subgroup shall be a separate graded measure. 33123

(2) Not later than April 30, 2013, the state board of 33124  
education shall adopt a resolution describing the performance 33125  
measures, benchmarks, and grading system for the 2012-2013 school 33126  
year and, not later than June 30, 2013, shall adopt rules in 33127  
accordance with Chapter 119. of the Revised Code that prescribe 33128  
the methods by which the performance measures under division 33129  
(A)(1) of this section shall be assessed and assigned a letter 33130  
grade, including performance benchmarks for each letter grade. 33131

At least forty-five days prior to the state board's adoption 33132  
of rules to prescribe the methods by which the performance 33133  
measures under division (A)(1) of this section shall be assessed 33134  
and assigned a letter grade, the department shall conduct a public 33135  
presentation before the standing committees of the house of 33136  
representatives and the senate that consider education legislation 33137  
describing such methods, including performance benchmarks. 33138

(3) There shall not be an overall letter grade for a school 33139  
district or building for the 2012-2013 school year. 33140

(B)(1) For the 2013-2014 and 2014-2015 school years, the 33141  
department shall issue grades as described in division (E) of this 33142  
section for each of the following performance measures: 33143

(a) Annual measurable objectives; 33144

(b) Performance index score for a school district or 33145  
building. Grades shall be awarded as a percentage of the total 33146  
possible points on the performance index system as created by the 33147  
department. In adopting benchmarks for assigning letter grades 33148  
under division (B)(1)(b) of this section, the state board shall 33149  
designate ninety per cent or higher for an "A," at least seventy 33150  
per cent but not more than eighty per cent for a "C," and less 33151

than fifty per cent for an "F." 33152

(c) The extent to which the school district or building meets 33153  
each of the applicable performance indicators established by the 33154  
state board under section 3302.03 of the Revised Code and the 33155  
percentage of applicable performance indicators that have been 33156  
achieved. In adopting benchmarks for assigning letter grades under 33157  
division (B)(1)(c) of this section, the state board shall 33158  
designate ninety per cent or higher for an "A." 33159

(d) The four- and five-year adjusted cohort graduation rates; 33160

(e) The overall score under the value-added progress 33161  
dimension of a school district or building, for which the 33162  
department shall use up to three years of value-added data as 33163  
available. 33164

(f) The value-added progress dimension score for a school 33165  
district or building disaggregated for each of the following 33166  
subgroups: students identified as gifted in superior cognitive 33167  
ability and specific academic ability fields under Chapter 3324. 33168  
of the Revised Code, students with disabilities, and students 33169  
whose performance places them in the lowest quintile for 33170  
achievement on a statewide basis. Each subgroup shall be a 33171  
separate graded measure. 33172

(g) Whether a school district or building is making progress 33173  
in improving literacy in grades kindergarten through three, as 33174  
determined using a method prescribed by the state board. The state 33175  
board shall adopt rules to prescribe benchmarks and standards for 33176  
assigning grades to districts and buildings for purposes of 33177  
division (B)(1)(g) of this section. In adopting benchmarks for 33178  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 33179  
this section, the state board shall determine progress made based 33180  
on the reduction in the total percentage of students scoring below 33181  
grade level, or below proficient, compared from year to year on 33182

the reading and writing diagnostic assessments administered under 33183  
section 3301.0715 of the Revised Code and the third grade English 33184  
language arts assessment under section 3301.0710 of the Revised 33185  
Code, as applicable. The state board shall designate for a "C" 33186  
grade a value that is not lower than the statewide average value 33187  
for this measure. No grade shall be issued under divisions 33188  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 33189  
in which less than five per cent of students have scored below 33190  
grade level on the diagnostic assessment administered to students 33191  
in kindergarten under division (B)(1) of section 3313.608 of the 33192  
Revised Code. 33193

(h) For a high mobility school district or building, an 33194  
additional value-added progress dimension score. For this measure, 33195  
the department shall use value-added data from the most recent 33196  
school year available and shall use assessment scores for only 33197  
those students to whom the district or building has administered 33198  
the assessments prescribed by section 3301.0710 of the Revised 33199  
Code for each of the two most recent consecutive school years. 33200

As used in this division, "high mobility school district or 33201  
building" means a school district or building where at least 33202  
twenty-five per cent of its total enrollment is made up of 33203  
students who have attended that school district or building for 33204  
less than one year. 33205

(2) In addition to the graded measures in division (B)(1) of 33206  
this section, the department shall include on a school district's 33207  
or building's report card all of the following without an assigned 33208  
letter grade: 33209

(a) The percentage of students enrolled in a district or 33210  
building participating in advanced placement classes and the 33211  
percentage of those students who received a score of three or 33212  
better on advanced placement examinations; 33213

(b) The number of a district's or building's students who 33214  
have earned at least three college credits through dual enrollment 33215  
or advanced standing programs, such as the post-secondary 33216  
enrollment options program under Chapter 3365. of the Revised Code 33217  
and state-approved career-technical courses offered through dual 33218  
enrollment or statewide articulation, that appear on a student's 33219  
transcript or other official document, either of which is issued 33220  
by the institution of higher education from which the student 33221  
earned the college credit. The credits earned that are reported 33222  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 33223  
include any that are remedial or developmental and shall include 33224  
those that count toward the curriculum requirements established 33225  
for completion of a degree. 33226

(c) The percentage of students enrolled in a district or 33227  
building who have taken a national standardized test used for 33228  
college admission determinations and the percentage of those 33229  
students who are determined to be remediation-free in accordance 33230  
with standards adopted under division (F) of section 3345.061 of 33231  
the Revised Code; 33232

(d) The percentage of the district's or the building's 33233  
students who receive industry-recognized credentials as approved 33234  
under section 3313.6113 of the Revised Code. ~~The state board shall~~ 33235  
~~adopt criteria for acceptable industry recognized credentials.~~ 33236

(e) The percentage of students enrolled in a district or 33237  
building who are participating in an international baccalaureate 33238  
program and the percentage of those students who receive a score 33239  
of four or better on the international baccalaureate examinations. 33240

(f) The percentage of the district's or building's students 33241  
who receive an honors diploma under division (B) of section 33242  
3313.61 of the Revised Code. 33243

(3) Not later than December 31, 2013, the state board shall 33244



adopt rules in accordance with Chapter 119. of the Revised Code 33245  
that prescribe the methods by which the performance measures under 33246  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 33247  
and assigned a letter grade, including performance benchmarks for 33248  
each grade. 33249

At least forty-five days prior to the state board's adoption 33250  
of rules to prescribe the methods by which the performance 33251  
measures under division (B)(1) of this section shall be assessed 33252  
and assigned a letter grade, the department shall conduct a public 33253  
presentation before the standing committees of the house of 33254  
representatives and the senate that consider education legislation 33255  
describing such methods, including performance benchmarks. 33256

(4) There shall not be an overall letter grade for a school 33257  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 33258  
2016-2017 school years. 33259

(C)(1) For the 2014-2015 school year and each school year 33260  
thereafter, the department shall issue grades as described in 33261  
division (E) of this section for each of the performance measures 33262  
prescribed in division (C)(1) of this section. The graded measures 33263  
are as follows: 33264

(a) Annual measurable objectives; 33265

(b) Performance index score for a school district or 33266  
building. Grades shall be awarded as a percentage of the total 33267  
possible points on the performance index system as created by the 33268  
department. In adopting benchmarks for assigning letter grades 33269  
under division (C)(1)(b) of this section, the state board shall 33270  
designate ninety per cent or higher for an "A," at least seventy 33271  
per cent but not more than eighty per cent for a "C," and less 33272  
than fifty per cent for an "F." 33273

(c) The extent to which the school district or building meets 33274  
each of the applicable performance indicators established by the 33275

state board under section 3302.03 of the Revised Code and the 33276  
percentage of applicable performance indicators that have been 33277  
achieved. In adopting benchmarks for assigning letter grades under 33278  
division (C)(1)(c) of this section, the state board shall 33279  
designate ninety per cent or higher for an "A." 33280

(d) The four- and five-year adjusted cohort graduation rates; 33281

(e) The overall score under the value-added progress 33282  
dimension, or another measure of student academic progress if 33283  
adopted by the state board, of a school district or building, for 33284  
which the department shall use up to three years of value-added 33285  
data as available. 33286

In adopting benchmarks for assigning letter grades for 33287  
overall score on value-added progress dimension under division 33288  
(C)(1)(e) of this section, the state board shall prohibit the 33289  
assigning of a grade of "A" for that measure unless the district's 33290  
or building's grade assigned for value-added progress dimension 33291  
for all subgroups under division (C)(1)(f) of this section is a 33292  
"B" or higher. 33293

For the metric prescribed by division (C)(1)(e) of this 33294  
section, the state board may adopt a student academic progress 33295  
measure to be used instead of the value-added progress dimension. 33296  
If the state board adopts such a measure, it also shall prescribe 33297  
a method for assigning letter grades for the new measure that is 33298  
comparable to the method prescribed in division (A)(1)(e) of this 33299  
section. 33300

(f) The value-added progress dimension score of a school 33301  
district or building disaggregated for each of the following 33302  
subgroups: students identified as gifted in superior cognitive 33303  
ability and specific academic ability fields under Chapter 3324. 33304  
of the Revised Code, students with disabilities, and students 33305  
whose performance places them in the lowest quintile for 33306

achievement on a statewide basis, as determined by a method 33307  
prescribed by the state board. Each subgroup shall be a separate 33308  
graded measure. 33309

The state board may adopt student academic progress measures 33310  
to be used instead of the value-added progress dimension. If the 33311  
state board adopts such measures, it also shall prescribe a method 33312  
for assigning letter grades for the new measures that is 33313  
comparable to the method prescribed in division (A)(1)(e) of this 33314  
section. 33315

(g) Whether a school district or building is making progress 33316  
in improving literacy in grades kindergarten through three, as 33317  
determined using a method prescribed by the state board. The state 33318  
board shall adopt rules to prescribe benchmarks and standards for 33319  
assigning grades to a district or building for purposes of 33320  
division (C)(1)(g) of this section. The state board shall 33321  
designate for a "C" grade a value that is not lower than the 33322  
statewide average value for this measure. No grade shall be issued 33323  
under division (C)(1)(g) of this section for a district or 33324  
building in which less than five per cent of students have scored 33325  
below grade level on the kindergarten diagnostic assessment under 33326  
division (B)(1) of section 3313.608 of the Revised Code. 33327

(h) For a high mobility school district or building, an 33328  
additional value-added progress dimension score. For this measure, 33329  
the department shall use value-added data from the most recent 33330  
school year available and shall use assessment scores for only 33331  
those students to whom the district or building has administered 33332  
the assessments prescribed by section 3301.0710 of the Revised 33333  
Code for each of the two most recent consecutive school years. 33334

As used in this division, "high mobility school district or 33335  
building" means a school district or building where at least 33336  
twenty-five per cent of its total enrollment is made up of 33337  
students who have attended that school district or building for 33338

less than one year. 33339

(2) In addition to the graded measures in division (C)(1) of 33340  
this section, the department shall include on a school district's 33341  
or building's report card all of the following without an assigned 33342  
letter grade: 33343

(a) The percentage of students enrolled in a district or 33344  
building who have taken a national standardized test used for 33345  
college admission determinations and the percentage of those 33346  
students who are determined to be remediation-free in accordance 33347  
with the standards adopted under division (F) of section 3345.061 33348  
of the Revised Code; 33349

(b) The percentage of students enrolled in a district or 33350  
building participating in advanced placement classes and the 33351  
percentage of those students who received a score of three or 33352  
better on advanced placement examinations; 33353

(c) The percentage of a district's or building's students who 33354  
have earned at least three college credits through advanced 33355  
standing programs, such as the college credit plus program under 33356  
Chapter 3365. of the Revised Code and state-approved 33357  
career-technical courses offered through dual enrollment or 33358  
statewide articulation, that appear on a student's college 33359  
transcript issued by the institution of higher education from 33360  
which the student earned the college credit. The credits earned 33361  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 33362  
section shall not include any that are remedial or developmental 33363  
and shall include those that count toward the curriculum 33364  
requirements established for completion of a degree. 33365

(d) The percentage of the district's or building's students 33366  
who receive an honor's diploma under division (B) of section 33367  
3313.61 of the Revised Code; 33368

(e) The percentage of the district's or building's students 33369

who receive industry-recognized credentials <u>as approved under</u>	33370
<u>section 3313.6113 of the Revised Code;</u>	33371
(f) The percentage of students enrolled in a district or	33372
building who are participating in an international baccalaureate	33373
program and the percentage of those students who receive a score	33374
of four or better on the international baccalaureate examinations;	33375
(g) The results of the college and career-ready assessments	33376
administered under division (B)(1) of section 3301.0712 of the	33377
Revised Code.	33378
(3) The state board shall adopt rules pursuant to Chapter	33379
119. of the Revised Code that establish a method to assign an	33380
overall grade for a school district or school building for the	33381
2017-2018 school year and each school year thereafter. The rules	33382
shall group the performance measures in divisions (C)(1) and (2)	33383
of this section into the following components:	33384
(a) Gap closing, which shall include the performance measure	33385
in division (C)(1)(a) of this section;	33386
(b) Achievement, which shall include the performance measures	33387
in divisions (C)(1)(b) and (c) of this section;	33388
(c) Progress, which shall include the performance measures in	33389
divisions (C)(1)(e) and (f) of this section;	33390
(d) Graduation, which shall include the performance measure	33391
in division (C)(1)(d) of this section;	33392
(e) Kindergarten through third-grade literacy, which shall	33393
include the performance measure in division (C)(1)(g) of this	33394
section;	33395
(f) Prepared for success, which shall include the performance	33396
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	33397
this section. The state board shall develop a method to determine	33398
a grade for the component in division (C)(3)(f) of this section	33399

using the performance measures in divisions (C)(2)(a), (b), (c), 33400  
(d), (e), and (f) of this section. When available, the state board 33401  
may incorporate the performance measure under division (C)(2)(g) 33402  
of this section into the component under division (C)(3)(f) of 33403  
this section. When determining the overall grade for the prepared 33404  
for success component prescribed by division (C)(3)(f) of this 33405  
section, no individual student shall be counted in more than one 33406  
performance measure. However, if a student qualifies for more than 33407  
one performance measure in the component, the state board may, in 33408  
its method to determine a grade for the component, specify an 33409  
additional weight for such a student that is not greater than or 33410  
equal to 1.0. In determining the overall score under division 33411  
(C)(3)(f) of this section, the state board shall ensure that the 33412  
pool of students included in the performance measures aggregated 33413  
under that division are all of the students included in the four- 33414  
and five-year adjusted graduation cohort. 33415

In the rules adopted under division (C)(3) of this section, 33416  
the state board shall adopt a method for determining a grade for 33417  
each component in divisions (C)(3)(a) to (f) of this section. The 33418  
state board also shall establish a method to assign an overall 33419  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 33420  
each component. The method the state board adopts for assigning an 33421  
overall grade shall give equal weight to the components in 33422  
divisions (C)(3)(b) and (c) of this section. 33423

At least forty-five days prior to the state board's adoption 33424  
of rules to prescribe the methods for calculating the overall 33425  
grade for the report card, as required by this division, the 33426  
department shall conduct a public presentation before the standing 33427  
committees of the house of representatives and the senate that 33428  
consider education legislation describing the format for the 33429  
report card, weights that will be assigned to the components of 33430  
the overall grade, and the method for calculating the overall 33431

grade. 33432

(D) On or after ~~than~~ July 1, 2015, the state board may 33433  
develop a measure of student academic progress for high school 33434  
students using only data from assessments in English language arts 33435  
and mathematics. If the state board develops this measure, each 33436  
school district and applicable school building shall be assigned a 33437  
separate letter grade for ~~if~~ it not sooner than the 2017-2018 33438  
school year. The district's or building's grade for that measure 33439  
shall not be included in determining the district's or building's 33440  
overall letter grade. 33441

(E) The letter grades assigned to a school district or 33442  
building under this section shall be as follows: 33443

(1) "A" for a district or school making excellent progress; 33444

(2) "B" for a district or school making above average 33445  
progress; 33446

(3) "C" for a district or school making average progress; 33447

(4) "D" for a district or school making below average 33448  
progress; 33449

(5) "F" for a district or school failing to meet minimum 33450  
progress. 33451

(F) When reporting data on student achievement and progress, 33452  
the department shall disaggregate that data according to the 33453  
following categories: 33454

(1) Performance of students by grade-level; 33455

(2) Performance of students by race and ethnic group; 33456

(3) Performance of students by gender; 33457

(4) Performance of students grouped by those who have been 33458  
enrolled in a district or school for three or more years; 33459

(5) Performance of students grouped by those who have been 33460

enrolled in a district or school for more than one year and less than three years;	33461 33462
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	33463 33464
(7) Performance of students grouped by those who are economically disadvantaged;	33465 33466
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	33467 33468 33469
(9) Performance of students grouped by those who are classified as limited English proficient;	33470 33471
(10) Performance of students grouped by those who have disabilities;	33472 33473
(11) Performance of students grouped by those who are classified as migrants;	33474 33475
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	33476 33477 33478 33479 33480 33481 33482 33483 33484
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	33485 33486 33487
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall	33488 33489 33490



disaggregate data on student performance according to any 33491  
combinations of two or more of the categories listed in divisions 33492  
(F)(1) to (13) of this section that it deems relevant. 33493

In reporting data pursuant to division (F) of this section, 33494  
the department shall not include in the report cards any data 33495  
statistical in nature that is statistically unreliable or that 33496  
could result in the identification of individual students. For 33497  
this purpose, the department shall not report student performance 33498  
data for any group identified in division (F) of this section that 33499  
contains less than ten students. If the department does not report 33500  
student performance data for a group because it contains less than 33501  
ten students, the department shall indicate on the report card 33502  
that is why data was not reported. 33503

(G) The department may include with the report cards any 33504  
additional education and fiscal performance data it deems 33505  
valuable. 33506

(H) The department shall include on each report card a list 33507  
of additional information collected by the department that is 33508  
available regarding the district or building for which the report 33509  
card is issued. When available, such additional information shall 33510  
include student mobility data disaggregated by race and 33511  
socioeconomic status, college enrollment data, and the reports 33512  
prepared under section 3302.031 of the Revised Code. 33513

The department shall maintain a site on the world wide web. 33514  
The report card shall include the address of the site and shall 33515  
specify that such additional information is available to the 33516  
public at that site. The department shall also provide a copy of 33517  
each item on the list to the superintendent of each school 33518  
district. The district superintendent shall provide a copy of any 33519  
item on the list to anyone who requests it. 33520

(I)(1)(a) Except as provided in division (I)(1)(b) of this 33521

section, for any district that sponsors a conversion community 33522  
school under Chapter 3314. of the Revised Code, the department 33523  
shall combine data regarding the academic performance of students 33524  
enrolled in the community school with comparable data from the 33525  
schools of the district for the purpose of determining the 33526  
performance of the district as a whole on the report card issued 33527  
for the district under this section or section 3302.033 of the 33528  
Revised Code. 33529

(b) The department shall not combine data from any conversion 33530  
community school that a district sponsors if a majority of the 33531  
students enrolled in the conversion community school are enrolled 33532  
in a dropout prevention and recovery program that is operated by 33533  
the school, as described in division (A)(4)(a) of section 3314.35 33534  
of the Revised Code. The department shall include as an addendum 33535  
to the district's report card the ratings and performance measures 33536  
that are required under section 3314.017 of the Revised Code for 33537  
any community school to which division (I)(1)(b) of this section 33538  
applies. This addendum shall include, at a minimum, the data 33539  
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 33540  
3314.017 of the Revised Code. 33541

(2) Any district that leases a building to a community school 33542  
located in the district or that enters into an agreement with a 33543  
community school located in the district whereby the district and 33544  
the school endorse each other's programs may elect to have data 33545  
regarding the academic performance of students enrolled in the 33546  
community school combined with comparable data from the schools of 33547  
the district for the purpose of determining the performance of the 33548  
district as a whole on the district report card. Any district that 33549  
so elects shall annually file a copy of the lease or agreement 33550  
with the department. 33551

(3) Any municipal school district, as defined in section 33552  
3311.71 of the Revised Code, that sponsors a community school 33553

located within the district's territory, or that enters into an 33554  
agreement with a community school located within the district's 33555  
territory whereby the district and the community school endorse 33556  
each other's programs, may exercise either or both of the 33557  
following elections: 33558

(a) To have data regarding the academic performance of 33559  
students enrolled in that community school combined with 33560  
comparable data from the schools of the district for the purpose 33561  
of determining the performance of the district as a whole on the 33562  
district's report card; 33563

(b) To have the number of students attending that community 33564  
school noted separately on the district's report card. 33565

The election authorized under division (I)(3)(a) of this 33566  
section is subject to approval by the governing authority of the 33567  
community school. 33568

Any municipal school district that exercises an election to 33569  
combine or include data under division (I)(3) of this section, by 33570  
the first day of October of each year, shall file with the 33571  
department documentation indicating eligibility for that election, 33572  
as required by the department. 33573

(J) The department shall include on each report card the 33574  
percentage of teachers in the district or building who are highly 33575  
qualified, as defined by the No Child Left Behind Act of 2001, and 33576  
a comparison of that percentage with the percentages of such 33577  
teachers in similar districts and buildings. 33578

(K)(1) In calculating English language arts, mathematics, 33579  
social studies, or science assessment passage rates used to 33580  
determine school district or building performance under this 33581  
section, the department shall include all students taking an 33582  
assessment with accommodation or to whom an alternate assessment 33583  
is administered pursuant to division (C)(1) or (3) of section 33584

3301.0711 of the Revised Code. 33585

(2) In calculating performance index scores, rates of 33586  
achievement on the performance indicators established by the state 33587  
board under section 3302.02 of the Revised Code, and annual 33588  
measurable objectives for determining adequate yearly progress for 33589  
school districts and buildings under this section, the department 33590  
shall do all of the following: 33591

(a) Include for each district or building only those students 33592  
who are included in the ADM certified for the first full school 33593  
week of October and are continuously enrolled in the district or 33594  
building through the time of the spring administration of any 33595  
assessment prescribed by division (A)(1) or (B)(1) of section 33596  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 33597  
that is administered to the student's grade level; 33598

(b) Include cumulative totals from both the fall and spring 33599  
administrations of the third grade English language arts 33600  
achievement assessment; 33601

(c) Except as required by the No Child Left Behind Act of 33602  
2001, exclude for each district or building any limited English 33603  
proficient student who has been enrolled in United States schools 33604  
for less than one full school year. 33605

(L) Beginning with the 2015-2016 school year and at least 33606  
once every three years thereafter, the state board of education 33607  
shall review and may adjust the benchmarks for assigning letter 33608  
grades to the performance measures and components prescribed under 33609  
divisions (C)(3) and (D) of this section. 33610

**Sec. 3302.151.** (A) Notwithstanding anything to the contrary 33611  
in the Revised Code, a school district that qualifies under 33612  
division (D) of this section shall be exempt from all of the 33613  
following: 33614

(1) The teacher qualification requirements under the 33615  
third-grade reading guarantee, as prescribed under divisions 33616  
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 33617  
exemption does not relieve a teacher from holding a valid Ohio 33618  
license in a subject area and grade level determined appropriate 33619  
by the board of education of that district. 33620

~~(2) The mentoring component of the Ohio teacher residency 33621  
program established under division (A)(1) of section 3319.223 of 33622  
the Revised Code, so long as the district utilizes a local 33623  
approach to train and support new teachers; 33624~~

~~(3) Any provision of the Revised Code or rule or standard of 33625  
the state board of education prescribing a minimum or maximum 33626  
class size; 33627~~

~~(4)(3) Any provision of the Revised Code or rule or standard 33628  
of the state board requiring teachers to be licensed specifically 33629  
in the grade level in which they are teaching, except unless 33630  
otherwise prescribed by federal law. This exemption does not apply 33631  
to special education teachers. Nor does this exemption relieve a 33632  
teacher from holding a valid Ohio license in the subject area in 33633  
which that teacher is teaching and at least some grade level 33634  
determined appropriate by the district board. 33635~~

(B)(1) Notwithstanding anything to the contrary in the 33636  
Revised Code, including sections 3319.30 and 3319.36 of the 33637  
Revised Code, the superintendent of a school district that 33638  
qualifies under division (D) of this section may employ an 33639  
individual who is not licensed as required by sections 3319.22 to 33640  
3319.30 of the Revised Code, but who is otherwise qualified based 33641  
on experience, to teach classes in the district, so long as the 33642  
board of education of the school district approves the 33643  
individual's employment and provides mentoring and professional 33644  
development opportunities to that individual, as determined 33645  
necessary by the board. 33646

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department of education, the individual shall submit the criminal records check to the department and shall register with the department during the period in which the individual is employed by the district. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

(3) An individual employed pursuant to this division is subject to Chapter 3307. of the Revised Code.

If the department receives notification of the arrest or conviction of an individual employed under division (B) of this section, the department shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (B) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet all of the following benchmarks on the most recent report card issued for that district under section

3302.03 of the Revised Code: 33679

(1) The district received at least eighty-five per cent of 33680  
the total possible points for the performance index score 33681  
calculated under division (C)(1)(b) of that section; 33682

(2) The district received a grade of an "A" for performance 33683  
indicators met under division (C)(1)(c) of that section; 33684

(3) The district has a four-year adjusted cohort graduation 33685  
rate of at least ninety-three per cent and a five-year adjusted 33686  
cohort graduation rate of at least ninety-five per cent, as 33687  
calculated under division (C)(1)(d) of that section. 33688

(E) A school district that meets the requirements prescribed 33689  
by division (D) of this section shall be qualified for the 33690  
exemptions prescribed by this section for three school years, 33691  
beginning with the school year in which the qualifying report card 33692  
is issued. 33693

(F) As used in this section, "license" has the same meaning 33694  
as in section 3319.31 of the Revised Code. 33695

**Sec. 3303.20.** The superintendent of public instruction shall 33696  
appoint a supervisor of agricultural education within the 33697  
department of education. The supervisor shall be responsible for 33698  
administering and disseminating to school districts information 33699  
about agricultural education. The supervisor also may serve as the 33700  
chair of the board of trustees of the Ohio FFA association, and 33701  
may assist with the association's programs and activities in a 33702  
manner that enables the association to maintain its state charter 33703  
and to meet applicable requirements of the United States 33704  
department of education and the national FFA organization. This 33705  
assistance may include the provision of department personnel, 33706  
services, and facilities. 33707

The department shall maintain an appropriate number of 33708

full-time employees focusing on agricultural education. The 33709  
department shall employ at least three program consultants who 33710  
shall be available to provide assistance to school districts on a 33711  
regional basis throughout the state. At least one consultant may 33712  
coordinate local activities of the student organization known as 33713  
the future farmers of America. Department employees may not 33714  
receive compensation from the Ohio FFA association, but the 33715  
department may be reimbursed by the association for reasonable 33716  
expenses related to assistance provided under this section. 33717

**Sec. 3304.11.** As used in sections 3304.11 to 3304.27 of the 33718  
Revised Code: 33719

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 33720  
~~person with~~ an individual who has a physical or mental impairment 33721  
that ~~is~~ constitutes or results in a substantial impediment to 33722  
employment and who can benefit in terms of an employment outcome 33723  
~~from the provision of~~ requires vocational rehabilitation services 33724  
to prepare for, secure, retain, advance in, or regain employment. 33725

(B) "Physical or mental impairment" means ~~a physical or~~ 33726  
~~mental condition that materially limits, contributes to limiting~~ 33727  
~~or, if not corrected, will probably result in limiting a person's~~ 33728  
~~activities or functioning~~ any physiological, mental, or 33729  
psychological disorder. 33730

(C) "Substantial impediment to employment" means a physical 33731  
or mental ~~disability that impedes a person's occupational~~ 33732  
~~performance, by preventing the person's obtaining, retaining, or~~ 33733  
~~preparing for a gainful occupation consistent with the person's~~ 33734  
~~capacities and~~ impairment that hinders an individual from 33735  
preparing for, entering into, engaging in, advancing in, or 33736  
retaining employment consistent with the individual's abilities 33737  
and capabilities. 33738

(D) "Vocational rehabilitation" ~~and "vocational~~ 33739



~~rehabilitation services" means any activity or service calculated 33740  
to enable a person with a disability or groups of persons with 33741  
disabilities to engage in gainful occupation and includes, but is 33742  
not limited to, medical and vocational evaluation, including 33743  
diagnostic and related services, vocational counseling, guidance 33744  
and placement, including follow up services, rehabilitation 33745  
training, including books and other training materials, physical 33746  
restoration, recruitment and training services designed to provide 33747  
persons with disabilities new employment opportunities, 33748  
maintenance, occupational tools, equipment, supplies, 33749  
transportation, services to families of persons with disabilities 33750  
that contribute substantially to the rehabilitation of these 33751  
persons, and any other goods or service necessary to render a 33752  
person with a disability employable has the same meaning as 33753  
defined in section 361.5 of Title 34 of the Code of Federal 33754  
Regulations, 34 C.F.R. 361.5. 33755~~

(E) "Establishment of a rehabilitation facility" means the 33756  
expansion, remodeling, or alteration of an existing building that 33757  
is necessary to adapt or to increase the effectiveness of that 33758  
building for rehabilitation facility purposes, the acquisition of 33759  
equipment for these purposes, and the initial staffing. 33760

(F) "Construction" means the construction of new buildings, 33761  
acquisition of land or existing buildings and their expansion, 33762  
remodeling, alteration and renovation, and the initial staffing 33763  
and equipment of any new, newly acquired, expanded, remodeled, 33764  
altered, or renovated buildings. 33765

~~(G) "Physical restoration services" means those services that 33766  
are necessary to correct or substantially modify within a 33767  
reasonable period of time a physical or mental condition that is 33768  
stable or slowly progressive. 33769~~

~~(H) "Occupational license" means any license, permit, or 33770  
other written authority required by any governmental unit in order 33771~~

~~to engage in any occupation or business.~~ 33772

~~(I) "Maintenance" means money payments to persons with~~ 33773  
~~disabilities who need financial assistance for their subsistence~~ 33774  
~~during their vocational rehabilitation~~ monetary support provided 33775  
to an individual for expenses such as food, shelter, and clothing 33776  
that are in excess of the normal expenses of the individual and 33777  
that are necessitated by the individual's participation in an 33778  
assessment for determining eligibility and need for vocational 33779  
rehabilitation services or the individual's receipt of vocational 33780  
rehabilitation services under an individualized plan for 33781  
employment. 33782

**Sec. 3304.12.** (A) The governor, with the advice and consent 33783  
of the senate, shall appoint the opportunities for Ohioans with 33784  
disabilities commission within the opportunities for Ohioans with 33785  
disabilities agency consisting of seven members, no more than four 33786  
of whom shall be members of the same political party and who shall 33787  
include at least three from rehabilitation professions, including 33788  
at least one member from the field of services to the blind, and 33789  
at least four individuals with disabilities, no less than two nor 33790  
more than three of whom have received vocational rehabilitation 33791  
services offered by a state vocational rehabilitation services 33792  
agency or the veterans' administration. The members with 33793  
disabilities shall be representative of several major categories 33794  
of ~~persons~~ eligible individuals with disabilities served by the 33795  
opportunities for Ohioans with disabilities agency. 33796

(B) Terms of office shall be for seven years, commencing on 33797  
the ninth day of September and ending on the eighth day of 33798  
September, with no person eligible to serve more than two 33799  
seven-year terms. Each member shall hold office from the date of 33800  
appointment until the end of the term for which the member was 33801  
appointed. Any member appointed to fill a vacancy occurring prior 33802

to the expiration of the term for which the member's predecessor 33803  
was appointed shall hold office for the remainder of that term. 33804  
Any member shall continue in office subsequent to the expiration 33805  
date of the member's term until a successor takes office, or until 33806  
a period of sixty days has elapsed, whichever occurs first. 33807  
Members who fail to perform their duties or who are guilty of 33808  
misconduct may be removed on written charges preferred by the 33809  
governor or by a majority of the commission. 33810

(C) Members of the commission shall be reimbursed for travel 33811  
and necessary expenses incurred in the conduct of their duties, 33812  
and shall receive an amount fixed pursuant to division (J) of 33813  
section 124.15 of the Revised Code while actually engaged in 33814  
attendance at meetings or in the performance of their duties. 33815

**Sec. 3304.14.** For the purposes of sections 3304.11 to 3304.27 33816  
of the Revised Code, the opportunities for Ohioans with 33817  
disabilities commission shall approve the state vocational 33818  
rehabilitation services plan, jointly approve the state plan for 33819  
independent living with the Ohio state independent living council, 33820  
appoint a consumer advisory committee, and, to the extent 33821  
feasible, conduct a review and analysis of the effectiveness of 33822  
and consumer satisfaction with all of the following: 33823

(A) The functions performed by the opportunities for Ohioans 33824  
with disabilities agency; 33825

(B) The vocational rehabilitation services provided by state 33826  
agencies and other public and private entities responsible for 33827  
providing vocational rehabilitation services to ~~persons~~ eligible 33828  
individuals with disabilities under the "Rehabilitation Act of 33829  
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 33830

(C) The employment outcomes achieved by eligible individuals 33831  
with disabilities receiving vocational rehabilitation services 33832  
under sections 3304.11 to 3304.27 of the Revised Code, including 33833

the availability of health and other employment benefits in 33834  
connection with those employment outcomes. 33835

**Sec. 3304.15.** (A) There is hereby created the opportunities 33836  
for Ohioans with disabilities agency. The agency is the designated 33837  
state unit authorized under the "Rehabilitation Act of 1973," 87 33838  
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 33839  
rehabilitation services to eligible ~~persons~~ individuals with 33840  
disabilities. 33841

(B) The governor shall appoint an executive director of the 33842  
opportunities for Ohioans with disabilities agency to serve at the 33843  
pleasure of the governor and shall fix the executive director's 33844  
compensation. The executive director shall devote the executive 33845  
director's entire time to the duties of the executive director's 33846  
office, shall hold no other office or position of trust and 33847  
profit, and shall engage in no other business during the executive 33848  
director's term of office. The governor may grant the executive 33849  
director the authority to appoint, remove, and discipline without 33850  
regard to sex, race, creed, color, age, or national origin, such 33851  
other professional, administrative, and clerical staff members as 33852  
are necessary to carry out the functions and duties of the agency. 33853

The executive director of the opportunities for Ohioans with 33854  
disabilities agency is the executive and administrative officer of 33855  
the agency. Whenever the Revised Code imposes a duty on or 33856  
requires an action of the agency, the executive director shall 33857  
perform the duty or action on behalf of the agency. The executive 33858  
director may establish procedures for all of the following: 33859

- (1) The governance of the agency; 33860
- (2) The conduct of agency employees and officers; 33861
- (3) The performance of agency business; 33862
- (4) The custody, use, and preservation of agency records, 33863

papers, books, documents, and property. 33864

(C) The executive director shall have exclusive authority to 33865  
administer the daily operation and provision of vocational 33866  
rehabilitation services under this chapter. In exercising that 33867  
authority, the executive director may do all of the following: 33868

(1) Adopt rules in accordance with Chapter 119. of the 33869  
Revised Code; 33870

(2) Prepare and submit an annual report to the governor; 33871

(3) Certify any disbursement of funds available to the agency 33872  
for vocational rehabilitation ~~activities~~ services; 33873

(4) Take appropriate action to guarantee rights of vocational 33874  
rehabilitation services to ~~people~~ eligible individuals with 33875  
disabilities; 33876

(5) Consult with and advise other state agencies and 33877  
coordinate programs for ~~persons~~ eligible individuals with 33878  
disabilities; 33879

(6) Comply with the requirements for match as part of budget 33880  
submission; 33881

(7) Establish research and demonstration projects; 33882

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 33883  
further vocational rehabilitation services; 33884

(9) For the purposes of the business enterprise program 33885  
administered under sections 3304.28 to 3304.35 of the Revised 33886  
Code: 33887

(a) Establish and manage small business entities owned or 33888  
operated by ~~visually impaired persons~~ individuals who are blind; 33889

(b) Purchase insurance; 33890

(c) Accept computers. 33891

(10) Enter into contracts and other agreements for the 33892

provision of vocational rehabilitation services. 33893

(D) The executive director shall establish a fee schedule for 33894  
vocational rehabilitation services in accordance with 34 C.F.R. 33895  
361.50. 33896

**Sec. 3304.17.** The opportunities for Ohioans with disabilities 33897  
agency shall provide vocational rehabilitation services to all 33898  
eligible ~~persons~~ individuals with disabilities, including any 33899  
~~person~~ eligible individual with a disability who is eligible under 33900  
the terms of an agreement or arrangement with another state or 33901  
with the federal government. If vocational rehabilitation services 33902  
cannot be provided to all eligible individuals with disabilities 33903  
in the state who apply for vocational rehabilitation services, the 33904  
agency shall implement an order of selection in accordance with 34 33905  
C.F.R. 361.36. 33906

**Sec. 3304.171.** (A) As used in this section, "OhioMeansJobs 33907  
web site" has the same meaning as in section 6301.01 of the 33908  
Revised Code. 33909

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 33910  
eligible individual receiving vocational rehabilitation services 33911  
provided under section 3304.17 of the Revised Code shall create an 33912  
account with the OhioMeansJobs web site upon initiation of a job 33913  
search as a part of receiving those vocational rehabilitation 33914  
services. 33915

(C) Division (B) of this section does not apply to any 33916  
eligible individual with a disability who is legally prohibited 33917  
from using a computer, has a physical or visual impairment that 33918  
makes the eligible individual with a disability unable to use a 33919  
computer, or has a limited ability to read, write, speak, or 33920  
understand a language in which the OhioMeansJobs web site is 33921  
available. 33922

**Sec. 3304.18.** The treasurer of state shall be the custodian 33923  
of all moneys received from the federal government for vocational 33924  
rehabilitation services programs and shall disburse the money upon 33925  
the certification of the executive director of the opportunities 33926  
for Ohioans with disabilities agency. If federal funds are not 33927  
available to the state for vocational rehabilitation ~~purposes~~ 33928  
services, the governor shall include as part of the governor's 33929  
biennial budget request to the general assembly a request for 33930  
funds sufficient to support the activities of the agency. 33931

**Sec. 3304.182.** Any agreement between the opportunities for 33932  
Ohioans with disabilities agency and a private or public entity 33933  
providing funds under section 3304.181 of the Revised Code may 33934  
permit the agency to receive a specified percentage of the funds, 33935  
but the percentage shall be not more than twenty-five per cent of 33936  
the total funds available under the agreement. The agency may 33937  
terminate an agreement at any time for just cause. It may 33938  
terminate an agreement for any other reason by giving at least 33939  
thirty days' notice to the public or private entity. 33940

Any vocational rehabilitation services provided under an 33941  
agreement entered into under section 3304.181 of the Revised Code 33942  
shall be provided by a person or government entity that meets the 33943  
accreditation standards established in rules adopted by the agency 33944  
under section 3304.15 of the Revised Code. 33945

**Sec. 3304.19.** ~~The right of a person with a disability to~~ 33946  
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 33947  
of the Revised Code, is not transferable or assignable at law or 33948  
in equity, and none of the money paid or payable or rights 33949  
existing under this chapter are subject to execution, levy, 33950  
attachment, garnishment, or other legal process, or to the 33951  
operation of any bankruptcy or insolvency law. 33952

**Sec. 3304.20.** Any ~~person~~ eligible individual with a disability applying for or receiving vocational rehabilitation services who is dissatisfied with regard to the furnishing or denial of vocational rehabilitation services, may file a request for an administrative review and redetermination of that action in accordance with rules of the opportunities for Ohioans with disabilities agency. When the ~~person~~ eligible individual with a disability is dissatisfied with the finding of this administrative review, the ~~person~~ eligible individual with a disability is entitled, in accordance with agency rules and in accordance with Chapter 119. of the Revised Code, to a fair hearing before the executive director of the agency.

**Sec. 3304.21.** No person shall, except for the purposes of sections 3304.11 to 3304.27 of the Revised Code, and in accordance with the rules established by the opportunities for Ohioans with disabilities agency, solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of any list of names or information concerning ~~persons~~ eligible individuals with disabilities applying for or receiving any vocational rehabilitation services from the agency, which information is directly or indirectly derived from the records of the agency or is acquired in the performance of the person's official duties.

**Sec. 3304.22.** No officer or employee of the opportunities for Ohioans with disabilities commission, the opportunities for Ohioans with disabilities agency, or any person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state shall use or permit the use of any vocational rehabilitation services program for the purpose of interfering with an election for any partisan political



purpose; solicit or receive money for a partisan political 33983  
purpose; or require any other person to contribute any service or 33984  
money for a partisan political purpose. Whoever violates this 33985  
section shall be removed from the officer's or employee's office 33986  
or employment. 33987

**Sec. 3304.27.** All vocational rehabilitation services made 33988  
available under sections 3304.11 to 3304.27 of the Revised Code, 33989  
are made available subject to amendment or repeal of those 33990  
sections, and no ~~person~~ eligible individual with a disability 33991  
shall have any claim by reason of the ~~person's~~ eligible 33992  
individual's vocational rehabilitation services being affected in 33993  
any way by such an amendment or repeal. 33994

**Sec. 3304.28.** As used in sections 3304.28 to 3304.34 of the 33995  
Revised Code: 33996

(A) "Suitable vending facility" means automatic vending 33997  
machines, cafeterias, snack bars, cart service shelters, counters, 33998  
and other appropriate auxiliary food service equipment determined 33999  
to be necessary by the bureau of services for the visually 34000  
impaired for the automatic or manual dispensing of foods, 34001  
beverages, and other such commodities for sale by ~~persons~~ 34002  
individuals, no fewer than one-half of whom are blind, under the 34003  
supervision of a licensed ~~blind~~ vendor who is blind or an employee 34004  
of the opportunities for Ohioans with disabilities agency. 34005

(B) "Blind" means either of the following: 34006

(1) Vision twenty/two hundred or less in the better eye with 34007  
proper correction; 34008

(2) Field defect in the better eye with proper correction 34009  
that contracts the peripheral field so that the diameter of the 34010  
visual field subtends an angle no greater than twenty degrees. 34011

(C) "Governmental property" means any real property, 34012

building, or facility owned, leased, or rented by the state or any 34013  
board, commission, department, division, or other unit or agency 34014  
thereof, but does not include any institution under the management 34015  
of the department of rehabilitation and correction pursuant to 34016  
section 5120.05 of the Revised Code, or under the management of 34017  
the department of youth services created pursuant to section 34018  
5139.01 of the Revised Code. 34019

**Sec. 3304.29.** The bureau of services for the visually 34020  
impaired shall: 34021

(A) Survey suitable vending facility concession opportunities 34022  
for individuals who are blind persons on governmental property; 34023

(B) Obtain and make public, information concerning employment 34024  
opportunities for individuals who are blind persons in suitable 34025  
vending facilities; 34026

(C) License individuals who are blind persons to operate 34027  
suitable vending facilities on governmental property; 34028

(D) Adopt rules and do everything necessary and proper to 34029  
carry out sections 3304.29 to 3304.34 of the Revised Code. 34030

**Sec. 3304.30.** Every person in charge of governmental property 34031  
to be substantially renovated or who is responsible for the 34032  
acquisition, lease, or rental of such property shall consult with 34033  
the director of the bureau of services for the visually impaired 34034  
prior to such renovation, acquisition, lease, or rental to 34035  
determine if sufficient numbers of persons will be using such 34036  
property to support a suitable vending facility. If the director 34037  
determines that such property would be a satisfactory site for a 34038  
suitable vending facility, provision shall be made for electrical 34039  
outlets, plumbing fixtures, and other requirements for the 34040  
installation and operation of a suitable vending facility. In the 34041  
case of a state university, medical university, technical college, 34042

state community college, community college, university branch 34043  
district, or state-affiliated college or university, the decision 34044  
to establish a suitable vending facility shall be made jointly by 34045  
the director of services for the visually impaired and proper 34046  
administrative authorities of the state or state-affiliated 34047  
college or university. 34048

The bureau shall provide each suitable vending facility with 34049  
equipment and an adequate initial stock of suitable articles to be 34050  
vended. An inventory shall be made of each suitable vending 34051  
facility at least once every six months. Each blind licensee may 34052  
make the blind licensee's own inventory on forms prescribed by the 34053  
bureau, provided that the bureau shall retain the right to make 34054  
its own inventory at any mutually agreeable time. Each blind 34055  
licensee may employ and discharge personnel required to operate 34056  
the blind licensee's suitable vending facility, but employment 34057  
preference shall be given to individuals who are blind persons and 34058  
who are capable of discharging the required duties, ~~and at.~~ At all 34059  
times at least one-half of the employees shall be blind. 34060

**Sec. 3304.31.** Licenses issued by the bureau of services for 34061  
the visually impaired under section 3304.29 of the Revised Code 34062  
shall be in effect until suspended or revoked. The bureau may 34063  
deny, revoke, or suspend a license or otherwise discipline a 34064  
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 34065  
deceit in procuring or attempting to procure a license, is guilty 34066  
of a felony or a crime of moral turpitude, is addicted to the use 34067  
of habit-forming drugs or alcohol, or is mentally incompetent. 34068  
Such license may also be denied, revoked, or suspended on proof of 34069  
violation by the applicant or licensee of the rules established by 34070  
the bureau for the operation of suitable vending facilities by the 34071  
blind or if a licensee fails to maintain a vending facility as a 34072  
suitable vending facility. 34073

Any individual who is blind person and who has had ~~his the~~ 34074  
individual's license suspended or revoked or ~~his the individual's~~ 34075  
application denied by the bureau may reapply for a license and may 34076  
be reinstated or be granted a license by the bureau upon 34077  
presentation of satisfactory evidence that there is no longer 34078  
cause for such suspension, revocation, or denial. Before the 34079  
bureau may revoke, deny, or suspend a license, or otherwise 34080  
discipline a licensee, written charges must be filed by the 34081  
director of the bureau and a hearing shall be held as provided in 34082  
Chapter 119. of the Revised Code. 34083

**Sec. 3304.41.** The opportunities for Ohioans with disabilities 34084  
agency shall establish and administer a program for the use of 34085  
funds appropriated for that purpose to provide personal care 34086  
assistance to enable eligible ~~severely physically disabled persons~~ 34087  
individuals with severe physical disabilities to live 34088  
~~independently or and~~ work, independently. The agency shall adopt 34089  
rules in accordance with Chapter 119. of the Revised Code as 34090  
necessary to carry out the purposes of this section, ~~and shall~~ 34091  
~~apply to the controlling board for the release of the funds.~~ 34092

**Sec. 3309.23.** (A) Except as provided in division (B) of this 34093  
section, the following shall be contributors to the school 34094  
employees retirement system: 34095

(1) All employees, as defined in division (B) of section 34096  
3309.01 of the Revised Code; 34097

(2) The employees of an existing or newly created employer 34098  
unit as defined in division (A) of section 3309.01 of the Revised 34099  
Code, supported in whole or in part by the state or any political 34100  
subdivision thereof and wholly controlled and managed by the state 34101  
or any subdivision thereof. Such employees shall become 34102  
contributors on the same terms and conditions as provided by this 34103

chapter, provided the board of trustees or other managing body of 34104  
such school, college, or other institution, if such institution is 34105  
now in existence or if in existence on such date, shall agree by 34106  
formal resolution to accept all the requirements and obligations 34107  
imposed by this chapter upon employers. A certified copy of the 34108  
resolution shall be filed with the school employees retirement 34109  
board. When such resolution has been adopted and a copy of it 34110  
filed with the school employees retirement board, it shall not 34111  
later be subject to rescission or abrogation. Service in such 34112  
schools, colleges, or other institutions shall be then considered 34113  
in every way the same as service in the public schools. 34114

(3) All other individuals who become members. 34115

(B) The following individuals may choose to be exempt from 34116  
compulsory membership by filing a written application for 34117  
exemption with the employer within the first month after being 34118  
employed: 34119

(1) A student who is not a member at the time of employment 34120  
and who is employed by the school, college, or university in which 34121  
the student is enrolled and regularly attending classes; 34122

(2) An emergency employee serving on a temporary basis in 34123  
case of fire, snow, earthquake, flood, or other similar emergency; 34124

(3) An individual employed in a program established pursuant 34125  
to the "~~Workforce Investment Act,~~" 112 Stat. 936 (1998), 29 U.S.C. 34126  
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 34127  
seq., or any other federal job training program. 34128

(C) A member may elect to have employment by the school, 34129  
college, or university at which the member is enrolled and 34130  
regularly attending classes exempted from contribution to the 34131  
retirement system by filing a written application with the 34132  
member's employer within the first month after being so employed. 34133

(D) In all cases of doubt pertaining to contributors on an 34134

individual or group basis or the status of existing or newly 34135  
created employer units, the decision shall be made by the 34136  
retirement board, and such decision shall be final. 34137

**Sec. 3310.03.** A student is an "eligible student" for purposes 34138  
of the educational choice scholarship pilot program if the 34139  
student's resident district is not a school district in which the 34140  
pilot project scholarship program is operating under sections 34141  
3313.974 to 3313.979 of the Revised Code and the student satisfies 34142  
one of the conditions in division (A), (B), (C), (D), or (E) of 34143  
this section: 34144

(A)(1) The student is enrolled in a school building operated 34145  
by the student's resident district that, on the report card issued 34146  
under section 3302.03 of the Revised Code published prior to the 34147  
first day of July of the school year for which a scholarship is 34148  
sought, did not receive a rating as described in division (H) of 34149  
this section, and to which any or a combination of any of the 34150  
following apply for two of the three most recent report cards 34151  
published prior to the first day of July of the school year for 34152  
which a scholarship is sought: 34153

(a) The building was declared to be in a state of academic 34154  
emergency or academic watch under section 3302.03 of the Revised 34155  
Code as that section existed prior to March 22, 2013. 34156

(b) The building received a grade of "D" or "F" for the 34157  
performance index score under division (A)(1)(b) or (B)(1)(b) of 34158  
section 3302.03 of the Revised Code and for the value-added 34159  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34160  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 34161  
2014-2015, or 2015-2016 school year; or if the building serves 34162  
only grades ten through twelve, the building received a grade of 34163  
"D" or "F" for the performance index score under division 34164  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 34165

had a four-year adjusted cohort graduation rate of less than 34166  
seventy-five per cent. 34167

(c) The building received an overall grade of "D" or "F" 34168  
under division (C)(3) of section 3302.03 of the Revised Code or a 34169  
grade of "F" for the value-added progress dimension under division 34170  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 34171  
school year or any school year thereafter. 34172

(2) The student will be enrolling in any of grades 34173  
kindergarten through twelve in this state for the first time in 34174  
the school year for which a scholarship is sought, will be at 34175  
least five years of age by the first day of January of the school 34176  
year for which a scholarship is sought, and otherwise would be 34177  
assigned under section 3319.01 of the Revised Code in the school 34178  
year for which a scholarship is sought, to a school building 34179  
described in division (A)(1) of this section. 34180

(3) The student is enrolled in a community school established 34181  
under Chapter 3314. of the Revised Code but otherwise would be 34182  
assigned under section 3319.01 of the Revised Code to a building 34183  
described in division (A)(1) of this section. 34184

(4) The student is enrolled in a school building operated by 34185  
the student's resident district or in a community school 34186  
established under Chapter 3314. of the Revised Code and otherwise 34187  
would be assigned under section 3319.01 of the Revised Code to a 34188  
school building described in division (A)(1) of this section in 34189  
the school year for which the scholarship is sought. 34190

(5) The student will be both enrolling in any of grades 34191  
kindergarten through twelve in this state for the first time and 34192  
at least five years of age by the first day of January of the 34193  
school year for which a scholarship is sought, or is enrolled in a 34194  
community school established under Chapter 3314. of the Revised 34195  
Code, and all of the following apply to the student's resident 34196

district:	34197
(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building;	34198 34199 34200
(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division (H) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:	34201 34202 34203 34204 34205 34206
(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.	34207 34208 34209
(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.	34210 34211 34212 34213 34214 34215
(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.	34216 34217 34218 34219 34220
(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the Revised Code in two of the three most recent report cards	34221 34222 34223 34224 34225 34226 34227



published prior to the first day of July of the school year for 34228  
which a scholarship is sought. 34229

(B)(1) The student is enrolled in a school building operated 34230  
by the student's resident district and to which both of the 34231  
following apply: 34232

(a) The building was ranked, for at least two of the three 34233  
most recent rankings prior to the first day of July of the school 34234  
year for which a scholarship is sought, in the lowest ten per cent 34235  
of all buildings operated by city, local, and exempted village 34236  
school districts according to performance index score as 34237  
determined by the department of education. 34238

(b) The building was not declared to be excellent or 34239  
effective, or the equivalent of such ratings as determined by the 34240  
department, under section 3302.03 of the Revised Code in the most 34241  
recent rating published prior to the first day of July of the 34242  
school year for which a scholarship is sought. 34243

(2) The student will be enrolling in any of grades 34244  
kindergarten through twelve in this state for the first time in 34245  
the school year for which a scholarship is sought, will be at 34246  
least five years of age, as defined in section 3321.01 of the 34247  
Revised Code, by the first day of January of the school year for 34248  
which a scholarship is sought, and otherwise would be assigned 34249  
under section 3319.01 of the Revised Code in the school year for 34250  
which a scholarship is sought, to a school building described in 34251  
division (B)(1) of this section. 34252

(3) The student is enrolled in a community school established 34253  
under Chapter 3314. of the Revised Code but otherwise would be 34254  
assigned under section 3319.01 of the Revised Code to a building 34255  
described in division (B)(1) of this section. 34256

(4) The student is enrolled in a school building operated by 34257  
the student's resident district or in a community school 34258

established under Chapter 3314. of the Revised Code and otherwise 34259  
would be assigned under section 3319.01 of the Revised Code to a 34260  
school building described in division (B)(1) of this section in 34261  
the school year for which the scholarship is sought. 34262

(C) The student is enrolled in a nonpublic school at the time 34263  
the school is granted a charter by the state board of education 34264  
under section 3301.16 of the Revised Code and the student meets 34265  
the standards of division (B) of section 3310.031 of the Revised 34266  
Code. 34267

(D) For the 2016-2017 school year and each school year 34268  
thereafter, the student is in any of grades kindergarten through 34269  
three, is enrolled in a school building that is operated by the 34270  
student's resident district or will be enrolling in any of grades 34271  
kindergarten through twelve in this state for the first time in 34272  
the school year for which a scholarship is sought, and to which 34273  
both of the following apply: 34274

(1) The building, in at least two of the three most recent 34275  
ratings of school buildings published prior to the first day of 34276  
July of the school year for which a scholarship is sought, 34277  
received a grade of "D" or "F" for making progress in improving 34278  
literacy in grades kindergarten through three under division 34279  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 34280

(2) The building did not receive a grade of "A" for making 34281  
progress in improving literacy in grades kindergarten through 34282  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 34283  
the Revised Code in the most recent rating published prior to the 34284  
first day of July of the school year for which a scholarship is 34285  
sought. 34286

(E) The student's resident district is subject to section 34287  
3302.10 of the Revised Code and the student either: 34288

(1) Is enrolled in a school building operated by the resident 34289

district or in a community school established under Chapter 3314. 34290  
of the Revised Code; 34291

(2) Will be both enrolling in any of grades kindergarten 34292  
through twelve in this state for the first time and at least five 34293  
years of age by the first day of January of the school year for 34294  
which a scholarship is sought. 34295

(F) A student who receives a scholarship under the 34296  
educational choice scholarship pilot program remains an eligible 34297  
student and may continue to receive scholarships in subsequent 34298  
school years until the student completes grade twelve, so long as 34299  
all of the following apply: 34300

(1) The student's resident district remains the same, or the 34301  
student transfers to a new resident district and otherwise would 34302  
be assigned in the new resident district to a school building 34303  
described in division (A)(1), (B)(1), (D), or (E) of this section. 34304

(2) Except as provided in divisions (K)~~(1)~~ and (L)(1) of 34305  
section 3301.0711 of the Revised Code, the student takes each 34306  
assessment prescribed for the student's grade level under section 34307  
3301.0710 or 3301.0712 of the Revised Code while enrolled in a 34308  
chartered nonpublic school. 34309

(3) In each school year that the student is enrolled in a 34310  
chartered nonpublic school, the student is absent from school for 34311  
not more than twenty days that the school is open for instruction, 34312  
not including excused absences. 34313

(G)(1) The department shall cease awarding first-time 34314  
scholarships pursuant to divisions (A)(1) to (4) of this section 34315  
with respect to a school building that, in the most recent ratings 34316  
of school buildings published under section 3302.03 of the Revised 34317  
Code prior to the first day of July of the school year, ceases to 34318  
meet the criteria in division (A)(1) of this section. The 34319  
department shall cease awarding first-time scholarships pursuant 34320

to division (A)(5) of this section with respect to a school 34321  
district that, in the most recent ratings of school districts 34322  
published under section 3302.03 of the Revised Code prior to the 34323  
first day of July of the school year, ceases to meet the criteria 34324  
in division (A)(5) of this section. 34325

(2) The department shall cease awarding first-time 34326  
scholarships pursuant to divisions (B)(1) to (4) of this section 34327  
with respect to a school building that, in the most recent ratings 34328  
of school buildings under section 3302.03 of the Revised Code 34329  
prior to the first day of July of the school year, ceases to meet 34330  
the criteria in division (B)(1) of this section. 34331

(3) The department shall cease awarding first-time 34332  
scholarships pursuant to division (D) of this section with respect 34333  
to a school building that, in the most recent ratings of school 34334  
buildings under section 3302.03 of the Revised Code prior to the 34335  
first day of July of the school year, ceases to meet the criteria 34336  
in division (D) of this section. 34337

(4) The department shall cease awarding first-time 34338  
scholarships pursuant to division (E) of this section with respect 34339  
to a school district subject to section 3302.10 of the Revised 34340  
Code when the academic distress commission established for the 34341  
district ceases to exist. 34342

(5) However, students who have received scholarships in the 34343  
prior school year remain eligible students pursuant to division 34344  
(F) of this section. 34345

(H) The state board of education shall adopt rules defining 34346  
excused absences for purposes of division (F)(3) of this section. 34347

(I)(1) A student who satisfies only the conditions prescribed 34348  
in divisions (A)(1) to (4) of this section shall not be eligible 34349  
for a scholarship if the student's resident building meets any of 34350  
the following in the most recent rating under section 3302.03 of 34351

the Revised Code published prior to the first day of July of the 34352  
school year for which a scholarship is sought: 34353

(a) The building has an overall designation of excellent or 34354  
effective under section 3302.03 of the Revised Code as it existed 34355  
prior to March 22, 2013. 34356

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 34357  
school year, the building has a grade of "A" or "B" for the 34358  
performance index score under division (A)(1)(b) or (B)(1)(b) of 34359  
section 3302.03 of the Revised Code and for the value-added 34360  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34361  
section 3302.03 of the Revised Code; or if the building serves 34362  
only grades ten through twelve, the building received a grade of 34363  
"A" or "B" for the performance index score under division 34364  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 34365  
had a four-year adjusted cohort graduation rate of greater than or 34366  
equal to seventy-five per cent. 34367

(c) For the 2016-2017 school year or any school year 34368  
thereafter, the building has a grade of "A" or "B" under division 34369  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 34370  
for the value-added progress dimension under division (C)(1)(e) of 34371  
section 3302.03 of the Revised Code; or if the building serves 34372  
only grades ten through twelve, the building received a grade of 34373  
"A" or "B" for the performance index score under division 34374  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 34375  
four-year adjusted cohort graduation rate of greater than or equal 34376  
to seventy-five per cent. 34377

(2) A student who satisfies only the conditions prescribed in 34378  
division (A)(5) of this section shall not be eligible for a 34379  
scholarship if the student's resident district meets any of the 34380  
following in the most recent rating under section 3302.03 of the 34381  
Revised Code published prior to the first day of July of the 34382  
school year for which a scholarship is sought: 34383

(a) The district has an overall designation of excellent or 34384  
effective under section 3302.03 of the Revised Code as it existed 34385  
prior to March 22, 2013. 34386

(b) The district has a grade of "A" or "B" for the 34387  
performance index score under division (A)(1)(b) or (B)(1)(b) of 34388  
section 3302.03 of the Revised Code and for the value-added 34389  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34390  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 34391  
2014-2015, and 2015-2016 school years. 34392

(c) The district has an overall grade of "A" or "B" under 34393  
division (C)(3) of section 3302.03 of the Revised Code and a grade 34394  
of "A" for the value-added progress dimension under division 34395  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 34396  
school year or any school year thereafter. 34397

**Sec. 3310.14.** (A) Except as provided in ~~division~~ divisions 34398  
(B) and (C) of this section, each chartered nonpublic school that 34399  
is not subject to division (K)(1) of section 3301.0711 of the 34400  
Revised Code and enrolls students awarded scholarships under 34401  
sections 3310.01 to 3310.17 of the Revised Code annually shall 34402  
administer the assessments prescribed by section 3301.0710, 34403  
3301.0712, or 3313.619 of the Revised Code, as applicable, to each 34404  
scholarship student enrolled in the school in accordance with 34405  
section 3301.0711 of the Revised Code. Each chartered nonpublic 34406  
school that is subject to this section shall report to the 34407  
department of education the results of each assessment 34408  
administered to each scholarship student under this section. 34409

Nothing in this section requires a chartered nonpublic school 34410  
to administer any achievement assessment, except for an Ohio 34411  
graduation test prescribed by division (B)(1) of section 3301.0710 34412  
or the college and work ready assessment system prescribed by 34413  
division (B) of section 3301.0712 of the Revised Code to any 34414

student enrolled in the school who is not a scholarship student. 34415

(B) A chartered nonpublic school that meets the conditions 34416  
specified in division (K)(2) of section 3301.0711 of the Revised 34417  
Code shall not be required to administer the elementary 34418  
assessments prescribed by division (A) of section 3301.0710 of the 34419  
Revised Code. 34420

(C) A chartered nonpublic school that meets the conditions 34421  
specified in division (L)(1) of section 3301.0711 of the Revised 34422  
Code shall not be required to administer the assessments 34423  
prescribed by section 3301.0712 or 3313.619 of the Revised Code. 34424

**Sec. 3310.16.** (A) For the 2013-2014 school year and each 34425  
school year thereafter, the department of education shall conduct 34426  
two application periods each year for the educational choice 34427  
scholarship pilot program under sections 3310.03 and 3310.032 of 34428  
the Revised Code, as follows: 34429

~~(A)(1)~~ The first application period shall open not sooner 34430  
than the first day of February prior to the first day of July of 34431  
the school year for which a scholarship is sought and run not less 34432  
than seventy-five days. 34433

~~(B)(2)~~ The second application period shall open not sooner 34434  
than the first day of July of the school year for which the 34435  
scholarship is sought and run not less than thirty days. 34436

(B) Not later than the thirty-first day of May of each school 34437  
year, the department shall determine whether funds remain 34438  
available for income-based scholarships under the educational 34439  
choice scholarship program after the first application period. 34440

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship 34441  
program is hereby established. Under the program, beginning with 34442  
the 2012-2013 school year, subject to division (B) of this 34443  
section, the department of education annually shall pay a 34444

scholarship to an eligible applicant for services provided by an 34445  
alternative public provider or a registered private provider for a 34446  
qualified special education child. The scholarship shall be used 34447  
only to pay all or part of the fees for the child to attend the 34448  
special education program operated by the alternative public 34449  
provider or registered private provider to implement the child's 34450  
individualized education program, in lieu of the child's attending 34451  
the special education program operated by the school district in 34452  
which the child is entitled to attend school, and other services 34453  
agreed to by the provider and eligible applicant that are not 34454  
included in the individualized education program but are 34455  
associated with educating the child. Beginning in the 2014-2015 34456  
school year, if the child is in category one as that term is 34457  
defined in division (B)(1) of section 3310.56 of the Revised Code, 34458  
the scholarship shall be used only to pay for related services 34459  
that are included in the child's individualized education program. 34460  
Upon agreement with the eligible applicant, the alternative public 34461  
provider or registered private provider may modify the services 34462  
provided to the child. 34463

(B) The number of scholarships awarded under the program in 34464  
any fiscal year shall not exceed five per cent of the total number 34465  
of students residing in the state identified as children with 34466  
disabilities during the previous fiscal year. 34467

~~(C) No scholarship or renewal of a scholarship shall be 34468  
awarded to an eligible applicant on behalf of a qualified special 34469  
education child for the next school year, unless on or before the 34470  
application deadline the eligible applicant completes the 34471  
application for the scholarship or renewal, in the manner 34472  
prescribed by the department, and notifies the school district in 34473  
which the child is entitled to attend school that the eligible 34474  
applicant has applied for the scholarship or renewal. 34475~~

~~The application deadline for academic terms that begin 34476~~



~~between the first day of July and the thirty-first day of December 34477~~  
~~shall be the fifteenth day of April that precedes the first day of 34478~~  
~~instruction. The application deadline for academic terms that 34479~~  
~~begin between the first day of January and the thirtieth day of 34480~~  
~~June shall be the fifteenth day of November that precedes the 34481~~  
~~first day of instruction. The department shall pay a scholarship to 34482~~  
~~the parent of each qualified special education child, unless the 34483~~  
~~parent authorizes a direct payment to the child's provider, upon 34484~~  
~~application of that parent in the manner prescribed by the 34485~~  
~~department. However, the department shall not adopt specific dates 34486~~  
~~for application deadlines for scholarships under the program. 34487~~

**Sec. 3310.522.** In order to maintain eligibility for a 34488  
scholarship, a student shall take each assessment prescribed by 34489  
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 34490  
applicable, in accordance with section 3301.0711 of the Revised 34491  
Code, unless the student is excused from taking that assessment 34492  
under federal law or the student's individualized education 34493  
program or the student is enrolled in a chartered nonpublic school 34494  
that meets the conditions specified in division (K)(2) or (L)(1) 34495  
of section 3301.0711 of the Revised Code. 34496

Each registered private provider that is not subject to 34497  
division (K)(1) of section 3301.0711 of the Revised Code and 34498  
enrolls a student who is awarded a scholarship shall administer 34499  
each assessment prescribed by section 3301.0710, 3301.0712, or 34500  
3313.619 of the Revised Code, as applicable, to that student in 34501  
accordance with section 3301.0711 of the Revised Code, unless the 34502  
student is excused from taking that assessment or the student is 34503  
enrolled in a chartered nonpublic school that meets the conditions 34504  
specified in division (K)(2) or (L)(1) of section 3301.0711 of the 34505  
Revised Code, and shall report to the department the results of 34506  
each assessment so administered. 34507

Nothing in this section requires any chartered nonpublic 34508  
school that is a registered private provider to administer any 34509  
achievement assessment, except for an Ohio graduation test 34510  
prescribed by division (B)(1) of section 3301.0710 or the college 34511  
and work ready assessment system prescribed by division (B) of 34512  
section 3301.0712 of the Revised Code to any student enrolled in 34513  
the school who is not a scholarship student. 34514

**Sec. 3311.06.** (A) As used in this section: 34515

(1) "Annexation" and "annexed" mean annexation for municipal 34516  
purposes under sections 709.02 to 709.37 of the Revised Code. 34517

(2) "Annexed territory" means territory that has been annexed 34518  
for municipal purposes to a city served by an urban school 34519  
district, but on September 24, 1986, has not been transferred to 34520  
the urban school district. 34521

(3) "Urban school district" means a city school district with 34522  
an average daily membership for the 1985-1986 school year in 34523  
excess of twenty thousand that is the school district of a city 34524  
that contains annexed territory. 34525

(4) "Annexation agreement" means an agreement entered into 34526  
under division (F) of this section that has been approved by the 34527  
state board of education or an agreement entered into prior to 34528  
September 24, 1986, that meets the requirements of division (F) of 34529  
this section and has been filed with the state board. 34530

(B) The territory included within the boundaries of a city, 34531  
local, exempted village, or joint vocational school district shall 34532  
be contiguous except where a natural island forms an integral part 34533  
of the district, where the state board of education authorizes a 34534  
noncontiguous school district, as provided in division (E)(1) of 34535  
this section, or where a local school district is created pursuant 34536  
to section 3311.26 of the Revised Code from one or more local 34537

school districts, one of which has entered into an agreement under 34538  
section 3313.42 of the Revised Code. 34539

(C)(1) When all of the territory of a school district is 34540  
annexed to a city or village, such territory thereby becomes a 34541  
part of the city school district or the school district of which 34542  
the village is a part, and the legal title to school property in 34543  
such territory for school purposes shall be vested in the board of 34544  
education of the city school district or the school district of 34545  
which the village is a part. 34546

(2) When the territory so annexed to a city or village 34547  
comprises part but not all of the territory of a school district, 34548  
the said territory becomes part of the city school district or the 34549  
school district of which the village is a part only upon approval 34550  
by the state board of education, unless the district in which the 34551  
territory is located is a party to an annexation agreement with 34552  
the city school district. 34553

Any urban school district that has not entered into an 34554  
annexation agreement with any other school district whose 34555  
territory would be affected by any transfer under this division 34556  
and that desires to negotiate the terms of transfer with any such 34557  
district shall conduct any negotiations under division (F) of this 34558  
section as part of entering into an annexation agreement with such 34559  
a district. 34560

Any school district, except an urban school district, 34561  
desiring state board approval of a transfer under this division 34562  
shall make a good faith effort to negotiate the terms of transfer 34563  
with any other school district whose territory would be affected 34564  
by the transfer. Before the state board may approve any transfer 34565  
of territory to a school district, except an urban school 34566  
district, under this section, it must receive the following: 34567

(a) A resolution requesting approval of the transfer, passed 34568

by at least one of the school districts whose territory would be 34569  
affected by the transfer; 34570

(b) Evidence determined to be sufficient by the state board 34571  
to show that good faith negotiations have taken place or that the 34572  
district requesting the transfer has made a good faith effort to 34573  
hold such negotiations; 34574

(c) If any negotiations took place, a statement signed by all 34575  
boards that participated in the negotiations, listing the terms 34576  
agreed on and the points on which no agreement could be reached. 34577

(D) The state board of education shall adopt rules governing 34578  
negotiations held by any school district except an urban school 34579  
district pursuant to division (C)(2) of this section. The rules 34580  
shall encourage the realization of the following goals: 34581

(1) A discussion by the negotiating districts of the present 34582  
and future educational needs of the pupils in each district; 34583

(2) The educational, financial, and territorial stability of 34584  
each district affected by the transfer; 34585

(3) The assurance of appropriate educational programs, 34586  
services, and opportunities for all the pupils in each 34587  
participating district, and adequate planning for the facilities 34588  
needed to provide these programs, services, and opportunities. 34589

Districts involved in negotiations under such rules may agree 34590  
to share revenues from the property included in the territory to 34591  
be transferred, establish cooperative programs between the 34592  
participating districts, and establish mechanisms for the 34593  
settlement of any future boundary disputes. 34594

(E)(1) If territory annexed after September 24, 1986, is part 34595  
of a school district that is a party to an annexation agreement 34596  
with the urban school district serving the annexing city, the 34597  
transfer of such territory shall be governed by the agreement. If 34598

the agreement does not specify how the territory is to be dealt 34599  
with, the boards of education of the district in which the 34600  
territory is located and the urban school district shall negotiate 34601  
with regard to the transfer of the territory which shall be 34602  
transferred to the urban school district unless, not later than 34603  
ninety days after the effective date of municipal annexation, the 34604  
boards of education of both districts, by resolution adopted by a 34605  
majority of the members of each board, agree that the territory 34606  
will not be transferred and so inform the state board of 34607  
education. 34608

If territory is transferred under this division the transfer 34609  
shall take effect on the first day of July occurring not sooner 34610  
than ninety-one days after the effective date of the municipal 34611  
annexation. Territory transferred under this division need not be 34612  
contiguous to the district to which it is transferred. 34613

(2) Territory annexed prior to September 24, 1986, by a city 34614  
served by an urban school district shall not be subject to 34615  
transfer under this section if the district in which the territory 34616  
is located is a party to an annexation agreement or becomes a 34617  
party to such an agreement not later than ninety days after 34618  
September 24, 1986. If the district does not become a party to an 34619  
annexation agreement within the ninety-day period, transfer of 34620  
territory shall be governed by division (C)(2) of this section. If 34621  
the district subsequently becomes a party to an agreement, 34622  
territory annexed prior to September 24, 1986, other than 34623  
territory annexed under division (C)(2) of this section prior to 34624  
the effective date of the agreement, shall not be subject to 34625  
transfer under this section. 34626

(F) An urban school district may enter into a comprehensive 34627  
agreement with one or more school districts under which transfers 34628  
of territory annexed by the city served by the urban school 34629  
district after September 24, 1986, shall be governed by the 34630

agreement. Such agreement must provide for the establishment of a cooperative education program under section 3313.842 of the Revised Code in which all the parties to the agreement are participants and must be approved by resolution of the majority of the members of each of the boards of education of the school districts that are parties to it. An agreement may provide for interdistrict payments based on local revenue growth resulting from development in any territory annexed by the city served by the urban school district.

An agreement entered into under this division may be altered, modified, or terminated only by agreement, by resolution approved by the majority of the members of each board of education, of all school districts that are parties to the agreement, except that with regard to any provision that affects only the urban school district and one of the other districts that is a party, that district and the urban district may modify or alter the agreement by resolution approved by the majority of the members of the board of that district and the urban district. Alterations, modifications, terminations, and extensions of an agreement entered into under this division do not require approval of the state board of education, but shall be filed with the board after approval and execution by the parties.

If an agreement provides for interdistrict payments, each party to the agreement, except any school district specifically exempted by the agreement, shall agree to make an annual payment to the urban school district with respect to any of its territory that is annexed territory in an amount not to exceed the amount certified for that year under former section 3317.029 of the Revised Code as that section existed prior to July 1, 1998; except that such limitation of annual payments to amounts certified under former section 3317.029 of the Revised Code does not apply to agreements or extensions of agreements entered into on or after

June 1, 1992, unless such limitation is expressly agreed to by the parties. The agreement may provide that all or any part of the payment shall be waived if the urban school district receives its payment with respect to such annexed territory under former section 3317.029 of the Revised Code and that all or any part of such payment may be waived if the urban school district does not receive its payment with respect to such annexed territory under such section.

With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such real property as

is represented by the ratio of the total enrollment in day classes 34695  
of the pupils residing in the territory transferred enrolled at 34696  
such school building in the school year in which such annexation 34697  
proceedings were commenced to the total enrollment in day classes 34698  
of all pupils residing in the school district losing such 34699  
territory enrolled at such school building in such school year. 34700  
The school district receiving such payment shall place the 34701  
proceeds thereof in its sinking fund or bond retirement fund. 34702

(H) The state board of education, before approving such 34703  
transfer of territory, shall determine that such payment has been 34704  
made and shall apportion to the acquiring school district such 34705  
percentage of the indebtedness of the school district losing the 34706  
territory as is represented by the ratio that the assessed 34707  
valuation of the territory transferred bears to the total assessed 34708  
valuation of the entire school district losing the territory as of 34709  
the effective date of the transfer, provided that in ascertaining 34710  
the indebtedness of the school district losing the territory the 34711  
state board of education shall disregard such percentage of the 34712  
par value of the outstanding and unpaid bonds and notes of said 34713  
school district issued for construction or improvement of the 34714  
school building or buildings for which payment was made by the 34715  
acquiring district as is equal to the percentage by which the true 34716  
value in money of such building or buildings was reduced in fixing 34717  
the amount of said payment. 34718

(I) No transfer of school district territory or division of 34719  
funds and indebtedness incident thereto, pursuant to the 34720  
annexation of territory to a city or village shall be completed in 34721  
any other manner than that prescribed by this section regardless 34722  
of the date of the commencement of such annexation proceedings, 34723  
and this section applies to all proceedings for such transfers and 34724  
divisions of funds and indebtedness pending or commenced on or 34725  
after October 2, 1959. 34726



(J) Notwithstanding anything to the contrary in the Revised Code, including section 3311.24 of the Revised Code, beginning on the effective date of this amendment until October 1, 2021, no school district that is a party to an annexation agreement shall transfer territory to another school district that is a party to the annexation agreement without the approval of the boards of education of each of the school districts.

Sec. 3311.27. The board of education of a surviving school district, as that term is defined in section 5748.10 of the Revised Code, shall notify the tax commissioner as and in the manner required by that section.

**Sec. 3311.751.** Notwithstanding division (F) of section 5705.10 of the Revised Code, if a municipal school district board of education sells real property that it owns in its corporate capacity, moneys received from the sale may be paid into the general fund of the district, as long as all of the following conditions are satisfied:

(A) The district has owned the real property for at least ten years.

(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale.

(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio ~~school~~ facilities construction commission.

Sec. 3311.771. As used in this section, "teacher" has the same meaning as in section 3319.09 of the Revised Code, except that it does not include a principal, supervisor, superintendent,

or other school administrator. 34756

A board of education of a municipal school district may enter 34757  
into an agreement with any teacher it employs under which the 34758  
board provides to the teacher early retirement incentives, 34759  
severance pay, or both, in return for an agreement to retire from 34760  
the teacher's position, only if both of the following are the 34761  
case: 34762

(A) The board determines that the agreement is financially 34763  
sound. 34764

(B) The board complies with section 5705.412 of the Revised 34765  
Code, with regard to any wage or salary schedule increase made 34766  
during the school year. 34767

Notwithstanding division (A) of section 4117.10 of the 34768  
Revised Code, this section prevails over any collective bargaining 34769  
agreement entered into under Chapter 4117. of the Revised Code on 34770  
or after the effective date of this section. 34771

**Sec. 3313.372.** (A) As used in this section, "energy 34772  
conservation measure" means an installation or modification of an 34773  
installation in, or remodeling of, a building, to reduce energy 34774  
consumption. It includes: 34775

(1) Insulation of the building structure and systems within 34776  
the building; 34777

(2) Storm windows and doors, multiglazed windows and doors, 34778  
heat absorbing or heat reflective glazed and coated window and 34779  
door systems, additional glazing, reductions in glass area, and 34780  
other window and door system modifications that reduce energy 34781  
consumption; 34782

(3) Automatic energy control systems; 34783

(4) Heating, ventilating, or air conditioning system 34784  
modifications or replacements; 34785

(5) Caulking and weatherstripping;	34786
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	34787 34788 34789 34790 34791
(7) Energy recovery systems;	34792
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	34793 34794 34795
(9) Any other modification, installation, or remodeling approved by the Ohio <del>school</del> facilities <u>construction</u> commission as an energy conservation measure.	34796 34797 34798
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:	34799 34800 34801 34802 34803 34804 34805
(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.	34806 34807
(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.	34808 34809
The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more	34810 34811 34812 34813 34814 34815

measures over a defined period of time. Those payments shall be 34816  
made only to the extent that the savings described in this 34817  
division actually occur. The energy services company shall warrant 34818  
and guarantee that the energy conservation measures shall realize 34819  
guaranteed savings and shall be responsible to pay an amount equal 34820  
to any savings shortfall. 34821

An installment payment contract entered into by a board of 34822  
education under this section shall require the board to contract 34823  
in accordance with division (A) of section 3313.46 of the Revised 34824  
Code for the installation, modification, or remodeling of energy 34825  
conservation measures unless division (A) of section 3313.46 of 34826  
the Revised Code does not apply pursuant to division (B)(3) of 34827  
that section, in which case the contract shall be awarded through 34828  
a competitive selection process pursuant to rules adopted by the 34829  
~~school~~ facilities construction commission. 34830

An installment payment contract entered into by a board of 34831  
education under this section may include services for measurement 34832  
and verification of energy savings associated with the guarantee. 34833  
The annual cost of measurement and verification services shall not 34834  
exceed ten per cent of the guaranteed savings in any year of the 34835  
installment payment contract. 34836

(C) If a board of education determines that a surety bond is 34837  
necessary to secure energy, water, or waste water cost savings 34838  
guaranteed in a contract entered into by the board of education 34839  
under this section, the energy services company shall provide a 34840  
surety bond that satisfies all of the following requirements: 34841

(1) The penal sum of the surety bond for the first guarantee 34842  
year shall equal the amount of savings included in the annual 34843  
guaranteed savings amount that is measured and calculated in 34844  
accordance with the measurement and verification plan included in 34845  
the contract, but may not include guaranteed savings that are not 34846  
measured or that are stipulated in the contract. The annual 34847

guaranteed savings amount shall include only the savings 34848  
guaranteed in the contract for the one-year term that begins on 34849  
the first day of the first savings guarantee year and may not 34850  
include amounts from subsequent years. 34851

(2) The surety bond shall have a term of not more than one 34852  
year unless renewed. At the option of the board of education, the 34853  
surety bond may be renewed for one or two additional terms, each 34854  
term not to exceed one year. The surety bond may not be renewed or 34855  
extended so that it is in effect for more than three consecutive 34856  
years. 34857

In the event of a renewal, the penal sum of the surety bond 34858  
for each renewed year shall be revised so that the penal sum 34859  
equals the annual guaranteed savings amount for such renewal year 34860  
that is measured and calculated in accordance with the measurement 34861  
and verification plan included in the contract, but may not 34862  
include guaranteed savings that are not measured or that are 34863  
stipulated in the contract. Regardless of the number of renewals 34864  
of the bond, the aggregate liability under each renewed bond may 34865  
not exceed the penal sum stated in the renewal certificate for the 34866  
applicable renewal year. 34867

(3) The surety bond for the first year shall be issued within 34868  
thirty days of the commencement of the first savings guarantee 34869  
year under the contract. 34870

In the event of renewal, the surety shall deliver to the 34871  
board of education a renewal certificate reflecting the revised 34872  
penal sum within thirty days of the board of education's request. 34873  
The board of education shall deliver the request for renewal not 34874  
less than thirty days prior to the expiration date of the surety 34875  
bond then in existence. A surety bond furnished pursuant to 34876  
section 153.54 of the Revised Code shall not secure obligations 34877  
related to energy, water, or waste water cost savings as 34878  
referenced in division (C) of this section. 34879

(D) The board may issue the notes of the school district 34880  
signed by the president and the treasurer of the board and 34881  
specifying the terms of the purchase and securing the deferred 34882  
payments provided in this section, payable at the times provided 34883  
and bearing interest at a rate not exceeding the rate determined 34884  
as provided in section 9.95 of the Revised Code. The notes may 34885  
contain an option for prepayment and shall not be subject to 34886  
Chapter 133. of the Revised Code. In the resolution authorizing 34887  
the notes, the board may provide, without the vote of the electors 34888  
of the district, for annually levying and collecting taxes in 34889  
amounts sufficient to pay the interest on and retire the notes, 34890  
except that the total net indebtedness of the district without a 34891  
vote of the electors incurred under this and all other sections of 34892  
the Revised Code, except section 3318.052 of the Revised Code, 34893  
shall not exceed one per cent of the district's tax valuation. 34894  
Revenues derived from local taxes or otherwise, for the purpose of 34895  
conserving energy or for defraying the current operating expenses 34896  
of the district, may be applied to the payment of interest and the 34897  
retirement of such notes. The notes may be sold at private sale or 34898  
given to the energy services company under the installment payment 34899  
contract authorized by division (B) of this section. 34900

(E) Debt incurred under this section shall not be included in 34901  
the calculation of the net indebtedness of a school district under 34902  
section 133.06 of the Revised Code. 34903

(F) No school district board shall enter into an installment 34904  
payment contract under division (B) of this section unless it 34905  
first obtains a report of the costs of the energy conservation 34906  
measures and the savings thereof as described under division (G) 34907  
of section 133.06 of the Revised Code as a requirement for issuing 34908  
energy securities, makes a finding that the amount spent on such 34909  
measures is not likely to exceed the amount of money it would save 34910  
in energy costs and resultant operational and maintenance costs as 34911

described in that division, except that that finding shall cover 34912  
the ensuing fifteen years, and the ~~school~~ facilities construction 34913  
commission determines that the district board's findings are 34914  
reasonable and approves the contract as described in that 34915  
division. 34916

The district board shall monitor the savings and maintain a 34917  
report of those savings, which shall be submitted to the 34918  
commission in the same manner as required by division (G) of 34919  
section 133.06 of the Revised Code in the case of energy 34920  
securities. 34921

**Sec. 3313.603.** (A) As used in this section: 34922

(1) "One unit" means a minimum of one hundred twenty hours of 34923  
course instruction, except that for a laboratory course, "one 34924  
unit" means a minimum of one hundred fifty hours of course 34925  
instruction. 34926

(2) "One-half unit" means a minimum of sixty hours of course 34927  
instruction, except that for physical education courses, "one-half 34928  
unit" means a minimum of one hundred twenty hours of course 34929  
instruction. 34930

(B) Beginning September 15, 2001, except as required in 34931  
division (C) of this section and division (C) of section 3313.614 34932  
of the Revised Code, the requirements for graduation from every 34933  
high school shall include twenty units earned in grades nine 34934  
through twelve and shall be distributed as follows: 34935

(1) English language arts, four units; 34936

(2) Health, one-half unit; 34937

(3) Mathematics, three units; 34938

(4) Physical education, one-half unit; 34939

(5) Science, two units until September 15, 2003, and three 34940

units thereafter, which at all times shall include both of the	34941
following:	34942
(a) Biological sciences, one unit;	34943
(b) Physical sciences, one unit.	34944
(6) History and government, one unit, which shall comply with	34945
division (M) of this section and shall include both of the	34946
following:	34947
(a) American history, one-half unit;	34948
(b) American government, one-half unit.	34949
(7) Social studies, two units.	34950
Beginning with students who enter ninth grade for the first	34951
time on or after July 1, 2017, the two units of instruction	34952
prescribed by division (B)(7) of this section shall include at	34953
least one-half unit of instruction in the study of world history	34954
and civilizations.	34955
(8) Elective units, seven units until September 15, 2003, and	34956
six units thereafter.	34957
Each student's electives shall include at least one unit, or	34958
two half units, chosen from among the areas of	34959
business/technology, fine arts, and/or foreign language.	34960
(C) Beginning with students who enter ninth grade for the	34961
first time on or after July 1, 2010, except as provided in	34962
divisions (D) to (F) of this section, the requirements for	34963
graduation from every public and chartered nonpublic high school	34964
shall include twenty units that are designed to prepare students	34965
for the workforce and college. The units shall be distributed as	34966
follows:	34967
(1) English language arts, four units;	34968
(2) Health, one-half unit, which shall include instruction in	34969



nutrition and the benefits of nutritious foods and physical	34970
activity for overall health;	34971
(3) Mathematics, four units, which shall include one unit of	34972
algebra II or the equivalent of algebra II. However, students who	34973
enter ninth grade for the first time on or after July 1, 2015, and	34974
who are pursuing a career-technical instructional track shall not	34975
be required to take algebra II, and instead may complete a	34976
career-based pathway mathematics course approved by the department	34977
of education as an alternative.	34978
(4) Physical education, one-half unit;	34979
(5) Science, three units with inquiry-based laboratory	34980
experience that engages students in asking valid scientific	34981
questions and gathering and analyzing information, which shall	34982
include the following, or their equivalent:	34983
(a) Physical sciences, one unit;	34984
(b) Life sciences, one unit;	34985
(c) Advanced study in one or more of the following sciences,	34986
one unit:	34987
(i) Chemistry, physics, or other physical science;	34988
(ii) Advanced biology or other life science;	34989
(iii) Astronomy, physical geology, or other earth or space	34990
science.	34991
(6) History and government, one unit, which shall comply with	34992
division (M) of this section and shall include both of the	34993
following:	34994
(a) American history, one-half unit;	34995
(b) American government, one-half unit.	34996
(7) Social studies, two units.	34997
Each school shall integrate the study of economics and	34998

financial literacy, as expressed in the social studies academic 34999  
content standards adopted by the state board of education under 35000  
division (A)(1) of section 3301.079 of the Revised Code and the 35001  
academic content standards for financial literacy and 35002  
entrepreneurship adopted under division (A)(2) of that section, 35003  
into one or more existing social studies credits required under 35004  
division (C)(7) of this section, or into the content of another 35005  
class, so that every high school student receives instruction in 35006  
those concepts. In developing the curriculum required by this 35007  
paragraph, schools shall use available public-private partnerships 35008  
and resources and materials that exist in business, industry, and 35009  
through the centers for economics education at institutions of 35010  
higher education in the state. 35011

Beginning with students who enter ninth grade for the first 35012  
time on or after July 1, 2017, the two units of instruction 35013  
prescribed by division (C)(7) of this section shall include at 35014  
least one-half unit of instruction in the study of world history 35015  
and civilizations. 35016

(8) Five units consisting of one or any combination of 35017  
foreign language, fine arts, business, career-technical education, 35018  
family and consumer sciences, technology, agricultural education, 35019  
a junior reserve officer training corps (JROTC) program approved 35020  
by the congress of the United States under title 10 of the United 35021  
States Code, or English language arts, mathematics, science, or 35022  
social studies courses not otherwise required under division (C) 35023  
of this section. 35024

Ohioans must be prepared to apply increased knowledge and 35025  
skills in the workplace and to adapt their knowledge and skills 35026  
quickly to meet the rapidly changing conditions of the 35027  
twenty-first century. National studies indicate that all high 35028  
school graduates need the same academic foundation, regardless of 35029  
the opportunities they pursue after graduation. The goal of Ohio's 35030

system of elementary and secondary education is to prepare all 35031  
students for and seamlessly connect all students to success in 35032  
life beyond high school graduation, regardless of whether the next 35033  
step is entering the workforce, beginning an apprenticeship, 35034  
engaging in post-secondary training, serving in the military, or 35035  
pursuing a college degree. 35036

The requirements for graduation prescribed in division (C) of 35037  
this section are the standard expectation for all students 35038  
entering ninth grade for the first time at a public or chartered 35039  
nonpublic high school on or after July 1, 2010. A student may 35040  
satisfy this expectation through a variety of methods, including, 35041  
but not limited to, integrated, applied, career-technical, and 35042  
traditional coursework. 35043

Whereas teacher quality is essential for student success when 35044  
completing the requirements for graduation, the general assembly 35045  
shall appropriate funds for strategic initiatives designed to 35046  
strengthen schools' capacities to hire and retain highly qualified 35047  
teachers in the subject areas required by the curriculum. Such 35048  
initiatives are expected to require an investment of \$120,000,000 35049  
over five years. 35050

Stronger coordination between high schools and institutions 35051  
of higher education is necessary to prepare students for more 35052  
challenging academic endeavors and to lessen the need for academic 35053  
remediation in college, thereby reducing the costs of higher 35054  
education for Ohio's students, families, and the state. The state 35055  
board and the chancellor of higher education shall develop 35056  
policies to ensure that only in rare instances will students who 35057  
complete the requirements for graduation prescribed in division 35058  
(C) of this section require academic remediation after high 35059  
school. 35060

School districts, community schools, and chartered nonpublic 35061  
schools shall integrate technology into learning experiences 35062

across the curriculum in order to maximize efficiency, enhance 35063  
learning, and prepare students for success in the 35064  
technology-driven twenty-first century. Districts and schools 35065  
shall use distance and web-based course delivery as a method of 35066  
providing or augmenting all instruction required under this 35067  
division, including laboratory experience in science. Districts 35068  
and schools shall utilize technology access and electronic 35069  
learning opportunities provided by the broadcast educational media 35070  
commission, chancellor, the Ohio learning network, education 35071  
technology centers, public television stations, and other public 35072  
and private providers. 35073

(D) Except as provided in division (E) of this section, a 35074  
student who enters ninth grade on or after July 1, 2010, and 35075  
before July 1, 2016, may qualify for graduation from a public or 35076  
chartered nonpublic high school even though the student has not 35077  
completed the requirements for graduation prescribed in division 35078  
(C) of this section if all of the following conditions are 35079  
satisfied: 35080

(1) During the student's third year of attending high school, 35081  
as determined by the school, the student and the student's parent, 35082  
guardian, or custodian sign and file with the school a written 35083  
statement asserting the parent's, guardian's, or custodian's 35084  
consent to the student's graduating without completing the 35085  
requirements for graduation prescribed in division (C) of this 35086  
section and acknowledging that one consequence of not completing 35087  
those requirements is ineligibility to enroll in most state 35088  
universities in Ohio without further coursework. 35089

(2) The student and parent, guardian, or custodian fulfill 35090  
any procedural requirements the school stipulates to ensure the 35091  
student's and parent's, guardian's, or custodian's informed 35092  
consent and to facilitate orderly filing of statements under 35093  
division (D)(1) of this section. Annually, each district or school 35094

shall notify the department of the number of students who choose 35095  
to qualify for graduation under division (D) of this section and 35096  
the number of students who complete the student's success plan and 35097  
graduate from high school. 35098

(3) The student and the student's parent, guardian, or 35099  
custodian and a representative of the student's high school 35100  
jointly develop a student success plan for the student in the 35101  
manner described in division (C)(1) of section 3313.6020 of the 35102  
Revised Code that specifies the student matriculating to a 35103  
two-year degree program, acquiring a business and 35104  
industry-recognized credential, or entering an apprenticeship. 35105

(4) The student's high school provides counseling and support 35106  
for the student related to the plan developed under division 35107  
(D)(3) of this section during the remainder of the student's high 35108  
school experience. 35109

(5)(a) Except as provided in division (D)(5)(b) of this 35110  
section, the student successfully completes, at a minimum, the 35111  
curriculum prescribed in division (B) of this section. 35112

(b) Beginning with students who enter ninth grade for the 35113  
first time on or after July 1, 2014, a student shall be required 35114  
to complete successfully, at the minimum, the curriculum 35115  
prescribed in division (B) of this section, except as follows: 35116

(i) Mathematics, four units, one unit which shall be one of 35117  
the following: 35118

(I) Probability and statistics; 35119

(II) Computer programming; 35120

(III) Applied mathematics or quantitative reasoning; 35121

(IV) Any other course approved by the department using 35122  
standards established by the superintendent not later than October 35123  
1, 2014. 35124

(ii) Elective units, five units; 35125

(iii) Science, three units as prescribed by division (B) of 35126  
this section which shall include inquiry-based laboratory 35127  
experience that engages students in asking valid scientific 35128  
questions and gathering and analyzing information. 35129

The department, in collaboration with the chancellor, shall 35130  
analyze student performance data to determine if there are 35131  
mitigating factors that warrant extending the exception permitted 35132  
by division (D) of this section to high school classes beyond 35133  
those entering ninth grade before July 1, 2016. The department 35134  
shall submit its findings and any recommendations not later than 35135  
December 1, 2015, to the speaker and minority leader of the house 35136  
of representatives, the president and minority leader of the 35137  
senate, the chairpersons and ranking minority members of the 35138  
standing committees of the house of representatives and the senate 35139  
that consider education legislation, the state board of education, 35140  
and the superintendent of public instruction. 35141

(E) Each school district and chartered nonpublic school 35142  
retains the authority to require an even more challenging minimum 35143  
curriculum for high school graduation than specified in division 35144  
(B) or (C) of this section. A school district board of education, 35145  
through the adoption of a resolution, or the governing authority 35146  
of a chartered nonpublic school may stipulate any of the 35147  
following: 35148

(1) A minimum high school curriculum that requires more than 35149  
twenty units of academic credit to graduate; 35150

(2) An exception to the district's or school's minimum high 35151  
school curriculum that is comparable to the exception provided in 35152  
division (D) of this section but with additional requirements, 35153  
which may include a requirement that the student successfully 35154  
complete more than the minimum curriculum prescribed in division 35155

(B) of this section;	35156
(3) That no exception comparable to that provided in division	35157
(D) of this section is available.	35158
(F) A student enrolled in a dropout prevention and recovery	35159
program, which program has received a waiver from the department,	35160
may qualify for graduation from high school by successfully	35161
completing a competency-based instructional program administered	35162
by the dropout prevention and recovery program in lieu of	35163
completing the requirements for graduation prescribed in division	35164
(C) of this section. The department shall grant a waiver to a	35165
dropout prevention and recovery program, within sixty days after	35166
the program applies for the waiver, if the program meets all of	35167
the following conditions:	35168
(1) The program serves only students not younger than sixteen	35169
years of age and not older than twenty-one years of age.	35170
(2) The program enrolls students who, at the time of their	35171
initial enrollment, either, or both, are at least one grade level	35172
behind their cohort age groups or experience crises that	35173
significantly interfere with their academic progress such that	35174
they are prevented from continuing their traditional programs.	35175
(3) The program requires students to attain at least the	35176
applicable score designated for each of the assessments prescribed	35177
under division (B)(1) of section 3301.0710 of the Revised Code or,	35178
to the extent prescribed by rule of the state board under division	35179
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2)	35180
of that section.	35181
(4) The program develops a student success plan for the	35182
student in the manner described in division (C)(1) of section	35183
3313.6020 of the Revised Code that specifies the student's	35184
matriculating to a two-year degree program, acquiring a business	35185
and industry-recognized credential, or entering an apprenticeship.	35186

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days



as required under this section, the waiver shall be considered to 35218  
be granted. 35219

(G) Every high school may permit students below the ninth 35220  
grade to take advanced work. If a high school so permits, it shall 35221  
award high school credit for successful completion of the advanced 35222  
work and shall count such advanced work toward the graduation 35223  
requirements of division (B) or (C) of this section if the 35224  
advanced work was both: 35225

(1) Taught by a person who possesses a license or certificate 35226  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 35227  
Code that is valid for teaching high school; 35228

(2) Designated by the board of education of the city, local, 35229  
or exempted village school district, the board of the cooperative 35230  
education school district, or the governing authority of the 35231  
chartered nonpublic school as meeting the high school curriculum 35232  
requirements. 35233

Each high school shall record on the student's high school 35234  
transcript all high school credit awarded under division (G) of 35235  
this section. In addition, if the student completed a seventh- or 35236  
eighth-grade fine arts course described in division (K) of this 35237  
section and the course qualified for high school credit under that 35238  
division, the high school shall record that course on the 35239  
student's high school transcript. 35240

(H) The department shall make its individual academic career 35241  
plan available through its Ohio career information system web site 35242  
for districts and schools to use as a tool for communicating with 35243  
and providing guidance to students and families in selecting high 35244  
school courses. 35245

(I) A school district or chartered nonpublic school may 35246  
integrate academic content in a subject area for which the state 35247  
board has adopted standards under section 3301.079 of the Revised 35248

Code into a course in a different subject area, including a 35249  
career-technical education course, in accordance with guidance for 35250  
integrated coursework developed by the department. Upon successful 35251  
completion of an integrated course, a student may receive credit 35252  
for both subject areas that were integrated into the course. Units 35253  
earned in English language arts, mathematics, science, and social 35254  
studies that are for subject area content delivered through 35255  
integrated academic and career-technical instruction are eligible 35256  
to meet the graduation requirements of division (B) or (C) of this 35257  
section. 35258

For purposes of meeting graduation requirements, if an 35259  
end-of-course examination has been prescribed under section 35260  
3301.0712 of the Revised Code for the subject area delivered 35261  
through integrated instruction, the school district or school may 35262  
administer the related subject area examinations upon the 35263  
student's completion of the integrated course. 35264

Nothing in division (I) of this section shall be construed to 35265  
excuse any school district, chartered nonpublic school, or student 35266  
from any requirement in the Revised Code related to curriculum, 35267  
assessments, or the awarding of a high school diploma. 35268

(J)(1) The state board, in consultation with the chancellor, 35269  
shall adopt a statewide plan implementing methods for students to 35270  
earn units of high school credit based on a demonstration of 35271  
subject area competency, instead of or in combination with 35272  
completing hours of classroom instruction. The state board shall 35273  
adopt the plan not later than March 31, 2009, and commence phasing 35274  
in the plan during the 2009-2010 school year. The plan shall 35275  
include a standard method for recording demonstrated proficiency 35276  
on high school transcripts. Each school district and community 35277  
school shall comply with the state board's plan adopted under this 35278  
division and award units of high school credit in accordance with 35279  
the plan. The state board may adopt existing methods for earning 35280

high school credit based on a demonstration of subject area 35281  
competency as necessary prior to the 2009-2010 school year. 35282

(2) Not later than December 31, 2015, the state board shall 35283  
update the statewide plan adopted pursuant to division (J)(1) of 35284  
this section to also include methods for students enrolled in 35285  
seventh and eighth grade to meet curriculum requirements based on 35286  
a demonstration of subject area competency, instead of or in 35287  
combination with completing hours of classroom instruction. 35288  
Beginning with the 2017-2018 school year, each school district and 35289  
community school also shall comply with the updated plan adopted 35290  
pursuant to this division and permit students enrolled in seventh 35291  
and eighth grade to meet curriculum requirements based on subject 35292  
area competency in accordance with the plan. 35293

(3) Not later than December 31, 2017, the department shall 35294  
develop a framework for school districts and community schools to 35295  
use in granting units of high school credit to students who 35296  
demonstrate subject area competency through work-based learning 35297  
experiences, internships, or cooperative education. Beginning with 35298  
the 2018-2019 school year, each district and community school 35299  
shall comply with the framework. Each district and community 35300  
school also shall review any policy it has adopted regarding the 35301  
demonstration of subject area competency to identify ways to 35302  
incorporate work-based learning experiences, internships, and 35303  
cooperative education into the policy in order to increase student 35304  
engagement and opportunities to earn units of high school credit. 35305

(K) This division does not apply to students who qualify for 35306  
graduation from high school under division (D) or (F) of this 35307  
section, or to students pursuing a career-technical instructional 35308  
track as determined by the school district board of education or 35309  
the chartered nonpublic school's governing authority. 35310  
Nevertheless, the general assembly encourages such students to 35311  
consider enrolling in a fine arts course as an elective. 35312

Beginning with students who enter ninth grade for the first 35313  
time on or after July 1, 2010, each student enrolled in a public 35314  
or chartered nonpublic high school shall complete two semesters or 35315  
the equivalent of fine arts to graduate from high school. The 35316  
coursework may be completed in any of grades seven to twelve. Each 35317  
student who completes a fine arts course in grade seven or eight 35318  
may elect to count that course toward the five units of electives 35319  
required for graduation under division (C)(8) of this section, if 35320  
the course satisfied the requirements of division (G) of this 35321  
section. In that case, the high school shall award the student 35322  
high school credit for the course and count the course toward the 35323  
five units required under division (C)(8) of this section. If the 35324  
course in grade seven or eight did not satisfy the requirements of 35325  
division (G) of this section, the high school shall not award the 35326  
student high school credit for the course but shall count the 35327  
course toward the two semesters or the equivalent of fine arts 35328  
required by this division. 35329

(L) Notwithstanding anything to the contrary in this section, 35330  
the board of education of each school district and the governing 35331  
authority of each chartered nonpublic school may adopt a policy to 35332  
excuse from the high school physical education requirement each 35333  
student who, during high school, has participated in 35334  
interscholastic athletics, marching band, or cheerleading for at 35335  
least two full seasons or in the junior reserve officer training 35336  
corps for at least two full school years. If the board or 35337  
authority adopts such a policy, the board or authority shall not 35338  
require the student to complete any physical education course as a 35339  
condition to graduate. However, the student shall be required to 35340  
complete one-half unit, consisting of at least sixty hours of 35341  
instruction, in another course of study. In the case of a student 35342  
who has participated in the junior reserve officer training corps 35343  
for at least two full school years, credit received for that 35344  
participation may be used to satisfy the requirement to complete 35345

one-half unit in another course of study. 35346

(M) It is important that high school students learn and 35347  
understand United States history and the governments of both the 35348  
United States and the state of Ohio. Therefore, beginning with 35349  
students who enter ninth grade for the first time on or after July 35350  
1, 2012, the study of American history and American government 35351  
required by divisions (B)(6) and (C)(6) of this section shall 35352  
include the study of all of the following documents: 35353

(1) The Declaration of Independence; 35354

(2) The Northwest Ordinance; 35355

(3) The Constitution of the United States with emphasis on 35356  
the Bill of Rights; 35357

(4) The Ohio Constitution. 35358

The study of each of the documents prescribed in divisions 35359  
(M)(1) to (4) of this section shall include study of that document 35360  
in its original context. 35361

The study of American history and government required by 35362  
divisions (B)(6) and (C)(6) of this section shall include the 35363  
historical evidence of the role of documents such as the 35364  
Federalist Papers and the Anti-Federalist Papers to firmly 35365  
establish the historical background leading to the establishment 35366  
of the provisions of the Constitution and Bill of Rights. 35367

**Sec. 3313.6023.** The board of education of each school 35368  
district shall provide training in the use of an automated 35369  
external defibrillator to each person employed by that district, 35370  
except for substitutes, adult education instructors who are 35371  
scheduled to work the full-time equivalent of less than one 35372  
hundred twenty days per school year, or persons who are employed 35373  
on an as-needed, seasonal, or intermittent basis. This training 35374  
may be incorporated into the in-service training required by 35375

division (A) of section 3319.073 of the Revised Code. For this 35376  
purpose, the board shall use one of the instructional programs 35377  
listed in divisions (B)(1) and (2) of section 3313.6021 of the 35378  
Revised Code. 35379

Each person to whom this section applies shall complete the 35380  
training not later than July 1, 2018, and at least once every five 35381  
years thereafter. 35382

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 35383  
board of education shall grant a high school diploma to any person 35384  
unless, subject to section 3313.614 of the Revised Code, the 35385  
person has met the assessment requirements of division (A)(1) or 35386  
(2) of this section, as applicable. 35387

(1) If the person entered the ninth grade prior to July 1, 35388  
2014, the person has attained at least the applicable scores 35389  
designated under division (B)(1) of section 3301.0710 of the 35390  
Revised Code on all the assessments required by that division, or 35391  
has satisfied the alternative conditions prescribed in section 35392  
3313.615 of the Revised Code. 35393

(2) If the person entered the ninth grade on or after July 1, 35394  
2014, the person has met the requirement prescribed by section 35395  
3313.618 or 3313.619 of the Revised Code. 35396

(B) This section does not apply to any of the following: 35397

(1) Any person with regard to any assessment from which the 35398  
person was excused pursuant to division (C)(1)(c) of section 35399  
3301.0711 of the Revised Code; 35400

(2) Any person who attends a nonpublic school accredited 35401  
through the independent schools association of the central states, 35402  
~~except for a~~ regardless of whether the student is attending or is 35403  
not attending the school under a state scholarship program as 35404  
defined in section 3301.0711 of the Revised Code. 35405

(3) Any person with regard to the social studies assessment 35406  
under division (B)(1) of section 3301.0710 of the Revised Code, 35407  
any American history end-of-course examination and any American 35408  
government end-of-course examination required under division (B) 35409  
of section 3301.0712 of the Revised Code if such an exemption is 35410  
prescribed by rule of the state board of education under division 35411  
(D)(3) of section 3301.0712 of the Revised Code, or the 35412  
citizenship test under former division (B) of section 3301.0710 of 35413  
the Revised Code as it existed prior to September 11, 2001, if all 35414  
of the following apply: 35415

(a) The person is not a citizen of the United States; 35416

(b) The person is not a permanent resident of the United 35417  
States; 35418

(c) The person indicates no intention to reside in the United 35419  
States after completion of high school. 35420

(C) As used in this division, "limited English proficient 35421  
student" has the same meaning as in division (C)(3) of section 35422  
3301.0711 of the Revised Code. 35423

Notwithstanding division (C)(3) of section 3301.0711 of the 35424  
Revised Code, no limited English proficient student who has not 35425  
either attained the applicable scores designated under division 35426  
(B)(1) of section 3301.0710 of the Revised Code on all the 35427  
assessments required by that division, or met the requirement 35428  
prescribed by section 3313.618 or 3313.619 of the Revised Code, 35429  
shall be awarded a diploma under this section. 35430

(D) The state board shall not impose additional requirements 35431  
or assessments for the granting of a high school diploma under 35432  
this section that are not prescribed by this section. 35433

(E) The department of education shall furnish the assessment 35434  
administered by a nonpublic school pursuant to division (B)(1) of 35435  
section 3301.0712 of the Revised Code. 35436

**Sec. 3313.618.** (A) In addition to the applicable curriculum requirements, each student entering ninth grade for the first time on or after July 1, 2014, shall satisfy at least one of the following conditions in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

~~The state board shall approve the industry-recognized credentials and licenses that may qualify a student for a high school diploma under division (A)(3) of this section. The~~  
industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to



satisfy the requirements of this section, the school district or 35468  
school may require that student to arrange for the applicable 35469  
scores to be sent directly to the district or school by the 35470  
company or organization that administers the examination. 35471

(B) The state board of education shall not create or require 35472  
any additional assessment for the granting of any type of high 35473  
school diploma other than as prescribed by this section. Except as 35474  
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 35475  
Revised Code, the state board or the superintendent of public 35476  
instruction shall not create any endorsement or designation that 35477  
may be affiliated with a high school diploma. 35478

**Sec. 3313.6110.** (A) A person who has completed the final year 35479  
of instruction at home, as authorized under section 3321.04 of the 35480  
Revised Code, and has successfully fulfilled the high school 35481  
curriculum applicable to that person may be granted a high school 35482  
diploma by the person's parent, guardian, or other person having 35483  
charge or care of a child, as defined in division (A)(1) of 35484  
section 3321.01 of the Revised Code. 35485

(B) Beginning with diplomas issued on or after July 1, 2015, 35486  
each diploma granted under division (A) of this section shall be 35487  
accompanied by the official letter of excuse issued by the 35488  
district superintendent for the student's final year of home 35489  
education. 35490

(C) A person who has graduated from a nonchartered nonpublic 35491  
school in Ohio and who has successfully fulfilled that school's 35492  
high school curriculum may be granted a high school diploma by the 35493  
governing authority of that school. 35494

(D) Notwithstanding anything in the Revised Code to the 35495  
contrary, a diploma granted under this section shall serve as 35496  
proof of the successful completion of that person's applicable 35497  
high school curriculum and satisfactory to fulfill any legal 35498

requirement to show such proof. 35499

(E) For the purposes of an application for employment, a 35500  
diploma granted under this section shall be considered proof of 35501  
completion of a high school education, regardless of whether the 35502  
person to which the diploma was granted participated in the 35503  
assessments prescribed by division (A)(1) or (B)(1) or (2) of 35504  
section 3301.0710 and section 3301.0712 of the Revised Code. 35505

(F) A diploma granted under division (A) of this section may 35506  
include a state seal of biliteracy or an OhioMeansJobs-readiness 35507  
seal that may be assigned to the student's diploma, by the parent, 35508  
guardian, or other person having charge or care of the student, in 35509  
the same manner as prescribed for transcripts issued by school 35510  
districts and chartered nonpublic schools under ~~section~~ sections 35511  
3313.6111 and 3113.6112 of the Revised Code. 35512

Sec. 3313.6112. (A) The superintendent of public instruction, 35513  
in consultation with the chancellor of higher education and the 35514  
governor's office of workforce transformation, shall establish the 35515  
OhioMeansJobs-readiness seal, which may be attached or affixed to 35516  
the high school diploma and transcript of a student enrolled in a 35517  
public or chartered nonpublic school. 35518

(B) A school district, community school established under 35519  
Chapter 3314. of the Revised Code, STEM school established under 35520  
Chapter 3326. of the Revised Code, college-preparatory boarding 35521  
school established under Chapter 3328. of the Revised Code, or 35522  
chartered nonpublic school shall attach or affix the 35523  
OhioMeansJobs-readiness seal to the diploma and transcript of a 35524  
student enrolled in the school who meets the requirements 35525  
prescribed under division (C)(1) of this section. 35526

(C) The state superintendent, in consultation with the 35527  
chancellor and the governor's office of workforce transformation, 35528  
shall do the following: 35529

(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency; 35530  
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(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student; 35535  
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(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal; 35540  
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(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal. 35545  
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(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript. 35549  
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**Sec. 3313.6113.** (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not 35552  
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later than January 1, 2018. 35561

(B) The committee shall do the following: 35562

(1) Establish criteria for acceptable industry-recognized 35563  
credentials and licenses aligned with the in-demand jobs list 35564  
published by the department of job and family services; 35565

(2) Review the list of industry-recognized credentials and 35566  
licenses that was in existence on January 1, 2018, and update the 35567  
list as it considers necessary; 35568

(3) Review and update the list of industry-recognized 35569  
credentials and licenses at least biennially. 35570

**Sec. 3313.717.** (A) As used in this section, "automated 35571  
external defibrillator" means a specialized defibrillator that is 35572  
approved for use as a medical device by the United States food and 35573  
drug administration for performing automated external 35574  
defibrillation, as defined in section 2305.235 of the Revised 35575  
Code. 35576

(B)(1) The board of education of each school district may 35577  
require the placement of an automated external defibrillator in 35578  
each school under the control of the board. Not later than July 1, 35579  
2018, pursuant to section 3313.6023 of the Revised Code, all 35580  
persons employed by a school district shall receive training in 35581  
the use of an automated external defibrillator in accordance with 35582  
that section, except for substitutes, adult education instructors 35583  
who are scheduled to work the full-time equivalent of less than 35584  
one hundred twenty days per school year, or persons who are 35585  
employed on an as-needed, seasonal, or intermittent basis. 35586

(2) The administrative authority of each chartered nonpublic 35587  
school may require the placement of an automated external 35588  
defibrillator in each school under the control of the authority. 35589  
If an authority requires the placement of an automated external 35590

defibrillator as provided in this section, the authority also 35591  
shall require that a sufficient number of the staff persons 35592  
assigned to each school under the control of the authority 35593  
successfully complete an appropriate training course in the use of 35594  
an automated external defibrillator as described in section 35595  
3701.85 of the Revised Code. 35596

(C) In regard to the use of an automated external 35597  
defibrillator that is placed in a school as specified in this 35598  
section, and except in the case of willful or wanton misconduct or 35599  
when there is no good faith attempt to activate an emergency 35600  
medical services system in accordance with section 3701.85 of the 35601  
Revised Code, no person shall be held liable in civil damages for 35602  
injury, death, or loss to person or property, or held criminally 35603  
liable, for performing automated external defibrillation in good 35604  
faith, regardless of whether the person has obtained appropriate 35605  
training on how to perform automated external defibrillation or 35606  
successfully completed a course in cardiopulmonary resuscitation. 35607

Sec. 3313.821. The superintendent of public instruction, in 35608  
consultation with the governor's executive workforce board, shall 35609  
establish standards for the operation of business advisory 35610  
councils established by the board of education of a school 35611  
district or the governing board of an educational service center 35612  
under section 3313.82 of the Revised Code. The standards adopted 35613  
by the state superintendent shall include at least the following 35614  
requirements: 35615

(A) Each advisory council and the board of education or 35616  
governing board that established it shall develop a plan by which 35617  
the advisory council shall advise the board of at least those 35618  
matters specified by the board pursuant to section 3313.82 of the 35619  
Revised Code. 35620

(B) Each plan developed pursuant to division (A) of this 35621

section shall be filed with the department of education. 35622

(C) Each business advisory council shall meet with its school board at least quarterly. 35623  
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(D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code. 35625  
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**Sec. 3313.89.** Beginning with the 2014-2015 school year, each public high school shall publish or provide, not later than the first day of April of each year, in its newsletter, high school planning guide, regular publication provided to parents and students, or in a prominent location on the school web site, information regarding the online education and career planning tool developed under section 6301.15 of the Revised Code. The information shall include the internet web site address for the planning tool and a link to that web site. The information also shall include a link to the OhioMeansJobs web site. 35631  
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As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 35641  
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**Sec. 3313.902.** (A) As used in this section: 35643

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education. 35644  
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 35647  
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(3) "Approved program of study" means a program of study 35650

offered by an approved institution that satisfies the requirements 35651  
of division (B) of this section. 35652

(4) An eligible student's "career pathway training program 35653  
amount" means the following: 35654

(a) If the student is enrolled in a tier one career pathway 35655  
training program, \$4,800; 35656

(b) If the student is enrolled in a tier two career pathway 35657  
training program, \$3,200; 35658

(c) If the student is enrolled in a tier three career pathway 35659  
training program, \$1,600. 35660

(5) "Eligible institution" means any of the following: 35661

(a) A community college established under Chapter 3354. of 35662  
the Revised Code; 35663

(b) A technical college established under Chapter 3357. of 35664  
the Revised Code; 35665

(c) A state community college established under Chapter 3358. 35666  
of the Revised Code; 35667

(d) An Ohio technical center recognized by the chancellor 35668  
that provides post-secondary workforce education. 35669

(6) "Eligible student" means an individual who is at least 35670  
twenty-two years of age and has not received a high school diploma 35671  
or a certificate of high school equivalence, as defined in section 35672  
4109.06 of the Revised Code. 35673

(7) A "tier one career pathway training program" is a career 35674  
pathway training program that requires more than six hundred hours 35675  
of technical training, as determined by the department of 35676  
education. 35677

(8) A "tier two career pathway training program" is a career 35678  
pathway training program that requires more than three hundred 35679

hours of technical training but less than six hundred hours of 35680  
technical training, as determined by the department. 35681

(9) A "tier three career pathway training program" is a 35682  
career pathway training program that requires three hundred hours 35683  
or less of technical training, as determined by the department. 35684

(10) An eligible student's "work readiness training amount" 35685  
means the following: 35686

(a) If the student's grade level upon initial enrollment in 35687  
an approved program of study at an approved institution is below 35688  
the ninth grade, as determined in accordance with rules adopted 35689  
under division (E) of this section, \$1,500. 35690

(b) If the student's grade level upon initial enrollment in 35691  
an approved program of study at an approved institution is at or 35692  
above the ninth grade, as determined in accordance with rules 35693  
adopted under division (E) of this section, \$750. 35694

(B) The adult diploma pilot program is hereby established to 35695  
permit an eligible institution to obtain approval from the 35696  
superintendent of public instruction and the chancellor to develop 35697  
and offer a program of study that allows an eligible student to 35698  
obtain a high school diploma. A program shall be eligible for this 35699  
approval if it satisfies all of the following requirements: 35700

(1) The program allows an eligible student to complete the 35701  
requirements for obtaining a high school diploma that are 35702  
specified in rules adopted by the superintendent under division 35703  
(E) of this section while also completing requirements for an 35704  
approved industry credential or certificate. 35705

(2) The program includes career advising and outreach. 35706

(3) The program includes opportunities for students to 35707  
receive a competency-based education. 35708

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 35709



3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) ~~The~~ Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

division (D)(2) of this section, the institution may use the 35741  
amount that is in addition to the student's career pathway 35742  
training amount and the student's work readiness training amount 35743  
for the associated services of the approved program of study. 35744  
These services include counseling, advising, assessment, and other 35745  
services as determined or required by the department. 35746

(4) If the superintendent and the chancellor determine that 35747  
is it appropriate for an entity other than the department to make 35748  
full or partial payments for an eligible student under division 35749  
(D)(2) of this section, that entity shall make those payments and 35750  
the department shall not make those payments. 35751

(E) The superintendent, in consultation with the chancellor, 35752  
shall adopt rules for the implementation of the adult diploma 35753  
pilot program, including all of the following: 35754

(1) The requirements for applying for program approval; 35755

(2) The requirements for obtaining a high school diploma 35756  
through the program, including the requirement to obtain a passing 35757  
score on an assessment that is appropriate for the career pathway 35758  
training program that is being completed by the eligible student, 35759  
and the date on which these requirements take effect; 35760

(3) The assessment or assessments that may be used to 35761  
complete the assessment requirement for each career pathway 35762  
training program under division (E)(2) of this section and the 35763  
score that must be obtained on each assessment in order to pass 35764  
the assessment; 35765

(4) Guidelines regarding the funding of the program under 35766  
division (D) of this section, including a method of funding for 35767  
students who transfer from one approved institution to another 35768  
approved institution prior to completing an approved program of 35769  
study; 35770

(5) Circumstances under which an eligible student may be 35771

charged for tuition, supplies, or associated fees while enrolled 35772  
in an approved institution's approved program of study; 35773

(6) A requirement that an eligible student may not be charged 35774  
for tuition, supplies, or associated fees while enrolled in an 35775  
approved institution's approved program of study except in the 35776  
circumstances described under division (E)(5) of this section; 35777

(7) The payment of federal funds that are to be used by 35778  
approved programs of study at approved institutions. 35779

Sec. 3313.904. The department of education and the department 35780  
of job and family services, in consultation with the governor's 35781  
office of workforce transformation, shall establish an option for 35782  
career-technical education students to participate in 35783  
pre-apprenticeship training programs that impart the skills and 35784  
knowledge needed for successful participation in a registered 35785  
apprenticeship occupation course. 35786

**Sec. 3313.976.** (A) No private school may receive scholarship 35787  
payments from parents pursuant to section 3313.979 of the Revised 35788  
Code until the chief administrator of the private school registers 35789  
the school with the superintendent of public instruction. The 35790  
state superintendent shall register any school that meets the 35791  
following requirements: 35792

(1) The school either: 35793

(a) Offers any of grades kindergarten through twelve and is 35794  
located within the boundaries of the pilot project school 35795  
district; 35796

(b) Offers any of grades nine through twelve and is located 35797  
within the boundaries of a city, local, or exempted village school 35798  
district that is both: 35799

(i) Located in a municipal corporation with a population of 35800

fifteen thousand or more; 35801

(ii) Located within five miles of the border of the pilot 35802  
project school district. 35803

(2) The school indicates in writing its commitment to follow 35804  
all requirements for a state-sponsored scholarship program 35805  
specified under sections 3313.974 to 3313.979 of the Revised Code, 35806  
including, but not limited to, the requirements for admitting 35807  
students pursuant to section 3313.977 of the Revised Code; 35808

(3) The school meets all state minimum standards for 35809  
chartered nonpublic schools in effect on July 1, 1992, except that 35810  
the state superintendent at the superintendent's discretion may 35811  
register nonchartered nonpublic schools meeting the other 35812  
requirements of this division; 35813

(4) The school does not discriminate on the basis of race, 35814  
religion, or ethnic background; 35815

(5) The school enrolls a minimum of ten students per class or 35816  
a sum of at least twenty-five students in all the classes offered; 35817

(6) The school does not advocate or foster unlawful behavior 35818  
or teach hatred of any person or group on the basis of race, 35819  
ethnicity, national origin, or religion; 35820

(7) The school does not provide false or misleading 35821  
information about the school to parents, students, or the general 35822  
public; 35823

(8) For students in grades kindergarten through eight with 35824  
family incomes at or below two hundred per cent of the federal 35825  
poverty guidelines, as defined in section 5104.46 of the Revised 35826  
Code, the school agrees not to charge any tuition in excess of the 35827  
scholarship amount established pursuant to division (C)(1) of 35828  
section 3313.978 of the Revised Code, excluding any increase 35829  
described in division (C)(2) of that section. 35830

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) Except as provided in divisions (K)~~(1)~~ and (L)(1) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code

if the superintendent of the district in which such public school 35863  
is located notifies the state superintendent prior to the first 35864  
day of March that the district intends to admit students from the 35865  
pilot project district for the ensuing school year pursuant to 35866  
section 3327.06 of the Revised Code. 35867

(D) Any parent wishing to purchase tutorial assistance from 35868  
any person or governmental entity pursuant to the pilot project 35869  
program under sections 3313.974 to 3313.979 of the Revised Code 35870  
shall apply to the state superintendent. The state superintendent 35871  
shall approve providers who appear to possess the capability of 35872  
furnishing the instructional services they are offering to 35873  
provide. 35874

**Sec. 3314.016.** This section applies to any entity that 35875  
sponsors a community school, regardless of whether section 35876  
3314.021 or 3314.027 of the Revised Code exempts the entity from 35877  
the requirement to be approved for sponsorship under divisions 35878  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 35879  
office of Ohio school sponsorship established under section 35880  
3314.029 of the Revised Code shall be rated under division (B) of 35881  
this section, but divisions (A) and (C) of this section do not 35882  
apply to the office. 35883

(A) An entity that sponsors a community school shall be 35884  
permitted to enter into contracts under section 3314.03 of the 35885  
Revised Code to sponsor additional community schools only if the 35886  
entity meets all of the following criteria: 35887

(1) The entity is in compliance with all provisions of this 35888  
chapter requiring sponsors of community schools to report data or 35889  
information to the department of education. 35890

(2) The entity is not rated as "ineffective" under division 35891  
(B)(6) of this section. 35892

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the Revised Code.

(B)(1) Beginning with the 2015-2016 school year, the department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

If the department uses a component prescribed under division (C)(3) of section 3302.03 of the Revised Code to calculate the academic performance component specified under division (B)(1)(a) of this section, the department shall weight the progress component specified under division (C)(3)(c) of section 3302.03 of the Revised Code at sixty per cent of the total score for the academic performance component under this section.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary"

on its most recent rating, the department may evaluate that 35925  
sponsor's adherence to quality practices once over a period of 35926  
three years. If the department elects to evaluate a sponsor once 35927  
over a period of three years, the most recent rating for a 35928  
sponsor's adherence to quality practices shall be used when 35929  
determining an annual overall rating conducted under this section. 35930

(c) Compliance with all applicable laws and administrative 35931  
rules by an entity that sponsors a community school. 35932

(2) In calculating an academic performance component, the 35933  
department shall exclude all community schools that have been in 35934  
operation for not more than two full school years and all 35935  
community schools described in division (A)(4)(b) of section 35936  
3314.35 of the Revised Code. However, the academic performance of 35937  
the community schools described in division (A)(4)(b) of section 35938  
3314.35 of the Revised Code shall be reported, but shall not be 35939  
used as a factor when determining a sponsoring entity's rating 35940  
under this section. 35941

(3) The department, in consultation with entities that 35942  
sponsor community schools, shall prescribe quality practices for 35943  
community school sponsors and develop an instrument to measure 35944  
adherence to those quality practices. The quality practices shall 35945  
be based on standards developed by the national association of 35946  
charter school authorizers or any other nationally organized 35947  
community school organization. 35948

(4)(a) The department may permit peer review of a sponsor's 35949  
adherence to the quality practices prescribed under division 35950  
(B)(3) of this section. Peer reviewers shall be limited to 35951  
individuals employed by sponsors rated "effective" or "exemplary" 35952  
on the most recent ratings conducted under this section. 35953

(b) The department shall require individuals participating in 35954  
peer review under division (B)(4)(a) of this section to complete 35955



training approved or established by the department. 35956

(c) The department may enter into an agreement with another 35957  
entity to provide training to individuals conducting peer review 35958  
of sponsors. Prior to entering into an agreement with an entity, 35959  
the department shall review and approve of the entity's training 35960  
program. 35961

(5) Not later than July 1, 2013, the state board of education 35962  
shall adopt rules in accordance with Chapter 119. of the Revised 35963  
Code prescribing standards for measuring compliance with 35964  
applicable laws and rules under division (B)(1)(c) of this 35965  
section. 35966

(6) The department annually shall rate all entities that 35967  
sponsor community schools as either "exemplary," "effective," 35968  
"ineffective," or "poor," based on the components prescribed by 35969  
division (B) of this section, where each component is weighted 35970  
equally. A separate rating shall be given by the department for 35971  
each component of the evaluation system. 35972

The department shall publish the ratings between the first 35973  
day of October and the fifteenth day of October. 35974

Not later than forty-five days prior to the department's 35975  
publication of the final ratings, the department shall notify each 35976  
sponsor in writing of its preliminary ratings and determinations 35977  
for each component of the evaluation system. Each sponsor may, 35978  
within ten days after receiving the preliminary ratings, make a 35979  
written request for an informal hearing to dispute the overall 35980  
rating or determination for any component. The department shall 35981  
hold an informal hearing within ten days after receipt of a 35982  
request for a hearing. Prior to the department's publication of 35983  
the final ratings, the department shall issue a written decision 35984  
either affirming or modifying the ratings and determinations and 35985  
the reasons for that decision. 35986

The department shall provide training on an annual basis 35987  
regarding the evaluation system prescribed under this section. The 35988  
training shall, at a minimum, describe methodology, timelines, and 35989  
data required for the evaluation system. The first training 35990  
session shall occur not later than ~~thirty days after the effective~~ 35991  
~~date of this section~~ March 2, 2016. 35992

If the department uses a points system to determine component 35993  
ratings and overall ratings under this section, the department 35994  
shall not assign an automatic overall rating to an entity based 35995  
solely on the entity receiving an equivalent score of zero points 35996  
on one or more of the individual components prescribed in division 35997  
(B)(1)(b) or (c) of this section. An overall rating shall be the 35998  
cumulative score of the individual components prescribed under 35999  
this section unless the entity receives a score of zero on the 36000  
academic performance component prescribed in division (B)(1)(a) of 36001  
this section. 36002

(7)(a) Entities with an overall rating of "exemplary" for at 36003  
least two consecutive years may take advantage of the following 36004  
incentives: 36005

(i) Renewal of the written agreement with the department, not 36006  
to exceed ten years, provided that the entity consents to 36007  
continued evaluation of adherence to quality practices as 36008  
described in division (B)(1)(b) of this section; 36009

(ii) The ability to extend the term of the contract between 36010  
the sponsoring entity and the community school beyond the term 36011  
described in the written agreement with the department; 36012

(iii) An exemption from the preliminary agreement and 36013  
contract adoption and execution deadline requirements prescribed 36014  
in division (D) of section 3314.02 of the Revised Code; 36015

(iv) An exemption from the automatic contract expiration 36016  
requirement, should a new community school fail to open by the 36017

thirtieth day of September of the calendar year in which the 36018  
community school contract is executed; 36019

(v) No limit on the number of community schools the entity 36020  
may sponsor; 36021

(vi) No territorial restrictions on sponsorship. 36022

An entity may continue to sponsor any community schools with 36023  
which it entered into agreements under division (B)(7)(a)(v) or 36024  
(vi) of this section while rated "exemplary," notwithstanding the 36025  
fact that the entity later receives a lower overall rating. 36026

(b)(i) Entities that receive an overall rating of 36027  
"ineffective" shall be prohibited from sponsoring any new or 36028  
additional community schools during the time in which the sponsor 36029  
is rated as "ineffective" and shall be subject to a quality 36030  
improvement plan based on correcting the deficiencies that led to 36031  
the "ineffective" rating, with timelines and benchmarks that have 36032  
been established by the department. 36033

(ii) Entities that receive an overall rating of "ineffective" 36034  
on their three most recent ratings shall have all sponsorship 36035  
authority revoked. Within thirty days after receiving its third 36036  
rating of "ineffective," the entity may appeal the revocation of 36037  
its sponsorship authority to the superintendent of public 36038  
instruction, who shall appoint an independent hearing officer to 36039  
conduct a hearing in accordance with Chapter 119. of the Revised 36040  
Code. The hearing shall be conducted within thirty days after 36041  
receipt of the notice of appeal. Within forty-five days after the 36042  
hearing is completed, the state board of education shall determine 36043  
whether the revocation is appropriate based on the hearing 36044  
conducted by the independent hearing officer, and if determined 36045  
appropriate, the revocation shall be confirmed. 36046

(c) Entities that receive an overall rating of "poor" shall 36047  
have all sponsorship authority revoked. Within thirty days after 36048

receiving a rating of "poor," the entity may appeal the revocation 36049  
of its sponsorship authority to the superintendent of public 36050  
instruction, who shall appoint an independent hearing officer to 36051  
conduct a hearing in accordance with Chapter 119. of the Revised 36052  
Code. The hearing shall be conducted within thirty days after 36053  
receipt of the notice of appeal. Within forty-five days after the 36054  
hearing is completed, the state board of education shall determine 36055  
whether the revocation is appropriate based on the hearing 36056  
conducted by the independent hearing officer, and if determined 36057  
appropriate, the revocation shall be confirmed. 36058

(d) Notwithstanding division (F)(3) of section 3314.02 of the 36059  
Revised Code and the agreement entered into with the department 36060  
under section 3314.015 of the Revised Code, an entity that is an 36061  
educational service center that receives an overall rating of 36062  
"effective" or higher may do both of the following: 36063

(i) Sponsor an internet- or computer-based school without any 36064  
previous experience sponsoring such a school; 36065

(ii) Sponsor a community school regardless of whether or not 36066  
it is located in a county within the service territory of the 36067  
service center or in a contiguous county. 36068

An educational service center may continue to sponsor any 36069  
community schools with which it entered into agreements as 36070  
authorized under division (B)(7)(d) of this section regardless of 36071  
whether the entity later receives an overall rating lower than 36072  
"effective." 36073

(8) For the 2014-2015 school year and each school year 36074  
thereafter, student academic performance prescribed under division 36075  
(B)(1)(a) of this section shall include student academic 36076  
performance data from community schools that primarily serve 36077  
students enrolled in a dropout prevention and recovery program. 36078

(C) If the governing authority of a community school enters 36079

into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(b) or (c) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public

instruction. The department of education shall make available on 36111  
its web site a copy of every approved, executed contract filed 36112  
with the superintendent under this section. 36113

(A) Each contract entered into between a sponsor and the 36114  
governing authority of a community school shall specify the 36115  
following: 36116

(1) That the school shall be established as either of the 36117  
following: 36118

(a) A nonprofit corporation established under Chapter 1702. 36119  
of the Revised Code, if established prior to April 8, 2003; 36120

(b) A public benefit corporation established under Chapter 36121  
1702. of the Revised Code, if established after April 8, 2003. 36122

(2) The education program of the school, including the 36123  
school's mission, the characteristics of the students the school 36124  
is expected to attract, the ages and grades of students, and the 36125  
focus of the curriculum; 36126

(3) The academic goals to be achieved and the method of 36127  
measurement that will be used to determine progress toward those 36128  
goals, which shall include the statewide achievement assessments; 36129

(4) Performance standards, including but not limited to all 36130  
applicable report card measures set forth in section 3302.03 or 36131  
3314.017 of the Revised Code, by which the success of the school 36132  
will be evaluated by the sponsor; 36133

(5) The admission standards of section 3314.06 of the Revised 36134  
Code and, if applicable, section 3314.061 of the Revised Code; 36135

(6)(a) Dismissal procedures; 36136

(b) A requirement that the governing authority adopt an 36137  
attendance policy that includes a procedure for automatically 36138  
withdrawing a student from the school if the student without a 36139

legitimate excuse fails to participate in one hundred five 36140  
consecutive hours of the learning opportunities offered to the 36141  
student. 36142

(7) The ways by which the school will achieve racial and 36143  
ethnic balance reflective of the community it serves; 36144

(8) Requirements for financial audits by the auditor of 36145  
state. The contract shall require financial records of the school 36146  
to be maintained in the same manner as are financial records of 36147  
school districts, pursuant to rules of the auditor of state. 36148  
Audits shall be conducted in accordance with section 117.10 of the 36149  
Revised Code. 36150

(9) An addendum to the contract outlining the facilities to 36151  
be used that contains at least the following information: 36152

(a) A detailed description of each facility used for 36153  
instructional purposes; 36154

(b) The annual costs associated with leasing each facility 36155  
that are paid by or on behalf of the school; 36156

(c) The annual mortgage principal and interest payments that 36157  
are paid by the school; 36158

(d) The name of the lender or landlord, identified as such, 36159  
and the lender's or landlord's relationship to the operator, if 36160  
any. 36161

(10) Qualifications of teachers, including a requirement that 36162  
the school's classroom teachers be licensed in accordance with 36163  
sections 3319.22 to 3319.31 of the Revised Code, except that a 36164  
community school may engage noncertificated persons to teach up to 36165  
twelve hours per week pursuant to section 3319.301 of the Revised 36166  
Code. 36167

(11) That the school will comply with the following 36168  
requirements: 36169

(a) The school will provide learning opportunities to a 36170  
minimum of twenty-five students for a minimum of nine hundred 36171  
twenty hours per school year. 36172

(b) The governing authority will purchase liability 36173  
insurance, or otherwise provide for the potential liability of the 36174  
school. 36175

(c) The school will be nonsectarian in its programs, 36176  
admission policies, employment practices, and all other 36177  
operations, and will not be operated by a sectarian school or 36178  
religious institution. 36179

(d) The school will comply with sections 9.90, 9.91, 109.65, 36180  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 36181  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 36182  
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 36183  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 36184  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 36185  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 36186  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 36187  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 36188  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 36189  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 36190  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 36191  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 36192  
as if it were a school district and will comply with section 36193  
3301.0714 of the Revised Code in the manner specified in section 36194  
3314.17 of the Revised Code. 36195

(e) The school shall comply with Chapter 102. and section 36196  
2921.42 of the Revised Code. 36197

(f) The school will comply with sections 3313.61, 3313.611, 36198  
and 3313.614 of the Revised Code, except that for students who 36199  
enter ninth grade for the first time before July 1, 2010, the 36200



requirement in sections 3313.61 and 3313.611 of the Revised Code 36201  
that a person must successfully complete the curriculum in any 36202  
high school prior to receiving a high school diploma may be met by 36203  
completing the curriculum adopted by the governing authority of 36204  
the community school rather than the curriculum specified in Title 36205  
XXXIII of the Revised Code or any rules of the state board of 36206  
education. Beginning with students who enter ninth grade for the 36207  
first time on or after July 1, 2010, the requirement in sections 36208  
3313.61 and 3313.611 of the Revised Code that a person must 36209  
successfully complete the curriculum of a high school prior to 36210  
receiving a high school diploma shall be met by completing the 36211  
requirements prescribed in division (C) of section 3313.603 of the 36212  
Revised Code, unless the person qualifies under division (D) or 36213  
(F) of that section. Each school shall comply with the plan for 36214  
awarding high school credit based on demonstration of subject area 36215  
competency, and beginning with the 2017-2018 school year, with the 36216  
updated plan that permits students enrolled in seventh and eighth 36217  
grade to meet curriculum requirements based on subject area 36218  
competency adopted by the state board of education under divisions 36219  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 36220  
with the 2018-2019 school year, the school shall comply with the 36221  
framework for granting units of high school credit to students who 36222  
demonstrate subject area competency through work-based learning 36223  
experiences, internships, or cooperative education developed by 36224  
the department under division (J)(3) of section 3313.603 of the 36225  
Revised Code. 36226

(g) The school governing authority will submit within four 36227  
months after the end of each school year a report of its 36228  
activities and progress in meeting the goals and standards of 36229  
divisions (A)(3) and (4) of this section and its financial status 36230  
to the sponsor and the parents of all students enrolled in the 36231  
school. 36232

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 36233  
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 36236  
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(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 36243  
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 36249  
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(i) An internet- or computer-based community school; 36252

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code. 36253  
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(12) Arrangements for providing health and other benefits to employees; 36256  
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 36258  
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(14) The governing authority of the school, which shall be 36262

responsible for carrying out the provisions of the contract; 36263

(15) A financial plan detailing an estimated school budget 36264  
for each year of the period of the contract and specifying the 36265  
total estimated per pupil expenditure amount for each such year. 36266

(16) Requirements and procedures regarding the disposition of 36267  
employees of the school in the event the contract is terminated or 36268  
not renewed pursuant to section 3314.07 of the Revised Code; 36269

(17) Whether the school is to be created by converting all or 36270  
part of an existing public school or educational service center 36271  
building or is to be a new start-up school, and if it is a 36272  
converted public school or service center building, specification 36273  
of any duties or responsibilities of an employer that the board of 36274  
education or service center governing board that operated the 36275  
school or building before conversion is delegating to the 36276  
governing authority of the community school with respect to all or 36277  
any specified group of employees provided the delegation is not 36278  
prohibited by a collective bargaining agreement applicable to such 36279  
employees; 36280

(18) Provisions establishing procedures for resolving 36281  
disputes or differences of opinion between the sponsor and the 36282  
governing authority of the community school; 36283

(19) A provision requiring the governing authority to adopt a 36284  
policy regarding the admission of students who reside outside the 36285  
district in which the school is located. That policy shall comply 36286  
with the admissions procedures specified in sections 3314.06 and 36287  
3314.061 of the Revised Code and, at the sole discretion of the 36288  
authority, shall do one of the following: 36289

(a) Prohibit the enrollment of students who reside outside 36290  
the district in which the school is located; 36291

(b) Permit the enrollment of students who reside in districts 36292  
adjacent to the district in which the school is located; 36293

(c) Permit the enrollment of students who reside in any other district in the state.	36294 36295
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	36296 36297 36298 36299
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	36300 36301 36302
(22) A provision recognizing both of the following:	36303
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	36304 36305 36306 36307
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	36308 36309 36310 36311 36312 36313 36314
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	36315 36316 36317 36318 36319 36320
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not	36321 36322 36323 36324

be required to take any action described in division (F) of 36325  
section 3302.04 of the Revised Code. 36326

(25) Beginning in the 2006-2007 school year, the school will 36327  
open for operation not later than the thirtieth day of September 36328  
each school year, unless the mission of the school as specified 36329  
under division (A)(2) of this section is solely to serve dropouts. 36330  
In its initial year of operation, if the school fails to open by 36331  
the thirtieth day of September, or within one year after the 36332  
adoption of the contract pursuant to division (D) of section 36333  
3314.02 of the Revised Code if the mission of the school is solely 36334  
to serve dropouts, the contract shall be void. 36335

(26) Whether the school's governing authority is planning to 36336  
seek designation for the school as a STEM school equivalent under 36337  
section 3326.032 of the Revised Code; 36338

(27) That the school's attendance and participation policies 36339  
will be available for public inspection; 36340

(28) That the school's attendance and participation records 36341  
shall be made available to the department of education, auditor of 36342  
state, and school's sponsor to the extent permitted under and in 36343  
accordance with the "Family Educational Rights and Privacy Act of 36344  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 36345  
regulations promulgated under that act, and section 3319.321 of 36346  
the Revised Code; 36347

(29) If a school operates using the blended learning model, 36348  
as defined in section 3301.079 of the Revised Code, all of the 36349  
following information: 36350

(a) An indication of what blended learning model or models 36351  
will be used; 36352

(b) A description of how student instructional needs will be 36353  
determined and documented; 36354

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	36355 36356
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	36357 36358
(e) A statement describing how student progress will be monitored;	36359 36360
(f) A statement describing how private student data will be protected;	36361 36362
(g) A description of the professional development activities that will be offered to teachers.	36363 36364
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	36365 36366 36367 36368
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	36369 36370 36371 36372
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	36373 36374 36375
(1) The process by which the governing authority of the school will be selected in the future;	36376 36377
(2) The management and administration of the school;	36378
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	36379 36380 36381 36382 36383
(4) The instructional program and educational philosophy of	36384

the school; 36385

(5) Internal financial controls. 36386

When submitting the plan under this division, the school 36387  
shall also submit copies of all policies and procedures regarding 36388  
internal financial controls adopted by the governing authority of 36389  
the school. 36390

(C) A contract entered into under section 3314.02 of the 36391  
Revised Code between a sponsor and the governing authority of a 36392  
community school may provide for the community school governing 36393  
authority to make payments to the sponsor, which is hereby 36394  
authorized to receive such payments as set forth in the contract 36395  
between the governing authority and the sponsor. The total amount 36396  
of such payments for monitoring, oversight, and technical 36397  
assistance of the school shall not exceed three per cent of the 36398  
total amount of payments for operating expenses that the school 36399  
receives from the state. 36400

(D) The contract shall specify the duties of the sponsor 36401  
which shall be in accordance with the written agreement entered 36402  
into with the department of education under division (B) of 36403  
section 3314.015 of the Revised Code and shall include the 36404  
following: 36405

(1) Monitor the community school's compliance with all laws 36406  
applicable to the school and with the terms of the contract; 36407

(2) Monitor and evaluate the academic and fiscal performance 36408  
and the organization and operation of the community school on at 36409  
least an annual basis; 36410

(3) Report on an annual basis the results of the evaluation 36411  
conducted under division (D)(2) of this section to the department 36412  
of education and to the parents of students enrolled in the 36413  
community school; 36414

(4) Provide technical assistance to the community school in 36415  
complying with laws applicable to the school and terms of the 36416  
contract; 36417

(5) Take steps to intervene in the school's operation to 36418  
correct problems in the school's overall performance, declare the 36419  
school to be on probationary status pursuant to section 3314.073 36420  
of the Revised Code, suspend the operation of the school pursuant 36421  
to section 3314.072 of the Revised Code, or terminate the contract 36422  
of the school pursuant to section 3314.07 of the Revised Code as 36423  
determined necessary by the sponsor; 36424

(6) Have in place a plan of action to be undertaken in the 36425  
event the community school experiences financial difficulties or 36426  
closes prior to the end of a school year. 36427

(E) Upon the expiration of a contract entered into under this 36428  
section, the sponsor of a community school may, with the approval 36429  
of the governing authority of the school, renew that contract for 36430  
a period of time determined by the sponsor, but not ending earlier 36431  
than the end of any school year, if the sponsor finds that the 36432  
school's compliance with applicable laws and terms of the contract 36433  
and the school's progress in meeting the academic goals prescribed 36434  
in the contract have been satisfactory. Any contract that is 36435  
renewed under this division remains subject to the provisions of 36436  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 36437

(F) If a community school fails to open for operation within 36438  
one year after the contract entered into under this section is 36439  
adopted pursuant to division (D) of section 3314.02 of the Revised 36440  
Code or permanently closes prior to the expiration of the 36441  
contract, the contract shall be void and the school shall not 36442  
enter into a contract with any other sponsor. A school shall not 36443  
be considered permanently closed because the operations of the 36444  
school have been suspended pursuant to section 3314.072 of the 36445  
Revised Code. 36446



<b>Sec. 3314.08.</b> (A) As used in this section:	36447
(1)(a) "Category one career-technical education student"	36448
means a student who is receiving the career-technical education	36449
services described in division (A) of section 3317.014 of the	36450
Revised Code.	36451
(b) "Category two career-technical student" means a student	36452
who is receiving the career-technical education services described	36453
in division (B) of section 3317.014 of the Revised Code.	36454
(c) "Category three career-technical student" means a student	36455
who is receiving the career-technical education services described	36456
in division (C) of section 3317.014 of the Revised Code.	36457
(d) "Category four career-technical student" means a student	36458
who is receiving the career-technical education services described	36459
in division (D) of section 3317.014 of the Revised Code.	36460
(e) "Category five career-technical education student" means	36461
a student who is receiving the career-technical education services	36462
described in division (E) of section 3317.014 of the Revised Code.	36463
(2)(a) "Category one limited English proficient student"	36464
means a limited English proficient student described in division	36465
(A) of section 3317.016 of the Revised Code.	36466
(b) "Category two limited English proficient student" means a	36467
limited English proficient student described in division (B) of	36468
section 3317.016 of the Revised Code.	36469
(c) "Category three limited English proficient student" means	36470
a limited English proficient student described in division (C) of	36471
section 3317.016 of the Revised Code.	36472
(3)(a) "Category one special education student" means a	36473
student who is receiving special education services for a	36474
disability specified in division (A) of section 3317.013 of the	36475
Revised Code.	36476

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.	36477 36478 36479
(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.	36480 36481 36482 36483
(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.	36484 36485 36486
(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.	36487 36488 36489
(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.	36490 36491 36492
(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	36493 36494
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	36495 36496
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	36497 36498 36499
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	36500 36501
(B) The state board of education shall adopt rules requiring both of the following:	36502 36503
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are	36504 36505 36506

enrolled in each grade kindergarten through twelve in a community 36507  
school established under this chapter, and for each child, the 36508  
community school in which the child is enrolled. 36509

(2) The governing authority of each community school 36510  
established under this chapter to annually report all of the 36511  
following: 36512

(a) The number of students enrolled in grades one through 36513  
twelve and the full-time equivalent number of students enrolled in 36514  
kindergarten in the school who are not receiving special education 36515  
and related services pursuant to an IEP; 36516

(b) The number of enrolled students in grades one through 36517  
twelve and the full-time equivalent number of enrolled students in 36518  
kindergarten, who are receiving special education and related 36519  
services pursuant to an IEP; 36520

(c) The number of students reported under division (B)(2)(b) 36521  
of this section receiving special education and related services 36522  
pursuant to an IEP for a disability described in each of divisions 36523  
(A) to (F) of section 3317.013 of the Revised Code; 36524

(d) The full-time equivalent number of students reported 36525  
under divisions (B)(2)(a) and (b) of this section who are enrolled 36526  
in career-technical education programs or classes described in 36527  
each of divisions (A) to (E) of section 3317.014 of the Revised 36528  
Code that are provided by the community school; 36529

(e) The number of students reported under divisions (B)(2)(a) 36530  
and (b) of this section who are not reported under division 36531  
(B)(2)(d) of this section but who are enrolled in career-technical 36532  
education programs or classes described in each of divisions (A) 36533  
to (E) of section 3317.014 of the Revised Code at a joint 36534  
vocational school district or another district in the 36535  
career-technical planning district to which the school is 36536  
assigned; 36537

(f) The number of students reported under divisions (B)(2)(a) 36538  
and (b) of this section who are category one to three limited 36539  
English proficient students described in each of divisions (A) to 36540  
(C) of section 3317.016 of the Revised Code; 36541

(g) The number of students reported under divisions (B)(2)(a) 36542  
and (b) of this section who are economically disadvantaged, as 36543  
defined by the department. A student shall not be categorically 36544  
excluded from the number reported under division (B)(2)(g) of this 36545  
section based on anything other than family income. 36546

(h) For each student, the city, exempted village, or local 36547  
school district in which the student is entitled to attend school 36548  
under section 3313.64 or 3313.65 of the Revised Code. 36549

(i) The number of students enrolled in a preschool program 36550  
operated by the school that is licensed by the department of 36551  
education under sections 3301.52 to 3301.59 of the Revised Code 36552  
who are not receiving special education and related services 36553  
pursuant to an IEP. 36554

A school district board and a community school governing 36555  
authority shall include in their respective reports under division 36556  
(B) of this section any child admitted in accordance with division 36557  
(A)(2) of section 3321.01 of the Revised Code. 36558

A governing authority of a community school shall not include 36559  
in its report under divisions (B)(2)(a) to (h) of this section any 36560  
student for whom tuition is charged under division (F) of this 36561  
section. 36562

(C)(1) Except as provided in division (C)(2) of this section, 36563  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 36564  
section, on a full-time equivalency basis, for each student 36565  
enrolled in a community school established under this chapter, the 36566  
department of education annually shall deduct from the state 36567  
education aid of a student's resident district and, if necessary, 36568

from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

- (a) An opportunity grant in an amount equal to the formula amount;
- (b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;
- (c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:
  - (i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;
  - (ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;
  - (iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;
  - (iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;
  - (v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;
  - (vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of \$305, <del>in fiscal year 2016,</del> and \$320, <del>in fiscal year 2017;</del>	36599 36600 36601
(e) If the student is economically disadvantaged, an additional amount equal to the following:	36602 36603
\$272 X the resident district's economically disadvantaged index	36604 36605
(f) Limited English proficiency funds as follows:	36606
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	36607 36608 36609
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	36610 36611 36612
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	36613 36614 36615
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	36616 36617
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	36618 36619 36620
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	36621 36622 36623
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	36624 36625 36626
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section	36627 36628

3317.014 of the Revised Code; 36629

(v) If the student is a category five career-technical 36630  
education student, the amount specified in division (E) of section 36631  
3317.014 of the Revised Code. 36632

Deduction and payment of funds under division (C)(1)(g) of 36633  
this section is subject to approval by the lead district of a 36634  
career-technical planning district or the department of education 36635  
under section 3317.161 of the Revised Code. 36636

(2) When deducting from the state education aid of a 36637  
student's resident district for students enrolled in an internet- 36638  
or computer-based community school and making payments to such 36639  
school under this section, the department shall make the 36640  
deductions and payments described in only divisions (C)(1)(a), 36641  
(c), and (g) of this section. 36642

No deductions or payments shall be made for a student 36643  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 36644  
of this section. 36645

(3)(a) If a community school's costs for a fiscal year for a 36646  
student receiving special education and related services pursuant 36647  
to an IEP for a disability described in divisions (B) to (F) of 36648  
section 3317.013 of the Revised Code exceed the threshold 36649  
catastrophic cost for serving the student as specified in division 36650  
(B) of section 3317.0214 of the Revised Code, the school may 36651  
submit to the superintendent of public instruction documentation, 36652  
as prescribed by the superintendent, of all its costs for that 36653  
student. Upon submission of documentation for a student of the 36654  
type and in the manner prescribed, the department shall pay to the 36655  
community school an amount equal to the school's costs for the 36656  
student in excess of the threshold catastrophic costs. 36657

(b) The community school shall report under division 36658  
(C)(3)(a) of this section, and the department shall pay for, only 36659

the costs of educational expenses and the related services 36660  
provided to the student in accordance with the student's 36661  
individualized education program. Any legal fees, court costs, or 36662  
other costs associated with any cause of action relating to the 36663  
student may not be included in the amount. 36664

(4) In any fiscal year, a community school receiving funds 36665  
under division (C)(1)(g) of this section shall spend those funds 36666  
only for the purposes that the department designates as approved 36667  
for career-technical education expenses. Career-technical 36668  
education expenses approved by the department shall include only 36669  
expenses connected to the delivery of career-technical programming 36670  
to career-technical students. The department shall require the 36671  
school to report data annually so that the department may monitor 36672  
the school's compliance with the requirements regarding the manner 36673  
in which funding received under division (C)(1)(g) of this section 36674  
may be spent. 36675

(5) Notwithstanding anything to the contrary in section 36676  
3313.90 of the Revised Code, except as provided in division (C)(9) 36677  
of this section, all funds received under division (C)(1)(g) of 36678  
this section shall be spent in the following manner: 36679

(a) At least seventy-five per cent of the funds shall be 36680  
spent on curriculum development, purchase, and implementation; 36681  
instructional resources and supplies; industry-based program 36682  
certification; student assessment, credentialing, and placement; 36683  
curriculum specific equipment purchases and leases; 36684  
career-technical student organization fees and expenses; home and 36685  
agency linkages; work-based learning experiences; professional 36686  
development; and other costs directly associated with 36687  
career-technical education programs including development of new 36688  
programs. 36689

(b) Not more than twenty-five per cent of the funds shall be 36690  
used for personnel expenditures. 36691



(6) A community school shall spend the funds it receives 36692  
under division (C)(1)(e) of this section in accordance with 36693  
section 3317.25 of the Revised Code. 36694

(7) If the sum of the payments computed under divisions 36695  
(C)(1) and (8)(a) of this section for the students entitled to 36696  
attend school in a particular school district under sections 36697  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 36698  
district's state education aid and its payment under sections 36699  
321.24 and 323.156 of the Revised Code, the department shall 36700  
calculate and apply a proration factor to the payments to all 36701  
community schools under that division for the students entitled to 36702  
attend school in that district. 36703

(8)(a) Subject to division (C)(7) of this section, the 36704  
department annually shall pay to each community school, including 36705  
each internet- or computer-based community school, an amount equal 36706  
to the following: 36707

(The number of students reported by the community school 36708  
under division (B)(2)(e) of this section X the formula amount X 36709  
.20) 36710

(b) For each payment made to a community school under 36711  
division (C)(8)(a) of this section, the department shall deduct 36712  
from the state education aid of each city, local, and exempted 36713  
village school district and, if necessary, from the payment made 36714  
to the district under sections 321.24 and 323.156 of the Revised 36715  
Code an amount equal to the following: 36716

(The number of the district's students reported by the 36717  
community school under division (B)(2)(e) of this section X the 36718  
formula amount X .20) 36719

(9) The department may waive the requirement in division 36720  
(C)(5) of this section for any community school that exclusively 36721  
provides one or more career-technical workforce development 36722

programs in arts and communications that are not 36723  
equipment-intensive, as determined by the department. 36724

(D) A board of education sponsoring a community school may 36725  
utilize local funds to make enhancement grants to the school or 36726  
may agree, either as part of the contract or separately, to 36727  
provide any specific services to the community school at no cost 36728  
to the school. 36729

(E) A community school may not levy taxes or issue bonds 36730  
secured by tax revenues. 36731

(F) No community school shall charge tuition for the 36732  
enrollment of any student who is a resident of this state. A 36733  
community school may charge tuition for the enrollment of any 36734  
student who is not a resident of this state. 36735

(G)(1)(a) A community school may borrow money to pay any 36736  
necessary and actual expenses of the school in anticipation of the 36737  
receipt of any portion of the payments to be received by the 36738  
school pursuant to division (C) of this section. The school may 36739  
issue notes to evidence such borrowing. The proceeds of the notes 36740  
shall be used only for the purposes for which the anticipated 36741  
receipts may be lawfully expended by the school. 36742

(b) A school may also borrow money for a term not to exceed 36743  
fifteen years for the purpose of acquiring facilities. 36744

(2) Except for any amount guaranteed under section 3318.50 of 36745  
the Revised Code, the state is not liable for debt incurred by the 36746  
governing authority of a community school. 36747

(H) The department of education shall adjust the amounts 36748  
subtracted and paid under division (C) of this section to reflect 36749  
any enrollment of students in community schools for less than the 36750  
equivalent of a full school year. The state board of education 36751  
within ninety days after April 8, 2003, shall adopt in accordance 36752  
with Chapter 119. of the Revised Code rules governing the payments 36753

to community schools under this section including initial payments 36754  
in a school year and adjustments and reductions made in subsequent 36755  
periodic payments to community schools and corresponding 36756  
deductions from school district accounts as provided under 36757  
division (C) of this section. For purposes of this section: 36758

(1) A student shall be considered enrolled in the community 36759  
school for any portion of the school year the student is 36760  
participating at a college under Chapter 3365. of the Revised 36761  
Code. 36762

(2) A student shall be considered to be enrolled in a 36763  
community school for the period of time beginning on the later of 36764  
the date on which the school both has received documentation of 36765  
the student's enrollment from a parent and the student has 36766  
commenced participation in learning opportunities as defined in 36767  
the contract with the sponsor, or thirty days prior to the date on 36768  
which the student is entered into the education management 36769  
information system established under section 3301.0714 of the 36770  
Revised Code. For purposes of applying this division and divisions 36771  
(H)(3) and (4) of this section to a community school student, 36772  
"learning opportunities" shall be defined in the contract, which 36773  
shall describe both classroom-based and non-classroom-based 36774  
learning opportunities and shall be in compliance with criteria 36775  
and documentation requirements for student participation which 36776  
shall be established by the department. Any student's instruction 36777  
time in non-classroom-based learning opportunities shall be 36778  
certified by an employee of the community school. A student's 36779  
enrollment shall be considered to cease on the date on which any 36780  
of the following occur: 36781

(a) The community school receives documentation from a parent 36782  
terminating enrollment of the student. 36783

(b) The community school is provided documentation of a 36784  
student's enrollment in another public or private school. 36785

(c) The community school ceases to offer learning 36786  
opportunities to the student pursuant to the terms of the contract 36787  
with the sponsor or the operation of any provision of this 36788  
chapter. 36789

Except as otherwise specified in this paragraph, beginning in 36790  
the 2011-2012 school year, any student who completed the prior 36791  
school year in an internet- or computer-based community school 36792  
shall be considered to be enrolled in the same school in the 36793  
subsequent school year until the student's enrollment has ceased 36794  
as specified in division (H)(2) of this section. The department 36795  
shall continue subtracting and paying amounts for the student 36796  
under division (C) of this section without interruption at the 36797  
start of the subsequent school year. However, if the student 36798  
without a legitimate excuse fails to participate in the first one 36799  
hundred five consecutive hours of learning opportunities offered 36800  
to the student in that subsequent school year, the student shall 36801  
be considered not to have re-enrolled in the school for that 36802  
school year and the department shall recalculate the payments to 36803  
the school for that school year to account for the fact that the 36804  
student is not enrolled. 36805

(3) The department shall determine each community school 36806  
student's percentage of full-time equivalency based on the 36807  
percentage of learning opportunities offered by the community 36808  
school to that student, reported either as number of hours or 36809  
number of days, is of the total learning opportunities offered by 36810  
the community school to a student who attends for the school's 36811  
entire school year. However, no internet- or computer-based 36812  
community school shall be credited for any time a student spends 36813  
participating in learning opportunities beyond ten hours within 36814  
any period of twenty-four consecutive hours. Whether it reports 36815  
hours or days of learning opportunities, each community school 36816  
shall offer not less than nine hundred twenty hours of learning 36817

opportunities during the school year. 36818

(4) With respect to the calculation of full-time equivalency 36819  
under division (H)(3) of this section, the department shall waive 36820  
the number of hours or days of learning opportunities not offered 36821  
to a student because the community school was closed during the 36822  
school year due to disease epidemic, hazardous weather conditions, 36823  
law enforcement emergencies, inoperability of school buses or 36824  
other equipment necessary to the school's operation, damage to a 36825  
school building, or other temporary circumstances due to utility 36826  
failure rendering the school building unfit for school use, so 36827  
long as the school was actually open for instruction with students 36828  
in attendance during that school year for not less than the 36829  
minimum number of hours required by this chapter. The department 36830  
shall treat the school as if it were open for instruction with 36831  
students in attendance during the hours or days waived under this 36832  
division. 36833

(I) The department of education shall reduce the amounts paid 36834  
under this section to reflect payments made to colleges under 36835  
section 3365.07 of the Revised Code. 36836

(J)(1) No student shall be considered enrolled in any 36837  
internet- or computer-based community school or, if applicable to 36838  
the student, in any community school that is required to provide 36839  
the student with a computer pursuant to division (C) of section 36840  
3314.22 of the Revised Code, unless both of the following 36841  
conditions are satisfied: 36842

(a) The student possesses or has been provided with all 36843  
required hardware and software materials and all such materials 36844  
are operational so that the student is capable of fully 36845  
participating in the learning opportunities specified in the 36846  
contract between the school and the school's sponsor as required 36847  
by division (A)(23) of section 3314.03 of the Revised Code; 36848

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student. 36849  
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(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor. 36851  
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The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section. 36861  
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The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools. 36865  
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(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons: 36869  
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(a) The department and the community school mutually agree to the extension. 36876  
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(b) Delays in data submission caused by either a community school or its sponsor. 36878  
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 36910  
under section 3301.0711 of the Revised Code but did not take one 36911  
or more of the assessments required by that section and was not 36912  
excused pursuant to division (C)(1) or (3) of that section, unless 36913  
the superintendent of public instruction grants the student a 36914  
waiver from the requirement to take the assessment and a parent is 36915  
not paying tuition for the student pursuant to section 3314.26 of 36916  
the Revised Code. The superintendent may grant a waiver only for 36917  
good cause in accordance with rules adopted by the state board of 36918  
education. 36919

(4) Any student who has attained the age of twenty-two years, 36920  
except for veterans of the armed services whose attendance was 36921  
interrupted before completing the recognized twelve-year course of 36922  
the public schools by reason of induction or enlistment in the 36923  
armed forces and who apply for enrollment in a community school 36924  
not later than four years after termination of war or their 36925  
honorable discharge. If, however, any such veteran elects to 36926  
enroll in special courses organized for veterans for whom tuition 36927  
is paid under federal law, or otherwise, the department shall not 36928  
subtract from a school district's state aid account and shall not 36929  
pay to a community school under division (C) of this section any 36930  
amount for that veteran. 36931

Sec. 3314.104. As used in this section, "teacher" has the 36932  
same meaning as in section 3319.09 of the Revised Code, except 36933  
that it does not include a principal, supervisor, superintendent, 36934  
or other school administrator. 36935

The governing authority of a community school may enter into 36936  
an agreement with any teacher it employs under which the governing 36937  
authority provides to the teacher early retirement incentives, 36938  
severance pay, or both, in return for an agreement to retire from 36939  
the teacher's position, only if the governing authority determines 36940



that the agreement is financially sound. 36941

Notwithstanding division (A) of section 4117.10 of the 36942  
Revised Code, this section prevails over any collective bargaining 36943  
agreement entered into under Chapter 4117. of the Revised Code on 36944  
or after the effective date of this section. 36945

**Sec. 3316.20.** (A)(1) The school district solvency assistance 36946  
fund is hereby created in the state treasury, to consist of such 36947  
amounts designated for the purposes of the fund by the general 36948  
assembly. The fund shall be used to provide assistance and grants 36949  
to school districts to enable them to remain solvent and to pay 36950  
unforeseeable expenses of a temporary or emergency nature that 36951  
they are unable to pay from existing resources. 36952

(2) There is hereby created within the fund an account known 36953  
as the school district shared resource account, which shall 36954  
consist of money appropriated to it by the general assembly. The 36955  
money in the account shall be used solely for solvency assistance 36956  
to school districts that have been declared under division (B) of 36957  
section 3316.03 of the Revised Code to be in a state of fiscal 36958  
emergency. 36959

(3) There is hereby created within the fund an account known 36960  
as the catastrophic expenditures account, which shall consist of 36961  
money appropriated to the account by the general assembly plus all 36962  
investment earnings of the fund. Money in the account shall be 36963  
used solely for the following: 36964

(a) Solvency assistance to school districts that have been 36965  
declared under division (B) of section 3316.03 of the Revised Code 36966  
to be in a state of fiscal emergency, in the event that all money 36967  
in the shared resource account is utilized for solvency 36968  
assistance; 36969

(b) Grants to school districts under division (C) of this 36970

section. 36971

(B) Solvency assistance payments under division (A)(2) or 36972  
(3)(a) of this section shall be made from the fund by the 36973  
superintendent of public instruction in accordance with rules 36974  
adopted by the director of budget and management, after consulting 36975  
with the superintendent, specifying approval criteria and 36976  
procedures necessary for administering the fund. 36977

The fund shall be reimbursed for any solvency assistance 36978  
amounts paid under division (A)(2) or (3)(a) of this section not 36979  
later than the end of the second fiscal year following the fiscal 36980  
year in which the solvency assistance payment was made, except 36981  
that, upon the approval of the director of budget and management 36982  
and the superintendent of public instruction, the fund may be 36983  
reimbursed in another fiscal year designated by the director and 36984  
superintendent that is not later than the end of the tenth fiscal 36985  
year following the fiscal year in which the solvency assistance 36986  
payment was made. If not made directly by the school district, 36987  
such reimbursement shall be made by the director of budget and 36988  
management from the amounts the school district would otherwise 36989  
receive pursuant to Chapter 3317. of the Revised Code, or from any 36990  
other funds appropriated for the district by the general assembly. 36991  
Reimbursements shall be credited to the respective account from 36992  
which the solvency assistance paid to the district was deducted. 36993

(C) The superintendent of public instruction may make 36994  
recommendations, and the controlling board may grant money from 36995  
the catastrophic expenditures account to any school district that 36996  
suffers an unforeseen catastrophic event that severely depletes 36997  
the district's financial resources. The superintendent shall make 36998  
recommendations for the grants in accordance with rules adopted by 36999  
the director of budget and management, after consulting with the 37000  
superintendent. A school district shall not be required to repay 37001  
any grant awarded to the district under this division, unless the 37002

district receives money from this state or a third party, 37003  
including an agency of the government of the United States, 37004  
specifically for the purpose of compensating the district for 37005  
revenue lost or expenses incurred as a result of the unforeseen 37006  
catastrophic event. If a school district receives a grant from the 37007  
catastrophic expenditures account on the basis of the same 37008  
circumstances for which an adjustment or recomputation is 37009  
authorized under section 3317.025, ~~3317.026~~, ~~3317.027~~, 3317.028, 37010  
3317.0210, or 3317.0211 of the Revised Code, the department of 37011  
education shall reduce the adjustment or recomputation by an 37012  
amount not to exceed the total amount of the grant, and an amount 37013  
equal to the reduction shall be transferred, from the funding 37014  
source from which the adjustment or recomputation would be paid, 37015  
to the catastrophic expenditures account. Any adjustment or 37016  
recomputation under such sections that is in excess of the total 37017  
amount of the grant shall be paid to the school district. 37018

**Sec. 3317.01.** As used in this section, "school district," 37019  
unless otherwise specified, means any city, local, exempted 37020  
village, joint vocational, or cooperative education school 37021  
district and any educational service center. 37022

This chapter shall be administered by the state board of 37023  
education. The superintendent of public instruction shall 37024  
calculate the amounts payable to each school district and shall 37025  
certify the amounts payable to each eligible district to the 37026  
treasurer of the district as provided by this chapter. As soon as 37027  
possible after such amounts are calculated, the superintendent 37028  
shall certify to the treasurer of each school district the 37029  
district's adjusted charge-off increase, as defined in section 37030  
5705.211 of the Revised Code. Certification of moneys pursuant to 37031  
this section shall include the amounts payable to each school 37032  
building, at a frequency determined by the superintendent, for 37033  
each subgroup of students, as defined in section 3317.40 of the 37034

Revised Code, receiving services, provided for by state funding, 37035  
from the district or school. No moneys shall be distributed 37036  
pursuant to this chapter without the approval of the controlling 37037  
board. 37038

The state board of education shall, in accordance with 37039  
appropriations made by the general assembly, meet the financial 37040  
obligations of this chapter. 37041

Moneys distributed to school districts pursuant to this 37042  
chapter shall be calculated based on the annual enrollment 37043  
calculated from the three reports required under sections 3317.03 37044  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 37045  
beginning with the first day of July and extending through the 37046  
thirtieth day of June. In any given fiscal year, prior to school 37047  
districts submitting the first report required under section 37048  
3317.03 of the Revised Code, enrollment for the districts shall be 37049  
calculated based on the third report submitted by the districts 37050  
for the previous fiscal year. The moneys appropriated for each 37051  
fiscal year shall be distributed periodically to each school 37052  
district unless otherwise provided for. The state board, in June 37053  
of each year, shall submit to the controlling board the state 37054  
board's year-end distributions pursuant to this chapter. 37055

Except as otherwise provided, payments under this chapter 37056  
shall be made only to those school districts in which: 37057

(A) The school district, except for any educational service 37058  
center and any joint vocational or cooperative education school 37059  
district, levies for current operating expenses at least twenty 37060  
mills. Levies for joint vocational or cooperative education school 37061  
districts or county school financing districts, limited to or to 37062  
the extent apportioned to current expenses, shall be included in 37063  
this qualification requirement. School district income tax levies 37064  
under Chapter 5748. of the Revised Code, limited to or to the 37065  
extent apportioned to current operating expenses, shall be 37066

included in this qualification requirement to the extent 37067  
determined by the tax commissioner under division ~~(D)~~(C) of 37068  
section 3317.021 of the Revised Code. 37069

(B) The school year next preceding the fiscal year for which 37070  
such payments are authorized meets the requirement of section 37071  
3313.48 of the Revised Code, with regard to the minimum number of 37072  
hours school must be open for instruction with pupils in 37073  
attendance, for individualized parent-teacher conference and 37074  
reporting periods, and for professional meetings of teachers. 37075

A school district shall not be considered to have failed to 37076  
comply with this division because schools were open for 37077  
instruction but either twelfth grade students were excused from 37078  
attendance for up to the equivalent of three school days or only a 37079  
portion of the kindergarten students were in attendance for up to 37080  
the equivalent of three school days in order to allow for the 37081  
gradual orientation to school of such students. 37082

A board of education or governing board of an educational 37083  
service center which has not conformed with other law and the 37084  
rules pursuant thereto, shall not participate in the distribution 37085  
of funds authorized by this chapter, except for good and 37086  
sufficient reason established to the satisfaction of the state 37087  
board of education and the state controlling board. 37088

All funds allocated to school districts under this chapter, 37089  
except those specifically allocated for other purposes, shall be 37090  
used to pay current operating expenses only. 37091

**Sec. 3317.013.** The amounts for the following categories of 37092  
special education programs, as these programs are defined for 37093  
purposes of Chapter 3323. of the Revised Code, are as follows: 37094

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 37095  
~~fiscal year 2017,~~ for each student whose primary or only 37096

identified disability is a speech and language disability, as this 37097  
term is defined pursuant to Chapter 3323. of the Revised Code; 37098

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 37099  
~~fiscal year 2017,~~ for each student identified as specific learning 37100  
disabled or developmentally disabled, as these terms are defined 37101  
pursuant to Chapter 3323. of the Revised Code, identified as 37102  
having an other health impairment-minor, or identified as a 37103  
preschool child who is developmentally delayed; 37104

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 37105  
~~fiscal year 2017,~~ for each student identified as hearing disabled 37106  
or severe behavior disabled, as these terms are defined pursuant 37107  
to Chapter 3323. of the Revised Code; 37108

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 37109  
~~fiscal year 2017,~~ for each student identified as vision impaired, 37110  
as this term is defined pursuant to Chapter 3323. of the Revised 37111  
Code, or as having an other health impairment-major; 37112

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 37113  
~~fiscal year 2017,~~ for each student identified as orthopedically 37114  
disabled or as having multiple disabilities, as these terms are 37115  
defined pursuant to Chapter 3323. of the Revised Code; 37116

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 37117  
~~fiscal year 2017,~~ for each student identified as autistic, having 37118  
traumatic brain injuries, or as both visually and hearing 37119  
impaired, as these terms are defined pursuant to Chapter 3323. of 37120  
the Revised Code. 37121

**Sec. 3317.014.** The career-technical education additional 37122  
amount per pupil for each student enrolled in career-technical 37123  
education programs approved by the department of education under 37124  
section 3317.161 of the Revised Code shall be as follows: 37125

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 37126

~~fiscal year 2017~~, for each student enrolled in career-technical 37127  
education workforce development programs in agricultural and 37128  
environmental systems, construction technologies, engineering and 37129  
science technologies, finance, health science, information 37130  
technology, and manufacturing technologies, each of which shall be 37131  
defined by the department in consultation with the governor's 37132  
office of workforce transformation; 37133

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 37134  
~~fiscal year 2017~~, for each student enrolled in workforce 37135  
development programs in business and administration, hospitality 37136  
and tourism, human services, law and public safety, transportation 37137  
systems, and arts and communications, each of which shall be 37138  
defined by the department in consultation with the governor's 37139  
office of workforce transformation; 37140

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 37141  
~~fiscal year 2017~~, for students enrolled in career-based 37142  
intervention programs, which shall be defined by the department in 37143  
consultation with the governor's office of workforce 37144  
transformation; 37145

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 37146  
~~fiscal year 2017~~, for students enrolled in workforce development 37147  
programs in education and training, marketing, workforce 37148  
development academics, public administration, and career 37149  
development, each of which shall be defined by the department of 37150  
education in consultation with the governor's office of workforce 37151  
transformation; 37152

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 37153  
~~fiscal year 2017~~, for students enrolled in family and consumer 37154  
science programs, which shall be defined by the department of 37155  
education in consultation with the governor's office of workforce 37156  
transformation. 37157

The amount for career-technical education associated 37158  
services, as defined by the department, shall be ~~\$236, in fiscal~~ 37159  
~~year 2016, or \$245, in fiscal year 2017.~~ 37160

**Sec. 3317.017.** The department of education shall compute a 37161  
school district's state share index as follows: 37162

(A) Calculate the district's valuation index, which equals 37163  
the following quotient: 37164

(The district's three-year average valuation / the district's 37165  
total ADM) / (the statewide three-year average valuation for 37166  
school districts with a total ADM greater than zero / the 37167  
statewide total ADM) 37168

(B)(1) Calculate the district's median income index, which 37169  
equals the following quotient: 37170

(The district's median Ohio adjusted gross income / the 37171  
median of the median Ohio adjusted gross income of all districts 37172  
statewide with a total ADM greater than zero) 37173

(2) Calculate the district's income index, which equals the 37174  
following sum: 37175

(The district's median income index X 0.5) + {[the three-year 37176  
average federal adjusted gross income of the school district's 37177  
residents / the district's formula ADM for fiscal year 2017] / 37178  
(the three-year average federal adjusted gross income of all 37179  
districts statewide with a formula ADM for fiscal year 2017 37180  
greater than zero / the statewide formula ADM for fiscal year 37181  
2017)] X 0.5} 37182

(C) Determine the district's wealth index as follows: 37183

(1) If the district's income index is less than the 37184  
district's valuation index and the district's median income index 37185  
is less than or equal to 1.5, then the district's wealth index 37186  
shall be equal to [( 0.4 X the district's income index) + ( 0.6 X 37187



the district's valuation index)]. 37188

(2) If the district's income index does not meet both of the 37189  
conditions described in division (C)(1) of this section, then the 37190  
district's wealth index shall be equal to the district's valuation 37191  
index. 37192

(D) Determine the district's state share index as follows: 37193

(1) If the district's wealth index is less than or equal to 37194  
0.35, then the district's state share index shall be equal to 37195  
0.90. 37196

(2) If the district's wealth index is greater than 0.35 but 37197  
less than or equal to 0.90, then the district's state share index 37198  
shall be equal to  $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$  37199  
 $0.55]\} + 0.50$ . 37200

(3) If the district's wealth index is greater than 0.90 but 37201  
less than 1.8, then the district's state share index shall be 37202  
equal to  $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$  37203  
0.05. 37204

(4) If the district's wealth index is greater than or equal 37205  
to 1.8, then the district's state share index shall be equal to 37206  
0.05. 37207

(E)(1) For each school district for which the tax-exempt 37208  
value of the district, as certified under division (A)(4) of 37209  
section 3317.021 of the Revised Code, equals or exceeds thirty per 37210  
cent of the potential value of the district, the department shall 37211  
calculate the difference between the district's tax-exempt value 37212  
and thirty per cent of the district's potential value. For this 37213  
purpose, the "potential value" of a school district is the 37214  
three-year average valuation of the district plus the tax-exempt 37215  
value of the district. 37216

(2) For each school district to which division (E)(1) of this 37217

section applies, the department shall adjust the district's 37218  
three-year average valuation used in the calculation under 37219  
division (A) of this section by subtracting from it the amount 37220  
calculated under division (E)(1) of this section. The department 37221  
shall not, however, make any adjustments to the statewide 37222  
three-year average valuation used in the calculation under 37223  
division (A) of this section. 37224

(F)(1) For purposes of division (F) of this section, an 37225  
"eligible school district" is a school district that satisfies all 37226  
of the following: 37227

(a) The total taxable value of public utility personal 37228  
property in the district is at least ten per cent of the 37229  
district's total taxable value for tax year 2015. 37230

(b) The total taxable value of public utility personal 37231  
property in the district for tax year 2016 is at least ten per 37232  
cent less than the total taxable value of public utility property 37233  
in the district for tax year 2015. 37234

(c) The total taxable value of power plants in the district 37235  
for tax year 2016 is at least ten per cent less than the total 37236  
taxable value of power plants in the district for tax year 2015. 37237

(2) Notwithstanding divisions (A) to (E) of this section, the 37238  
department shall compute each eligible school district's state 37239  
share index as follows: 37240

(a) Calculate the district's valuation index in accordance 37241  
with division (A) of this section, except that, if the district's 37242  
total taxable value for tax year 2016 is less than the district's 37243  
"three-year average valuation," the district's "three-year average 37244  
valuation" shall be replaced in that calculation with the 37245  
district's total taxable value for tax year 2016; 37246

(b) Calculate the district's median income index and income 37247  
index in accordance with division (B) of this section; 37248

(c) Determine the district's wealth index in accordance with division (C) of this section using the district's valuation index, median income index, and income index as calculated under divisions (F)(2)(a) and (b) of this section; 37249  
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(d) Determine the district's state share index in accordance with division (D) of this section using the district's wealth index as determined under division (F)(2)(c) of this section. 37253  
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(G) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 37256  
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For purposes of these calculations for fiscal years ~~2016~~ 2018 and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year ~~2015~~ 2017; "median Ohio adjusted gross income" means the median Ohio adjusted gross income, as that term is defined in section 5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year average federal adjusted gross income" means the average of the federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, and ~~2013~~ 2015 as reported under section 3317.021 of the Revised Code; and "tax-exempt value" means the tax-exempt value for tax year ~~2014~~ 2016. 37259  
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**Sec. 3317.02.** As used in this chapter: 37269

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 37270  
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described 37276  
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in division (B) of section 3317.014 of the Revised Code and 37279  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 37280  
of the Revised Code. 37281

(3) "Category three career-technical education ADM" means the 37282  
enrollment of students during the school year on a full-time 37283  
equivalency basis in career-technical education programs described 37284  
in division (C) of section 3317.014 of the Revised Code and 37285  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 37286  
of the Revised Code. 37287

(4) "Category four career-technical education ADM" means the 37288  
enrollment of students during the school year on a full-time 37289  
equivalency basis in career-technical education programs described 37290  
in division (D) of section 3317.014 of the Revised Code and 37291  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 37292  
of the Revised Code. 37293

(5) "Category five career-technical education ADM" means the 37294  
enrollment of students during the school year on a full-time 37295  
equivalency basis in career-technical education programs described 37296  
in division (E) of section 3317.014 of the Revised Code and 37297  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 37298  
of the Revised Code. 37299

(B)(1) "Category one limited English proficient ADM" means 37300  
the full-time equivalent number of limited English proficient 37301  
students described in division (A) of section 3317.016 of the 37302  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 37303  
section 3317.03 of the Revised Code. 37304

(2) "Category two limited English proficient ADM" means the 37305  
full-time equivalent number of limited English proficient students 37306  
described in division (B) of section 3317.016 of the Revised Code 37307  
and certified under division (B)(17) or (D)(2)(n) of section 37308  
3317.03 of the Revised Code. 37309

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013

of the Revised Code and certified under division (B)(9) or 37341  
(D)(2)(f) of section 3317.03 of the Revised Code. 37342

(6) "Category six special education ADM" means the full-time 37343  
equivalent number of students receiving special education services 37344  
for the disabilities specified in division (F) of section 3317.013 37345  
of the Revised Code and certified under division (B)(10) or 37346  
(D)(2)(g) of section 3317.03 of the Revised Code. 37347

(D) "Economically disadvantaged index for a school district" 37348  
means the square of the quotient of that district's percentage of 37349  
students in its total ADM who are identified as economically 37350  
disadvantaged as defined by the department of education, divided 37351  
by the percentage of students in the statewide total ADM 37352  
identified as economically disadvantaged. For purposes of this 37353  
calculation: 37354

(1) For a city, local, or exempted village school district, 37355  
the "statewide total ADM" equals the sum of the total ADM for all 37356  
city, local, and exempted village school districts combined. 37357

(2) For a joint vocational school district, the "statewide 37358  
total ADM" equals the sum of the formula ADM for all joint 37359  
vocational school districts combined. 37360

(E)(1) "Formula ADM" means, for a city, local, or exempted 37361  
village school district, the enrollment reported under division 37362  
(A) of section 3317.03 of the Revised Code, as verified by the 37363  
superintendent of public instruction and adjusted if so ordered 37364  
under division (K) of that section, and as further adjusted by the 37365  
department of education, as follows: 37366

(a) Count only twenty per cent of the number of joint 37367  
vocational school district students counted under division (A)(3) 37368  
of section 3317.03 of the Revised Code; 37369

(b) Add twenty per cent of the number of students who are 37370  
entitled to attend school in the district under section 3313.64 or 37371

3313.65 of the Revised Code and are enrolled in another school 37372  
district under a career-technical education compact. 37373

(2) "Formula ADM" means, for a joint vocational school 37374  
district, the final number verified by the superintendent of 37375  
public instruction, based on the enrollment reported and certified 37376  
under division (D) of section 3317.03 of the Revised Code, as 37377  
adjusted, if so ordered, under division (K) of that section. 37378

(F) "Formula amount" means ~~\$5,900, for fiscal year 2016, and~~ 37379  
~~\$6,000, for fiscal year 2017~~ \$6,020. 37380

(G) "FTE basis" means a count of students based on full-time 37381  
equivalency, in accordance with rules adopted by the department of 37382  
education pursuant to section 3317.03 of the Revised Code. In 37383  
adopting its rules under this division, the department shall 37384  
provide for counting any student in category one, two, three, 37385  
four, five, or six special education ADM or in category one, two, 37386  
three, four, or five career-technical education ADM in the same 37387  
proportion the student is counted in formula ADM. 37388

(H) "Internet- or computer-based community school" has the 37389  
same meaning as in section 3314.02 of the Revised Code. 37390

(I) "Medically fragile child" means a child to whom all of 37391  
the following apply: 37392

(1) The child requires the services of a doctor of medicine 37393  
or osteopathic medicine at least once a week due to the 37394  
instability of the child's medical condition. 37395

(2) The child requires the services of a registered nurse on 37396  
a daily basis. 37397

(3) The child is at risk of institutionalization in a 37398  
hospital, skilled nursing facility, or intermediate care facility 37399  
for individuals with intellectual disabilities. 37400

(J)(1) A child may be identified as having an "other health 37401

impairment-major" if the child's condition meets the definition of 37402  
"other health impaired" established in rules previously adopted by 37403  
the state board of education and if either of the following apply: 37404

(a) The child is identified as having a medical condition 37405  
that is among those listed by the superintendent of public 37406  
instruction as conditions where a substantial majority of cases 37407  
fall within the definition of "medically fragile child." 37408

(b) The child is determined by the superintendent of public 37409  
instruction to be a medically fragile child. A school district 37410  
superintendent may petition the superintendent of public 37411  
instruction for a determination that a child is a medically 37412  
fragile child. 37413

(2) A child may be identified as having an "other health 37414  
impairment-minor" if the child's condition meets the definition of 37415  
"other health impaired" established in rules previously adopted by 37416  
the state board of education but the child's condition does not 37417  
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 37418  
or (b) of this section. 37419

(K) "Preschool child with a disability" means a child with a 37420  
disability, as defined in section 3323.01 of the Revised Code, who 37421  
is at least age three but is not of compulsory school age, as 37422  
defined in section 3321.01 of the Revised Code, and who is not 37423  
currently enrolled in kindergarten. 37424

(L) "Preschool scholarship ADM" means the number of preschool 37425  
children with disabilities certified under division (B)(3)(h) of 37426  
section 3317.03 of the Revised Code. 37427

(M) "Related services" includes: 37428

(1) Child study, special education supervisors and 37429  
coordinators, speech and hearing services, adaptive physical 37430  
development services, occupational or physical therapy, teacher 37431  
assistants for children with disabilities whose disabilities are 37432



described in division (B) of section 3317.013 or division (B)(3)	37433
of this section, behavioral intervention, interpreter services,	37434
work study, nursing services, and specialized integrative services	37435
as those terms are defined by the department;	37436
(2) Speech and language services provided to any student with	37437
a disability, including any student whose primary or only	37438
disability is a speech and language disability;	37439
(3) Any related service not specifically covered by other	37440
state funds but specified in federal law, including but not	37441
limited to, audiology and school psychological services;	37442
(4) Any service included in units funded under former	37443
division (O)(1) of section 3317.024 of the Revised Code;	37444
(5) Any other related service needed by children with	37445
disabilities in accordance with their individualized education	37446
programs.	37447
(N) "School district," unless otherwise specified, means	37448
city, local, and exempted village school districts.	37449
(O) "State education aid" has the same meaning as in section	37450
5751.20 of the Revised Code.	37451
(P) "State share index" means the state share index	37452
calculated for a district under section 3317.017 of the Revised	37453
Code.	37454
(Q) "Taxes charged and payable" means the taxes charged and	37455
payable against real and public utility property after making the	37456
reduction required by section 319.301 of the Revised Code, plus	37457
the taxes levied against tangible personal property.	37458
(R)(1) For purposes of section 3317.017 of the Revised Code,	37459
"three-year average valuation" means the average of total taxable	37460
value for tax years <del>2012</del> <u>2014</u> , <del>2013</del> <u>2015</u> , and <del>2014</del> <u>2016</u> .	37461
(2) <del>For purposes of section 3317.018 of the Revised Code,</del>	37462

~~"three year average valuation" means the following:~~ 37463

~~(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015:~~ 37464  
37465

~~(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.~~ 37466  
37467

~~(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:~~ 37468  
37469  
37470

(a) For fiscal year ~~2016~~ 2018, the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016; 37471  
37472

(b) For fiscal year ~~2017~~ 2019, the average of total taxable value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017. 37473  
37474

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 37475  
37476  
37477  
37478  
37479

(T) "Total special education ADM" means the sum of categories one through six special education ADM. 37480  
37481

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 37482  
37483  
37484  
37485

**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, 37486  
37487  
37488  
37489  
37490  
37491  
37492

along with the information certified under division (B) of this	37493
section, in making the computations for the district under this	37494
chapter.	37495
(1) The taxable value of real and public utility real	37496
property in the school district subject to taxation in the	37497
preceding tax year, by class and by county of location.	37498
(2) The taxable value of tangible personal property,	37499
including public utility personal property, subject to taxation by	37500
the district for the preceding tax year.	37501
(3)(a) The total property tax rate and total taxes charged	37502
and payable for the current expenses for the preceding tax year	37503
and the total property tax rate and the total taxes charged and	37504
payable to a joint vocational district for the preceding tax year	37505
that are limited to or to the extent apportioned to current	37506
expenses.	37507
(b) The portion of the amount of taxes charged and payable	37508
reported for each city, local, and exempted village school	37509
district under division (A)(3)(a) of this section attributable to	37510
a joint vocational school district.	37511
(4) The value of all real and public utility real property in	37512
the school district exempted from taxation minus both of the	37513
following:	37514
(a) The value of real and public utility real property in the	37515
district owned by the United States government and used	37516
exclusively for a public purpose;	37517
(b) The value of real and public utility real property in the	37518
district exempted from taxation under Chapter 725. or 1728. or	37519
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63,	37520
5709.632, 5709.73, or 5709.78 of the Revised Code.	37521
(5) The total federal adjusted gross income of the residents	37522

of the school district, based on tax returns filed by the 37523  
residents of the district, for the most recent year for which this 37524  
information is available, and the median Ohio adjusted gross 37525  
income of the residents of the school district determined on the 37526  
basis of tax returns filed for the second preceding tax year by 37527  
the residents of the district. 37528

(B) On or before the first day of May each year, the tax 37529  
commissioner shall certify to the department of education and the 37530  
office of budget and management the total taxable real property 37531  
value of railroads and, separately, the total taxable tangible 37532  
personal property value of all public utilities for the preceding 37533  
tax year, by school district and by county of location. 37534

~~(C) If a public utility has properly and timely filed a 37535  
petition for reassessment under section 5727.47 of the Revised 37536  
Code with respect to an assessment issued under section 5727.23 of 37537  
the Revised Code affecting taxable property apportioned by the tax 37538  
commissioner to a school district, the taxable value of public 37539  
utility tangible personal property included in the certification 37540  
under divisions (A)(2) and (B) of this section for the school 37541  
district shall include only the amount of taxable value on the 37542  
basis of which the public utility paid tax for the preceding year 37543  
as provided in division (B)(1) or (2) of section 5727.47 of the 37544  
Revised Code. 37545~~

~~(D) If on the basis of the information certified under 37546  
division (A) of this section, the department determines that any 37547  
district fails in any year to meet the qualification requirement 37548  
specified in division (A) of section 3317.01 of the Revised Code, 37549  
the department shall immediately request the tax commissioner to 37550  
determine the extent to which any school district income tax 37551  
levied by the district under Chapter 5748. of the Revised Code 37552  
shall be included in meeting that requirement. Within five days of 37553  
receiving such a request from the department, the tax commissioner 37554~~

shall make the determination required by this division and report 37555  
the quotient obtained under division ~~(D)~~(C)(3) of this section to 37556  
the department and the office of budget and management. This 37557  
quotient represents the number of mills that the department shall 37558  
include in determining whether the district meets the 37559  
qualification requirement of division (A) of section 3317.01 of 37560  
the Revised Code. 37561

The tax commissioner shall make the determination required by 37562  
this division as follows: 37563

(1) Multiply one mill times the total taxable value of the 37564  
district as determined in divisions (A)(1) and (2) of this 37565  
section; 37566

(2) Estimate the total amount of tax liability for the 37567  
current tax year under taxes levied by Chapter 5748. of the 37568  
Revised Code that are apportioned to current operating expenses of 37569  
the district, excluding any income tax receipts allocated for the 37570  
project cost, debt service, or maintenance set-aside associated 37571  
with a state-assisted classroom facilities project as authorized 37572  
by section 3318.052 of the Revised Code; 37573

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 37574  
this section by the product obtained under division ~~(D)~~(C)(1) of 37575  
this section. 37576

**Sec. 3317.022.** (A) The department of education shall compute 37577  
and distribute state core foundation funding to each eligible 37578  
school district for the fiscal year, using the information 37579  
obtained under section 3317.021 of the Revised Code in the 37580  
calendar year in which the fiscal year begins, as prescribed in 37581  
the following divisions: 37582

(1) An opportunity grant calculated according to the 37583  
following formula: 37584

The formula amount X (formula ADM + preschool scholarship	37585
ADM) X the district's state share index	37586
(2) Targeted assistance funds calculated under divisions (A)	37587
and (B) of section 3317.0217 of the Revised Code;	37588
(3) Additional state aid for special education and related	37589
services provided under Chapter 3323. of the Revised Code	37590
calculated as the sum of the following:	37591
(a) The district's category one special education ADM X the	37592
amount specified in division (A) of section 3317.013 of the	37593
Revised Code X the district's state share index;	37594
(b) The district's category two special education ADM X the	37595
amount specified in division (B) of section 3317.013 of the	37596
Revised Code X the district's state share index;	37597
(c) The district's category three special education ADM X the	37598
amount specified in division (C) of section 3317.013 of the	37599
Revised Code X the district's state share index;	37600
(d) The district's category four special education ADM X the	37601
amount specified in division (D) of section 3317.013 of the	37602
Revised Code X the district's state share index;	37603
(e) The district's category five special education ADM X the	37604
amount specified in division (E) of section 3317.013 of the	37605
Revised Code X the district's state share index;	37606
(f) The district's category six special education ADM X the	37607
amount specified in division (F) of section 3317.013 of the	37608
Revised Code X the district's state share index.	37609
(4) Kindergarten through third grade literacy funds	37610
calculated according to the following formula:	37611
<del>+( \$184, in fiscal year 2016, or \$193, in fiscal year 2017)</del> X	37612
formula ADM for grades kindergarten through three X the district's	37613
state share index)] + <del>+( \$121, in fiscal year 2016, or \$127, in</del>	37614

~~fiscal year 2017)~~ X formula ADM for grades kindergarten through  
three~~)]~~ 37615  
37616

For purposes of this calculation, the department shall 37617  
subtract from a district's formula ADM for grades kindergarten 37618  
through three the number of students reported under division 37619  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 37620  
internet- or computer-based community school who are in grades 37621  
kindergarten through three. 37622

(5) Economically disadvantaged funds calculated according to 37623  
the following formula: 37624

$\$272$  X (the district's economically disadvantaged index) X 37625  
the number of students who are economically disadvantaged as 37626  
certified under division (B)(21) of section 3317.03 of the Revised 37627  
Code 37628

(6) Limited English proficiency funds calculated as the sum 37629  
of the following: 37630

(a) The district's category one limited English proficient 37631  
ADM X the amount specified in division (A) of section 3317.016 of 37632  
the Revised Code X the district's state share index; 37633

(b) The district's category two limited English proficient 37634  
ADM X the amount specified in division (B) of section 3317.016 of 37635  
the Revised Code X the district's state share index; 37636

(c) The district's category three limited English proficient 37637  
ADM X the amount specified in division (C) of section 3317.016 of 37638  
the Revised Code X the district's state share index. 37639

(7)(a) Gifted identification funds calculated according to 37640  
the following formula: 37641

$\$5.05$  X the district's formula ADM 37642

(b) Gifted unit funding calculated under section 3317.051 of 37643  
the Revised Code. 37644

(8) Career-technical education funds calculated as the sum of	37645
the following:	37646
(a) The district's category one career-technical education	37647
ADM X the amount specified in division (A) of section 3317.014 of	37648
the Revised Code X the district's state share index;	37649
(b) The district's category two career-technical education	37650
ADM X the amount specified in division (B) of section 3317.014 of	37651
the Revised Code X the district's state share index;	37652
(c) The district's category three career-technical education	37653
ADM X the amount specified in division (C) of section 3317.014 of	37654
the Revised Code X the district's state share index;	37655
(d) The district's category four career-technical education	37656
ADM X the amount specified in division (D) of section 3317.014 of	37657
the Revised Code X the district's state share index;	37658
(e) The district's category five career-technical education	37659
ADM X the amount specified in division (E) of section 3317.014 of	37660
the Revised Code X the district's state share index.	37661
Payment of funds under division (A)(8) of this section is	37662
subject to approval under section 3317.161 of the Revised Code.	37663
(9) Career-technical education associated services funds	37664
calculated according to the following formula:	37665
The district's state share index X the amount for career-technical	37666
education associated services specified in section 3317.014 of the	37667
Revised Code X the sum of categories one through five	37668
career-technical education ADM	37669
(10) Capacity aid funds calculated under section 3317.0218 of	37670
the Revised Code;	37671
(11) A graduation bonus calculated under section 3317.0215 of	37672
the Revised Code;	37673
(12) A third-grade reading bonus calculated under section	37674



3317.0216 of the Revised Code. 37675

(B) In any fiscal year, a school district shall spend for 37676  
purposes that the department designates as approved for special 37677  
education and related services expenses at least the amount 37678  
calculated as follows: 37679

(The formula amount X the total special education ADM) + (the 37680  
district's category one special education ADM X the amount 37681  
specified in division (A) of section 3317.013 of the Revised Code) 37682  
+ (the district's category two special education ADM X the amount 37683  
specified in division (B) of section 3317.013 of the Revised Code) 37684  
+ (the district's category three special education ADM X the 37685  
amount specified in division (C) of section 3317.013 of the 37686  
Revised Code) + (the district's category four special education 37687  
ADM X the amount specified in division (D) of section 3317.013 of 37688  
the Revised Code) + (the district's category five special 37689  
education ADM X the amount specified in division (E) of section 37690  
3317.013 of the Revised Code) + (the district's category six 37691  
special education ADM X the amount specified in division (F) of 37692  
section 3317.013 of the Revised Code) 37693

The purposes approved by the department for special education 37694  
expenses shall include, but shall not be limited to, 37695  
identification of children with disabilities, compliance with 37696  
state rules governing the education of children with disabilities 37697  
and prescribing the continuum of program options for children with 37698  
disabilities, provision of speech language pathology services, and 37699  
the portion of the school district's overall administrative and 37700  
overhead costs that are attributable to the district's special 37701  
education student population. 37702

The scholarships deducted from the school district's account 37703  
under sections 3310.41 and 3310.55 of the Revised Code shall be 37704  
considered to be an approved special education and related 37705  
services expense for the purpose of the school district's 37706

compliance with this division. 37707

(C) In any fiscal year, a school district receiving funds 37708  
under division (A)(8) of this section shall spend those funds only 37709  
for the purposes that the department designates as approved for 37710  
career-technical education expenses. Career-technical education 37711  
expenses approved by the department shall include only expenses 37712  
connected to the delivery of career-technical programming to 37713  
career-technical students. The department shall require the school 37714  
district to report data annually so that the department may 37715  
monitor the district's compliance with the requirements regarding 37716  
the manner in which funding received under division (A)(8) of this 37717  
section may be spent. 37718

(D) In any fiscal year, a school district receiving funds 37719  
under division (A)(9) of this section, or through a transfer of 37720  
funds pursuant to division (I) of section 3317.023 of the Revised 37721  
Code, shall spend those funds only for the purposes that the 37722  
department designates as approved for career-technical education 37723  
associated services expenses, which may include such purposes as 37724  
apprenticeship coordinators, coordinators for other 37725  
career-technical education services, career-technical evaluation, 37726  
and other purposes designated by the department. The department 37727  
may deny payment under division (A)(9) of this section to any 37728  
district that the department determines is not operating those 37729  
services or is using funds paid under division (A)(9) of this 37730  
section, or through a transfer of funds pursuant to division (I) 37731  
of section 3317.023 of the Revised Code, for other purposes. 37732

(E) All funds received under division (A)(8) of this section 37733  
shall be spent in the following manner: 37734

(1) At least seventy-five per cent of the funds shall be 37735  
spent on curriculum development, purchase, and implementation; 37736  
instructional resources and supplies; industry-based program 37737  
certification; student assessment, credentialing, and placement; 37738

curriculum specific equipment purchases and leases; 37739  
career-technical student organization fees and expenses; home and 37740  
agency linkages; work-based learning experiences; professional 37741  
development; and other costs directly associated with 37742  
career-technical education programs including development of new 37743  
programs. 37744

(2) Not more than twenty-five per cent of the funds shall be 37745  
used for personnel expenditures. 37746

(F) A school district shall spend the funds it receives under 37747  
division (A)(5) of this section in accordance with section 3317.25 37748  
of the Revised Code. 37749

**Sec. 3317.025.** On or before the first day of June of each 37750  
year, the tax commissioner shall certify the following information 37751  
to the department of education and the office of budget and 37752  
management, for each school district in which the value of the 37753  
property described under division (A) of this section exceeds one 37754  
per cent of the taxable value of all real and tangible personal 37755  
property in the district or in which is located tangible personal 37756  
property designed for use or used in strip mining operations, 37757  
whose taxable value exceeds five million dollars, and the taxes 37758  
upon which the district is precluded from collecting by virtue of 37759  
legal proceedings to determine the value of such property: 37760

(A) The total taxable value of all property in the district 37761  
owned by a public utility or railroad that has filed a petition 37762  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 37763  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 37764  
property in the district designed for use or used in strip mining 37765  
operations whose taxable value exceeds five million dollars upon 37766  
which have not been paid in full on or before the first day of 37767  
April of that calendar year all real and tangible personal 37768  
property taxes levied for the preceding calendar year and which 37769

the district was precluded from collecting by virtue of 37770  
proceedings under section 205 of said act or by virtue of legal 37771  
proceedings to determine the tax liability of such strip mining 37772  
equipment; 37773

(B) The percentage of the total operating taxes charged and 37774  
payable for school district purposes levied against such valuation 37775  
for the preceding calendar year that have not been paid by such 37776  
date; 37777

(C) The product obtained by multiplying the value certified 37778  
under division (A) of this section by the percentage certified 37779  
under division (B) of this section. If the value certified under 37780  
division (A) of this section includes taxable property owned by a 37781  
public utility or railroad that has filed a petition for 37782  
reorganization under the bankruptcy act, the amount used in making 37783  
the calculation under this division shall be reduced by one per 37784  
cent of the total value of all real and tangible personal property 37785  
in the district or the value of the utility's or railroad's 37786  
property, whichever is less. 37787

Upon receipt of the certification, the department shall 37788  
recompute the payments required under this chapter in the manner 37789  
the payments would have been computed if: 37790

(1) The amount certified under division (C) of this section 37791  
was not subject to taxation by the district and was not included 37792  
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 37793  
of section 3317.021 of the Revised Code. 37794

(2) The amount of taxes charged and payable and unpaid and 37795  
used to make the computation under division (B) of this section 37796  
had not been levied and had not been used in the computation 37797  
required by division (B) of section 3317.021 of the Revised Code. 37798  
The department shall pay the district that amount in the ensuing 37799  
fiscal year in lieu of the amounts computed under this chapter. 37800

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

**Sec. 3317.0212.** (A) As used in this section: 37807

(1) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.

(3) "Rider density" means the total ADM per square mile of a school district.

(4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district; 37823

(b) School buses operated by a private contractor hired by the district; 37824  
37825

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise. 37826  
37827  
37828

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall 37829  
37830

report to the department of education its qualifying ridership and 37831  
any other information requested by the department. Subsequent 37832  
adjustments to the reported numbers shall be made only in 37833  
accordance with rules adopted by the department. 37834

(C) The department shall calculate the statewide 37835  
transportation cost per student as follows: 37836

(1) Determine each city, local, and exempted village school 37837  
district's transportation cost per student by dividing the 37838  
district's total costs for school bus service in the previous 37839  
fiscal year by its qualifying ridership in the previous fiscal 37840  
year. 37841

(2) After excluding districts that do not provide school bus 37842  
service and the ten districts with the highest transportation 37843  
costs per student and the ten districts with the lowest 37844  
transportation costs per student, divide the aggregate cost for 37845  
school bus service for the remaining districts in the previous 37846  
fiscal year by the aggregate qualifying ridership of those 37847  
districts in the previous fiscal year. 37848

(D) The department shall calculate the statewide 37849  
transportation cost per mile as follows: 37850

(1) Determine each city, local, and exempted village school 37851  
district's transportation cost per mile by dividing the district's 37852  
total costs for school bus service in the previous fiscal year by 37853  
its total number of miles driven for school bus service in the 37854  
previous fiscal year. 37855

(2) After excluding districts that do not provide school bus 37856  
service and the ten districts with the highest transportation 37857  
costs per mile and the ten districts with the lowest 37858  
transportation costs per mile, divide the aggregate cost for 37859  
school bus service for the remaining districts in the previous 37860  
fiscal year by the aggregate miles driven for school bus service 37861

in those districts in the previous fiscal year. 37862

(E) The department shall calculate each city, local, and 37863  
exempted village school district's transportation payment as 37864  
follows: 37865

(1) Multiply the statewide transportation cost per student by 37866  
the district's qualifying ridership for the current fiscal year. 37867

(2) Multiply the statewide transportation cost per mile by 37868  
the district's total number of miles driven for school bus service 37869  
in the current fiscal year. 37870

(3) Multiply the greater of the amounts calculated under 37871  
divisions (E)(1) and (2) of this section by the following: 37872

(a) For fiscal year 2018, the greater of fifty thirty-seven 37873  
and one-half per cent or the district's state share index, as 37874  
defined in section 3317.02 of the Revised Code; 37875

(b) For fiscal year 2019, the greater of twenty-five per cent 37876  
or the district's state share index. 37877

(F) In addition to funds paid under division (E) of this 37878  
section, each city, local, and exempted village district shall 37879  
receive in accordance with rules adopted by the state board of 37880  
education a payment for students transported by means other than 37881  
school bus service and whose transportation is not funded under 37882  
division (C) of section 3317.024 of the Revised Code. The rules 37883  
shall include provisions for school district reporting of such 37884  
students. 37885

(G)(1) For purposes of division (G) of this section, a school 37886  
district's "transportation supplement percentage" means the 37887  
following quotient: 37888

~~{(35, in fiscal year 2016, or 50, in fiscal year 2017) - the 37889  
district's rider density}~~ / 100 37890

If the result of the calculation for a district under 37891

division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section  
X 0.55

**Sec. 3317.0218.** The department of education shall annually compute capacity aid funds to school districts, as follows:

(A) For each school district, multiply the district's three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which equals the greater of zero or the amount calculated as follows:

(The amount determined under division (B) of this section / the amount calculated for the district under division (A) of this section) - 1

If the result of a calculation for a school district under division (C) of this section is greater than 2.5, the district's capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals the following quotient:

(The amount determined under division (B) of this section) / (the average of the formula ADMs of all of the districts for which the amount calculated under division (A) of this section is less than the amount determined under division (B) of this section)

(E) Calculate each school district's capacity aid, which equals the following product:

The capacity aid per pupil amount calculated under division (D) of



this section X the district's formula  $ADM \times (\cancel{2.75, \text{ for fiscal year 2016, or 3.5, for fiscal year 2017}}) \underline{4.0}$  X the district's capacity ratio calculated under division (C) of this section

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**Sec. 3317.06.** Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

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(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

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(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

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(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

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(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such

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service shall be provided in the nonpublic school attended by the 37953  
pupil receiving the service. 37954

(C) To provide physician, nursing, dental, and optometric 37955  
services to pupils attending nonpublic schools within the 37956  
district. Such services shall be provided in the school attended 37957  
by the nonpublic school pupil receiving the service. 37958

(D) To provide diagnostic psychological services to pupils 37959  
attending nonpublic schools within the district. Such services 37960  
shall be provided in the school attended by the pupil receiving 37961  
the service. 37962

(E) To provide therapeutic psychological and speech and 37963  
hearing services to pupils attending nonpublic schools within the 37964  
district. Such services shall be provided in the public school, in 37965  
nonpublic schools, in public centers, or in mobile units located 37966  
on or off of the nonpublic premises. If such services are provided 37967  
in the public school or in public centers, transportation to and 37968  
from such facilities shall be provided by the school district in 37969  
which the nonpublic school is located. 37970

(F) To provide guidance, counseling, and social work services 37971  
to pupils attending nonpublic schools within the district. Such 37972  
services shall be provided in the public school, in nonpublic 37973  
schools, in public centers, or in mobile units located on or off 37974  
of the nonpublic premises. If such services are provided in the 37975  
public school or in public centers, transportation to and from 37976  
such facilities shall be provided by the school district in which 37977  
the nonpublic school is located. 37978

(G) To provide remedial services to pupils attending 37979  
nonpublic schools within the district. Such services shall be 37980  
provided in the public school, in nonpublic schools, in public 37981  
centers, or in mobile units located on or off of the nonpublic 37982  
premises. If such services are provided in the public school or in 37983

public centers, transportation to and from such facilities shall 37984  
be provided by the school district in which the nonpublic school 37985  
is located. 37986

(H) To supply for use by pupils attending nonpublic schools 37987  
within the district such standardized tests and scoring services 37988  
as are in use in the public schools of the state; 37989

(I) To provide programs for children who attend nonpublic 37990  
schools within the district and are children with disabilities as 37991  
defined in section 3323.01 of the Revised Code or gifted children. 37992  
Such programs shall be provided in the public school, in nonpublic 37993  
schools, in public centers, or in mobile units located on or off 37994  
of the nonpublic premises. If such programs are provided in the 37995  
public school or in public centers, transportation to and from 37996  
such facilities shall be provided by the school district in which 37997  
the nonpublic school is located. 37998

(J) To hire clerical personnel to assist in the 37999  
administration of programs pursuant to divisions (B), (C), (D), 38000  
(E), (F), (G), and (I) of this section and to hire supervisory 38001  
personnel to supervise the providing of services and textbooks 38002  
pursuant to this section. 38003

(K) To purchase or lease any secular, neutral, and 38004  
nonideological computer application software designed to assist 38005  
students in performing a single task or multiple related tasks, 38006  
device management software, learning management software, 38007  
site-licensing, digital video on demand (DVD), wide area 38008  
connectivity and related technology as it relates to internet 38009  
access, mathematics or science equipment and materials, 38010  
instructional materials, and school library materials that are in 38011  
general use in the public schools of the state and loan such items 38012  
to pupils attending nonpublic schools within the district or to 38013  
their parents, and to hire clerical personnel to administer the 38014  
lending program. Only such items that are incapable of diversion 38015

to religious use and that are susceptible of loan to individual 38016  
pupils and are furnished for the use of individual pupils shall be 38017  
purchased and loaned under this division. As used in this section, 38018  
"instructional materials" means prepared learning materials that 38019  
are secular, neutral, and nonideological in character and are of 38020  
benefit to the instruction of school children. "Instructional 38021  
materials" includes media content that a student may access 38022  
through the use of a computer or electronic device. 38023

Mobile applications that are secular, neutral, and 38024  
nonideological in character and that are purchased for less than 38025  
twenty dollars for instructional use shall be considered to be 38026  
consumable and shall be distributed to students without the 38027  
expectation that the applications must be returned. 38028

(L) To purchase or lease instructional equipment, including 38029  
computer hardware and related equipment in general use in the 38030  
public schools of the state, for use by pupils attending nonpublic 38031  
schools within the district and to loan such items to pupils 38032  
attending nonpublic schools within the district or to their 38033  
parents, and to hire clerical personnel to administer the lending 38034  
program. "Computer hardware and related equipment" includes 38035  
desktop computers and workstations; laptop computers, computer 38036  
tablets, and other mobile handheld devices; their operating 38037  
systems and accessories; and any equipment designed to make 38038  
accessible the environment of a classroom to a student, who is 38039  
physically unable to attend classroom activities due to 38040  
hospitalization or other circumstances, by allowing real-time 38041  
interaction with other students both one-on-one and in group 38042  
discussion. 38043

(M) To purchase mobile units to be used for the provision of 38044  
services pursuant to divisions (E), (F), (G), and (I) of this 38045  
section and to pay for necessary repairs and operating costs 38046  
associated with these units. 38047

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district.

(Q) To provide language and academic support services and other accommodations for English language learners attending nonpublic schools within the district.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it

under division (E) of section 3317.024 of the Revised Code unless 38079  
a special transportation request is submitted by the parent of the 38080  
child receiving service pursuant to such divisions. If such an 38081  
application is presented to the school district, it may pay for 38082  
the transportation from moneys paid to it under division (E) of 38083  
section 3317.024 of the Revised Code. 38084

No school district shall provide health or remedial services 38085  
to nonpublic school pupils as authorized by this section unless 38086  
such services are available to pupils attending the public schools 38087  
within the district. 38088

Materials, equipment, computer hardware or software, 38089  
textbooks, digital texts, and health and remedial services 38090  
provided for the benefit of nonpublic school pupils pursuant to 38091  
this section and the admission of pupils to such nonpublic schools 38092  
shall be provided without distinction as to race, creed, color, or 38093  
national origin of such pupils or of their teachers. 38094

No school district shall provide services, materials, or 38095  
equipment that contain religious content for use in religious 38096  
courses, devotional exercises, religious training, or any other 38097  
religious activity. 38098

As used in this section, "parent" includes a person standing 38099  
in loco parentis to a child. 38100

Notwithstanding section 3317.01 of the Revised Code, payments 38101  
shall be made under this section to any city, local, or exempted 38102  
village school district within which is located one or more 38103  
nonpublic elementary or high schools and any payments made to 38104  
school districts under division (E) of section 3317.024 of the 38105  
Revised Code for purposes of this section may be disbursed without 38106  
submission to and approval of the controlling board. 38107

The allocation of payments for materials, equipment, 38108  
textbooks, digital texts, health services, and remedial services 38109

to city, local, and exempted village school districts shall be on 38110  
the basis of the state board of education's estimated annual 38111  
average daily membership in nonpublic elementary and high schools 38112  
located in the district. 38113

Payments made to city, local, and exempted village school 38114  
districts under this section shall be equal to specific 38115  
appropriations made for the purpose. All interest earned by a 38116  
school district on such payments shall be used by the district for 38117  
the same purposes and in the same manner as the payments may be 38118  
used. 38119

The department of education shall adopt guidelines and 38120  
procedures under which such programs and services shall be 38121  
provided, under which districts shall be reimbursed for 38122  
administrative costs incurred in providing such programs and 38123  
services, and under which any unexpended balance of the amounts 38124  
appropriated by the general assembly to implement this section may 38125  
be transferred to the auxiliary services personnel unemployment 38126  
compensation fund established pursuant to section 4141.47 of the 38127  
Revised Code. The department shall also adopt guidelines and 38128  
procedures limiting the purchase and loan of the items described 38129  
in division (K) of this section to items that are in general use 38130  
in the public schools of the state, that are incapable of 38131  
diversion to religious use, and that are susceptible to individual 38132  
use rather than classroom use. Within thirty days after the end of 38133  
each biennium, each board of education shall remit to the 38134  
department all moneys paid to it under division (E) of section 38135  
3317.024 of the Revised Code and any interest earned on those 38136  
moneys that are not required to pay expenses incurred under this 38137  
section during the biennium for which the money was appropriated 38138  
and during which the interest was earned. If a board of education 38139  
subsequently determines that the remittal of moneys leaves the 38140  
board with insufficient money to pay all valid expenses incurred 38141

under this section during the biennium for which the remitted 38142  
money was appropriated, the board may apply to the department of 38143  
education for a refund of money, not to exceed the amount of the 38144  
insufficiency. If the department determines the expenses were 38145  
lawfully incurred and would have been lawful expenditures of the 38146  
refunded money, it shall certify its determination and the amount 38147  
of the refund to be made to the director of job and family 38148  
services who shall make a refund as provided in section 4141.47 of 38149  
the Revised Code. 38150

Each school district shall label materials, equipment, 38151  
computer hardware or software, textbooks, and digital texts 38152  
purchased or leased for loan to a nonpublic school under this 38153  
section, acknowledging that they were purchased or leased with 38154  
state funds under this section. However, a district need not label 38155  
materials, equipment, computer hardware or software, textbooks, or 38156  
digital texts that the district determines are consumable in 38157  
nature or have a value of less than two hundred dollars. 38158

**Sec. 3317.16.** (A) The department of education shall compute 38159  
and distribute state core foundation funding to each joint 38160  
vocational school district for the fiscal year as prescribed in 38161  
the following divisions: 38162

(1) An opportunity grant calculated according to the 38163  
following formula: 38164

(The formula amount X formula ADM) - (0.0005 X the district's 38165  
three-year average valuation) 38166

However, no district shall receive an opportunity grant that 38167  
is less than 0.05 times the formula amount times formula ADM. 38168

(2) Additional state aid for special education and related 38169  
services provided under Chapter 3323. of the Revised Code 38170  
calculated as the sum of the following: 38171



(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	38172 38173 38174
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	38175 38176 38177
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	38178 38179 38180
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	38181 38182 38183
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	38184 38185 38186
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	38187 38188 38189
(3) Economically disadvantaged funds calculated according to the following formula:	38190 38191
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	38192 38193 38194
(4) Limited English proficiency funds calculated as the sum of the following:	38195 38196
(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	38197 38198 38199
(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of	38200 38201

the Revised Code X the district's state share percentage; 38202

(c) The district's category three limited English proficient 38203  
ADM X the amount specified in division (C) of section 3317.016 of 38204  
the Revised Code X the district's state share percentage; 38205

(5) Career-technical education funds calculated as the sum of 38206  
the following: 38207

(a) The district's category one career-technical education 38208  
ADM X the amount specified in division (A) of section 3317.014 of 38209  
the Revised Code X the district's state share percentage; 38210

(b) The district's category two career-technical education 38211  
ADM X the amount specified in division (B) of section 3317.014 of 38212  
the Revised Code X the district's state share percentage; 38213

(c) The district's category three career-technical education 38214  
ADM X the amount specified in division (C) of section 3317.014 of 38215  
the Revised Code X the district's state share percentage; 38216

(d) The district's category four career-technical education 38217  
ADM X the amount specified in division (D) of section 3317.014 of 38218  
the Revised Code X the district's state share percentage; 38219

(e) The district's category five career-technical education 38220  
ADM X the amount specified in division (E) of section 3317.014 of 38221  
the Revised Code X the district's state share percentage. 38222

Payment of funds under division (A)(5) of this section is 38223  
subject to approval under section 3317.161 of the Revised Code. 38224

(6) Career-technical education associated services funds 38225  
calculated under the following formula: 38226

The district's state share percentage X the 38227  
amount for career-technical education associated services 38228  
specified in section 3317.014 of the Revised Code X the sum of 38229  
categories one through five career-technical 38230  
education ~~ADM X the district's state share percentage~~ 38231

(7) A graduation bonus calculated according to the following formula: 38232  
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The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage 38234  
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(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 38243  
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(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 38253  
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 38255  
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(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be 38258  
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included in the amount. 38264

(C)(1) For each student with a disability receiving special 38265  
education and related services under an individualized education 38266  
program, as defined in section 3323.01 of the Revised Code, at a 38267  
joint vocational school district, the resident district or, if the 38268  
student is enrolled in a community school, the community school 38269  
shall be responsible for the amount of any costs of providing 38270  
those special education and related services to that student that 38271  
exceed the sum of the amount calculated for those services 38272  
attributable to that student under division (A) of this section. 38273

Those excess costs shall be calculated using a formula 38274  
approved by the department. 38275

(2) The board of education of the joint vocational school 38276  
district may report the excess costs calculated under division 38277  
(C)(1) of this section to the department of education. 38278

(3) If the board of education of the joint vocational school 38279  
district reports excess costs under division (C)(2) of this 38280  
section, the department shall pay the amount of excess cost 38281  
calculated under division (C)(2) of this section to the joint 38282  
vocational school district and shall deduct that amount as 38283  
provided in division (C)(3)(a) or (b) of this section, as 38284  
applicable: 38285

(a) If the student is not enrolled in a community school, the 38286  
department shall deduct the amount from the account of the 38287  
student's resident district pursuant to division (J) of section 38288  
3317.023 of the Revised Code. 38289

(b) If the student is enrolled in a community school, the 38290  
department shall deduct the amount from the account of the 38291  
community school pursuant to section 3314.083 of the Revised Code. 38292

(D)(1) In any fiscal year, a school district receiving funds 38293  
under division (A)(5) of this section shall spend those funds only 38294

for the purposes that the department designates as approved for 38295  
career-technical education expenses. Career-technical education 38296  
expenses approved by the department shall include only expenses 38297  
connected to the delivery of career-technical programming to 38298  
career-technical students. The department shall require the school 38299  
district to report data annually so that the department may 38300  
monitor the district's compliance with the requirements regarding 38301  
the manner in which funding received under division (A)(5) of this 38302  
section may be spent. 38303

(2) All funds received under division (A)(5) of this section 38304  
shall be spent in the following manner: 38305

(a) At least seventy-five per cent of the funds shall be 38306  
spent on curriculum development, purchase, and implementation; 38307  
instructional resources and supplies; industry-based program 38308  
certification; student assessment, credentialing, and placement; 38309  
curriculum specific equipment purchases and leases; 38310  
career-technical student organization fees and expenses; home and 38311  
agency linkages; work-based learning experiences; professional 38312  
development; and other costs directly associated with 38313  
career-technical education programs including development of new 38314  
programs. 38315

(b) Not more than twenty-five per cent of the funds shall be 38316  
used for personnel expenditures. 38317

(E) In any fiscal year, a school district receiving funds 38318  
under division (A)(6) of this section, or through a transfer of 38319  
funds pursuant to division (I) of section 3317.023 of the Revised 38320  
Code, shall spend those funds only for the purposes that the 38321  
department designates as approved for career-technical education 38322  
associated services expenses, which may include such purposes as 38323  
apprenticeship coordinators, coordinators for other 38324  
career-technical education services, career-technical evaluation, 38325  
and other purposes designated by the department. The department 38326

may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(G) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:

The amount computed under division (A)(1) of this section /  
(the formula amount X formula ADM)

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio ~~school~~ facilities construction commission" means the commission created pursuant to section ~~3318.30~~ 123.20 of the Revised Code.

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education

program for secondary students in any school district that 38357  
operates such a program. 38358

(C) "Project" means a project to construct or acquire 38359  
classroom facilities, or to reconstruct or make additions to 38360  
existing classroom facilities, to be used for housing the 38361  
applicable school district and its functions. 38362

(D) "School district" means a local, exempted village, or 38363  
city school district as such districts are defined in Chapter 38364  
3311. of the Revised Code, acting as an agency of state 38365  
government, performing essential governmental functions of state 38366  
government pursuant to sections 3318.01 to 3318.20 of the Revised 38367  
Code. 38368

For purposes of assistance provided under sections 3318.40 to 38369  
3318.45 of the Revised Code, the term "school district" as used in 38370  
this section and in divisions (A), (C), and (D) of section 3318.03 38371  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 38372  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 38373  
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 38374  
Code means a joint vocational school district established pursuant 38375  
to section 3311.18 of the Revised Code. 38376

(E) "School district board" means the board of education of a 38377  
school district. 38378

(F) "Net bonded indebtedness" means the difference between 38379  
the sum of the par value of all outstanding and unpaid bonds and 38380  
notes which a school district board is obligated to pay and any 38381  
amounts the school district is obligated to pay under 38382  
lease-purchase agreements entered into under section 3313.375 of 38383  
the Revised Code, and the amount held in the sinking fund and 38384  
other indebtedness retirement funds for their redemption. Notes 38385  
issued for school buses in accordance with section 3327.08 of the 38386  
Revised Code, notes issued in anticipation of the collection of 38387

current revenues, and bonds issued to pay final judgments shall 38388  
not be considered in calculating the net bonded indebtedness. 38389

"Net bonded indebtedness" does not include indebtedness 38390  
arising from the acquisition of land to provide a site for 38391  
classroom facilities constructed, acquired, or added to pursuant 38392  
to sections 3318.01 to 3318.20 of the Revised Code or the par 38393  
value of bonds that have been authorized by the electors and the 38394  
proceeds of which will be used by the district to provide any part 38395  
of its portion of the basic project cost. 38396

(G) "Board of elections" means the board of elections of the 38397  
county containing the most populous portion of the school 38398  
district. 38399

(H) "County auditor" means the auditor of the county in which 38400  
the greatest value of taxable property of such school district is 38401  
located. 38402

(I) "Tax duplicates" means the general tax lists and 38403  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 38404  
Code. 38405

(J) "Required level of indebtedness" means: 38406

(1) In the case of school districts in the first percentile, 38407  
five per cent of the district's valuation for the year preceding 38408  
the year in which the controlling board approved the project under 38409  
section 3318.04 of the Revised Code. 38410

(2) In the case of school districts ranked in a subsequent 38411  
percentile, five per cent of the district's valuation for the year 38412  
preceding the year in which the controlling board approved the 38413  
project under section 3318.04 of the Revised Code, plus [two 38414  
one-hundredths of one per cent multiplied by (the percentile in 38415  
which the district ranks for the fiscal year preceding the fiscal 38416  
year in which the controlling board approved the district's 38417  
project minus one)]. 38418



(K) "Required percentage of the basic project costs" means 38419  
one per cent of the basic project costs times the percentile in 38420  
which the school district ranks for the fiscal year preceding the 38421  
fiscal year in which the controlling board approved the district's 38422  
project. 38423

(L) "Basic project cost" means a cost amount determined in 38424  
accordance with rules adopted under section 111.15 of the Revised 38425  
Code by the Ohio ~~school~~ facilities construction commission. The 38426  
basic project cost calculation shall take into consideration the 38427  
square footage and cost per square foot necessary for the grade 38428  
levels to be housed in the classroom facilities, the variation 38429  
across the state in construction and related costs, the cost of 38430  
the installation of site utilities and site preparation, the cost 38431  
of demolition of all or part of any existing classroom facilities 38432  
that are abandoned under the project, the cost of insuring the 38433  
project until it is completed, any contingency reserve amount 38434  
prescribed by the commission under section 3318.086 of the Revised 38435  
Code, and the professional planning, administration, and design 38436  
fees that a school district may have to pay to undertake a 38437  
classroom facilities project. 38438

For a joint vocational school district that receives 38439  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 38440  
the basic project cost calculation for a project under those 38441  
sections shall also take into account the types of laboratory 38442  
spaces and program square footages needed for the vocational 38443  
education programs for high school students offered by the school 38444  
district. 38445

For a district that opts to divide its entire classroom 38446  
facilities needs into segments, as authorized by section 3318.034 38447  
of the Revised Code, "basic project cost" means the cost 38448  
determined in accordance with this division of a segment. 38449

(M)(1) Except for a joint vocational school district that 38450

receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved

pedestrian and vehicular circulation system, playgrounds on the 38482  
project site, and lawn and planting on the project site. 38483

**Sec. 3318.011.** For purposes of providing assistance under 38484  
sections 3318.01 to 3318.20 of the Revised Code, the department of 38485  
education shall annually do all of the following: 38486

(A) Calculate the adjusted valuation per pupil of each city, 38487  
local, and exempted village school district according to the 38488  
following formula: 38489

The district's valuation per pupil - 38490  
[\$30,000 X (1 - the district's income factor)]. 38491

For purposes of this calculation: 38492

(1) Except for a district with an open enrollment net gain 38493  
that is ten per cent or more of its formula ADM, "valuation per 38494  
pupil" for a district means its average taxable value, divided by 38495  
its formula ADM for the previous fiscal year. "Valuation per 38496  
pupil," for a district with an open enrollment net gain that is 38497  
ten per cent or more of its formula ADM, means its average taxable 38498  
value, divided by the sum of its formula ADM for the previous 38499  
fiscal year plus its open enrollment net gain for the previous 38500  
fiscal year. 38501

(2) "Average taxable value" means the average of the sum of 38502  
the amounts certified for a district under divisions (A)(1) and 38503  
(2) of section 3317.021 of the Revised Code in the second, third, 38504  
and fourth preceding fiscal years. 38505

(3) "Entitled to attend school" means entitled to attend 38506  
school in a city, local, or exempted village school district under 38507  
section 3313.64 or 3313.65 of the Revised Code. 38508

(4) "Formula ADM" has the same meaning as in section 3317.02 38509  
of the Revised Code. 38510

(5) "Native student" has the same meaning as in section 38511

3313.98 of the Revised Code. 38512

(6) "Open enrollment net gain" for a district means (a) the 38513  
number of the students entitled to attend school in another 38514  
district but who are enrolled in the schools of the district under 38515  
its open enrollment policy minus (b) the number of the district's 38516  
native students who are enrolled in the schools of another 38517  
district under the other district's open enrollment policy, both 38518  
numbers as certified to the department under section 3313.981 of 38519  
the Revised Code. If the difference is a negative number, the 38520  
district's "open enrollment net gain" is zero. 38521

(7) "Open enrollment policy" means an interdistrict open 38522  
enrollment policy adopted under section 3313.98 of the Revised 38523  
Code. 38524

(8) "District median income" means the median Ohio adjusted 38525  
gross income certified for a school district under section 38526  
3317.021 of the Revised Code. 38527

(9) "Statewide median income" means the median district 38528  
median income of all city, exempted village, and local school 38529  
districts in the state. 38530

(10) "Income factor" for a city, exempted village, or local 38531  
school district means the quotient obtained by dividing that 38532  
district's median income by the statewide median income. 38533

(B) Calculate for each district the three-year average of the 38534  
adjusted valuations per pupil calculated for the district for the 38535  
current and two preceding fiscal years; 38536

(C) Rank all such districts in order of adjusted valuation 38537  
per pupil from the district with the lowest three-year average 38538  
adjusted valuation per pupil to the district with the highest 38539  
three-year average adjusted valuation per pupil; 38540

(D) Divide such ranking into percentiles with the first 38541

percentile containing the one per cent of school districts having 38542  
the lowest three-year average adjusted valuations per pupil and 38543  
the one-hundredth percentile containing the one per cent of school 38544  
districts having the highest three-year average adjusted 38545  
valuations per pupil; 38546

(E) Determine the school districts that have three-year 38547  
average adjusted valuations per pupil that are greater than the 38548  
median three-year average adjusted valuation per pupil for all 38549  
school districts in the state; 38550

(F) On or before the first day of September, certify the 38551  
information described in divisions (A) to (E) of this section to 38552  
the Ohio ~~school~~ facilities construction commission. 38553

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to 3318.20 38554  
of the Revised Code, the Ohio ~~school~~ facilities construction 38555  
commission shall periodically perform an assessment of the 38556  
classroom facility needs in the state to identify school districts 38557  
in need of additional classroom facilities, or replacement or 38558  
reconstruction of existent classroom facilities, and the cost to 38559  
each such district of constructing or acquiring such additional 38560  
facilities or making such renovations. 38561

(B) Based upon the most recent assessment conducted pursuant 38562  
to division (A) of this section, the commission shall conduct 38563  
on-site visits to school districts identified as having classroom 38564  
facility needs to confirm the findings of the periodic assessment 38565  
and further evaluate the classroom facility needs of the district. 38566  
The evaluation shall assess the district's need to construct or 38567  
acquire new classroom facilities and may include an assessment of 38568  
the district's need for building additions or for the 38569  
reconstruction of existent buildings in lieu of constructing or 38570  
acquiring replacement buildings. 38571

(C)(1) Except as provided in division (C)(2) of this section, 38572

on-site visits performed on or after May 20, 1997, shall be 38573  
performed in the order specified in this division. The first round 38574  
of on-site visits first succeeding the effective date of this 38575  
amendment, May 20, 1997, shall be limited to the school districts 38576  
in the first through fifth percentiles, excluding districts that 38577  
are ineligible for funding under this chapter pursuant to section 38578  
3318.04 of the Revised Code. The second round of on-site visits 38579  
shall be limited to the school districts in the first through 38580  
tenth percentiles, excluding districts that are ineligible for 38581  
funding under this chapter pursuant to section 3318.04 of the 38582  
Revised Code. Each succeeding round of on-site visits shall be 38583  
limited to the percentiles included in the immediately preceding 38584  
round of on-site visits plus the next five percentiles. Except for 38585  
the first round of on-site visits, no round of on-site visits 38586  
shall commence unless eighty per cent of the districts for which 38587  
on-site visits were performed during the immediately preceding 38588  
round, have had projects approved under section 3318.04 of the 38589  
Revised Code. 38590

(2) Notwithstanding division (C)(1) of this section, the 38591  
commission may perform on-site visits for school districts in the 38592  
next highest percentile to the percentiles included in the current 38593  
round of on-site visits, and then to succeeding percentiles one at 38594  
a time, not to exceed the twenty-fifth percentile, if all of the 38595  
following apply: 38596

(a) Less than eighty per cent of the districts for which 38597  
on-site visits were performed in the current round, and in any 38598  
percentiles for which on-site visits were performed in addition to 38599  
the current round pursuant to this division, have had projects 38600  
approved under section 3318.04 of the Revised Code; 38601

(b) There are funds appropriated for the purpose of sections 38602  
3318.01 to 3318.20 of the Revised Code that are not reserved and 38603  
encumbered for projects pursuant to section 3318.04 of the Revised 38604

Code; 38605

(c) The commission makes a finding that such available funds 38606  
would be more thoroughly utilized if on-site visits were extended 38607  
to the next highest percentile. 38608

(D) Notwithstanding divisions (B) and (C) of this section, in 38609  
any fiscal year, the commission may limit the number of districts 38610  
for which it conducts on-site visits based upon its projections of 38611  
the moneys available and moneys necessary to undertake projects 38612  
under sections 3318.01 to 3318.20 of the Revised Code for that 38613  
year. 38614

**Sec. 3318.021.** Notwithstanding section 3318.02 of the Revised 38615  
Code, the Ohio ~~school~~ facilities construction commission may 38616  
conduct on-site visits to any school district whose district board 38617  
adopts a resolution certifying to the commission the board's 38618  
intent to participate in the school building assistance expedited 38619  
local partnership program under section 3318.36 of the Revised 38620  
Code. 38621

**Sec. 3318.022.** Notwithstanding anything to the contrary in 38622  
section 3318.02 of the Revised Code, within two years following 38623  
the request of the school district, the Ohio ~~school~~ facilities 38624  
construction commission shall assess the current conditions of the 38625  
classroom facilities needs of any school district that is not yet 38626  
eligible for state assistance under Chapter 3318. of the Revised 38627  
Code and that requests such an assessment. The assessment made 38628  
under this section shall not include a final agreement between the 38629  
school district and the commission as to the basic project cost of 38630  
the school district's classroom facilities needs. The commission 38631  
shall not consider any request for an assessment under this 38632  
section that is submitted sooner than ~~the effective date of this~~ 38633  
~~section~~ September 14, 2000. 38634

**Sec. 3318.024.** In the first year of a capital biennium, any 38635  
funds appropriated to the Ohio ~~school~~ facilities construction 38636  
commission for classroom facilities projects under this chapter in 38637  
the previous capital biennium that were not spent or encumbered, 38638  
or for which an encumbrance has been canceled under section 38639  
3318.05 of the Revised Code, shall be used by the commission only 38640  
for projects under sections 3318.01 to 3318.20 of the Revised 38641  
Code, subject to appropriation by the general assembly. 38642

In the second year of a capital biennium, any funds 38643  
appropriated to the Ohio ~~school~~ facilities construction commission 38644  
for classroom facilities projects under this chapter that were not 38645  
spent or encumbered in the first year of the biennium and which 38646  
are in excess of an amount equal to half of the appropriations for 38647  
the capital biennium, or for which an encumbrance has been 38648  
canceled under section 3318.05 of the Revised Code, shall be used 38649  
by the commission only for projects under sections 3318.01 to 38650  
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 38651  
3318.40 to 3318.46 of the Revised Code, subject to appropriation 38652  
by the general assembly. 38653

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 38654  
a school district under section 3318.02 of the Revised Code, at 38655  
the request of the district board of education, the Ohio ~~school~~ 38656  
facilities construction commission shall examine any classroom 38657  
facilities needs assessment that has been conducted by the 38658  
district and any master plan developed for meeting the facility 38659  
needs of the district. 38660

(B) Upon conducting the on-site evaluation under section 38661  
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 38662  
construction commission shall make a determination of all of the 38663  
following: 38664



(1) The needs of the school district for additional classroom facilities; 38665  
38666

(2) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility; 38667  
38668  
38669

(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of bonds under section 3318.05 of the Revised Code; 38670  
38671  
38672  
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(4) The remaining amount of such cost that shall be supplied by the state; 38675  
38676

(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code. 38677  
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(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable. 38681  
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If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of 38691  
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38695

that facility up to but not exceeding one hundred per cent of the 38696  
estimated cost of acquiring a comparable facility by new 38697  
construction, as long as the commission determines that the 38698  
facility when renovated can be operationally efficient, will be 38699  
adequate for the future needs of the district, and will comply 38700  
with the other provisions of this division. 38701

(D) Sections 125.81 and 153.04 of the Revised Code shall not 38702  
apply to classroom facilities constructed under either sections 38703  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 38704  
Code. 38705

**Sec. 3318.031.** (A) The Ohio ~~school~~ facilities construction 38706  
commission shall consider student and staff safety and health when 38707  
reviewing design plans for classroom facility construction 38708  
projects proposed under this chapter. After consulting with 38709  
appropriate education, health, and law enforcement personnel, the 38710  
commission may require as a condition of project approval under 38711  
either section 3318.03 or division (B)(1) of section 3318.41 of 38712  
the Revised Code such changes in the design plans as the 38713  
commission believes will advance or improve student and staff 38714  
safety and health in the proposed classroom facility. 38715

To carry out its duties under this division, the commission 38716  
shall review and, if necessary, amend any construction and design 38717  
standards used in its project approval process, including 38718  
standards for location and number of exits, standards for lead 38719  
safety in classroom facilities constructed before 1978 in which 38720  
services are provided to children under six years of age, and 38721  
location of restrooms, with a focus on advancing student and staff 38722  
safety and health. 38723

(B) When reviewing design standards for classroom facility 38724  
construction projects proposed under this chapter, the commission 38725  
shall also consider the extent to which the design standards 38726

support the following:	38727
(1) Trends in educational delivery methods, including digital access and blended learning;	38728 38729
(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;	38730 38731 38732
(3) Provision of adequate space for teacher planning and collaboration;	38733 38734
(4) Provision of adequate space for parent involvement activities;	38735 38736
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	38737 38738
<b>Sec. 3318.032.</b> (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:	38739 38740 38741
(1) The required percentage of the basic project costs;	38742
(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;	38743 38744 38745 38746 38747 38748 38749
(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:	38750 38751 38752 38753 38754 38755

The required level of indebtedness X (the basic 38756  
project cost of the segment as approved 38757  
by the controlling board / the estimated basic 38758  
project cost of the district's entire classroom facilities 38759  
needs as determined jointly by the staff of the Ohio 38760  
~~school~~ facilities construction commission and the district) 38761

(B) The amount of the district's share determined under this 38762  
section shall be calculated only as of the date the controlling 38763  
board approved the project, and that amount applies throughout the 38764  
thirteen-month period permitted under section 3318.05 of the 38765  
Revised Code for the district's electors to approve the 38766  
propositions described in that section. If the amount reserved and 38767  
encumbered for a project is released because the electors do not 38768  
approve those propositions within that period, and the school 38769  
district later receives the controlling board's approval for the 38770  
project, subject to a new project scope and estimated costs under 38771  
section 3318.054 of the Revised Code, the district's portion shall 38772  
be recalculated in accordance with this section as of the date of 38773  
the controlling board's subsequent approval. 38774

(C) At no time shall a school district's portion of the basic 38775  
project cost be greater than ninety-five per cent of the total 38776  
basic project cost. 38777

(D) If the controlling board approves a project under 38778  
sections 3318.01 to 3318.20 of the Revised Code for a school 38779  
district that previously received assistance under those sections 38780  
or section 3318.37 of the Revised Code within the twenty-year 38781  
period prior to the date on which the controlling board approves 38782  
the new project, the district's portion of the basic project cost 38783  
for the new project shall be the lesser of the following: 38784

(1) The portion calculated under division (A) of this 38785  
section; 38786

(2) The greater of the following: 38787

(a) The required percentage of the basic project costs for the new project;	38788 38789
(b) The percentage of the basic project cost paid by the district for the previous project.	38790 38791
<b>Sec. 3318.033.</b> (A) As used in this section:	38792
(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	38793 38794
(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.	38795 38796
(B) This section applies to each school district that meets the following criteria:	38797 38798
(1) The Ohio <del>school</del> facilities <u>construction</u> commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.	38799 38800 38801 38802 38803
(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.	38804 38805 38806 38807 38808
(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.	38809 38810 38811 38812
(C) For each school district to which this section applies, the department of education shall recalculate the district's percentile ranking under section 3318.011 of the Revised Code for the fiscal year prior to the fiscal year in which the district's project was conditionally approved and shall report the	38813 38814 38815 38816 38817

recalculated percentile ranking to the commission. For this 38818  
purpose, the department shall recalculate every school district's 38819  
percentile ranking for that fiscal year using the district's 38820  
"valuation per pupil" as that term is defined in section 3318.011 38821  
of the Revised Code on and after September 29, 2007. 38822

(D) For each school district to which this section applies, 38823  
the commission shall use the recalculated percentile ranking 38824  
reported under division (C) of this section to determine the 38825  
district's portion of the basic project cost under section 38826  
3318.032 of the Revised Code. The commission shall not use the 38827  
recalculated percentile ranking for any other purpose, and the 38828  
recalculated ranking shall not affect any other district's portion 38829  
of the basic project cost under section 3318.032 of the Revised 38830  
Code or any district's eligibility for assistance under sections 38831  
3318.01 to 3318.20 of the Revised Code. The commission shall 38832  
revise the agreement entered into under section 3318.08 of the 38833  
Revised Code to reflect the district's new portion of the basic 38834  
project cost as determined under this division. 38835

**Sec. 3318.034.** (A) This section applies to both of the 38836  
following: 38837

(1) Any school district that has not executed an agreement 38838  
for a project under sections 3318.01 to 3318.20 of the Revised 38839  
Code prior to June 24, 2008; 38840

(2) Any school district that is eligible for additional 38841  
assistance under sections 3318.01 to 3318.20 of the Revised Code 38842  
pursuant to division (B)(2) of section 3318.04 of the Revised 38843  
Code. 38844

Notwithstanding any provision of this chapter to the 38845  
contrary, with the approval of the Ohio ~~school~~ facilities 38846  
construction commission, any school district to which this section 38847  
applies may opt to divide the district's entire classroom 38848

facilities needs, as those needs are jointly determined by the 38849  
staff of the commission and the school district, into discrete 38850  
segments and shall comply with all of the provisions of those 38851  
sections unless otherwise provided in this section. 38852

(B) Except as provided in division (C) of this section, each 38853  
segment shall comply with both of the following: 38854

(1) The segment shall consist of the new construction of one 38855  
or more entire buildings, a stand-alone segment of a building that 38856  
serves grades kindergarten through twelve, or the complete 38857  
renovation of one or more entire existing buildings, with any 38858  
necessary additions to that building. 38859

(2) The segment shall not include any construction of or 38860  
renovation or repair to any building that does not complete the 38861  
needs of the district with respect to that particular building at 38862  
the time the segment is completed. 38863

(C) A district described in division (A)(2) of this section 38864  
that has not received the additional assistance authorized under 38865  
division (B)(2) of section 3318.04 of the Revised Code may 38866  
undertake a segment, with commission approval, for the purpose of 38867  
renovating or replacing work performed on a facility under the 38868  
district's prior project. The commission may approve that segment 38869  
if the commission determines that the renovation or replacement is 38870  
necessary to protect the facility. The basic project cost of the 38871  
segment shall be allocated between the state and the district in 38872  
accordance with section 3318.032 of the Revised Code. However, the 38873  
requirements of division (B) of this section shall not apply to a 38874  
segment undertaken under this division. 38875

(D) The commission shall conditionally approve and seek 38876  
controlling board approval in accordance with division (A) of 38877  
section 3318.04 of the Revised Code of each segment. 38878

(E)(1) When undertaking a segment under this section, a 38879

school district may elect to prorate its full maintenance amount 38880  
by setting aside for maintenance the amount calculated under 38881  
division (E)(2) of this section to maintain the classroom 38882  
facilities acquired under the segment, if the district will use 38883  
one or more of the alternative methods authorized in sections 38884  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 38885  
the entire amount calculated under that division. If the district 38886  
so elects, the commission and the district shall include in the 38887  
agreement entered into under section 3318.08 of the Revised Code a 38888  
statement specifying that the district will use the amount 38889  
calculated under that division only to maintain the classroom 38890  
facilities acquired under the segment. 38891

(2) The commission shall calculate the amount for a school 38892  
district to maintain the classroom facilities acquired under a 38893  
segment as follows: 38894

The full maintenance amount X (the school district's portion 38895  
of the basic project cost for the segment / the school district's 38896  
portion of the basic project cost for the district's entire 38897  
classroom facilities needs, as determined jointly by the staff of 38898  
the commission and the district) 38899

(3) A school district may elect to prorate its full 38900  
maintenance amount for any number of segments, provided the 38901  
district will use one or more of the alternative methods 38902  
authorized in sections 3318.051, 3318.052, and 3318.084 of the 38903  
Revised Code to generate the entire amount calculated under 38904  
division (E)(2) of this section to maintain the classroom 38905  
facilities acquired under each segment for which it so elects. If 38906  
the district cannot use one or more of those alternative methods 38907  
to generate the entire amount calculated under that division, the 38908  
district shall levy the tax described in division (B) of section 38909  
3318.05 of the Revised Code or an extension of that tax under 38910  
section 3318.061 of the Revised Code in an amount necessary to 38911



generate the remainder of its full maintenance amount. The 38912  
commission shall calculate the remainder of the district's full 38913  
maintenance amount as follows: 38914

The full maintenance amount - the sum of the amounts 38915  
calculated for the district under division (E)(2) of this section 38916  
for each prior segment of the district's project 38917

(4) In no case shall the sum of the amounts calculated for a 38918  
school district's maintenance of classroom facilities under 38919  
divisions (E)(2) and (3) of this section exceed the amount that 38920  
would have been required for maintenance if the district had 38921  
elected to undertake its project in its entirety instead of 38922  
segmenting the project under this section. 38923

(5) If a school district commenced a segment under this 38924  
section prior to September 10, 2012, but has not completed that 38925  
segment, and has not levied the tax described in division (B) of 38926  
section 3318.05 of the Revised Code or an extension of that tax 38927  
under section 3318.061 of the Revised Code, the district may 38928  
request approval from the commission to prorate its full 38929  
maintenance amount in accordance with divisions (E)(1) to (4) of 38930  
this section. If the commission approves the request, the 38931  
commission and the district shall amend the agreement entered into 38932  
under section 3318.08 of the Revised Code to reflect the change. 38933

(F) If a school district levies the tax described in division 38934  
(B) of section 3318.05 of the Revised Code or an extension of that 38935  
tax under section 3318.061 of the Revised Code, the tax shall run 38936  
for twenty-three years from the date the segment for which the tax 38937  
is initially levied is undertaken. The maintenance levy 38938  
requirement, as defined in section 3318.18 of the Revised Code, 38939  
does not apply to a segment undertaken under division (C) of this 38940  
section. 38941

(G) As used in this section, "full maintenance amount" means 38942

the amount of total revenue that a school district likely would 38943  
generate by one-half mill of the tax described in division (B) of 38944  
section 3318.05 of the Revised Code over the entire 38945  
twenty-three-year period required under that section, as 38946  
determined by the commission in consultation with the department 38947  
of taxation. 38948

**Sec. 3318.035.** (A) This section applies only if there is a 38949  
change in the assessment rates on gas pipelines imposed under 38950  
state law. 38951

(B) If at any time division (A) of this section applies and 38952  
if the change in assessment rates described in that division 38953  
affects a school district's valuation as determined under division 38954  
(P) of section 3318.01 of the Revised Code by greater than ten per 38955  
cent and if the Ohio ~~school~~ facilities construction commission had 38956  
determined the state and school district portion of the basic 38957  
project cost of such a district's project under section 3318.36 or 38958  
3318.37 of the Revised Code prior to that change in valuation, the 38959  
commission shall adjust the state and school district portions of 38960  
the basic project cost of the school district's project using the 38961  
valuation altered by the change in assessment rates described in 38962  
division (A) of this section. 38963

**Sec. 3318.036.** (A) For purposes of this section: 38964

(1) "Eligible school district" is a city, local, or exempted 38965  
village school district that satisfies both of the following 38966  
conditions: 38967

(a) The district resulted from one of the following that 38968  
became effective between July 1, 2013, and June 30, 2018: 38969

(i) A transfer of all of the territory of one school district 38970  
to another school district in accordance with section 3311.22, 38971  
3311.231, 3311.24, or 3311.38 of the Revised Code; 38972

(ii) The merger of two or more districts in accordance with section 3311.25 of the Revised Code;	38973 38974
(iii) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code;	38975 38976 38977
(iv) The consolidation of two or more school districts under section 3311.37 of the Revised Code.	38978 38979
(b) The district has demonstrated to the Ohio <del>school</del> facilities <u>construction</u> commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff.	38980 38981 38982 38983
(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code.	38984 38985 38986
(B) Notwithstanding anything to the contrary in this chapter:	38987
(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to <del>the effective date of this section</del> <u>April 6, 2017</u> , the district's portion of the basic project cost shall be the required percentage of the basic project cost based on the percentile ranking of the district that was transferred, merged, consolidated, or existed prior to the creation of the new district that has the lowest three-year average adjusted valuation per pupil, as calculated under section 3318.011 of the Revised Code, on the date that the transfer, merger, consolidation, or creation of the new district became	38988 38989 38990 38991 38992 38993 38994 38995 38996 38997 38998 38999 39000 39001 39002 39003

effective. 39004

(2) If an eligible school district is given priority under 39005  
division (B)(1) of this section, the commission may reduce that 39006  
district's portion of the basic project cost by twenty-five 39007  
percentage points from the portion determined under section 39008  
3318.032 of the Revised Code or, if the district results from a 39009  
transfer, merger, consolidation, or creation of a new local 39010  
district that takes effect prior to ~~the effective date of this~~ 39011  
~~section~~ April 6, 2017, from the portion determined under division 39012  
(B)(1) of this section. At no time, however, shall that district's 39013  
portion of the basic project cost be less than five per cent. 39014

(3) If an eligible school district is given priority under 39015  
division (B)(1) of this section, the commission may reduce that 39016  
district's portion of the basic project cost by ten percentage 39017  
points from the portion determined under section 3318.032 of the 39018  
Revised Code or, if the district results from a transfer, merger, 39019  
consolidation, or creation of a new local district that takes 39020  
effect prior to ~~the effective date of this section~~ April 6, 2017, 39021  
from the portion determined under division (B)(1) of this section, 39022  
if the district's project satisfies the following conditions: 39023

(a) The project involves construction of a building on land 39024  
owned by a state institution of higher education, as that term is 39025  
defined in section 3345.011 of the Revised Code, and the 39026  
commission approves the project. 39027

(b) The district and the state institution of higher 39028  
education enter into a written agreement regarding the continued 39029  
use of the institution's land by the district, and the commission 39030  
approves the agreement. 39031

(c) On the date that the district and the state institution 39032  
of higher education enter into the written agreement described in 39033  
division (B)(3)(b) of this section, the state institution of 39034

higher education is participating in the college credit plus 39035  
program established under Chapter 3365. of the Revised Code. 39036

At no time, however, shall that district's portion of the 39037  
basic project cost be less than five per cent. 39038

The reduction of the district's portion of the basic project 39039  
cost described in division (B)(3) of this section may be in 39040  
addition to a reduction of the district's portion of the basic 39041  
project cost under division (B)(2) of this section. 39042

(C) Except as provided in division (B) of this section, a 39043  
district's project undertaken pursuant to this section shall be 39044  
subject to all other requirements in sections 3318.01 to 3318.20 39045  
of the Revised Code. 39046

Sec. 3318.037. (A) For purposes of this section, an "eligible 39047  
school district" is a school district that satisfies all of the 39048  
following conditions: 39049

(1) The district executed an agreement for a project under 39050  
sections 3318.01 to 3318.20 of the Revised Code that was segmented 39051  
under section 3318.034 of the Revised Code. 39052

(2) The district has undertaken one or more segments of that 39053  
project and has applied to the Ohio facilities construction 39054  
commission for funding for a subsequent segment of the project. 39055

(3) Since the original project agreement described in 39056  
division (A)(1) of this section was executed, the district has 39057  
experienced a decrease in its adjusted valuation per pupil, as 39058  
determined annually under section 3318.011 of the Revised Code, 39059  
such that, as of the date the district submits its application for 39060  
a subsequent segment of the project as described in division 39061  
(A)(2) of this section, the district's annual percentile ranking 39062  
under that section is lower than its percentile ranking on the 39063  
date the district executed the original agreement for the project. 39064

(B) Notwithstanding anything to the contrary in this chapter or in any rule of the commission, an eligible school district's portion of the cost for a subsequent segment of its project shall be the "required percentage of the basic project costs" based on the district's current percentile ranking for the fiscal year for which the district seeks funding for the segment.

Upon determining the respective state and district portions of the basic project cost for the segment pursuant to this section, the commission and the district shall amend the project agreement to stipulate those portions, and the commission shall encumber funds for the segment in accordance with section 3318.11 of the Revised Code.

(C) Nothing in this section shall affect the respective state and district portions of the basic project cost of segments of a district's project undertaken prior to the district's application for funding for a subsequent segment of the project under this section.

**Sec. 3318.04.** (A) If the Ohio ~~school~~ facilities construction commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and, the amount of the state's portion to be encumbered in the current fiscal year. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the

Revised Code the amount approved under this section to be 39096  
encumbered in the current fiscal year. 39097

The basic project cost for a project approved under this 39098  
section shall not exceed the cost that would otherwise have to be 39099  
incurred if the classroom facilities to be constructed, acquired, 39100  
or reconstructed, or the additions to be made to classroom 39101  
facilities, under such project meet, but do not exceed, the 39102  
specifications for plans and materials for classroom facilities 39103  
adopted by the commission. 39104

(B)(1) No school district shall have a project conditionally 39105  
approved pursuant to this section if the school district has 39106  
already received any assistance for a project funded under any 39107  
version of sections 3318.01 to 3318.20 of the Revised Code, and 39108  
the prior project was one for which the electors of such district 39109  
approved a levy within the last twenty years pursuant to any 39110  
version of section 3318.06 of the Revised Code for purposes of 39111  
qualifying for the funding of that project, unless the district 39112  
demonstrates to the satisfaction of the commission that the 39113  
district has experienced since approval of its prior project an 39114  
exceptional increase in enrollment significantly above the 39115  
district's design capacity under that prior project as determined 39116  
by rule of the commission. 39117

(2) Notwithstanding division (B)(1) of this section, any 39118  
school district that received assistance under sections 3318.01 to 39119  
3318.20 of the Revised Code, as those sections existed prior to 39120  
May 20, 1997, may receive additional assistance under those 39121  
sections, as they exist on and after May 20, 1997, prior to the 39122  
expiration of the period of time required under division (B)(1) of 39123  
this section, if the percentile in which the school district is 39124  
located, as determined under section 3318.011 of the Revised Code, 39125  
is eligible for assistance as prescribed in section 3318.02 of the 39126  
Revised Code. 39127

The commission may provide assistance under sections 3318.01 39128  
to 3318.20 of the Revised Code pursuant to this division to no 39129  
more than five school districts per fiscal year until all eligible 39130  
school districts have received the additional assistance 39131  
authorized under this division. The commission shall establish 39132  
application procedures, deadlines, and priorities for funding 39133  
projects under this division. 39134

The commission at its discretion may waive current design 39135  
specifications it has adopted for projects under sections 3318.01 39136  
to 3318.20 of the Revised Code when assessing an application for 39137  
additional assistance under this division for the renovation of 39138  
classroom facilities constructed or renovated under a school 39139  
district's previous project. If the commission finds that a school 39140  
district's existing classroom facilities are adequate to meet all 39141  
of the school district's needs, the commission may determine that 39142  
no additional state assistance be awarded to a school district 39143  
under this division. 39144

In order for a school district to be eligible to receive any 39145  
additional assistance under this division, the school district 39146  
electors shall extend the school district's existing levy 39147  
dedicated for maintenance of classroom facilities under Chapter 39148  
3318. of the Revised Code, pursuant to section 3318.061 of the 39149  
Revised Code or shall provide equivalent alternative maintenance 39150  
funds as specified in division (A)(2) of section 3318.06 of the 39151  
Revised Code. 39152

(3) Notwithstanding division (B)(1) of this section, any 39153  
school district that has received assistance under sections 39154  
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 39155  
receive additional assistance if the commission decides in favor 39156  
of providing such assistance pursuant to section 3318.042 of the 39157  
Revised Code. 39158

(4) Notwithstanding division (B)(1) of this section, any 39159



school district that has opted to divide its entire classroom 39160  
facilities needs into segments to be completed separately, as 39161  
authorized by section 3318.034 of the Revised Code, and that has 39162  
received assistance under sections 3318.01 to 3318.20 of the 39163  
Revised Code for one of those segments may receive assistance 39164  
under those sections for a subsequent segment. Assistance for any 39165  
subsequent segment shall not include any additional work on a 39166  
building included in a prior segment unless the district 39167  
demonstrates to the satisfaction of the commission that the 39168  
district has experienced since the completion of the prior segment 39169  
an exceptional increase in enrollment in the grade levels housed 39170  
in that building. 39171

**Sec. 3318.041.** A school district ranked in the first through 39172  
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 39173  
facilities construction commission a resolution specifying a 39174  
proposed project that meets the requirements of this chapter and 39175  
the needs of the district, as confirmed through an on-site visit 39176  
pursuant to section 3318.02 of the Revised Code. The commission 39177  
shall consider such projects for conditional approval pursuant to 39178  
section 3318.03 and shall encumber funds pursuant to section 39179  
3318.04 of the Revised Code in the order in which such resolutions 39180  
are received. 39181

**Sec. 3318.042.** (A) The board of education of any school 39182  
district that is receiving assistance under sections 3318.01 to 39183  
3318.20 of the Revised Code after May 20, 1997, or under sections 39184  
3318.40 to 3318.45 of the Revised Code, and whose project is still 39185  
under construction, may request that the Ohio ~~school~~ facilities 39186  
construction commission examine whether the circumstances 39187  
prescribed in either division (B)(1) or (2) of this section exist 39188  
in the school district. If the commission so finds, the commission 39189  
shall review the school district's original assessment and 39190

approved project and consider providing additional assistance to 39191  
the school district to correct the prescribed conditions found to 39192  
exist in the district. Additional assistance under this section 39193  
shall be limited to additions to one or more buildings, remodeling 39194  
of one or more buildings, or changes to the infrastructure of one 39195  
or more buildings. 39196

(B) Consideration of additional assistance to a school 39197  
district under this section is warranted in either of the 39198  
following circumstances: 39199

(1) Additional work is needed to correct an oversight or 39200  
deficiency not identified or included in the district's initial 39201  
assessment. 39202

(2) Other conditions exist that, in the opinion of the 39203  
commission, warrant additions or remodeling of the project 39204  
facilities or changes to infrastructure associated with the 39205  
district's project that were not identified in the initial 39206  
assessment and plan. 39207

(C) If the commission decides in favor of providing 39208  
additional assistance to any school district under this section, 39209  
the school district shall be responsible for paying for its 39210  
portion of the cost of the additions, remodeling, or 39211  
infrastructure changes pursuant to section 3318.083 of the Revised 39212  
Code. If, after making a financial evaluation of the school 39213  
district, the commission determines that the school district is 39214  
unable without undue hardship, according to the guidelines adopted 39215  
by the commission, to fund the school district portion of the 39216  
increase, then the state and the school district shall enter into 39217  
an agreement whereby the state shall pay the portion of the cost 39218  
increase attributable to the school district which is determined 39219  
to be in excess of any local resources available to the district 39220  
and the district shall thereafter reimburse the state. The 39221  
commission shall establish the district's schedule for reimbursing 39222

the state, which shall not extend beyond ten years. The commission 39223  
may lengthen the reimbursement schedule of a school district that 39224  
has entered into an agreement under this section prior to ~~the~~ 39225  
~~effective date of this amendment~~ September 26, 2003, as long as 39226  
the total term of that schedule does not extend beyond ten years. 39227  
Debt incurred under this section shall not be included in the 39228  
calculation of the net indebtedness of the school district under 39229  
section 133.06 of the Revised Code. 39230

**Sec. 3318.05.** The conditional approval of the Ohio ~~school~~ 39231  
facilities construction commission for a project shall lapse and 39232  
the amount reserved and encumbered for such project shall be 39233  
released unless the school district board accepts such conditional 39234  
approval within one hundred twenty days following the date of 39235  
certification of the conditional approval to the school district 39236  
board and the electors of the school district vote favorably on 39237  
both of the propositions described in divisions (A) and (B) of 39238  
this section within thirteen months of the date of such 39239  
certification, except that a school district described in division 39240  
(C) of this section does not need to submit the proposition 39241  
described in division (B) of this section. The propositions 39242  
described in divisions (A) and (B) of this section shall be 39243  
combined in a single proposal. If the district board or the 39244  
district's electors fail to meet such requirements and the amount 39245  
reserved and encumbered for the district's project is released, 39246  
the district shall be given first priority for project funding as 39247  
such funds become available, subject to section 3318.054 of the 39248  
Revised Code. 39249

(A) On the question of issuing bonds of the school district 39250  
board, for the school district's portion of the basic project 39251  
cost, in an amount equal to the school district's portion of the 39252  
basic project cost less the amount of the proceeds of any 39253  
securities authorized or to be authorized under division (J) of 39254

section 133.06 of the Revised Code and dedicated by the school 39255  
district board to payment of the district's portion of the basic 39256  
project cost; and 39257

(B) On the question of levying a tax the proceeds of which 39258  
shall be used to pay the cost of maintaining the classroom 39259  
facilities included in the project. Such tax shall be at the rate 39260  
of not less than one-half mill for each dollar of valuation for a 39261  
period of twenty-three years, subject to any extension approved 39262  
under section 3318.061 of the Revised Code. 39263

(C) If a school district has in place a tax levied under 39264  
section 5705.21 of the Revised Code for general permanent 39265  
improvements for a continuing period of time and the proceeds of 39266  
such tax can be used for maintenance, or if a district agrees to 39267  
the transfers described in section 3318.051 of the Revised Code, 39268  
the school district need not levy the additional tax required 39269  
under division (B) of this section, provided the school district 39270  
board includes in the agreement entered into under section 3318.08 39271  
of the Revised Code provisions either: 39272

(1) Earmarking an amount from the proceeds of that permanent 39273  
improvement tax for maintenance of classroom facilities equivalent 39274  
to the amount of the additional tax and for the equivalent number 39275  
of years otherwise required under this section; 39276

(2) Requiring the transfer of money in accordance with 39277  
section 3318.051 of the Revised Code. 39278

The district board subsequently may rescind the agreement to 39279  
make the transfers under section 3318.051 of the Revised Code only 39280  
so long as the electors of the district have approved, in 39281  
accordance with section 3318.063 of the Revised Code, the levy of 39282  
a tax for the maintenance of the classroom facilities acquired 39283  
under the district's project and that levy continues to be 39284  
collected as approved by the electors. 39285

(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C)(1) of this section, and transfers of money in accordance with section 3318.051 of the Revised Code shall be deposited into a separate fund established by the school district for such purpose.

**Sec. 3318.051.** (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio ~~school~~ facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state

shall notify the district board of education in writing of that 39318  
fact and require the board to deposit into the fund, within ninety 39319  
days after the date of the notice, the amount by which the fund is 39320  
deficient for the year. If the district board fails to demonstrate 39321  
to the auditor of state's satisfaction that the board has made the 39322  
deposit required in the notice, the auditor of state shall notify 39323  
the department of education. At that time, the department shall 39324  
withhold an amount equal to ten per cent of the district's funds 39325  
calculated for the current fiscal year under Chapter 3317. of the 39326  
Revised Code until the auditor of state notifies the department 39327  
that the auditor of state is satisfied that the board has made the 39328  
required transfer. 39329

(C) Money transferred to the maintenance fund shall be used 39330  
for the maintenance of the facilities acquired under the 39331  
district's project. 39332

(D) The transfers to the maintenance fund under this section 39333  
does not affect a district's obligation to establish and maintain 39334  
a capital and maintenance fund under section 3315.18 of the 39335  
Revised Code. 39336

(E) Any decision by the commission to approve or not approve 39337  
the transfer of money under this section is final and not subject 39338  
to appeal. The commission shall not be responsible for errors or 39339  
miscalculations made in deciding whether to approve a petition to 39340  
make transfers under this section. 39341

(F) If the district board determines that it no longer can 39342  
continue making the transfers agreed to under this section, the 39343  
board may rescind the agreement only so long as the electors of 39344  
the district have approved, in accordance with section 3318.063 of 39345  
the Revised Code, the levy of a tax for the maintenance of the 39346  
classroom facilities acquired under the district's project and 39347  
that levy continues to be collected as approved by the electors. 39348  
That levy shall be for a number of years that is equal to the 39349

difference between twenty-three years and the number of years that 39350  
the district made transfers under this section and shall be at the 39351  
rate of not less than one-half mill for each dollar of the 39352  
district's valuation. The district board shall continue to make 39353  
the transfers agreed to under this section until that levy has 39354  
been approved by the electors. 39355

**Sec. 3318.052.** At any time after the electors of a school 39356  
district have approved either or both a property tax levied under 39357  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 39358  
permanent improvements, including general permanent improvements, 39359  
or a school district income tax levied under Chapter 5748. of the 39360  
Revised Code, the proceeds of either of which, pursuant to the 39361  
ballot measures approved by the electors, are not so restricted 39362  
that they cannot be used to pay the costs of a project or 39363  
maintaining classroom facilities, the school district board may: 39364

(A) Within one year following the date of the certification 39365  
of the conditional approval of the school district's classroom 39366  
facilities project by the Ohio ~~school~~ facilities construction 39367  
commission, enter into a written agreement with the commission, 39368  
which may be part of an agreement entered into under section 39369  
3318.08 of the Revised Code, and in which the school district 39370  
board covenants and agrees to do one or both of the following: 39371

(1) Apply a specified amount of available proceeds of that 39372  
property tax levy, of that school district income tax, or of 39373  
securities issued under this section, or of proceeds from any two 39374  
or more of those sources, to pay all or part of the district's 39375  
portion of the basic project cost of its classroom facilities 39376  
project; 39377

(2) Apply available proceeds of either or both a property tax 39378  
levied under section 5705.21 or 5705.218 of the Revised Code in 39379  
effect for a continuing period of time, or of a school district 39380

income tax levied under Chapter 5748. of the Revised Code in 39381  
effect for a continuing period of time to the payment of costs of 39382  
maintaining the classroom facilities. 39383

(B) Receive, as a credit against the amount of bonds required 39384  
under sections 3318.05 and 3318.06 of the Revised Code, to be 39385  
approved by the electors of the district and issued by the 39386  
district board for the district's portion of the basic project 39387  
cost of its classroom facilities project in order for the district 39388  
to receive state assistance for the project, an amount equal to 39389  
the specified amount that the district board covenants and agrees 39390  
with the commission to apply as set forth in division (A)(1) of 39391  
this section; 39392

(C) Receive, as a credit against the amount of the tax levy 39393  
required under sections 3318.05 and 3318.06 of the Revised Code, 39394  
to be approved by the electors of the district to pay the costs of 39395  
maintaining the classroom facilities in order to receive state 39396  
assistance for the classroom facilities project, an amount 39397  
equivalent to the specified amount of proceeds the school district 39398  
board covenants and agrees with the commission to apply as 39399  
referred to in division (A)(2) of this section; 39400

(D) Apply proceeds of either or both a school district income 39401  
tax levied under Chapter 5748. of the Revised Code that may 39402  
lawfully be used to pay the costs of a classroom facilities 39403  
project or of a tax levied under section 5705.21 or 5705.218 of 39404  
the Revised Code to the payment of debt charges on and financing 39405  
costs related to securities issued under this section; 39406

(E) Issue securities to provide moneys to pay all or part of 39407  
the district's portion of the basic project cost of its classroom 39408  
facilities project in accordance with an agreement entered into 39409  
under division (A) of this section. Securities issued under this 39410  
section shall be Chapter 133. securities and may be issued as 39411  
general obligation securities or issued in anticipation of a 39412



school district income tax or as property tax anticipation notes 39413  
under section 133.24 of the Revised Code. The district board's 39414  
resolution authorizing the issuance and sale of general obligation 39415  
securities under this section shall conform to the applicable 39416  
requirements of section 133.22 or 133.23 of the Revised Code. 39417  
Securities issued under this section shall have principal payments 39418  
during each year after the year of issuance over a period of not 39419  
more than twenty-three years and, if so determined by the district 39420  
board, during the year of issuance. Securities issued under this 39421  
section shall not be included in the calculation of net 39422  
indebtedness of the district under section 133.06 of the Revised 39423  
Code, including but not limited to the limitation on unvoted 39424  
indebtedness specified in division (G) of that section, or under 39425  
section 3313.372 of the Revised Code, if the resolution of the 39426  
district board authorizing their issuance and sale includes 39427  
covenants to appropriate annually from lawfully available proceeds 39428  
of a property tax levied under section 5705.21 or 5705.218 of the 39429  
Revised Code or of a school district income tax levied under 39430  
Chapter 5748. of the Revised Code and to continue to levy and 39431  
collect the tax in amounts necessary to pay the debt charges on 39432  
and financing costs related to the securities as they become due. 39433  
No property tax levied under section 5705.21 or 5705.218 of the 39434  
Revised Code and no school district income tax levied under 39435  
Chapter 5748. of the Revised Code that is pledged, or that the 39436  
school district board has covenanted to levy, collect, and 39437  
appropriate annually, to pay the debt charges on and financing 39438  
costs related to securities issued under this section shall be 39439  
repealed while those securities are outstanding. If such a tax is 39440  
reduced by the electors of the district or by the district board 39441  
while those securities are outstanding, the school district board 39442  
shall continue to levy and collect the tax under the authority of 39443  
the original election authorizing the tax at a rate in each year 39444  
that the board reasonably estimates will produce an amount in that 39445

year equal to the debt charges on the securities in that year, 39446  
except that in the case of a school district income tax that 39447  
amount shall be rounded up to the nearest one-fourth of one per 39448  
cent. 39449

No state moneys shall be released for a project to which this 39450  
section applies until the proceeds of the tax securities issued 39451  
under this section that are dedicated for the payment of the 39452  
district portion of the basic project cost of its classroom 39453  
facilities project are first deposited into the district's project 39454  
construction fund. 39455

**Sec. 3318.054.** (A) If conditional approval of a city, 39456  
exempted village, or local school district's project lapses as 39457  
provided in section 3318.05 of the Revised Code, or if conditional 39458  
approval of a joint vocational school district's project lapses as 39459  
provided in division (D) of section 3318.41 of the Revised Code, 39460  
because the district's electors have not approved the ballot 39461  
measures necessary to generate the district's portion of the basic 39462  
project cost, and if the district board desires to seek a new 39463  
conditional approval of the project, the district board shall 39464  
request that the Ohio ~~school~~ facilities construction commission 39465  
set the scope, basic project cost, and school district portion of 39466  
the basic project cost prior to resubmitting the ballot measures 39467  
to the electors. To do so, the commission shall use the district's 39468  
current assessed tax valuation and the district's percentile for 39469  
the prior fiscal year. For a district that has entered into an 39470  
agreement under section 3318.36 of the Revised Code and desires to 39471  
proceed with a project under sections 3318.01 to 3318.20 of the 39472  
Revised Code, the district's portion of the basic project cost 39473  
shall be the percentage specified in that agreement. The project 39474  
scope and basic costs established under this division shall be 39475  
valid for thirteen months from the date the commission approves 39476  
them. 39477

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

**Sec. 3318.06.** (A) After receipt of the conditional approval of the Ohio ~~school~~ facilities construction commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:

(a) Levy a tax outside the ten-mill limitation the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project;

(b) Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.

(3) That the question of any tax levy specified in a resolution described in division (A)(2)(a) of this section, if required, shall be submitted to the electors of the school district at the next general or primary election, if there be a general or primary election not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.

Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:

(a) That the rate which it is necessary to levy shall be at 39540  
the rate of not less than one-half mill for each one dollar of 39541  
valuation, and that such tax shall be levied for a period of 39542  
twenty-three years; 39543

(b) That the proceeds of the tax shall be used to pay the 39544  
cost of maintaining the classroom facilities included in the 39545  
project. 39546

(B) A copy of a resolution adopted under division (A) of this 39547  
section shall after its passage and not less than ninety days 39548  
prior to the date set therein for the election be certified to the 39549  
county board of elections. 39550

The resolution of the school district board, in addition to 39551  
meeting other applicable requirements of section 133.18 of the 39552  
Revised Code, shall state that the amount of bonds to be issued 39553  
will be an amount equal to the school district's portion of the 39554  
basic project cost, and state the maximum maturity of the bonds 39555  
which may be any number of years not exceeding the term calculated 39556  
under section 133.20 of the Revised Code as determined by the 39557  
board. In estimating the amount of bonds to be issued, the board 39558  
shall take into consideration the amount of moneys then in the 39559  
bond retirement fund and the amount of moneys to be collected for 39560  
and disbursed from the bond retirement fund during the remainder 39561  
of the year in which the resolution of necessity is adopted. 39562

If the bonds are to be issued in more than one series, the 39563  
resolution may state, in addition to the information required to 39564  
be stated under division (B)(3) of section 133.18 of the Revised 39565  
Code, the number of series, which shall not exceed five, the 39566  
principal amount of each series, and the approximate date each 39567  
series will be issued, and may provide that no series, or any 39568  
portion thereof, may be issued before such date. Upon such a 39569  
resolution being certified to the county auditor as required by 39570  
division (C) of section 133.18 of the Revised Code, the county 39571

auditor, in calculating, advising, and confirming the estimated 39572  
average annual property tax levy under that division, shall also 39573  
calculate, advise, and confirm by certification the estimated 39574  
average property tax levy for each series of bonds to be issued. 39575

Notice of the election shall include the fact that the tax 39576  
levy shall be at the rate of not less than one-half mill for each 39577  
one dollar of valuation for a period of twenty-three years, and 39578  
that the proceeds of the tax shall be used to pay the cost of 39579  
maintaining the classroom facilities included in the project. 39580

If the bonds are to be issued in more than one series, the 39581  
board of education, when filing copies of the resolution with the 39582  
board of elections as required by division (D) of section 133.18 39583  
of the Revised Code, may direct the board of elections to include 39584  
in the notice of election the principal amount and approximate 39585  
date of each series, the maximum number of years over which the 39586  
principal of each series may be paid, the estimated additional 39587  
average property tax levy for each series, and the first calendar 39588  
year in which the tax is expected to be due for each series, in 39589  
addition to the information required to be stated in the notice 39590  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 39591  
Code. 39592

(C)(1) Except as otherwise provided in division (C)(2) of 39593  
this section, the form of the ballot to be used at such election 39594  
shall be: 39595

"A majority affirmative vote is necessary for passage. 39596

Shall bonds be issued by the ..... (here insert name 39597  
of school district) school district to pay the local share of 39598  
school construction under the State of Ohio Classroom Facilities 39599  
Assistance Program in the principal amount of ..... (here 39600  
insert principal amount of the bond issue), to be repaid annually 39601  
over a maximum period of ..... (here insert the maximum 39602

number of years over which the principal of the bonds may be paid) 39603  
years, and an annual levy of property taxes be made outside the 39604  
ten-mill limitation, estimated by the county auditor to average 39605  
over the repayment period of the bond issue ..... (here 39606  
insert the number of mills estimated) mills for each one dollar of 39607  
tax valuation, which amounts to ..... (rate expressed in 39608  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 39609  
for each one hundred dollars of tax valuation to pay the annual 39610  
debt charges on the bonds and to pay debt charges on any notes 39611  
issued in anticipation of the bonds?" 39612

and, unless the additional levy 39613  
of taxes is not required pursuant 39614  
to division (C) of section 39615  
3318.05 of the Revised Code, 39616

"Shall an additional levy of taxes be made for a period of 39617  
twenty-three years to benefit the ..... (here insert name 39618  
of school district) school district, the proceeds of which shall 39619  
be used to pay the cost of maintaining the classroom facilities 39620  
included in the project at the rate of ..... (here insert the 39621  
number of mills, which shall not be less than one-half mill) mills 39622  
for each one dollar of valuation? 39623

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 39628  
series and the board of education so elects, the form of the 39629  
ballot shall be as prescribed in section 3318.062 of the Revised 39630  
Code. If the board of education elects the form of the ballot 39631  
prescribed in that section, it shall so state in the resolution 39632  
adopted under this section. 39633

(D) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ..... (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ..... (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ..... (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (here insert number of mills) mills for each one dollar of tax valuation, which amount to ..... (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the ..... (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of .....



(here insert annual amount the levy is to produce) estimated by 39666  
the county auditor to average ..... (here insert number of 39667  
mills) mills for each one hundred dollars of valuation, for a 39668  
period of ..... (here insert number of years the millage is to 39669  
be imposed) years?" 39670

Where it is necessary to combine the question of issuing 39671  
bonds of the school district and levying a tax as described in 39672  
division (B) of this section with the question of issuing bonds of 39673  
the school district for acquisition of a site, the question 39674  
specified in that division to be voted on shall be "For the Bond 39675  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 39676  
Levy." 39677

Where it is necessary to combine the question of issuing 39678  
bonds of the school district and levying a tax as described in 39679  
division (B) of this section with the question of levying a tax 39680  
for the acquisition of a site, the question specified in that 39681  
division to be voted on shall be "For the Bond Issue and the Tax 39682  
Levies" and "Against the Bond Issue and the Tax Levies." 39683

Where the school district board chooses to combine the 39684  
question in division (B) of this section with any of the 39685  
additional questions described in divisions (A) to (D) of section 39686  
3318.056 of the Revised Code, the question specified in division 39687  
(B) of this section to be voted on shall be "For the Bond Issues 39688  
and the Tax Levies" and "Against the Bond Issues and the Tax 39689  
Levies." 39690

If a majority of those voting upon a proposition hereunder 39691  
which includes the question of issuing bonds vote in favor 39692  
thereof, and if the agreement provided for by section 3318.08 of 39693  
the Revised Code has been entered into, the school district board 39694  
may proceed under Chapter 133. of the Revised Code, with the 39695  
issuance of bonds or bond anticipation notes in accordance with 39696  
the terms of the agreement. 39697

**Sec. 3318.061.** This section applies only to school districts 39698  
eligible to receive additional assistance under division (B)(2) of 39699  
section 3318.04 of the Revised Code. 39700

The board of education of a school district in which a tax 39701  
described by division (B) of section 3318.05 and levied under 39702  
section 3318.06 of the Revised Code is in effect, may adopt a 39703  
resolution by vote of a majority of its members to extend the term 39704  
of that tax beyond the expiration of that tax as originally 39705  
approved under that section. The school district board may include 39706  
in the resolution a proposal to extend the term of that tax at the 39707  
rate of not less than one-half mill for each dollar of valuation 39708  
for a period of twenty-three years from the year in which the 39709  
school district board and the Ohio ~~school~~ facilities construction 39710  
commission enter into an agreement under division (B)(2) of 39711  
section 3318.04 of the Revised Code or in the following year, as 39712  
specified in the resolution. Such a resolution may be adopted at 39713  
any time before such an agreement is entered into and before the 39714  
tax levied pursuant to section 3318.06 of the Revised Code 39715  
expires. If the resolution is combined with a resolution to issue 39716  
bonds to pay the school district's portion of the basic project 39717  
cost, it shall conform with the requirements of divisions (A)(1), 39718  
(2), and (3) of section 3318.06 of the Revised Code, except that 39719  
the resolution also shall state that the tax levy proposed in the 39720  
resolution is an extension of an existing tax levied under that 39721  
section. A resolution proposing an extension adopted under this 39722  
section does not take effect until it is approved by a majority of 39723  
electors voting in favor of the resolution at a general, primary, 39724  
or special election as provided in this section. 39725

A tax levy extended under this section is subject to the same 39726  
terms and limitations to which the original tax levied under 39727  
section 3318.06 of the Revised Code is subject under that section, 39728  
except the term of the extension shall be as specified in this 39729

section. 39730

The school district board shall certify a copy of the 39731  
resolution adopted under this section to the proper county board 39732  
of elections not later than ninety days before the date set in the 39733  
resolution as the date of the election at which the question will 39734  
be submitted to electors. The notice of the election shall conform 39735  
with the requirements of division (A)(3) of section 3318.06 of the 39736  
Revised Code, except that the notice also shall state that the 39737  
maintenance tax levy is an extension of an existing tax levy. 39738

The form of the ballot shall be as follows: 39739

"Shall the existing tax levied to pay the cost of maintaining 39740  
classroom facilities constructed with the proceeds of the 39741  
previously issued bonds at the rate of ..... (here insert the 39742  
number of mills, which shall not be less than one-half mill) mills 39743  
per dollar of tax valuation, be extended until ..... (here 39744  
insert the year that is twenty-three years after the year in which 39745  
the district and commission will enter into an agreement under 39746  
division (B)(2) of section 3318.04 of the Revised Code or the 39747  
following year)? 39748

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

39749  
39750  
" 39751

39752  
Section 3318.07 of the Revised Code applies to ballot 39753  
questions under this section. 39754

**Sec. 3318.07.** The board of elections shall certify the result 39755  
of the election to the tax commissioner, to the auditor of the 39756  
county or counties in which the school district is located, to the 39757  
treasurer of the school district board, and to the Ohio ~~school~~ 39758  
facilities construction commission. The necessary tax levy for 39759

debt service on the bonds shall be included in the annual tax 39760  
budget that is certified to the county budget commission or, if 39761  
adoption of the tax budget is waived under section 5705.281 of the 39762  
Revised Code, included among the tax rates required to be provided 39763  
to the budget commission under that section. 39764

**Sec. 3318.08.** Except in the case of a joint vocational school 39765  
district that receives assistance under sections 3318.40 to 39766  
3318.45 of the Revised Code, if the requisite favorable vote on 39767  
the election is obtained, or if the school district board has 39768  
resolved to apply the proceeds of a property tax levy or the 39769  
proceeds of an income tax, or a combination of proceeds from such 39770  
taxes, as authorized in section 3318.052 of the Revised Code, the 39771  
Ohio ~~school~~ facilities construction commission, upon certification 39772  
to it of either the results of the election or the resolution 39773  
under section 3318.052 of the Revised Code, shall enter into a 39774  
written agreement with the school district board for the 39775  
construction and sale of the project. In the case of a joint 39776  
vocational school district that receives assistance under sections 39777  
3318.40 to 3318.45 of the Revised Code, if the school district 39778  
board of education and the school district electors have satisfied 39779  
the conditions prescribed in division (D)(1) of section 3318.41 of 39780  
the Revised Code, the commission shall enter into an agreement 39781  
with the school district board for the construction and sale of 39782  
the project. In either case, the agreement shall include, but need 39783  
not be limited to, the following provisions: 39784

(A) The sale and issuance of bonds or notes in anticipation 39785  
thereof, as soon as practicable after the execution of the 39786  
agreement, in an amount equal to the school district's portion of 39787  
the basic project cost, including any securities authorized under 39788  
division (J) of section 133.06 of the Revised Code and dedicated 39789  
by the school district board to payment of the district's portion 39790  
of the basic project cost of the project; provided, that if at 39791

that time the county treasurer of each county in which the school 39792  
district is located has not commenced the collection of taxes on 39793  
the general duplicate of real and public utility property for the 39794  
year in which the controlling board approved the project, the 39795  
school district board shall authorize the issuance of a first 39796  
installment of bond anticipation notes in an amount specified by 39797  
the agreement, which amount shall not exceed an amount necessary 39798  
to raise the net bonded indebtedness of the school district as of 39799  
the date of the controlling board's approval to within five 39800  
thousand dollars of the required level of indebtedness for the 39801  
preceding year. In the event that a first installment of bond 39802  
anticipation notes is issued, the school district board shall, as 39803  
soon as practicable after the county treasurer of each county in 39804  
which the school district is located has commenced the collection 39805  
of taxes on the general duplicate of real and public utility 39806  
property for the year in which the controlling board approved the 39807  
project, authorize the issuance of a second and final installment 39808  
of bond anticipation notes or a first and final issue of bonds. 39809

The combined value of the first and second installment of 39810  
bond anticipation notes or the value of the first and final issue 39811  
of bonds shall be equal to the school district's portion of the 39812  
basic project cost. The proceeds of any such bonds shall be used 39813  
first to retire any bond anticipation notes. Otherwise, the 39814  
proceeds of such bonds and of any bond anticipation notes, except 39815  
the premium and accrued interest thereon, shall be deposited in 39816  
the school district's project construction fund. In determining 39817  
the amount of net bonded indebtedness for the purpose of fixing 39818  
the amount of an issue of either bonds or bond anticipation notes, 39819  
gross indebtedness shall be reduced by moneys in the bond 39820  
retirement fund only to the extent of the moneys therein on the 39821  
first day of the year preceding the year in which the controlling 39822  
board approved the project. Should there be a decrease in the tax 39823  
valuation of the school district so that the amount of 39824

indebtedness that can be incurred on the tax duplicates for the 39825  
year in which the controlling board approved the project is less 39826  
than the amount of the first installment of bond anticipation 39827  
notes, there shall be paid from the school district's project 39828  
construction fund to the school district's bond retirement fund to 39829  
be applied against such notes an amount sufficient to cause the 39830  
net bonded indebtedness of the school district, as of the first 39831  
day of the year following the year in which the controlling board 39832  
approved the project, to be within five thousand dollars of the 39833  
required level of indebtedness for the year in which the 39834  
controlling board approved the project. The maximum amount of 39835  
indebtedness to be incurred by any school district board as its 39836  
share of the cost of the project is either an amount that will 39837  
cause its net bonded indebtedness, as of the first day of the year 39838  
following the year in which the controlling board approved the 39839  
project, to be within five thousand dollars of the required level 39840  
of indebtedness, or an amount equal to the required percentage of 39841  
the basic project costs, whichever is greater. All bonds and bond 39842  
anticipation notes shall be issued in accordance with Chapter 133. 39843  
of the Revised Code, and notes may be renewed as provided in 39844  
section 133.22 of the Revised Code. 39845

(B) The transfer of such funds of the school district board 39846  
available for the project, together with the proceeds of the sale 39847  
of the bonds or notes, except premium, accrued interest, and 39848  
interest included in the amount of the issue, to the school 39849  
district's project construction fund; 39850

(C) For all school districts except joint vocational school 39851  
districts that receive assistance under sections 3318.40 to 39852  
3318.45 of the Revised Code, the following provisions as 39853  
applicable: 39854

(1) If section 3318.052 of the Revised Code applies, the 39855  
earmarking of the proceeds of a tax levied under section 5705.21 39856

of the Revised Code for general permanent improvements or under 39857  
section 5705.218 of the Revised Code for the purpose of permanent 39858  
improvements, or the proceeds of a school district income tax 39859  
levied under Chapter 5748. of the Revised Code, or the proceeds 39860  
from a combination of those two taxes, in an amount to pay all or 39861  
part of the service charges on bonds issued to pay the school 39862  
district portion of the project and an amount equivalent to all or 39863  
part of the tax required under division (B) of section 3318.05 of 39864  
the Revised Code; 39865

(2) If section 3318.052 of the Revised Code does not apply, 39866  
one of the following: 39867

(a) The levy of the tax authorized at the election for the 39868  
payment of maintenance costs, as specified in division (B) of 39869  
section 3318.05 of the Revised Code; 39870

(b) If the school district electors have approved a 39871  
continuing tax for general permanent improvements under section 39872  
5705.21 of the Revised Code and that tax can be used for 39873  
maintenance, the earmarking of an amount of the proceeds from such 39874  
tax for maintenance of classroom facilities as specified in 39875  
division (B) of section 3318.05 of the Revised Code; 39876

(c) If, in lieu of the tax otherwise required under division 39877  
(B) of section 3318.05 of the Revised Code, the commission has 39878  
approved the transfer of money to the maintenance fund in 39879  
accordance with section 3318.051 of the Revised Code, a 39880  
requirement that the district board comply with the provisions of 39881  
that section. The district board may rescind the provision 39882  
prescribed under division (C)(2)(c) of this section only so long 39883  
as the electors of the district have approved, in accordance with 39884  
section 3318.063 of the Revised Code, the levy of a tax for the 39885  
maintenance of the classroom facilities acquired under the 39886  
district's project and that levy continues to be collected as 39887  
approved by the electors. 39888

(D) For joint vocational school districts that receive 39889  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 39890  
provision for deposit of school district moneys dedicated to 39891  
maintenance of the classroom facilities acquired under those 39892  
sections as prescribed in section 3318.43 of the Revised Code; 39893

(E) Dedication of any local donated contribution as provided 39894  
for under section 3318.084 of the Revised Code, including a 39895  
schedule for depositing such moneys applied as an offset of the 39896  
district's obligation to levy the tax described in division (B) of 39897  
section 3318.05 of the Revised Code as required under division 39898  
(D)(2) of section 3318.084 of the Revised Code; 39899

(F) Ownership of or interest in the project during the period 39900  
of construction, which shall be divided between the commission and 39901  
the school district board in proportion to their respective 39902  
contributions to the school district's project construction fund; 39903

(G) Maintenance of the state's interest in the project until 39904  
any obligations issued for the project under section 3318.26 of 39905  
the Revised Code are no longer outstanding; 39906

(H) The insurance of the project by the school district from 39907  
the time there is an insurable interest therein and so long as the 39908  
state retains any ownership or interest in the project pursuant to 39909  
division (F) of this section, in such amounts and against such 39910  
risks as the commission shall require; provided, that the cost of 39911  
any required insurance until the project is completed shall be a 39912  
part of the basic project cost; 39913

(I) The certification by the director of budget and 39914  
management that funds are available and have been set aside to 39915  
meet the state's share of the basic project cost as approved by 39916  
the controlling board pursuant to either section 3318.04 or 39917  
division (B)(1) of section 3318.41 of the Revised Code; 39918

(J) Authorization of the school district board to advertise 39919



for and receive construction bids for the project, for and on 39920  
behalf of the commission, and to award contracts in the name of 39921  
the state subject to approval by the commission; 39922

(K) Provisions for the disbursement of moneys from the school 39923  
district's project account upon issuance by the commission or the 39924  
commission's designated representative of vouchers for work done 39925  
to be certified to the commission by the treasurer of the school 39926  
district board; 39927

(L) Disposal of any balance left in the school district's 39928  
project construction fund upon completion of the project; 39929

(M) Limitations upon use of the project or any part of it so 39930  
long as any obligations issued to finance the project under 39931  
section 3318.26 of the Revised Code are outstanding; 39932

(N) Provision for vesting the state's interest in the project 39933  
to the school district board when the obligations issued to 39934  
finance the project under section 3318.26 of the Revised Code are 39935  
outstanding; 39936

(O) Provision for deposit of an executed copy of the 39937  
agreement in the office of the commission; 39938

(P) Provision for termination of the contract and release of 39939  
the funds encumbered at the time of the conditional approval, if 39940  
the proceeds of the sale of the bonds of the school district board 39941  
are not paid into the school district's project construction fund 39942  
and if bids for the construction of the project have not been 39943  
taken within such period after the execution of the agreement as 39944  
may be fixed by the commission; 39945

(Q) Provision for the school district to maintain the project 39946  
in accordance with a plan approved by the commission; 39947

(R) Provision that all state funds reserved and encumbered to 39948  
pay the state share of the cost of the project and the funds 39949

provided by the school district to pay for its share of the 39950  
project cost, including the respective shares of the cost of a 39951  
segment if the project is divided into segments, be spent on the 39952  
construction and acquisition of the project or segment 39953  
simultaneously in proportion to the state's and the school 39954  
district's respective shares of that basic project cost as 39955  
determined under section 3318.032 of the Revised Code or, if the 39956  
district is a joint vocational school district, under section 39957  
3318.42 of the Revised Code. However, if the school district 39958  
certifies to the commission that expenditure by the school 39959  
district is necessary to maintain the federal tax status or 39960  
tax-exempt status of notes or bonds issued by the school district 39961  
to pay for its share of the project cost or to comply with 39962  
applicable temporary investment periods or spending exceptions to 39963  
rebate as provided for under federal law in regard to those notes 39964  
or bonds, the school district may commit to spend, or spend, a 39965  
greater portion of the funds it provides during any specific 39966  
period than would otherwise be required under this division. 39967

(S) A provision stipulating that the commission may prohibit 39968  
the district from proceeding with any project if the commission 39969  
determines that the site is not suitable for construction 39970  
purposes. The commission may perform soil tests in its 39971  
determination of whether a site is appropriate for construction 39972  
purposes. 39973

(T) A provision stipulating that, unless otherwise authorized 39974  
by the commission, any contingency reserve portion of the 39975  
construction budget prescribed by the commission shall be used 39976  
only to pay costs resulting from unforeseen job conditions, to 39977  
comply with rulings regarding building and other codes, to pay 39978  
costs related to design clarifications or corrections to contract 39979  
documents, and to pay the costs of settlements or judgments 39980  
related to the project as provided under section 3318.086 of the 39981

Revised Code; 39982

(U) A provision stipulating that for continued release of 39983  
project funds the school district board shall comply with sections 39984  
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 39985  
project and shall notify the department of education and the Ohio 39986  
community school association when the board plans to dispose of 39987  
facilities by sale under that section; 39988

(V) A provision stipulating that the commission shall not 39989  
approve a contract for demolition of a facility until the school 39990  
district board has complied with sections 3313.41, 3313.411, and 39991  
3313.413 of the Revised Code relative to that facility, unless 39992  
demolition of that facility is to clear a site for construction of 39993  
a replacement facility included in the district's project; 39994

(W) A requirement for the school district to adhere to a 39995  
facilities maintenance plan approved by the commission. 39996

**Sec. 3318.081.** If the board of education of a school district 39997  
authorized to impose a tax pursuant to section 3318.06 of the 39998  
Revised Code determines that taxable value of property subject to 39999  
the tax has increased to the extent it will not be necessary to 40000  
impose such tax for twenty-three years in order to generate an 40001  
amount equal to the amount of the project cost supplied by the 40002  
state, it may request the county auditor to determine the amount 40003  
remaining to be paid and the estimated rate of taxation required 40004  
each year to pay such remainder in equal installments over the 40005  
maximum number of remaining years the tax may be in effect. The 40006  
auditor shall make such determination upon request and certify the 40007  
results thereof to the board of education. 40008

Upon receipt of the auditor's determination, the board of 40009  
education may request the Ohio ~~school~~ facilities construction 40010  
commission to enter into a supplemental agreement under which the 40011  
district may pay the remainder of the amount in annual amounts 40012

equal to the quotient obtained by dividing the amount remaining to 40013  
be paid by the maximum number of remaining years the tax may be in 40014  
effect. If such an agreement is entered into, the commission shall 40015  
certify a copy thereof to the county auditor and the tax 40016  
authorized by section 3318.06 of the Revised Code thereafter shall 40017  
be levied at the rate required to make the annual payments 40018  
required by the supplemental agreement rather than the rate 40019  
required by such section. 40020

**Sec. 3318.082.** The board of education of any school district 40021  
imposing a tax for the purpose of paying the state pursuant to 40022  
section 3318.06 of the Revised Code prior to the effective date of 40023  
the amendments to that section by Amended Substitute House Bill 40024  
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 40025  
into a supplemental agreement with the Ohio ~~school~~ facilities 40026  
construction commission under which the proceeds of such tax shall 40027  
be distributed in accordance with the requirements of section 40028  
3318.06 of the Revised Code, as amended by Amended Substitute 40029  
House Bill No. 748 of the 121st general assembly. 40030

**Sec. 3318.083.** If, after the Ohio ~~school~~ facilities 40031  
construction commission and a school district enter into a written 40032  
agreement under section 3318.08 of the Revised Code for the 40033  
construction of a classroom facilities project, the commission 40034  
approves an increase in the basic project cost above the amount 40035  
budgeted plus any interest earned and available in the project 40036  
construction fund, the state and the school district shall share 40037  
the increased cost in proportion to their respective contributions 40038  
to the district's project construction fund. 40039

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 40040  
in Chapter 3318. of the Revised Code, a school district board may 40041  
apply any local donated contribution toward any of the following: 40042

(1) The district's portion of the basic project cost of a 40043  
project under either sections 3318.01 to 3318.20 or sections 40044  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 40045  
bonds the district otherwise must issue in order to receive state 40046  
assistance under those sections; 40047

(2) If the school district is not a joint vocational school 40048  
district proceeding under sections 3318.40 to 3318.45 of the 40049  
Revised Code, an offset of all or part of a district's obligation 40050  
to levy the tax described in division (B) of section 3318.05 of 40051  
the Revised Code, which shall be applied only in the manner 40052  
prescribed in division (B) of this section; 40053

(3) If the school district is a joint vocational school 40054  
district proceeding under sections 3318.40 to 3318.45 of the 40055  
Revised Code, all or part of the amount the school district is 40056  
obligated to set aside for maintenance of the classroom facilities 40057  
acquired under that project pursuant to section 3318.43 of the 40058  
Revised Code. 40059

(B) No school district board shall apply any local donated 40060  
contribution under division (A)(2) of this section unless the Ohio 40061  
~~school~~ facilities construction commission first approves that 40062  
application. 40063

Upon the request of the school district board to apply local 40064  
donated contribution under division (A)(2) of this section, the 40065  
commission in consultation with the department of taxation shall 40066  
determine the amount of total revenue that likely would be 40067  
generated by one-half mill of the tax described in division (B) of 40068  
section 3318.05 of the Revised Code over the entire 40069  
twenty-three-year period required under that section and shall 40070  
deduct from that amount any amount of local donated contribution 40071  
that the board has committed to apply under division (A)(2) of 40072  
this section. The commission then shall determine in consultation 40073  
with the department of taxation the rate of tax over twenty-three 40074

years necessary to generate the amount of a one-half mill tax not 40075  
offset by the local donated contribution. Notwithstanding anything 40076  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 40077  
Revised Code, the rate determined by the commission shall be the 40078  
rate for which the district board shall seek elector approval 40079  
under those sections to meet its obligation under division (B) of 40080  
section 3318.05 of the Revised Code. In the case of a complete 40081  
offset of the district's obligation under division (B) of section 40082  
3318.05 of the Revised Code, the district shall not be required to 40083  
levy the tax otherwise required under that section. At the end of 40084  
the twenty-three-year period of the tax required under division 40085  
(B) of section 3318.05 of the Revised Code, whether or not the tax 40086  
is actually levied, the commission in consultation of the 40087  
department of taxation shall recalculate the amount that would 40088  
have been generated by the tax if it had been levied at one-half 40089  
mill. If the total amount actually generated over that period from 40090  
both the tax that was actually levied and any local donated 40091  
contribution applied under division (A)(2) of this section is less 40092  
than the amount that would have been raised by a one-half mill 40093  
tax, the district shall pay any difference. If the total amount 40094  
actually raised in such manner is greater than the amount that 40095  
would have been raised by a one-half mill tax the difference shall 40096  
be zero and no payments shall be made by either the district or 40097  
the commission. 40098

(C) As used in this section, "local donated contribution" 40099  
means any of the following: 40100

(1) Any moneys irrevocably donated or granted to a school 40101  
district board by a source other than the state which the board 40102  
has the authority to apply to the school district's project under 40103  
sections 3318.01 to 3318.20 of the Revised Code and which the 40104  
board has pledged for that purpose by resolution adopted by a 40105  
majority of its members; 40106

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The school district, the commission, and the entity providing the local donated contribution under division (C)(4) of this section shall enter into an agreement identifying the classroom facilities to be acquired by the expenditures made by that entity. The agreement shall include, but not be limited to, stipulations that require an audit by the commission of such expenditures made on behalf of the district and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the

actual amount that the commission will credit, at the request of 40139  
the district board, toward the district's portion of the basic 40140  
project cost, any project cost overruns, or the basic project cost 40141  
of future segments if the project has been divided into segments 40142  
under section 3318.38 of the Revised Code. The actual amount of 40143  
the credit shall not exceed the lesser of the amount specified in 40144  
the agreement or the actual cost of the construction or 40145  
renovation. 40146

(D) No state moneys shall be released for a project to which 40147  
this section applies until: 40148

(1) Any local donated contribution authorized under division 40149  
(A)(1) of this section is first deposited into the school 40150  
district's project construction fund. 40151

(2) The school district board and the commission have 40152  
included a stipulation in their agreement entered into under 40153  
section 3318.08 of the Revised Code under which the board will 40154  
deposit into a fund approved by the commission according to a 40155  
schedule that does not extend beyond the anticipated completion 40156  
date of the project the total amount of any local donated 40157  
contribution authorized under division (A)(2) or (3) of this 40158  
section and dedicated by the board for that purpose. 40159

However, if any local donated contribution as described in 40160  
division (C)(4) of this section has been approved under this 40161  
section, the state moneys may be released even if the entity 40162  
providing that local donated contribution has not spent the moneys 40163  
so dedicated as long as the agreement required under that section 40164  
has been executed. 40165

**Sec. 3318.086.** The construction budget for any project under 40166  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 40167  
Revised Code shall contain a contingency reserve in an amount 40168  
prescribed by the Ohio ~~school~~ facilities construction commission, 40169



which unless otherwise authorized by the commission, shall be used 40170  
only to pay costs resulting from unforeseen job conditions, to 40171  
comply with rulings regarding building and other codes, to pay 40172  
costs related to design clarifications or corrections to contract 40173  
documents, and to pay the costs of settlements or judgments 40174  
related to the project. 40175

**Sec. 3318.091.** (A) Promptly after the written agreement 40176  
between the school district board and the Ohio ~~school~~ facilities 40177  
construction commission has been entered into, the school district 40178  
board shall proceed with the issuance of its bonds or notes in 40179  
anticipation thereof pursuant to the provision of such agreement 40180  
required by division (A) of section 3318.08 of the Revised Code 40181  
and the deposit of the proceeds thereof in the school district's 40182  
project construction fund pursuant to the provision of such 40183  
agreement required by division (B) of section 3318.08 of the 40184  
Revised Code, and the school district board, with the approval of 40185  
the commission shall employ a qualified professional person or 40186  
firm to prepare preliminary plans, working drawings, 40187  
specifications, estimates of cost, and such data as the school 40188  
district board and the commission consider necessary for the 40189  
project. When the preliminary plans and preliminary estimates of 40190  
cost have been prepared, and approved by the school district 40191  
board, they shall be submitted to the commission for approval, 40192  
modification, or rejection. The commission shall ensure that the 40193  
plans and materials proposed for use in the project comply with 40194  
specifications for plans and materials that shall be established 40195  
by the commission. When such preliminary plans and preliminary 40196  
estimates of cost and any modifications thereof have been approved 40197  
by the commission and the school district board, the school 40198  
district board shall cause such qualified professional person or 40199  
firm to prepare the working drawings, specifications, and 40200

estimates of cost. 40201

(B) Whenever project plans submitted to the commission for 40202  
approval under division (A) of this section propose to locate a 40203  
facility on a state route or United States highway or within one 40204  
mile of a state route or United States highway, the commission 40205  
shall send a copy of the plans to the director of transportation. 40206  
The director of transportation shall review the plans to determine 40207  
the feasibility of the proposed ingress and egress to the 40208  
facility, the traffic circulation pattern on roadways around the 40209  
facility, and any improvements that would be necessary to conform 40210  
the roadways to provisions of the manual adopted by the department 40211  
of transportation pursuant to section 4511.09 of the Revised Code 40212  
or state or federal law. The director of transportation shall 40213  
provide a written summary of the director's findings to the 40214  
commission in a timely manner. The commission shall consider the 40215  
findings in deciding whether to approve the plans. 40216

**Sec. 3318.10.** When such working drawings, specifications, and 40217  
estimates of cost have been approved by the school district board 40218  
and the Ohio ~~school~~ facilities construction commission, the 40219  
treasurer of the school district board shall advertise for 40220  
construction bids in accordance with section 3313.46 of the 40221  
Revised Code. Such notices shall state that plans and 40222  
specifications for the project are on file in the office of the 40223  
commission and such other place as may be designated in such 40224  
notice, and the time and place when and where bids therefor will 40225  
be received. 40226

The form of proposal to be submitted by bidders shall be 40227  
supplied by the commission. Bidders may be permitted to bid upon 40228  
all the branches of work and materials to be furnished and 40229  
supplied, upon any branch thereof, or upon all or any thereof. 40230

When the construction bids for all branches of work and 40231

materials have been tabulated, the commission shall cause to be 40232  
prepared a revised estimate of the basic project cost based upon 40233  
the lowest responsible bids received. If such revised estimate 40234  
exceeds the estimated basic project cost as approved by the 40235  
controlling board pursuant to section 3318.04 or division (B)(1) 40236  
of section 3318.41 of the Revised Code, no contracts may be 40237  
entered into pursuant to this section unless such revised estimate 40238  
is approved by the commission and by the controlling board. When 40239  
such revised estimate has been prepared, and after such approvals 40240  
are given, if necessary, and if the school district board has 40241  
caused to be transferred to the project construction fund the 40242  
proceeds from the sale of the first or first and final installment 40243  
of its bonds or bond anticipation notes pursuant to the provision 40244  
of the written agreement required by division (B) of section 40245  
3318.08 of the Revised Code, and when the director of budget and 40246  
management has certified that there is a balance in the 40247  
appropriation, not otherwise obligated to pay precedent 40248  
obligations, pursuant to which the state's share of such revised 40249  
estimate is required to be paid, the contract for all branches of 40250  
work and materials to be furnished and supplied, or for any branch 40251  
thereof as determined by the school district board, shall be 40252  
awarded by the school district board to the lowest responsible 40253  
bidder subject to the approval of the commission. Such award shall 40254  
be made within sixty days after the date on which the bids are 40255  
opened, and the successful bidder shall enter into a contract 40256  
within ten days after the successful bidder is notified of the 40257  
award of the contract. 40258

Subject to the approval of the commission, the school 40259  
district board may reject all bids and readvertise. Any contract 40260  
made under this section shall be made in the name of the state and 40261  
executed on its behalf by the president and treasurer of the 40262  
school district board. 40263

The provisions of sections 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education, shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Notwithstanding any other requirement of this section, a school district, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

**Sec. 3318.11.** For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal year shall be determined by the Ohio ~~school~~ facilities construction commission based on the project's estimated construction schedule for that year. In each fiscal year subsequent to the first year in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

**Sec. 3318.112.** (A) As used in this section, "solar\_ready" means capable of accommodating the eventual installation of roof top, solar photovoltaic energy equipment.

(B) The Ohio ~~school~~ facilities construction commission shall adopt rules prescribing standards for solar\_ready equipment in school buildings under their jurisdiction. The rules shall include, but not be limited to, standards regarding roof space limitations, shading and obstruction, building orientation, roof

loading capacity, and electric systems. 40294

(C) A school district may seek, and the commission may grant 40295  
for good cause shown, a waiver from part or all of the standards 40296  
prescribed under division (B) of this section. 40297

**Sec. 3318.12.** (A) The Ohio ~~school~~ facilities construction 40298  
commission shall cause to be transferred to the school district's 40299  
project construction fund the necessary amounts from amounts 40300  
appropriated by the general assembly and set aside for such 40301  
purpose, from time to time as may be necessary to pay obligations 40302  
chargeable to such fund when due. All investment earnings of a 40303  
school district's project construction fund shall be credited to 40304  
the fund. 40305

(B)(1) The treasurer of the school district board shall 40306  
disburse funds from the school district's project construction 40307  
fund, including investment earnings credited to the fund, only 40308  
upon the approval of the commission or the commission's designated 40309  
representative. The commission or the commission's designated 40310  
representative shall issue vouchers against such fund, in such 40311  
amounts, and at such times as required by the contracts for 40312  
construction of the project. 40313

(2) Notwithstanding anything to the contrary in division 40314  
(B)(1) of this section, the school district board may, by a duly 40315  
adopted resolution, choose to use all or part of the investment 40316  
earnings of the district's project construction fund that are 40317  
attributable to the district's contribution to the fund to pay the 40318  
cost of classroom facilities or portions or components of 40319  
classroom facilities that are not included in the district's basic 40320  
project cost but that are related to the district's project. If 40321  
the district board adopts a resolution in favor of using those 40322  
investment earnings as authorized under division (B)(2) of this 40323  
section, the treasurer shall disburse the amount as designated and 40324

directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective

contributions to the fund. The commission shall use the money 40356  
transferred to it under this division for expenditure pursuant to 40357  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 40358  
Revised Code. 40359

(D) Pursuant to appropriations of the general assembly, any 40360  
moneys transferred to the commission under division (C)(2) or (3) 40361  
of this section from a project construction fund for a project 40362  
under sections 3318.40 to 3318.45 of the Revised Code may be used 40363  
for future expenditures for projects under sections 3318.40 to 40364  
3318.45 of the Revised Code, notwithstanding the two per cent 40365  
annual limit specified in division (B) of section 3318.40 of the 40366  
Revised Code. 40367

**Sec. 3318.121.** As used in this section, "big-eight school 40368  
district" has the same meaning as in section 3314.02 of the 40369  
Revised Code. 40370

Notwithstanding any provision to the contrary in section 40371  
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 40372  
district receiving assistance for a project under this chapter, 40373  
that has opted with the approval of the Ohio ~~school~~ facilities 40374  
construction commission to divide the project into discrete 40375  
segments to be completed sequentially, or otherwise, may, with the 40376  
approval of the commission or the commission's designated 40377  
representative, and pursuant to a resolution adopted by the school 40378  
district board, transfer to a special construction fund investment 40379  
earnings credited to the project construction fund that are 40380  
attributable to the district's contribution to that fund, if the 40381  
school district board and the commission, or its designated 40382  
representative, determine that the unspent amount of the 40383  
district's contribution to the project construction fund, 40384  
including any investment earnings on that contribution that are 40385  
not to be transferred to the special construction fund, together 40386

with the principal amount of any additional securities authorized 40387  
by the voters of the district to be issued to pay the local share 40388  
of the basic project cost of the entire project that have not yet 40389  
been issued by the district, are projected at the time of the 40390  
transfer to be not less than one hundred ten per cent of the 40391  
amount required to provide for the entire remaining local share of 40392  
the basic project cost because of reductions in the scope and 40393  
estimated cost of the project that have been incorporated in the 40394  
district's approved master facilities plan. The money in that 40395  
special construction fund, including investment earnings 40396  
attributable to money in that fund, shall be used by the district 40397  
solely to pay costs of classroom facilities (A) in later segments 40398  
of the project that are consistent with the specifications for 40399  
plans and materials for classroom facilities adopted by the 40400  
commission and those specifications used by the district for 40401  
classroom facilities included in one or more prior segments, but 40402  
which would cause the cost of the facilities in one or more later 40403  
segments to be in excess of the approved budgeted basic project 40404  
cost for the segment to be shared by the state and the district in 40405  
proportion to the state's and the school district's respective 40406  
shares of the basic project cost as determined under section 40407  
3318.032 of the Revised Code, or (B) that were included in the 40408  
master facilities plan prior to the reduction in scope. All 40409  
investment earnings on a district's special construction fund 40410  
shall be credited to the fund. After the entire project has been 40411  
completed, any investment earnings remaining in the special 40412  
construction fund shall be transferred to the district's 40413  
maintenance fund required by division (B) of section 3318.05 of 40414  
the Revised Code, and used solely for maintaining the classroom 40415  
facilities included in the project. 40416

**Sec. 3318.13.** Notwithstanding any provision of sections 40417  
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 40418



all taxable property within a school district for the purpose of 40419  
paying the cost of maintaining the classroom facilities included 40420  
in the project under the agreement provided in section 3318.08 of 40421  
the Revised Code or the supplemental agreement provided in section 40422  
3318.081 of the Revised Code shall be included in the budget of 40423  
the school district for each year upon the certification to the 40424  
county budget commission or commissions of the county or counties 40425  
in which said school district is located, by the Ohio ~~school~~ 40426  
facilities construction commission of the balance due the state 40427  
under said agreement or supplemental agreement. Such certification 40428  
shall be made on or before the fifteenth day of July in each year. 40429  
Thereafter, the respective county budget commissions shall treat 40430  
such certification as an additional item on the tax budget for the 40431  
school district as to which such certification has been made and 40432  
shall provide for the levy therefor in the manner provided in 40433  
sections 5705.27 to 5705.50 of the Revised Code for tax levies 40434  
included directly in the budgets of the subdivisions. 40435

The levy of taxes shall be included in the next annual tax 40436  
budget that is certified to the county budget commission after the 40437  
execution of the agreement for the project. 40438

**Sec. 3318.15.** There is hereby created the public school 40439  
building fund within the state treasury consisting of any moneys 40440  
transferred or appropriated to the fund by the general assembly, 40441  
moneys paid into or transferred in accordance with section 3318.47 40442  
of the Revised Code, and any grants, gifts, or contributions 40443  
received by the Ohio ~~school~~ facilities construction commission to 40444  
be used for the purposes of the fund. All investment earnings of 40445  
the fund shall be credited to the fund. 40446

Moneys transferred or appropriated to the fund by the general 40447  
assembly and moneys in the fund from grants, gifts, and 40448  
contributions shall be used for the purposes of Chapter 3318. of 40449

the Revised Code as prescribed by the general assembly. 40450

**Sec. 3318.16.** The Ohio ~~school~~ facilities construction 40451  
commission shall have an interest in real property purchased with 40452  
moneys in the school district's project construction fund. 40453

Once obligations issued to finance a project under section 40454  
3318.26 of the Revised Code are no longer outstanding, any 40455  
interest held by the commission shall be transferred to the school 40456  
district. 40457

**Sec. 3318.18.** (A) As used in this section: 40458

(1) "Valuation" of a school district means the sum of the 40459  
amounts described in divisions (A)(1) and (2) of section 3317.021 40460  
of the Revised Code as most recently certified for the district 40461  
before the annual computation is made under division (B) of this 40462  
section. 40463

(2) "Valuation per pupil" of a school district means the 40464  
district's valuation divided by the district's formula ADM as most 40465  
recently calculated under section 3317.03 of the Revised Code 40466  
before the annual computation is made under division (B) of this 40467  
section. 40468

(3) "Statewide average valuation per pupil" means the total 40469  
of the valuations of all school districts divided by the total of 40470  
the formula ADMs of all school districts as most recently 40471  
calculated under section 3317.03 of the Revised Code before the 40472  
annual computation is made under division (C) of this section. 40473

(4) "Maintenance levy requirement" means the tax required to 40474  
be levied pursuant to division (C)(2)(a) of section 3318.08 and 40475  
division (B) of section 3318.05 of the Revised Code or the 40476  
application of proceeds of another levy to paying the costs of 40477  
maintaining classroom facilities pursuant to division (A)(2) of 40478  
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 40479

or division (D)(2) of section 3318.36 of the Revised Code, or a 40480  
combination thereof. 40481

(5) "Project agreement" means an agreement between a school 40482  
district and the Ohio ~~school~~ facilities construction commission 40483  
under section 3318.08 or division (B)(1) of section 3318.36 of the 40484  
Revised Code. 40485

(B) On or before July 1, 2006, the department of education 40486  
shall compute the statewide average valuation per pupil and the 40487  
valuation per pupil of each school district, and provide them to 40488  
the Ohio ~~school~~ facilities construction commission. On or before 40489  
the first day of July each year beginning in 2007, the department 40490  
of education shall compute the statewide average valuation per 40491  
pupil and the valuation per pupil of each school district that has 40492  
not already entered into a project agreement, and provide the 40493  
results of those computations to the commission. 40494

(C)(1) At the time the Ohio ~~school~~ facilities construction 40495  
commission enters into a project agreement with a school district, 40496  
the commission shall compute the difference between the district's 40497  
valuation per pupil and the statewide average valuation per pupil 40498  
as most recently provided to the commission under division (B) of 40499  
this section. If the school district's valuation per pupil is less 40500  
than the average statewide valuation per pupil, the commission 40501  
shall multiply the difference between those amounts by one-half 40502  
mill times the formula ADM of the district as most recently 40503  
reported to the department of education for October under division 40504  
(A) of section 3317.03 of the Revised Code. The commission shall 40505  
certify the resulting product to the department of education, 40506  
along with the date on which the maintenance levy requirement 40507  
terminates as provided in the project agreement between the school 40508  
district board and the commission. 40509

(2) In the case of a school district that entered into a 40510  
project agreement after July 1, 1997, but before July 1, 2006, the 40511

commission shall make the computation described in division (C)(1) 40512  
of this section on the basis of the district's valuation per pupil 40513  
and the statewide average valuation per pupil computed as of 40514  
September 1, 2006, and the district's formula ADM reported for 40515  
October 2005. 40516

(3) The amount computed for a school district under division 40517  
(C)(1) or (2) of this section shall not change for the period 40518  
during which payments are made to the district under division (D) 40519  
of this section. 40520

(4) A computation need not be made under division (C)(1) or 40521  
(2) of this section for a school district that certified a 40522  
resolution to the commission under division (D)(3) of section 40523  
3318.36 of the Revised Code until the district becomes eligible 40524  
for state assistance as provided in that division. 40525

(D) In the fourth quarter of each fiscal year, for each 40526  
school district for which a computation has been made under 40527  
division (C) of this section, the department of education shall 40528  
pay the amount computed to each such school district. Payments 40529  
shall be made to a school district each year until and including 40530  
the tax year in which the district's maintenance levy requirement 40531  
terminates. Payments shall be paid from the half-mill equalization 40532  
fund, subject to appropriation by the general assembly. However, 40533  
the department shall make no payments under this section to any 40534  
district that elects the procedure authorized by section 3318.051 40535  
of the Revised Code. 40536

(E) Payments made to a school district under this section 40537  
shall be credited to the district's classroom facilities 40538  
maintenance fund and shall be used only for the purpose of 40539  
maintaining facilities constructed or renovated under the project 40540  
agreement. 40541

(F) There is hereby created in the state treasury the 40542

half-mill equalization fund. The fund shall receive transfers 40543  
pursuant to section 5727.85 of the Revised Code. The fund shall be 40544  
used first to make annual payments under division (D) of this 40545  
section. If a balance remains in the fund after such payments are 40546  
made in full for a year, the Ohio ~~school~~ facilities construction 40547  
commission may request the controlling board to transfer a 40548  
reasonable amount from such remaining balance to the public school 40549  
building fund created under section 3318.15 of the Revised Code 40550  
for the purposes of this chapter. 40551

All investment earnings arising from investment of money in 40552  
the half-mill equalization fund shall be credited to the fund. 40553

**Sec. 3318.22.** (A) The general assembly finds that many school 40554  
districts are prevented by their size, tax base, or other 40555  
conditions from performing their essential functions as agencies 40556  
of state government to provide adequate classroom facilities and 40557  
issuing securities under Chapter 133. of the Revised Code at 40558  
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 40559  
facilities construction commission is invested with the powers and 40560  
duties provided in sections 3318.21 to 3318.29 of the Revised Code 40561  
in order to provide deserved assistance and materially contribute 40562  
to the educational revitalization of such school districts and 40563  
result in improving the education and welfare of all the people of 40564  
the state. 40565

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 40566  
authorize the commission or the issuing authority to incur bonded 40567  
indebtedness of the state or any political subdivision of the 40568  
state, or to obligate or pledge moneys raised by taxation for the 40569  
payment of any bonds or notes issued pursuant to sections 3318.21 40570  
to 3318.29 of the Revised Code. 40571

**Sec. 3318.25.** There is hereby created in the state treasury 40572

the school building program assistance fund. The fund shall 40573  
consist of the proceeds of obligations issued for the purposes of 40574  
such fund pursuant to section 3318.26 of the Revised Code that are 40575  
payable from moneys in the lottery profits education fund created 40576  
in section 3770.06 of the Revised Code or pursuant to section 40577  
151.03 of the Revised Code. All investment earnings of the fund 40578  
shall be credited to the fund. Moneys in the fund shall be used as 40579  
directed by the Ohio ~~school~~ facilities construction commission for 40580  
the cost to the state of constructing classroom facilities under 40581  
Chapter 3318. of the Revised Code as prescribed by the general 40582  
assembly. 40583

**Sec. 3318.26.** (A) The provisions of this section apply only 40584  
to obligations issued by the issuing authority prior to December 40585  
1, 1999. 40586

(B) Subject to the limitations provided in section 3318.29 of 40587  
the Revised Code, the issuing authority, upon the certification by 40588  
the Ohio ~~school~~ facilities construction commission to the issuing 40589  
authority of the amount of moneys or additional moneys needed in 40590  
the school building program assistance fund for the purposes of 40591  
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 40592  
Revised Code, or needed for capitalized interest, for funding 40593  
reserves, and for paying costs and expenses incurred in connection 40594  
with the issuance, carrying, securing, paying, redeeming, or 40595  
retirement of the obligations or any obligations refunded thereby, 40596  
including payment of costs and expenses relating to letters of 40597  
credit, lines of credit, insurance, put agreements, standby 40598  
purchase agreements, indexing, marketing, remarketing and 40599  
administrative arrangements, interest swap or hedging agreements, 40600  
and any other credit enhancement, liquidity, remarketing, renewal, 40601  
or refunding arrangements, all of which are authorized by this 40602  
section, shall issue obligations of the state under this section 40603  
in the required amount. The proceeds of such obligations, except 40604

for obligations issued to provide moneys for the school building 40605  
program assistance fund shall be deposited by the treasurer of 40606  
state in special funds, including reserve funds, as provided in 40607  
the bond proceedings. The issuing authority may appoint trustees, 40608  
paying agents, and transfer agents and may retain the services of 40609  
financial advisors and accounting experts and retain or contract 40610  
for the services of marketing, remarketing, indexing, and 40611  
administrative agents, other consultants, and independent 40612  
contractors, including printing services, as are necessary in the 40613  
issuing authority's judgment to carry out this section. The costs 40614  
of such services are payable from the school building program 40615  
assistance fund or any special fund determined by the issuing 40616  
authority. 40617

(C) The holders or owners of such obligations shall have no 40618  
right to have moneys raised by taxation obligated or pledged, and 40619  
moneys raised by taxation shall not be obligated or pledged, for 40620  
the payment of bond service charges. Such holders or owners shall 40621  
have no rights to payment of bond service charges from any money 40622  
or property received by the commission, treasurer of state, or the 40623  
state, or from any other use of the proceeds of the sale of the 40624  
obligations, and no such moneys may be used for the payment of 40625  
bond service charges, except for accrued interest, capitalized 40626  
interest, and reserves funded from proceeds received upon the sale 40627  
of the obligations and except as otherwise expressly provided in 40628  
the applicable bond proceedings pursuant to written directions by 40629  
the treasurer of state. The right of such holders and owners to 40630  
payment of bond service charges shall be limited to all or that 40631  
portion of the pledged receipts and those special funds pledged 40632  
thereto pursuant to the bond proceedings in accordance with this 40633  
section, and each such obligation shall bear on its face a 40634  
statement to that effect. 40635

(D) Obligations shall be authorized by resolution or order of 40636

the issuing authority and the bond proceedings shall provide for 40637  
the purpose thereof and the principal amount or amounts, and shall 40638  
provide for or authorize the manner or agency for determining the 40639  
principal maturity or maturities, not exceeding the limits 40640  
specified in section 3318.29 of the Revised Code, the interest 40641  
rate or rates or the maximum interest rate, the date of the 40642  
obligations and the dates of payment of interest thereon, their 40643  
denomination, and the establishment within or without the state of 40644  
a place or places of payment of bond service charges. Sections 40645  
9.98 to 9.983 of the Revised Code are applicable to obligations 40646  
issued under this section, subject to any applicable limitation 40647  
under section 3318.29 of the Revised Code. The purpose of such 40648  
obligations may be stated in the bond proceedings in terms 40649  
describing the general purpose or purposes to be served. The bond 40650  
proceedings shall also provide, subject to the provisions of any 40651  
other applicable bond proceedings, for the pledge of all, or such 40652  
part as the issuing authority may determine, of the pledged 40653  
receipts and the applicable special fund or funds to the payment 40654  
of bond service charges, which pledges may be made either prior or 40655  
subordinate to other expenses, claims, or payments, and may be 40656  
made to secure the obligations on a parity with obligations 40657  
theretofore or thereafter issued, if and to the extent provided in 40658  
the bond proceedings. The pledged receipts and special funds so 40659  
pledged and thereafter received by the state are immediately 40660  
subject to the lien of such pledge without any physical delivery 40661  
thereof or further act, and the lien of any such pledges is valid 40662  
and binding against all parties having claims of any kind against 40663  
the state or any governmental agency of the state, irrespective of 40664  
whether such parties have notice thereof, and shall create a 40665  
perfected security interest for all purposes of Chapter 1309. of 40666  
the Revised Code, without the necessity for separation or delivery 40667  
of funds or for the filing or recording of the bond proceedings by 40668  
which such pledge is created or any certificate, statement or 40669



other document with respect thereto; and the pledge of such 40670  
pledged receipts and special funds is effective and the money 40671  
therefrom and thereof may be applied to the purposes for which 40672  
pledged without necessity for any act of appropriation, except as 40673  
required by section 3770.06 of the Revised Code. Every pledge, and 40674  
every covenant and agreement made with respect thereto, made in 40675  
the bond proceedings may therein be extended to the benefit of the 40676  
owners and holders of obligations authorized by this section, and 40677  
to any trustee therefor, for the further security of the payment 40678  
of the bond service charges. 40679

(E) The bond proceedings may contain additional provisions as 40680  
to: 40681

(1) The redemption of obligations prior to maturity at the 40682  
option of the issuing authority at such price or prices and under 40683  
such terms and conditions as are provided in the bond proceedings; 40684

(2) Other terms of the obligations; 40685

(3) Limitations on the issuance of additional obligations; 40686

(4) The terms of any trust agreement or indenture securing 40687  
the obligations or under which the same may be issued; 40688

(5) The deposit, investment and application of special funds, 40689  
and the safeguarding of moneys on hand or on deposit, without 40690  
regard to Chapter 131., 133., or 135. of the Revised Code, but 40691  
subject to any special provisions of sections 3318.21 to 3318.29 40692  
of the Revised Code, with respect to particular funds or moneys, 40693  
provided that any bank or trust company that acts as depository of 40694  
any moneys in the special funds may furnish such indemnifying 40695  
bonds or may pledge such securities as required by the issuing 40696  
authority; 40697

(6) Any or every provision of the bond proceedings being 40698  
binding upon such officer, board, commission, authority, agency, 40699  
department, or other person or body as may from time to time have 40700

the authority under law to take such actions as may be necessary 40701  
to perform all or any part of the duty required by such provision; 40702

(7) Any provision that may be made in a trust agreement or 40703  
indenture; 40704

(8) The lease or sublease of any interest of the school 40705  
district or the state in one or more projects as defined in 40706  
division (C) of section 3318.01 of the Revised Code, or in one or 40707  
more permanent improvements, to or from the issuing authority, as 40708  
provided in one or more lease or sublease agreements between the 40709  
school or the state and the issuing authority; 40710

(9) Any other or additional agreements with the holders of 40711  
the obligations, or the trustee therefor, relating to the 40712  
obligations or the security therefor. 40713

(F) The obligations may have the great seal of the state or a 40714  
facsimile thereof affixed thereto or printed thereon. The 40715  
obligations and any coupons pertaining to obligations shall be 40716  
signed or bear the facsimile signature of the issuing authority. 40717  
Any obligations or coupons may be executed by the person who, on 40718  
the date of execution, is the proper issuing authority although on 40719  
the date of such bonds or coupons such person was not the issuing 40720  
authority. In case the issuing authority whose signature or a 40721  
facsimile of whose signature appears on any such obligation or 40722  
coupon ceases to be the issuing authority before delivery thereof, 40723  
such signature or facsimile is nevertheless valid and sufficient 40724  
for all purposes as if the issuing authority had remained the 40725  
issuing authority until such delivery; and in case the seal to be 40726  
affixed to obligations has been changed after a facsimile of the 40727  
seal has been imprinted on such obligations, such facsimile seal 40728  
shall continue to be sufficient as to such obligations and 40729  
obligations issued in substitution or exchange therefor. 40730

(G) All obligations are negotiable instruments and securities 40731

under Chapter 1308. of the Revised Code, subject to the provisions 40732  
of the bond proceedings as to registration. The obligations may be 40733  
issued in coupon or in registered form, or both, as the issuing 40734  
authority determines. Provision may be made for the registration 40735  
of any obligations with coupons attached thereto as to principal 40736  
alone or as to both principal and interest, their exchange for 40737  
obligations so registered, and for the conversion or reconversion 40738  
into obligations with coupons attached thereto of any obligations 40739  
registered as to both principal and interest, and for reasonable 40740  
charges for such registration, exchange, conversion, and 40741  
reconversion. 40742

(H) Obligations may be sold at public sale or at private 40743  
sale, as determined in the bond proceedings. 40744

(I) Pending preparation of definitive obligations, the 40745  
issuing authority may issue interim receipts or certificates which 40746  
shall be exchanged for such definitive obligations. 40747

(J) In the discretion of the issuing authority, obligations 40748  
may be secured additionally by a trust agreement or indenture 40749  
between the issuing authority and a corporate trustee which may be 40750  
any trust company or bank having a place of business within the 40751  
state. Any such agreement or indenture may contain the resolution 40752  
or order authorizing the issuance of the obligations, any 40753  
provisions that may be contained in any bond proceedings, and 40754  
other provisions that are customary or appropriate in an agreement 40755  
or indenture of such type, including, but not limited to: 40756

(1) Maintenance of each pledge, trust agreement, indenture, 40757  
or other instrument comprising part of the bond proceedings until 40758  
the state has fully paid the bond service charges on the 40759  
obligations secured thereby, or provision therefor has been made; 40760

(2) In the event of default in any payments required to be 40761  
made by the bond proceedings, or any other agreement of the 40762

issuing authority made as a part of the contract under which the 40763  
obligations were issued, enforcement of such payments or agreement 40764  
by mandamus, the appointment of a receiver, suit in equity, action 40765  
at law, or any combination of the foregoing; 40766

(3) The rights and remedies of the holders of obligations and 40767  
of the trustee, and provisions for protecting and enforcing them, 40768  
including limitations on rights of individual holders of 40769  
obligations; 40770

(4) The replacement of any obligations that become mutilated 40771  
or are destroyed, lost, or stolen; 40772

(5) Such other provisions as the trustee and the issuing 40773  
authority agree upon, including limitations, conditions, or 40774  
qualifications relating to any of the foregoing. 40775

(K) Any holder of obligations or a trustee under the bond 40776  
proceedings, except to the extent that the holder's or trustee's 40777  
rights are restricted by the bond proceedings, may by any suitable 40778  
form of legal proceedings, protect and enforce any rights under 40779  
the laws of this state or granted by such bond proceedings. Such 40780  
rights include the right to compel the performance of all duties 40781  
of the issuing authority, the commission, or the director of 40782  
budget and management required by sections 3318.21 to 3318.29 of 40783  
the Revised Code or the bond proceedings; to enjoin unlawful 40784  
activities; and in the event of default with respect to the 40785  
payment of any bond service charges on any obligations or in the 40786  
performance of any covenant or agreement on the part of the 40787  
issuing authority, the commission, or the director of budget and 40788  
management in the bond proceedings, to apply to a court having 40789  
jurisdiction of the cause to appoint a receiver to receive and 40790  
administer the pledged receipts and special funds, other than 40791  
those in the custody of the treasurer of state or the commission, 40792  
which are pledged to the payment of the bond service charges on 40793  
such obligations or which are the subject of the covenant or 40794

agreement, with full power to pay, and to provide for payment of 40795  
bond service charges on, such obligations, and with such powers, 40796  
subject to the direction of the court, as are accorded receivers 40797  
in general equity cases, excluding any power to pledge additional 40798  
revenues or receipts or other income or moneys of the issuing 40799  
authority or the state or governmental agencies of the state to 40800  
the payment of such principal and interest and excluding the power 40801  
to take possession of, mortgage, or cause the sale or otherwise 40802  
dispose of any permanent improvement. 40803

Each duty of the issuing authority and the issuing 40804  
authority's officers and employees, and of each governmental 40805  
agency and its officers, members, or employees, undertaken 40806  
pursuant to the bond proceedings or any agreement or loan made 40807  
under authority of sections 3318.21 to 3318.29 of the Revised 40808  
Code, and in every agreement by or with the issuing authority, is 40809  
hereby established as a duty of the issuing authority, and of each 40810  
such officer, member, or employee having authority to perform such 40811  
duty, specifically enjoined by the law resulting from an office, 40812  
trust, or station within the meaning of section 2731.01 of the 40813  
Revised Code. 40814

The person who is at the time the issuing authority, or the 40815  
issuing authority's officers or employees, are not liable in their 40816  
personal capacities on any obligations issued by the issuing 40817  
authority or any agreements of or with the issuing authority. 40818

(L) Obligations issued under this section are lawful 40819  
investments for banks, societies for savings, savings and loan 40820  
associations, deposit guarantee associations, trust companies, 40821  
trustees, fiduciaries, insurance companies, including domestic for 40822  
life and domestic not for life, trustees or other officers having 40823  
charge of sinking and bond retirement or other special funds of 40824  
political subdivisions and taxing districts of this state, the 40825  
commissioners of the sinking fund of the state, the administrator 40826

of workers' compensation, the state teachers retirement system, 40827  
the public employees retirement system, the school employees 40828  
retirement system, and the Ohio police and fire pension fund, 40829  
notwithstanding any other provisions of the Revised Code or rules 40830  
adopted pursuant thereto by any governmental agency of the state 40831  
with respect to investments by them, and also are acceptable as 40832  
security for the deposit of public moneys. 40833

(M) Unless otherwise provided in any applicable bond 40834  
proceedings, moneys to the credit of or in the special funds 40835  
established by or pursuant to this section may be invested by or 40836  
on behalf of the issuing authority only in notes, bonds, or other 40837  
obligations of the United States, or of any agency or 40838  
instrumentality of the United States, obligations guaranteed as to 40839  
principal and interest by the United States, obligations of this 40840  
state or any political subdivision of this state, and certificates 40841  
of deposit of any national bank located in this state and any 40842  
bank, as defined in section 1101.01 of the Revised Code, subject 40843  
to inspection by the superintendent of financial institutions. If 40844  
the law or the instrument creating a trust pursuant to division 40845  
(J) of this section expressly permits investment in direct 40846  
obligations of the United States or an agency of the United 40847  
States, unless expressly prohibited by the instrument, such moneys 40848  
also may be invested in no front end load money market mutual 40849  
funds consisting exclusively of obligations of the United States 40850  
or an agency of the United States and in repurchase agreements, 40851  
including those issued by the fiduciary itself, secured by 40852  
obligations of the United States or an agency of the United 40853  
States; and in collective investment funds established in 40854  
accordance with section 1111.14 of the Revised Code and consisting 40855  
exclusively of any such securities, notwithstanding division 40856  
(B)(1)(c) of that section. The income from such investments shall 40857  
be credited to such funds as the issuing authority determines, and 40858  
such investments may be sold at such times as the issuing 40859

authority determines or authorizes. 40860

(N) Provision may be made in the applicable bond proceedings 40861  
for the establishment of separate accounts in the bond service 40862  
fund and for the application of such accounts only to the 40863  
specified bond service charges on obligations pertinent to such 40864  
accounts and bond service fund and for other accounts therein 40865  
within the general purposes of such fund. Unless otherwise 40866  
provided in any applicable bond proceedings, moneys to the credit 40867  
of or in the several special funds established pursuant to this 40868  
section shall be disbursed on the order of the treasurer of state, 40869  
provided that no such order is required for the payment from the 40870  
bond service fund when due of bond service charges on obligations. 40871

(O) The issuing authority may pledge all, or such portion as 40872  
the issuing authority determines, of the pledged receipts to the 40873  
payment of bond service charges on obligations issued under this 40874  
section, and for the establishment and maintenance of any 40875  
reserves, as provided in the bond proceedings, and make other 40876  
provisions therein with respect to pledged receipts as authorized 40877  
by this chapter, which provisions shall be controlling 40878  
notwithstanding any other provisions of law pertaining thereto. 40879

(P) The issuing authority may covenant in the bond 40880  
proceedings, and any such covenants shall be controlling 40881  
notwithstanding any other provision of law, that the state and 40882  
applicable officers and governmental agencies of the state, 40883  
including the general assembly, so long as any obligations are 40884  
outstanding, shall: 40885

(1) Maintain statutory authority for and cause to be operated 40886  
the state lottery, including the transfers to and from the lottery 40887  
profits education fund created in section 3770.06 of the Revised 40888  
Code so that the pledged receipts shall be sufficient in amount to 40889  
meet bond service charges, and the establishment and maintenance 40890  
of any reserves and other requirements provided for in the bond 40891

proceedings; 40892

(2) Take or permit no action, by statute or otherwise, that 40893  
would impair the exclusion from gross income for federal income 40894  
tax purposes of the interest on any obligations designated by the 40895  
bond proceeding as tax-exempt obligations. 40896

(Q) There is hereby created the school building program bond 40897  
service fund, which shall be in the custody of the treasurer of 40898  
state but shall be separate and apart from and not a part of the 40899  
state treasury. All moneys received by or on account of the 40900  
issuing authority or state agencies and required by the applicable 40901  
bond proceedings, consistent with this section, to be deposited, 40902  
transferred, or credited to the school building program bond 40903  
service fund, and all other moneys transferred or allocated to or 40904  
received for the purposes of the fund, shall be deposited and 40905  
credited to such fund and to any separate accounts therein, 40906  
subject to applicable provisions of the bond proceedings, but 40907  
without necessity for any act of appropriation, except as required 40908  
by section 3770.06 of the Revised Code. During the period 40909  
beginning with the date of the first issuance of obligations and 40910  
continuing during such time as any such obligations are 40911  
outstanding, and so long as moneys in the school building program 40912  
bond service fund are insufficient to pay all bond service charges 40913  
on such obligations becoming due in each year, a sufficient amount 40914  
of the moneys from the lottery profits education fund included in 40915  
pledged receipts, subject to appropriation for such purpose as 40916  
provided in section 3770.06 of the Revised Code, are committed and 40917  
shall be paid to the school building program bond service fund in 40918  
each year for the purpose of paying the bond service charges 40919  
becoming due in that year. The school building program bond 40920  
service fund is a trust fund and is hereby pledged to the payment 40921  
of bond service charges solely on obligations issued to provide 40922  
moneys for the school building program assistance fund to the 40923



extent provided in the applicable bond proceedings, and payment 40924  
thereof from such fund shall be made or provided for by the 40925  
treasurer of state in accordance with such bond proceedings 40926  
without necessity for any act of appropriation except as required 40927  
by section 3770.06 of the Revised Code. 40928

(R) The obligations, the transfer thereof, and the income 40929  
therefrom, including any profit made on the sale thereof, at all 40930  
times shall be free from taxation within the state. 40931

**Sec. 3318.311.** ~~Not later than six months after September 14,~~ 40932  
~~2000, the~~ The Ohio school facilities construction commission shall 40933  
establish design specifications for classroom facilities that are 40934  
appropriate for joint vocational education programs. The 40935  
specifications shall provide standards for appropriate pupil 40936  
instruction space but shall not include standards for any 40937  
vocational education furnishings or equipment that is not 40938  
comparable to, or the vocational education equivalent of, the 40939  
furnishings or equipment for which assistance is available to 40940  
other school districts under sections 3318.01 to 3318.20 of the 40941  
Revised Code. 40942

Beginning September 1, 2003, from time to time the commission 40943  
may amend the specifications as determined necessary by the 40944  
commission; however, any project under sections 3318.40 to 3318.45 40945  
of the Revised Code approved by the commission prior to the most 40946  
recent amendment to the specifications shall not be subject to the 40947  
provisions of such amendment. 40948

**Sec. 3318.351.** (A) As used in this section: 40949

(1) "Classroom facilities" has the same meaning as in section 40950  
3318.01 of the Revised Code. 40951

(2) "Emergency project" means reconstruction or renovation of 40952  
or repair to any classroom facilities made necessary because of 40953

damage due to an act of God. 40954

(3) "Eligible school district" means any school district in 40955  
the first through one-hundredth percentiles as determined under 40956  
section 3318.011 of the Revised Code. 40957

(B)(1) There is hereby established the school building 40958  
emergency assistance program, under which the Ohio ~~school~~ 40959  
facilities construction commission shall distribute grants to 40960  
eligible school districts from moneys specifically appropriated by 40961  
the general assembly for the purposes of this section to assist in 40962  
emergency projects. Any assistance under this section shall be 40963  
used to pay the cost of only the portion of an emergency project 40964  
that is not covered by insurance or other public or private 40965  
emergency assistance received by or payable to the school 40966  
district. Any damage to classroom facilities caused by age of the 40967  
facilities or by lack of timely maintenance to the facilities 40968  
shall not constitute damage that is subject to assistance under 40969  
this section. 40970

(2) The commission shall establish procedures and deadlines 40971  
for eligible school districts to follow in applying for assistance 40972  
under this section. The commission shall consider such 40973  
applications on a case-by-case basis taking into account the 40974  
amount of moneys available under this section. 40975

(3) Every effort shall be made to conform an emergency 40976  
project to design specifications adopted by the commission, 40977  
including minimum capacity requirements adopted under section 40978  
3318.03 of the Revised Code, unless in the judgment of the 40979  
commission it is not possible to conform the project to such 40980  
specifications. 40981

**Sec. 3318.36.** (A)(1) As used in this section: 40982

(a) "Ohio ~~school~~ facilities construction commission," 40983

"classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio ~~school~~ facilities construction commission may enter into an agreement with the board of any school district under which the

board may proceed with the new construction or major repairs of a 41016  
part of the district's classroom facilities needs, as determined 41017  
under sections 3318.01 to 3318.20 of the Revised Code, through the 41018  
expenditure of local resources prior to the school district's 41019  
eligibility for state assistance under those sections, and may 41020  
apply that expenditure toward meeting the school district's 41021  
portion of the basic project cost of the total of the district's 41022  
classroom facilities needs, as recalculated under division (E) of 41023  
this section, when the district becomes eligible for state 41024  
assistance under sections 3318.01 to 3318.20 or section 3318.364 41025  
of the Revised Code. Any school district that is reasonably 41026  
expected to receive assistance under sections 3318.01 to 3318.20 41027  
of the Revised Code within two fiscal years from the date the 41028  
school district adopts its resolution under division (B) of this 41029  
section shall not be eligible to participate in the program 41030  
established under this section. 41031

(2) To participate in the program, a school district board 41032  
shall first adopt a resolution certifying to the commission the 41033  
board's intent to participate in the program. 41034

The resolution shall specify the approximate date that the 41035  
board intends to seek elector approval of any bond or tax measures 41036  
or to apply other local resources to use to pay the cost of 41037  
classroom facilities to be constructed under this section. The 41038  
resolution may specify the application of local resources or 41039  
elector-approved bond or tax measures after the resolution is 41040  
adopted by the board, and in such case the board may proceed with 41041  
a discrete portion of its project under this section as soon as 41042  
the commission and the controlling board have approved the basic 41043  
project cost of the district's classroom facilities needs as 41044  
specified in division (D) of this section. The board shall submit 41045  
its resolution to the commission not later than ten days after the 41046  
date the resolution is adopted by the board. 41047

The commission shall not consider any resolution that is 41048  
submitted pursuant to division (B)(2) of this section, as amended 41049  
by this amendment, sooner than September 14, 2000. 41050

(3) For purposes of determining when a district that enters 41051  
into an agreement under this section becomes eligible for 41052  
assistance under sections 3318.01 to 3318.20 of the Revised Code 41053  
or priority for assistance under section 3318.364 of the Revised 41054  
Code, the commission shall use the district's percentile ranking 41055  
determined at the time the district entered into the agreement 41056  
under this section, as prescribed by division (A)(2) of this 41057  
section. 41058

(4) Any project under this section shall comply with section 41059  
3318.03 of the Revised Code and with any specifications for plans 41060  
and materials for classroom facilities adopted by the commission 41061  
under section 3318.04 of the Revised Code. 41062

(5) If a school district that enters into an agreement under 41063  
this section has not begun a project applying local resources as 41064  
provided for under that agreement at the time the district is 41065  
notified by the commission that it is eligible to receive state 41066  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 41067  
all assessment and agreement documents entered into under this 41068  
section are void. 41069

(6) Only construction of or repairs to classroom facilities 41070  
that have been approved by the commission and have been therefore 41071  
included as part of a district's basic project cost qualify for 41072  
application of local resources under this section. 41073

(C) Based on the results of on-site visits and assessment, 41074  
the commission shall determine the basic project cost of the 41075  
school district's classroom facilities needs. The commission shall 41076  
determine the school district's portion of such basic project 41077  
cost, which shall be the greater of: 41078

(1) The required percentage of the basic project costs, 41079  
determined based on the school district's percentile ranking; 41080

(2) An amount necessary to raise the school district's net 41081  
bonded indebtedness, as of the fiscal year the commission and the 41082  
school district enter into the agreement under division (B) of 41083  
this section, to within five thousand dollars of the required 41084  
level of indebtedness. 41085

(D)(1) When the commission determines the basic project cost 41086  
of the classroom facilities needs of a school district and the 41087  
school district's portion of that basic project cost under 41088  
division (C) of this section, the project shall be conditionally 41089  
approved. Such conditional approval shall be submitted to the 41090  
controlling board for approval thereof. The controlling board 41091  
shall forthwith approve or reject the commission's determination, 41092  
conditional approval, and the amount of the state's portion of the 41093  
basic project cost; however, no state funds shall be encumbered 41094  
under this section. Upon approval by the controlling board, the 41095  
school district board may identify a discrete part of its 41096  
classroom facilities needs, which shall include only new 41097  
construction of or additions or major repairs to a particular 41098  
building, to address with local resources. Upon identifying a part 41099  
of the school district's basic project cost to address with local 41100  
resources, the school district board may allocate any available 41101  
school district moneys to pay the cost of that identified part, 41102  
including the proceeds of an issuance of bonds if approved by the 41103  
electors of the school district. 41104

All local resources utilized under this division shall first 41105  
be deposited in the project construction account required under 41106  
section 3318.08 of the Revised Code. 41107

(2) Unless the school district board exercises its option 41108  
under division (D)(3) of this section, for a school district to 41109  
qualify for participation in the program authorized under this 41110

section, one of the following conditions shall be satisfied: 41111

(a) The electors of the school district by a majority vote 41112  
shall approve the levy of taxes outside the ten-mill limitation 41113  
for a period of twenty-three years at the rate of not less than 41114  
one-half mill for each dollar of valuation to be used to pay the 41115  
cost of maintaining the classroom facilities included in the basic 41116  
project cost as determined by the commission. The form of the 41117  
ballot to be used to submit the question whether to approve the 41118  
tax required under this division to the electors of the school 41119  
district shall be the form for an additional levy of taxes 41120  
prescribed in section 3318.361 of the Revised Code, which may be 41121  
combined in a single ballot question with the questions prescribed 41122  
under section 5705.218 of the Revised Code. 41123

(b) As authorized under division (C) of section 3318.05 of 41124  
the Revised Code, the school district board shall earmark from the 41125  
proceeds of a permanent improvement tax levied under section 41126  
5705.21 of the Revised Code, an amount equivalent to the 41127  
additional tax otherwise required under division (D)(2)(a) of this 41128  
section for the maintenance of the classroom facilities included 41129  
in the basic project cost as determined by the commission. 41130

(c) As authorized under section 3318.051 of the Revised Code, 41131  
the school district board shall, if approved by the commission, 41132  
annually transfer into the maintenance fund required under section 41133  
3318.05 of the Revised Code the amount prescribed in section 41134  
3318.051 of the Revised Code in lieu of the tax otherwise required 41135  
under division (D)(2)(a) of this section for the maintenance of 41136  
the classroom facilities included in the basic project cost as 41137  
determined by the commission. 41138

(d) If the school district board has rescinded the agreement 41139  
to make transfers under section 3318.051 of the Revised Code, as 41140  
provided under division (F) of that section, the electors of the 41141  
school district, in accordance with section 3318.063 of the 41142

Revised Code, first shall approve the levy of taxes outside the 41143  
ten-mill limitation for the period specified in that section at a 41144  
rate of not less than one-half mill for each dollar of valuation. 41145

(e) The school district board shall apply the proceeds of a 41146  
tax to leverage bonds as authorized under section 3318.052 of the 41147  
Revised Code or dedicate a local donated contribution in the 41148  
manner described in division (B) of section 3318.084 of the 41149  
Revised Code in an amount equivalent to the additional tax 41150  
otherwise required under division (D)(2)(a) of this section for 41151  
the maintenance of the classroom facilities included in the basic 41152  
project cost as determined by the commission. 41153

(3) A school district board may opt to delay taking any of 41154  
the actions described in division (D)(2) of this section until the 41155  
school district becomes eligible for state assistance under 41156  
sections 3318.01 to 3318.20 of the Revised Code. In order to 41157  
exercise this option, the board shall certify to the commission a 41158  
resolution indicating the board's intent to do so prior to 41159  
entering into an agreement under division (B) of this section. 41160

(4) If pursuant to division (D)(3) of this section a district 41161  
board opts to delay levying an additional tax until the district 41162  
becomes eligible for state assistance, it shall submit the 41163  
question of levying that tax to the district electors as follows: 41164

(a) In accordance with section 3318.06 of the Revised Code if 41165  
it will also be necessary pursuant to division (E) of this section 41166  
to submit a proposal for approval of a bond issue; 41167

(b) In accordance with section 3318.361 of the Revised Code 41168  
if it is not necessary to also submit a proposal for approval of a 41169  
bond issue pursuant to division (E) of this section. 41170

(5) No state assistance under sections 3318.01 to 3318.20 of 41171  
the Revised Code shall be released until a school district board 41172  
that adopts and certifies a resolution under division (D) of this 41173



section also demonstrates to the satisfaction of the commission 41174  
compliance with the provisions of division (D)(2) of this section. 41175

Any amount required for maintenance under division (D)(2) of 41176  
this section shall be deposited into a separate fund as specified 41177  
in division (B) of section 3318.05 of the Revised Code. 41178

(E)(1) If the school district becomes eligible for state 41179  
assistance under sections 3318.01 to 3318.20 of the Revised Code 41180  
based on its percentile ranking under division (B)(3) of this 41181  
section or is offered assistance under section 3318.364 of the 41182  
Revised Code, the commission shall conduct a new assessment of the 41183  
school district's classroom facilities needs and shall recalculate 41184  
the basic project cost based on this new assessment. The basic 41185  
project cost recalculated under this division shall include the 41186  
amount of expenditures made by the school district board under 41187  
division (D)(1) of this section. The commission shall then 41188  
recalculate the school district's portion of the new basic project 41189  
cost, which shall be the percentage of the original basic project 41190  
cost assigned to the school district as its portion under division 41191  
(C) of this section. The commission shall deduct the expenditure 41192  
of school district moneys made under division (D)(1) of this 41193  
section from the school district's portion of the basic project 41194  
cost as recalculated under this division. If the amount of school 41195  
district resources applied by the school district board to the 41196  
school district's portion of the basic project cost under this 41197  
section is less than the total amount of such portion as 41198  
recalculated under this division, the school district board by a 41199  
majority vote of all of its members shall, if it desires to seek 41200  
state assistance under sections 3318.01 to 3318.20 of the Revised 41201  
Code, adopt a resolution as specified in section 3318.06 of the 41202  
Revised Code to submit to the electors of the school district the 41203  
question of approval of a bond issue in order to pay any 41204  
additional amount of school district portion required for state 41205

assistance. Any tax levy approved under division (D) of this 41206  
section satisfies the requirements to levy the additional tax 41207  
under section 3318.06 of the Revised Code. 41208

(2) If the amount of school district resources applied by the 41209  
school district board to the school district's portion of the 41210  
basic project cost under this section is more than the total 41211  
amount of such portion as recalculated under this division, within 41212  
one year after the school district's portion is recalculated under 41213  
division (E)(1) of this section the commission may grant to the 41214  
school district the difference between the two calculated 41215  
portions, but at no time shall the commission expend any state 41216  
funds on a project in an amount greater than the state's portion 41217  
of the basic project cost as recalculated under this division. 41218

Any reimbursement under this division shall be only for local 41219  
resources the school district has applied toward construction cost 41220  
expenditures for the classroom facilities approved by the 41221  
commission, which shall not include any financing costs associated 41222  
with that construction. 41223

The school district board shall use any moneys reimbursed to 41224  
the district under this division to pay off any debt service the 41225  
district owes for classroom facilities constructed under its 41226  
project under this section before such moneys are applied to any 41227  
other purpose. However, the district board first may deposit 41228  
moneys reimbursed under this division into the district's general 41229  
fund or a permanent improvement fund to replace local resources 41230  
the district withdrew from those funds, as long as, and to the 41231  
extent that, those local resources were used by the district for 41232  
constructing classroom facilities included in the district's basic 41233  
project cost. 41234

**Sec. 3318.362.** This section applies only to a school district 41235  
that participates in the school building assistance expedited 41236

local partnership program under section 3318.36 of the Revised Code. 41237  
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A school district board that enters into an agreement with the Ohio ~~school~~ facilities construction commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for any number of years not exceeding the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code. 41239  
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**Sec. 3318.363.** (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code. 41253  
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(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio ~~school~~ facilities construction commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the 41257  
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adjusted valuation per pupil calculated under division (C) of this 41268  
section rather than the three-year average adjusted valuation per 41269  
pupil, calculated under division (B) of section 3318.011 of the 41270  
Revised Code. For such district, the required percentage of the 41271  
basic project cost used to determine the state and school district 41272  
shares of that cost under division (C) of section 3318.36 of the 41273  
Revised Code shall be based on the percentile rank as calculated 41274  
under this section rather than as otherwise provided in division 41275  
(C)(1) of section 3318.36 of the Revised Code. If the commission 41276  
has determined the state and school district portion of the basic 41277  
project cost of such a district's project under section 3318.36 of 41278  
the Revised Code prior to that decrease in tax valuation, the 41279  
commission shall adjust the state and school district shares of 41280  
the basic project cost of such project in accordance with this 41281  
section. 41282

(C)(1) As used in divisions (C) and (D) of this section, 41283  
"total taxable value" and "formula ADM" have the same meanings as 41284  
in section 3317.02 of the Revised Code, and "income factor" has 41285  
the same meaning as in section 3318.011 of the Revised Code. 41286

(2) The adjusted valuation per pupil for a school district to 41287  
which this section applies shall be calculated using the following 41288  
formula: 41289

(The district's total taxable value for the tax year 41290  
preceding the calendar year in which the current fiscal year 41291  
begins / the district's formula ADM for the previous fiscal year) 41292  
- [\$30,000 x (1 - the district's income factor)]. 41293

(D) At the request of the Ohio ~~school~~ facilities construction 41294  
commission, the department of education shall report a district's 41295  
total taxable value for the tax year preceding the calendar year 41296  
in which the current fiscal year begins for any district to which 41297  
this section applies as that information has been certified to the 41298  
department by the tax commissioner pursuant to section 3317.021 of 41299

the Revised Code. 41300

**Sec. 3318.364.** In any fiscal year, the Ohio ~~school~~ facilities 41301  
construction commission may, at its discretion, provide assistance 41302  
under sections 3318.01 to 3318.20 of the Revised Code to a school 41303  
district that has entered into an expedited local partnership 41304  
agreement under section 3318.36 of the Revised Code before the 41305  
district is otherwise eligible for that assistance based on its 41306  
percentile rank, if the commission determines all of the 41307  
following: 41308

(A) The district has made an expenditure of local resources 41309  
under its expedited local partnership agreement on a discrete part 41310  
of its district-wide project. 41311

(B) The district is ready to complete its district-wide 41312  
project or a segment of the project, in accordance with section 41313  
3318.034 of the Revised Code. 41314

(C) The district is in compliance with division (D)(2) of 41315  
section 3318.36 of the Revised Code. 41316

(D) Sufficient state funds have been appropriated for 41317  
classroom facilities projects for the fiscal year to pay the state 41318  
share of the district's project or segment after paying the state 41319  
share of projects for all of the following: 41320

(1) Districts that previously had their conditional approval 41321  
lapse pursuant to section 3318.05 of the Revised Code; 41322

(2) Districts eligible for assistance under division (B)(2) 41323  
of section 3318.04 of the Revised Code; 41324

(3) Districts participating in the exceptional needs school 41325  
facilities assistance program under section 3318.37 or 3318.371 of 41326  
the Revised Code; 41327

(4) Districts participating in the accelerated urban school 41328  
building assistance program under section 3318.38 of the Revised 41329

Code. 41330

Assistance under this section shall be offered to eligible 41331  
districts in the order of their percentile rankings at the time 41332  
they entered into their expedited local partnership agreements, 41333  
from lowest to highest percentile. In the event that more than one 41334  
district has the same percentile ranking, those districts shall be 41335  
offered assistance in the order of the date they entered into 41336  
their expedited local partnership agreements, from earliest to 41337  
latest date. 41338

As used in this section, "local resources" and "percentile" 41339  
have the same meanings as in section 3318.36 of the Revised Code. 41340

**Sec. 3318.37.** (A)(1) As used in this section: 41341

(a) "Full maintenance amount" has the same meaning as in 41342  
section 3318.034 of the Revised Code. 41343

(b) A "school district with an exceptional need for immediate 41344  
classroom facilities assistance" means a school district with an 41345  
exceptional need for new facilities in order to protect the health 41346  
and safety of all or a portion of its students. 41347

(2) No school district that participates in the school 41348  
building assistance expedited local partnership program under 41349  
section 3318.36 of the Revised Code shall receive assistance under 41350  
the program established under this section unless the following 41351  
conditions are satisfied: 41352

(a) The district board adopted a resolution certifying its 41353  
intent to participate in the school building assistance expedited 41354  
local partnership program under section 3318.36 of the Revised 41355  
Code prior to September 14, 2000. 41356

(b) The district was selected by the Ohio ~~school~~ facilities 41357  
construction commission for participation in the school building 41358  
assistance expedited local partnership program under section 41359

3318.36 of the Revised Code in the manner prescribed by the 41360  
commission under that section as it existed prior to September 14, 41361  
2000. 41362

(B)(1) There is hereby established the exceptional needs 41363  
school facilities assistance program. Under the program, the Ohio 41364  
~~school~~ facilities construction commission may set aside from the 41365  
moneys annually appropriated to it for classroom facilities 41366  
assistance projects up to twenty-five per cent for assistance to 41367  
school districts with exceptional needs for immediate classroom 41368  
facilities assistance. 41369

(2)(a) After consulting with education and construction 41370  
experts, the commission shall adopt guidelines for identifying 41371  
school districts with an exceptional need for immediate classroom 41372  
facilities assistance. 41373

(b) The guidelines shall include application forms and 41374  
instructions for school districts to use in applying for 41375  
assistance under this section. 41376

(3) The commission shall evaluate the classroom facilities, 41377  
and the need for replacement classroom facilities from the 41378  
applications received under this section. The commission, 41379  
utilizing the guidelines adopted under division (B)(2)(a) of this 41380  
section, shall prioritize the school districts to be assessed. 41381

Notwithstanding section 3318.02 of the Revised Code, the 41382  
commission may conduct on-site evaluation of the school districts 41383  
prioritized under this section and approve and award funds until 41384  
such time as all funds set aside under division (B)(1) of this 41385  
section have been encumbered. However, the commission need not 41386  
conduct the evaluation of facilities if the commission determines 41387  
that a district's assessment conducted under section 3318.36 of 41388  
the Revised Code is sufficient for purposes of this section. 41389

(4) Notwithstanding division (A) of section 3318.05 of the 41390

Revised Code, the school district's portion of the basic project 41391  
cost under this section shall be the "required percentage of the 41392  
basic project costs," as defined in division (K) of section 41393  
3318.01 of the Revised Code. 41394

(5) Except as otherwise specified in this section, any 41395  
project undertaken with assistance under this section shall comply 41396  
with all provisions of sections 3318.01 to 3318.20 of the Revised 41397  
Code. A school district may receive assistance under sections 41398  
3318.01 to 3318.20 of the Revised Code for the remainder of the 41399  
district's classroom facilities needs as assessed under this 41400  
section when the district is eligible for such assistance pursuant 41401  
to section 3318.02 of the Revised Code, but any classroom facility 41402  
constructed with assistance under this section shall not be 41403  
included in a district's project at that time unless the 41404  
commission determines the district has experienced the increased 41405  
enrollment specified in division (B)(1) of section 3318.04 of the 41406  
Revised Code. 41407

(C) No school district shall receive assistance under this 41408  
section for a classroom facility that has been included in the 41409  
discrete part of the district's classroom facilities needs 41410  
identified and addressed in the district's project pursuant to an 41411  
agreement entered into under section 3318.36 of the Revised Code, 41412  
unless the district's entire classroom facilities plan consists of 41413  
only a single building designed to house grades kindergarten 41414  
through twelve. 41415

(D)(1) When undertaking a project under this section, a 41416  
school district may elect to prorate its full maintenance amount 41417  
by setting aside for maintenance the amount calculated under 41418  
division (D)(2) of this section to maintain the classroom 41419  
facilities acquired under the project, if the district will use 41420  
one or more of the alternative methods authorized in sections 41421  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41422



the entire amount calculated under that division. If the district  
so elects, the commission and the district shall include in the  
agreement entered into under section 3318.08 of the Revised Code a  
statement specifying that the district will use the amount  
calculated under that division only to maintain the classroom  
facilities acquired under the project under this section.

(2) The commission shall calculate the amount for a school  
district to maintain the classroom facilities acquired under a  
project under this section as follows:

The full maintenance amount X (the school district's portion  
of the basic project cost under this section / the school  
district's portion of the basic project cost for the district's  
entire classroom facilities needs, as determined jointly by the  
staff of the commission and the district)

(3) A school district may elect to prorate its full  
maintenance amount for any number of projects under this section,  
provided the district will use one or more of the alternative  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of  
the Revised Code to generate the entire amount calculated under  
division (D)(2) of this section to maintain the classroom  
facilities acquired under each project for which it so elects. If  
the district cannot use one or more of those alternative methods  
to generate the entire amount calculated under that division, the  
district shall levy the tax described in division (B) of section  
3318.05 of the Revised Code or an extension of that tax under  
section 3318.061 of the Revised Code in an amount necessary to  
generate the remainder of its full maintenance amount. The  
commission shall calculate the remainder of the district's full  
maintenance amount as follows:

The full maintenance amount - the sum of the amounts  
calculated for the district under division (D)(2) of this section  
for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to ~~the effective date of this amendment~~ September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

**Sec. 3318.371.** The Ohio ~~school~~ facilities construction commission may provide assistance under the exceptional needs school facilities program established by section 3318.37 of the Revised Code to any school district for the purpose of the relocation or replacement of classroom facilities required as a result of any contamination of air, soil, or water that impacts the occupants of the facility.

The commission shall make a determination in accordance with guidelines adopted by the commission regarding eligibility and funding for projects under this section. The commission may contract with an independent environmental consultant to conduct a study to assist the commission in making the determination.

If the federal government or other public or private entity

provides funds for restitution of costs incurred by the state or 41486  
school district in the relocation or replacement of the classroom 41487  
facilities, the school district shall use such funds in excess of 41488  
the school district's share to refund the state for the state's 41489  
contribution to the environmental contamination portion of the 41490  
project. The school district may apply an amount of such 41491  
restitution funds up to an amount equal to the school district's 41492  
portion of the project, as defined by the commission, toward 41493  
paying its portion of that project to reduce the amount of bonds 41494  
the school district otherwise must issue to receive state 41495  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 41496

**Sec. 3318.38.** (A) As used in this section, "big-eight school 41497  
district" has the same meaning as in section 3314.02 of the 41498  
Revised Code. 41499

(B) There is hereby established the accelerated urban school 41500  
building assistance program. Under the program, notwithstanding 41501  
section 3318.02 of the Revised Code, any big-eight school district 41502  
that has not been approved to receive assistance under sections 41503  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 41504  
beginning on that date apply for approval of and be approved for 41505  
such assistance. Except as otherwise provided in this section, any 41506  
project approved and undertaken pursuant to this section shall 41507  
comply with all provisions of sections 3318.01 to 3318.20 of the 41508  
Revised Code. 41509

The Ohio ~~school~~ facilities construction commission shall 41510  
provide assistance to any big-eight school district eligible for 41511  
assistance under this section in the following manner: 41512

(1) Notwithstanding section 3318.02 of the Revised Code: 41513

(a) Not later than June 30, 2002, the commission shall 41514  
conduct an on-site visit and shall assess the classroom facilities 41515  
needs of each big-eight school district eligible for assistance 41516

under this section; 41517

(b) Beginning July 1, 2002, any big-eight school district 41518  
eligible for assistance under this section may apply to the 41519  
commission for conditional approval of its project as determined 41520  
by the assessment conducted under division (B)(1)(a) of this 41521  
section. The commission may conditionally approve that project and 41522  
submit it to the controlling board for approval pursuant to 41523  
section 3318.04 of the Revised Code. 41524

(2) If the controlling board approves the project of a 41525  
big-eight school district eligible for assistance under this 41526  
section, the commission and the school district shall enter into 41527  
an agreement as prescribed in section 3318.08 of the Revised Code. 41528  
Any agreement executed pursuant to this division shall include any 41529  
applicable segmentation provisions as approved by the commission 41530  
under division (B)(3) of this section. 41531

(3) Notwithstanding any provision to the contrary in sections 41532  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 41533  
school district eligible for assistance under this section may 41534  
with the approval of the commission opt to divide the project as 41535  
approved under division (B)(1)(b) of this section into discrete 41536  
segments to be completed sequentially. Any project divided into 41537  
segments shall comply with all other provisions of sections 41538  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 41539  
otherwise specified in this division. 41540

If a project is divided into segments under this division: 41541

(a) The school district need raise only the amount equal to 41542  
its proportionate share, as determined under section 3318.032 of 41543  
the Revised Code, of each segment at any one time and may seek 41544  
voter approval of each segment separately; 41545

(b) The state's proportionate share, as determined under 41546  
section 3318.032 of the Revised Code, of only the segment which 41547

has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

(c) The school district's maintenance levy requirement, as defined in section 3318.18 of the Revised Code, shall run for twenty-three years from the date the first segment is undertaken.

(C) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project under this section, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised Code:

(a) "Ohio ~~school~~ facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom

facilities. 41578

(B) There is hereby established the vocational school 41579  
facilities assistance program. Under the program, the Ohio ~~school~~ 41580  
facilities construction commission shall provide assistance to 41581  
joint vocational school districts for the acquisition of classroom 41582  
facilities suitable to the vocational education programs of the 41583  
districts in accordance with sections 3318.40 to 3318.45 of the 41584  
Revised Code. For purposes of the program, beginning July 1, 2003, 41585  
the commission annually may set aside up to two per cent of the 41586  
aggregate amount appropriated to it for classroom facilities 41587  
assistance projects in the public school building fund, 41588  
established under section 3318.15 of the Revised Code, and the 41589  
school building program assistance fund, established under section 41590  
3318.25 of the Revised Code. 41591

(C) The commission shall not provide assistance for any 41592  
distinct part of a project under sections 3318.40 to 3318.45 of 41593  
the Revised Code that when completed will be used exclusively for 41594  
an adult education program or exclusively for operation of a 41595  
driver training school for instruction leading to the issuance of 41596  
a commercial driver's license under Chapter 4506. of the Revised 41597  
Code, except for life safety items and basic building components 41598  
necessary for complete and continuous construction or renovation 41599  
of a classroom facility as determined by the commission. 41600

(D) The commission shall not provide assistance under 41601  
sections 3318.40 to 3318.45 of the Revised Code to acquire 41602  
classroom facilities for vocational educational instruction at a 41603  
location under the control of a school district that is a member 41604  
of a joint vocational school district. Any assistance to acquire 41605  
classroom facilities for vocational educational instruction at 41606  
such location shall be provided to the school district that is a 41607  
member of the joint vocational school district through other 41608  
provisions of this chapter when that member school district is 41609

eligible for assistance under those provisions. 41610

(E) By September 1, 2003, the commission shall assess the 41611  
classroom facilities needs of at least five joint vocational 41612  
school districts, according to the order of priority prescribed in 41613  
division (B) of section 3318.42 of the Revised Code, and based on 41614  
the results of those assessments shall determine the extent to 41615  
which amendments to the specifications adopted under section 41616  
3318.311 of the Revised Code are warranted. The commission, 41617  
thereafter, may amend the specifications as provided in that 41618  
section. 41619

(F) After the commission has conducted the assessments 41620  
prescribed in division (E) of this section, the commission shall 41621  
establish, by rule adopted in accordance with section 111.15 of 41622  
the Revised Code, guidelines for the commission to use in deciding 41623  
whether to waive compliance with the design specifications adopted 41624  
under section 3318.311 of the Revised Code when determining the 41625  
number of facilities and the basic project cost of projects as 41626  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 41627  
Code. The guidelines shall address the following situations: 41628

(1) Under what circumstances, if any, particular classroom 41629  
facilities are adequate to meet the needs of the school district 41630  
even though the facilities do not comply with the specifications 41631  
adopted under section 3318.311 of the Revised Code; 41632

(2) Under what circumstances, if any, particular classroom 41633  
facilities will be renovated or repaired rather than replaced by 41634  
construction of new facilities. 41635

**Sec. 3318.41.** (A)(1) The Ohio ~~school~~ facilities construction 41636  
commission annually shall assess the classroom facilities needs of 41637  
the number of joint vocational school districts that the 41638  
commission reasonably expects to be able to provide assistance to 41639  
in a fiscal year, based on the amount set aside for that fiscal 41640

year under division (B) of section 3318.40 of the Revised Code and 41641  
the order of priority prescribed in division (B) of section 41642  
3318.42 of the Revised Code, except that in fiscal year 2004 the 41643  
commission shall conduct at least the five assessments prescribed 41644  
in division (E) of section 3318.40 of the Revised Code. 41645

Upon conducting an assessment of the classroom facilities 41646  
needs of a school district, the commission shall make a 41647  
determination of all of the following: 41648

(a) The number of classroom facilities to be included in a 41649  
project and the basic project cost of acquiring the classroom 41650  
facilities included in the project. The number of facilities and 41651  
basic project cost shall be determined in accordance with the 41652  
specifications adopted under section 3318.311 of the Revised Code 41653  
except to the extent that compliance with such specifications is 41654  
waived by the commission pursuant to the rule of the commission 41655  
adopted under division (F) of section 3318.40 of the Revised Code. 41656

(b) The school district's portion of the basic project cost 41657  
as determined under division (C) of section 3318.42 of the Revised 41658  
Code; 41659

(c) The remaining portion of the basic project cost that 41660  
shall be supplied by the state; 41661

(d) The amount of the state's portion of the basic project 41662  
cost to be encumbered in accordance with section 3318.11 of the 41663  
Revised Code in the current and subsequent fiscal years from funds 41664  
set aside under division (B) of section 3318.40 of the Revised 41665  
Code. 41666

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41667  
Revised Code apply to any project under sections 3318.40 to 41668  
3318.45 of the Revised Code. 41669

(B)(1) If the commission makes a determination under division 41670  
(A) of this section in favor of the acquisition of classroom 41671



facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount

and manner prescribed in section 3318.43 of the Revised Code. 41704

(D)(1) The conditional approval for a project certified under 41705  
division (B)(1) of this section shall lapse and the amount 41706  
reserved and encumbered for such project shall be released unless 41707  
both of the following conditions are satisfied: 41708

(a) Within one hundred twenty days following the date of 41709  
certification of the conditional approval to the joint vocational 41710  
school district board, the school district board accepts the 41711  
conditional approval and certifies to the commission the school 41712  
district board's plan to generate the school district's portion of 41713  
the basic project cost, as determined under division (C) of 41714  
section 3318.42 of the Revised Code, and to set aside moneys for 41715  
maintenance of the classroom facilities acquired under the 41716  
project, as prescribed in section 3318.43 of the Revised Code. 41717

(b) Within thirteen months following the date of 41718  
certification of the conditional approval to the school district 41719  
board, the electors of the school district vote favorably on any 41720  
ballot measures proposed by the school district board to generate 41721  
the school district's portion of the basic project cost. 41722

(2) If the school district board or electors fail to satisfy 41723  
the conditions prescribed in division (D)(1) of this section and 41724  
the amount reserved and encumbered for the school district's 41725  
project is released, the school district shall be given first 41726  
priority over other joint vocational school districts for project 41727  
funding under sections 3318.40 to 3318.45 of the Revised Code as 41728  
such funds become available, subject to section 3318.054 of the 41729  
Revised Code. 41730

(E) If the conditions prescribed in division (D)(1) of this 41731  
section are satisfied, the commission and the school district 41732  
board shall enter into an agreement as prescribed in section 41733  
3318.08 of the Revised Code and shall proceed with the development 41734

of plans, cost estimates, designs, drawings, and specifications as 41735  
prescribed in section 3318.091 of the Revised Code. 41736

(F) Costs in excess of those approved by the commission under 41737  
section 3318.091 of the Revised Code shall be payable only as 41738  
provided in sections 3318.042 and 3318.083 of the Revised Code. 41739

(G) Advertisement for bids and the award of contracts for 41740  
construction of any project under sections 3318.40 to 3318.45 of 41741  
the Revised Code shall be conducted in accordance with section 41742  
3318.10 of the Revised Code. 41743

(H) In accordance with division (R) of section 3318.08 of the 41744  
Revised Code, the state funds reserved and encumbered and the 41745  
funds provided by the school district to pay the basic project 41746  
cost of a project under sections 3318.40 to 3318.45 of the Revised 41747  
Code shall be spent simultaneously in proportion to the state's 41748  
and the school district's respective portions of that basic 41749  
project cost. 41750

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 41751  
Code apply to projects under sections 3318.40 to 3318.45 of the 41752  
Revised Code. 41753

**Sec. 3318.42.** (A) Not later than the sixty-first day after 41754  
March 14, 2003, and subsequently not later than the sixty-first 41755  
day after the first day of each ensuing fiscal year, the 41756  
department of education shall do all of the following: 41757

(1) Calculate the valuation per pupil of each joint 41758  
vocational school district according to the following formula: 41759

The school district's average taxable value divided by the 41760  
school district's formula ADM calculated under section 41761  
3317.03 of the Revised Code for the previous fiscal year. 41762

For purposes of this calculation: 41763

(a) "Average taxable value" means the average of the amounts 41764

certified for a school district in the second, third, and fourth 41765  
preceding tax years under divisions (A)(1) and (2) of section 41766  
3317.021 of the Revised Code. 41767

(b) "Formula ADM" has the same meaning as defined in section 41768  
3317.02 of the Revised Code. 41769

(2) Calculate for each school district the three-year average 41770  
of the valuations per pupil calculated for the school district for 41771  
the current and two preceding fiscal years; 41772

(3) Rank all joint vocational school districts in order from 41773  
the school district with the lowest three-year average valuation 41774  
per pupil to the school district with the highest three-year 41775  
average valuation per pupil; 41776

(4) Divide the ranking under division (A)(3) of this section 41777  
into percentiles with the first percentile containing the one per 41778  
cent of school districts having the lowest three-year average 41779  
valuations per pupil and the one-hundredth percentile containing 41780  
the one per cent of school districts having the highest three-year 41781  
average valuations per pupil; 41782

(5) Certify the information described in divisions (A)(1) to 41783  
(4) of this section to the Ohio ~~school~~ facilities construction 41784  
commission. 41785

(B) The commission annually shall select school districts for 41786  
assistance under sections 3318.40 to 3318.45 of the Revised Code 41787  
in the order of the school districts' three-year average 41788  
valuations per pupil such that the school district with the lowest 41789  
three-year average valuation per pupil shall be given the highest 41790  
priority for assistance. 41791

(C) Each joint vocational school district's portion of the 41792  
basic project cost of the school district's project under sections 41793  
3318.40 to 3318.45 of the Revised Code shall be one per cent times 41794  
the percentile in which the district ranks, except that no school 41795

district's portion shall be less than twenty-five per cent or 41796  
greater than ninety-five per cent of the basic project cost. 41797

**Sec. 3318.43.** Each year for twenty-three successive years 41798  
after the commencement of a joint vocational school district's 41799  
project under sections 3318.40 to 3318.45 of the Revised Code, the 41800  
board of education of that school district shall deposit into a 41801  
separate maintenance account or into the school district's capital 41802  
and maintenance fund established under section 3315.18 of the 41803  
Revised Code, school district moneys dedicated to maintenance of 41804  
the classroom facilities acquired under sections 3318.40 to 41805  
3318.45 of the Revised Code in an amount equal to one and one-half 41806  
of one per cent of the current insurance value of the classroom 41807  
facilities acquired under the project, which value shall be 41808  
subject to the approval of the Ohio ~~school~~ facilities construction 41809  
commission. 41810

**Sec. 3318.46.** By rule adopted in accordance with section 41811  
111.15 of the Revised Code, the Ohio ~~school~~ facilities 41812  
construction commission shall establish a program whereby the 41813  
board of education of any joint vocational school district may 41814  
enter into an agreement with the commission under which the board 41815  
may proceed with the new construction or major repairs of a part 41816  
of the school district's classroom facilities needs, as determined 41817  
under sections 3318.40 to 3318.45 of the Revised Code, through the 41818  
expenditure of local resources prior to the school district's 41819  
eligibility for state assistance under sections 3318.40 to 3318.45 41820  
of the Revised Code. The program shall be structured in a manner 41821  
similar to the program established under section 3318.36 of the 41822  
Revised Code. The program shall be operational on July 1, 2004. 41823

**Sec. 3318.48.** (A) When all of the following have occurred, a 41824  
project undertaken by a school district pursuant to this chapter 41825

shall be considered complete and the Ohio ~~school~~ facilities 41826  
construction commission shall issue a certificate of completion to 41827  
the district board of education: 41828

(1) All facilities to be constructed under the project, as 41829  
specified in the project agreement entered into under section 41830  
3318.08 of the Revised Code, have been completed and the board has 41831  
received a permanent certificate of occupancy for each of those 41832  
facilities. 41833

(2) The commission has issued certificates of contract 41834  
completion on all prime construction contracts entered into by the 41835  
board under section 3318.10 of the Revised Code. 41836

(3) The commission has completed a final accounting of the 41837  
district's project construction fund and has determined that all 41838  
payments from the fund were made in compliance with all policies 41839  
of the commission. 41840

(4) Any litigation concerning the project has been finally 41841  
resolved with no chance of appeal. 41842

(5) All construction management services typically provided 41843  
by the commission to school districts have been delivered and the 41844  
commission has canceled any remaining encumbrance of funds for 41845  
those services. 41846

(B) The commission may issue a certificate of completion to a 41847  
district board prior to all of the conditions described in 41848  
division (A) of this section being satisfied, if the commission 41849  
determines that the circumstances preventing the conditions from 41850  
being satisfied are so minor in nature that the project should be 41851  
considered complete. When issuing a certificate of completion 41852  
under this division, the commission may specify any of the 41853  
following: 41854

(1) Any construction or work that has yet to be completed and 41855

the manner in which the board shall oversee its completion, which 41856  
may include procedures for reporting progress to the commission 41857  
and for accounting of expenditures; 41858

(2) Terms and conditions for the resolution of any pending 41859  
litigation; 41860

(3) Any remaining responsibilities of the construction 41861  
manager regarding the project. 41862

(C) The commission may issue a certificate of completion to a 41863  
district board that does not voluntarily participate in the 41864  
process of closing out the district's project, if the construction 41865  
manager for the project verifies that all facilities to be 41866  
constructed under the project, as specified in the project 41867  
agreement entered into under section 3318.08 of the Revised Code, 41868  
have been completed and the commission determines that those 41869  
facilities have been occupied for at least one year. In that case, 41870  
all funds due to the commission under division (C) of section 41871  
3318.12 of the Revised Code shall be returned to the commission 41872  
not later than thirty days after receipt of the certificate of 41873  
completion. If the funds due to the commission have not been 41874  
returned within sixty days after receipt of the certificate of 41875  
completion, the auditor of state shall issue a finding for 41876  
recovery against the school district and shall request legal 41877  
action under section 117.42 of the Revised Code. 41878

(D) Upon issuance of a certificate of completion under this 41879  
section, the commission's ownership of and interest in the 41880  
project, as specified in division (F) of section 3318.08 of the 41881  
Revised Code, shall cease. This cessation shall not alter or 41882  
otherwise affect the state's or commission's interest in the 41883  
project or any limitations on the use of the project as specified 41884  
in the project agreement pursuant to divisions (G), (M), and (N) 41885  
of that section or as specified in section 3318.16 of the Revised 41886  
Code. 41887

**Sec. 3318.49.** (A) The corrective action program is hereby 41888  
established to provide funding for the correction of work, in 41889  
connection with a project funded under sections 3318.01 to 3318.20 41890  
or sections 3318.40 to 3318.45 of the Revised Code, that is found 41891  
after occupancy of the facility to be defective or to have been 41892  
omitted. 41893

(B) The Ohio ~~school~~ facilities construction commission may 41894  
provide funding under this section only if the school district 41895  
notifies the executive director of the commission of the defective 41896  
or omitted work within five years after occupancy of the facility 41897  
for which the district seeks the funding. 41898

(C) The commission shall establish procedures and deadlines 41899  
for school districts to follow in applying for assistance under 41900  
this section. The procedures shall include definitions of 41901  
"defective" and "omitted," and shall require that remediation 41902  
efforts focus first on engaging the respective contractors that 41903  
designed and constructed the areas that have design or 41904  
construction-related issues. The commission shall consider 41905  
applications on a case-by-case basis, taking into account the 41906  
amount of money appropriated and available for purposes of this 41907  
section. 41908

(D) The commission may provide funding assistance necessary 41909  
to take corrective measures after evaluating the defective or 41910  
omitted work. 41911

(1) If the work to be corrected or remediated is part of a 41912  
project not yet completed, the commission may amend the project 41913  
agreement to increase the project budget and use corrective action 41914  
funding to provide the state portion of the amendment. If the work 41915  
to be corrected or remediated is part of a completed project and 41916  
funds were retained or transferred pursuant to division (C) of 41917  
section 3318.12 of the Revised Code, the commission may enter into 41918



a new agreement to address the corrective action. 41919

(2) Whether or not the project is completed, the district 41920  
shall contribute a portion of the cost of the corrective action, 41921  
to be determined in accordance with section 3318.032 of the 41922  
Revised Code or, if the district is a joint vocational school 41923  
district, section 3318.42 of the Revised Code. A district that is 41924  
unable to provide its portion so that remediation can proceed may 41925  
apply to the commission for additional assistance under section 41926  
3318.042 of the Revised Code. 41927

(E) The commission shall assess responsibility for the 41928  
defective or omitted work and seek cost recovery from responsible 41929  
parties, if applicable. Any recovery of the expense of remediation 41930  
shall be applied first to the district portion of the cost of the 41931  
corrective action. Any remaining funds shall be applied to the 41932  
state portion and deposited into the school building program 41933  
assistance fund established under section 3318.25 of the Revised 41934  
Code. 41935

**Sec. 3318.50.** (A) As used in this section and in section 41936  
3318.52 of the Revised Code, "classroom facilities" means 41937  
buildings, land, grounds, equipment, and furnishings used by a 41938  
community school in furtherance of its mission and contract 41939  
entered into by the school's governing authority under Chapter 41940  
3314. of the Revised Code. 41941

(B) There is hereby established the community school 41942  
classroom facilities loan guarantee program. Under the program, 41943  
the Ohio ~~school~~ facilities construction commission may guarantee 41944  
for up to fifteen years up to eighty-five per cent of the sum of 41945  
the principal and interest on a loan made to the governing 41946  
authority of a community school established under Chapter 3314. of 41947  
the Revised Code for the sole purpose of assisting the governing 41948  
authority in acquiring, improving, or replacing classroom 41949

facilities for the community school by lease, purchase, remodeling 41950  
of existing facilities, or any other means including new 41951  
construction. 41952

The commission shall not make any loan guarantee under this 41953  
section unless the commission has determined both that the 41954  
applicant is creditworthy and that the classroom facilities that 41955  
have been acquired, improved, or replaced under the loan meet 41956  
applicable health and safety standards established by law for 41957  
school buildings or those facilities that will be acquired, 41958  
improved, or replaced under the loan will meet such standards. 41959

The commission shall not guarantee any loan under this 41960  
section unless the loan is obtained from a financial institution 41961  
regulated by the United States or this state. 41962

(C) At no time shall the commission exceed an aggregate 41963  
liability of ten million dollars to repay loans guaranteed under 41964  
this section. 41965

(D) Any payment made to a lending institution as a result of 41966  
default on a loan guaranteed under this section shall be made from 41967  
moneys in the community school classroom facilities loan guarantee 41968  
fund established under section 3318.52 of the Revised Code. 41969

(E) The commission may assess a fee of up to five hundred 41970  
dollars for each loan guaranteed under this section. 41971

(F) Not later than ninety days after September 5, 2001, the 41972  
commission shall adopt rules that prescribe loan standards and 41973  
procedures consistent with this section that are designed to 41974  
protect the state's interest in any loan guaranteed by this 41975  
section and to ensure that the state has a reasonable chance of 41976  
recovering any payments made by the state in the event of a 41977  
default on any such loan. 41978

**Sec. 3318.60.** (A) As used in this section and section 3318.61 41979

of the Revised Code: 41980

(1) "Acquisition of classroom facilities" means constructing, 41981  
reconstructing, repairing, or making additions to classroom 41982  
facilities. 41983

(2) "Ohio ~~school~~ facilities construction commission" and 41984  
"classroom facilities" have the same meanings as in section 41985  
3318.01 of the Revised Code. 41986

(B) There is hereby established the college-preparatory 41987  
boarding school facilities program. Under the program, the Ohio 41988  
~~school~~ facilities construction commission shall provide assistance 41989  
to the boards of trustees of college-preparatory boarding schools 41990  
established under Chapter 3328. of the Revised Code for the 41991  
acquisition of classroom facilities. 41992

(C) The program shall comply with sections 3318.01 to 3318.20 41993  
of the Revised Code, except as follows: 41994

(1) The commission, in consultation with the board of 41995  
trustees of a college-preparatory boarding school, shall determine 41996  
the basic project cost based on all campus facilities needed for 41997  
the school's programs and operations and shall take into account 41998  
any unique spaces or square footages needed for such facilities 41999  
when calculating the basic project cost. Regardless of the 42000  
inclusion of nonclassroom facilities in the calculation of the 42001  
basic project cost, state funds provided under the program shall 42002  
be used only to pay for the acquisition of classroom facilities 42003  
that do not exceed the construction and design standards 42004  
established by the commission. 42005

(2) To be eligible for assistance under the program, the 42006  
board of trustees of a college-preparatory boarding school shall 42007  
secure at least twenty million dollars of private money to satisfy 42008  
its share of the basic project cost. Funds provided by the board 42009  
may be used for any type of facility. 42010

(3) A college-preparatory boarding school shall not be included in the ranking required by section 3318.011 of the Revised Code. The commission shall initiate procedures for the school's project when the contract required by section 3328.12 of the Revised Code has been executed.

(4) No requirement related to the issuance of bonds or securities or the levying of taxes by a school district shall apply to a college-preparatory boarding school or its board of trustees.

(5) The agreement entered into by the commission with the board of trustees of a college-preparatory boarding school under section 3318.08 of the Revised Code shall provide for termination of the contract and release of the funds encumbered at the time of the project's conditional approval, if the board fails to secure the amount specified in division (C)(2) of this section within such period after the execution of the agreement as may be fixed by the commission.

(D) Within the ninety-day period immediately following ~~the effective date of this section~~ September 29, 2011, the commission shall adopt rules necessary for the implementation and administration of the program.

**Sec. 3318.61.** (A) In lieu of participating in the college-preparatory boarding school facilities program under section 3318.60 of the Revised Code, if the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code has leased, purchased, or otherwise acquired a site for the school, the board of trustees may request approval from the Ohio ~~school~~ facilities construction commission for the board of trustees and the commission to enter into an agreement with a person or entity for the development of the site, under which agreement all of the following shall occur:

(1) The board of trustees will lease the site and any facilities located on that site to the person or entity for the purpose of enabling the person or entity to provide the campus facilities needed for the school's programs and operations by constructing new facilities on the site; reconstructing, repairing, or making additions to the existing facilities on the site; or both.

(2) The person or entity will lease the site and any new or existing facilities located on that site back to the board of trustees for use by the school.

(3) The commission will pay the board of trustees state funds for the cost of acquisition of classroom facilities on the site and the board of trustees will use those funds to make rent payments on the lease provided by the person or entity. As agreed to by the commission and the board of trustees, the commission may pay the state funds to the board of trustees in periodic installments or as one lump sum in an amount equal to the outstanding balance on the lease for classroom facilities.

(B) The commission shall approve the request of the board of trustees under division (A) of this section only if the following conditions are satisfied:

(1) The person or entity that would be party to the agreement submits to the board of trustees and the commission a plan for developing the site that includes the following:

(a) Provision for installation of site utilities that meet the requirements of all applicable laws;

(b) A description of the facilities that will be constructed, reconstructed, repaired, or added to and their total square footage;

(c) A description of how the facilities will enable the board of trustees to provide the educational program described in

section 3328.22 of the Revised Code;	42073
(d) Provision for securing property and liability insurance for the facilities;	42074 42075
(e) A description of how the development of the site will be financed by the person or entity;	42076 42077
(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years, and the monthly rent that will be owed to the person or entity for that lease.	42078 42079 42080 42081
(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.	42082 42083 42084 42085 42086
(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.	42087 42088 42089
(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.	42090 42091 42092 42093
(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:	42094 42095 42096 42097
(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and proceed according to a schedule specified in the agreement;	42098 42099 42100
(2) A stipulation that failure of the person or entity developing the site to comply with the schedule shall be grounds	42101 42102

for termination of the agreement; 42103

(3) A provision specifying which party to the agreement owns 42104  
the facilities located on the site if the school closes prior to 42105  
the expiration of the agreement and a provision indicating the 42106  
period of time after the school's closure, if any, during which 42107  
rent payments will continue to be paid to the person or entity 42108  
developing the site. 42109

**Sec. 3318.62.** Any agreement between the Ohio ~~school~~ 42110  
facilities construction commission and the board of trustees of a 42111  
college-preparatory boarding school to provide facilities 42112  
assistance under section 3318.60 or 3318.61 of the Revised Code 42113  
shall include the following stipulations: 42114

(A) If the school ceases its operations, the school's board 42115  
of trustees may permit the classroom facilities to be used for 42116  
only an alternative public purpose, including, but not limited to, 42117  
primary, secondary, vocational, or higher education services. 42118

(B) If the school ceases its operations due to either the 42119  
failure of the school's operator to comply with any of the 42120  
requirements of the contract prescribed under section 3328.12 of 42121  
the Revised Code or the default by the school's board of trustees 42122  
on an underlying leasehold or mortgage agreement, the school's 42123  
board of trustees shall return to the commission the unamortized 42124  
portion of the state funds provided to the board of trustees under 42125  
this chapter, based on a straight-line depreciation over the first 42126  
eighteen years of occupancy. However, if, within twenty-four 42127  
months after the school's cessation from operation, the classroom 42128  
facilities of a college-preparatory boarding school are used for 42129  
an alternative public purpose as prescribed by division (A) of 42130  
this section, no return of funds by the board of trustees under 42131  
this division shall be required. 42132

**Sec. 3318.70.** (A) As used in this section: 42133

(1) "Acquisition of classroom facilities" has the same 42134  
meaning as in section 3318.40 of the Revised Code. 42135

(2) "Classroom facilities" has the same meaning as in section 42136  
3318.01 of the Revised Code. 42137

(3) "STEM school" means a science, technology, engineering, 42138  
and mathematics school established under Chapter 3326. of the 42139  
Revised Code that is not governed by a single school district 42140  
board of education, as prescribed by section 3326.51 of the 42141  
Revised Code. 42142

(B) The Ohio ~~school~~ facilities construction commission shall 42143  
establish guidelines for assisting STEM schools in the acquisition 42144  
of classroom facilities. 42145

(C) Upon receipt of a written proposal by the governing body 42146  
of a STEM school, the commission, subject to approval of the 42147  
controlling board, shall provide funding to assist that STEM 42148  
school in the acquisition of classroom facilities. The proposal of 42149  
the governing body shall be submitted in a form and in the manner 42150  
prescribed by the commission. The proposal shall indicate both the 42151  
total amount of funding requested from the commission and the 42152  
amount of other funding pledged for the acquisition of the 42153  
classroom facilities, the latter of which shall not be less than 42154  
the total amount of funding requested from the commission. Once 42155  
the commission determines a proposal meets its established 42156  
guidelines and if the controlling board approves that funding, the 42157  
commission shall enter into an agreement with the governing body 42158  
for the acquisition of the classroom facilities and shall 42159  
encumber, in accordance with section 3318.11 of the Revised Code, 42160  
the approved funding from the amounts appropriated to the 42161  
commission for classroom facilities assistance projects. The 42162  
agreement shall include a stipulation of the ownership of the 42163



classroom facilities in the event the STEM school permanently 42164  
closes at any time. 42165

(D) In the case of the governing body of a group of STEM 42166  
schools, as prescribed by section 3326.031 of the Revised Code, 42167  
the governing body shall submit a proposal for each school under 42168  
its direction separately, and the commission shall consider each 42169  
proposal separately. 42170

**Sec. 3318.71.** (A) As used in this section: 42171

(1) "Acquisition of classroom facilities" has the same 42172  
meaning as in section 3318.40 of the Revised Code. 42173

(2) "Classroom facilities" has the same meaning as in section 42174  
3318.01 of the Revised Code. 42175

(3) "Qualifying partnership" means a group of city, exempted 42176  
village, or local school districts that are part of a 42177  
career-technical education compact and have entered into an 42178  
agreement for joint or cooperative establishment and operation of 42179  
a science, technology, engineering, and mathematics education 42180  
program under section 3313.842 of the Revised Code. The aggregate 42181  
territory of the school districts composing a qualifying 42182  
partnership shall be located in two adjacent counties, each having 42183  
a population greater than forty thousand, but less than fifty 42184  
thousand, and at least one of which borders another state. 42185

(B) The Ohio ~~school~~ facilities construction commission shall 42186  
establish guidelines for assisting a qualifying partnership in the 42187  
acquisition of classroom facilities to be used for a joint 42188  
science, technology, engineering, and mathematics education 42189  
program. 42190

(C) Upon receipt of a written proposal from a qualifying 42191  
partnership, the commission, subject to approval of the 42192  
controlling board, shall provide funding to assist that qualifying 42193

partnership in the acquisition of classroom facilities described 42194  
in division (B) of this section. The proposal of the qualifying 42195  
partnership shall be submitted in a form and in the manner 42196  
prescribed by the commission. The proposal shall indicate both the 42197  
total amount of funding requested from the commission and the 42198  
amount of other funding pledged for the acquisition of the 42199  
classroom facilities, the latter of which shall not be less than 42200  
the total amount of funding requested from the commission. Once 42201  
the commission determines a proposal meets its established 42202  
guidelines, and if the controlling board approves that funding, 42203  
the commission shall enter into an agreement with the qualifying 42204  
partnership for the acquisition of the classroom facilities and 42205  
shall encumber, in accordance with section 3318.11 of the Revised 42206  
Code, the approved funding from the amounts appropriated to the 42207  
commission for classroom facilities assistance projects. The 42208  
agreement shall include a stipulation of the ownership of the 42209  
classroom facilities in the event the qualifying partnership 42210  
ceases to exist. 42211

(D) A qualifying partnership may levy taxes and issue bonds 42212  
under section 5705.2112 or 5705.2113 of the Revised Code to use 42213  
for all or part of the funding pledged for the acquisition of 42214  
classroom facilities under division (C) of this section. If a 42215  
qualifying partnership chooses to levy taxes or issue bonds for 42216  
this purpose, it shall select one of the districts that is a 42217  
member of the qualifying partnership to be the fiscal agent of the 42218  
qualifying partnership for purposes of those sections. 42219

Sec. 3319.0812. As used in this section, "teacher" has the 42220  
same meaning as in section 3319.09 of the Revised Code, except 42221  
that it does not include a principal, supervisor, superintendent, 42222  
or other school administrator. 42223

A board of education of a city, exempted village, local, or 42224

joint vocational school district or the governing board of an 42225  
educational service center may enter into an agreement with any 42226  
teacher it employs under which the board or governing board 42227  
provides to the teacher early retirement incentives, severance 42228  
pay, or both, in return for an agreement to retire from the 42229  
teacher's position, only if both of the following are the case: 42230

(A) The board or governing board determines that the 42231  
agreement is financially sound. 42232

(B) The board or governing board complies with section 42233  
5705.412 of the Revised Code, with regard to any wage or salary 42234  
schedule increase made during the school year. 42235

Notwithstanding division (A) of section 4117.10 of the 42236  
Revised Code, this section prevails over any collective bargaining 42237  
agreement entered into under Chapter 4117. of the Revised Code on 42238  
or after the effective date of this section. 42239

**Sec. 3319.111.** Notwithstanding section 3319.09 of the Revised 42240  
Code, this section applies to any person who is employed under a 42241  
teacher license issued under this chapter, or under a professional 42242  
or permanent teacher's certificate issued under former section 42243  
3319.222 of the Revised Code, and who spends at least fifty per 42244  
cent of the time employed providing student instruction. However, 42245  
this section does not apply to any person who is employed as a 42246  
substitute teacher or as an instructor of adult education. 42247

(A) Not later than July 1, 2013, the board of education of 42249  
each school district, in consultation with teachers employed by 42250  
the board, shall adopt a standards-based teacher evaluation policy 42251  
that conforms with the framework for evaluation of teachers 42252  
developed under section 3319.112 of the Revised Code. The policy 42253  
shall become operative at the expiration of any collective 42254  
bargaining agreement covering teachers employed by the board that 42255

is in effect on September 29, 2011, and shall be included in any 42256  
renewal or extension of such an agreement. 42257

(B) When using measures of student academic growth as a 42258  
component of a teacher's evaluation, those measures shall include 42259  
the value-added progress dimension prescribed by section 3302.021 42260  
of the Revised Code or an alternative student academic progress 42261  
measure if adopted under division (C)(1)(e) of section 3302.03 of 42262  
the Revised Code. For teachers of grade levels and subjects for 42263  
which the value-added progress dimension or alternative student 42264  
academic progress measure is not applicable, the board shall 42265  
administer assessments on the list developed under division (B)(2) 42266  
of section 3319.112 of the Revised Code. 42267

(C)(1) The board shall conduct an evaluation of each teacher 42268  
employed by the board at least once each school year, except as 42269  
provided in division (C)(2) of this section. The evaluation shall 42270  
be completed by the first day of May and the teacher shall receive 42271  
a written report of the results of the evaluation by the tenth day 42272  
of May. 42273

(2)(a) The board may evaluate each teacher who received a 42274  
rating of accomplished on the teacher's most recent evaluation 42275  
conducted under this section once every three school years, so 42276  
long as the teacher's student academic growth measure, for the 42277  
most recent school year for which data is available, is average or 42278  
higher, as determined by the department of education. 42279

(b) The board may evaluate each teacher who received a rating 42280  
of skilled on the teacher's most recent evaluation conducted under 42281  
this section once every two years, so long as the teacher's 42282  
student academic growth measure, for the most recent school year 42283  
for which data is available, is average or higher, as determined 42284  
by the department of education. 42285

(c) For each teacher who is evaluated pursuant to division 42286

(C)(2) of this section, the evaluation shall be completed by the 42287  
first day of May of the applicable school year, and the teacher 42288  
shall receive a written report of the results of the evaluation by 42289  
the tenth day of May of that school year. 42290

(d) Beginning with the 2014-2015 school year, the board may 42291  
elect not to conduct an evaluation of a teacher who meets one of 42292  
the following requirements: 42293

(i) The teacher was on leave from the school district for 42294  
fifty per cent or more of the school year, as calculated by the 42295  
board. 42296

(ii) The teacher has submitted notice of retirement and that 42297  
notice has been accepted by the board not later than the first day 42298  
of December of the school year in which the evaluation is 42299  
otherwise scheduled to be conducted. 42300

~~(e) Beginning with the 2017-2018 school year, the board may 42301  
elect not to conduct an evaluation of a teacher who is 42302  
participating in the teacher residency program established under 42303  
section 3319.223 of the Revised Code for the year during which 42304  
that teacher takes, for the first time, at least half of the 42305  
performance based assessment prescribed by the state board of 42306  
education for resident educators. 42307~~

(3) In any year that a teacher is not formally evaluated 42308  
pursuant to division (C) of this section as a result of receiving 42309  
a rating of accomplished or skilled on the teacher's most recent 42310  
evaluation, an individual qualified to evaluate a teacher under 42311  
division (D) of this section shall conduct at least one 42312  
observation of the teacher and hold at least one conference with 42313  
the teacher. 42314

(D) Each evaluation conducted pursuant to this section shall 42315  
be conducted by one or more of the following persons who hold a 42316  
credential established by the department of education for being an 42317

evaluator: 42318

(1) A person who is under contract with the board pursuant to 42319  
section 3319.01 or 3319.02 of the Revised Code and holds a license 42320  
designated for being a superintendent, assistant superintendent, 42321  
or principal issued under section 3319.22 of the Revised Code; 42322

(2) A person who is under contract with the board pursuant to 42323  
section 3319.02 of the Revised Code and holds a license designated 42324  
for being a vocational director, administrative specialist, or 42325  
supervisor in any educational area issued under section 3319.22 of 42326  
the Revised Code; 42327

(3) A person designated to conduct evaluations under an 42328  
agreement entered into by the board, including an agreement 42329  
providing for peer review entered into by the board and 42330  
representatives of teachers employed by the board; 42331

(4) A person who is employed by an entity contracted by the 42332  
board to conduct evaluations and who holds a license designated 42333  
for being a superintendent, assistant superintendent, principal, 42334  
vocational director, administrative specialist, or supervisor in 42335  
any educational area issued under section 3319.22 of the Revised 42336  
Code or is qualified to conduct evaluations. 42337

(E) Notwithstanding division (A)(3) of section 3319.112 of 42338  
the Revised Code: 42339

(1) The board shall require at least three formal 42340  
observations of each teacher who is under consideration for 42341  
nonrenewal and with whom the board has entered into a limited 42342  
contract or an extended limited contract under section 3319.11 of 42343  
the Revised Code. 42344

(2) The board may elect, by adoption of a resolution, to 42345  
require only one formal observation of a teacher who received a 42346  
rating of accomplished on the teacher's most recent evaluation 42347  
conducted under this section, provided the teacher completes a 42348

project that has been approved by the board to demonstrate the 42349  
teacher's continued growth and practice at the accomplished level. 42350

(F) The board shall include in its evaluation policy 42351  
procedures for using the evaluation results for retention and 42352  
promotion decisions and for removal of poorly performing teachers. 42353  
Seniority shall not be the basis for a decision to retain a 42354  
teacher, except when making a decision between teachers who have 42355  
comparable evaluations. 42356

(G) For purposes of section 3333.0411 of the Revised Code, 42357  
the board annually shall report to the department of education the 42358  
number of teachers for whom an evaluation was conducted under this 42359  
section and the number of teachers assigned each rating prescribed 42360  
under division (B)(1) of section 3319.112 of the Revised Code, 42361  
aggregated by the teacher preparation programs from which and the 42362  
years in which the teachers graduated. The department shall 42363  
establish guidelines for reporting the information required by 42364  
this division. The guidelines shall not permit or require that the 42365  
name of, or any other personally identifiable information about, 42366  
any teacher be reported under this division. 42367

(H) Notwithstanding any provision to the contrary in Chapter 42368  
4117. of the Revised Code, the requirements of this section 42369  
prevail over any conflicting provisions of a collective bargaining 42370  
agreement entered into on or after September 24, 2012. 42371

**Sec. 3319.22.** (A)(1) The state board of education shall issue 42372  
the following educator licenses: 42373

(a) A resident educator license, which shall be valid for 42374  
four years and shall be renewable ~~for reasons specified by rules~~ 42375  
~~adopted by the state board pursuant to division (A)(3) of this~~ 42376  
~~section. The state board, on a case by case basis, may extend the~~ 42377  
~~license's duration as necessary to enable the license holder to~~ 42378  
~~complete the Ohio teacher residency program established under~~ 42379

~~section 3319.223 of the Revised Code;~~ 42380

(b) A professional educator license, which shall be valid for 42381  
five years and shall be renewable; 42382

(c) A senior professional educator license, which shall be 42383  
valid for five years and shall be renewable; 42384

(d) A lead professional educator license, which shall be 42385  
valid for five years and shall be renewable. 42386

(2) The state board may issue any additional educator 42387  
licenses of categories, types, and levels the board elects to 42388  
provide. 42389

(3) The state board shall adopt rules establishing the 42390  
standards and requirements for obtaining each educator license 42391  
issued under this section. ~~The rules shall also include the 42392  
reasons for which a resident educator license may be renewed under 42393  
division (A)(1)(a) of this section.~~ 42394

(B) The rules adopted under this section shall require at 42395  
least the following standards and qualifications for the educator 42396  
licenses described in division (A)(1) of this section: 42397

(1) An applicant for a resident educator license shall hold 42398  
at least a bachelor's degree from an accredited teacher 42399  
preparation program or be a participant in the teach for America 42400  
program and meet the qualifications required under section 42401  
3319.227 of the Revised Code. 42402

(2) An applicant for a professional educator license shall: 42403

(a) Hold at least a bachelor's degree from an institution of 42404  
higher education accredited by a regional accrediting 42405  
organization; 42406

(b) Have ~~successfully completed the Ohio teacher residency 42407  
program established under section 3319.223 of the Revised Code, if 42408  
the applicant's current or most recently issued license is 42409~~



previously held a resident educator license issued under this 42410  
section or an alternative resident educator license issued under 42411  
section 3319.26 of the Revised Code. 42412

(3) An applicant for a senior professional educator license 42413  
shall: 42414

(a) Hold at least a master's degree from an institution of 42415  
higher education accredited by a regional accrediting 42416  
organization; 42417

(b) Have previously held a professional educator license 42418  
issued under this section or section 3319.222 or under former 42419  
section 3319.22 of the Revised Code; 42420

(c) Meet the criteria for the accomplished or distinguished 42421  
level of performance, as described in the standards for teachers 42422  
adopted by the state board under section 3319.61 of the Revised 42423  
Code. 42424

(4) An applicant for a lead professional educator license 42425  
shall: 42426

(a) Hold at least a master's degree from an institution of 42427  
higher education accredited by a regional accrediting 42428  
organization; 42429

(b) Have previously held a professional educator license or a 42430  
senior professional educator license issued under this section or 42431  
a professional educator license issued under section 3319.222 or 42432  
former section 3319.22 of the Revised Code; 42433

(c) Meet the criteria for the distinguished level of 42434  
performance, as described in the standards for teachers adopted by 42435  
the state board under section 3319.61 of the Revised Code; 42436

(d) Either hold a valid certificate issued by the national 42437  
board for professional teaching standards or meet the criteria for 42438  
a master teacher or other criteria for a lead teacher adopted by 42439

the educator standards board under division (F)(4) or (5) of 42440  
section 3319.61 of the Revised Code. 42441

(C) The state board shall align the standards and 42442  
qualifications for obtaining a principal license with the 42443  
standards for principals adopted by the state board under section 42444  
3319.61 of the Revised Code. 42445

(D) If the state board requires any examinations for educator 42446  
licensure, the department of education shall provide the results 42447  
of such examinations received by the department to the chancellor 42448  
of higher education, in the manner and to the extent permitted by 42449  
state and federal law. 42450

(E) Any rules the state board of education adopts, amends, or 42451  
rescinds for educator licenses under this section, division (D) of 42452  
section 3301.07 of the Revised Code, or any other law shall be 42453  
adopted, amended, or rescinded under Chapter 119. of the Revised 42454  
Code except as follows: 42455

(1) Notwithstanding division (E) of section 119.03 and 42456  
division (A)(1) of section 119.04 of the Revised Code, in the case 42457  
of the adoption of any rule or the amendment or rescission of any 42458  
rule that necessitates institutions' offering preparation programs 42459  
for educators and other school personnel that are approved by the 42460  
chancellor of higher education under section 3333.048 of the 42461  
Revised Code to revise the curriculum of those programs, the 42462  
effective date shall not be as prescribed in division (E) of 42463  
section 119.03 and division (A)(1) of section 119.04 of the 42464  
Revised Code. Instead, the effective date of such rules, or the 42465  
amendment or rescission of such rules, shall be the date 42466  
prescribed by section 3333.048 of the Revised Code. 42467

(2) Notwithstanding the authority to adopt, amend, or rescind 42468  
emergency rules in division (G) of section 119.03 of the Revised 42469  
Code, this authority shall not apply to the state board of 42470

education with regard to rules for educator licenses. 42471

(F)(1) The rules adopted under this section establishing 42472  
standards requiring additional coursework for the renewal of any 42473  
educator license shall require a school district and a chartered 42474  
nonpublic school to establish local professional development 42475  
committees. In a nonpublic school, the chief administrative 42476  
officer shall establish the committees in any manner acceptable to 42477  
such officer. The committees established under this division shall 42478  
determine whether coursework that a district or chartered 42479  
nonpublic school teacher proposes to complete meets the 42480  
requirement of the rules. The department of education shall 42481  
provide technical assistance and support to committees as the 42482  
committees incorporate the professional development standards 42483  
adopted by the state board of education pursuant to section 42484  
3319.61 of the Revised Code into their review of coursework that 42485  
is appropriate for license renewal. The rules shall establish a 42486  
procedure by which a teacher may appeal the decision of a local 42487  
professional development committee. 42488

(2) In any school district in which there is no exclusive 42489  
representative established under Chapter 4117. of the Revised 42490  
Code, the professional development committees shall be established 42491  
as described in division (F)(2) of this section. 42492

Not later than the effective date of the rules adopted under 42493  
this section, the board of education of each school district shall 42494  
establish the structure for one or more local professional 42495  
development committees to be operated by such school district. The 42496  
committee structure so established by a district board shall 42497  
remain in effect unless within thirty days prior to an anniversary 42498  
of the date upon which the current committee structure was 42499  
established, the board provides notice to all affected district 42500  
employees that the committee structure is to be modified. 42501  
Professional development committees may have a district-level or 42502

building-level scope of operations, and may be established with 42503  
regard to particular grade or age levels for which an educator 42504  
license is designated. 42505

Each professional development committee shall consist of at 42506  
least three classroom teachers employed by the district, one 42507  
principal employed by the district, and one other employee of the 42508  
district appointed by the district superintendent. For committees 42509  
with a building-level scope, the teacher and principal members 42510  
shall be assigned to that building, and the teacher members shall 42511  
be elected by majority vote of the classroom teachers assigned to 42512  
that building. For committees with a district-level scope, the 42513  
teacher members shall be elected by majority vote of the classroom 42514  
teachers of the district, and the principal member shall be 42515  
elected by a majority vote of the principals of the district, 42516  
unless there are two or fewer principals employed by the district, 42517  
in which case the one or two principals employed shall serve on 42518  
the committee. If a committee has a particular grade or age level 42519  
scope, the teacher members shall be licensed to teach such grade 42520  
or age levels, and shall be elected by majority vote of the 42521  
classroom teachers holding such a license and the principal shall 42522  
be elected by all principals serving in buildings where any such 42523  
teachers serve. The district superintendent shall appoint a 42524  
replacement to fill any vacancy that occurs on a professional 42525  
development committee, except in the case of vacancies among the 42526  
elected classroom teacher members, which shall be filled by vote 42527  
of the remaining members of the committee so selected. 42528

Terms of office on professional development committees shall 42529  
be prescribed by the district board establishing the committees. 42530  
The conduct of elections for members of professional development 42531  
committees shall be prescribed by the district board establishing 42532  
the committees. A professional development committee may include 42533  
additional members, except that the majority of members on each 42534

such committee shall be classroom teachers employed by the 42535  
district. Any member appointed to fill a vacancy occurring prior 42536  
to the expiration date of the term for which a predecessor was 42537  
appointed shall hold office as a member for the remainder of that 42538  
term. 42539

The initial meeting of any professional development 42540  
committee, upon election and appointment of all committee members, 42541  
shall be called by a member designated by the district 42542  
superintendent. At this initial meeting, the committee shall 42543  
select a chairperson and such other officers the committee deems 42544  
necessary, and shall adopt rules for the conduct of its meetings. 42545  
Thereafter, the committee shall meet at the call of the 42546  
chairperson or upon the filing of a petition with the district 42547  
superintendent signed by a majority of the committee members 42548  
calling for the committee to meet. 42549

(3) In the case of a school district in which an exclusive 42550  
representative has been established pursuant to Chapter 4117. of 42551  
the Revised Code, professional development committees shall be 42552  
established in accordance with any collective bargaining agreement 42553  
in effect in the district that includes provisions for such 42554  
committees. 42555

If the collective bargaining agreement does not specify a 42556  
different method for the selection of teacher members of the 42557  
committees, the exclusive representative of the district's 42558  
teachers shall select the teacher members. 42559

If the collective bargaining agreement does not specify a 42560  
different structure for the committees, the board of education of 42561  
the school district shall establish the structure, including the 42562  
number of committees and the number of teacher and administrative 42563  
members on each committee; the specific administrative members to 42564  
be part of each committee; whether the scope of the committees 42565  
will be district levels, building levels, or by type of grade or 42566

age levels for which educator licenses are designated; the lengths 42567  
of terms for members; the manner of filling vacancies on the 42568  
committees; and the frequency and time and place of meetings. 42569  
However, in all cases, except as provided in division (F)(4) of 42570  
this section, there shall be a majority of teacher members of any 42571  
professional development committee, there shall be at least five 42572  
total members of any professional development committee, and the 42573  
exclusive representative shall designate replacement members in 42574  
the case of vacancies among teacher members, unless the collective 42575  
bargaining agreement specifies a different method of selecting 42576  
such replacements. 42577

(4) Whenever an administrator's coursework plan is being 42578  
discussed or voted upon, the local professional development 42579  
committee shall, at the request of one of its administrative 42580  
members, cause a majority of the committee to consist of 42581  
administrative members by reducing the number of teacher members 42582  
voting on the plan. 42583

(G)(1) The department of education, educational service 42584  
centers, county boards of developmental disabilities, regional 42585  
professional development centers, special education regional 42586  
resource centers, college and university departments of education, 42587  
head start programs, and the Ohio education computer network may 42588  
establish local professional development committees to determine 42589  
whether the coursework proposed by their employees who are 42590  
licensed or certificated under this section or section 3319.222 of 42591  
the Revised Code, or under the former version of either section as 42592  
it existed prior to October 16, 2009, meet the requirements of the 42593  
rules adopted under this section. They may establish local 42594  
professional development committees on their own or in 42595  
collaboration with a school district or other agency having 42596  
authority to establish them. 42597

Local professional development committees established by 42598

county boards of developmental disabilities shall be structured in 42599  
a manner comparable to the structures prescribed for school 42600  
districts in divisions (F)(2) and (3) of this section, as shall 42601  
the committees established by any other entity specified in 42602  
division (G)(1) of this section that provides educational services 42603  
by employing or contracting for services of classroom teachers 42604  
licensed or certificated under this section or section 3319.222 of 42605  
the Revised Code, or under the former version of either section as 42606  
it existed prior to October 16, 2009. All other entities specified 42607  
in division (G)(1) of this section shall structure their 42608  
committees in accordance with guidelines which shall be issued by 42609  
the state board. 42610

(2) Any public agency that is not specified in division 42611  
(G)(1) of this section but provides educational services and 42612  
employs or contracts for services of classroom teachers licensed 42613  
or certificated under this section or section 3319.222 of the 42614  
Revised Code, or under the former version of either section as it 42615  
existed prior to October 16, 2009, may establish a local 42616  
professional development committee, subject to the approval of the 42617  
department of education. The committee shall be structured in 42618  
accordance with guidelines issued by the state board. 42619

(H) Not later than July 1, 2016, the state board, in 42620  
accordance with Chapter 119. of the Revised Code, shall adopt 42621  
rules pursuant to division (A)(3) of this section that do both of 42622  
the following: 42623

(1) Exempt consistently high-performing teachers from the 42624  
requirement to complete any additional coursework for the renewal 42625  
of an educator license issued under this section or section 42626  
3319.26 of the Revised Code. The rules also shall specify that 42627  
such teachers are exempt from any requirements prescribed by 42628  
professional development committees established under divisions 42629  
(F) and (G) of this section. 42630

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

**Sec. 3319.227.** (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to each person who is assigned to teach in this state as a participant in the teach for America program and who satisfies the following conditions for the duration of the program:

(1) Holds a bachelor's degree from an accredited institution of higher education;

(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;

(3) Has passed an examination prescribed by the state board in the subject area to be taught;

(4) Has successfully completed the summer training institute operated by teach for America;

(5) Remains an active member of the teach for America two-year support program.

(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section.

(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at



least two years of teaching in another state as a participant in 42661  
the teach for America program and meets all of the conditions of 42662  
divisions (A)(1) to (4) of this section. ~~The state board shall~~ 42663  
~~credit an applicant under this division as having completed two~~ 42664  
~~years of the teacher residency program under section 3319.223 of~~ 42665  
~~the Revised Code.~~ 42666

(D) In order to place teachers in this state, the teach for 42667  
America program shall enter into an agreement with one or more 42668  
accredited four-year public or private institutions of higher 42669  
education in the state to provide optional training of teach for 42670  
America participants for the purpose of enabling those 42671  
participants to complete an optional master's degree or an 42672  
equivalent amount of coursework. Nothing in this division shall 42673  
require any teach for America participant to complete a master's 42674  
degree as a condition of holding a license issued under this 42675  
section. 42676

(E) The state board shall revoke a resident educator license 42677  
issued to a participant in the teach for America program who is 42678  
assigned to teach in this state if the participant resigns or is 42679  
dismissed from the program prior to completion of the two-year 42680  
teach for America support program. 42681

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 42682  
section 3319.229 of the Revised Code by this act, the state board 42683  
of education shall accept applications for new, and for renewal 42684  
of, professional career-technical teaching licenses through June 42685  
30, 2018, and issue them on the basis of the applications received 42686  
by that date in accordance with the rules described in that former 42687  
section. Except as otherwise provided in divisions (A)(2) and (3) 42688  
of this section, beginning July 1, 2018, the state board shall 42689  
issue career-technical educator licenses only under this section. 42690

(2) An individual who, on July 1, 2018, holds a professional 42691

career-technical teaching license issued under the rules described 42692  
in former section 3319.229 of the Revised Code, may continue to 42693  
renew that license in accordance with those rules for the 42694  
remainder of the individual's teaching career. However, nothing in 42695  
this division shall be construed to prohibit the individual from 42696  
applying to the state board for a career-technical educator 42697  
license under this section. 42698

(3) An individual who, on July 1, 2018, holds an alternative 42699  
resident educator license for teaching career-technical education 42700  
issued under section 3319.26 of the Revised Code may, upon the 42701  
expiration of the license, apply for a professional 42702  
career-technical teaching license issued under the rules described 42703  
in former section 3319.229 of the Revised Code. Such an individual 42704  
may continue to renew the professional license in accordance with 42705  
those rules for the remainder of the individual's teaching career. 42706  
However, nothing in this division shall be construed to prohibit 42707  
the individual from applying to the state board for a 42708  
career-technical educator license under this section. 42709

(B) The state board, in collaboration with the chancellor of 42710  
higher education, shall adopt rules establishing standards and 42711  
requirements for obtaining a two-year career-technical educator 42712  
level I license and a five-year career-technical educator level II 42713  
license. Each license shall be valid for teaching career-technical 42714  
education or workforce development programs in grades seven 42715  
through twelve. The rules shall require applicants for either 42716  
license to have a high school diploma. 42717

(C)(1) The state board shall issue a career-technical 42718  
educator level I license to an applicant upon request from the 42719  
superintendent of a school district that has agreed to employ the 42720  
applicant. The license shall be valid for teaching only in the 42721  
requesting district. 42722

(2) The holder of a career-technical educator level I 42723

license, as a condition of continuing to hold the license, shall 42724  
participate in an educator preparation program offered by an 42725  
institution of higher education that meets the same criteria as 42726  
are required for the educator preparation programs described in 42727  
division (B)(1)(c) of former section 3319.223 of the Revised Code. 42728

(3) The state board shall renew a career-technical educator 42729  
level I license if the supervisor of the program described in 42730  
division (C)(2) of this section and the superintendent of the 42731  
employing school district indicate that the applicant is making 42732  
sufficient progress in both the program and the teaching position. 42733

(D) The state board shall issue a career-technical educator 42734  
level II license to an applicant who has successfully completed 42735  
the program described in division (C)(2) of this section, as 42736  
indicated by the supervisor of the program, and who demonstrates 42737  
mastery of applicable career-technical education and workforce 42738  
development competencies, as indicated by the superintendent of 42739  
the employing school district. 42740

(E) The holder of a career-technical educator level II 42741  
license shall work with a local professional development committee 42742  
established under section 3319.22 of the Revised Code in meeting 42743  
requirements for renewal of the license. 42744

**Sec. 3319.26.** (A) The state board of education shall adopt 42745  
rules establishing the standards and requirements for obtaining an 42746  
alternative resident educator license for teaching in grades 42747  
kindergarten to twelve, or the equivalent, in a designated subject 42748  
area or in the area of intervention specialist, as defined by rule 42749  
of the state board. The rules shall also include the reasons for 42750  
which an alternative resident educator license may be renewed 42751  
under division (D) of this section. 42752

(B) The superintendent of public instruction and the 42753  
chancellor of ~~the Ohio board of regents~~ higher education jointly 42754

shall develop an intensive pedagogical training institute to 42755  
provide instruction in the principles and practices of teaching 42756  
for individuals seeking an alternative resident educator license. 42757  
The instruction shall cover such topics as student development and 42758  
learning, pupil assessment procedures, curriculum development, 42759  
classroom management, and teaching methodology. 42760

(C) The rules adopted under this section shall require 42761  
applicants for the alternative resident educator license to 42762  
satisfy the following conditions prior to issuance of the license, 42763  
but they shall not require applicants to have completed a major or 42764  
coursework in the subject area for which application is being 42765  
made: 42766

(1) Hold a minimum of a baccalaureate degree; 42767

(2) Successfully complete the pedagogical training institute 42768  
described in division (B) of this section or a summer training 42769  
institute provided to participants of a teacher preparation 42770  
program that is operated by a nonprofit organization and has been 42771  
approved by the chancellor. The chancellor shall approve any such 42772  
program that requires participants to hold a bachelor's degree; 42773  
have a cumulative undergraduate grade point average of at least 42774  
2.5 out of 4.0, or its equivalent; and successfully complete the 42775  
program's summer training institute. 42776

(3) Pass an examination in the subject area for which 42777  
application is being made. 42778

(D) An alternative resident educator license shall be valid 42779  
for four years and shall be renewable for reasons specified by 42780  
rules adopted by the state board pursuant to division (A) of this 42781  
section. ~~The state board, on a case by case basis, may extend the~~ 42782  
~~license's duration as necessary to enable the license holder to~~ 42783  
~~complete the Ohio teacher residency program established under~~ 42784  
~~section 3319.223 of the Revised Code.~~ 42785

(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to do ~~all~~ both of the following:

(1) ~~Participate in the Ohio teacher residency program;~~

~~(2)~~ Show satisfactory progress in taking and successfully completing one of the following:

(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;

(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.

~~(3)~~(2) Take an assessment of professional knowledge in the second year of teaching under the license.

(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:

(1) Four years of teaching under the alternative license;

(2) The additional college coursework or professional development described in division (E)~~(2)~~(1) of this section;

(3) The assessment of professional knowledge described in division (E)~~(3)~~(2) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.

(4) ~~The Ohio teacher residency program;~~

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section.

**Sec. 3319.27.** (A) The state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. The rules also shall prohibit an applicant who has completed a masters of business administration degree in lieu of a graduate degree in an education-related field from receiving an alternative principal license unless the applicant has also successfully completed the bright new leaders for Ohio schools program. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to section 3319.225 of the Revised Code for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a principal shall be allowed to continue employment as a principal until the expiration of the license. Employment of any such person as a principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative principal license in accordance with the rules adopted under this division.

(B) The state board shall adopt rules that establish an alternative administrator license, which shall be valid for

employment as a superintendent or in any other administrative 42847  
position except principal. Beginning on the effective date of the 42848  
rules, the state board shall cease to issue temporary educator 42849  
licenses pursuant to section 3319.225 of the Revised Code for 42850  
employment as a superintendent or in any other administrative 42851  
position except principal. Any person who on the effective date of 42852  
the rules holds a valid temporary educator license issued under 42853  
that section and is employed as a superintendent or in any other 42854  
administrative position except principal shall be allowed to 42855  
continue employment in that position until the expiration of the 42856  
license. Employment of any such person as a superintendent or in 42857  
any other administrative position except principal by a school 42858  
district after the expiration of the temporary educator license 42859  
shall be contingent upon the state board issuing the person an 42860  
alternative administrator license in accordance with the rules 42861  
adopted under this division. 42862

**Sec. 3319.271.** (A) The superintendent of public instruction 42863  
shall appoint three incorporators who are knowledgeable about the 42864  
administration of public schools and about the operation of 42865  
nonprofit corporations in Ohio. 42866

(B) The incorporators shall do whatever is necessary and 42867  
proper to set up a nonprofit corporation under Chapter 1702. of 42868  
the Revised Code. The articles of incorporation, in addition to 42869  
meeting the requirements of section 1702.04 of the Revised Code, 42870  
shall set forth the following provisions: 42871

(1) That the nonprofit corporation is to create and implement 42872  
a pilot program that provides an alternative path for individuals 42873  
to receive training and development in the administration of 42874  
primary and secondary education and leadership, that will enable 42875  
these individuals to earn a degree in public school 42876  
administration, that will enable these individuals to obtain 42877

licenses in public school administration, and that promotes the 42878  
placement of these individuals in public schools that have a 42879  
poverty percentage greater than fifty per cent; 42880

(2) That the board of directors are to establish criteria for 42881  
program costs, participant selection, and continued participation, 42882  
and metrics to document and measure pilot program activities; 42883

(3) That the name of the nonprofit corporation is "bright new 42884  
leaders for Ohio schools;" 42885

(4) That the board of directors is to consist of the 42886  
following ~~eleven~~ seven directors: 42887

(a) ~~The governor or the governor's designee;~~ 42888

~~(b) The superintendent of public instruction, or the 42889  
superintendent's designee;~~ 42890

~~(c) The chancellor of higher education, or the chancellor's 42891  
designee;~~ 42892

~~(d) Four individuals to represent major business enterprises 42893  
in Ohio;~~ 42894

~~(e) Two individuals~~ (b) One individual appointed by the 42895  
speaker of the house of representatives, ~~one of whom shall be an 42896  
active duty or retired military officer;~~ 42897

~~(f) Two individuals~~ (c) One individual appointed by the 42898  
president of the senate, ~~one of whom shall be a current or retired 42899  
teacher or principal;~~ 42900

(d) One individual appointed by the governor. 42901

The governor or the governor's designee, the superintendent 42902  
of public instruction, the chancellor, the dean of the Ohio state 42903  
university fisher college of business, and the dean of the Ohio 42904  
state university college of education and human ecology are to 42905  
serve as ex-officio nonvoting members of the board. 42906



The individuals on the board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio.

(5) That the board is to elect a chairperson from among its members, and is to appoint a president of the corporation;

(6) That the president of the corporation, subject to the approval of the board, is to enter into a contract with the Ohio state university fisher college of business. Under the contract, the college ~~is to provide oversight to the corporation and~~ is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation;

(8) That the president is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources;

(9) That the corporation is to submit an annual report to the general assembly and governor beginning December 31, 2013;

~~(10) That state financial support for the corporation shall cease on June 30, 2018.~~

(C) The governor, president of the senate, and speaker of the house of representatives each may select an individual to be a participant in the bright new leaders for Ohio schools program.

**Sec. 3319.272.** (A) As used in this section, the "bright new leaders for Ohio schools program" means the program created and implemented by the nonprofit corporation incorporated pursuant to section 3319.271 of the Revised Code to provide an alternative

path for individuals to receive training and development in the 42937  
administration of primary and secondary education and leadership, 42938  
enable those individuals to earn degrees and obtain licenses in 42939  
public school administration, and promote the placement of those 42940  
individuals in public schools that have a poverty percentage 42941  
greater than fifty per cent. 42942

(B) The state board of education shall issue an alternative 42943  
principal license or an administrator license, as applicable, to 42944  
an individual who successfully completes the bright new leaders 42945  
for Ohio schools program and satisfies the requirements in rules 42946  
adopted by the state board under division (C) of this section. 42947

(C) The state board, in consultation with the board of 42948  
directors of the bright new leaders for Ohio schools program, 42949  
shall adopt rules that prescribe the requirements for obtaining an 42950  
alternative principal license or an administrator license under 42951  
this section. The state board shall use the rules adopted under 42952  
section 3319.27 of the Revised Code as guidance in developing the 42953  
rules adopted under this division. 42954

(D) The department of education shall secure principal 42955  
positions in low-performing public schools that have a high 42956  
percentage of students living in poverty for individuals who 42957  
receive alternative principal licenses under this section. 42958

**Sec. 3319.291.** (A) The state board of education shall require 42959  
each of the following persons, at the times prescribed by division 42960  
(A) of this section, to undergo a criminal records check, unless 42961  
the person has undergone a records check under this section or a 42962  
former version of this section less than five years prior to that 42963  
time. 42964

(1) Any person initially applying for any certificate, 42965  
license, or permit described in this chapter or in division (B) of 42966

section 3301.071 or in section 3301.074 of the Revised Code at the 42967  
time that application is made; 42968

(2) Any person applying for renewal of any certificate, 42969  
license, or permit described in division (A)(1) of this section at 42970  
the time that application is made; 42971

(3) Any person who is teaching under a professional teaching 42972  
certificate issued under former section 3319.222 of the Revised 42973  
Code upon a date prescribed by the state board; 42974

(4) Any person who is teaching under a permanent teaching 42975  
certificate issued under former section 3319.22 as it existed 42976  
prior to October 29, 1996, or under former section 3319.222 of the 42977  
Revised Code upon a date prescribed by the state board and every 42978  
five years thereafter. 42979

(B)(1) Except as otherwise provided in division (B)(2) of 42980  
this section, the state board shall require each person subject to 42981  
a criminal records check under this section to submit two complete 42982  
sets of fingerprints and written permission that authorizes the 42983  
superintendent of public instruction to forward the fingerprints 42984  
to the bureau of criminal identification and investigation 42985  
pursuant to division (F) of section 109.57 of the Revised Code and 42986  
that authorizes that bureau to forward the fingerprints to the 42987  
federal bureau of investigation for purposes of obtaining any 42988  
criminal records that the federal bureau maintains on the person. 42989

(2) If both of the following conditions apply to a person 42990  
subject to a criminal records check under this section, the state 42991  
board shall require the person to submit one complete set of 42992  
fingerprints and written permission that authorizes the 42993  
superintendent of public instruction to forward the fingerprints 42994  
to the bureau of criminal identification and investigation so that 42995  
bureau may forward the fingerprints to the federal bureau of 42996  
investigation for purposes of obtaining any criminal records that 42997

the federal bureau maintains on the person: 42998

(a) Under this section or any former version of this section, 42999  
the state board or the superintendent of public instruction 43000  
previously requested the superintendent of the bureau of criminal 43001  
identification and investigation to determine whether the bureau 43002  
has any information, gathered pursuant to division (A) of section 43003  
109.57 of the Revised Code, on the person. 43004

(b) The person presents proof that the person has been a 43005  
resident of this state for the five-year period immediately prior 43006  
to the date upon which the person becomes subject to a criminal 43007  
records check under this section. 43008

(C) Except as provided in division (D) of this section, prior 43009  
to issuing or renewing any certificate, license, or permit for a 43010  
person described in division (A)(1) or (2) of this section who is 43011  
subject to a criminal records check and in the case of a person 43012  
described in division (A)(3) or (4) of this section who is subject 43013  
to a criminal records check, the state board or the superintendent 43014  
of public instruction shall do one of the following: 43015

(1) If the person is required to submit fingerprints and 43016  
written permission under division (B)(1) of this section, request 43017  
the superintendent of the bureau of criminal identification and 43018  
investigation to determine whether the bureau has any information, 43019  
gathered pursuant to division (A) of section 109.57 of the Revised 43020  
Code, pertaining to the person and to obtain any criminal records 43021  
that the federal bureau of investigation has on the person. 43022

(2) If the person is required to submit fingerprints and 43023  
written permission under division (B)(2) of this section, request 43024  
the superintendent of the bureau of criminal identification and 43025  
investigation to obtain any criminal records that the federal 43026  
bureau of investigation has on the person. 43027

(D) The state board or the superintendent of public 43028

instruction may choose not to request any information about a 43029  
person required by division (C) of this section if the person 43030  
provides proof that a criminal records check that satisfies the 43031  
requirements of that division was conducted on the person as a 43032  
condition of employment pursuant to section 3319.39 of the Revised 43033  
Code within the immediately preceding year. The state board or the 43034  
superintendent of public instruction may accept a certified copy 43035  
of records that were issued by the bureau of criminal 43036  
identification and investigation and that are presented by the 43037  
person in lieu of requesting that information under division (C) 43038  
of this section if the records were issued by the bureau within 43039  
the immediately preceding year. 43040

(E)(1) If a person described in division (A)(3) or (4) of 43041  
this section who is subject to a criminal records check fails to 43042  
submit fingerprints and written permission by the date specified 43043  
in the applicable division, and the state board or the 43044  
superintendent of public instruction does not apply division (D) 43045  
of this section to the person, or if a person who is subject to 43046  
division (G) of this section fails to submit fingerprints and 43047  
written permission by the date prescribed under that division, the 43048  
superintendent shall prepare a written notice stating that if the 43049  
person does not submit the fingerprints and written permission 43050  
within fifteen days after the date the notice was mailed, the 43051  
person's application will be rejected or the person's professional 43052  
or permanent teaching certificate or license will be inactivated. 43053  
The superintendent shall send the notification by regular mail to 43054  
the person's last known residence address or last known place of 43055  
employment, as indicated in the department of education's records, 43056  
or both. 43057

If the person fails to submit the fingerprints and written 43058  
permission within fifteen days after the date the notice was 43059  
mailed, the superintendent of public instruction, on behalf of the 43060

state board, shall issue a written order rejecting the application 43061  
or inactivating the person's professional or permanent teaching 43062  
certificate or license. The rejection or inactivation shall remain 43063  
in effect until the person submits the fingerprints and written 43064  
permission. The superintendent shall send the order by regular 43065  
mail to the person's last known residence address or last known 43066  
place of employment, as indicated in the department's records, or 43067  
both. The order shall state the reason for the rejection or 43068  
inactivation and shall explain that the rejection or inactivation 43069  
remains in effect until the person ~~complies with division (B) of~~ 43070  
~~this section~~ submits the fingerprints and written permission. 43071

The rejection or inactivation of a professional or permanent 43072  
teaching certificate or license under division (E)(1) of this 43073  
section does not constitute a suspension or revocation of the 43074  
certificate or license by the state board under section 3319.31 of 43075  
the Revised Code and the state board and the superintendent of 43076  
public instruction need not provide the person with an opportunity 43077  
for a hearing with respect to the rejection or inactivation. 43078

(2) If a person whose professional or permanent teaching 43079  
certificate or license has been rejected or inactivated under 43080  
division (E)(1) of this section submits fingerprints and written 43081  
permission as required by division (B) or (G) of this section, the 43082  
superintendent of public instruction, on behalf of the state 43083  
board, shall issue a written order issuing or reactivating the 43084  
certificate or license. The superintendent shall send the order to 43085  
the person by regular mail. 43086

(F) Notwithstanding divisions (A) to (C) of this section, if 43087  
a person holds more than one certificate, license, or permit 43088  
described in division (A)(1) of this section, the following shall 43089  
apply: 43090

(1) If the certificates, licenses, or permits are of 43091  
different durations, the person shall be subject to divisions (A) 43092

to (C) of this section only when applying for renewal of the 43093  
certificate, license, or permit that is of the longest duration. 43094  
Prior to renewing any certificate, license, or permit with a 43095  
shorter duration, the state board or the superintendent of public 43096  
instruction shall determine whether the department of education 43097  
has received any information about the person pursuant to section 43098  
109.5721 of the Revised Code, but the person shall not be subject 43099  
to divisions (A) to (C) of this section as long as the person's 43100  
certificate, license, or permit with the longest duration is 43101  
valid. 43102

(2) If the certificates, licenses, or permits are of the same 43103  
duration but do not expire in the same year, the person shall 43104  
designate one of the certificates, licenses, or permits as the 43105  
person's primary certificate, license, or permit and shall notify 43106  
the department of that designation. The person shall be subject to 43107  
divisions (A) to (C) of this section only when applying for 43108  
renewal of the person's primary certificate, license, or permit. 43109  
Prior to renewing any certificate, license, or permit that is not 43110  
the person's primary certificate, license, or permit, the state 43111  
board or the superintendent of public instruction shall determine 43112  
whether the department has received any information about the 43113  
person pursuant to section 109.5721 of the Revised Code, but the 43114  
person shall not be subject to divisions (A) to (C) of this 43115  
section as long as the person's primary certificate, license, or 43116  
permit is valid. 43117

(3) If the certificates, licenses, or permits are of the same 43118  
duration and expire in the same year and the person applies for 43119  
renewal of the certificates, licenses, or permits at the same 43120  
time, the state board or the superintendent of public instruction 43121  
shall request only one criminal records check of the person under 43122  
division (C) of this section. 43123

(G) If the department is unable to enroll a person who has 43124

submitted an application for licensure, or to whom the state board 43125  
has issued a license, in the retained applicant fingerprint 43126  
database established under section 109.5721 of the Revised Code 43127  
because the person has not satisfied the requirements for 43128  
enrollment, the department shall require the person to satisfy the 43129  
requirements for enrollment, including requiring the person to 43130  
submit, by a date prescribed by the department, one complete set 43131  
of fingerprints and written permission that authorizes the 43132  
superintendent of public instruction to forward the fingerprints 43133  
to the bureau of criminal identification and investigation for the 43134  
purpose of enrolling the person in the database. If the person 43135  
fails to comply by the prescribed date, the department shall 43136  
reject the application or shall take action to inactivate the 43137  
person's license in accordance with division (E) of this section. 43138

**Sec. 3319.61.** (A) The educator standards board, in 43139  
consultation with the chancellor of higher education, shall do all 43140  
of the following: 43141

(1) Develop state standards for teachers and principals that 43142  
reflect what teachers and principals are expected to know and be 43143  
able to do at all stages of their careers. These standards shall 43144  
be aligned with the statewide academic content standards for 43145  
students adopted pursuant to section 3301.079 of the Revised Code, 43146  
be primarily based on educator performance instead of years of 43147  
experience or certain courses completed, and rely on 43148  
evidence-based factors. These standards shall also be aligned with 43149  
the operating standards adopted under division (D)(3) of section 43150  
3301.07 of the Revised Code. 43151

(a) The standards for teachers shall reflect the following 43152  
additional criteria: 43153

(i) Alignment with the interstate new teacher assessment and 43154  
support consortium standards; 43155



(ii) Differentiation among novice, experienced, and advanced teachers;	43156 43157
(iii) Reliance on competencies that can be measured;	43158
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	43159 43160 43161
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	43162 43163 43164 43165
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	43166 43167 43168 43169
(vii) The Ohio leadership framework.	43170
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	43171 43172
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	43173 43174 43175 43176 43177 43178 43179
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards	43180 43181 43182 43183 43184 43185

and the operating standards developed under division (D)(3) of 43186  
section 3301.07 of the Revised Code. 43187

(4) Develop standards for the renewal of licenses under 43188  
sections 3301.074 and 3319.22 of the Revised Code; 43189

(5) Develop standards for educator professional development; 43190

(6) Investigate and make recommendations for the creation, 43191  
expansion, and implementation of school building and school 43192  
district leadership academies; 43193

(7) Develop standards for school counselors that reflect what 43194  
school counselors are expected to know and be able to do at all 43195  
stages of their careers. The standards shall reflect knowledge of 43196  
academic, personal, and social counseling for students and 43197  
effective principles to implement an effective school counseling 43198  
program. The standards also shall reflect Ohio-specific knowledge 43199  
of career counseling for students and education options that 43200  
provide flexibility for earning credit, such as earning units of 43201  
high school credit using the methods adopted by the state board of 43202  
education under division (J) of section 3313.603 of the Revised 43203  
Code and earning college credit through the college credit plus 43204  
program established under Chapter 3365. of the Revised Code. The 43205  
standards shall align with the American school counselor 43206  
association's professional standards and the operating standards 43207  
developed under division (D)(3) of section 3301.07 of the Revised 43208  
Code. 43209

The superintendent of public instruction, the chancellor of 43210  
higher education, or the education standards board itself may 43211  
request that the educator standards board update, review, or 43212  
reconsider any standards developed under this section. 43213

(B) The educator standards board shall incorporate indicators 43214  
of cultural competency into the standards developed under division 43215  
(A) of this section. For this purpose, the educator standards 43216

board shall develop a definition of cultural competency based upon 43217  
content and experiences that enable educators to know, understand, 43218  
and appreciate the students, families, and communities that they 43219  
serve and skills for addressing cultural diversity in ways that 43220  
respond equitably and appropriately to the cultural needs of 43221  
individual students. 43222

(C) In developing the standards under division (A) of this 43223  
section, the educator standards board shall consider the impact of 43224  
the standards on closing the achievement gap between students of 43225  
different subgroups. 43226

(D) In developing the standards under division (A) of this 43227  
section, the educator standards board shall ensure both of the 43228  
following: 43229

(1) That teachers have sufficient knowledge to provide 43230  
appropriate instruction for students identified as gifted pursuant 43231  
to Chapter 3324. of the Revised Code and to assist in the 43232  
identification of such students, and have sufficient knowledge 43233  
that will enable teachers to provide learning opportunities for 43234  
all children to succeed; 43235

(2) That principals, superintendents, school treasurers, and 43236  
school business managers have sufficient knowledge to provide 43237  
principled, collaborative, foresighted, and data-based leadership 43238  
that will provide learning opportunities for all children to 43239  
succeed. 43240

(E) The standards for educator professional development 43241  
developed under division (A)(5) of this section shall include the 43242  
following: 43243

(1) Standards for the inclusion of local professional 43244  
development committees established under section 3319.22 of the 43245  
Revised Code in the planning and design of professional 43246  
development; 43247

(2) Standards that address the crucial link between academic achievement and mental health issues. 43248  
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(F) The educator standards board shall also perform the following functions: 43250  
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 43252  
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 43256  
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(3) Recommend policies to close the achievement gap between students of different subgroups; 43258  
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 43260  
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 43262  
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(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into ~~each~~ both of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

~~(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;~~

~~(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.~~

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting

that next succeeds the meeting at which the state board requested 43310  
reconsideration of the initial recommendations. The state board of 43311  
education shall review the recommendations as resubmitted by the 43312  
educator standards board at the state board's regular meeting that 43313  
next succeeds the meeting at which the state board requested 43314  
reconsideration of the initial recommendations and may adopt the 43315  
standards as resubmitted or, if the resubmitted standards have not 43316  
addressed the state board's concerns, the state board may modify 43317  
the standards prior to adopting them. The final responsibility to 43318  
determine whether to adopt standards as described in division (A) 43319  
of this section and the content of those standards, if adopted, 43320  
belongs solely to the state board of education. 43321

Sec. 3323.022. The rules of the state board of education for 43322  
staffing ratios for programs with preschool children with 43323  
disabilities shall require the following: 43324

(A) A full-time staff member shall be provided when there are 43325  
eight full-day or sixteen half-day preschool children eligible for 43326  
special education enrolled in a center-based preschool special 43327  
education program. 43328

(B) Staff ratios of one teacher for every eight children 43329  
shall be maintained at all times for a program with a center-based 43330  
teacher, and a second adult shall be present when there are nine 43331  
or more children, including nondisabled children enrolled in a 43332  
class session. 43333

Sec. 3323.052. (A) ~~Not later than November 28, 2011, the~~ The 43334

department of education shall develop a document that compares a 43335  
parent's and child's rights under this chapter and 20 U.S.C. 1400 43336  
et seq. with the parent's and child's rights under the Jon 43337  
Peterson special needs scholarship program, established in 43338  
sections 3310.51 to 3310.64 of the Revised Code, including ~~the~~ 43339

~~deadline for application for a scholarship or renewal of a 43340  
scholarship and notice of that application to the child's school 43341  
district, prescribed in division (C) of section 3310.52 of the 43342  
Revised Code, and the provisions of divisions (A) and (B) of 43343  
section 3310.53 of the Revised Code. The department shall revise 43344  
that document as necessary to reflect any pertinent changes in 43345  
state or federal statutory law, rule, or regulation enacted or 43346  
adopted after the initial document is developed. 43347~~

(B) The department and each school district shall ensure that 43348  
the document prescribed in division (A) of this section is 43349  
included in, appended to, or otherwise distributed in conjunction 43350  
with the notice required under 20 U.S.C. 1415(d), and any 43351  
provision of the Code of Federal Regulations implementing that 43352  
requirement, in the manner and at all the times specified for such 43353  
notice in federal law or regulation. 43354

(C) In addition to the requirement prescribed by division (B) 43355  
of this section, each time a child's school district completes an 43356  
evaluation for a child with a disability or undertakes the 43357  
development, review, or revision of the child's IEP, the district 43358  
shall notify the child's parent, by letter or electronic means, 43359  
about both the autism scholarship program, under section 3310.41 43360  
of the Revised Code, and the Jon Peterson special needs 43361  
scholarship program, under sections 3310.51 to 3310.64 of the 43362  
Revised Code. The notice shall include the following statement: 43363

"Your child may be eligible for a scholarship under the 43364  
Autism Scholarship Program or the Jon Peterson Special Needs 43365  
Scholarship Program to attend a special education program that 43366  
implements the child's individualized education program and that 43367  
is operated by an alternative public provider or by a registered 43368  
private provider." 43369

The notice shall include the telephone number of the office 43370  
of the department responsible for administering the scholarship 43371

programs and the specific location of scholarship information on 43372  
the department's web site. 43373

(D) As used in this section, a "child's school district" 43374  
means the school district in which the child is entitled to attend 43375  
school under section 3313.64 or 3313.65 of the Revised Code. 43376

**Sec. 3326.01. (A)** As used in this chapter: 43377

(1) "STEM" is an abbreviation of "science, technology, 43378  
engineering, and mathematics." 43379

(2) "STEAM" is an abbreviation of "science, technology, 43380  
engineering, arts, and mathematics." 43381

(B)(1) A science, technology, engineering, arts, and 43382  
mathematics school shall be considered a type of science, 43383  
technology, engineering, and mathematics school. 43384

(2) A STEAM school equivalent shall be considered to be a 43385  
type of STEM school equivalent. 43386

(3) A STEAM program of excellence shall be considered to be a 43387  
type of STEM program of excellence. 43388

(C)(1) Any reference to a STEM school or science, technology, 43389  
engineering, and mathematics school in the Revised Code shall be 43390  
considered to include a STEAM school, unless the context 43391  
specifically indicates a different meaning or intent. All 43392  
provisions of the Revised Code applicable to a STEM school shall 43393  
apply to a STEAM school in the same manner, except as otherwise 43394  
provided in this chapter. 43395

(2) Any reference to a STEM school equivalent in the Revised 43396  
Code shall be considered to include a STEAM school equivalent, 43397  
unless the context specifically indicates a different meaning or 43398  
intent. All provisions of the Revised Code applicable to a STEM 43399  
school equivalent shall apply to a STEAM school equivalent in the 43400  
same manner, except as otherwise provided in this chapter. 43401



(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

**Sec. 3326.03.** (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM

schools to be under the direction of a single governing body, upon 43433  
a proposal from the governing body, the committee may authorize 43434  
one or more additional schools to operate as part of that group. 43435

The STEM committee may approve one or more STEM schools to 43436  
serve only students identified as gifted under Chapter 3324. of 43437  
the Revised Code. 43438

(B) Proposals may be submitted only by a partnership of 43439  
public and private entities consisting of at least all of the 43440  
following: 43441

(1) A city, exempted village, local, or joint vocational 43442  
school district or an educational service center; 43443

(2) Higher education entities; 43444

(3) Business organizations. 43445

A community school established under Chapter 3314. of the 43446  
Revised Code, a chartered nonpublic school, or both may be part of 43447  
the partnership. 43448

(C) Each proposal shall include at least the following: 43449

(1) Assurances that the STEM school or group of STEM schools 43450  
will be under the oversight of a governing body and a description 43451  
of the members of that governing body and how they will be 43452  
selected; 43453

(2) Assurances that each STEM school will operate in 43454  
compliance with this chapter and the provisions of the proposal as 43455  
accepted by the committee; 43456

(3) Evidence that each school will offer a rigorous, diverse, 43457  
integrated, and project-based curriculum to students in any of 43458  
grades kindergarten through twelve, with the goal to prepare those 43459  
students for college, the workforce, and citizenship, and that 43460  
does all of the following: 43461

(a) Emphasizes the role of science, technology, engineering, 43462

and mathematics in promoting innovation and economic progress; 43463

(b) Incorporates scientific inquiry and technological design; 43464

(c) Includes the arts and humanities~~+~~. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention. 43465  
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(d) Emphasizes personalized learning and teamwork skills. 43471

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section; 43472  
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(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code; 43475  
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(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor; 43478  
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(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses~~+~~. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations. 43482  
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(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 43487  
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(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.032.** (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a community school or chartered nonpublic school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

(1) Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations<sup>+</sup>. If the proposal is for a STEAM school equivalent, it also shall include evidence that this partnership includes arts organizations.

(2) Assurances that the school submitting the proposal will operate in compliance with this section and the provisions of the proposal as accepted by the committee;

(3) Evidence that the school submitting the proposal will

offer a rigorous, diverse, integrated, and project-based 43523  
curriculum to students in any of grades kindergarten through 43524  
twelve, with the goal to prepare those students for college, the 43525  
workforce, and citizenship, and that does all of the following: 43526

(a) Emphasizes the role of science, technology, engineering, 43527  
and mathematics in promoting innovation and economic progress; 43528

(b) Incorporates scientific inquiry and technological design; 43529

(c) Includes the arts and humanities<sup>+</sup>. If the proposal is for 43530  
a STEAM school equivalent, it also shall include evidence that the 43531  
curriculum will integrate arts and design into the study of 43532  
science, technology, engineering, and mathematics to foster 43533  
creative thinking, problem-solving, and new approaches to 43534  
scientific invention. 43535

(d) Emphasizes personalized learning and teamwork skills. 43536

(4) Evidence that the school submitting the proposal will 43537  
attract school leaders who support the curriculum principles of 43538  
division (B)(3) of this section; 43539

(5) A description of how each school's curriculum will be 43540  
developed and approved in accordance with section 3326.09 of the 43541  
Revised Code; 43542

(6) Evidence that the school submitting the proposal will 43543  
utilize an established capacity to capture and share knowledge for 43544  
best practices and innovative professional development; 43545

(7) Assurances that the school submitting the proposal has 43546  
received commitments of sustained and verifiable fiscal and 43547  
in-kind support from regional education and business entities. If 43548  
the proposal is for a STEAM school equivalent, it also shall 43549  
include assurances that the school has received commitments of 43550  
sustained and verifiable fiscal and in-kind support from arts 43551  
organizations. 43552

(C)(1) A community school or chartered nonpublic school that 43553  
is designated as a STEM school equivalent under this section shall 43554  
not be subject to the requirements of Chapter 3326. of the Revised 43555  
Code, except that the school shall be subject to the requirements 43556  
of this section and to the curriculum requirements of section 43557  
3326.09 of the Revised Code. 43558

Nothing in this section, however, shall relieve a community 43559  
school of the applicable requirements of Chapter 3314. of the 43560  
Revised Code. Nor shall anything in this section relieve a 43561  
chartered nonpublic school of any provisions of law outside of 43562  
this chapter that are applicable to chartered nonpublic schools. 43563

(2) A community school or chartered nonpublic school that is 43564  
designated as a STEM school equivalent under this section shall 43565  
not be eligible for operating funding under sections 3326.31 to 43566  
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 43567

(3) A community school or chartered nonpublic school that is 43568  
designated as a STEM school equivalent under this section may 43569  
apply for any of the grants and additional funds described in 43570  
section 3326.38 of the Revised Code for which the school is 43571  
eligible. 43572

(D) If a community school or chartered nonpublic school that 43573  
is designated as a STEM school equivalent under this section 43574  
intends to close or intends to no longer be designated as a STEM 43575  
school equivalent, it shall notify the STEM committee of that 43576  
fact. 43577

(E) If a community school or chartered nonpublic school that 43578  
is designated as a STEM school equivalent wishes to be designated 43579  
as a STEAM school equivalent, it may change its existing proposal 43580  
to include the items required under divisions (B)(1), (B)(3)(c), 43581  
and (B)(7) of this section and submit the revised proposal to the 43582  
STEM committee for approval. 43583

**Sec. 3326.04.** (A) The STEM committee shall award grants to 43584  
support the operation of STEM programs of excellence to serve 43585  
students in any of grades kindergarten through ~~eight~~ twelve 43586  
through a request for proposals. 43587

(B) Proposals may be submitted by any of the following: 43588

(1) The board of education of a city, exempted village, or 43589  
local school district; 43590

(2) The governing authority of a community school established 43591  
under Chapter 3314. of the Revised Code; 43592

(3) The governing authority of a chartered nonpublic school. 43593

(C) Each proposal shall demonstrate to the satisfaction of 43594  
the STEM committee that the program meets at least the following 43595  
standards: 43596

(1) Unless the program is designed to serve only students 43597  
identified as gifted under Chapter 3324. of the Revised Code, the 43598  
program will serve all students enrolled in the district or school 43599  
in the grades for which the program is designed. 43600

(2) The program will offer a rigorous and diverse curriculum 43601  
that is based on scientific inquiry and technological design, that 43602  
emphasizes personalized learning and teamwork skills, and that 43603  
will expose students to advanced scientific concepts within and 43604  
outside the classroom. If the proposal is for a STEAM program of 43605  
excellence, it also shall include evidence that the curriculum 43606  
will integrate arts and design into the curriculum to foster 43607  
creative thinking, problem-solving, and new approaches to 43608  
scientific invention. 43609

(3) Unless the program is designed to serve only students 43610  
identified as gifted under Chapter 3324. of the Revised Code, the 43611  
program will not limit participation of students on the basis of 43612  
intellectual ability, measures of achievement, or aptitude. 43613

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.082. As used in this section, "teacher" has the same meaning as in section 3319.09 of the Revised Code, except that it does not include a principal, supervisor, superintendent, or other school administrator.

The governing body of a science, technology, engineering, and mathematics school may enter into an agreement with any teacher it employs under which the governing body provides to the teacher early retirement incentives, severance pay, or both, in return for the teacher's agreement to retire from the teacher's position, only if the governing body determines that the agreement is financially sound.

Notwithstanding division (A) of section 4117.10 of the Revised Code, this section prevails over any collective bargaining



agreement entered into under Chapter 4117. of the Revised Code on 43644  
or after the effective date of this section. 43645

**Sec. 3326.09.** Subject to approval by its governing body or 43646  
governing authority, the curriculum of each science, technology, 43647  
engineering, and mathematics school and of each community school 43648  
or chartered nonpublic school that is designated as a STEM school 43649  
equivalent under section 3326.032 of the Revised Code shall be 43650  
developed by a team that consists of at least the school's chief 43651  
administrative officer, a teacher, a representative of the higher 43652  
education institution that is a collaborating partner in the STEM 43653  
school or school designated as a STEM school equivalent, and a 43654  
member of the public with expertise in the application of science, 43655  
technology, engineering, or mathematics. In the case of a STEAM 43656  
school or a STEAM school equivalent, the team also shall include 43657  
an expert in the integration of arts and design into the STEM 43658  
fields. 43659

**Sec. 3326.11.** Each science, technology, engineering, and 43660  
mathematics school established under this chapter and its 43661  
governing body shall comply with sections 9.90, 9.91, 109.65, 43662  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43663  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 43664  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 43665  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 43666  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 43667  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43668  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 43669  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 43670  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 43671  
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 43672  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 43673  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 43674

3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 43675  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 43676  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43677  
Revised Code as if it were a school district. 43678

**Sec. 3326.33.** For each student enrolled in a science, 43679  
technology, engineering, and mathematics school established under 43680  
this chapter, on a full-time equivalency basis, the department of 43681  
education annually shall deduct from the state education aid of a 43682  
student's resident school district and, if necessary, from the 43683  
payment made to the district under sections 321.24 and 323.156 of 43684  
the Revised Code and pay to the school the sum of the following: 43685

(A) An opportunity grant in an amount equal to the formula 43686  
amount; 43687

(B) The per pupil amount of targeted assistance funds 43688  
calculated under division (A) of section 3317.0217 of the Revised 43689  
Code for the student's resident district, as determined by the 43690  
department, X 0.25; 43691

(C) Additional state aid for special education and related 43692  
services provided under Chapter 3323. of the Revised Code as 43693  
follows: 43694

(1) If the student is a category one special education 43695  
student, the amount specified in division (A) of section 3317.013 43696  
of the Revised Code; 43697

(2) If the student is a category two special education 43698  
student, the amount specified in division (B) of section 3317.013 43699  
of the Revised Code; 43700

(3) If the student is a category three special education 43701  
student, the amount specified in division (C) of section 3317.013 43702  
of the Revised Code; 43703

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	43704 43705 43706
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	43707 43708 43709
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	43710 43711 43712
(D) If the student is in kindergarten through third grade, <del>\$305, in fiscal year 2016, or \$320, in fiscal year 2017;</del>	43713 43714
(E) If the student is economically disadvantaged, an amount equal to the following:	43715 43716
\$272 X the resident district's economically disadvantaged index	43717
(F) Limited English proficiency funds, as follows:	43718
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	43719 43720 43721
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	43722 43723 43724
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	43725 43726 43727
(G) Career-technical education funds as follows:	43728
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	43729 43730 43731
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	43732 43733

3317.014 of the Revised Code;	43734
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	43735 43736 43737
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	43738 43739 43740
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	43741 43742 43743
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	43744 43745 43746
<b>Sec. 3326.41.</b> (A) For purposes of this section:	43747
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	43748 43749
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	43750 43751
<u>(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.</u>	43752 43753 43754 43755 43756 43757 43758 43759
(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school <u>both of the following:</u>	43760 43761 43762 43763

(1) A graduation bonus calculated according to the following 43764  
formula: 43765  
The school's four-year adjusted cohort graduation rate on its most 43766  
recent report card issued by the department under section 3302.03 43767  
of the Revised Code X 0.075 X the formula amount X the number of 43768  
the school's graduates reported to the department, in accordance 43769  
with the guidelines adopted under section 3301.0714 of the Revised 43770  
Code, for the same school year for which the most recent report 43771  
card was issued 43772

(2) A third-grade reading bonus calculated according to the 43773  
following formula: 43774  
The school's third-grade reading proficiency percentage X 0.075 X 43775  
the formula amount X the number of the school's students scoring 43776  
at a proficient level or higher on the third-grade English 43777  
language arts assessment prescribed under division (A)(1)(a) of 43778  
section 3301.0710 of the Revised Code for the immediately 43779  
preceding school year 43780

**Sec. 3327.08.** Boards of education of city school districts, 43781  
local school districts, exempted village school districts, 43782  
cooperative education school districts, and joint vocational 43783  
school districts and governing boards of educational service 43784  
centers may purchase on individual contract school buses and other 43785  
equipment used in transporting children to and from school and to 43786  
other functions as authorized by the boards, or the boards, at 43787  
their discretion, may purchase the buses and equipment through any 43788  
system of centralized purchasing established by the state 43789  
department of education for that purpose, provided that state 43790  
subsidy payments shall be based on the amount of the lowest price 43791  
available to the boards by either method of purchase. No board 43792  
shall be deprived of any form of state assistance in the purchase 43793  
of buses and equipment by reason of purchases of buses and 43794  
equipment on an individual contract. 43795

The purchase of school buses shall be made only after 43796  
competitive bidding in accordance with section 3313.46 of the 43797  
Revised Code. All bids shall state that the buses, prior to 43798  
delivery, will comply with the safety rules of the department of 43799  
public safety adopted pursuant to section 4511.76 of the Revised 43800  
Code and all other pertinent provisions of law. 43801

At no time shall bid bonds be required for the purchase of 43802  
school buses, unless the district board or educational service 43803  
center governing board requests that bid bonds be part of the 43804  
competitive bidding process for a specified purchase. 43805

**Sec. 3332.07.** (A) Each Except as provided in section 3332.071 43806  
of the Revised Code, each application for issuance and renewal of 43807  
a certificate of registration, for the issuance and renewal of 43808  
program authorization, for issuance and renewal of agent's 43809  
permits, and for any other service specified by the state board of 43810  
career colleges and schools shall be accompanied by the required 43811  
fee. Fees submitted under this section are not returnable even if 43812  
approval or renewal is denied. 43813

(B) Fee schedules for the issuance and renewal of 43814  
certificates of registration, for the issuance and renewal of 43815  
program authorization, for issuance and renewal of agent's 43816  
permits, and for any other service specified by the board shall be 43817  
established by rule adopted by the state board . The fee for a 43818  
one-year certificate of registration shall be one-half the fee for 43819  
a two-year certificate. 43820

(C) If in any fiscal year the amount received in fees under 43821  
this section does not equal or exceed fifty per cent of board 43822  
expenditures for the fiscal year, the board shall increase fees 43823  
for the ensuing fiscal year by an amount estimated to be 43824  
sufficient to produce revenues equal to fifty per cent of 43825  
estimated expenditures for that ensuing fiscal year. 43826

Sec. 3332.071. The state board of career colleges and schools 43827  
shall not charge a student disclosure course fee for new Ohio 43828  
students who enroll in a college or school that holds a 43829  
certificate of registration under this chapter. 43830

**Sec. 3333.048.** (A) Not later than one year after October 16, 43831  
2009, the chancellor of higher education and the superintendent of 43832  
public instruction jointly shall do the following: 43833

(1) In accordance with Chapter 119. of the Revised Code, 43834  
establish metrics and educator preparation programs for the 43835  
preparation of educators and other school personnel and the 43836  
institutions of higher education that are engaged in their 43837  
preparation. The metrics and educator preparation programs shall 43838  
be aligned with the standards and qualifications for educator 43839  
licenses adopted by the state board of education under section 43840  
3319.22 of the Revised Code ~~and the requirements of the Ohio~~ 43841  
~~teacher residency program established under section 3319.223 of~~ 43842  
~~the Revised Code.~~ The metrics and educator preparation programs 43843  
also shall ensure that educators and other school personnel are 43844  
adequately prepared to use the value-added progress dimension 43845  
prescribed by section 3302.021 of the Revised Code or the 43846  
alternative student academic progress measure if adopted under 43847  
division (C)(1)(e) of section 3302.03 of the Revised Code. 43848

(2) Provide for the inspection of institutions of higher 43849  
education desiring to prepare educators and other school 43850  
personnel. 43851

(B) Not later than one year after October 16, 2009, the 43852  
chancellor shall approve institutions of higher education engaged 43853  
in the preparation of educators and other school personnel that 43854  
maintain satisfactory training procedures and records of 43855  
performance, as determined by the chancellor. 43856

(C) If the metrics established under division (A)(1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of any applicable national educator preparation accrediting agency recognized by the United States department of education.

(D) The metrics and educator preparation programs established under division (A)(1) of this section may require an institution of higher education, as a condition of approval by the chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel.

Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.



(F) The graduates of educator preparation programs approved 43888  
by the chancellor shall be licensed by the state board in 43889  
accordance with the standards and qualifications adopted under 43890  
section 3319.22 of the Revised Code. 43891

Sec. 3333.0414. (A) In accordance with Chapter 119. of the 43892  
Revised Code, the chancellor of higher education shall adopt rules 43893  
that require education preparation programs approved under section 43894  
3333.048 of the Revised Code to include instruction in opioid and 43895  
other substance abuse prevention. The instruction shall be for all 43896  
educator and other school personnel preparation programs for all 43897  
content areas and grade levels. 43898

(B) Instruction shall include all of the following: 43899

(1) Information on the magnitude of opioid and other 43900  
substance abuse; 43901

(2) The role educators and other school personnel can play in 43902  
educating students about the adverse effects of opioid and other 43903  
substance abuse; 43904

(3) Resources available to teach students about the 43905  
consequences of opioid and substance abuse; 43906

(4) Resources available to help fight and treat opioid abuse. 43907

Sec. 3333.0415. Beginning in 2018, the chancellor of higher 43908  
education, in collaboration with the department of education, 43909  
shall prepare an annual report regarding the progress the state is 43910  
making in increasing the percentage of adults in the state with a 43911  
college degree, industry certificate, or other postsecondary 43912  
credential to sixty-five per cent by the year 2025. The chancellor 43913  
shall submit an electronic copy of the report to the governor, the 43914  
president and minority leader of the senate, and speaker and 43915  
minority leader of the house of representatives. 43916

Sec. 3333.0416. (A) The chancellor of higher education may do 43917  
both of the following with regard to student fees: 43918

(1) Investigate all fees charged to students by any state 43919  
institution of higher education, as defined in section 3345.011 of 43920  
the Revised Code. 43921

(2) Prohibit any state institution from charging a fee that 43922  
the chancellor determines is not in the best interest of the 43923  
students. 43924

(B) If the chancellor prohibits a state institution from 43925  
charging a fee pursuant to this section, the institution may seek 43926  
approval from the controlling board to charge the fee. 43927

Sec. 3333.051. (A) The chancellor of higher education shall 43928  
establish a program under which a community college established 43929  
under Chapter 3354., technical college established under Chapter 43930  
3357., or state community college established under Chapter 3358. 43931  
of the Revised Code may apply to the chancellor for authorization 43932  
to offer applied bachelor's degree programs. 43933

The chancellor may approve programs under this section that 43934  
demonstrate all of the following: 43935

(1) Evidence of an agreement between the college and a 43936  
regional business or industry to train students in an in-demand 43937  
field and to employ students upon their successful completion of 43938  
the program; 43939

(2) That the workforce need of the regional business or 43940  
industry is in an in-demand field with long-term sustainability 43941  
based upon data provided by the governor's office of workforce 43942  
transformation; 43943

(3) Supporting data that identifies the specific workforce 43944  
need the program will address; 43945

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university; 43946  
43947  
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(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program. 43949  
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(B) The chancellor may approve a program under this section that does not meet the criteria described in division (A) of this section, if the program clearly demonstrates a unique approach, as determined by the chancellor, to benefit the state's system of higher education or the state of Ohio. 43952  
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(C) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations. 43957  
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(D) As used in this section: 43963

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following: 43964  
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(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree; 43966  
43967  
43968  
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(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field. 43970  
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(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 43972  
43973  
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(3) "State university" has the same meaning as in section 43975

3345.011 of the Revised Code. 43976

**Sec. 3333.121.** There is hereby established in the state 43977  
treasury the state ~~need-based~~ financial aid reconciliation fund, 43978  
which shall consist of refunds of ~~instructional grant payments~~ 43979  
~~made pursuant to section 3333.12 of the Revised Code and refunds~~ 43980  
~~of state need-based financial aid payments made pursuant to~~ 43981  
~~section 3333.122 of the Revised Code~~ state financial aid payments 43982  
originally disbursed by the department of higher education for 43983  
programs that the department is responsible for administering. 43984  
Revenues credited to the fund shall be used by the chancellor of 43985  
higher education to pay to higher education institutions any 43986  
outstanding obligations ~~from the prior year owed for the Ohio~~ 43987  
~~instructional grant program and the Ohio college opportunity grant~~ 43988  
~~program~~ state financial aid programs that are identified through 43989  
the annual reconciliation and financial audit or through other 43990  
means. Any amount in the fund that is in excess of the amount 43991  
certified to the director of budget and management by the 43992  
chancellor of higher education as necessary to reconcile ~~prior~~ 43993  
~~year~~ payments under the program shall be transferred to the 43994  
general revenue fund. 43995

**Sec. 3333.122.** (A) The chancellor of higher education shall 43996  
adopt rules to carry out this section and as authorized under 43997  
section 3333.123 of the Revised Code. The rules shall include 43998  
definitions of the terms "resident," "expected family 43999  
contribution," "full-time student," "three-quarters-time student," 44000  
"half-time student," "one-quarter-time student," "state cost of 44001  
attendance," and "accredited" for the purpose of those sections. 44002

(B) Only an Ohio resident who meets both of the following is 44003  
eligible for a grant awarded under this section: 44004

(1) The resident has an expected family contribution of two 44005

thousand one hundred ninety or less; 44006

(2) The resident enrolls in one of the following: 44007

(a) An undergraduate program, or a nursing diploma program 44008  
approved by the board of nursing under section 4723.06 of the 44009  
Revised Code, at a state-assisted state institution of higher 44010  
education, as defined in section 3345.12 of the Revised Code, that 44011  
meets the requirements of Title VI of the Civil Rights Act of 44012  
1964+. For purposes of division (B)(2)(a) of this section, 44013  
enrollment in an undergraduate program shall include enrollment in 44014  
a state institution of higher education in a program that may be 44015  
completed in less than one year and for which a certificate or 44016  
industry-recognized credential is awarded in an in-demand job, as 44017  
defined in section 3333.93 of the Revised Code. 44018

(b) An undergraduate program, or a nursing diploma program 44019  
approved by the board of nursing under section 4723.06 of the 44020  
Revised Code, at a private, nonprofit institution in this state 44021  
holding a certificate of authorization pursuant to Chapter 1713. 44022  
of the Revised Code; 44023

(c) An undergraduate program, or a nursing diploma program 44024  
approved by the board of nursing under section 4723.06 of the 44025  
Revised Code, at a career college in this state that holds a 44026  
certificate of registration from the state board of career 44027  
colleges and schools under Chapter 3332. of the Revised Code or at 44028  
a private institution exempt from regulation under Chapter 3332. 44029  
of the Revised Code as prescribed in section 3333.046 of the 44030  
Revised Code, if the program has a certificate of authorization 44031  
pursuant to Chapter 1713. of the Revised Code. 44032

(C)(1) The chancellor shall establish and administer a 44033  
needs-based financial aid grants program based on the United 44034  
States department of education's method of determining financial 44035  
need. The program shall be known as the Ohio college opportunity 44036

grant program. The general assembly shall support the needs-based 44037  
financial aid program by such sums and in such manner as it may 44038  
provide, but the chancellor also may receive funds from other 44039  
sources to support the program. If, for any academic year, the 44040  
amounts available for support of the program are inadequate to 44041  
provide grants to all eligible students, the chancellor shall do 44042  
one of the following: 44043

(a) Give preference in the payment of grants based upon 44044  
expected family contribution, beginning with the lowest expected 44045  
family contribution category and proceeding upward by category to 44046  
the highest expected family contribution category; 44047

(b) Proportionately reduce the amount of each grant to be 44048  
awarded for the academic year under this section; 44049

(c) Use an alternate formula for such grants that addresses 44050  
the shortage of available funds and has been submitted to and 44051  
approved by the controlling board. 44052

(2) The needs-based financial aid grant shall be paid to the 44053  
eligible student through the institution in which the student is 44054  
enrolled, except that no needs-based financial aid grant shall be 44055  
paid to any person serving a term of imprisonment. Applications 44056  
for the grants shall be made as prescribed by the chancellor, and 44057  
such applications may be made in conjunction with and upon the 44058  
basis of information provided in conjunction with student 44059  
assistance programs funded by agencies of the United States 44060  
government or from financial resources of the institution of 44061  
higher education. The institution shall certify that the student 44062  
applicant meets the requirements set forth in division (B) of this 44063  
section. Needs-based financial aid grants shall be provided to an 44064  
eligible student only as long as the student is making appropriate 44065  
progress toward a nursing diploma or an associate or bachelor's 44066  
degree. No student shall be eligible to receive a grant for more 44067  
than ten semesters, fifteen quarters, or the equivalent of five 44068

academic years. A grant made to an eligible student on the basis 44069  
of less than full-time enrollment shall be based on the number of 44070  
credit hours for which the student is enrolled and shall be 44071  
computed in accordance with a formula adopted by rule issued by 44072  
the chancellor. No student shall receive more than one grant on 44073  
the basis of less than full-time enrollment. 44074

(D)(1) Except as provided in ~~division~~ divisions (D)(4), (5), 44075  
and (6) of this section, no grant awarded under this section shall 44076  
exceed the total state cost of attendance. 44077

(2) Subject to divisions (D)(1), (3), ~~and (4)~~, and (5) of 44078  
this section, the amount of a grant awarded to a student under 44079  
this section who is not enrolled in an institution described in 44080  
division (D)(6) of this section shall equal the student's 44081  
remaining state cost of attendance after the student's Pell grant 44082  
and expected family contribution are applied to the instructional 44083  
and general charges for the undergraduate program. However, for 44084  
students enrolled in a state university or college as defined in 44085  
section 3345.12 of the Revised Code or a university branch, the 44086  
chancellor may provide that the grant amount shall equal the 44087  
student's remaining instructional and general charges for the 44088  
undergraduate program after the student's Pell grant and expected 44089  
family contribution have been applied to those charges, but, in no 44090  
case, shall the grant amount for such a student exceed any maximum 44091  
that the chancellor may set by rule. 44092

(3) For a student enrolled for a semester or quarter in 44093  
addition to the portion of the academic year covered by a grant 44094  
under this section, the maximum grant amount shall be a percentage 44095  
of the maximum specified in any table established in rules adopted 44096  
by the chancellor as provided in division (A) of this section. The 44097  
maximum grant for a fourth quarter shall be one-third of the 44098  
maximum amount so prescribed. The maximum grant for a third 44099  
semester shall be one-half of the maximum amount so prescribed. 44100

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(6) A student who is enrolled in a program that may be completed in less than one year for which a certificate or industry-recognized credential is awarded in an in-demand job, as defined in section 3333.93 of the Revised Code and who is eligible for a grant under this section shall receive an amount determined by the chancellor using a calculation that does not apply the student's Pell grant to state cost of attendance.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,



20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44133  
preceding the fiscal year, equal to or greater than thirty per 44134  
cent for each of the preceding two fiscal years. 44135

(2) Division (F)(1) of this section does not apply in the 44136  
case of either of the following: 44137

(a) The institution pursuant to federal law appeals its loss 44138  
of eligibility for federal financial aid and the United States 44139  
secretary of education determines its cohort default rate after 44140  
recalculation is lower than the rate specified in division (F)(1) 44141  
of this section or the secretary determines due to mitigating 44142  
circumstances that the institution may continue to participate in 44143  
federal financial aid programs. The chancellor shall adopt rules 44144  
requiring any such appellant to provide information to the 44145  
chancellor regarding an appeal. 44146

(b) Any student who has previously received a grant pursuant 44147  
to any provision of this section, including prior to the section's 44148  
amendment by H.B. 1 of the 128th general assembly, effective July 44149  
17, 2009, and who meets all other eligibility requirements of this 44150  
section. 44151

(3) The chancellor shall adopt rules for the notification of 44152  
all institutions whose students will be ineligible to participate 44153  
in the grant program pursuant to division (F)(1) of this section. 44154

(4) A student's attendance at any institution whose students 44155  
are ineligible for grants due to division (F)(1) of this section 44156  
shall not affect that student's eligibility to receive a grant 44157  
when enrolled in another institution. 44158

(G) Institutions of higher education that enroll students 44159  
receiving needs-based financial aid grants under this section 44160  
shall report to the chancellor all students who have received such 44161  
needs-based financial aid grants but are no longer eligible for 44162  
all or part of those grants and shall refund any moneys due the 44163

state within thirty days after the beginning of the quarter or 44164  
term immediately following the quarter or term in which the 44165  
student was no longer eligible to receive all or part of the 44166  
student's grant. There shall be an interest charge of one per cent 44167  
per month on all moneys due and payable after such thirty-day 44168  
period. The chancellor shall immediately notify the office of 44169  
budget and management and the legislative service commission of 44170  
all refunds so received. 44171

**Sec. 3333.166.** (A) As used in this section: 44172

(1) "For-profit private college" means a career college in 44173  
this state that holds a certificate of registration from the 44174  
chancellor of higher education under Chapter 3332. of the Revised 44175  
Code or a private institution exempt from regulation under Chapter 44176  
3332. of the Revised Code as prescribed in section 3333.046 of the 44177  
Revised Code. 44178

(2) "State institution of higher education" has the same 44179  
meaning as in section 3345.011 of the Revised Code. 44180

(B) The chancellor shall establish criteria, policies, and 44181  
procedures that enable students to transfer agreed upon courses 44182  
completed through a for-profit private college to a state 44183  
institution of higher education without unnecessary duplication or 44184  
institutional barriers. Where applicable, the policies and 44185  
procedures shall build upon the articulation agreement and 44186  
transfer initiative course equivalency system required by section 44187  
3333.16 of the Revised Code. 44188

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 44189  
purposes, status as a resident of Ohio shall be defined by the 44190  
chancellor of higher education by rule promulgated pursuant to 44191  
Chapter 119. of the Revised Code. No adjudication as to the status 44192  
of any person under such rule, however, shall be required to be 44193

made pursuant to Chapter 119. of the Revised Code. The term 44194  
"resident" for these purposes shall not be equated with the 44195  
definition of that term as it is employed elsewhere under the laws 44196  
of this state and other states, and shall not carry with it any of 44197  
the legal connotations appurtenant thereto. Rather, except as 44198  
provided in divisions (B), (C), and (E) of this section, for such 44199  
purposes, the rule promulgated under this section shall have the 44200  
objective of excluding from treatment as residents those who are 44201  
present in the state primarily for the purpose of attending a 44202  
state-supported or state-assisted institution of higher education, 44203  
and may prescribe presumptive rules, rebuttable or conclusive, as 44204  
to such purpose based upon the source or sources of support of the 44205  
student, residence prior to first enrollment, evidence of 44206  
intention to remain in the state after completion of studies, or 44207  
such other factors as the chancellor deems relevant. 44208

(B) The rules of the chancellor for determining student 44209  
residency shall grant residency status to a veteran and to the 44210  
veteran's spouse and any dependent of the veteran, if both of the 44211  
following conditions are met: 44212

(1) The veteran either: 44213

(a) Served one or more years on active military duty and was 44214  
honorably discharged or received a medical discharge that was 44215  
related to the military service; 44216

(b) Was killed while serving on active military duty or has 44217  
been declared to be missing in action or a prisoner of war. 44218

(2) If the veteran seeks residency status for tuition 44219  
surcharge purposes, the veteran has established domicile in this 44220  
state as of the first day of a term of enrollment in an 44221  
institution of higher education. If the spouse or a dependent of 44222  
the veteran seeks residency status for tuition surcharge purposes, 44223  
the veteran and the spouse or dependent seeking residency status 44224

have established domicile in this state as of the first day of a 44225  
term of enrollment in an institution of higher education, except 44226  
that if the veteran was killed while serving on active military 44227  
duty, has been declared to be missing in action or a prisoner of 44228  
war, or is deceased after discharge, only the spouse or dependent 44229  
seeking residency status shall be required to have established 44230  
domicile in accordance with this division. 44231

(C) The rules of the chancellor for determining student 44232  
residency shall grant residency status to both of the following: 44233

(1) A veteran who is the recipient of federal veterans' 44234  
benefits under the "All-Volunteer Force Educational Assistance 44235  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 44236  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 44237  
successor program, if the veteran meets all of the following 44238  
criteria: 44239

(a) The veteran served at least ninety days on active duty. 44240

(b) The veteran enrolls in a state institution of higher 44241  
education, as defined in section 3345.011 of the Revised Code. 44242

(c) The veteran lives in the state as of the first day of a 44243  
term of enrollment in the state institution of higher education. 44244

(2) A person who is the recipient of the federal Marine 44245  
Gunnery Sergeant John David Fry scholarship or transferred federal 44246  
veterans' benefits under any of the programs described in division 44247  
(C)(1) of this section, if the person meets both of the following 44248  
criteria: 44249

(a) The person enrolls in a state institution of higher 44250  
education. 44251

(b) The person lives in the state as of the first day of a 44252  
term of enrollment in the state institution of higher education. 44253

In order for a person using transferred federal veterans' 44254

benefits to qualify under division (C)(2) of this section, the 44255  
~~veteran's period of active duty~~ veteran who transferred the 44256  
benefits must have ~~been~~ served at least ninety days on active duty 44257  
or the service member who transferred the benefits must be on 44258  
active duty. 44259

(D) The rules of the chancellor for determining student 44260  
residency shall not deny residency status to a student who is 44261  
either a dependent child of a parent, or the spouse of a person 44262  
who, as of the first day of a term of enrollment in an institution 44263  
of higher education, has accepted full-time employment and 44264  
established domicile in this state for reasons other than gaining 44265  
the benefit of favorable tuition rates. 44266

Documentation of full-time employment and domicile shall 44267  
include both of the following documents: 44268

(1) A sworn statement from the employer or the employer's 44269  
representative on the letterhead of the employer or the employer's 44270  
representative certifying that the parent or spouse of the student 44271  
is employed full-time in Ohio; 44272

(2) A copy of the lease under which the parent or spouse is 44273  
the lessee and occupant of rented residential property in the 44274  
state, a copy of the closing statement on residential real 44275  
property of which the parent or spouse is the owner and occupant 44276  
in this state or, if the parent or spouse is not the lessee or 44277  
owner of the residence in which the parent or spouse has 44278  
established domicile, a letter from the owner of the residence 44279  
certifying that the parent or spouse resides at that residence. 44280

Residency officers may also evaluate, in accordance with the 44281  
chancellor's rule, requests for immediate residency status from 44282  
dependent students whose parents are not living and whose domicile 44283  
follows that of a legal guardian who has accepted full-time 44284  
employment and established domicile in the state for reasons other 44285

than gaining the benefit of favorable tuition rates. 44286

(E)(1) The rules of the chancellor for determining student 44287  
residency shall grant residency status to a person who, while a 44288  
resident of this state for state subsidy and tuition surcharge 44289  
purposes, graduated from a high school in this state or completed 44290  
the final year of instruction at home as authorized under section 44291  
3321.04 of the Revised Code, if the person enrolls in an 44292  
institution of higher education and establishes domicile in this 44293  
state, regardless of the student's residence prior to that 44294  
enrollment. 44295

(2) The rules of the chancellor for determining student 44296  
residency shall not grant residency status to an alien if the 44297  
alien is not also an immigrant or a nonimmigrant. 44298

(F) As used in this section: 44299

(1) "Dependent," "domicile," "institution of higher 44300  
education," and "residency officer" have the meanings ascribed in 44301  
the chancellor's rules adopted under this section. 44302

(2) "Alien" means a person who is not a United States citizen 44303  
or a United States national. 44304

(3) "Immigrant" means an alien who has been granted the right 44305  
by the United States bureau of citizenship and immigration 44306  
services to reside permanently in the United States and to work 44307  
without restrictions in the United States. 44308

(4) "Nonimmigrant" means an alien who has been granted the 44309  
right by the United States bureau of citizenship and immigration 44310  
services to reside temporarily in the United States. 44311

(5) "Veteran" means any person who has completed service in 44312  
the uniformed services, as defined in section 3511.01 of the 44313  
Revised Code. 44314

(6) "Service member" has the same meaning as in section 44315

5903.01 of the Revised Code. 44316

**Sec. 3333.39.** The chancellor of higher education and the 44317  
superintendent of public instruction shall establish and 44318  
administer the teach Ohio program to promote and encourage 44319  
citizens of this state to consider teaching as a profession. The 44320  
program shall include all of the following: 44321

(A) A statewide program administered by a nonprofit 44322  
corporation that has been in existence for at least fifteen years 44323  
with demonstrated results in encouraging high school students from 44324  
economically disadvantaged groups to enter the teaching 44325  
profession. The chancellor and superintendent jointly shall select 44326  
the nonprofit corporation. 44327

(B) The Ohio teaching fellows program established under 44328  
sections 3333.391 and 3333.392 of the Revised Code; 44329

~~(C) The Ohio teacher residency program established under 44330  
section 3319.223 of the Revised Code;~~ 44331

~~(D) Alternative licensure procedures established under 44332  
section 3319.26 of the Revised Code;~~ 44333

~~(E)~~(D) Any other program as identified by the chancellor and 44334  
the superintendent. 44335

**Sec. 3333.45.** (A) For purposes of this section, "eligible 44336  
institution of higher education" means any of the following: 44337

(1) A regionally accredited private, nonprofit institution of 44338  
higher education that is created by the governors of several 44339  
states. At least one of the governors of these states shall also 44340  
be a member of the institution's board of trustees. 44341

(2) A state institution of higher education, as that term is 44342  
defined in section 3345.011 of the Revised Code; 44343

(3) A private, nonprofit institution of higher education that 44344

has received a certificate of authorization under Chapter 1713. of 44345  
the Revised Code. 44346

(B) The chancellor of higher education may recognize or 44347  
endorse an eligible institution of higher education for the 44348  
purpose of providing competency-based education programs. 44349

(C) In recognizing or endorsing an eligible institution of 44350  
higher education described in division (A)(1) of this section, the 44351  
chancellor may specify all of the following: 44352

(1) The eligibility of students enrolled in the institution 44353  
for state student financial aid programs; 44354

(2) Any articulation and transfer policies of the chancellor 44355  
that apply to the institution; 44356

(3) The reporting requirements for the institution. 44357

(D) In recognizing or endorsing any eligible institution of 44358  
higher education, the chancellor may: 44359

(1) Recognize competency-based education as an important 44360  
component of this state's higher education system; 44361

(2) Eliminate any unnecessary barriers to the delivery of 44362  
competency-based education; 44363

(3) Facilitate opportunities to share best practices on the 44364  
delivery of competency-based education with any eligible 44365  
institution of higher education; 44366

(4) Establish any other requirements that the chancellor 44367  
determines are in the best interest of this state. 44368

(E) The chancellor shall not provide any public operating or 44369  
capital assistance to an eligible institution of higher education 44370  
described in division (A)(1) of this section for the purpose of 44371  
providing competency-based education in this state. 44372

**Sec. 3333.91.** ~~Not later than December 31, 2014, the~~ The 44373



governor's office of workforce transformation, in collaboration 44374  
with the chancellor of higher education, the superintendent of 44375  
public instruction, and the department of job and family services, 44376  
shall develop and submit to the appropriate federal agency a 44377  
single, state unified plan required under the "Workforce 44378  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 44379  
shall include the information required for the adult basic and 44380  
literacy education program administered by the United States 44381  
secretary of education, and the "Carl D. Perkins Vocational and 44382  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 44383  
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 44384  
~~as amended.~~ Following the plan's initial submission to the 44385  
appropriate federal agency, the governor's office of workforce 44386  
transformation may update it as necessary. If the plan is updated, 44387  
the governor's office of workforce transformation shall submit the 44388  
updated plan to the appropriate federal agency. 44389

**Sec. 3333.92.** (A) As used in this section, "OhioMeansJobs web 44390  
site" has the same meaning as in section 6301.01 of the Revised 44391  
Code. 44392

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an 44393  
adult basic and literacy education funded training or education 44394  
program shall create an account with the OhioMeansJobs web site at 44395  
the twelfth week of the program. 44396

(2) ~~Beginning January 1, 2016, each~~ Each participant in an 44397  
Ohio technical center funded training or education program shall 44398  
create an account with the OhioMeansJobs web site at the time of 44399  
enrollment in the program. 44400

(C) Division (B) of this section does not apply to any 44401  
individual who is legally prohibited from using a computer, has a 44402  
physical or visual impairment that makes the individual unable to 44403

use a computer, or has a limited ability to read, write, speak, or 44404  
understand a language in which the OhioMeansJobs web site is 44405  
available. 44406

Sec. 3333.94. (A) As used in this section: 44407

(1) "In-demand job" has the same meaning as in section 44408  
3333.93 of the Revised Code. 44409

(2) "Ohio technical center" means a center that provides 44410  
adult technical education services and is recognized by the 44411  
chancellor of higher education. 44412

(3) "State institution of higher education" has the same 44413  
meaning as in section 3345.011 of the Revised Code. 44414

(B) Not later than January 1, 2018, the chancellor of higher 44415  
education shall create an inventory of both credit and non-credit 44416  
certificate programs and industry-recognized credentials offered 44417  
at state institutions of higher education and Ohio technical 44418  
centers that align with in-demand jobs in the state. 44419

When awarding funds from the OhioMeansJobs workforce 44420  
development revolving loan fund established under section 6301.14 44421  
of the Revised Code, the chancellor shall give preference to 44422  
certificate programs that support adult learners and are included 44423  
in the inventory. 44424

Sec. 3333.951. (A) As used in this section, "state 44425  
institution of higher education" has the same meaning as in 44426  
section 3345.011 of the Revised Code. 44427

(B) Each state institution of higher education that is 44428  
co-located with another state institution of higher education 44429  
annually shall review best practices and shared services in order 44430  
to improve academic and other services and reduce costs for 44431  
students. Each state institution shall report its findings to the 44432

efficiency advisory committee established under section 3333.95 of 44433  
the Revised Code. The committee shall include the information 44434  
reported under this section in the committee's annual report. 44435

(C) Each state institution of higher education annually shall 44436  
report to the efficiency advisory committee on its efforts to 44437  
reduce textbook costs to students. 44438

(D) Each state institution of higher education shall conduct 44439  
a study to determine the current cost of textbooks for students 44440  
enrolled in the institution, and shall submit the study to the 44441  
chancellor of higher education annually by a date prescribed by 44442  
the chancellor. 44443

**Sec. 3333.98.** (A) The college-ready program is hereby created 44444  
to provide high school students with college-ready transitional 44445  
courses. The college-ready program shall approve public and 44446  
chartered nonpublic schools to provide courses for students who do 44447  
not meet the remediation-free thresholds developed in division 44448  
(B)(1) of this section and who need additional coursework to 44449  
qualify to take courses to earn college credit while enrolled in 44450  
high school and/or to be prepared for college upon graduation. The 44451  
chancellor of higher education, in consultation with the 44452  
superintendent of public instruction, shall administer the 44453  
program. 44454

(B) Not later than December 31, 2017, the chancellor and the 44455  
superintendent of public instruction, or their designees, shall 44456  
convene a workgroup of faculty and administrators from both 44457  
secondary schools and higher education institutions to develop one 44458  
or more models for a college-ready program in mathematics. 44459

The workgroup shall develop and make recommendations for the 44460  
creation and implementation of the college-ready plan, including, 44461  
but not limited to, the following: 44462

(1) Recommend upper and lower score thresholds for student eligibility to participate in the program, based on national standardized test scores and state assessments required under section 3301.0712 of the Revised Code. In creating the thresholds, the workgroup shall use the remediation-free standards established under section 3345.061 of the Revised Code as a guide. 44463  
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(2) Develop one or more additional instructional models for the program; 44469  
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(3) Establish criteria for approving participating schools and institutions to provide instruction under the program; 44471  
44472

(4) Recommend data collection and evaluation requirements; 44473

(5) Recommend a timeline to develop models for additional subject areas, so that the models will be completed in time to meet the deadline prescribed by division (C) of this section. 44474  
44475  
44476

(6) Develop an application and approval process for schools and institutions to offer college-ready courses using the models developed under this section. 44477  
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44479

(C) Not later than February 1, 2018, the chancellor, in consultation with the state superintendent, shall develop and publish all program requirements, deadlines, guidance, forms, documents, and procedures necessary to establish and administer the program. 44480  
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44482  
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(D) Public and chartered nonpublic schools with approved programs may offer college-ready courses beginning with the 2018-2019 school year. 44485  
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44487

(E) As used in this section: 44488

(1) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code; 44489  
44490

(2) "Public school" includes a school district or a school operated by a school district, a community school established 44491  
44492

under Chapter 3314., a STEM school established under Chapter 3326., and a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 44493  
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44495

**Sec. 3335.02.** (A) The government of the Ohio state university 44496  
shall be vested in a board of ~~fourteen trustees in 2005, and~~ 44497  
~~seventeen trustees beginning in 2006,~~ who shall be appointed by 44498  
the governor, with the advice and consent of the senate. Two of 44499  
the seventeen trustees shall be students at the Ohio state 44500  
university, and their selection and terms shall be in accordance 44501  
with division (B) of this section. Except as provided in division 44502  
(D) of this section and except for the terms of student members, 44503  
terms of office shall be for ~~nine~~ six years, commencing on the 44504  
fourteenth day of May and ending on the thirteenth day of May. 44505  
Each trustee shall hold office from the date of appointment until 44506  
the end of the term for which the trustee was appointed. Any 44507  
trustee appointed to fill a vacancy occurring prior to the 44508  
expiration of the term for which the trustee's predecessor was 44509  
appointed shall hold office for the remainder of such term. Any 44510  
trustee shall continue in office subsequent to the expiration date 44511  
of the trustee's term until the trustee's successor takes office, 44512  
or until a period of sixty days has elapsed, whichever occurs 44513  
first. No person who has served a full ~~nine-year~~ term as a 44514  
nonstudent member or more than ~~six years~~ two-thirds of such a term 44515  
shall be eligible for reappointment until a period of four years 44516  
has elapsed since the last day of the term for which the person 44517  
previously served. ~~The~~ 44518

The trustees shall not receive compensation for their 44519  
services, but shall be paid their reasonable necessary expenses 44520  
while engaged in the discharge of their official duties. 44521

(B) The student members of the board of trustees of the Ohio 44522  
state university shall be students at the Ohio state university. 44523

Unless student members have been granted voting power under 44524  
division (C) of this section, they shall have no voting power on 44525  
the board, shall not be considered as members of the board in 44526  
determining whether a quorum is present, and shall not be entitled 44527  
to attend executive sessions of the board. The student members of 44528  
the board shall be appointed by the governor, with the advice and 44529  
consent of the senate, from a group of five candidates selected 44530  
pursuant to a procedure adopted by the university's student 44531  
governments and approved by the university's board of trustees. 44532  
~~The initial term of office of one of the student members shall~~ 44533  
~~commence on May 14, 1988, and shall expire on May 13, 1989, and~~ 44534  
~~the initial term of office of the other student member shall~~ 44535  
~~commence on May 14, 1988, and expire on May 13, 1990. Thereafter,~~ 44536  
~~terms~~ Terms of office of student members shall be for two years, 44537  
each term ending on the same day of the same month of the year as 44538  
the term it succeeds commencing on the fourteenth day of May and 44539  
ending on the thirteenth day of May. In the event a student member 44540  
cannot fulfill a two-year term, a replacement shall be selected to 44541  
fill the unexpired term in the same manner used to make the 44542  
original selection. 44543

(C) Not later than ~~ninety days after the effective date of~~ 44544  
~~this amendment~~ December 28, 2015, the board of trustees shall 44545  
adopt a resolution that does one of the following: 44546

(1) Grants the student members of the board voting power on 44547  
the board. If so granted, in addition to having voting power, the 44548  
student members shall be considered as members of the board in 44549  
determining whether a quorum is present and shall be entitled to 44550  
attend executive sessions of the board. 44551

(2) Declares that student members do not have voting power on 44552  
the board. 44553

Thereafter, the board may change the voting status of student 44554  
trustees by adopting a subsequent resolution. Each resolution 44555

adopted under this division shall take effect on the fourteenth 44556  
day of May following the adoption of the resolution. All members 44557  
with voting power at the time of the adoption of a resolution may 44558  
vote on the resolution. 44559

If student members are granted voting power under this 44560  
division, no student shall be disqualified from membership on the 44561  
board of trustees because the student receives a scholarship, 44562  
grant, loan, or any other financial assistance payable out of the 44563  
state treasury or a university fund, or because the student is 44564  
employed by the university in a position pursuant to a work-study 44565  
program or other student employment, including as a graduate 44566  
teaching assistant, graduate administrative assistant, or graduate 44567  
research assistant, the compensation for which is payable out of 44568  
the state treasury or a university fund. 44569

Acceptance of such financial assistance or employment by a 44570  
student trustee shall not be considered a violation of Chapter 44571  
102. or section 2921.42 or 2921.43 of the Revised Code. 44572

~~(D)(1) The initial terms of office for the three additional 44573  
trustees appointed in 2005 shall commence on a date in 2005 that 44574  
is selected by the governor with one term of office expiring on 44575  
May 13, 2009, one term of office expiring on May 13, 2010, and one 44576  
term of office expiring on May 13, 2011, as designated by the 44577  
governor upon appointment. Thereafter terms of office shall be for 44578  
nine years, as provided in division (A) of this section. 44579~~

~~(2) The initial terms of office for the three additional 44580  
trustees appointed in 2006 shall commence on May 14, 2006, with 44581  
one term of office expiring on May 13, 2012, one term of office 44582  
expiring on May 13, 2013, and one term of office expiring on May 44583  
13, 2014, as designated by the governor upon appointment. 44584  
Thereafter terms of office shall be for nine years, as provided in 44585  
division (A) of this section. A nonstudent trustee who was 44586  
appointed under this section as it existed prior to the effective 44587~~

date of this amendment shall serve for a nine-year term. A trustee 44588  
appointed to fill the vacancy of a nine-year term shall serve for 44589  
the remainder of that unexpired nine-year term. Except for a 44590  
nonstudent trustee appointed to fill a vacancy for an unexpired 44591  
nine-year term, terms of office for a nonstudent trustee appointed 44592  
on and after the effective date of this amendment shall be for six 44593  
years, as provided in division (A) of this section. 44594

**Sec. 3337.01.** (A) The body politic and corporate by the name 44595  
and style of "The President and Trustees of the Ohio University" 44596  
now in the university instituted and established in Athens by the 44597  
name and style of "The Ohio University" shall consist of a board 44598  
of trustees composed of eleven members, who shall be appointed by 44599  
the governor, with the advice and consent of the senate. At least 44600  
five of the trustees who are not students shall be graduates of 44601  
Ohio university. Two of the trustees shall be students at Ohio 44602  
university, and their selection and terms shall be in accordance 44603  
with division (B) of this section. A majority of the board 44604  
constitutes a quorum. ~~Except~~ 44605

Except as provided in division (C) of this section and except 44606  
for the terms of student members, terms of office shall be for 44607  
~~nine~~ six years, commencing on the fourteenth day of May and ending 44608  
on the thirteenth day of May, ~~except that upon expiration of the~~ 44609  
~~term ending on May 14, 1978, the new term which succeeds it shall~~ 44610  
~~commence on May 15, 1978 and end on May 13, 1987.~~ Each member 44611  
shall hold office from the date of appointment until the end of 44612  
the term for which the member was appointed. Any member appointed 44613  
to fill a vacancy occurring prior to the expiration of the term 44614  
for which the member's predecessor was appointed shall hold office 44615  
for the remainder of such term. Any member shall continue in 44616  
office subsequent to the expiration date of the member's term 44617  
until the member's successor takes office, or until a period of 44618  
sixty days has elapsed, whichever occurs first. No person who has 44619



served a full ~~nine-year~~ term as a nonstudent member or more than 44620  
~~six years~~ two-thirds of such a term shall be eligible for 44621  
reappointment until a period of four years has elapsed since the 44622  
last day of the term for which the person previously served. Such 44623  
trustees shall receive no compensation for their services, but 44624  
shall be paid their actual and necessary expenses while engaged in 44625  
the discharge of their official duties. 44626

(B) The student members of the board of trustees of the Ohio 44627  
university have no voting power on the board. Student members 44628  
shall not be considered as members of the board in determining 44629  
whether a quorum is present. Student members shall not be entitled 44630  
to attend executive sessions of the board. The student members of 44631  
the board shall be appointed by the governor, with the advice and 44632  
consent of the senate, from a group of five candidates selected 44633  
pursuant to a procedure adopted by the university's student 44634  
governments and approved by the university's board of trustees. 44635  
~~The initial term of office of one of the student members shall~~ 44636  
~~commence on May 14, 1988 and shall expire on May 13, 1989, and the~~ 44637  
~~initial term of office of the other student member shall commence~~ 44638  
~~on May 14, 1988 and expire on May 13, 1990. Thereafter, terms~~ 44639  
Terms of office of student members shall be for two years, ~~each~~ 44640  
~~term ending on the same day of the same month of the year as the~~ 44641  
~~term it succeeds~~ commencing on the fourteenth day of May and 44642  
ending on the thirteenth day of May. In the event that a student 44643  
member cannot fulfill the student member's two-year term, a 44644  
replacement shall be selected to fill the unexpired term in the 44645  
same manner used to make the original selection. 44646

(C) A nonstudent trustee who was appointed under this section 44647  
as it existed prior to the effective date of this amendment shall 44648  
serve for a nine-year term. A trustee appointed to fill the 44649  
vacancy of a nine-year term shall serve for the remainder of that 44650  
unexpired nine-year term. Except for a nonstudent trustee 44651

appointed to fill a vacancy for an unexpired nine-year term, terms 44652  
of office for a nonstudent trustee appointed on and after the 44653  
effective date of this amendment shall be for six years, as 44654  
provided in division (A) of this section. 44655

**Sec. 3339.01.** (A) The government of Miami university shall be 44656  
vested in eleven trustees, who shall be appointed by the governor 44657  
with the advice and consent of the senate. Two of the trustees 44658  
shall be students at Miami university, and their selection and 44659  
terms shall be in accordance with division (B) of this section. A 44660  
majority of the board constitutes a quorum. ~~Except~~ 44661

Except as provided in division (C) of this section and except 44662  
for the terms of student members, terms of office shall be for 44663  
~~nine~~ six years, commencing on the first day of March and ending on 44664  
the last day of February, ~~except that upon expiration of the~~ 44665  
~~trustee term ending on March 1, 1974, the trustee term which~~ 44666  
~~succeeds it shall commence on March 2, 1974 and end on February~~ 44667  
~~28, 1983; upon expiration of the trustee term ending on March 1,~~ 44668  
~~1977, the trustee term which succeeds it shall commence on March~~ 44669  
~~2, 1977 and end on February 28, 1986; upon expiration of the~~ 44670  
~~trustee term ending on March 1, 1978, the trustee term which~~ 44671  
~~succeeds it shall commence on March 2, 1978 and end on February~~ 44672  
~~28, 1987; and upon expiration of the trustee term ending on March~~ 44673  
~~1, 1979, the trustee term which succeeds it shall commence on~~ 44674  
~~March 2, 1979 and end on February 29, 1988.~~ Each trustee shall 44675  
hold office from the date of appointment until the end of the term 44676  
for which the trustee was appointed. Any trustee appointed to fill 44677  
a vacancy occurring prior to the end of the term for which the 44678  
trustee's predecessor was appointed shall hold office for the 44679  
remainder of such term. Any trustee shall continue in office 44680  
subsequent to the expiration date of the trustee's term until a 44681  
successor takes office, or until a period of sixty days has 44682  
elapsed, whichever occurs first. No person who has served a full 44683

~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44684  
two-thirds of such a term shall be eligible for reappointment 44685  
until a period of four years has elapsed since the last day of the 44686  
term for which the person previously served. The trustees shall 44687  
receive no compensation for their services but shall be paid their 44688  
reasonable necessary expenses while engaged in the discharge of 44689  
their official duties. 44690

(B) The student members of the board of trustees of Miami 44691  
university have no voting power on the board. Student members 44692  
shall not be considered as members of the board in determining 44693  
whether a quorum is present. Student members shall not be entitled 44694  
to attend executive sessions of the board. The student members of 44695  
the board shall be appointed by the governor, with the advice and 44696  
consent of the senate, from a group of five candidates selected 44697  
pursuant to a procedure adopted by the university's student 44698  
governments and approved by the university's board of trustees. 44699  
~~The initial term of office of one of the student members shall~~ 44700  
~~commence on March 1, 1988 and shall expire on February 28, 1989,~~ 44701  
~~and the initial term of office of the other student member shall~~ 44702  
~~commence on March 1, 1988 and expire on February 28, 1990.~~ 44703  
~~Thereafter, terms~~ Terms of office of student members shall be for 44704  
two years, each term commencing on the first day of March and 44705  
ending on the last day of February. In the event that a student 44706  
member cannot fulfill the student member's two-year term, a 44707  
replacement shall be selected to fill the unexpired term in the 44708  
same manner used to make the original selection. 44709

(C) A nonstudent trustee who was appointed under this section 44710  
as it existed prior to the effective date of this amendment shall 44711  
serve for a nine-year term. A trustee appointed to fill the 44712  
vacancy of a nine-year term shall serve for the remainder of that 44713  
unexpired nine-year term. Except for a nonstudent trustee 44714  
appointed to fill a vacancy for an unexpired nine-year term, terms 44715

of office for a nonstudent trustee appointed on and after the 44716  
effective date of this amendment shall be for six years, as 44717  
provided in division (A) of this section. 44718

**Sec. 3341.02.** (A) The government of Bowling Green state 44719  
university is vested in a board of eleven trustees, who shall be 44720  
appointed by the governor, with the advice and consent of the 44721  
senate. Two of the trustees shall be students at Bowling Green 44722  
state university, and their selection and terms shall be in 44723  
accordance with division (B) of this section. A majority of the 44724  
board constitutes a quorum. ~~Except~~ 44725

Except as provided in division (G) of this section and except 44726  
for the terms of student members, terms of office shall be for 44727  
~~nine~~ six years, commencing on the seventeenth day of May and 44728  
ending on the sixteenth day of May. No person who has served a 44729  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44730  
two-thirds of such a term shall be eligible for reappointment 44731  
until a period of four years has elapsed since the last day of the 44732  
term for which the person previously served. 44733

(B) The student members of the board of trustees of Bowling 44734  
Green state university have no voting power on the board. Student 44735  
members shall not be considered as members of the board in 44736  
determining whether a quorum is present. Student members shall not 44737  
be entitled to attend executive sessions of the board. The student 44738  
members of the board shall be appointed by the governor, with the 44739  
advice and consent of the senate, from a group of five candidates 44740  
selected pursuant to a procedure adopted by the university's 44741  
student governments and approved by the university's board of 44742  
trustees. ~~The initial term of office of one of the student members~~ 44743  
~~shall commence on March 17, 1988, and shall expire on March 16,~~ 44744  
~~1989, and the initial term of office of the other student member~~ 44745  
~~shall commence on March 17, 1988, and expire on March 16, 1990.~~ 44746

~~After September 22, 2000, terms~~ Terms of office shall commence on 44747  
the seventeenth day of May and shall end on the sixteenth day of 44748  
May. Terms of office of student members shall be for two years, 44749  
each term ending on the same day of the same month of the year as 44750  
the term it succeeds. In the event that a student member cannot 44751  
fulfill the student member's two-year term, a replacement shall be 44752  
selected in the manner used for the original selection to fill the 44753  
unexpired term. 44754

(C) The government of Kent state university is vested in a 44755  
board of eleven trustees, who shall be appointed by the governor, 44756  
with the advice and consent of the senate. Two of the trustees 44757  
shall be students at Kent state university, and their selection 44758  
and terms shall be in accordance with division (D) of this 44759  
section. A majority of the board constitutes a quorum. ~~Except~~ 44760

Except as provided in division (G) of this section and except 44761  
for the terms of student members, terms of office shall be for 44762  
~~nine~~ six years, commencing on the seventeenth day of May and 44763  
ending on the sixteenth day of May. No person who has served a 44764  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44765  
two-thirds of such a term shall be eligible for reappointment 44766  
until a period of four years has elapsed since the last day of the 44767  
term for which the person previously served. 44768

(D) The student members of the board of trustees of Kent 44769  
state university have no voting power on the board. Student 44770  
members shall not be considered as members of the board in 44771  
determining whether a quorum is present. Student members shall not 44772  
be entitled to attend executive sessions of the board. The student 44773  
members of the board shall be appointed by the governor, with the 44774  
advice and consent of the senate, from a group of five candidates 44775  
selected pursuant to a procedure adopted by the university's 44776  
student governments and approved by the university's board of 44777  
trustees. ~~The initial term of office of one of the student members~~ 44778

~~shall commence on May 17, 1988, and shall expire on May 16, 1989,~~ 44779  
~~and the initial term of office of the other student member shall~~ 44780  
~~commence on May 17, 1988, and expire on May 16, 1990. Thereafter,~~ 44781  
~~terms~~ Terms of office of student members shall be for two years, 44782  
each term ending on the same day of the same month of the year as 44783  
the term it succeeds commencing on the seventeenth day of May and 44784  
ending on the sixteenth day of May. In the event that a student 44785  
member cannot fulfill the student member's two-year term, a 44786  
replacement shall be selected to fill the unexpired term in the 44787  
same manner used to make the original selection. 44788

(E) The trustees shall receive no compensation for their 44789  
services but shall be paid their reasonable necessary expenses 44790  
while engaged in the discharge of their official duties. 44791

(F) Each trustee shall hold office from the date of 44792  
appointment until the end of the term for which the trustee was 44793  
appointed. Any trustee appointed to fill a vacancy occurring prior 44794  
to the expiration of the term for which the trustee's predecessor 44795  
was appointed shall hold office for the remainder of such term. 44796  
Any trustee shall continue in office subsequent to the expiration 44797  
date of the trustee's term until a successor takes office, or 44798  
until a period of sixty days has elapsed, whichever occurs first. 44799

(G) A nonstudent trustee who was appointed to the board of 44800  
trustees of either university under this section as it existed 44801  
prior to the effective date of this amendment shall serve for a 44802  
nine-year term. A trustee appointed to fill the vacancy of a 44803  
nine-year term shall serve for the remainder of that unexpired 44804  
nine-year term. Except for a nonstudent trustee appointed to fill 44805  
a vacancy for an unexpired nine-year term, terms of office for a 44806  
nonstudent trustee appointed on and after the effective date of 44807  
this amendment shall be for six years, as provided in division (A) 44808  
of this section. 44809

Sec. 3343.02. (A) The government of Central state university 44810  
shall be vested in a board of trustees to be known as "the board 44811  
of trustees of the Central state university." Such board shall 44812  
consist of eleven members who shall be appointed by the governor, 44813  
with the advice and consent of the senate. Two of the trustees 44814  
shall be students at Central state university, and their selection 44815  
and terms shall be in accordance with division (B) of this 44816  
section. A majority of the board constitutes a quorum. ~~Except~~ 44817

Except as provided in division (C) of this section and except 44818  
for the student members, terms of office shall be for ~~nine~~ six 44819  
years, commencing on the first day of July and ending on the 44820  
thirtieth day of June. Each member shall hold office from the date 44821  
of appointment until the end of the term for which the member was 44822  
appointed. Any member appointed to fill a vacancy occurring prior 44823  
to the expiration of the term for which the member's predecessor 44824  
was appointed shall hold office for the remainder of such term. 44825  
Any member shall continue in office subsequent to the expiration 44826  
date of the member's term until the member's successor takes 44827  
office, or until a period of sixty days has elapsed, whichever 44828  
occurs first. No person who has served a full ~~nine-year~~ term as a 44829  
nonstudent member or more than ~~six years~~ two-thirds of such a term 44830  
shall be eligible for reappointment until a period of four years 44831  
has elapsed since the last day of the term for which the person 44832  
previously served. 44833

(B) The student members of the board of trustees of Central 44834  
state university have no voting power on the board. Student 44835  
members shall not be considered as members of the board in 44836  
determining whether a quorum is present. Student members shall not 44837  
be entitled to attend executive sessions of the board. The student 44838  
members of the board shall be appointed by the governor, with the 44839  
advice and consent of the senate, from a group of five candidates 44840  
selected pursuant to a procedure adopted by the university's 44841

student governments and approved by the university's board of 44842  
trustees. ~~The initial term of office of one of the student members~~ 44843  
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 44844  
~~and the initial term of office of the other student member shall~~ 44845  
~~commence on July 1, 1988 and expire on June 30, 1990. Thereafter,~~ 44846  
~~terms~~ Terms of office of student members shall be for two years, 44847  
each term ending on the same day of the same month of the year as 44848  
the term it succeeds commencing on the first day of July and 44849  
ending on the thirtieth day of June. In the event that a student 44850  
member cannot fulfill a two-year term, a replacement shall be 44851  
selected to fill the unexpired term in the same manner used to 44852  
make the original selection. 44853

(C) A nonstudent trustee who was appointed under this section 44854  
as it existed prior to the effective date of this amendment shall 44855  
serve for a nine-year term. A trustee appointed to fill the 44856  
vacancy of a nine-year term shall serve for the remainder of that 44857  
unexpired nine-year term. Except for a nonstudent trustee 44858  
appointed to fill a vacancy for an unexpired nine-year term, terms 44859  
of office for a nonstudent trustee appointed on and after the 44860  
effective date of this amendment shall be for six years, as 44861  
provided in division (A) of this section. 44862

**Sec. 3344.01.** (A) There is hereby created the Cleveland state 44863  
university. The government of the Cleveland state university is 44864  
vested in a board of eleven trustees, who shall be appointed by 44865  
the governor, with the advice and consent of the senate. Two of 44866  
the trustees shall be students at the Cleveland state university, 44867  
and their selection and terms shall be in accordance with division 44868  
(B) of this section. ~~Except~~ 44869

Except as provided in division (C) of this section and except 44870  
for the student members, terms of office shall be for ~~nine~~ six 44871  
years, commencing on the second day of May and ending on the first 44872



day of May. Each trustee shall hold office from the date of 44873  
appointment until the end of the term for which the trustee was 44874  
appointed. Any trustee appointed to fill a vacancy occurring prior 44875  
to the expiration of the term for which the trustee's predecessor 44876  
was appointed shall hold office for the remainder of such term. 44877  
Any trustee shall continue in office subsequent to the expiration 44878  
date of the trustee's term until the trustee's successor takes 44879  
office, or until a period of sixty days has elapsed, whichever 44880  
occurs first. No person who has served a full ~~nine-year~~ term as a 44881  
nonstudent member or more than ~~six years two-thirds~~ of such a term 44882  
shall be eligible for reappointment until a period of four years 44883  
has elapsed since the last day of the term for which the person 44884  
previously served. The trustees shall receive no compensation for 44885  
their services but shall be paid their reasonable necessary 44886  
expenses while engaged in the discharge of their official duties. 44887  
A majority of the board constitutes a quorum. 44888

(B) The student members of the board of trustees of the 44889  
Cleveland state university have no voting power on the board. 44890  
Student members shall not be considered as members of the board in 44891  
determining whether a quorum is present. Student members shall not 44892  
be entitled to attend executive sessions of the board. The student 44893  
members of the board shall be appointed by the governor, with the 44894  
advice and consent of the senate, from a group of five candidates 44895  
selected pursuant to a procedure adopted by the university's 44896  
student governments and approved by the university's board of 44897  
trustees. ~~The initial term of office of one of the student members~~ 44898  
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 44899  
~~the initial term of office of the other student member shall~~ 44900  
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 44901  
~~terms~~ Terms of office of student members shall be for two years, 44902  
each term ending on the same day of the same month of the year as 44903  
the term it succeeds commencing on the second day of May and 44904  
ending on the first day of May. In the event that a student member 44905

cannot fulfill a two-year term, a replacement shall be selected to 44906  
fill the unexpired term in the same manner used to make the 44907  
original selection. 44908

(C) A nonstudent trustee who was appointed under this section 44909  
as it existed prior to the effective date of this amendment shall 44910  
serve for a nine-year term. A trustee appointed to fill the 44911  
vacancy of a nine-year term shall serve for the remainder of that 44912  
unexpired nine-year term. Except for a nonstudent trustee 44913  
appointed to fill a vacancy for an unexpired nine-year term, terms 44914  
of office for a nonstudent trustee appointed on and after the 44915  
effective date of this amendment shall be for six years, as 44916  
provided in division (A) of this section. 44917

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 44918  
education are respected points of entry for students embarking on 44919  
post-secondary careers and courses completed at those institutions 44920  
are transferable to state universities in accordance with 44921  
articulation and transfer agreements developed under sections 44922  
3333.16, 3333.161, and 3333.162 of the Revised Code. 44923

(B) Beginning with undergraduate students who commence 44924  
undergraduate studies in the 2014-2015 academic year, no state 44925  
university listed in section 3345.011 of the Revised Code, except 44926  
Central state university, Shawnee state university, and Youngstown 44927  
state university, shall receive any state operating subsidies for 44928  
any academic remedial or developmental courses for undergraduate 44929  
students, including courses prescribed in division (C) of section 44930  
3313.603 of the Revised Code, offered at its main campus, except 44931  
as provided in divisions (B)(1) to (4) of this section. 44932

(1) In the 2014-2015 and 2015-2016 academic years, a state 44933  
university may receive state operating subsidies for academic 44934  
remedial or developmental courses completed at the main campus for 44935  
not more than three per cent of the total undergraduate credit 44936

hours provided by the university at its main campus. 44937

(2) In the 2016-2017 academic year, a state university may 44938  
receive state operating subsidies for academic remedial or 44939  
developmental courses completed at the main campus for not more 44940  
than fifteen per cent of the first-year students who have 44941  
graduated from high school within the previous twelve months and 44942  
who are enrolled in the university at its main campus, as 44943  
calculated on a full-time-equivalent basis. 44944

(3) In the 2017-2018 academic year, a state university may 44945  
receive state operating subsidies for academic remedial or 44946  
developmental courses completed at the main campus for not more 44947  
than ten per cent of the first-year students who have graduated 44948  
from high school within the previous twelve months and who are 44949  
enrolled in the university at its main campus, as calculated on a 44950  
full-time-equivalent basis. 44951

(4) In the 2018-2019 academic year, a state university may 44952  
receive state operating subsidies for academic remedial or 44953  
developmental courses completed at the main campus for not more 44954  
than five per cent of the first-year students who have graduated 44955  
from high school within the previous twelve months and who are 44956  
enrolled in the university at its main campus, as calculated on a 44957  
full-time-equivalent basis. 44958

Each state university may continue to offer academic remedial 44959  
and developmental courses at its main campus beyond the extent for 44960  
which state operating subsidies may be paid under this division 44961  
and may continue to offer such courses beyond the 2018-2019 44962  
academic year. However, the main campus of a state university 44963  
shall not receive any state operating subsidies for such courses 44964  
above the maximum amounts permitted in this division. 44965

(C) Except as otherwise provided in division (B) of this 44966  
section, beginning with students who commence undergraduate 44967

studies in the 2014-2015 academic year, state operating subsidies 44968  
for academic remedial or developmental courses offered by state 44969  
institutions of higher education may be paid only to Central state 44970  
university, Shawnee state university, Youngstown state university, 44971  
any university branch, any community college, any state community 44972  
college, or any technical college. 44973

(D) Each state university shall grant credit for academic 44974  
remedial or developmental courses successfully completed at an 44975  
institution described in division (C) of this section pursuant to 44976  
any applicable articulation and transfer agreements the university 44977  
has entered into in accordance with policies and procedures 44978  
adopted under section 3333.16, 3333.161, or 3333.162 of the 44979  
Revised Code. 44980

(E) The chancellor of higher education shall do all of the 44981  
following: 44982

(1) Withhold state operating subsidies for academic remedial 44983  
or developmental courses provided by a main campus of a state 44984  
university as required in order to conform to divisions (B) and 44985  
(C) of this section; 44986

(2) Adopt uniform statewide standards for academic remedial 44987  
and developmental courses offered by all state institutions of 44988  
higher education; 44989

(3) Encourage and assist in the design and establishment of 44990  
academic remedial and developmental courses by institutions of 44991  
higher education; 44992

(4) Define "academic year" for purposes of this section and 44993  
section 3345.06 of the Revised Code; 44994

(5) Encourage and assist in the development of articulation 44995  
and transfer agreements between state universities and other 44996  
institutions of higher education in accordance with policies and 44997  
procedures adopted under sections 3333.16, 3333.161, and 3333.162 44998

of the Revised Code. 44999

(F) Not later than December 31, 2012, the presidents, or 45000  
equivalent position, of all state institutions of higher 45001  
education, or their designees, jointly shall establish uniform 45002  
statewide standards in mathematics, science, reading, and writing 45003  
each student enrolled in a state institution of higher education 45004  
must meet to be considered in remediation-free status. The 45005  
presidents also shall establish assessments, if they deem 45006  
necessary, to determine if a student meets the standards adopted 45007  
under this division. Each institution is responsible for assessing 45008  
the needs of its enrolled students in the manner adopted by the 45009  
presidents. The board of trustees or managing authority of each 45010  
state institution of higher education shall adopt the 45011  
remediation-free status standard, and any related assessments, 45012  
into the institution's policies. 45013

The chancellor shall assist in coordinating the work of the 45014  
presidents under this division. The chancellor shall monitor the 45015  
standards in mathematics, science, reading, and writing 45016  
established under division (F) of this section to ensure that the 45017  
standards adequately demonstrate a student's remediation-free 45018  
status. 45019

(G) Each year, not later than a date established by the 45020  
chancellor, each state institution of higher education shall 45021  
report to the governor, the general assembly, the chancellor, and 45022  
the superintendent of public instruction all of the following for 45023  
the prior academic year: 45024

(1) The institution's aggregate costs for providing academic 45025  
remedial or developmental courses; 45026

(2) The amount of those costs disaggregated according to the 45027  
city, local, or exempted village school districts from which the 45028  
students taking those courses received their high school diplomas; 45029

(3) Any other information with respect to academic remedial 45030  
and developmental courses that the chancellor considers 45031  
appropriate. 45032

(H) Not later than December 31, 2011, and the thirty-first 45033  
day of each December thereafter, the chancellor and the 45034  
superintendent of public instruction shall issue a report 45035  
recommending policies and strategies for reducing the need for 45036  
academic remediation and developmental courses at state 45037  
institutions of higher education. 45038

(I) As used in this section, "state institution of higher 45039  
education" has the same meaning as in section 3345.011 of the 45040  
Revised Code. 45041

Sec. 3345.062. (A) Not later than December 31, 2017, and each 45042  
thirty-first day of December thereafter, the president, or 45043  
equivalent position, of each state university shall issue a report 45044  
regarding the remediation of students that includes all of the 45045  
following: 45046

(1) The number of enrolled students that require remedial 45047  
education; 45048

(2) The cost of remedial coursework the state university 45049  
provides; 45050

(3) The specific areas of remediation provided by the state 45051  
university; 45052

(4) Causes for remediation. 45053

(B) Each president, or equivalent, shall present the findings 45054  
of the report to the state university's board of trustees and 45055  
shall submit a copy of the report to the chancellor of higher 45056  
education and the superintendent of public instruction. 45057

(C) As used in this section, "state university" has the same 45058  
meaning as in section 3345.011 of the Revised Code. 45059

**Sec. 3345.14.** (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such

dispositions may be to any individual, firm, association, 45092  
corporation, or governmental agency, or to any faculty member, 45093  
employee, or student of the college or university as the board of 45094  
trustees may direct. Any and all income or proceeds derived or 45095  
retained from such dispositions shall be applied to the general or 45096  
special use of the college or university as determined by the 45097  
board of trustees of such college or university. 45098

(D)(1) Notwithstanding any provision of the Revised Code to 45099  
the contrary, including but not limited to sections 102.03, 45100  
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 45101  
trustees of any state college or university ~~may~~ shall adopt rules 45102  
in accordance with section 111.15 of the Revised Code that set 45103  
forth circumstances under which an employee of the college or 45104  
university may solicit or accept, and under which a person may 45105  
give or promise to give to such an employee, a financial interest 45106  
in any firm, corporation, or other association to which the board 45107  
has assigned, licensed, transferred, or sold the college or 45108  
university's interests in its intellectual property, including 45109  
discoveries or inventions made or created by that employee or in 45110  
patents issued to that employee. 45111

(2) Rules established under division (D)(1) of this section 45112  
shall include the following: 45113

(a) A requirement that each college or university employee 45114  
disclose to the college or university board of trustees any 45115  
financial interest the employee holds in a firm, corporation, or 45116  
other association as described in division (D)(1) of this section; 45117

(b) A requirement that all disclosures made under division 45118  
(D)(2)(a) of this section are reviewed by officials designated by 45119  
the college or university board of trustees. The officials 45120  
designated under this division shall determine the information 45121  
that shall be disclosed and safeguards that shall be applied in 45122  
order to manage, reduce, or eliminate any actual or potential 45123



conflict of interest. 45124

(c) A requirement that in implementing division (D) of this 45125  
section all members of the college or university board of trustees 45126  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 45127  
of the Revised Code. 45128

(d) Guidelines to ensure that any financial interest held by 45129  
any employee of the college or university does not result in 45130  
misuse of the students, employees, or resources of the college or 45131  
university for the benefit of the firm, corporation, or other 45132  
association in which such interest is held or does not otherwise 45133  
interfere with the duties and responsibilities of the employee who 45134  
holds such an interest. 45135

(3) Rules established under division (D)(1) of this section 45136  
may include other provisions at the discretion of the college or 45137  
university board of trustees. 45138

(E) Notwithstanding division (D) of this section, the Ohio 45139  
ethics commission retains authority to provide assistance to a 45140  
college or university board of trustees in the implementation of 45141  
division (D)(2) of this section and to address any matter that is 45142  
outside the scope of the exception to division (B) of this section 45143  
as set forth in division (D) of this section or as set forth in 45144  
rules established under division (D) of this section. 45145

**Sec. 3345.35.** Not later than ~~January 1, 2016~~ December 31, 45146  
2017, and by the first day of ~~January~~ September of every fifth 45147  
year thereafter, the board of trustees of each state institution 45148  
of higher education, as defined in section 3345.011 of the Revised 45149  
Code, shall evaluate all courses and programs the institution 45150  
offers based on enrollment and ~~student performance in each course~~ 45151  
~~or program~~ duplication of its courses and programs with those of 45152  
other state institutions of higher education within a geographic 45153  
region, as determined by the chancellor of higher education. For 45154

courses and programs with low enrollment, as defined by the 45155  
chancellor ~~of higher education~~, the board of trustees shall 45156  
provide a summary of recommended actions, including consideration 45157  
of collaboration with other state institutions of higher 45158  
education. For duplicative programs, as defined by the chancellor, 45159  
the board of trustees shall evaluate the benefits of collaboration 45160  
with other institutions of higher education, ~~based on geographic~~ 45161  
~~region~~, to deliver the course program. 45162

Each board of trustees shall submit its findings under this 45163  
section to the chancellor not later than thirty days after the 45164  
completion of the evaluations or as part of submitting the annual 45165  
efficiency report required pursuant to section 3333.95 of the 45166  
Revised Code. For the findings required to be submitted by 45167  
December 31, 2017, a board of trustees may submit the additional 45168  
information required under this section as amended by this act, as 45169  
an addendum to the findings the board submitted prior to January 45170  
1, 2016, under former law. 45171

**Sec. 3345.45.** (A) On or before January 1, 1994, the 45172  
chancellor of higher education jointly with all state 45173  
universities, as defined in section 3345.011 of the Revised Code, 45174  
shall develop standards for instructional workloads for full-time 45175  
and part-time faculty in keeping with the universities' missions 45176  
and with special emphasis on the undergraduate learning 45177  
experience. The standards shall contain clear guidelines for 45178  
institutions to determine a range of acceptable undergraduate 45179  
teaching by faculty. 45180

(B) On or before June 30, 1994, the board of trustees of each 45181  
state university shall take formal action to adopt a faculty 45182  
workload policy consistent with the standards developed under this 45183  
section. Notwithstanding section 4117.08 of the Revised Code, the 45184  
policies adopted under this section are not appropriate subjects 45185

for collective bargaining. Notwithstanding division (A) of section 45186  
4117.10 of the Revised Code, any policy adopted under this section 45187  
by a board of trustees prevails over any conflicting provisions of 45188  
any collective bargaining agreement between an employees 45189  
organization and that board of trustees. 45190

(C)(1) The board of trustees of each state university shall 45191  
review the university's policy on faculty tenure and update that 45192  
policy to promote excellence in instruction, research, service, or 45193  
commercialization, or any combination thereof. 45194

(2) Beginning on January 1, 2018, as a condition for a state 45195  
university to receive any state funds for research that are 45196  
allocated to the department of higher education under the 45197  
appropriation line items referred to as either "research incentive 45198  
third frontier fund" or "research incentive third frontier-tax," 45199  
the chancellor shall require the university to include multiple 45200  
pathways for faculty tenure, one of which may be a 45201  
commercialization pathway, in its policy. 45202

**Sec. 3345.451.** (A) The board of trustees of each state 45203  
institution of higher education, as defined in section 3345.011 of 45204  
the Revised Code, shall adopt a policy for conducting post-tenure 45205  
review that includes development of a comprehensive post-tenure 45206  
review plan. Each institution shall supply a copy of that plan to 45207  
all tenured faculty. 45208

(B) The policy adopted pursuant to this section shall 45209  
accomplish the following objectives: 45210

(1) Facilitate continued faculty development that is 45211  
consistent with the academic needs of the state institution of 45212  
higher education and the most effective use of institutional 45213  
resources; 45214

(2) Ensure accountability through the comprehensive 45215

evaluation of every tenured faculty member's performance. 45216

(C)(1) Each state institution of higher education shall 45217  
conduct a post-tenure review of each tenured faculty member at 45218  
least once every five years. The review shall indicate whether the 45219  
faculty member "exceeds expectations," "meets expectations," or 45220  
"does not meet expectations." 45221

(2) A faculty member who is classified as "does not meet 45222  
expectations" shall be required to submit a professional 45223  
performance improvement plan to address identified areas for 45224  
improvement. That plan shall be developed in accordance with 45225  
policies provided by the institution through the institution's 45226  
provost and in consultation with the appropriate dean of the 45227  
college or program. 45228

(3) A tenured faculty member who does not show significant 45229  
improvement in the areas identified in the professional 45230  
performance improvement plan described in division (C)(2) of this 45231  
section shall be subject to discipline, including a reduction in 45232  
academic rank and dismissal, if appropriate. 45233

(D) For purposes of this section: 45234

(1) "Does not meet expectations" means a failure, as defined 45235  
by the unit, beyond what can be considered the normal range of 45236  
year-to-year variation in performance, but of a character that 45237  
appears to be subject to correction. 45238

(2) "Exceeds expectations" means a clear and significant 45239  
level of accomplishment beyond what is normal for the institution, 45240  
discipline, or unit, the faculty rank, or any contractual 45241  
expectations as defined by the unit. 45242

(3) "Meets expectations" means a level of accomplishment that 45243  
is commensurate with what is normal for the institution, 45244  
discipline, unit, the faculty rank, or any contractual 45245  
expectations as defined by the unit. 45246

(4) "Tenure" means a faculty status that assures that the faculty member will be able to perform that faculty member's professional institutional responsibilities without fear of arbitrary dismissal, which provides an employment framework that reinforces academic freedom and promotes a professional climate conducive to the success of the institution in fulfilling its mission.

(5) "Unit" means a school, department, program, or other academic equivalent.

**Sec. 3345.48.** (A) As used in this section: 45256

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who: 45263

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are

not limited to, all of the following: 45277

(1) The number of credit hours required to earn an 45278  
undergraduate degree in each major; 45279

(2) A guarantee that the general and instructional fees for 45280  
each student in the cohort shall remain constant for four years so 45281  
long as the student complies with the requirements of the program, 45282  
except that, notwithstanding any law to the contrary, the board 45283  
may increase the guaranteed amount by up to six per cent above 45284  
what has been charged in the previous academic year one time for 45285  
the first cohort enrolled under the tuition guarantee program. If 45286  
the board of trustees determines that economic conditions or other 45287  
circumstances require an increase for the first cohort of above 45288  
six per cent, the board shall submit a request to increase the 45289  
amount by a specified percentage to the chancellor. The 45290  
chancellor, based on information the chancellor requires from the 45291  
board of trustees, shall approve or disapprove such a request. 45292  
Thereafter, the board of trustees may increase the guaranteed 45293  
amount by up to the sum of the following above what has been 45294  
charged in the previous academic year one time per subsequent 45295  
cohort: 45296

(a) ~~The average rate of inflation, as measured by the 45297  
consumer price index prepared by the bureau of labor statistics of 45298  
the United States department of labor (all urban consumers, all 45299  
items), for the previous sixty month period; and 45300~~

(b) ~~The percentage amount the general assembly restrains 45301  
increases on in state undergraduate instructional and general fees 45302  
for the applicable fiscal year. If the general assembly does not 45303  
enact a limit on the increase of in state undergraduate 45304  
instructional and general fees, then no limit shall apply under 45305  
this division for the cohort that first enrolls in any academic 45306  
year for which the general assembly does not prescribe a limit. 45307~~

~~If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request one time by an amount determined by the board for each cohort enrolled under the tuition guarantee program.~~

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or

courses for completion to the student at a rate determined through 45339  
a method established by the board under division (B)(7) of this 45340  
section. 45341

(7) Guidelines for adjusting a student's annual charges if 45342  
the student, due to circumstances under the student's control, is 45343  
unable to complete a degree program within four years; 45344

(8) A requirement that the rules adopted under division (B) 45345  
of this section be published or posted in the university handbook, 45346  
course catalog, and web site. 45347

(C) If a board of trustees implements a program under this 45348  
section, the board shall submit the rules adopted under division 45349  
(B) of this section to the chancellor for approval before 45350  
beginning implementation of the program. 45351

The chancellor shall not unreasonably withhold approval of a 45352  
program if the program conforms in principle with the parameters 45353  
and guidelines of this section. 45354

(D) A board of trustees of a state university may establish 45355  
an undergraduate tuition guarantee program for nonresident 45356  
students. 45357

(E) ~~Within five years after~~ By September 29, ~~2013~~ 2018, the 45358  
chancellor shall publish on the chancellor's web site a report 45359  
that includes all of the following: 45360

(1) The state universities that have adopted an undergraduate 45361  
tuition guarantee program under this section; 45362

(2) The details of each undergraduate tuition guarantee 45363  
program established under this section; 45364

(3) Comparative data, including general and instructional 45365  
fees, room and board, graduation rates, and retention rates, from 45366  
all state universities. 45367

(F) Except as provided in this section, no other limitation 45368



on the increase of in-state undergraduate instructional and 45369  
general fees shall apply to a state university that has 45370  
established an undergraduate tuition guarantee program under this 45371  
section. 45372

Sec. 3345.58. (A) As used in this section, "state institution 45373  
of higher education" has the same meaning as in section 3345.011 45374  
of the Revised Code. 45375

(B) No state institution of higher education shall refuse to 45376  
accept college credit earned in this state within the past five 45377  
years as a substitute for comparable coursework offered at the 45378  
institution. Additionally, no state institution shall refuse to 45379  
accept advanced or upper level coursework completed in the past 45380  
five years in this state as a substitute for comparable core or 45381  
lower level coursework. 45382

If college credit was earned in this state more than five 45383  
years ago, the state institution shall permit the student to take 45384  
a competency-based assessment in the relevant subject area. If the 45385  
student passes the assessment, the state institution shall excuse 45386  
the student from completing the applicable course and shall grant 45387  
credit to the student for that course. 45388

Sec. 3345.59. (A) As used in this section: 45389

(1) "Information technology center" means a center 45390  
established under section 3301.075 of the Revised Code. 45391

(2) "State institution of higher education" and "state 45392  
university" have the same meanings as in section 3345.011 of the 45393  
Revised Code. 45394

(B) Not later than June 30, 2018, all state institutions of 45395  
higher education that are located in the same region of the state, 45396  
as defined by the chancellor of higher education, shall enter into 45397  
an agreement providing for the creation of a compact. Under that 45398

<u>agreement, the compact shall do all of the following:</u>	45399
<u>(1) Examine whether unnecessary duplication of academic programming exists;</u>	45400
	45401
<u>(2) Develop strategies to address the workforce education needs of the region;</u>	45402
	45403
<u>(3) Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:</u>	45404
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	45406
	45407
<u>(a) Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;</u>	45408
	45409
	45410
<u>(b) Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.</u>	45411
	45412
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	45415
<u>(c) Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.</u>	45416
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	45418
<u>(4) Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;</u>	45419
	45420
<u>(5) Enhance career counseling and experiential learning opportunities for students;</u>	45421
	45422
<u>(6) Expand alternative education delivery models such as competency-based and project-based learning;</u>	45423
	45424
<u>(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;</u>	45425
	45426
	45427
<u>(8) Develop strategies to enhance the sharing of resources</u>	45428

between institutions to improve and expand the capacity and 45429  
capability for research and development; 45430

(9) Identify and implement the best use of university 45431  
regional campuses to reflect the goals described in division (B) 45432  
of this section. 45433

(C) Nothing in this section shall prohibit a state 45434  
institution of higher education from entering into multiple 45435  
agreements under division (B) of this section. Additionally, there 45436  
is no limit to the number, or the number of each type, of state 45437  
institutions of higher education that may enter into an agreement 45438  
under that division. 45439

(D) In addition to any agreement entered into pursuant to 45440  
division (B) of this section, each state institution of higher 45441  
education that is designated a land grant college under the 45442  
federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the 45443  
"Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any 45444  
subsequent act of congress, also shall to enter into an agreement 45445  
providing for the creation of a compact that enhances 45446  
collaboration between state institutions designated as land grant 45447  
colleges. 45448

(E) Each state institution of higher education shall include 45449  
in its annual efficiency report to the chancellor the efficiencies 45450  
produced as a result of each compact to which the institution 45451  
belongs. 45452

**Sec. 3347.091.** (A) Real property or buildings a university 45453  
housing commission identifies as a property site for development 45454  
or redevelopment under section 3347.09 of the Revised Code may be 45455  
situated within or outside of the political subdivision in which 45456  
the administrative offices of the university identified with the 45457  
commission are principally located. 45458

(B) If located entirely outside of the political subdivision, 45459  
but not less than thirty-three per cent of the property site's 45460  
boundary is contiguous, continuously or otherwise, to other 45461  
university-owned or leased property, then all of the following 45462  
apply: 45463

(1) The uses specified in section 3347.09 of the Revised Code 45464  
are unconditionally permitted on the property site. 45465

(2) The property site may be developed to accommodate 45466  
population and structural densities exhibited in any other 45467  
developed real property and buildings owned or leased by the 45468  
university or commission for the purposes provided in section 45469  
3347.09 of the Revised Code. 45470

(3) None of the following may be enforced, to the extent they 45471  
prohibit, condition, limit, or impair either the development of a 45472  
property site in accordance with this section or the housing or 45473  
structural types or dimensions proposed for such purposes: 45474

(a) Land use laws enacted by a municipality, township, city, 45475  
or county; 45476

(b) Subdivision regulations; 45477

(c) Any other similar lawfully binding provision. 45478

(C) Nothing in this section shall be construed to impair or 45479  
prohibit a commission or university from acquiring title to real 45480  
property or buildings leased or proposed to be leased in 45481  
accordance with this section. 45482

**Sec. 3350.10.** (A) There is hereby created the northeast Ohio 45483  
medical university. The principal goal of the medical university 45484  
shall be to collaborate with the university of Akron, Cleveland 45485  
state university, Kent state university, and Youngstown state 45486  
university to graduate physicians oriented to the practice of 45487  
medicine at the community level, especially family physicians. To 45488

accomplish this goal, the medical university may incorporate in 45489  
the clinical experience provided its students the several 45490  
community hospitals in the cities and areas served by the medical 45491  
university; utilize practicing physicians as teachers; and to the 45492  
fullest extent possible utilize the basic science capabilities of 45493  
the university of Akron, Cleveland state university, Kent state 45494  
university, and Youngstown state university. 45495

~~(1) Until December 22, 2008, the government of the northeast 45496  
Ohio medical university is vested in a nine member board of 45497  
trustees consisting of the presidents of the university of Akron, 45498  
Kent state university, and Youngstown state university; one member 45499  
each of the boards of trustees of the university of Akron, Kent 45500  
state university, and Youngstown state university, to be appointed 45501  
by their respective boards of trustees for a term of six years 45502  
ending on the first day of May or until the trustee's term on the 45503  
respective university board of trustees expires, whichever occurs 45504  
first; and one person each to be appointed by the boards of 45505  
trustees of the university of Akron, Kent state university, and 45506  
Youngstown state university, for a term of nine years ending on 45507  
the first day of May; except that the term of those first 45508  
appointed by the several boards of trustees shall expire on the 45509  
first day of May next following their appointment. Vacancies shall 45510  
be filled for the unexpired term in the manner provided for 45511  
original appointment. The trustees shall receive no compensation 45512  
for their services but shall be paid their reasonable necessary 45513  
expenses while engaged in the discharge of their official duties. 45514  
A majority of the board constitutes a quorum. 45515~~

~~(2) Beginning December 22, 2008, the The government of the 45516  
northeast Ohio medical university is vested in a board of eleven 45517  
trustees, who shall be appointed by the governor, with the advice 45518  
and consent of the senate. Two of the trustees shall be current 45519  
students of the medical university, and their selection and terms 45520~~

shall be in accordance with division (B) of this section. ~~Except~~ 45521

~~Except~~ as provided in division (A)~~(3)~~(2) of this section and 45522  
except for the student members, terms of office shall be for ~~nine~~ 45523  
six years commencing on the second day of May and ending on the 45524  
first day of May. Each trustee shall hold office from the date of 45525  
appointment until the end of the term for which the trustee was 45526  
appointed. Any trustee appointed to fill a vacancy occurring prior 45527  
to the expiration of the term for which the trustee's predecessor 45528  
was appointed shall hold office for the remainder of such term. 45529  
Any trustee shall continue in office subsequent to the expiration 45530  
date of the trustee's term until the trustee's successor takes 45531  
office, or until a period of sixty days has elapsed, whichever 45532  
occurs first. No person who has served a full ~~nine-year~~ term as a 45533  
nonstudent member or more than ~~six years~~ two-thirds of such a term 45534  
shall be eligible for reappointment until a period of four years 45535  
has elapsed since the last day of the term for which the person 45536  
previously served. The trustees shall receive no compensation for 45537  
their services but shall be paid their reasonable necessary 45538  
expenses while engaged in the discharge of their official duties. 45539  
A majority of the board constitutes a quorum. 45540

~~(3) Not later than December 22, 2008, the governor, with the~~ 45541  
~~advice and consent of the senate, shall appoint the two student~~ 45542  
~~trustees and successors for the trustees serving under division~~ 45543  
~~(A)(1) of this section. Except for the student trustees, who shall~~ 45544  
~~serve terms pursuant to division (B) of this section, the initial~~ 45545  
~~terms of office for trustees appointed under division (A)(2) of~~ 45546  
~~this section shall be as follows: one term ending September 23,~~ 45547  
~~2009; one term ending September 23, 2010; one term ending~~ 45548  
~~September 23, 2011; one term ending September 23, 2012; one term~~ 45549  
~~ending September 23, 2013; one term ending September 23, 2014; one~~ 45550  
~~term ending September 23, 2015; one term ending September 23,~~ 45551  
~~2016; one term ending September 23, 2017. Thereafter, terms of~~ 45552

~~office shall be for nine years, as provided in division (A)(2) of  
this section.~~ 45553  
45554

(2) A nonstudent trustee who was appointed under this section  
as it existed prior to the effective date of this amendment shall  
serve for a nine-year term. A trustee appointed to fill the  
vacancy of a nine-year term shall serve for the remainder of that  
unexpired nine-year term. Except for a nonstudent trustee  
appointed to fill a vacancy for an unexpired nine-year term, terms  
of office for a nonstudent trustee appointed on and after the  
effective date of this amendment shall be for six years, as  
provided in division (A)(1) of this section. 45555  
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(B) The student members of the board of trustees of the 45564  
northeast Ohio medical university have no voting power on the 45565  
board. Student members shall not be considered as members of the 45566  
board in determining whether a quorum is present. Student members 45567  
shall not be entitled to attend executive sessions of the board. 45568  
The student members of the board shall be appointed by the 45569  
governor, with the advice and consent of the senate, from a group 45570  
of five candidates selected pursuant to a procedure adopted by the 45571  
university's student governments and approved by the university's 45572  
board of trustees. ~~The initial term of office of one of the~~ 45573  
~~student members shall commence December 22, 2008, and shall expire~~ 45574  
~~on June 30, 2009, and the initial term of office of the other~~ 45575  
~~student member shall commence December 22, 2008, and shall expire~~ 45576  
~~on June 30, 2010. Thereafter, terms~~ Terms of office of student 45577  
members shall be for two years, ~~each term ending on the same day~~ 45578  
~~of the same month of the year as the term it succeeds~~ commencing 45579  
on the first day of July and ending on the thirtieth day of June. 45580  
In the event that a student member cannot fulfill a two-year term, 45581  
a replacement shall be selected to fill the unexpired term in the 45582  
same manner used to make the original selection. 45583

**Sec. 3352.01.** (A) There is hereby created a state university 45584  
to be known as "Wright state university." The government of Wright 45585  
state university is vested in a board of eleven trustees, who 45586  
shall be appointed by the governor, with the advice and consent of 45587  
the senate. Two of the trustees shall be students at Wright state 45588  
university, and their selection and terms shall be in accordance 45589  
with division (B) of this section. ~~Except~~ 45590

Except as provided in division (C) of this section and except 45591  
for the terms of student members, terms of office shall be for 45592  
~~nine~~ six years, commencing on the first day of July and ending on 45593  
the thirtieth day of June. Each trustee shall hold office from the 45594  
date of appointment until the end of the term for which the 45595  
trustee was appointed. Any trustee appointed to fill a vacancy 45596  
occurring prior to the expiration of the term for which the 45597  
trustee's predecessor was appointed shall hold office for the 45598  
remainder of such term. Any trustee shall continue in office 45599  
subsequent to the expiration date of the trustee's term until the 45600  
trustee's successor takes office, or until a period of sixty days 45601  
has elapsed, whichever occurs first. No person who has served a 45602  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 45603  
two-thirds of such a term shall be eligible for reappointment 45604  
until a period of four years has elapsed since the last day of the 45605  
term for which the person previously served. The trustees shall 45606  
receive no compensation for their services but shall be paid their 45607  
reasonable necessary expenses while engaged in the discharge of 45608  
their official duties. A majority of the board constitutes a 45609  
quorum. 45610

(B) The student members of the board of trustees of Wright 45611  
state university have no voting power on the board. Student 45612  
members shall not be considered as members of the board in 45613  
determining whether a quorum is present. Student members shall not 45614  
be entitled to attend executive sessions of the board. The student 45615



members of the board shall be appointed by the governor, with the 45616  
advice and consent of the senate, from a group of five candidates 45617  
selected pursuant to a procedure adopted by the university's 45618  
student governments and approved by the university's board of 45619  
trustees. ~~The initial term of office of one of the student members~~ 45620  
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 45621  
~~and the initial term of office of the other student member shall~~ 45622  
~~commence on July 1, 1988 and shall expire on June 30, 1990.~~ 45623  
~~Thereafter, terms~~ Terms of office of student members shall be for 45624  
two years, ~~each term ending on the same day of the same month of~~ 45625  
~~the year as the term it succeeds~~ commencing on the first day of 45626  
July and ending on the thirtieth day of June. In the event that a 45627  
student member cannot fulfill a two-year term, a replacement shall 45628  
be selected to fill the unexpired term in the same manner used to 45629  
make the original selection. 45630

(C) A nonstudent trustee who was appointed under this section 45631  
as it existed prior to the effective date of this amendment shall 45632  
serve for a nine-year term. A trustee appointed to fill the 45633  
vacancy of a nine-year term shall serve for the remainder of that 45634  
unexpired nine-year term. Except for a nonstudent trustee 45635  
appointed to fill a vacancy for an unexpired nine-year term, terms 45636  
of office for a nonstudent trustee appointed on and after the 45637  
effective date of this amendment shall be for six years, as 45638  
provided in division (A) of this section. 45639

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the 45640  
Revised Code: 45641

(A) "Community college district" means a political 45642  
subdivision of the state and a body corporate with all the powers 45643  
of a corporation, comprised of the territory of one or more 45644  
contiguous counties having together a total population of not less 45645  
than seventy-five thousand preceding the establishment of such 45646

district, and organized for the purpose of establishing, owning, 45647  
and operating a community college within the territory of such 45648  
district. 45649

(B) "Contiguous counties" means counties so located that each 45650  
such county shares at least one boundary in common with at least 45651  
one other such county in the group of counties referred to as 45652  
being "contiguous." 45653

(C) "Community college" means a public institution of 45654  
education beyond the high school organized for the principal 45655  
purpose of providing for the people of the community college 45656  
district wherein such college is situated the instructional 45657  
programs defined in this section as "arts and sciences" and 45658  
"technical," or either, and may include the "adult-education" 45659  
program as defined in this section. Except for applied bachelor's 45660  
degree programs offered approved by the chancellor of higher 45661  
education under section ~~3354.071~~ 3333.051 of the Revised Code, 45662  
instructional programs shall not exceed two years in duration. 45663

A university maintained and operated by a municipality 45664  
located in a county having a total population equal to the 45665  
requirement for a community college district as set forth in 45666  
division (A) of section 3354.01 of the Revised Code and is found 45667  
by the chancellor of higher education to offer instructional 45668  
programs which are needed in the community and which are 45669  
equivalent to those required of community colleges shall be, for 45670  
the purposes of receiving state or federal financial aid only, 45671  
considered a community college and shall receive the same state 45672  
financial assistance granted to community colleges but only in 45673  
respect to students enrolled in their first and second year of 45674  
post high school education in the kinds of instructional programs 45675  
offered by the municipal university. 45676

(D) "Arts and sciences program" means both of the following: 45677

(1) A curricular program of two years or less duration, 45678  
provided within a community college, planned and intended to 45679  
enable students to gain academic credit for courses generally 45680  
comparable to courses offered in the first two years in accredited 45681  
colleges and universities in the state, and designed either to 45682  
enable students to transfer to such colleges and universities for 45683  
the purpose of earning baccalaureate degrees or to enable students 45684  
to terminate academic study after two years with a proportionate 45685  
recognition of academic achievement. 45686

(2) ~~A~~ An applied bachelor's degree program approved and 45687  
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 45688

(E) "Adult-education program" means the dissemination of post 45689  
high school educational service and knowledge, by a community 45690  
college, for the occupational, cultural, or general educational 45691  
benefit of adult persons, such educational service and knowledge 45692  
not being offered for the primary purpose of enabling such persons 45693  
to obtain academic credit or other formal academic recognition. 45694

(F) "Charter amendment" means a change in the official plan 45695  
of a community college for the purpose of acquiring additional 45696  
lands or structures, disposing of or transferring lands or 45697  
structures, erection of structures, or creating or abolishing of 45698  
one or more academic departments corresponding to generally 45699  
recognized fields of academic study. 45700

(G) "Technical program" means a post high school curricular 45701  
program of two years or less duration, provided within a community 45702  
college, planned and intended to enable students to gain academic 45703  
credit for courses designed to prepare such students to meet the 45704  
occupational requirements of the community. 45705

(H) "Operating costs" means all expenses for all purposes of 45706  
the community college district except expenditures for permanent 45707  
improvements having an estimated life of usefulness of five years 45708

or more as certified by the fiscal officer of the community college district. 45709  
45710

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code. 45711  
45712

**Sec. 3354.09.** The board of trustees of a community college district may: 45713  
45714

(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code; 45715  
45716  
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(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college; 45722  
45723  
45724  
45725  
45726

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college; 45727  
45728  
45729

(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district; 45730  
45731  
45732  
45733  
45734  
45735

(E) Provide for a community college necessary lands, buildings or other structures, equipment, means, and appliances; 45736  
45737

(F) Develop and adopt, pursuant to the official plan, the 45738

curricular programs identified in section 3354.01 of the Revised Code as arts and sciences programs and technical programs, or either. Such programs may include adult-education programs.

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for students who are residents of the district, residents of Ohio but not of the district, and students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the ~~Ohio board of regents~~ chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay a smaller tuition and fee rate than the rate for either category of nonresident students.

(H) Authorize, approve, ratify, or confirm any agreement relating to any such community college with the United States government, acting through any agency of such government designated or created to aid in the financing of such projects, or with any person or agency offering grants in aid in financing such educational facilities or the operation of such facilities except as prohibited in division (K) of this section.

Such agreement may include a provision for repayment of advances, grants, or loans made to any community college district from funds which may become available to it.

When the United States government or its agent makes a grant of money to any community college district to aid in paying the cost of any projects of such district, or enters into an agreement with the community college district for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose by the community college district and is deemed in process of collection within the meaning of section 5705.41 of the Revised

Code.	45771
(I) Grant appropriate certificates of achievement <u>or degrees</u>	45772
to students successfully completing the community college	45773
programs;	45774
(J) Prescribe rules for the effective operation of a	45775
community college and exercise such other powers as are necessary	45776
for the efficient management of such college;	45777
(K) Receive and expend gifts or grants from the state for the	45778
payment of operating costs, for the acquisition, construction, or	45779
improvement of buildings or other structures, or for the	45780
acquisition or use of land. In no event shall state gifts or	45781
grants be expended for the support of adult-education programs.	45782
Gifts or grants from the state for operating costs shall not in	45783
any biennium exceed the amount recommended by the <del>Ohio board of</del>	45784
<del>regents</del> <u>chancellor</u> to the governor as provided in Chapter 3333. of	45785
the Revised Code. Such gifts or grants shall be distributed to	45786
such districts in equal quarter-annual payments, unless otherwise	45787
provided or authorized in any act appropriating moneys for such	45788
purposes, on or before the last day of February, May, August, and	45789
November in each year.	45790
(L) Retain consultants in the fields of education, planning,	45791
architecture, law, engineering, or other fields of professional	45792
skill;	45793
(M) Purchase:	45794
(1) A policy or policies of insurance insuring the district	45795
against loss of or damage to property, whether real, personal, or	45796
mixed, which is owned by the district or leased by it as lessee or	45797
which is in the process of construction by or for the district;	45798
(2) A policy or policies of fidelity insurance in such	45799
amounts and covering such trustees, officers, and employees of the	45800
district as it considers necessary or desirable;	45801

(3) A policy or policies of liability insurance from an 45802  
insurer or insurers licensed to do business in this state insuring 45803  
its members, officers, and employees against all civil liability 45804  
arising from an act or omission by the member, officer, or 45805  
employee when the member, officer, or employee is not acting 45806  
manifestly outside the scope of employment or official 45807  
responsibilities with the institution, with malicious purpose or 45808  
bad faith, or in a wanton or reckless manner, or may otherwise 45809  
provide for the indemnification of such persons against such 45810  
liability. All or any portion of the cost, premium, or charge for 45811  
such a policy or policies or indemnification payment may be paid 45812  
from any funds under the institution's control. The policy or 45813  
policies of liability insurance or the indemnification policy of 45814  
the institution may cover any risks including, but not limited to, 45815  
damages resulting from injury to property or person, professional 45816  
liability, and other special risks, including legal fees and 45817  
expenses incurred in the defense or settlement of claims for such 45818  
damages. 45819

(4) A policy or policies of insurance insuring the district 45820  
against any liabilities to which it may be subject on account of 45821  
damage or injury to persons or property, including liability for 45822  
wrongful death. 45823

(N) Designate one or more employees of the institution as 45824  
state university law enforcement officers, to serve and have 45825  
duties as prescribed in section 3345.04 of the Revised Code. 45826

Any instrument by which real property is acquired pursuant to 45827  
this section shall identify the agency of the state that has the 45828  
use and benefit of the real property as specified in section 45829  
5301.012 of the Revised Code. 45830

**Sec. 3356.01.** (A) There is hereby created Youngstown state 45831  
university. The government of Youngstown state university is 45832

vested in a board of eleven trustees, who shall be appointed by 45833  
the governor, with the advice and consent of the senate. Two of 45834  
the trustees shall be students at Youngstown state university, and 45835  
their selection and terms shall be in accordance with division (B) 45836  
of this section. ~~Except~~ 45837

Except as provided in division (C) of this section and except 45838  
for the terms of student members, terms of office shall be for 45839  
~~nine~~ six years, commencing on the second day of May and ending on 45840  
the first day of May. Each trustee shall hold office from the date 45841  
of appointment until the end of the term for which the trustee was 45842  
appointed. Any trustee appointed to fill a vacancy occurring prior 45843  
to the expiration of the term for which the trustee's predecessor 45844  
was appointed shall hold office for the remainder of such term. 45845  
Any trustee shall continue in office subsequent to the expiration 45846  
date of the trustee's term until the trustee's successor takes 45847  
office, or until a period of sixty days has elapsed, whichever 45848  
occurs first. No person who has served a full ~~nine-year~~ term as a 45849  
nonstudent member or more than ~~six years~~ two-thirds of such a term 45850  
shall be eligible to reappointment until a period of four years 45851  
has elapsed since the last day of the term for which the person 45852  
previously served. The trustees shall receive no compensation for 45853  
their services but shall be paid their reasonable necessary 45854  
expenses while engaged in the discharge of their duties. A 45855  
majority of the board constitutes a quorum. 45856

(B) The student members of the board of trustees of 45857  
Youngstown state university have no voting power on the board. 45858  
Student members shall not be considered as members of the board in 45859  
determining whether a quorum is present. Student members shall not 45860  
be entitled to attend executive sessions of the board. The student 45861  
members of the board shall be appointed by the governor, with the 45862  
advice and consent of the senate, from a group of five candidates 45863  
selected pursuant to a procedure adopted by the university's 45864



student governments and approved by the university's board of 45865  
trustees. ~~The initial term of office of one of the student members~~ 45866  
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 45867  
~~the initial term of office of the other student member shall~~ 45868  
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 45869  
~~terms~~ Terms of office of student members shall be for two years, 45870  
each term ending on the same day of the same month of the year as 45871  
the term it succeeds commencing on the second day of May and 45872  
ending on the first day of May. In the event that a student member 45873  
cannot fulfill a two-year term, a replacement shall be selected to 45874  
fill the unexpired term in the same manner used to make the 45875  
original selection. 45876

(C) A nonstudent trustee who was appointed under this section 45877  
as it existed prior to the effective date of this amendment shall 45878  
serve for a nine-year term. A trustee appointed to fill the 45879  
vacancy of a nine-year term shall serve for the remainder of that 45880  
unexpired nine-year term. Except for a nonstudent trustee 45881  
appointed to fill a vacancy for an unexpired nine-year term, terms 45882  
of office for a nonstudent trustee appointed on and after the 45883  
effective date of this amendment shall be for six years, as 45884  
provided in division (A) of this section. 45885

**Sec. 3357.01.** As used in this chapter: 45886

(A) "Technical college" means an institution of education 45887  
beyond the high school, including an institution of higher 45888  
education, organized for the principal purpose of providing for 45889  
the residents of the technical college district, wherein such 45890  
college is situated, any one or more of the instructional programs 45891  
defined in this section as "technical college," or 45892  
"adult-education technical programs," normally not exceeding two 45893  
years' duration and not leading to a baccalaureate degree, except 45894  
as provided in section 3333.051 of the Revised Code. 45895

(B) "Technical college district" means a political 45896  
subdivision of the state and a body corporate with all the powers 45897  
of a corporation, comprised of the territory of a city school 45898  
district or a county, or two or more contiguous school districts 45899  
or counties, which meets the standards prescribed by the ~~Ohio~~ 45900  
~~board of regents~~ chancellor of higher education pursuant to 45901  
section 3357.02 of the Revised Code, and which is organized for 45902  
the purpose of establishing, owning, and operating one or more 45903  
technical colleges within the territory of such district. 45904

(C) "Contiguous school districts or counties" means school 45905  
districts or counties so located that each such school district or 45906  
county shares at least one boundary or a portion thereof in common 45907  
with at least one other such school district or county in the 45908  
group of school districts or counties referred to as being 45909  
"contiguous." 45910

(D) "Technical college program" means a post high school 45911  
curricular program provided within a technical college, planned 45912  
and intended to qualify students, after satisfactory completion of 45913  
such a program normally two years in duration, to pursue careers 45914  
in which they provide immediate technical assistance to 45915  
professional or managerial persons generally required to hold 45916  
baccalaureate or higher academic degrees in technical or 45917  
professional fields. The technical and professional fields 45918  
referred to in this section include, but are not limited to, 45919  
engineering and physical, medical, or other sciences. 45920

(E) "Adult-education technical program" means the 45921  
dissemination of post high school technical education service and 45922  
knowledge, for the occupational, or general educational benefit of 45923  
adult persons. 45924

(F) "Charter amendment" means a change in the official plan 45925  
of a technical college for the purpose of acquiring additional 45926  
lands or structures, disposing of or transferring lands or 45927

structures, erecting structures, creating or abolishing technical 45928  
college or adult education technical curricular programs. 45929

(G) "Baccalaureate-oriented associate degree program" means a 45930  
curricular program of not more than two years' duration that is 45931  
planned and intended to enable students to gain academic credit 45932  
for courses comparable to first- and second-year courses offered 45933  
by accredited colleges and universities. The purpose of 45934  
baccalaureate-oriented associate degree coursework in technical 45935  
colleges is to enable students to transfer to colleges and 45936  
universities and earn baccalaureate degrees or to enable students 45937  
to terminate academic study after two years with a proportionate 45938  
recognition of academic achievement through receipt of an 45939  
associate degree. 45940

(H) "Applied bachelor's degree" has the same meaning as in 45941  
section 3333.051 of the Revised Code. 45942

**Sec. 3357.09.** The board of trustees of a technical college 45943  
district may: 45944

(A) Own and operate a technical college, pursuant to an 45945  
official plan prepared and approved in accordance with section 45946  
3357.07 of the Revised Code; 45947

(B) Hold, encumber, control, acquire by donation, purchase, 45948  
or condemnation, construct, own, lease, use, and sell, real and 45949  
personal property as necessary for the conduct of the program of 45950  
the technical college on whatever terms and for whatever 45951  
consideration may be appropriate for the purposes of the 45952  
institution; 45953

(C) Accept gifts, grants, bequests, and devises absolutely or 45954  
in trust for support of the technical college; 45955

(D) Appoint the president, faculty, and such other employees 45956  
as necessary and proper for such technical college, and fix their 45957

compensation; 45958

(E) Provide for a technical college necessary lands, 45959  
buildings or other structures, equipment, means, and appliances; 45960

(F) Develop and adopt, pursuant to the official plan, any one 45961  
or more of the curricular programs identified in section 3357.01 45962  
of the Revised Code as technical-college programs, or 45963  
adult-education technical programs, and applied bachelor's degree 45964  
programs under section 3333.051 of the Revised Code; 45965

(G) Except as provided in sections 3333.17 and 3333.32 of the 45966  
Revised Code, establish schedules of fees and tuition for: 45967  
students who are residents of the district; students who are 45968  
residents of Ohio but not of the district; students who are 45969  
nonresidents of Ohio. The establishment of rules governing the 45970  
determination of residence shall be subject to approval of the 45971  
~~Ohio board of regents~~ chancellor of higher education. Students who 45972  
are nonresidents of Ohio shall be required to pay higher rates of 45973  
fees and tuition than the rates required of students who are 45974  
residents of Ohio but not of the district, and students who are 45975  
residents of the district shall pay smaller tuition and fee rates 45976  
than the rates for either of the above categories of nonresident 45977  
students, except that students who are residents of Ohio but not 45978  
of the district shall be required to pay higher fees and tuition 45979  
than students who are residents of the district only when a 45980  
district tax levy has been adopted and is in effect under the 45981  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 45982  
Code. 45983

(H) Authorize, approve, ratify, or confirm, with approval of 45984  
the ~~Ohio board of regents~~ chancellor, any agreement with the 45985  
United States government, acting through any agency designated to 45986  
aid in the financing of technical college projects, or with any 45987  
person, organization, or agency offering grants-in-aid for 45988  
technical college facilities or operation; 45989

(I) Receive assistance for the cost of equipment and for the 45990  
operation of such technical colleges from moneys appropriated for 45991  
technical education or for matching of Title VIII of the "National 45992  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 45993  
Moneys shall be distributed by the ~~Ohio board of regents~~ 45994  
chancellor in accordance with rules which the board shall 45995  
establish governing its allocations to technical colleges 45996  
chartered under section 3357.07 of the Revised Code. 45997

(J) Grant appropriate associate degrees to students 45998  
successfully completing the technical college programs, 45999  
appropriate applied bachelor's degrees to students successfully 46000  
completing applied bachelor's degree programs, and certificates of 46001  
achievement to those students who complete other programs; 46002

(K) Prescribe rules for the effective operation of a 46003  
technical college, and exercise such other powers as are necessary 46004  
for the efficient management of such college; 46005

(L) Enter into contracts and conduct technical college 46006  
programs or technical courses outside the technical college 46007  
district; 46008

(M) Enter into contracts with the board of education of any 46009  
local, exempted village, or city school district or the governing 46010  
board of any educational service center to permit the school 46011  
district or service center to use the facilities of the technical 46012  
college district; 46013

(N) Designate one or more employees of the institution as 46014  
state university law enforcement officers, to serve and have 46015  
duties as prescribed in section 3345.04 of the Revised Code; 46016

(O) Subject to the approval of the ~~Ohio board of regents~~ 46017  
chancellor, offer technical college programs or technical courses 46018  
for credit at locations outside the technical college district. 46019  
For purposes of computing state aid, students enrolled in such 46020

courses shall be deemed to be students enrolled in programs and 46021  
courses at off-campus locations in the district. 46022

(P) Purchase a policy or policies of liability insurance from 46023  
an insurer or insurers licensed to do business in this state 46024  
insuring its members, officers, and employees against all civil 46025  
liability arising from an act or omission by the member, officer, 46026  
or employee, when the member, officer, or employee is not acting 46027  
manifestly outside the scope of the member's, officer's, or 46028  
employee's employment or official responsibilities with the 46029  
institution, with malicious purpose or bad faith, or in a wanton 46030  
or reckless manner, or may otherwise provide for the 46031  
indemnification of such persons against such liability. All or any 46032  
portion of the cost, premium, or charge for such a policy or 46033  
policies or indemnification payment may be paid from any funds 46034  
under the institution's control. The policy or policies of 46035  
liability insurance or the indemnification policy of the 46036  
institution may cover any risks including, but not limited to, 46037  
damages resulting from injury to property or person, professional 46038  
liability, and other special risks, including legal fees and 46039  
expenses incurred in the defense or settlement of claims for such 46040  
damages. 46041

Any instrument by which real property is acquired pursuant to 46042  
this section shall identify the agency of the state that has the 46043  
use and benefit of the real property as specified in section 46044  
5301.012 of the Revised Code. 46045

**Sec. 3357.19.** ~~The Ohio board of regents~~ chancellor of higher 46046  
education shall: 46047

(A) Promulgate rules, regulations, and standards in 46048  
conformity with Chapter 119. of the Revised Code relative to the 46049  
qualifications of teaching personnel in technical colleges, and 46050  
require conformity to all such rules, regulations, and standards 46051

as a condition upon the issuance of a charter to any technical college and upon the continued operation of such colleges;

(B) Promulgate rules, regulations, and standards relative to the quality and content of instructional courses in technical colleges, and relative to the awarding of certificates of achievement or ~~associate~~ degrees to students in such colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such college;

(C) Conduct studies and examinations of the operation and facilities of technical colleges, and require reports from such colleges, from time to time as the ~~board~~ chancellor deems necessary, and revoke or suspend pursuant to Chapter 119. of the Revised Code, the charter of any technical college found to be in substantial violation of law, of rules, regulations, or standards of the ~~board~~ chancellor, or of the approved official plan of such college;

(D) Employ such professional, administrative, clerical, or secretarial personnel as may be found necessary to assist the ~~board~~ chancellor in the performance of ~~its~~ the chancellor's duties;

(E) Perform biennial examinations of the budget requirements of the technical colleges in the state, and present recommendations to the governor with respect to such budget requirements;

(F) Perform research studies relative to technical college education.

**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political

subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt



of an associate degree. 46114

(E) "Adult continuing education program" means the offering 46115  
of short courses, seminars, workshops, exhibits, performances, and 46116  
other educational activities for the general educational or 46117  
occupational benefit of adults. 46118

(F) "Applied bachelor's degree" has the same meaning as in 46119  
section 3333.051 of the Revised Code. 46120

**Sec. 3358.08.** The board of trustees of a state community 46121  
college district may: 46122

(A) Own and operate a state community college; 46123

(B) Hold, encumber, control, acquire by donation, purchase or 46124  
condemn, construct, own, lease, use, and sell, real and personal 46125  
property as necessary for the conduct of the program of the state 46126  
community college on whatever terms and for whatever consideration 46127  
may be appropriate for the purpose of the institution; 46128

(C) Accept gifts, grants, bequests, and devises absolute or 46129  
in trust for support of the state community college; 46130

(D) Employ a president, and appoint or approve the 46131  
appointment of other necessary administrative officers, full-time 46132  
faculty members, and operating staff. The board may delegate the 46133  
appointment of operating staff and part-time faculty members to 46134  
the college president. The board shall fix the rate of 46135  
compensation of the president and all officers and full-time 46136  
employees as are necessary and proper for state community 46137  
colleges. 46138

(E) Provide for the state community college necessary lands, 46139  
buildings, or other structures, equipment, means, and appliances; 46140

(F) Establish within the maximum amounts permitted by law, 46141  
schedules of fees and tuition for students who are Ohio residents 46142  
and students who are not; 46143

(G) Grant appropriate <del>associate</del> degrees to students	46144
successfully completing the state community college's programs,	46145
and certificates of achievement to students who complete other	46146
programs;	46147
(H) Prescribe policies for the effective operation of the	46148
state community college and exercise such other powers as are	46149
necessary for the efficient management of the college;	46150
(I) Enter into contracts with neighboring colleges and	46151
universities for the conduct of state community college programs	46152
or technical courses outside the state community college district;	46153
(J) Purchase:	46154
(1) A policy or policies of insurance insuring the district	46155
against loss or damage to property, whether real, personal, or	46156
mixed, which is owned by the district or leased by it as lessee or	46157
which is in the process of construction by or for the district;	46158
(2) A policy or policies of fidelity insurance in such	46159
amounts and covering such trustees, officers, and employees of the	46160
district as the board may consider necessary or desirable;	46161
(3) A policy or policies of liability insurance from an	46162
insurer or insurers licensed to do business in this state insuring	46163
its members, officers, and employees against all civil liability	46164
arising from an act or omission by the member, officer, or	46165
employee, when the member, officer, or employee is not acting	46166
manifestly outside the scope of employment or official	46167
responsibilities with the institution, with malicious purpose or	46168
bad faith, or in a wanton or reckless manner, or may otherwise	46169
provide for the indemnification of such persons against such	46170
liability. All or any portion of the cost, premium, or charge for	46171
such a policy or policies or indemnification payment may be paid	46172
from any funds under the institution's control. The policy or	46173
policies of liability insurance or the indemnification policy of	46174

the institution may cover any risks including, but not limited to, 46175  
damages resulting from injury to property or person, professional 46176  
liability, and other special risks, including legal fees and 46177  
expenses incurred in the defense or settlement claims of such 46178  
damages. 46179

(4) A policy or policies of insurance insuring the district 46180  
against any liabilities to which it may be subject on account of 46181  
damage or injury to persons or property, including liability for 46182  
wrongful death. 46183

Any instrument by which real property is acquired pursuant to 46184  
this section shall identify the agency of the state that has the 46185  
use and benefit of the real property as specified in section 46186  
5301.012 of the Revised Code. 46187

**Sec. 3359.01.** (A) There is hereby created a state university 46188  
to be known as "The University of Akron." The government of the 46189  
university of Akron is vested in a board of eleven trustees who 46190  
shall be appointed by the governor, with the advice and consent of 46191  
the senate. Two of the trustees shall be students at the 46192  
university of Akron, and their selection and terms shall be in 46193  
accordance with division (B) of this section. ~~Except~~ 46194

Except as provided in division (C) of this section and except 46195  
for the terms of student members, terms of office shall be for 46196  
~~nine~~ six years, commencing on the second day of July and ending on 46197  
the first day of July. Each trustee shall hold office from the 46198  
date of appointment until the end of the term for which the 46199  
trustee was appointed. Any trustee appointed to fill a vacancy 46200  
occurring prior to the expiration of the term for which the 46201  
trustee's predecessor was appointed shall hold office for the 46202  
remainder of such term. Any trustee shall continue in office 46203  
subsequent to the expiration date of the trustee's term until the 46204  
trustee's successor takes office, or until a period of sixty days 46205

has elapsed, whichever occurs first. No person who has served a 46206  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 46207  
two-thirds of such a term shall be eligible for reappointment 46208  
until a period of four years has elapsed since the last day of the 46209  
term for which the person previously served. The trustees shall 46210  
receive no compensation for their services but shall be paid their 46211  
reasonable necessary expenses while engaged in the discharge of 46212  
their official duties. A majority of the board constitutes a 46213  
quorum. 46214

(B) The student members of the board of trustees of the 46215  
university of Akron have no voting power on the board. Student 46216  
members shall not be considered as members of the board in 46217  
determining whether a quorum is present. Student members shall not 46218  
be entitled to attend executive sessions of the board. The student 46219  
members of the board shall be appointed by the governor, with the 46220  
advice and consent of the senate, from a group of five candidates 46221  
selected pursuant to a procedure adopted by the university's 46222  
student governments and approved by the university's board of 46223  
trustees. ~~The initial term of office of one of the student members~~ 46224  
~~shall commence on July 2, 1988 and shall expire on July 1, 1989,~~ 46225  
~~and the initial term of office of the other student member shall~~ 46226  
~~commence on July 2, 1988 and expire on July 1, 1990. Thereafter,~~ 46227  
~~terms~~ Terms of office of student members shall be for two years, 46228  
each ~~term ending on the same day of the same month of the year as~~ 46229  
~~the term it succeeds~~ commencing on the second day of July and 46230  
ending on the first day of July. In the event that a student 46231  
member cannot fulfill a two-year term, a replacement shall be 46232  
selected to fill the unexpired term in the same manner used to 46233  
make the original selection. 46234

(C) A nonstudent trustee who was appointed under this section 46235  
as it existed prior to the effective date of this amendment shall 46236  
serve for a nine-year term. A trustee appointed to fill the 46237

vacancy of a nine-year term shall serve for the remainder of that 46238  
unexpired nine-year term. Except for a nonstudent trustee 46239  
appointed to fill a vacancy for an unexpired nine-year term, terms 46240  
of office for a nonstudent trustee appointed on and after the 46241  
effective date of this amendment shall be for six years, as 46242  
provided in division (A) of this section. 46243

**Sec. 3361.01.** (A) There is hereby created a state university 46244  
to be known as the "university of Cincinnati." The government of 46245  
the university of Cincinnati is vested in a board of eleven 46246  
trustees who shall be appointed by the governor with the advice 46247  
and consent of the senate. Two of the trustees shall be students 46248  
at the university of Cincinnati, and their selection and terms 46249  
shall be in accordance with division (B) of this section. The 46250  
terms of the first nine members of the board of trustees shall 46251  
commence upon the effective date of the transfer of assets of the 46252  
state-affiliated university of Cincinnati to the university of 46253  
Cincinnati hereby created. ~~One of such trustees shall be appointed~~ 46254  
~~for a term ending on the first day of January occurring at least~~ 46255  
~~twelve months after such date of transfer, and each of the other~~ 46256  
~~trustees shall be appointed for respective terms ending on each~~ 46257  
~~succeeding first day of January, so that one term will expire on~~ 46258  
~~each first day of January after expiration of the shortest term.~~ 46259  
~~Except~~ 46260

Except as provided in division (C) of this section and except 46261  
for the two student trustees, each successor trustee shall be 46262  
appointed for a term ending on the first day of January, ~~nine~~ six 46263  
years from the expiration date of the term the trustee succeeds, 46264  
except that any person appointed to fill a vacancy shall be 46265  
appointed to serve only for the unexpired term. 46266

Any trustee shall continue in office subsequent to the 46267  
expiration date of the trustee's term until the trustee's 46268

successor takes office, or until a period of sixty days has 46269  
elapsed, whichever occurs first. 46270

No person who has served a full ~~nine-year~~ term as a 46271  
nonstudent member or longer or more than ~~six years~~ two-thirds of 46272  
such a term shall be eligible to reappointment until a period of 46273  
four years has elapsed since the last day of the term for which 46274  
the person previously served. 46275

The trustees shall receive no compensation for their services 46276  
but shall be paid their reasonable necessary expenses while 46277  
engaged in the discharge of their official duties. A majority of 46278  
the board constitutes a quorum. 46279

(B) The student members of the board of trustees of the 46280  
university of Cincinnati have no voting power on the board. 46281  
Student members shall not be considered as members of the board in 46282  
determining whether a quorum is present. Student members shall not 46283  
be entitled to attend executive sessions of the board. The student 46284  
members of the board shall be appointed by the governor, with the 46285  
advice and consent of the senate, from a group of five candidates 46286  
selected pursuant to a procedure adopted by the university's 46287  
student governments and approved by the university's board of 46288  
trustees. ~~The initial term of office of one of the student members~~ 46289  
~~shall commence on May 14, 1988 and shall expire on May 13, 1989,~~ 46290  
~~and the initial term of office of the other student member shall~~ 46291  
~~commence on May 14, 1988 and expire on May 13, 1990. Thereafter,~~ 46292  
~~terms~~ Terms of office of student members shall be for two years, 46293  
each term ending on the same day of the same month of the year as 46294  
the term it succeeds commencing on the fourteenth day of May and 46295  
ending on the thirteenth day of May. In the event that a student 46296  
cannot fulfill a two-year term, a replacement shall be selected to 46297  
fill the unexpired term in the same manner used to make the 46298  
original selection. 46299

(C) A nonstudent trustee who was appointed under this section 46300

as it existed prior to the effective date of this amendment shall 46301  
serve for a nine-year term. A trustee appointed to fill the 46302  
vacancy of a nine-year term shall serve for the remainder of that 46303  
unexpired nine-year term. Except for a nonstudent trustee 46304  
appointed to fill a vacancy for an unexpired nine-year term, terms 46305  
of office for a nonstudent trustee appointed on and after the 46306  
effective date of this amendment shall be for six years, as 46307  
provided in division (A) of this section. 46308

**Sec. 3362.01.** (A) There is hereby created a state university 46309  
to be known as "Shawnee state university." The government of 46310  
Shawnee state university is vested in a board of eleven trustees 46311  
who shall be appointed by the governor with the advice and consent 46312  
of the senate. Two of the trustees shall be students at Shawnee 46313  
state university, and their selection and terms shall be in 46314  
accordance with division (B) of this section. ~~The remaining~~ 46315  
~~trustees shall be appointed as follows: one for a term of one~~ 46316  
~~year, one for a term of two years, one for a term of three years,~~ 46317  
~~one for a term of four years, one for a term of five years, one~~ 46318  
~~for a term of six years, one for a term of seven years, one for a~~ 46319  
~~term of eight years, and one for a term of nine years. Thereafter~~ 46320

Except as provided in division (C) of this section and except 46321  
for the terms of student members, terms shall be for ~~nine~~ six 46322  
years. All terms of office shall commence on the first day of July 46323  
and end on the thirtieth day of June. 46324

Each trustee shall hold office from the date of appointment 46325  
until the end of the term for which the trustee was appointed. Any 46326  
trustee appointed to fill a vacancy occurring prior to the 46327  
expiration of the term for which the trustee's predecessor was 46328  
appointed shall hold office for the remainder of such term. Any 46329  
trustee shall continue in office subsequent to the expiration date 46330  
of the trustee's term until the trustee's successor takes office, 46331

or until a period of sixty days has elapsed, whichever occurs 46332  
first. No person who has served a full ~~nine-year~~ term as a 46333  
nonstudent member or more than ~~six years~~ two-thirds of such a term 46334  
shall be eligible for reappointment until a period of four years 46335  
has elapsed since the last day of the term for which the person 46336  
previously served. 46337

The trustees shall receive no compensation for their services 46338  
but shall be paid their reasonable and necessary expenses while 46339  
engaged in the discharge of their official duties. 46340

A majority of the board constitutes a quorum. 46341

(B) The student members of the board of trustees of Shawnee 46342  
state university have no voting power on the board. Student 46343  
members shall not be considered as members of the board in 46344  
determining whether a quorum is present. Student members shall not 46345  
be entitled to attend executive sessions of the board. The student 46346  
members of the board shall be appointed by the governor, with the 46347  
advice and consent of the senate, from a group of five candidates 46348  
selected pursuant to a procedure adopted by the university's 46349  
student governments and approved by the university's board of 46350  
trustees. ~~The initial term of office of one of the student members~~ 46351  
~~shall commence on July 1, 1988, and shall expire on June 30, 1989,~~ 46352  
~~and the initial term of office of the other student member shall~~ 46353  
~~commence on July 1, 1988, and expire on June 30, 1990. Thereafter,~~ 46354  
~~terms~~ Terms of office of student members shall be for two years, 46355  
each ~~term ending on the same day of the same month of the year as~~ 46356  
~~the term it succeeds~~ commencing on the first day of July and 46357  
ending on the thirtieth day of June. In the event a student member 46358  
cannot fulfill a two-year term, a replacement shall be selected to 46359  
fill the unexpired term in the same manner used to make the 46360  
original selection. 46361

(C) A nonstudent trustee who was appointed under this section 46362  
as it existed prior to the effective date of this amendment shall 46363



serve for a nine-year term. A trustee appointed to fill the 46364  
vacancy of a nine-year term shall serve for the remainder of that 46365  
unexpired nine-year term. Except for a nonstudent trustee 46366  
appointed to fill a vacancy for an unexpired nine-year term, terms 46367  
of office for a nonstudent trustee appointed on and after the 46368  
effective date of this amendment shall be for six years, as 46369  
provided in division (A) of this section. 46370

**Sec. 3364.01.** (A) The university of Toledo, as authorized 46371  
under former Chapter 3360. of the Revised Code, and the medical 46372  
university of Ohio at Toledo, as authorized under former sections 46373  
3350.01 to 3350.05 of the Revised Code, shall be combined as one 46374  
state university to be known as the "university of Toledo." 46375

(B)(1) The government of the ~~combined~~ university of Toledo is 46376  
vested in a board of eleven trustees ~~which, except as prescribed~~ 46377  
~~in division (B)(2) of this section,~~ who shall be appointed by the 46378  
governor with the advice and consent of the senate. The ~~initial~~ 46379  
~~board of trustees of the combined university shall be as~~ 46380  
~~prescribed in division (B)(2) of this section. After the~~ 46381  
~~abolishment of offices as prescribed in division (B)(2)(a) of this~~ 46382  
~~section,~~ the board of trustees of the ~~combined~~ university shall 46383  
consist of nine voting members, who except as provided in division 46384  
(C) of this section shall serve for terms of nine six years, ~~and,~~ 46385  
The board also shall consist of two nonvoting members, who shall 46386  
be students of the combined university and who shall serve for 46387  
terms of two years. Terms of office of trustees shall begin on the 46388  
second day of July and end on the first day of July. 46389

(2) ~~The initial board of trustees of the combined university~~ 46390  
~~shall consist of seventeen voting members who are the eight~~ 46391  
~~members who made up the board of trustees of the medical~~ 46392  
~~university of Ohio at Toledo prior to May 1, 2006, under former~~ 46393  
~~section 3350.01 of the Revised Code, and whose terms would expire~~ 46394

~~under that section after May 1, 2006; the eight voting members who  
made up the board of trustees of the university of Toledo, under  
former section 3360.01 of the Revised Code, and whose terms would  
expire under that section after July 1, 2006; and one additional  
member appointed by the governor with the advice and consent of  
the senate. The terms of office, abolishment of office, and  
succession of the voting members of the initial board shall be as  
prescribed in division (B)(2)(a) of this section. The initial  
board also shall consist of two nonvoting members who are students  
of the combined university, as prescribed in division (B)(2)(b) of  
this section.~~

~~(a) The term of office of the voting member of the initial  
board of trustees of the combined university who was not formerly  
a member of either the board of trustees of the medical university  
of Ohio at Toledo or the board of trustees of the university of  
Toledo shall be for nine years, beginning on July 2, 2006, and  
ending on July 1, 2015.~~

~~The terms of office of the sixteen other voting members of  
the initial board of trustees shall expire on July 1 of the year  
they otherwise would expire under former section 3350.01 or  
3360.01 of the Revised Code.~~

~~The office of one voting member whose term expires on July 1,  
2007, shall be abolished on that date. The governor, with the  
advice and consent of the senate, shall appoint a successor to the  
office of the other voting member whose term expires on that date  
to a nine year term beginning on July 2, 2007.~~

~~The office of one voting member whose term expires on July 1,  
2008, shall be abolished on that date. The governor, with the  
advice and consent of the senate, shall appoint a successor to the  
office of the other voting member whose term expires on that date  
to a nine year term beginning on July 2, 2008.~~

~~The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2009.~~

~~The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2010.~~

~~The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2011.~~

~~The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2012.~~

~~The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2013.~~

~~The office of one voting member whose term expires on July 1, 2014, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2014.~~

~~The governor, with the advice and consent of the senate,~~

~~shall appoint a successor to the office of the voting member whose term expires on July 1, 2015, to a nine year term beginning on July 2, 2015.~~

~~Thereafter the terms of office of all subsequent voting members of the board of trustees shall be for nine years beginning on the second day of July and ending on the first day of July.~~

~~(b) One of the student members of the initial board of trustees shall be the student member of the former university of Toledo board of trustees, appointed under former section 3360.01 of the Revised Code, whose term would expire under that section on July 1, 2007. The term of that student member shall expire on July 1, 2007. The other student member shall be a new appointee, representing the portion of the combined university that made up the former medical university of Ohio at Toledo, appointed to a two year term beginning on July 2, 2006, and ending on July 1, 2008. That student trustee shall be appointed by the governor, with the advice and consent of the senate, from a group of three candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Thereafter appointment and terms of office of student members of the board of trustees shall be as prescribed by division (B)(3) of this section.~~

~~(3) The student members of the board of trustees of the combined university shall be appointed by the governor, with the advice and consent of the senate, from a group of six candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the~~

original selection. 46489

~~(4)~~(3) Each trustee shall hold office from the date of 46490  
appointment until the end of the term for which the trustee was 46491  
appointed. Any trustee appointed to fill a vacancy occurring prior 46492  
to the expiration of the term for which the trustee's predecessor 46493  
was appointed shall hold office for the remainder of such term. 46494  
Any trustee shall continue in office subsequent to the expiration 46495  
date of the trustee's term until the trustee's successor takes 46496  
office, or until a period of sixty days has elapsed, whichever 46497  
occurs first. 46498

~~(5)~~(4) No person who has served as a voting member of the 46499  
board of trustees for a full ~~nine-year~~ term as a nonstudent member 46500  
or more than ~~six years~~ two-thirds of such a term and no person who 46501  
is a voting member of the initial board of trustees as prescribed 46502  
in division (B)(2)(a) of this section as it existed before the 46503  
effective date of this amendment is eligible for reappointment to 46504  
the board until a period of four years has elapsed since the last 46505  
day of the term for which the person previously served. 46506

No person who served as a voting member of the board of 46507  
trustees of the former university of Toledo, as authorized under 46508  
former Chapter 3360. of the Revised Code, for a full nine-year 46509  
term or more than six years of such a term, and no person who 46510  
served on the board of trustees of the former medical university 46511  
of Ohio at Toledo, as authorized under former sections 3350.01 to 46512  
3350.05 of the Revised Code, for a full nine-year term or more 46513  
than six years of such a term is eligible for appointment to the 46514  
board of trustees of the combined university until a period of 46515  
four years has elapsed since the last day of the term for which 46516  
the person previously served. 46517

(C) A nonstudent trustee who was appointed under this section 46518  
as it existed prior to the effective date of this amendment shall 46519  
serve for a nine-year term. A trustee appointed to fill the 46520

vacancy of a nine-year term shall serve for the remainder of that 46521  
unexpired nine-year term. Except for a nonstudent trustee 46522  
appointed to fill a vacancy for an unexpired nine-year term, terms 46523  
of office for a nonstudent trustee appointed after the effective 46524  
date of this amendment shall be for six years, as provided in 46525  
division (B) of this section. 46526

(D) The trustees shall receive no compensation for their 46527  
services but shall be paid their reasonable necessary expenses 46528  
while engaged in the discharge of their official duties. A 46529  
majority of the board constitutes a quorum. The student members of 46530  
the board have no voting power on the board. Student members shall 46531  
not be considered as members of the board in determining whether a 46532  
quorum is present. Student members shall not be entitled to attend 46533  
executive sessions of the board. 46534

**Sec. 3365.01.** As used in this chapter: 46535

(A) "Articulated credit" means post-secondary credit that is 46536  
reflected on the official record of a student at an institution of 46537  
higher education only upon enrollment at that institution after 46538  
graduation from a secondary school. 46539

(B) "Default ceiling amount" means one of the following 46540  
amounts, whichever is applicable: 46541

(1) For a participant enrolled in a college operating on a 46542  
semester schedule, the amount calculated according to the 46543  
following formula: 46544

$$((0.83 \times \text{formula amount}) / 30)$$
 46545

X number of enrolled credit hours 46547

(2) For a participant enrolled in a college operating on a 46548  
quarter schedule, the amount calculated according to the following 46549  
formula: 46550

46551  
((0.83 X formula amount) / 45) 46552  
X number of enrolled credit hours 46553  
(C) "Default floor amount" means twenty-five per cent of the 46554  
default ceiling amount. 46555  
(D) "Eligible out-of-state college" means any institution of 46556  
higher education that is located outside of Ohio and is approved 46557  
by the chancellor of ~~the Ohio board of regents~~ higher education to 46558  
participate in the college credit plus program. 46559  
(E) "Fee" means any course-related fee and any other fee 46560  
imposed by the college, but not included in tuition, for 46561  
participation in the program established by this chapter. 46562  
(F) "Formula amount" has the same meaning as in section 46563  
3317.02 of the Revised Code. 46564  
(G) "Governing entity" means a board of education of a school 46565  
district, a governing authority of a community school established 46566  
under Chapter 3314., a governing body of a STEM school established 46567  
under Chapter 3326., or a board of trustees of a 46568  
college-preparatory boarding school established under Chapter 46569  
3328. of the Revised Code. 46570  
(H) "Home-instructed participant" means a student who has 46571  
been excused from the compulsory attendance law for the purpose of 46572  
home instruction under section 3321.04 of the Revised Code, and is 46573  
participating in the program established by this chapter. 46574  
(I) "Maximum per participant charge amount" means one of the 46575  
following amounts, whichever is applicable: 46576  
(1) For a participant enrolled in a college operating on a 46577  
semester schedule, the amount calculated according to the 46578  
following formula: 46579  
((formula amount / 30) 46580

X number of enrolled credit hours)	46581
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	46582
	46583
	46584
((formula amount / 45)	46585
X number of enrolled credit hours)	46586
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	46587
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(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.	46591
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(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	46597
	46598
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	46599
	46600
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	46601
	46602
	46603
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	46604
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	46607
(P) "Private college" means any of the following:	46608
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	46609
	46610



(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(S) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(T) "Secondary grade" means any of grades nine through twelve.

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy.

(V) "Textbook" means any paper, electronic, or other purchased coursework material.

(W) "Transcribed credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion

of a course. 46641

**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic 46642  
secondary school during the student's ninth, tenth, eleventh, or 46643  
twelfth grade school year; a student enrolled in a nonchartered 46644  
nonpublic secondary school in the student's ninth, tenth, 46645  
eleventh, or twelfth grade school year; or a student who has been 46646  
excused from the compulsory attendance law for the purpose of home 46647  
instruction under section 3321.04 of the Revised Code and is the 46648  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 46649  
may apply to and enroll in a college under the college credit plus 46650  
program. 46651

(1) In order for a public secondary school student to 46652  
participate in the program, all of the following criteria shall be 46653  
met: 46654

(a) The student or the student's parent shall inform the 46655  
principal, or equivalent, of the student's school by the first day 46656  
of April of the student's intent to participate in the program 46657  
during the following school year. Any student who fails to provide 46658  
the notification by the required date may not participate in the 46659  
program during the following school year without the written 46660  
consent of the principal, or equivalent. If a student seeks 46661  
consent from the principal after failing to provide notification 46662  
by the required date, the principal shall notify the department of 46663  
education of the student's intent to participate within ten days 46664  
of the date on which the student seeks consent. If the principal 46665  
does not provide written consent, the student may appeal the 46666  
principal's decision to the ~~state board of education~~ governing 46667  
entity of the school, except for a student who is enrolled in a 46668  
school district, who may appeal the decision to the district 46669  
superintendent. Not later than thirty days after the notification 46670  
of the appeal, the ~~state board~~ district superintendent or 46671

governing entity shall hear the appeal and shall make a decision 46672  
to either grant or deny that student's participation in the 46673  
program. The decision of the district superintendent or governing 46674  
entity shall be final. 46675

(b) The student shall ~~both~~: 46676

(i) Apply to a public or a participating private college, or 46677  
an eligible out-of-state college participating in the program, in 46678  
accordance with the college's established procedures for 46679  
admission, pursuant to section 3365.05 of the Revised Code; 46680

(ii) As a condition of eligibility, be remediation-free, in 46681  
accordance with one of the assessments established under division 46682  
(F) of section 3345.061 of the Revised Code. However, a student 46683  
who scores within one standard error of measurement below the 46684  
remediation-free threshold for one of those assessments shall be 46685  
considered to have met this requirement if the student also 46686  
either: 46687

(I) Has a cumulative high school grade point average of at 46688  
least 3.0. If the student is seeking to participate under section 46689  
3365.033 of the Revised Code, the student must have an equivalent 46690  
cumulative grade point average in the applicable grade levels. 46691

(II) Receives a recommendation from a school counselor, 46692  
principal, or career-technical program advisor. 46693

(iii) Meet the college's and relevant academic program's 46694  
established standards for admission, enrollment, and ~~for~~ course 46695  
placement, including course-specific capacity limitations, 46696  
pursuant to section 3365.05 of the Revised Code. 46697

(c) The student shall elect at the time of enrollment to 46698  
participate under either division (A) or (B) of section 3365.06 of 46699  
the Revised Code for each course under the program. 46700

(d) The student and the student's parent shall sign a form, 46701

provided by the school, stating that they have received the 46702  
counseling required under division (B) of section 3365.04 of the 46703  
Revised Code and that they understand the responsibilities they 46704  
must assume in the program. 46705

(2) In order for a nonpublic secondary school student, a 46706  
nonchartered nonpublic secondary school student, or a 46707  
home-instructed student to participate in the program, both of the 46708  
following criteria shall be met: 46709

(a) The student shall meet the criteria in divisions 46710  
(A)(1)(b) and (c) of this section. 46711

(b)(i) If the student is enrolled in a nonpublic secondary 46712  
school, that student shall send to the department of education a 46713  
copy of the student's acceptance from a college and an 46714  
application. The application shall be made on forms provided by 46715  
the state board of education and shall include information about 46716  
the student's proposed participation, including the school year in 46717  
which the student wishes to participate; and the semesters or 46718  
terms the student wishes to enroll during such year. The 46719  
department shall mark each application with the date and time of 46720  
receipt. 46721

(ii) If the student is enrolled in a nonchartered nonpublic 46722  
secondary school or is home-instructed, the parent or guardian of 46723  
that student shall notify the department by the first day of April 46724  
prior to the school year in which the student wishes to 46725  
participate. 46726

(B) Except as provided for in division (C) of this section 46727  
and in sections 3365.031 and 3365.032 of the Revised Code: 46728

(1) No public secondary school shall prohibit a student 46729  
enrolled in that school from participating in the program if that 46730  
student meets all of the criteria in division (A)(1) of this 46731  
section. 46732

(2) No participating nonpublic secondary school shall 46733  
prohibit a student enrolled in that school from participating in 46734  
the program if the student meets all of the criteria in division 46735  
(A)(2) of this section and, if the student is enrolled under 46736  
division (B) of section 3365.06 of the Revised Code, the student 46737  
is awarded funding from the department in accordance with rules 46738  
adopted by the chancellor of ~~the Ohio board of regents~~ higher 46739  
education, in consultation with the superintendent of public 46740  
instruction, pursuant to section 3365.071 of the Revised Code. 46741

(C) For purposes of this section, during the period of an 46742  
expulsion imposed by a public secondary school, a student is 46743  
ineligible to apply to enroll in a college under this section, 46744  
unless the student is admitted to another public secondary or 46745  
participating nonpublic secondary school. If a student is enrolled 46746  
in a college under this section at the time the student is 46747  
expelled, the student's status for the remainder of the college 46748  
term in which the expulsion is imposed shall be determined under 46749  
section 3365.032 of the Revised Code. 46750

(D) Upon a student's graduation from high school, 46751  
participation in the college credit plus program shall not affect 46752  
the student's eligibility at any public college for scholarships 46753  
or for other benefits or opportunities that are available to 46754  
first-time college students and are awarded by that college, 46755  
regardless of the number of credit hours that the student 46756  
completed under the program. 46757

(E) The college to which a student applies to participate 46758  
under this section shall pay for one assessment used to determine 46759  
that student's eligibility under this section. However, 46760  
notwithstanding anything to the contrary in Chapter 3365. of the 46761  
Revised Code, any additional assessments used to determine the 46762  
student's eligibility shall be the financial responsibility of the 46763  
student. 46764

**Sec. 3365.04.** Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program:

(A) Provide information about the program prior to the first day of ~~March~~ February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

(1) Program eligibility;

(2) The process for granting academic credits;

(3) Any necessary financial arrangements for tuition, textbooks, and fees;

(4) Criteria for any transportation aid;

(5) Available support services;

(6) Scheduling;

(7) Communicating the possible consequences and benefits of participation, including all of the following:

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;

(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;

(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the

overall costs of, and the amount of time required for, a college education. 46794  
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(8) The academic and social responsibilities of students and parents under the program; 46796  
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(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll; 46798  
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(10) The standard packet of information for the program developed by the chancellor of ~~the Ohio board of regents~~ higher education pursuant to section 3365.15 of the Revised Code; 46800  
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For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so. 46803  
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(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges; 46807  
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(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session. 46810  
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive high school credit for that course. 46819  
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The policy also shall be equivalent to the school's policy 46825  
for courses taken under the advanced standing programs described 46826  
in divisions (A)(2) and (3) of section 3313.6013 of the Revised 46827  
Code or for other courses designated as honors courses by the 46828  
school. If the policy includes awarding a weighted grade or 46829  
enhancing a student's class standing for these courses, the policy 46830  
adopted under this section shall also provide for these procedures 46831  
to be applied to courses taken under the college credit plus 46832  
program. 46833

(F) Develop model course pathways, pursuant to section 46834  
3365.13 of the Revised Code, and publish the course pathways among 46835  
the school's official list of course offerings for the program. 46836

(G) Annually collect, report, and track specified data 46837  
related to the program according to data reporting guidelines 46838  
adopted by the chancellor and the superintendent of public 46839  
instruction pursuant to section 3365.15 of the Revised Code. 46840

**Sec. 3365.05.** Each public and participating private college 46841  
shall do all of the following with respect to the college credit 46842  
plus program: 46843

(A) Apply established standards and procedures for admission 46844  
to the college and for course placement for participants. When 46845  
determining admission and course placement, the college shall do 46846  
all of the following: 46847

(1) Consider all available student data that may be an 46848  
indicator of college readiness, including grade point average and 46849  
end-of-course examination scores, if applicable; 46850

(2) Give priority to its current students regarding 46851  
enrollment in courses. However, once a participant has been 46852  
accepted into a course, the college shall not displace the 46853  
participant for another student. 46854



(3) Adhere to any capacity limitations that the college has established for specified courses. 46855  
46856

(B) Send written notice to a the participant, the participant's parent, and the participant's secondary school, ~~and the superintendent of public instruction,~~ not later than fourteen calendar days prior to the first day of classes for that term, of the participant's admission to the college and to specified courses under the program. 46857  
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(C) Provide both of the following, not later than twenty-one calendar days after the first day of classes for that term, to each participant, and the participant's secondary school, ~~and the superintendent of public instruction:~~ 46863  
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(1) The courses and hours of enrollment of the participant; 46867

(2) The option elected by the participant under division (A) or (B) of section 3365.06 of the Revised Code for each course. 46868  
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The college shall also provide to each partnering school a roster of participants from that school that are enrolled in the college and a list of course assignments for each participant. 46870  
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(D) Promote the program on the college's web site, including the details of the college's current agreements with partnering secondary schools. 46873  
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(E) Coordinate with each partnering secondary school that is located within thirty miles of the college to present at least one informational session per school year for interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering schools located within thirty miles of the college, the college shall coordinate with the closest partnering school to offer an informational session. 46876  
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(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled.

(G) Implement a policy for the awarding of grades for courses taken under the program. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive college credit for that course.

(H) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

~~(H)~~(I) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

~~(I)~~(J) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

**Sec. 3365.06.** The rules adopted under section 3365.02 of the

Revised Code shall provide for participants to enroll in courses 46915  
under either of the ~~following~~ options+ prescribed by division (A) 46916  
or (B) of this section. 46917

(A) The participant may elect at the time of enrollment to be 46918  
responsible for payment of all tuition and the cost of all 46919  
textbooks, materials, and fees associated with the course. The 46920  
college shall notify the participant about payment of tuition and 46921  
fees in the customary manner followed by the college. A 46922  
participant electing this option also shall elect, at the time of 46923  
enrollment, whether to receive only college credit or high school 46924  
credit and college credit for the course. 46925

(1) The participant may elect to receive only college credit 46926  
for the course. Except as provided in section 3365.032 of the 46927  
Revised Code, if the participant successfully completes the 46928  
course, the college shall award the participant full credit for 46929  
the course, but the governing entity of a public secondary school 46930  
or the governing body of a participating nonpublic secondary 46931  
school shall not award the high school credit. 46932

(2) The participant may elect to receive both high school 46933  
credit and college credit for the course. Except as provided in 46934  
section 3365.032 of the Revised Code, if the participant 46935  
successfully completes the course, the college shall award the 46936  
participant full credit for the course and the governing entity of 46937  
a public school or the governing body of a participating nonpublic 46938  
school shall award the participant high school credit. 46939

(B) ~~The~~ If a course is eligible for funding under rules 46940  
adopted pursuant to division (C)(1) of this section, the 46941  
participant may elect at the time of enrollment for ~~each~~ the 46942  
course to have the college reimbursed under section 3365.07 of the 46943  
Revised Code. Except as provided in section 3365.032 of the 46944  
Revised Code, if the participant successfully completes the 46945  
course, the college shall award the participant full credit for 46946

the course and the governing entity of a public school or the governing body of a participating nonpublic school shall award the participant high school credit. If the participant elects to have the college reimbursed under this division, the department shall reimburse the college for the number of enrolled credit hours in accordance with section 3365.07 of the Revised Code.

(C)(1) The chancellor of higher education, in consultation with the superintendent of public instruction, shall adopt rules specifying which courses are eligible for funding under section 3365.07 of the Revised Code.

The rules shall address at least the following:

(a) Whether courses must be taken in a specified sequence;

(b) Whether to restrict funding and limit eligibility to certain types of courses, including (i) courses that are included in the statewide articulation and transfer system, established by the chancellor pursuant to section 3333.161 of the Revised Code; (ii) courses that may be applied to multiple degree pathways or are applicable to in-demand jobs; or (iii) other types of courses;

(c) Whether courses with private instruction, as defined by the chancellor, are eligible for funding.

The rules also shall specify the school year for which implementation of the rules adopted pursuant to this division shall first apply.

(2) In developing the rules, the chancellor, in consultation with the state superintendent, shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.

(D) When determining a school district's enrollment under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be

considered as time the participant is not attending or enrolled in 46977  
school anywhere, and the time a participant is attending courses 46978  
under division (B) of this section shall be considered as time the 46979  
participant is attending or enrolled in the district's schools. 46980

**Sec. 3365.07.** The department of education shall calculate and 46981  
pay state funds to colleges for participants in the college credit 46982  
plus program under division (B) of section 3365.06 of the Revised 46983  
Code pursuant to this section. For a nonpublic secondary school 46984  
participant, a nonchartered nonpublic secondary school 46985  
participant, or a home-instructed participant, the department 46986  
shall pay state funds pursuant to this section only if that 46987  
participant is awarded funding according to rules adopted by the 46988  
chancellor of higher education, in consultation with the 46989  
superintendent of public instruction, pursuant to section 3365.071 46990  
of the Revised Code. The program shall be the sole mechanism by 46991  
which state funds are paid to colleges for students to earn 46992  
transcripted credit for college courses while enrolled in both a 46993  
secondary school and a college, with the exception of state funds 46994  
paid to colleges according to an agreement described in division 46995  
(A)(1) of section 3365.02 of the Revised Code. 46996

Beginning with participation for the 2018-2019 school year, 46997  
section 3365.072 of the Revised Code shall govern all arrangements 46998  
for the provision and payment of textbooks under the program. 46999

(A) For each public or nonpublic secondary school participant 47000  
enrolled in a public college: 47001

(1) If no agreement has been entered into under division 47002  
(A)(2) of this section, both of the following shall apply: 47003

(a) The department shall pay to the college the applicable 47004  
amount as follows: 47005

(i) For a participant enrolled in a college course delivered 47006

on the college campus, at another location operated by the 47007  
college, or online, the lesser of the default ceiling amount or 47008  
the college's standard rate; 47009

(ii) For a participant enrolled in a college course delivered 47010  
at the participant's secondary school but taught by college 47011  
faculty, the lesser of fifty per cent of the default ceiling 47012  
amount or the college's standard rate; 47013

(iii) For a participant enrolled in a college course 47014  
delivered at the participant's secondary school and taught by a 47015  
high school teacher who has met the credential requirements 47016  
established for purposes of the program in rules adopted by the 47017  
chancellor, the default floor amount. 47018

(b) The ~~participant's secondary school shall pay for~~ 47019  
~~textbooks, and the~~ college shall waive payment of all other fees 47020  
related to participation in the program. 47021

(2) The governing entity of a participant's secondary school 47022  
and the college may enter into an agreement to establish an 47023  
alternative payment structure for tuition, ~~textbooks,~~ and fees. 47024  
Under such an agreement, payments for each participant made by the 47025  
department shall be not less than the default floor amount, unless 47026  
approved by the chancellor, and not more than either the default 47027  
ceiling amount or the college's standard rate, whichever is less. 47028  
The chancellor shall approve an agreement that includes a payment 47029  
below the default floor amount, as long as the provisions of the 47030  
agreement comply with all other requirements of this chapter to 47031  
ensure program quality. If no agreement is entered into under 47032  
division (A)(2) of this section, both of the following shall 47033  
apply: 47034

(a) The department shall pay to the college the applicable 47035  
default amounts prescribed by division (A)(1)(a) of this section, 47036  
depending upon the method of delivery and instruction. 47037

(b) In accordance with division (A)(1)(b) of this section, 47038  
~~the participant's secondary school shall pay for textbooks, and~~ 47039  
the college shall waive payment of all other fees related to 47040  
participation in the program. 47041

(3) No participant that is enrolled in a public college shall 47042  
be charged for any tuition,~~textbooks,~~ or other fees related to 47043  
participation in the program. 47044

(B) For each public secondary school participant enrolled in 47045  
a private college: 47046

(1) If no agreement has been entered into under division 47047  
(B)(2) of this section, the department shall pay to the college 47048  
the applicable amount calculated in the same manner as in division 47049  
(A)(1)(a) of this section. 47050

(2) The governing entity of a participant's secondary school 47051  
and the college may enter into an agreement to establish an 47052  
alternative payment structure for tuition,~~textbooks,~~ and fees. 47053  
Under such an agreement, payments shall be not less than the 47054  
default floor amount, unless approved by the chancellor, and not 47055  
more than either the default ceiling amount or the college's  
standard rate, whichever is less. 47056  
47057

If an agreement is entered into under division (B)(2) of this 47058  
section, both of the following shall apply: 47059

(a) The department shall make a payment to the college for 47060  
each participant that is equal to the default floor amount, unless 47061  
approved by the chancellor to pay an amount below the default 47062  
floor amount. The chancellor shall approve an agreement that 47063  
includes a payment below the default floor amount, as long as the 47064  
provisions of the agreement comply with all other requirements of 47065  
this chapter to ensure program quality. 47066

(b) Payment for costs for the participant that exceed the 47067  
amount paid by the department pursuant to division (B)(2)(a) of 47068

this section shall be negotiated by the school and the college. 47069  
The agreement may include a stipulation permitting the charging of 47070  
a participant. 47071

However, under no circumstances shall: 47072

(i) Payments for a participant made by the department under 47073  
division (B)(2) of this section exceed the lesser of the default 47074  
ceiling amount or the college's standard rate; 47075

(ii) The amount charged to a participant under division 47076  
(B)(2) of this section exceed the difference between the maximum 47077  
per participant charge amount and the default floor amount; 47078

(iii) The sum of the payments made by the department for a 47079  
participant and the amount charged to that participant under 47080  
division (B)(2) of this section exceed the following amounts, as 47081  
applicable: 47082

(I) For a participant enrolled in a college course delivered 47083  
on the college campus, at another location operated by the 47084  
college, or online, the maximum per participant charge amount; 47085

(II) For a participant enrolled in a college course delivered 47086  
at the participant's secondary school but taught by college 47087  
faculty, one hundred twenty-five dollars; 47088

(III) For a participant enrolled in a college course 47089  
delivered at the participant's secondary school and taught by a 47090  
high school teacher who has met the credential requirements 47091  
established for purposes of the program in rules adopted by the 47092  
chancellor, one hundred dollars. 47093

(iv) A participant that is identified as economically 47094  
disadvantaged according to rules adopted by the department be 47095  
charged under division (B)(2) of this section for any tuition, 47096  
textbooks, or other fees related to participation in the program. 47097

(C) For each nonpublic secondary school participant enrolled 47098



in a private or eligible out-of-state college, the department 47099  
shall pay to the college the applicable amount calculated in the 47100  
same manner as in division (A)(1)(a) of this section. Payment for 47101  
costs for the participant that exceed the amount paid by the 47102  
department shall be negotiated by the governing body of the 47103  
nonpublic secondary school and the college. 47104

However, under no circumstances shall: 47105

(1) The payments for a participant made by the department 47106  
under this division exceed the lesser of the default ceiling 47107  
amount or the college's standard rate. 47108

(2) Any nonpublic secondary school participant, who is 47109  
enrolled in that secondary school with a scholarship awarded under 47110  
either the educational choice scholarship pilot program, as 47111  
prescribed by sections 3310.01 to 3310.17, or the pilot project 47112  
scholarship program, as prescribed by sections 3313.974 to 47113  
3313.979 of the Revised Code, and who qualifies as a low-income 47114  
student under either of those programs, be charged for any 47115  
tuition, ~~textbooks,~~ or other fees related to participation in the 47116  
college credit plus program. 47117

(D) For each nonchartered nonpublic secondary school 47118  
participant and each home-instructed participant enrolled in a 47119  
public, private, or eligible out-of-state college, the department 47120  
shall pay to the college the lesser of the default ceiling amount 47121  
or the college's standard rate, if that participant is enrolled in 47122  
a college course delivered on the college campus, at another 47123  
location operated by the college, or online. 47124

(E) Not later than thirty days after the end of each term, 47125  
each college expecting to receive payment for the costs of a 47126  
participant under this section shall notify the department of the 47127  
number of enrolled credit hours for each participant. 47128

(F) Each January and July, or as soon as possible thereafter, 47129

the department shall make the applicable payments under this 47130  
section to each college, which provided proper notification to the 47131  
department under division (E) of this section, for the number of 47132  
enrolled credit hours for participants enrolled in the college 47133  
under division (B) of section 3365.06 of the Revised Code. The 47134  
department shall not make any payments to a college under this 47135  
section if a participant withdrew from a course prior to the date 47136  
on which a withdrawal from the course would have negatively 47137  
affected the participant's transcribed grade, as prescribed by 47138  
the college's established withdrawal policy. 47139

(1) Payments made for public secondary school participants 47140  
under this section shall be deducted from the school foundation 47141  
payments made to the participant's school district or, if the 47142  
participant is enrolled in a community school, a STEM school, or a 47143  
college-preparatory boarding school, from the payments made to 47144  
that school under section 3314.08, 3326.33, or 3328.34 of the 47145  
Revised Code. If the participant is enrolled in a joint vocational 47146  
school district, a portion of the amount shall be deducted from 47147  
the payments to the joint vocational school district and a portion 47148  
shall be deducted from the payments to the participant's city, 47149  
local, or exempted village school district in accordance with the 47150  
full-time equivalency of the student's enrollment in each 47151  
district. Amounts deducted under division (F)(1) of this section 47152  
shall be calculated in accordance with rules adopted by the 47153  
chancellor, in consultation with the state superintendent, 47154  
pursuant to division (B) of section 3365.071 of the Revised Code. 47155

(2) Payments made for nonpublic secondary school 47156  
participants, nonchartered nonpublic secondary school 47157  
participants, and home-instructed participants under this section 47158  
shall be deducted from moneys appropriated by the general assembly 47159  
for such purpose. Payments shall be allocated and distributed in 47160  
accordance with rules adopted by the chancellor, in consultation 47161

with the state superintendent, pursuant to division (A) of section 47162  
3365.071 of the Revised Code. 47163

(G) Any public college that enrolls a student under division 47164  
(B) of section 3365.06 of the Revised Code may include that 47165  
student in the calculation used to determine its state share of 47166  
instruction funds appropriated to the department of higher 47167  
education by the general assembly. 47168

Sec. 3365.072. This section applies only to participants who 47169  
elect to participate under division (B) of section 3365.06 of the 47170  
Revised Code. This section shall first apply to participation for 47171  
the 2018-2019 school year. 47172

(A) The governing entity of each public secondary school and 47173  
the governing body of each participating nonpublic secondary 47174  
school and nonchartered nonpublic secondary school shall enter 47175  
into an agreement with each college in which a participant from 47176  
the school enrolls in courses under the college credit plus 47177  
program for the provision of textbooks. The agreement shall be 47178  
separate from any funding agreement entered into by the school and 47179  
college under section 3365.07 of the Revised Code. 47180

Each agreement entered into under division (A) of this 47181  
section shall include the following provisions: 47182

(1) The college shall provide each participant with all 47183  
required textbooks for courses in which the participant is 47184  
enrolled at the college. Unless otherwise specified in the 47185  
agreement, the college may obtain required textbooks from any 47186  
source offering the textbooks. 47187

(2) The secondary school shall either: 47188

(a) Pay the college an amount equal to fifty per cent of the 47189  
cost of all required textbooks for courses in which the 47190  
participant is enrolled at the college. Under this option, the 47191

college shall own the textbooks and the participant shall return 47192  
the textbooks to the college upon completion of the course. 47193

(b) Pay the college an amount agreed upon by both the 47194  
secondary school and the college. Under this option, the secondary 47195  
school and the college shall specify which entity owns the 47196  
textbooks and to which entity the participant must return the 47197  
textbooks upon completion of the course. 47198

(3) No participant shall be charged for any textbooks 47199  
required for courses in which the participant is enrolled under 47200  
the program. 47201

(4) The procedures established for the efficient distribution 47202  
of textbooks to participants. For this purpose, the agreement 47203  
shall include the following information: 47204

(a) The name and contact information of the person at the 47205  
college and the person at the secondary school responsible for 47206  
implementing the procedures described in the agreement; 47207

(b) The entity and person responsible for ensuring that 47208  
participants receive all required textbooks in a timely manner; 47209

(c) The entity that owns the textbooks provided to 47210  
participants, in accordance with the requirements of this section; 47211

(d) Protocols and timelines for notifying the college of 47212  
textbooks needed for participants; 47213

(e) The responsibilities of participants for the acquisition 47214  
and return of textbooks and the duties of each entity with regard 47215  
to notifying participants of those responsibilities; 47216

(f) Payment procedures for the textbooks, which shall require 47217  
the college to submit a request for payment to the secondary 47218  
school not earlier than fourteen days after the starting date of 47219  
the applicable semester or quarter and shall require the school to 47220  
remit payment to the college within sixty days of receipt of the 47221

request; 47222

(g) Procedures for reimbursing a participant for the cost of a textbook if the participant, after a good faith effort to follow the agreement's procedures for acquiring the textbook, purchases the textbook at the participant's own expense to ensure having the textbook in time for the start of the course; 47223  
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(h) If the secondary school and the college agreed to a payment amount in accordance with division (A)(2)(b) of this section, the textbook payment structure as agreed upon in the agreement and, if applicable, any options available for renting the textbooks. 47228  
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(B) For textbooks that are required for courses delivered at the secondary school on a regular basis and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of higher education, an agreement entered into under division (A) of this section may establish a payment structure and arrangements for multiple academic years. 47233  
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(C) Each secondary school shall include information on the terms of the agreements entered into under division (A) of this section in the counseling information required under division (B) of section 3365.04 of the Revised Code. 47240  
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(D) Each home-instructed participant shall select one of the following options for procuring the textbooks required for a course in which the participant is enrolled at a college under the program: 47244  
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(1) The participant shall pay the college an amount equal to fifty per cent of the cost of all required textbooks to rent the textbooks from the college. Under this option, the college shall own the textbooks and the participant shall return the textbooks to the college upon completion of the course. 47248  
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(2) The participant shall purchase the textbooks at the participant's expense. Under this option, the participant shall own the textbooks. 47253  
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At the time of course registration, each home-instructed participant shall inform the college of which option the participant chooses to procure textbooks. 47256  
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(E) The chancellor, in consultation with the superintendent of public instruction, shall establish a process for collecting regular feedback from secondary schools, public and private colleges, and other interested parties regarding the implementation of this section. 47259  
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**Sec. 3365.091.** (A) The chancellor of higher education, in consultation with the superintendent of public instruction, shall adopt rules specifying the conditions under which an underperforming participant may continue to participate in the college credit plus program. 47264  
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The rules shall address at least the following: 47269

(1) The definition of an "underperforming participant"; 47270

(2) Any additional conditions that participants with repeated underperformance must satisfy; 47271  
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(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility; 47273  
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(4) Mechanisms available to assist underperforming participants; 47276  
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(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants; 47278  
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(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such 47280  
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ineligibility may have on the student's ability to complete the 47282  
secondary school's graduation requirements. 47283

The rules also shall specify the school year for which 47284  
implementation of the rules adopted pursuant to division (A) of 47285  
this section shall first apply. 47286

(B) In developing the rules pursuant to division (A) of this 47287  
section, the chancellor, in consultation with the state 47288  
superintendent, shall establish a process to receive input from 47289  
public and nonpublic secondary schools, public and private 47290  
colleges, and other interested parties. 47291

**Sec. 3365.12.** (A) All courses offered under the college 47292  
credit plus program shall be the same courses that are included in 47293  
the partnering college's course catalogue for college-level, 47294  
nonremedial courses and shall apply to at least one degree or 47295  
professional certification at the partnering college. 47296

(B)(1) ~~High~~ In accordance with division (E) of section 47297  
3365.04 of the Revised Code, high school credit awarded for 47298  
courses successfully completed under this chapter shall count 47299  
toward the graduation requirements and subject area requirements 47300  
of the public secondary school or participating nonpublic 47301  
secondary school. If a course comparable to one a participant 47302  
completed at a college is offered by the school, the governing 47303  
entity or governing body shall award comparable credit for the 47304  
course completed at the college. If no comparable course is 47305  
offered by the school, the governing entity or governing body 47306  
shall grant an appropriate number of elective credits to the 47307  
participant. 47308

(2) If there is a dispute between a participant's school and 47309  
a participant regarding high school credits granted for a course, 47310  
the participant may appeal the decision to the ~~state board~~ 47311  
department of education. The ~~state board's~~ department's decision 47312

regarding any high school credits granted under this section is 47313  
final. 47314

(C) Evidence of successful completion of each course and the 47315  
high school credits awarded by the school shall be included in the 47316  
student's record. The record shall indicate that the credits were 47317  
earned as a participant under this chapter and shall include the 47318  
name of the college at which the credits were earned. 47319

**Sec. 3365.15.** The chancellor of higher education and the 47320  
superintendent of public instruction jointly shall do all of the 47321  
following: 47322

(A) Adopt data reporting guidelines specifying the types of 47323  
data that public and participating nonpublic secondary schools and 47324  
public and participating private colleges, including eligible 47325  
out-of-state colleges participating in the program, must annually 47326  
collect, report, and track under division (G) of section 3365.04 47327  
and division ~~(H)~~(I) of section 3365.05 of the Revised Code. The 47328  
types of data shall include all of the following: 47329

(1) For each secondary school and college: 47330

(a) The number of participants disaggregated by grade level, 47331  
socioeconomic status, race, gender, and disability; 47332

(b) The number of completed courses and credit hours, 47333  
disaggregated by the college in which participants were enrolled; 47334

(c) The number of courses in which participants enrolled, 47335  
disaggregated by subject area and level of difficulty. 47336

(2) For each secondary school, the number of students who 47337  
were denied participation in the program under division (A)(1)(a) 47338  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 47339  
Revised Code. Each participating nonpublic secondary school shall 47340  
also include the number of students who were denied participation 47341  
due to the student not being awarded funding by the department of 47342



education pursuant to section 3365.071 of the Revised Code. 47343

(3) For each college: 47344

(a) The number of students who applied to enroll in the 47345  
college under the program but were not granted admission; 47346

(b) The average number of completed courses per participant; 47347

(c) The average grade point average for participants in 47348  
college courses under the program. 47349

The guidelines adopted under this division shall also include 47350  
policies and procedures for the collection, reporting, and 47351  
tracking of such data. 47352

(B) Annually compile the data required under division (A) of 47353  
this section. Not later than the thirty-first day of December of 47354  
each year, the data from the previous school year shall be posted 47355  
in a prominent location on both the chancellor of higher 47356  
education's and the department of education's web sites. 47357

(C) ~~Submit a biennial report detailing the status of the 47358  
college credit plus program, including an analysis of quality 47359  
assurance measures related to the program, both of the following 47360  
to the governor, the president of the senate, the speaker of the 47361  
house of representatives, and the chairpersons of the education 47362  
committees of the senate and house of representatives;~~ 47363

(1) A biennial report detailing the status of the college 47364  
credit plus program, including an analysis of quality assurance 47365  
measures related to the program. The report shall include only 47366  
data available through the higher education information system 47367  
administered by the chancellor. The first report shall be 47368  
submitted not later than December 31, 2017, and each subsequent 47369  
report shall be submitted not later than the thirty-first day of 47370  
December every two years thereafter. 47371

(2) Until December 2023, an annual report on outcomes of the 47372

<u>college credit plus program that are supported by empirical</u>	47373
<u>evidence. The report shall include all of the following,</u>	47374
<u>disaggregated by cohort:</u>	47375
<u>(a) Number of degrees attained;</u>	47376
<u>(b) Level and type of degrees attained;</u>	47377
<u>(c) Number of students who receive a degree in two different</u>	47378
<u>subject areas;</u>	47379
<u>(d) Time to completion of a degree, disaggregated by level</u>	47380
<u>and type of degree attained;</u>	47381
<u>(e) Time to enrollment in a graduate or doctoral degree</u>	47382
<u>program;</u>	47383
<u>(f) The number of students who participate in a study abroad</u>	47384
<u>course;</u>	47385
<u>(g) How all of the measures described in division (C)(2) of</u>	47386
<u>this section compare to both:</u>	47387
<u>(i) The overall student population who did not participate in</u>	47388
<u>the college credit plus program;</u>	47389
<u>(ii) Any similar measures compiled under the former</u>	47390
<u>postsecondary enrollment options program, to the extent that such</u>	47391
<u>data is available.</u>	47392
<u>The first report shall be submitted not later than December</u>	47393
<u>31, 2018, and each subsequent report shall be submitted not later</u>	47394
<u>than the thirty-first day of December each year thereafter until</u>	47395
<u>December 2023.</u>	47396
(D) Establish a college credit plus advisory committee to	47397
assist in the development of performance metrics and the	47398
monitoring of the program's progress. At least one member of the	47399
advisory committee shall be a school guidance counselor.	47400
The chancellor shall also, in consultation with the	47401

superintendent, create a standard packet of information for the 47402  
college credit plus program directed toward students and parents 47403  
that are interested in the program. 47404

(E) For purposes of this section, "cohort" means a group of 47405  
students who participated in the college credit plus program and 47406  
who, upon graduation from high school, enroll in an Ohio 47407  
institution of higher education during the same academic year. 47408

**Sec. 3375.03.** (A) As used in this section: 47409

(1) "Metropolitan planning organization" means a metropolitan 47410  
planning organization designated under 23 U.S.C. 134, as amended. 47411

(2) "Open format" has the meaning defined in section 149.61 47412  
of the Revised Code. 47413

(3) "Public record" has the meaning defined in section 149.43 47414  
of the Revised Code. 47415

(B) There is hereby established the local government 47416  
information exchange grant program. The program shall be 47417  
administered by the state librarian. The state librarian shall 47418  
adopt rules under Chapter 119. of the Revised Code as are 47419  
necessary to administer the program. The rules shall include all 47420  
of the following: 47421

(1) Grant eligibility criteria, which shall include a 47422  
requirement that a grantee be a county, township, municipal 47423  
corporation, or public library, or a regional planning commission, 47424  
metropolitan planning organization, or regional council of 47425  
governments, which may apply for a grant on behalf of a county, 47426  
township, municipal corporation, public library, or group thereof, 47427  
to assist them in meeting the requirements of this section; 47428

(2) Specifications for what data sets of public records must 47429  
be included by a county, township, municipal corporation, or 47430  
public library in order for the county, township, municipal 47431

corporation, or public library to be eligible for a grant; 47432

(3) A requirement that data satisfying the grant criteria be 47433  
posted on the internet by the county, township, municipal 47434  
corporation, or public library, in an open format; 47435

(4) Specifications for consistent formatting and technology 47436  
standards for data satisfying the grant eligibility criteria; 47437

(5) Specifications for accounting standards for data provided 47438  
by a county, township, municipal corporation, or public library; 47439  
and 47440

(6) A requirement that the data provided by a grantee be 47441  
provided in an open format that is compatible with, and able to be 47442  
published by the treasurer of state as part of, the Ohio online 47443  
checkbook or a similar program. 47444

Required data may be different for counties, townships, 47445  
municipal corporations, or public libraries. 47446

(C) The state librarian shall disburse a grant of ten 47447  
thousand dollars to each county, township, municipal corporation, 47448  
or public library that meets the grant eligibility criteria 47449  
established by the state librarian, or to a regional planning 47450  
commission, metropolitan planning organization, or regional 47451  
council of governments that applied for a grant on behalf of a 47452  
county, township, municipal corporation, public library, or group 47453  
thereof that meets the grant eligibility criteria established by 47454  
the state librarian. Grants shall be awarded in the order in which 47455  
a county, township, municipal corporation, or public library has 47456  
met the eligibility criteria. The total amount of grants awarded 47457  
shall not exceed the amount that can be funded with appropriations 47458  
made by the general assembly for this purpose. 47459

(D) Nothing in this section prohibits a grantee who received 47460  
a grant under this section from pooling the grant with other 47461  
grants received under this section by other grantees, to assist 47462

them in meeting the requirements of this section or to comply with 47463  
section 149.61 of the Revised Code. 47464

**Sec. 3513.02.** ~~(A)(1) If, in any odd numbered year, no valid~~ 47465  
~~declaration of candidacy person is filed for nomination certified~~ 47466  
as a candidate for the nomination of a political party for 47467  
~~election to any of the offices~~ an office to be voted for at the a 47468  
general election ~~to be held in such year,~~ or if the number of 47469  
persons ~~filing such declarations of candidacy for nominations~~ 47470  
certified as candidates for the nomination of ~~one~~ that political 47471  
party for ~~election to such offices~~ that office does not exceed, ~~as~~ 47472  
~~to any such office,~~ the number of candidates ~~which such~~ that 47473  
political party is entitled to nominate as its candidates for 47474  
~~election to such~~ that office, then no primary election shall be 47475  
held for the purpose of nominating party candidates of ~~such~~ that 47476  
party for ~~election to offices to be voted for at such general~~ 47477  
~~election and no primary ballots shall be provided for such party~~ 47478  
that office. If, however, the only office for which there are more 47479  
~~valid declarations of candidacy filed~~ certified candidates than 47480  
the number to be nominated by a political party, ~~is the office of~~ 47481  
councilperson in a ward, a primary election shall be held for ~~such~~ 47482  
that party for that office only in the ward or wards in which 47483  
there is a contest, and only the names of the candidates for the 47484  
office of councilperson in ~~such~~ that ward shall appear on the 47485  
primary ballot of ~~such~~ that political party. 47486

~~The~~ (2) If the number of persons certified as candidates for 47487  
the nomination of a political party for an office does not exceed 47488  
the number of candidates the political party is entitled to 47489  
nominate as its candidates for that office, then the election 47490  
officials whose duty it would have been to ~~provide for and conduct~~ 47491  
~~the holding of such primary election, declare the results thereof,~~ 47492  
~~and~~ issue certificates of nomination to the persons entitled 47493  
~~thereto if such~~ nominated at the primary election ~~had been held~~ 47494

shall declare each of ~~such~~ those persons to be nominated as of the 47495  
date of the ~~ninetieth~~ sixty-fifth day before the primary election, 47496  
issue appropriate certificates of nomination to each of them, and 47497  
certify their names to the proper election officials, in order 47498  
that their names may be printed on the official ballots provided 47499  
for use in the succeeding general election in the same manner as 47500  
though ~~such~~ the primary election had been held and ~~such~~ those 47501  
persons had been nominated at ~~such~~ the election. 47502

(B) If the number of persons certified as candidates for the 47503  
nomination of a political party for an office exceeds the number 47504  
of candidates the political party is entitled to nominate as its 47505  
candidates for that office and one or more candidates die, 47506  
withdraw, or are disqualified before the day of the primary 47507  
election, such that the number of candidates no longer exceeds the 47508  
number of candidates that the political party is entitled to 47509  
nominate as its candidates for that office, and the vacancy or 47510  
vacancies are not filled under division (F) of section 3513.052 of 47511  
the Revised Code, then all of the following apply: 47512

(1) No primary election shall be held for the purpose of 47513  
nominating party candidates of that party for that office. 47514

(2) If the ballots for that election have already been 47515  
prepared and primary election is to be held for that party for the 47516  
purpose of nominating or electing candidates for other offices, 47517  
the board of elections shall not remove the names of the 47518  
candidates from the ballots. The board of elections shall post a 47519  
notice at each polling place on the day of the election that no 47520  
primary is being held for the purpose of nominating party 47521  
candidates of that party for that office and that votes for those 47522  
candidates will be void and will not be counted. The board also 47523  
shall enclose a copy of that notice with each absent voter's 47524  
ballot given or mailed after all but one candidate has died, 47525  
withdrawn, or been disqualified. Any votes for those candidates 47526

are void and shall not be counted. 47527

(3) The election officials whose duty it would have been to 47528  
issue certificates of nomination to the persons nominated at the 47529  
primary election shall declare the remaining candidate or 47530  
candidates to be nominated as of the date of the primary election, 47531  
issue appropriate certificates of nomination to each of them, and 47532  
certify their names to the proper election officials, in order 47533  
that their names may be printed on the official ballots provided 47534  
for use in the succeeding general election in the same manner as 47535  
though the primary election had been held and those persons had 47536  
been nominated at that election. 47537

**Sec. 3513.30.** (A)(1) ~~If only one valid declaration of~~ 47538  
~~candidacy is filed for nomination~~ the number of persons certified 47539  
~~as a candidate~~ candidates for the nomination of a political party 47540  
for an office does not exceed the number of candidates that 47541  
political party is entitled to nominate as its candidates for that 47542  
office and ~~that candidate dies~~ one or more candidates die, 47543  
withdraw, or are disqualified prior to the tenth day before the 47544  
primary election, both of the following may occur: 47545

(a) The political party whose candidate died, withdrew, or 47546  
was disqualified may fill the vacancy so created as provided in 47547  
division (A)(2) of this section. 47548

(b) Any major political party other than the one whose 47549  
candidate died, withdrew, or was disqualified may select a 47550  
candidate as provided in division (A)(2) of this section under 47551  
either of the following circumstances: 47552

(i) No person ~~has filed a valid declaration of candidacy for~~ 47553  
~~nomination is certified~~ as that party's a candidate at the primary 47554  
~~election~~ for that party's nomination for that office. 47555

(ii) ~~Only one person has filed a valid declaration of~~ 47556

~~candidacy for nomination~~ The number of persons certified as that 47557  
~~party's candidate at the primary election~~ candidates for that 47558  
~~party's nomination for that office does not exceed the number of~~ 47559  
~~candidates that political party is entitled to nominate as its~~ 47560  
~~candidates for that office, that person has one or more candidates~~ 47561  
have withdrawn, died, or been disqualified under section 3513.052 47562  
of the Revised Code, and the vacancy or vacancies so created ~~has~~ 47563  
have not been filled. 47564

(2) A vacancy may be filled under division (A)(1)(a) and a 47565  
selection may be made under division (A)(1)(b) of this section by 47566  
the appropriate committee of the political party in the same 47567  
manner as provided in divisions (A) to (E) of section 3513.31 of 47568  
the Revised Code for the filling of similar vacancies created by 47569  
withdrawals or disqualifications under section 3513.052 of the 47570  
Revised Code after the primary election, except that the 47571  
certification required under that section may not be filed with 47572  
the secretary of state, or with a board of the most populous 47573  
county of a district, or with the board of a county in which the 47574  
major portion of the population of a subdivision is located, later 47575  
than four p.m. of the tenth day before the day of such primary 47576  
election, or with any other board later than four p.m. of the 47577  
fifth day before the day of such primary election. 47578

(3) If ~~only one valid declaration of candidacy is filed for~~ 47579  
~~nomination~~ the number of persons certified as a candidate 47580  
candidates for the nomination of a political party for an office 47581  
does not exceed the number of candidates that political party is 47582  
entitled to nominate as its candidates for that office and that 47583  
~~candidate dies~~ one or more candidates die, withdraw, or are 47584  
disqualified on or after the tenth day before the day of the 47585  
primary election, ~~that~~ each such candidate is considered to have 47586  
received the nomination of that candidate's political party at 47587  
that primary election, and, for purposes of filling the vacancy so 47588



created, that candidate's death, withdrawal, or disqualification 47589  
shall be treated as if ~~that candidate died~~ it occurred on the day 47590  
after the day of the primary election. 47591

(B) Any ~~person filing a declaration of candidacy~~ candidate 47592  
for the nomination of a political party for an office may withdraw 47593  
as such candidate at any time prior to the primary election. The 47594  
withdrawal shall be effected and the statement of withdrawal shall 47595  
be filed in accordance with the procedures prescribed in division 47596  
(D) of this section for the withdrawal of persons nominated in a 47597  
primary election or by nominating petition. 47598

(C) A person who is the first choice for president of the 47599  
United States by a candidate for delegate or alternate to a 47600  
national convention of a political party may withdraw consent for 47601  
the selection of the person as such first choice no later than 47602  
four p.m. of the fortieth day before the day of the presidential 47603  
primary election. Withdrawal of consent shall be for the entire 47604  
slate of candidates for delegates and alternates who named such 47605  
person as their presidential first choice and shall constitute 47606  
withdrawal from the primary election by such delegates and 47607  
alternates. The withdrawal shall be made in writing and delivered 47608  
to the secretary of state. If the withdrawal is delivered to the 47609  
secretary of state on or before the seventieth day before the day 47610  
of the primary election, the boards of elections shall remove both 47611  
the name of the withdrawn first choice and the names of such 47612  
withdrawn candidates from the ballots according to the directions 47613  
of the secretary of state. If the withdrawal is delivered to the 47614  
secretary of state after the seventieth day before the day of the 47615  
primary election, the board of elections shall not remove the name 47616  
of the withdrawn first choice and the names of the withdrawn 47617  
candidates from the ballots. The board of elections shall post a 47618  
notice at each polling location on the day of the primary 47619  
election, and shall enclose with each absent voter's ballot given 47620

or mailed after the candidate withdraws, a notice that votes for 47621  
the withdrawn first choice or the withdrawn candidates will be 47622  
void and will not be counted. If such names are not removed from 47623  
all ballots before the day of the election, the votes for the 47624  
withdrawn first choice or the withdrawn candidates are void and 47625  
shall not be counted. 47626

(D) Any person nominated in a primary election or by 47627  
nominating petition as a candidate for election at the next 47628  
general election may withdraw as such candidate at any time prior 47629  
to the general election. Such withdrawal may be effected by the 47630  
filing of a written statement by such candidate announcing the 47631  
candidate's withdrawal and requesting that the candidate's name 47632  
not be printed on the ballots. If such candidate's declaration of 47633  
candidacy or nominating petition was filed with the secretary of 47634  
state, the candidate's statement of withdrawal shall be addressed 47635  
to and filed with the secretary of state. If such candidate's 47636  
declaration of candidacy or nominating petition was filed with a 47637  
board of elections, the candidate's statement of withdrawal shall 47638  
be addressed to and filed with such board. 47639

(E) When a person withdraws under division (B) or (D) of this 47640  
section on or before the seventieth day before the day of the 47641  
primary election or the general election, the board of elections 47642  
shall remove the name of the withdrawn candidate from the ballots 47643  
according to the directions of the secretary of state. When a 47644  
person withdraws under division (B) or (D) of this section after 47645  
the seventieth day before the day of the primary election or the 47646  
general election, the board of elections shall not remove the name 47647  
of the withdrawn candidate from the ballots. The board of 47648  
elections shall post a notice at each polling place on the day of 47649  
the election, and shall enclose with each absent voter's ballot 47650  
given or mailed after the candidate withdraws, a notice that votes 47651  
for the withdrawn candidate will be void and will not be counted. 47652

If the name is not removed from all ballots before the day of the election, the votes for the withdrawn candidate are void and shall not be counted. 47653  
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**Sec. 3513.301.** (A) Notwithstanding section 3513.30 of the Revised Code and except as otherwise provided in division (B)(2) of this section, if only one person has filed a valid declaration of candidacy for nomination as the candidate of a political party for the office of representative to congress and that person withdraws as a candidate or dies at any time before the primary election, a special election shall be held under division (B)(1) of this section as soon as reasonably practicable to nominate the following: 47656  
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(1) That party's candidate for congress; 47665

(2) The candidate for congress of any other major political party under either of the following circumstances: 47666  
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(a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election. 47668  
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(b) Only one person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election, that person has withdrawn or died, and the vacancy so created has not been filled. 47670  
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(B) ~~The (1)~~ Except as otherwise provided in division (B)(2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district for which a special election is being held under this section shall, ~~as soon as reasonably practicable~~, conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding the election as provided in section 3501.03 of the Revised Code. The election shall be held and conducted and returns of it made as in the case of a primary 47674  
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election, except that the secretary of state shall designate the 47683  
deadline to file a declaration of candidacy or a declaration of 47684  
intent to be a write-in candidate for the election. 47685

(2) If, for each nomination to be made at the special 47686  
election to be held under division (B)(1) of this section, only 47687  
one person has filed a valid declaration of candidacy or no person 47688  
has filed a valid declaration of candidacy, then no special 47689  
election shall be held. If no special election is held, then for 47690  
each nomination for which only one person has filed a valid 47691  
declaration of candidacy, the board of elections of the most 47692  
populous county of the congressional district shall certify the 47693  
person's name to the secretary of state, the secretary of state 47694  
shall issue a certificate of nomination to the person, and the 47695  
person's name shall appear on the ballot as that party's candidate 47696  
at the general election. 47697

(C) The state shall pay all costs of any special election 47698  
held under this section. 47699

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 47700  
Revised Code, if a person nominated in a primary election or 47701  
nominated by petition under section 3517.012 of the Revised Code 47702  
as a party candidate for the office of representative to congress 47703  
for election at the next general election withdraws as such 47704  
candidate prior to the ninetieth day before the day of such 47705  
general election, or dies prior to the ninetieth day before the 47706  
day of such general election, the vacancy in the party nomination 47707  
so created shall be filled ~~by a special election held in~~ 47708  
accordance with division (B)(1) of this section as soon as 47709  
reasonably practicable. 47710

(B) ~~The (1)~~ Except as otherwise provided in division (B)(2) 47711  
of this section, the boards of elections of all the counties 47712  
contained in whole or in part within the congressional district in 47713

which a vacancy occurs as described in division (A) of this 47714  
section shall, ~~as soon as reasonably practicable,~~ conduct the 47715  
special election on a date designated by the secretary of state 47716  
and give notice of the time and places of holding such election as 47717  
provided in section 3501.03 of the Revised Code. Such election 47718  
shall be held and conducted and returns thereof made as in the 47719  
case of a primary election, except that the secretary of state 47720  
shall designate the deadline to file a declaration of candidacy or 47721  
a declaration of intent to be a write-in candidate for the 47722  
election. 47723

(2) If only one person has filed a valid declaration of 47724  
candidacy for the special election to be held under division 47725  
(B)(1) of this section, or if no person has filed a valid 47726  
declaration of candidacy, then no special election shall be held. 47727  
If one person has filed a valid declaration of candidacy, the 47728  
board of elections of the most populous county of the 47729  
congressional district shall certify the person's name to the 47730  
secretary of state, the secretary of state shall issue a 47731  
certificate of nomination to the person, and the person's name 47732  
shall appear on the ballot as that party's candidate at the 47733  
general election. 47734

(C) The state shall pay all costs of any special election 47735  
held pursuant to this section. 47736

**Sec. 3517.17.** (A)(1) At the beginning of each calendar 47737  
quarter, after the costs of audits are deducted under division 47738  
(B)(1) of section 3517.16 of the Revised Code, the tax 47739  
commissioner shall ~~divide~~ distribute any remaining moneys that 47740  
have accrued in the Ohio political party fund during the previous 47741  
quarter ~~equally among all qualified political parties in the~~ 47742  
~~following manner. Of the public moneys to which a party is~~ 47743  
~~entitled:~~ 47744

~~(1) One half shall be paid to the treasurer of the state executive committee of the party. Along with the distribution, the commissioner shall provide a list of amounts to be allocated to each county executive committee, which shall be determined by multiplying one-half of the total distribution by the ratio that the number of checkoffs in each county bears to the total number of checkoffs.~~ 47745  
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~~(2) One half shall be distributed Upon receiving a distribution of funds under division (A)(1) of this section, the treasurer of the state executive committee of the party shall distribute, from one-half of the received distribution of funds, an amount to the treasurer of each county executive committee of the various counties in accordance with the ratio that the number of checkoffs in each county bears to the total number of checkoffs, as determined list provided by the tax commissioner.~~ 47752  
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Each party treasurer receiving public moneys from the Ohio political party fund shall deposit those moneys into the party's restricted fund created under section 3517.1012 of the Revised Code, shall expend and maintain those moneys subject to the requirements of that section and section 3517.18 of the Revised Code, and shall file deposit and disbursement statements as required by division (B) of section 3517.1012 of the Revised Code. The auditor of state shall annually audit the deposit and disbursement statements of the state committee of a political party that is eligible to receive public moneys collected during the previous year, to ascertain that all moneys in the party's restricted fund are expended in accordance with law. The auditor of state shall audit the deposit and disbursement statements of each county committee of such a political party to ascertain that all moneys in the party's restricted fund are expended in accordance with law at the time of the public office audit of that county under Chapter 117. of the Revised Code. 47760  
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(B) Only major political parties, as defined in section 47777  
3501.01 of the Revised Code, may apply for public moneys from the 47778  
Ohio political party fund. At the end of each even-numbered 47779  
calendar year, the secretary of state shall announce the names of 47780  
all such political parties, indicating that they may apply to 47781  
receive such moneys during the ensuing two years. Any political 47782  
party named at this time may, not later than the last day of 47783  
January of the ensuing odd-numbered year, make application with 47784  
the tax commissioner to receive public moneys. A political party 47785  
that fails to make a timely application shall not receive public 47786  
moneys during that two-year period. The tax commissioner shall 47787  
prescribe an appropriate application form. Moneys from the fund 47788  
shall be provided during the appropriate two-year period to each 47789  
political party that makes a timely application in accordance with 47790  
this division. 47791

**Sec. 3701.12.** (A) As used in this section: 47792

(1) "Third party" means any person or government entity other 47793  
than the department of health or a program administered by the 47794  
department. 47795

(2) "Third party benefits" means any and all benefits paid by 47796  
a third party to or on behalf of an individual or the individual's 47797  
parent or guardian for goods or services the individual has 47798  
received from the department of health or a grantee or contractor 47799  
of the department. 47800

(B) Except as provided in division (C) of this section, the 47801  
department of health shall not, on or after January 1, 2018, pay 47802  
for goods or services that are payable through third party 47803  
benefits. 47804

(C) The prohibition in division (B) of this section does not 47805  
apply when expressly contrary to another provision of the Revised 47806  
Code or when, as determined by the director of health, department 47807

of health funds are required to mitigate the spread of infectious 47808  
disease or are needed for exceptional circumstances. 47809

Sec. 3701.144. (A) As used in this section, "cost sharing" 47810  
has the same meaning as in section 3923.85 of the Revised Code. 47811

(B) The department of health shall administer the state's 47812  
participation in the national breast and cervical cancer early 47813  
detection program (NBCCEDP), which shall be known as the Ohio 47814  
breast and cervical cancer project. The project shall be 47815  
administered in accordance with Title XV of the "Public Health 47816  
Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP 47817  
grant agreement with the United States centers for disease control 47818  
and prevention. 47819

(C) In administering the project, the department shall set 47820  
eligibility requirements for services provided through the project 47821  
as follows: 47822

(1) The woman must have countable family income not exceeding 47823  
two hundred fifty per cent of the federal poverty line. 47824

(2) One of the following must be the case: 47825

(a) The woman is not covered by health insurance. 47826

(b) The woman is covered by health insurance that does not 47827  
include the screening or diagnostic services the woman seeks 47828  
through the project. 47829

(c) The woman is covered by health insurance that imposes 47830  
cost sharing for the screening or diagnostic services the woman 47831  
seeks through the project that exceeds the limit specified by the 47832  
director of health in rules adopted under division (D) of this 47833  
section. 47834

(3) In the case of a woman seeking cervical cancer screening 47835  
and diagnostic services through the project, the woman must be at 47836  
least twenty-one and less than sixty-five years of age. 47837



(4) In the case of a woman seeking breast cancer screening and diagnostic services through the project, either of the following must be the case: 47838  
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(a) The woman is at least forty and less than sixty-five years of age. 47841  
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(b) The woman is at least twenty-five and less than forty years of age and has been determined by a physician to need breast cancer screening and diagnostic services due to the results of a clinical breast examination, the woman's family history, or other factors. 47843  
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(D) The director shall adopt rules for purposes of division (C)(2)(c) of this section specifying the cost sharing limit for each screening and diagnostic service that may be obtained through the project. The director may adopt other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 47848  
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**Sec. 3701.243.** (A) Except as provided in this section or section 3701.248 of the Revised Code, no person or agency of state or local government that acquires the information while providing any health care service or while in the employ of a health care facility or health care provider shall disclose or compel another to disclose any of the following: 47854  
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(1) The identity of any individual on whom an HIV test is performed; 47860  
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(2) The results of an HIV test in a form that identifies the individual tested; 47862  
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(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition. 47864  
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(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of 47866  
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an individual on whom an HIV test is performed or who is diagnosed 47868  
as having AIDS or an AIDS-related condition may be disclosed only 47869  
to the following: 47870

(a) The individual who was tested or the individual's legal 47871  
guardian, and the individual's spouse or any sexual partner; 47872

(b) A person to whom disclosure is authorized by a written 47873  
release, executed by the individual tested or by the individual's 47874  
legal guardian and specifying to whom disclosure of the test 47875  
results or diagnosis is authorized and the time period during 47876  
which the release is to be effective; 47877

(c) ~~The individual's~~ Any physician who treats the individual; 47878

(d) The department of health or a health commissioner to 47879  
which reports are made under section 3701.24 of the Revised Code; 47880

(e) A health care facility or provider that procures, 47881  
processes, distributes, or uses a human body part from a deceased 47882  
individual, donated for a purpose specified in Chapter 2108. of 47883  
the Revised Code, and that needs medical information about the 47884  
deceased individual to ensure that the body part is medically 47885  
acceptable for its intended purpose; 47886

(f) Health care facility staff committees or accreditation or 47887  
oversight review organizations conducting program monitoring, 47888  
program evaluation, or service reviews; 47889

(g) A health care provider, emergency medical services 47890  
worker, or peace officer who sustained a significant exposure to 47891  
the body fluids of another individual, if that individual was 47892  
tested pursuant to division (E)(6) of section 3701.242 of the 47893  
Revised Code, except that the identity of the individual tested 47894  
shall not be revealed; 47895

(h) To law enforcement authorities pursuant to a search 47896  
warrant or a subpoena issued by or at the request of a grand jury, 47897

a prosecuting attorney, a city director of law or similar chief 47898  
legal officer of a municipal corporation, or a village solicitor, 47899  
in connection with a criminal investigation or prosecution. 47900

(2) The results of an HIV test or a diagnosis of AIDS or an 47901  
AIDS-related condition may be disclosed to a health care provider, 47902  
or an authorized agent or employee of a health care facility or a 47903  
health care provider, if the provider, agent, or employee has a 47904  
medical need to know the information and is participating in the 47905  
diagnosis, care, or treatment of the individual on whom the test 47906  
was performed or who has been diagnosed as having AIDS or an 47907  
AIDS-related condition. 47908

This division does not impose a standard of disclosure 47909  
different from the standard for disclosure of all other specific 47910  
information about a patient to health care providers and 47911  
facilities. Disclosure may not be requested or made solely for the 47912  
purpose of identifying an individual who has a positive HIV test 47913  
result or has been diagnosed as having AIDS or an AIDS-related 47914  
condition in order to refuse to treat the individual. Referral of 47915  
an individual to another health care provider or facility based on 47916  
reasonable professional judgment does not constitute refusal to 47917  
treat the individual. 47918

(3) Not later than ninety days after November 1, 1989, each 47919  
health care facility in this state shall establish a protocol to 47920  
be followed by employees and individuals affiliated with the 47921  
facility in making disclosures authorized by division (B)(2) of 47922  
this section. A person employed by or affiliated with a health 47923  
care facility who determines in accordance with the protocol 47924  
established by the facility that a disclosure is authorized by 47925  
division (B)(2) of this section is immune from liability to any 47926  
person in a civil action for damages for injury, death, or loss to 47927  
person or property resulting from the disclosure. 47928

(C)(1) Any person or government agency may seek access to or 47929

authority to disclose the HIV test records of an individual in 47930  
accordance with the following provisions: 47931

(a) The person or government agency shall bring an action in 47932  
a court of common pleas requesting disclosure of or authority to 47933  
disclose the results of an HIV test of a specific individual, who 47934  
shall be identified in the complaint by a pseudonym but whose name 47935  
shall be communicated to the court confidentially, pursuant to a 47936  
court order restricting the use of the name. The court shall 47937  
provide the individual with notice and an opportunity to 47938  
participate in the proceedings if the individual is not named as a 47939  
party. Proceedings shall be conducted in chambers unless the 47940  
individual agrees to a hearing in open court. 47941

(b) The court may issue an order granting the plaintiff 47942  
access to or authority to disclose the test results only if the 47943  
court finds by clear and convincing evidence that the plaintiff 47944  
has demonstrated a compelling need for disclosure of the 47945  
information that cannot be accommodated by other means. In 47946  
assessing compelling need, the court shall weigh the need for 47947  
disclosure against the privacy right of the individual tested and 47948  
against any disservice to the public interest that might result 47949  
from the disclosure, such as discrimination against the individual 47950  
or the deterrence of others from being tested. 47951

(c) If the court issues an order, it shall guard against 47952  
unauthorized disclosure by specifying the persons who may have 47953  
access to the information, the purposes for which the information 47954  
shall be used, and prohibitions against future disclosure. 47955

(2) A person or government agency that considers it necessary 47956  
to disclose the results of an HIV test of a specific individual in 47957  
an action in which it is a party may seek authority for the 47958  
disclosure by filing an in camera motion with the court in which 47959  
the action is being heard. In hearing the motion, the court shall 47960  
employ procedures for confidentiality similar to those specified 47961

in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the medicaid program, the medicare program, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of

medical or other information is not sufficient for the purpose of 47994  
the release of HIV test results or diagnoses." 47995

(F) An individual who knows that the individual has received 47996  
a positive result on an HIV test or has been diagnosed as having 47997  
AIDS or an AIDS-related condition shall disclose this information 47998  
to any other person with whom the individual intends to make 47999  
common use of a hypodermic needle or engage in sexual conduct as 48000  
defined in section 2907.01 of the Revised Code. An individual's 48001  
compliance with this division does not prohibit a prosecution of 48002  
the individual for a violation of division (B) of section 2903.11 48003  
of the Revised Code. 48004

(G) Nothing in this section prohibits the introduction of 48005  
evidence concerning an HIV test of a specific individual in a 48006  
criminal proceeding. 48007

**Sec. 3701.601.** There is hereby created in the state treasury 48008  
the breast and cervical cancer project income tax contribution 48009  
fund, which shall consist of money contributed to it under section 48010  
5747.113 of the Revised Code and of contributions made directly to 48011  
it. Any person may contribute directly to the fund in addition to 48012  
or independently of the income tax refund contribution system 48013  
established in section 5747.113 of the Revised Code. 48014

The director of health shall distribute the contributed funds 48015  
to the Ohio breast and cervical cancer project ~~funded by the~~ 48016  
~~national breast and cervical cancer early detection program~~ 48017  
~~established under the "Breast and Cervical Cancer Mortality~~ 48018  
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 48019  
administered under section 3701.144 of the Revised Code. The 48020  
contributed funds shall be used specifically for the provision of 48021  
breast and cervical cancer screening, diagnostic, and outreach 48022  
services to uninsured and under-insured women who meet the 48023  
eligibility requirements specified in that section. The breast and 48024

cervical cancer project, through its regional agencies, shall 48025  
~~first~~ use the contributed funds to pay for services provided 48026  
directly by personnel of local departments of health, federally 48027  
qualified health centers as defined by section 3701.047 of the 48028  
Revised Code, or other community health centers. ~~If contributed~~ 48029  
~~funds remain after a regional agency pays for all screening,~~ 48030  
~~diagnostic, and outreach services provided by local departments of~~ 48031  
~~health, federally qualified health centers, or other community~~ 48032  
~~health centers, the regional agency may use contributed funds to~~ 48033  
~~pay for services provided by other providers.~~ 48034

**Sec. 3701.61.** (A)(1) The department of health shall establish 48035  
the help me grow program ~~as~~. The program shall have a home 48036  
visiting component and a part C early intervention services 48037  
component. The department of health is the lead agency for the 48038  
home visiting component. In accordance with division (F) of 48039  
section 5123.02 of the Revised Code, the department of 48040  
developmental disabilities is the lead agency for the part C early 48041  
intervention services component. 48042

(2) The home visiting component of the help me grow program 48043  
is to be the state's evidence-based parent support program that 48044  
encourages early prenatal and well-baby care, as well as provides 48045  
parenting education to promote the comprehensive health and 48046  
development of children. ~~The program component shall also~~ provide 48047  
home visiting services to families with a pregnant woman or an 48048  
infant or toddler under three years of age who meet the 48049  
eligibility requirements established in rules adopted under this 48050  
section. Home visiting services shall be provided through 48051  
evidence-based home visiting models or innovative, promising home 48052  
visiting models recommended by the Ohio home visiting consortium 48053  
created under section 3701.612 of the Revised Code. 48054

(3) The part C early intervention services component of the 48055

help me grow program is to be the state's system for the provision of coordinated early intervention services to children under three years of age who have developmental delays or disabilities and meet eligibility requirements established in rules adopted under section 5123.041 of the Revised Code. It is the general assembly's intent that early intervention services be grounded in the philosophy that young children learn best from familiar people in familiar settings. Accordingly, each family with a child that receives early intervention services shall be a member of a local early intervention services team that includes not only the family but also a service coordinator and service providers. The team members shall work together to ensure that a child is accessing available supports and resources to enhance the child's learning and development.

(B) Families shall be referred to the appropriate home visiting services or part C early intervention services through the central intake and referral system created under section 3701.611 of the Revised Code.

(C) To the extent possible, ~~the~~ both of the following shall be the case:

(1) The goals of the home visiting component of the help me grow program shall be consistent with the goals of the federal home visiting program, as specified by the maternal and child health bureau of the health resources and services administration in the United States department of health and human services or its successor.

(2) The goals of the part C early intervention services component of the help me grow program shall be consistent with goals and intent for the part C early intervention program for infants and toddlers with disabilities as expressed by the United States department of education in "Early Intervention Program for Infants and Toddlers with Disabilities," 76 Federal Register



60140-60309. 48088

(D) The director of health shall enter into an interagency agreement with the department of developmental disabilities, as authorized by section 5123.024 of the Revised Code, to implement the help me grow program and ensure coordination of early childhood programs. The director may enter into an interagency agreement with one or more other state agencies to implement the help me grow program and ensure coordination of early childhood programs for that same purpose. 48089  
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(E) The director ~~may~~ of health shall distribute help me grow program funds ~~through contracts, grants, or subsidies to entities providing services under the program in accordance with a formula included in the interagency agreement with the department of developmental disabilities required by division (D) of this section. The amount to be distributed to the department of developmental disabilities shall be proportional to the number of referrals that department receives through the central intake and referral system created and implemented under section 3701.611 of the Revised Code. The director of health may distribute the remaining help me grow program funds through contracts, grants, or subsidies to entities providing home visiting services under the program. 48097  
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(F) As a condition of receiving payments for home visiting services, providers shall do both of the following: 48110  
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(1) Promote the use of technology-based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age; 48112  
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(2) Report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of 48116  
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the following: 48119

(a) The benchmark domains established for the federal home 48120  
visiting program, including improvement in maternal and newborn 48121  
health; reduction in child injuries, abuse, and neglect; improved 48122  
school readiness and achievement; reduction in crime and domestic 48123  
violence; and improved family economic self-sufficiency; 48124

(b) Improvement in birth outcomes and reduction in 48125  
stillbirths, as that term is defined in section 3701.97 of the 48126  
Revised Code; 48127

(c) Reduction in tobacco use by pregnant women, new parents, 48128  
and others living in households with children. 48129

The providers shall report the data in the format and within 48130  
the time frames specified in the rules. 48131

The director shall prepare an annual report on the data 48132  
received from the providers. The director shall make the report 48133  
available on the internet web site maintained by the department of 48134  
health. 48135

(G) Pursuant to Chapter 119. of the Revised Code, the 48136  
director shall adopt rules that are necessary and proper to 48137  
implement this section. The rules shall specify all of the 48138  
following: 48139

(1) Subject to division (H) of this section, eligibility 48140  
requirements for home visiting services; 48141

(2) Eligibility requirements for providers of home visiting 48142  
services; 48143

(3) Standards and procedures for the provision of program 48144  
services, including data collection, program monitoring, and 48145  
program evaluation; 48146

(4) Procedures for appealing the denial of an application for 48147  
program services or the termination of services; 48148

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	48149 48150 48151
(6) Procedures for addressing complaints;	48152
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	48153 48154 48155 48156 48157
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	48158 48159 48160
(9) Criteria for payment of approved providers of program services;	48161 48162
(10) Any other rules necessary to implement the program.	48163
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	48164 48165 48166 48167 48168
<b>Sec. 3701.611.</b> (A) Not <del>later</del> <u>earlier</u> than six months after <del>the effective date of this section</del> <u>April 6, 2017</u> , the department of health and the department of developmental disabilities shall create <u>and implement</u> a central intake and referral system for the state's part C early intervention services program and all home visiting programs operating in this state. The system shall comply with all regulations governing the part C early intervention program for infants and toddlers with disabilities that are promulgated under the "Individuals with Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended. Through a competitive	48169 48170 48171 48172 48173 48174 48175 48176 48177 48178

bidding process, the department of health and department of 48179  
developmental disabilities may select one or more persons or 48180  
government entities to operate the system. 48181

Before issuing a request for proposals to operate the system, 48182  
the department of health and department of developmental 48183  
disabilities shall consult the appropriate stakeholders to 48184  
identify best practices and coordinate goals to ensure adequate 48185  
access to services offered through the system. The request for 48186  
proposals shall require bidders to specify how they would achieve 48187  
the best practices and coordinated goals and allow adequate time 48188  
for bidders to develop the partnerships that are necessary to 48189  
implement the coordinated goals. 48190

(B) If the department of health and department of 48191  
developmental disabilities choose to select one or more system 48192  
operators as described in division (A) of this section, a contract 48193  
with any system operator shall require that the system do ~~both~~ all 48194  
of the following: 48195

(1) Serve as a single point of entry for access, assessment, 48196  
and referral of families to appropriate home visiting services and 48197  
part C early intervention services based on each family's location 48198  
of residence; 48199

(2) Use a standardized form or other mechanism to assess for 48200  
each family member's risk factors and social determinants of 48201  
health, as well as ensure that the family is referred to the 48202  
appropriate home visiting or part C early intervention program or 48203  
service; 48204

(3) Promote the availability of both home visiting and part C 48205  
early intervention services; 48206

(4) Authorize providers, central coordinators, and other 48207  
stakeholders to use help me grow promotional materials for both 48208

the home visiting and part C early intervention services 48209  
components and make the materials accessible through the central 48210  
intake and referral system. 48211

(C) The standardized form or other mechanism described in 48212  
division (B)(2) of this section shall be agreed to by the home 48213  
visiting consortium created under section 3701.612 of the Revised 48214  
Code and the early intervention services advisory council created 48215  
under section 5123.0422 of the Revised Code. 48216

~~If the Ohio home visiting consortium created under section~~ 48217  
~~3701.612 of the Revised Code has recommended a standardized form~~ 48218  
~~or other mechanism for this purpose, the contract may require the~~ 48219  
~~use of that form or other mechanism.~~ 48220

(D) A contract entered into under division (B) of this 48221  
section shall require a system operator to issue an annual report 48222  
to the department of health and department of developmental 48223  
disabilities that includes data regarding referrals made by the 48224  
central intake and referral system, costs associated with the 48225  
referrals, and the quality of services received by families who 48226  
were referred to services through the system. The report shall be 48227  
distributed to the home visiting consortium created under section 48228  
3701.612 of the Revised Code and the early intervention services 48229  
advisory council created under section 5123.0422 of the Revised 48230  
Code. 48231

(E) Nothing in this section is intended to do either of the 48232  
following: 48233

(1) Prohibit the department of health or department of 48234  
developmental disabilities from using alternative promotional 48235  
materials or names for the central intake and referral system; 48236

(2) Require the use of help me grow program promotional 48237  
materials or names. 48238

Sec. 3701.65. (A) There is hereby created in the state 48239  
treasury the "choose life" fund. The fund shall consist of the 48240  
contributions that are paid to the registrar of motor vehicles by 48241  
applicants who voluntarily elect to obtain "choose life" license 48242  
plates pursuant to section 4503.91 of the Revised Code and any 48243  
money returned to the fund under division (E)(1)(d) of this 48244  
section. All investment earnings of the fund shall be credited to 48245  
the fund. 48246

(B)(1) At least annually, the director of health shall 48247  
distribute the money in the fund to any private, nonprofit 48248  
organization that is eligible to receive funds under this section 48249  
and that applies for funding under division (C) of this section. 48250

(2) The director shall allocate the funds to each county in 48251  
proportion to the number of "choose life" license plates issued 48252  
during the preceding year to vehicles registered in each county. 48253  
The director shall distribute funds allocated for a county as 48254  
follows: 48255

(a) To one or more eligible organizations located within the 48256  
county; 48257

(b) If no eligible organization located within the county 48258  
applies for funding, to one or more eligible organizations located 48259  
in contiguous counties; 48260

(c) If no eligible organization located within the county or 48261  
a contiguous county applies for funding, to one or more eligible 48262  
organizations within any other county. 48263

(3) The director shall ensure that any funds allocated for a 48264  
county are distributed equally among eligible organizations that 48265  
apply for funding within the county. 48266

(C) Any organization seeking funds under this section 48267  
annually shall apply for distribution of the funds based on the 48268

county in which the organization is located. An organization also 48269  
may apply for funding in a county in which it is not located if it 48270  
demonstrates that it provides services for pregnant women residing 48271  
in that county. The director shall develop an application form and 48272  
may determine the schedule and procedures that an organization 48273  
shall follow when annually applying for funds. The application 48274  
shall inform the applicant of the conditions for receiving and 48275  
using funds under division (E) of this section. The application 48276  
shall require evidence that the organization meets all of the 48277  
following requirements: 48278

(1) Is a private, nonprofit organization; 48279

(2) Is committed to counseling pregnant women about the 48280  
option of adoption; 48281

(3) Provides services within the state to pregnant women who 48282  
are planning to place their children for adoption, including 48283  
counseling and meeting the material needs of the women; 48284

(4) Does not charge women for any services received; 48285

(5) Is not involved or associated with any abortion 48286  
activities, including counseling for or referrals to abortion 48287  
clinics, providing medical abortion-related procedures, or 48288  
pro-abortion advertising; 48289

(6) Does not discriminate in its provision of any services on 48290  
the basis of race, religion, color, age, marital status, national 48291  
origin, handicap, gender, or age; 48292

(7) If the organization is applying for funding in a county 48293  
in which it is not located, provides services for pregnant women 48294  
residing in that county. 48295

(D) The director shall not distribute funds to an 48296  
organization that does not provide verifiable evidence of the 48297  
requirements specified in the application under division (C) of 48298

this section and shall not provide additional funds to any 48299  
organization that fails to comply with division (E) of this 48300  
section in regard to its previous receipt of funds under this 48301  
section. 48302

(E)(1) An organization receiving funds under this section 48303  
shall do all of the following: 48304

(a) Use not more than sixty per cent of the funds distributed 48305  
to it for the material needs of pregnant women who are planning to 48306  
place their children for adoption or for infants awaiting 48307  
placement with adoptive parents, including clothing, housing, 48308  
medical care, food, utilities, and transportation; 48309

(b) Use not more than forty per cent of the funds distributed 48310  
to it for counseling, training, or advertising; 48311

(c) Not use any of the funds distributed to it for 48312  
administrative expenses, legal expenses, or capital expenditures; 48313

(d) Annually return to the fund created under division (A) of 48314  
this section any unused money that exceeds ten per cent of the 48315  
money distributed to the organization. 48316

(2) The organization annually shall submit to the director an 48317  
audited financial statement verifying its compliance with division 48318  
(E)(1) of this section. 48319

(F) The director, in accordance with Chapter 119. of the 48320  
Revised Code, shall adopt rules to implement this section. 48321

It is not the intent of the general assembly that the 48322  
department create a new position within the department to 48323  
implement and administer this section. It is the intent of the 48324  
general assembly that the implementation and administration of 48325  
this section be accomplished by existing department personnel. 48326

(G) If funds that have been allocated to a county for any 48327  
previous year have not been distributed to one or more eligible 48328



organizations, the director may distribute those funds in 48329  
accordance with this section. 48330

**Sec. 3701.83.** There is hereby created in the state treasury 48331  
the general operations fund. Moneys in the fund shall be used for 48332  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 48333  
~~3710.15,~~ 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 48334  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 48335  
3749.07, 4736.06, 4747.04, and 4769.09 of the Revised Code. 48336

**Sec. 3701.881.** (A) As used in this section: 48337

(1) "Applicant" means a person who is under final 48338  
consideration for employment with a home health agency in a 48339  
full-time, part-time, or temporary position that involves 48340  
providing direct care to an individual or is referred to a home 48341  
health agency by an employment service for such a position. 48342

(2) "Community-based long-term care provider" means a 48343  
provider as defined in section 173.39 of the Revised Code. 48344

(3) "Community-based long-term care subcontractor" means a 48345  
subcontractor as defined in section 173.38 of the Revised Code. 48346

(4) "Criminal records check" has the same meaning as in 48347  
section 109.572 of the Revised Code. 48348

(5) "Direct care" means any of the following: 48349

(a) Any service identified in divisions (A)(8)(a) to (f) of 48350  
this section that is provided in a patient's place of residence 48351  
used as the patient's home; 48352

(b) Any activity that requires the person performing the 48353  
activity to be routinely alone with a patient or to routinely have 48354  
access to a patient's personal property or financial documents 48355  
regarding a patient; 48356

(c) For each home health agency individually, any other 48357

routine service or activity that the chief administrator of the 48358  
home health agency designates as direct care. 48359

(6) "Disqualifying offense" means any of the offenses listed 48360  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 48361  
the Revised Code. 48362

(7) "Employee" means a person employed by a home health 48363  
agency in a full-time, part-time, or temporary position that 48364  
involves providing direct care to an individual and a person who 48365  
works in such a position due to being referred to a home health 48366  
agency by an employment service. 48367

(8) "Home health agency" means a person or government entity, 48368  
other than a nursing home, residential care facility, hospice care 48369  
program, or pediatric respite care program, that has the primary 48370  
function of providing any of the following services to a patient 48371  
at a place of residence used as the patient's home: 48372

(a) Skilled nursing care; 48373

(b) Physical therapy; 48374

(c) Speech-language pathology; 48375

(d) Occupational therapy; 48376

(e) Medical social services; 48377

(f) Home health aide services. 48378

(9) "Home health aide services" means any of the following 48379  
services provided by an employee of a home health agency: 48380

(a) Hands-on bathing or assistance with a tub bath or shower; 48381

(b) Assistance with dressing, ambulation, and toileting; 48382

(c) Catheter care but not insertion; 48383

(d) Meal preparation and feeding. 48384

(10) "Hospice care program" and "pediatric respite care 48385

program" have the same meanings as in section 3712.01 of the Revised Code.

(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry 48416  
established under section 3721.32 of the Revised Code a statement 48417  
detailing findings by the director of health that the applicant or 48418  
employee abused, neglected, or ~~abused~~ exploited a long-term care 48419  
facility or residential care facility resident or misappropriated 48420  
property of such a resident; 48421

(c) That the applicant or employee is included in one or more 48422  
of the databases, if any, specified in rules adopted under this 48423  
section and the rules prohibit the home health agency from 48424  
employing an applicant or continuing to employ an employee 48425  
included in such a database in a position that involves providing 48426  
direct care to an individual. 48427

(2) After the applicant or employee is provided, pursuant to 48428  
division (E)(2)(a) of this section, a copy of the form prescribed 48429  
pursuant to division (C)(1) of section 109.572 of the Revised Code 48430  
and the standard impression sheet prescribed pursuant to division 48431  
(C)(2) of that section, the applicant or employee fails to 48432  
complete the form or provide the applicant's or employee's 48433  
fingerprint impressions on the standard impression sheet. 48434

(3) Except as provided in rules adopted under this section, 48435  
the applicant or employee is found by a criminal records check 48436  
required by this section to have been convicted of, pleaded guilty 48437  
to, or been found eligible for intervention in lieu of conviction 48438  
for a disqualifying offense. 48439

(C) Except as provided by division (F) of this section, the 48440  
chief administrator of a home health agency shall inform each 48441  
applicant of both of the following at the time of the applicant's 48442  
initial application for employment or referral to the home health 48443  
agency by an employment service for a position that involves 48444  
providing direct care to an individual: 48445

(1) That a review of the databases listed in division (D) of 48446

this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 48478  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 48481  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 48483  
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(7) Any other database, if any, specified in rules adopted under this section. 48485  
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(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of 48487  
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investigation in a criminal records check, the chief administrator 48510  
shall request that the superintendent obtain information from the 48511  
federal bureau of investigation as a part of the criminal records 48512  
check. Even if an applicant or employee for whom a criminal 48513  
records check request is required by this section presents proof 48514  
that the applicant or employee has been a resident of this state 48515  
for that five-year period, the chief administrator may request 48516  
that the superintendent include information from the federal 48517  
bureau of investigation in the criminal records check. 48518

(2) The chief administrator shall do all of the following: 48519

(a) Provide to each applicant and employee for whom a 48520  
criminal records check request is required by this section a copy 48521  
of the form prescribed pursuant to division (C)(1) of section 48522  
109.572 of the Revised Code and a standard impression sheet 48523  
prescribed pursuant to division (C)(2) of that section; 48524

(b) Obtain the completed form and standard impression sheet 48525  
from each applicant and employee; 48526

(c) Forward the completed form and standard impression sheet 48527  
to the superintendent at the time the chief administrator requests 48528  
the criminal records check. 48529

(3) A home health agency shall pay to the bureau of criminal 48530  
identification and investigation the fee prescribed pursuant to 48531  
division (C)(3) of section 109.572 of the Revised Code for each 48532  
criminal records check the agency requests under this section. A 48533  
home health agency may charge an applicant a fee not exceeding the 48534  
amount the agency pays to the bureau under this section if both of 48535  
the following apply: 48536

(a) The home health agency notifies the applicant at the time 48537  
of initial application for employment of the amount of the fee and 48538  
that, unless the fee is paid, the applicant will not be considered 48539  
for employment. 48540

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section. 48541  
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(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply: 48543  
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(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee. 48549  
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(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following: 48553  
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(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 48558  
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 48560  
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 48563  
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division 48570  
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(E) of this section not later than five business days after the applicant begins conditional employment. 48572  
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 48574  
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 48580  
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 48583  
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter; 48587  
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(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results. 48590  
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(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency. 48594  
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(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any 48599  
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request for information from the federal bureau of investigation, 48603  
are not obtained within the period ending sixty days after the 48604  
date the request for the criminal records check is made. 48605  
Regardless of when the results of the criminal records check are 48606  
obtained, if the results indicate that the applicant has been 48607  
convicted of, pleaded guilty to, or been found eligible for 48608  
intervention in lieu of conviction for a disqualifying offense, 48609  
the home health agency shall terminate the applicant's employment 48610  
unless circumstances specified in rules adopted under this section 48611  
that permit the agency to employ the applicant exist and the 48612  
agency chooses to employ the applicant. Termination of employment 48613  
under this division shall be considered just cause for discharge 48614  
for purposes of division (D)(2) of section 4141.29 of the Revised 48615  
Code if the applicant makes any attempt to deceive the home health 48616  
agency about the applicant's criminal record. 48617

(H) The report of any criminal records check conducted by the 48618  
bureau of criminal identification and investigation in accordance 48619  
with section 109.572 of the Revised Code and pursuant to a request 48620  
made under this section is not a public record for the purposes of 48621  
section 149.43 of the Revised Code and shall not be made available 48622  
to any person other than the following: 48623

(1) The applicant or employee who is the subject of the 48624  
criminal records check or the applicant's or employee's 48625  
representative; 48626

(2) The home health agency requesting the criminal records 48627  
check or its representative; 48628

(3) The administrator of any other facility, agency, or 48629  
program that provides direct care to individuals that is owned or 48630  
operated by the same entity that owns or operates the home health 48631  
agency that requested the criminal records check; 48632

(4) The employment service that requested the criminal 48633

records check; 48634

(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section; 48635  
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(6) The director of aging or the director's designee if either of the following apply: 48638  
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(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor; 48640  
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor. 48644  
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(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply: 48649  
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(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 48652  
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 48655  
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(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 48659  
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(a) A denial of employment of the applicant or employee; 48661

(b) Employment or unemployment benefits of the applicant or employee; 48662  
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(c) A civil or criminal action regarding the medicaid program. 48664  
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 48666  
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 48671  
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 48677  
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 48682  
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 48689  
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(1) The rules may do the following: 48691

(a) Require employees to undergo database reviews and criminal records checks under this section; 48692  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section 3701.881 of the Revised Code.

(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted

industry sector as identified by the governor's office of 48724  
workforce transformation. 48725

(C) The director of job and family services shall review the 48726  
criteria for any program that provides occupational training, 48727  
adult education, or career pathway assistance through a grant or 48728  
other source of funding to determine whether an employee of a home 48729  
health agency may participate in the program, and, to the extent 48730  
possible, make any necessary changes to the criteria to allow a 48731  
home health agency employee to participate in the program. 48732

**Sec. 3702.304.** (A)(1) The director of health may grant a 48733  
variance from the written transfer agreement requirement of 48734  
section 3702.303 of the Revised Code if the ambulatory surgical 48735  
facility submits to the director a complete variance application, 48736  
prescribed by the director, and the director determines after 48737  
reviewing the application that the facility is capable of 48738  
achieving the purpose of a written transfer agreement in the 48739  
absence of one. The director's determination is final. 48740

(2) Not later than sixty days after receiving a variance 48741  
application from an ambulatory surgical facility, the director 48742  
shall grant or deny the variance. A variance application that has 48743  
not been approved within sixty days is considered denied. 48744

(B) A variance application is complete for purposes of 48745  
division (A)(1) of this section if it contains or includes as 48746  
attachments all of the following: 48747

(1) A statement explaining why application of the requirement 48748  
would cause the facility undue hardship and why the variance will 48749  
not jeopardize the health and safety of any patient; 48750

(2) A letter, contract, or memorandum of understanding signed 48751  
by the facility and one or more consulting physicians who have 48752  
admitting privileges at a minimum of one local hospital, 48753

memorializing the physician or physicians' agreement to provide 48754  
back-up coverage when medical care beyond the level the facility 48755  
can provide is necessary; 48756

(3) For each consulting physician described in division 48757  
(B)(2) of this section: 48758

(a) A signed statement in which the physician attests that 48759  
the physician is familiar with the facility and its operations, 48760  
and agrees to provide notice to the facility of any changes in the 48761  
physician's ability to provide back-up coverage; 48762

(b) The estimated travel time from the physician's main 48763  
residence or office to each local hospital where the physician has 48764  
admitting privileges; 48765

(c) Written verification that the facility has a record of 48766  
the name, telephone numbers, and practice specialties of the 48767  
physician; 48768

(d) Written verification from the state medical board that 48769  
the physician possesses a valid ~~certificate~~ license to practice 48770  
medicine and surgery or osteopathic medicine and surgery issued 48771  
under Chapter 4731. of the Revised Code; 48772

(e) Documented verification that each hospital at which the 48773  
physician has admitting privileges has been informed in writing by 48774  
the physician that the physician is a consulting physician for the 48775  
ambulatory surgical facility and has agreed to provide back-up 48776  
coverage for the facility when medical care beyond the care the 48777  
facility can provide is necessary. 48778

(4) A copy of the facility's operating procedures or 48779  
protocols that, at a minimum, do all of the following: 48780

(a) Address how back-up coverage by consulting physicians is 48781  
to occur, including how back-up coverage is to occur when 48782  
consulting physicians are temporarily unavailable; 48783

(b) Specify that each consulting physician is required to 48784  
notify the facility, without delay, when the physician is unable 48785  
to expeditiously admit patients to a local hospital and provide 48786  
for continuity of patient care; 48787

(c) Specify that a patient's medical record maintained by the 48788  
facility must be transferred contemporaneously with the patient 48789  
when the patient is transferred from the facility to a hospital. 48790

(5) Any other information the director considers necessary. 48791

(C) The director's decision to grant, refuse, or rescind a 48792  
variance is final. 48793

(D) The director shall consider each application for a 48794  
variance independently without regard to any decision the director 48795  
may have made on a prior occasion to grant or deny a variance to 48796  
that ambulatory surgical facility or any other facility. 48797

**Sec. 3702.307.** An ambulatory surgical facility shall notify 48798  
the director of health when any of the following occurs: 48799

(A) The facility modifies any provision of its most recent 48800  
written transfer agreement filed with the director under section 48801  
3702.303 of the Revised Code. Notification under these 48802  
circumstances shall occur not later than the business day after 48803  
the modification is finalized. As used in this division, "business 48804  
day" means a day of the week excluding Saturday, Sunday, and a 48805  
legal holiday as defined in section 1.14 of the Revised Code. 48806

(B) The facility modifies its operating procedures or 48807  
protocols described in division (B)(4) of section 3702.304 of the 48808  
Revised Code. Notification under these circumstances shall occur 48809  
not later than forty-eight hours after the modification is made. 48810

(C) The ambulatory surgical facility becomes aware of an 48811  
event, including disciplinary action by the state medical board 48812  
pursuant to section 4731.22 of the Revised Code, that may affect a 48813



consulting physician's ~~certificate~~ license to practice medicine 48814  
and surgery or osteopathic medicine and surgery or the physician's 48815  
ability to admit patients to a hospital identified in a variance 48816  
application, as described in division (B)(3)(e) of section 48817  
3702.304 of the Revised Code. Notification under these 48818  
circumstances shall occur not later than one week after the 48819  
facility becomes aware of the event's occurrence. 48820

**Sec. 3702.52.** The director of health shall administer a state 48821  
certificate of need program in accordance with sections 3702.51 to 48822  
3702.62 of the Revised Code and rules adopted under those 48823  
sections. Administration of the program shall include both a 48824  
standard review process and an expedited review process. 48825

(A) The director shall issue rulings on whether a particular 48826  
proposed project is a reviewable activity. The director shall 48827  
issue a ruling not later than forty-five days after receiving a 48828  
request for a ruling accompanied by the information needed to make 48829  
the ruling, except that if an expedited review is requested, the 48830  
ruling shall be issued not later than fourteen days after 48831  
receiving the request for a ruling accompanied by the information 48832  
needed to make the ruling. If the director does not issue a ruling 48833  
in ~~that~~ the required time, the project shall be considered to have 48834  
been ruled not a reviewable activity. 48835

(B)(1) Each application for a certificate of need shall be 48836  
submitted to the director on forms and in the manner prescribed by 48837  
the director. ~~Each~~ An application for which expedited review is 48838  
requested must meet the same requirements as all other 48839  
applications. 48840

Each application shall include a plan for obligating the 48841  
capital expenditures or implementing the proposed project on a 48842  
timely basis in accordance with section 3702.524 of the Revised 48843  
Code. Each application shall also include all other information 48844

required by rules adopted under division (B) of section 3702.57 of the Revised Code. 48845  
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(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted. 48847  
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(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. The director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. The director's determination that an application is not complete is final and not subject to appeal. 48857  
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(4) Except as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness 48875  
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has been received, no person shall make revisions to information 48877  
that was submitted to the director before the director mailed the 48878  
notice of completeness or knowingly discuss in person or by 48879  
telephone the merits of the application with the director. A 48880  
person may supplement an application after a notice of 48881  
completeness has been received by submitting clarifying 48882  
information to the director. 48883

(C) All of the following apply to the process of granting or 48884  
denying a certificate of need: 48885

(1) If the project proposed in a certificate of need 48886  
application meets all of the applicable certificate of need 48887  
criteria for approval under sections 3702.51 to 3702.62 of the 48888  
Revised Code and the rules adopted under those sections, the 48889  
director shall grant a certificate of need for all or part of the 48890  
project that is the subject of the application by the applicable 48891  
deadline specified in division (C)(4) of this section or any 48892  
extension of it under division (C)(5) of this section. 48893

(2) The director's grant of a certificate of need does not 48894  
affect, and sets no precedent for, the director's decision to 48895  
grant or deny other applications for similar reviewable 48896  
activities. 48897

(3) Any affected person may submit written comments regarding 48898  
an application. The director shall consider all written comments 48899  
received by the forty-fifth day after the application is submitted 48900  
to the director, except that in an expedited review to be 48901  
considered written comments must be received by the twenty-first 48902  
day after the application is submitted. 48903

(4) Except as provided in division (C)(5) of this section, 48904  
the director shall grant or deny certificate of need applications 48905  
not later than sixty days after mailing the notice of completeness 48906  
unless the application is receiving expedited review. If the 48907

application is receiving expedited review, the director shall 48908  
grant or deny the application not later than thirty days after 48909  
mailing the notice of completeness. 48910

(5) Except as otherwise provided in division (C)(6) of this 48911  
section, the director or the applicant may extend the deadline 48912  
prescribed in division (C)(4) of this section once, for no longer 48913  
than thirty days, by written notice before the end of the deadline 48914  
prescribed by division (C)(4) of this section. An extension by the 48915  
director under division (C)(5) of this section shall apply to all 48916  
applications that are in comparative review. 48917

(6) No applicant in a comparative review may extend the 48918  
deadline specified in division (C)(4) of this section. 48919

(7) If the director does not grant or deny the certificate by 48920  
the applicable deadline specified in division (C)(4) of this 48921  
section or any extension of it under division (C)(5) of this 48922  
section, the certificate shall be considered to have been granted. 48923

(8) In granting a certificate of need, the director shall 48924  
specify as the maximum capital expenditure the certificate holder 48925  
may obligate under the certificate a figure equal to one hundred 48926  
ten per cent of the approved project cost. 48927

(9) In granting a certificate of need, the director may grant 48928  
the certificate with conditions that must be met by the holder of 48929  
the certificate. 48930

(D) When a certificate of need is granted for a project under 48931  
which beds are to be relocated, upon completion of the project for 48932  
which the certificate of need was granted a number of beds equal 48933  
to the number of beds relocated shall cease to be operated in the 48934  
long-term care facility from which they are relocated, except that 48935  
the beds may continue to be operated for not more than fifteen 48936  
days to allow relocation of residents to the facility to which the 48937  
beds have been relocated. Notwithstanding section 3721.03 of the 48938

Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of a either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the

director's designee may visit the sites where the activities are 48971  
or will be conducted. 48972

(G) The director may withdraw certificates of need. 48973

(H) All long-term care facilities shall submit to the 48974  
director, upon request, any information prescribed by rules 48975  
adopted under division (H) of section 3702.57 of the Revised Code 48976  
that is necessary to conduct reviews of certificate of need 48977  
applications and to develop criteria for reviews. 48978

(I) Any decision to grant or deny a certificate of need shall 48979  
consider the special needs and circumstances resulting from moral 48980  
and ethical values and the free exercise of religious rights of 48981  
long-term care facilities administered by religious organizations, 48982  
and the special needs and circumstances of inner city and rural 48983  
communities. 48984

**Sec. 3702.72.** (A) A primary care physician who will not have 48985  
an outstanding obligation for medical service to the federal 48986  
government, a state, or other entity at the time of participation 48987  
in the physician loan repayment program and meets one of the 48988  
following requirements may apply for participation in the 48989  
physician loan repayment program: 48990

(1) The primary care physician is enrolled in the final year 48991  
of an accredited program required for board certification in a 48992  
primary care specialty. 48993

(2) The primary care physician is enrolled in the final year 48994  
of a fellowship program in a primary care specialty. 48995

(3) The primary care physician holds a valid ~~certificate~~ 48996  
license to practice medicine and surgery or osteopathic medicine 48997  
and surgery issued under Chapter 4731. of the Revised Code. 48998

(B) An application for participation in the physician loan 48999  
repayment program shall be submitted to the director of health on 49000

a form that the director shall prescribe. The information required 49001  
to be submitted with an application includes the following: 49002

(1) The applicant's name, permanent address or address at 49003  
which the applicant is currently residing if different from the 49004  
permanent address, and telephone number; 49005

(2) The applicant's primary care specialty or specialties; 49006

(3) The medical school or osteopathic medical school the 49007  
applicant attended, the dates of attendance, and verification of 49008  
attendance; 49009

(4) The facility or institution where the applicant's medical 49010  
residency program was completed or is being performed, and, if 49011  
completed, the date of completion; 49012

(5) If applicable, the facility or institution where the 49013  
applicant's fellowship was completed or is being performed, and, 49014  
if completed, the date of completion; 49015

(6) A summary and verification of the educational expenses 49016  
for which the applicant seeks reimbursement under the program; 49017

(7) Verification of the applicant's authorization under 49018  
Chapter 4731. of the Revised Code to practice medicine and surgery 49019  
or osteopathic medicine and surgery; 49020

(8) Verification of the applicant's United States citizenship 49021  
or status as a legal alien. 49022

**Sec. 3704.01.** As used in this chapter: 49023

(A) "Administrator" means the administrator of the United 49024  
States environmental protection agency or the chief executive of 49025  
any successor federal agency responsible for implementation of the 49026  
federal Clean Air Act. 49027

(B) "Air contaminant" means particulate matter, dust, fumes, 49028  
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 49029

any combination thereof, but does not mean emissions from 49030  
agricultural production activities, as defined in section 929.01 49031  
of the Revised Code, that are consistent with generally accepted 49032  
agricultural practices, were established prior to adjacent 49033  
nonagricultural activities, have no substantial, adverse effect on 49034  
the public health, safety, or welfare, do not result from the 49035  
negligent or other improper operations of any such agricultural 49036  
activities, and would not be required to obtain a Title V permit. 49037  
For the purposes of this chapter, agricultural production 49038  
activities do not include the installation and operation of 49039  
off-farm facilities for the storage or processing of agricultural 49040  
products, including, but not limited to, alfalfa dehydrating 49041  
facilities, rendering plants, and feed and grain mills, elevators, 49042  
and terminals. 49043

(C) "Air contaminant source" means each separate operation or 49044  
activity that results or may result in the emission of any air 49045  
contaminant. 49046

(D) "Air pollution" means the presence in the ambient air of 49047  
one or more air contaminants or any combination thereof in 49048  
sufficient quantity and of such characteristics and duration as is 49049  
or threatens to be injurious to human health or welfare, plant or 49050  
animal life, or property, or as unreasonably interferes with the 49051  
comfortable enjoyment of life or property. 49052

(E) "Ambient air" means that portion of the atmosphere 49053  
outside of buildings and other enclosures, stacks, or ducts that 49054  
surrounds human, plant, or animal life or property. 49055

(F) "Best available technology" means any combination of work 49056  
practices, raw material specifications, throughput limitations, 49057  
source design characteristics, an evaluation of the annualized 49058  
cost per ton of pollutant removed, and air pollution control 49059  
devices that have been previously demonstrated to the director of 49060  
environmental protection to operate satisfactorily in this state 49061



or other states with similar air quality on substantially similar 49062  
air pollution sources. 49063

(G) "Change within a permitted facility" means, within the 49064  
context of the Title V permit program established under section 49065  
3704.036 of the Revised Code, a change that is limited by a 49066  
federally enforceable provision of an applicable Title V permit 49067  
and that does not include physical, production, or other changes 49068  
that are neither addressed nor limited by the federally 49069  
enforceable portion of a Title V permit unless the change would 49070  
result in a violation of a federally enforceable requirement or a 49071  
modification under Title I of the federal Clean Air Act or would 49072  
be subject to any requirements under Title IV of that act. 49073

(H) "Emit" or "emission" means the release into the ambient 49074  
air of an air contaminant. 49075

(I) "Emission limitation" and "emission standard" mean a 49076  
requirement that limits the quantity, rate, or concentration of 49077  
emissions of air contaminants, including any requirement relating 49078  
to the operation or maintenance of an air contaminant source. 49079

(J) "Facility," for the purposes of the Title V permit 49080  
program established under section 3704.036 of the Revised Code, 49081  
means all of the emitting activities that are located on 49082  
contiguous or adjacent properties that are under the control of 49083  
the same person or persons or are under common control and that 49084  
are in the same major group as described in the standard 49085  
Industrial Classification Manual, 1987. 49086

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 49087  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 49088  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 49089  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 49090  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 49091  
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 49092

Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 49093  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 49094  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 49095  
that have been or may hereafter be adopted, or any supplements to 49096  
those acts and laws of the United States that have been or may 49097  
hereafter be enacted in substitution therefor, together with any 49098  
regulations that have been or may hereafter be adopted by the 49099  
administrator by virtue of and in accordance with those acts and 49100  
laws. Reference to a particular title or section of the federal 49101  
Clean Air Act includes any amendments that have been or may 49102  
hereafter be enacted in substitution therefor and any regulations 49103  
pertaining to the title or section that have been or may hereafter 49104  
be adopted by the administrator by virtue of and in accordance 49105  
with the federal Clean Air Act. 49106

(L) "Hazardous air pollutant" means any pollutant listed 49107  
under section 112(b) of the federal Clean Air Act. 49108

(M) "Implementation plan" means a program for the prevention 49109  
and abatement of air pollution in the state that has been 49110  
promulgated or approved by the administrator pursuant to the 49111  
federal Clean Air Act. 49112

(N) "Local air pollution control authority" includes all of 49113  
the following unless terminated by the political subdivisions 49114  
represented thereby: 49115

(1) All of the following agencies representing the following 49116  
political subdivisions, as those agencies existed on ~~the effective~~ 49117  
~~date of this section~~ July 1, 1993: 49118

(a) The Akron regional air quality management district 49119  
representing Medina, Summit, and Portage counties; 49120

(b) The Canton city health department representing Stark 49121  
county; 49122

(c) The Hamilton county department of environmental services, 49123

<u>southwest Ohio air quality agency</u> representing Butler, Warren, Hamilton, and Clermont counties;	49124 49125
(d) The city of Cleveland division of the environment representing <del>the city of Cleveland</del> <u>Cuyahoga county</u> ;	49126 49127
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	49128 49129
(f) The Lake county general health district representing Lake and Geauga counties;	49130 49131
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	49132 49133
(h) <del>The north Ohio valley air authority representing Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;</del>	49134 49135
<del>(i)</del> The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;	49136 49137
<del>(j)</del> <u>(i)</u> The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.	49138 49139
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to <del>(j)</del> <u>(i)</u> of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	49140 49141 49142 49143 49144 49145 49146 49147
(3) Any new local air pollution control authority established on or after <del>the effective date of this section</del> <u>July 1, 1993</u> , by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.	49148 49149 49150 49151 49152 49153

(O) "Person" means the federal government or any agency 49154  
thereof, the state or any agency thereof, any political 49155  
subdivision or any agency thereof, or any public or private 49156  
corporation, individual, partnership, or other entity. 49157

(P) "Research and development sources" means sources whose 49158  
activities are conducted for nonprofit scientific or educational 49159  
purposes; sources whose activities are conducted to test more 49160  
efficient production processes or methods for preventing or 49161  
reducing adverse environmental impacts, provided that the 49162  
activities do not include the production of an intermediate or 49163  
final product for sale or exchange for commercial profit, except 49164  
in a de minimis manner; a research or laboratory source the 49165  
primary purpose of which is to conduct research and development 49166  
into new processes and products, that is operated under the close 49167  
supervision of technically trained personnel, and that is not 49168  
engaged in the manufacture of products for sale or exchange for 49169  
commercial profit, except in a de minimis manner; the temporary 49170  
use of normal production sources in a research and development 49171  
mode to test the technical or commercial viability of alternative 49172  
raw materials or production processes, provided that the use does 49173  
not include the production of an intermediate or final product for 49174  
sale or exchange for commercial profit, except in a de minimis 49175  
manner; the experimental firing of any fuel or combination of 49176  
fuels in a boiler, heater, furnace, or dryer for the purpose of 49177  
conducting research and development of more efficient combustion 49178  
or more effective prevention or control of air pollutant 49179  
emissions, provided that, during those periods of research and 49180  
development, the heat generated is not used for normal production 49181  
purposes or for producing a product for sale or exchange for 49182  
commercial profit, except in a de minimis manner; and such other 49183  
similar sources as the director may prescribe by rule. 49184

(Q) "Responsible official" means one of the following, as 49185

applicable:	49186
(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of any such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a Title V permit and if one of the following applies:	49187 49188 49189 49190 49191 49192 49193 49194
(a) The facilities employ more than two hundred fifty individuals or have gross annual sales or expenditures exceeding twenty-five million dollars, in second quarter 1980 dollars;	49195 49196 49197
(b) The delegation of authority to the representative is approved in advance by the director.	49198 49199
(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.	49200 49201
(3) For the federal government or any agency thereof, the state or any agency thereof, a political subdivision or any agency thereof, or any other public agency, either a principal executive officer or authorized elected official. For the purposes of this division, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operation of a principal geographic unit of the agency.	49202 49203 49204 49205 49206 49207 49208
(4) For affected sources, both of the following:	49209
(a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations adopted under it are concerned;	49210 49211 49212 49213
(b) The designated representative for any other purposes under 40 C.F.R. part 70.	49214 49215

(R) "Small business stationary source" means any building, structure, facility, or installation that emits any federally regulated air pollutant and is owned or operated by a person who employs one hundred or fewer individuals; is a small business concern as defined in the "Small Business Act," 72 Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major stationary source as defined in section 302(j) of the federal Clean Air Act; does not emit fifty tons or more per year of any federally regulated air pollutant or any hazardous air pollutant; and emits less than seventy-five tons per year of all federally regulated air pollutants.

(S) "Title V permit" means an operating permit required to be issued by the state under section 502 of the federal Clean Air Act and issued under section 3704.036 of the Revised Code and rules adopted under it.

(T) For the purposes of the Title V permit program established under this chapter and rules adopted under it, all terms defined in 40 C.F.R. part 70 have the same meaning as in that part.

**Sec. 3704.035.** (A) There is hereby created in the state treasury the Title V clean air fund. Except as otherwise provided in division (K) of section 3745.11 of the Revised Code, all moneys collected under division (B) of that section, and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund, shall be credited to the fund.

The director shall expend all moneys credited to the fund solely to administer and enforce the Title V program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and

distinct accounting for all such moneys. 49247

(B) There is hereby created in the state treasury the 49248  
non-Title V clean air fund. All money collected under section 49249  
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 49250  
3745.11 of the Revised Code shall be credited to the fund. In 49251  
addition, any gifts, grants, or contributions received by the 49252  
director for the purposes of the fund shall be credited to the 49253  
fund. 49254

The director shall expend money in the fund exclusively to 49255  
pay the cost of administering and enforcing the laws of this state 49256  
pertaining to the prevention, control, and abatement of air 49257  
pollution, the prevention, control, and abatement of asbestos, 49258  
rules adopted under those laws, and terms and conditions of 49259  
permits, variances, and orders issued under those laws, and 49260  
asbestos abatement licensure and certification issued under those 49261  
laws. However, the director shall not expend money credited to the 49262  
fund for the administration and enforcement of the Title V permit 49263  
program established under this chapter and rules adopted under it 49264  
or motor vehicle inspection and maintenance programs established 49265  
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 49266  
of the Revised Code. 49267

(C) The director shall report biennially to the general 49268  
assembly the amounts of fees and other moneys credited to the 49269  
funds under this section and the amounts expended from them for 49270  
each of the various air pollution control programs. 49271

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 49272  
director of environmental protection shall enter into a delegation 49273  
agreement with each local air pollution control authority listed 49274  
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 49275  
Revised Code under which the local air pollution control authority 49276  
agrees to perform on behalf of the environmental protection agency 49277

air pollution control regulatory services within the political 49278  
subdivision represented by the local air pollution control 49279  
authority. The director may enter into such a delegation agreement 49280  
with a local air pollution control authority established on or 49281  
after the effective date of this section, subject to the condition 49282  
established in division (B) of this section. Each delegation 49283  
agreement shall be self-renewing on an annual basis on the first 49284  
day of October of each year. The terms of each such delegation 49285  
agreement shall remain unchanged from year to year unless they are 49286  
amended by mutual agreement of the director and the local air 49287  
pollution control authority. 49288

(B) The director may conduct a periodic performance 49289  
evaluation of the air pollution control program operated by each 49290  
local air pollution control authority. Based upon the findings of 49291  
such a performance evaluation, the director may terminate or 49292  
refuse to renew the delegation agreement with a local air 49293  
pollution control authority if ~~he~~ the director determines that the 49294  
local air pollution control authority is not adequately performing 49295  
its obligations under the agreement. 49296

(C) The director may enter into contracts for payments to 49297  
local air pollution control authorities from moneys credited to 49298  
the clean air fund created in section 3704.035 of the Revised 49299  
Code, subject to the limitation specified in that section, and any 49300  
other moneys appropriated by the general assembly for that 49301  
purpose. The director shall distribute the moneys available for 49302  
making payments to the local air pollution control authorities 49303  
pursuant to such contracts equitably among the local air pollution 49304  
control authorities based upon the amount of local funding and the 49305  
workload of each local air pollution control authority, including, 49306  
without limitation, population served, number of air permits 49307  
issued for both new and existing sources, land area, and number of 49308  
air contaminant sources. The director biennially shall review the 49309



workload of each local air pollution control authority and shall 49310  
determine the percentage of the moneys available for the purpose 49311  
of making payments under the contracts. In determining the 49312  
percentage of those moneys that is to be so distributed, the 49313  
director shall consider the recommendations of the local air 49314  
pollution control authorities. 49315

(D) The director may modify a contract between the director 49316  
and a local air pollution control authority to authorize the local 49317  
air pollution control authority to perform air pollution control 49318  
activities outside the geographic boundaries of that local air 49319  
pollution control authority. 49320

**Sec. 3705.07.** (A) The local registrar of vital statistics 49321  
shall number consecutively ~~the birth, each~~ fetal death, and death 49322  
~~certificates in three separate series, beginning with "number one"~~ 49323  
~~for the first birth, the first fetal death, and the first death~~ 49324  
~~registered in each calendar year~~ certificate printed on paper that 49325  
the local registrar receives from the electronic death 49326  
registration system (EDRS) maintained by the department of health. 49327  
The number assigned to each certificate shall be the one provided 49328  
by EDRS. Such local registrar shall sign the local registrar's 49329  
name in attest to the date of filing in the local office. The 49330  
local registrar shall make a complete and accurate copy of each 49331  
~~birth, fetal death, and death certificate~~ registered printed on 49332  
paper that is filed. Each paper copy shall be filed and 49333  
~~permanently~~ preserved as the local record ~~of such birth, fetal~~ 49334  
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 49335  
~~and 3705.124 of the Revised Code~~ until the electronic information 49336  
regarding the event has been completed and made available in EDRS 49337  
and EDRS is capable of issuing a complete and accurate electronic 49338  
copy of the certificate. The local record may be a ~~typewritten,~~ 49339  
photographic, electronic, or other reproduction. ~~On or before the~~ 49340  
~~tenth day of each month, the~~ The local registrar shall transmit to 49341

the state office of vital statistics all original ~~birth,~~ fetal 49342  
~~death, and death, and military service~~ certificates received, ~~and~~ 49343  
~~all social security numbers obtained under section 3705.09,~~ 49344  
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 49345  
~~month using the state transmittal schedule specified by the~~ 49346  
department of health. The local registrar shall immediately notify 49347  
the health commissioner with jurisdiction in the registration 49348  
district of the receipt of a death certificate attesting that 49349  
death resulted from a communicable disease. 49350

The office of vital statistics shall carefully examine the 49351  
records and certificates received from local registrars of vital 49352  
statistics and shall secure any further information that may be 49353  
necessary to make each record and certificate complete and 49354  
satisfactory. It shall arrange and preserve the records and 49355  
certificates, or reproductions of them produced pursuant to 49356  
section 3705.03 of the Revised Code, in a systematic manner and 49357  
shall maintain a permanent index of all births, fetal deaths, and 49358  
deaths registered, which shall show the name of the child or 49359  
deceased person, place and date of birth or death, and number of 49360  
the ~~record or certificate, and the volume in which it is~~ 49361  
contained. 49362

(B)(1) The office of vital statistics shall make available to 49363  
the division of child support in the department of job and family 49364  
services all social security numbers that ~~were furnished to a~~ 49365  
~~local registrar of vital statistics~~ accompany a birth certificate 49366  
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 49367  
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 49368  
~~transmitted to the office under division (A) of this section~~ or 49369  
that accompany a death certificate registered under section 49370  
3705.16 of the Revised Code. 49371

(2) The office of vital statistics also shall make available 49372  
to the division of child support in the department of job and 49373

family services any other information recorded in the birth record 49374  
that may enable the division to use the social security numbers 49375  
provided under division (B)(1) of this section to obtain the 49376  
location of the father of the child whose birth certificate was 49377  
accompanied by the social security number or to otherwise enforce 49378  
a child support order pertaining to that child or any other child. 49379

**Sec. 3705.08.** (A) The director of health, by rule, shall 49380  
prescribe the form of records and certificates required by this 49381  
chapter. Records and certificates shall include the items and 49382  
information prescribed by the director, including the items 49383  
recommended by the national center for health statistics of the 49384  
United States department of health and human services, subject to 49385  
approval of and modification by the director. 49386

(B) All birth certificates shall include a statement setting 49387  
forth the names of the child's parents ~~and a line for the mother's~~ 49388  
~~and the father's signature.~~ 49389

(C) All death certificates shall include, in the medical 49390  
certification portion of the certificate, a space to indicate, if 49391  
the deceased individual is female and the manner of death is 49392  
determined to be a suspicious or violent death, whether any of the 49393  
following conditions apply to the individual: 49394

(1) Not pregnant within the past year; 49395

(2) Pregnant at the time of death; 49396

(3) Not pregnant, but had been pregnant within forty-two days 49397  
prior to the time of death; 49398

(4) Not pregnant, but had been pregnant within forty-three 49399  
days to one year prior to the time of death; 49400

(5) Unknown whether pregnant within the past year. 49401

(D)(1) The director shall prescribe electronic methods, and 49402  
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 49403

~~blanks~~ for obtaining registration of births, deaths, and other 49404  
vital statistics in each registration district, and for preserving 49405  
the records of the office of vital statistics, and no forms or 49406  
blanks shall be used other than those prescribed by the director. 49407

(2) All birth, fetal death, and death records and 49408  
certificates shall be ~~signed~~ certified. Except as provided in 49409  
division (G) of section 3705.09, section 3705.12, 3705.121, 49410  
3705.122, or 3705.124, division (D) of section 3705.15, or section 49411  
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 49412  
~~certificate shall be signed by the person required to sign the~~ 49413  
~~certificate~~ certificate requiring signature may be electronically 49414  
certified by the person in charge of the institution or that 49415  
person's designee. A death certificate may be electronically 49416  
certified by the individual who attests to the facts of death. 49417

(3) All vital records shall contain the date received for 49418  
~~registration~~ filing. 49419

(4) Information and signatures required in certificates, 49420  
records, or reports authorized by this chapter may be filed and 49421  
registered by photographic, electronic, or other means as 49422  
prescribed by the director. 49423

**Sec. 3705.09.** (A) A birth certificate for each live birth in 49424  
this state shall be filed in the registration district in which it 49425  
occurs within ten calendar days after such birth and shall be 49426  
registered if it has been completed and filed in accordance with 49427  
this section. 49428

(B) When a birth occurs in or en route to an institution, the 49429  
person in charge of the institution or a designated representative 49430  
shall obtain the personal data, prepare the certificate, ~~secure~~ 49431  
~~the signatures required,~~ and file complete and certify the facts 49432  
of birth on the certificate within ten calendar days ~~with the~~ 49433  
~~local registrar of vital statistics.~~ The physician or certified 49434

nurse-midwife in attendance shall ~~provide the medical information~~ 49435  
~~required by the certificate and certify to the facts of birth~~ 49436  
~~within seventy two hours after the birth~~ be listed on the birth 49437  
record. 49438

(C) When a birth occurs outside an institution, the birth 49439  
certificate shall be prepared and filed by one of the following in 49440  
the indicated order of priority: 49441

(1) The physician or certified nurse-midwife in attendance at 49442  
or immediately after the birth; 49443

(2) Any other person in attendance at or immediately after 49444  
the birth; 49445

(3) The father; 49446

(4) The mother; 49447

(5) The person in charge of the premises where the birth 49448  
occurred. 49449

(D) Either of the parents of the child or other informant 49450  
shall attest to the accuracy of the personal data entered on the 49451  
birth certificate in time to permit the filing of the certificate 49452  
within the ten days prescribed in this section. 49453

(E) When a birth occurs in a moving conveyance within the 49454  
United States and the child is first removed from the conveyance 49455  
in this state, the birth shall be registered in this state and the 49456  
place where it is first removed shall be considered the place of 49457  
birth. When a birth occurs on a moving conveyance while in 49458  
international waters or air space or in a foreign country or its 49459  
air space and the child is first removed from the conveyance in 49460  
this state, the birth shall be registered in this state but the 49461  
record shall show the actual place of birth insofar as can be 49462  
determined. 49463

(F)(1) If the mother of a child was married at the time of 49464

either conception or birth or between conception and birth, the 49465  
child shall be registered in the surname designated by the mother, 49466  
and the name of the husband shall be entered on the certificate as 49467  
the father of the child. The presumption of paternity shall be in 49468  
accordance with section 3111.03 of the Revised Code. 49469

(2) If the mother was not married at the time of conception 49470  
or birth or between conception and birth, the child shall be 49471  
registered by the surname designated by the mother. The name of 49472  
the father of such child shall also be inserted on the birth 49473  
certificate if both the mother and the father sign an 49474  
acknowledgement of paternity affidavit before the birth record has 49475  
been sent to the local registrar. If the father is not named on 49476  
the birth certificate pursuant to division (F)(1) or (2) of this 49477  
section, no other information about the father shall be entered on 49478  
the record. 49479

(G) When a man is presumed, found, or declared to be the 49480  
father of a child, according to section 2105.26, sections 3111.01 49481  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 49482  
of the Revised Code, or the father has acknowledged the child as 49483  
his child in an acknowledgment of paternity, and the 49484  
acknowledgment has become final pursuant to section 2151.232, 49485  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 49486  
of such fact is submitted to the department of health in such form 49487  
as the director may require, a new birth record shall be issued by 49488  
the department which shall have the same overall appearance as the 49489  
record which would have been issued under this section if a 49490  
marriage had occurred before the birth of such child. Where 49491  
handwriting is required to effect such appearance, the department 49492  
shall supply it. Upon the issuance of such new birth record, the 49493  
original birth record shall cease to be a public record. Except as 49494  
provided in division (C) of section 3705.091 of the Revised Code, 49495  
the original record and any documentary evidence supporting the 49496

new registration of birth shall be placed in an envelope which 49497  
shall be sealed by the department and shall not be open to 49498  
inspection or copy unless so ordered by a court of competent 49499  
jurisdiction. 49500

~~The department shall then promptly forward a copy of the new 49501  
birth record to the local registrar of vital statistics of the 49502  
district in which the birth occurred, and such local registrar 49503  
shall file a copy of such new birth record along with and in the 49504  
same manner as the other copies of birth records in such local 49505  
registrar's possession. All copies of the original birth record in 49506  
the possession of the local registrar or the probate court, as 49507  
well as any and all index references to it, shall be destroyed. 49508  
Such new birth record, as well as any certified or exact copy of 49509  
it, when properly authenticated by a duly authorized person shall 49510  
be prima facie evidence in all courts and places of the facts 49511  
stated in it. 49512~~

~~(H) When a woman who is a legal resident of this state has 49513  
given birth to a child in a foreign country that does not have a 49514  
system of registration of vital statistics, a birth record may be 49515  
filed in the office of vital statistics on evidence satisfactory 49516  
to the director of health. 49517~~

~~(I)(H) Every birth certificate filed under this section on or 49518  
after July 1, 1990, shall be accompanied by all social security 49519  
numbers that have been issued to the parents of the child, unless 49520  
the division of child support in the department of job and family 49521  
services, acting in accordance with regulations prescribed under 49522  
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 49523  
as amended, finds good cause for not requiring that the numbers be 49524  
furnished with the certificate. The parents' social security 49525  
numbers shall not be recorded on the certificate. The local 49526  
registrar of vital statistics shall transmit the social security 49527  
numbers to the state office of vital statistics in accordance with 49528~~

~~section 3705.07 of the Revised Code.~~ No social security number 49529  
obtained under this division shall be used for any purpose other 49530  
than child support enforcement. 49531

**Sec. 3705.10.** Any birth certificate submitted for filing 49532  
eleven or more days after the birth occurred constitutes a delayed 49533  
birth registration. A delayed birth certificate may be filed in 49534  
accordance with rules which shall be adopted by the director of 49535  
health. The rules shall include, but not be limited to, all of the 49536  
following requirements for each delayed birth certificate filed on 49537  
or after July 1, 1990: 49538

(A) The certificate shall be accompanied by all social 49539  
security numbers that have been issued to the parents of the 49540  
child, unless the division of child support in the department of 49541  
job and family services, acting in accordance with regulations 49542  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 49543  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 49544  
that the numbers be furnished with the certificate. 49545

(B) The parents' social security numbers shall not be 49546  
recorded on the certificate. 49547

~~(C) The local registrar of vital statistics shall transmit 49548  
the social security numbers to the state office of vital 49549  
statistics in accordance with section 3705.07 of the Revised Code. 49550~~

~~(D)~~ No social security number obtained under this section 49551  
shall be used for any purpose other than child support 49552  
enforcement. 49553

**Sec. 3706.05.** The Ohio air quality development authority may 49554  
at any time issue revenue bonds and notes of the state in such 49555  
principal amount as, in the opinion of the authority, are 49556  
necessary for the purpose of paying any part of the cost of one or 49557  
more air quality projects or parts thereof, including one or more 49558



payments pursuant to a commodity contract entered into in 49559  
connection with the acquisition or construction of air quality 49560  
facilities. The authority may at any time issue renewal notes, 49561  
issue bonds to pay such notes and whenever it deems refunding 49562  
expedient, refund any bonds by the issuance of air quality revenue 49563  
refunding bonds of the state, whether the bonds to be refunded 49564  
have or have not matured, and issue bonds partly to refund bonds 49565  
then outstanding, and partly for any other authorized purpose. The 49566  
refunding bonds shall be sold and the proceeds applied to the 49567  
purchase, redemption, or payment of the bonds to be refunded. 49568  
Except as may otherwise be expressly provided by the authority, 49569  
every issue of its bonds or notes shall be ~~general~~ obligations of 49570  
the authority payable solely out of the revenues of the authority 49571  
that are pledged for such payment, without preference or priority 49572  
of the first bonds issued, subject only to any agreements with the 49573  
holders of particular bonds or notes pledging any particular 49574  
revenues. Such pledge shall be valid and binding from the time the 49575  
pledge is made and the revenues so pledged and thereafter received 49576  
by the authority shall immediately be subject to the lien of such 49577  
pledge without any physical delivery thereof or further act, and 49578  
the lien of any such pledge is valid and binding as against all 49579  
parties having claims of any kind in tort, contract, or otherwise 49580  
against the authority, irrespective of whether such parties have 49581  
notice thereof. Neither the resolution nor any trust agreement by 49582  
which a pledge is created need be filed or recorded except in the 49583  
records of the authority. 49584

Whether or not the bonds or notes are of such form and 49585  
character as to be negotiable instruments, the bonds or notes 49586  
shall have all the qualities and incidents of negotiable 49587  
instruments, subject only to the provisions of the bonds or notes 49588  
for registration. 49589

The bonds and notes shall be authorized by resolution of the 49590

authority, shall bear such date or dates, and shall mature at such 49591  
time or times, in the case of any such note or any renewals 49592  
thereof not exceeding five years from the date of issue of such 49593  
original note and in the case of any such bond not exceeding forty 49594  
years from the date of issue, as such resolution or resolutions 49595  
may provide. The bonds and notes shall bear interest at such rate 49596  
or rates, be in such denominations, be in such form, either coupon 49597  
or registered, carry such registration privileges, be payable in 49598  
such medium of payment, at such place or places, and be subject to 49599  
such terms of redemption as the authority may authorize. The bonds 49600  
and notes of the authority may be sold by the authority, at public 49601  
or private sale, at or at not less than such price or prices as 49602  
the authority determines. The bonds and notes shall be executed by 49603  
the chairperson and vice-chairperson of the authority, either or 49604  
both of whom may use a facsimile signature, the official seal of 49605  
the authority or a facsimile thereof shall be affixed thereto or 49606  
printed thereon and attested, manually or by facsimile signature, 49607  
by the secretary-treasurer of the authority, and any coupons 49608  
attached thereto shall bear the signature or facsimile signature 49609  
of the chairperson of the authority. In case any officer whose 49610  
signature, or a facsimile of whose signature, appears on any 49611  
bonds, notes or coupons ceases to be such officer before delivery 49612  
of bonds or notes, such signature or facsimile shall nevertheless 49613  
be sufficient for all purposes the same as if the officer had 49614  
remained in office until such delivery, and in case the seal of 49615  
the authority has been changed after a facsimile has been 49616  
imprinted on such bonds or notes, such facsimile seal will 49617  
continue to be sufficient for all purposes. 49618

Any resolution or resolutions authorizing any bonds or notes 49619  
or any issue thereof may contain provisions, subject to such 49620  
agreements with bondholders or noteholders as may then exist, 49621  
which provisions shall be a part of the contract with the holders 49622  
thereof, as to: the pledging of all or any part of the revenues of 49623

the authority to secure the payment of the bonds or notes or of 49624  
any issue thereof; the use and disposition of revenues of the 49625  
authority; a covenant to fix, alter, and collect rentals and other 49626  
charges so that pledged revenues will be sufficient to pay costs 49627  
of operation, maintenance, and repairs, pay principal of and 49628  
interest on bonds or notes secured by the pledge of such revenues, 49629  
and provide such reserves as may be required by the applicable 49630  
resolution or trust agreement; the setting aside of reserve funds, 49631  
sinking funds, or replacement and improvement funds and the 49632  
regulation and disposition thereof; the crediting of the proceeds 49633  
of the sale of bonds or notes to and among the funds referred to 49634  
or provided for in the resolution authorizing the issuance of the 49635  
bonds or notes; the use, lease, sale, or other disposition of any 49636  
air quality project or any other assets of the authority; 49637  
limitations on the purpose to which the proceeds of sale of bonds 49638  
or notes may be applied and the pledging of such proceeds to 49639  
secure the payment of the bonds or notes or of any issue thereof; 49640  
as to notes issued in anticipation of the issuance of bonds, the 49641  
agreement of the authority to do all things necessary for the 49642  
authorization, issuance, and sale of such bonds in such amounts as 49643  
may be necessary for the timely retirement of such notes; 49644  
limitations on the issuance of additional bonds or notes; the 49645  
terms upon which additional bonds or notes may be issued and 49646  
secured; the refunding of outstanding bonds or notes; the 49647  
procedure, if any, by which the terms of any contract with 49648  
bondholders or noteholders may be amended or abrogated, the amount 49649  
of bonds or notes the holders of which must consent thereto, and 49650  
the manner in which such consent may be given; limitations on the 49651  
amount of moneys to be expended by the authority for operating, 49652  
administrative, or other expenses of the authority; securing any 49653  
bonds or notes by a trust agreement in accordance with section 49654  
3706.07 of the Revised Code; any other matters, of like or 49655  
different character, that in any way affect the security or 49656

protection of the bonds or notes. 49657

Neither the members of the authority nor any person executing 49658  
the bonds or notes shall be liable personally on the bonds or 49659  
notes or be subject to any personal liability or accountability by 49660  
reason of the issuance thereof. 49661

**Sec. 3706.27.** (A) There is hereby created in the state 49662  
treasury the advanced energy research and development fund to 49663  
provide grants for advanced energy projects. There is hereby 49664  
created in the state treasury the advanced energy research and 49665  
development taxable fund to provide loans for advanced energy 49666  
projects. 49667

(B)(1) The advanced energy research and development fund and 49668  
the advanced energy research and development taxable fund shall 49669  
consist of the proceeds of obligations that were issued prior to 49670  
the effective date of this amendment under section 166.08 of the 49671  
Revised Code. Money shall be credited to the respective funds in 49672  
the proportion that the executive director of the Ohio air quality 49673  
development authority, with the affirmative vote of a majority of 49674  
the members of the authority, determines appropriate. 49675

(2) Any investment earnings from the money in the advanced 49676  
energy research and development fund and in the advanced energy 49677  
research and development taxable fund shall be credited to those 49678  
funds, respectively. Any repayment of loans made from money in the 49679  
advanced energy research and development taxable fund shall be 49680  
credited to the alternative fuel transportation fund created in 49681  
section 122.075 of the Revised Code. 49682

(C) The director of budget and management shall establish and 49683  
maintain records or accounts for or within these funds in such a 49684  
manner as to show the ~~amount~~ amounts credited to the funds 49685  
~~pursuant to section 166.08 of the Revised Code~~ and that the 49686  
amounts so credited have been expended for the purposes set forth 49687

in Section 2p or 13 of Article VIII, Ohio Constitution, and 49688  
sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former 49689  
section 3706.26 of the Revised Code. 49690

**Sec. 3709.29.** (A) If the estimated amount of money necessary 49691  
to meet the expenses of a general health district ~~program, other~~ 49692  
than one formed under section 3709.10 of the Revised Code, will 49693  
not be forthcoming to the district board of health ~~of such~~ 49694  
~~district~~ out of the district health fund because the taxes within 49695  
the ten-mill limitation will be insufficient, the board of health 49696  
shall certify the fact of ~~such~~ that insufficiency to the board of 49697  
county commissioners of the county in which ~~such the~~ district is 49698  
located. ~~Such board of county commissioners is hereby ordained to~~ 49699  
be, which shall proceed as provided in division (B) of this 49700  
section. In the case of a general health district formed under 49701  
section 3709.10 of the Revised Code, the board of health may adopt 49702  
a resolution as provided under section 5705.191 of the Revised 49703  
Code in its capacity as a taxing authority under that section. 49704

(B) A board of county commissioners to which a certification 49705  
is made by a board of health under division (A) of this section is 49706  
a special taxing authority for the purposes of this section only, 49707  
and, notwithstanding any other law to the contrary, the board of 49708  
county commissioners of any county in which a general health 49709  
district is located is the taxing authority for such special levy 49710  
outside the ten-mill limitation. ~~The board of county commissioners~~ 49711  
~~shall thereupon, in~~ In the year preceding that in which ~~such the~~ 49712  
health program will be effective, the board, by vote of two-thirds 49713  
of all ~~the its~~ members ~~of that body,~~ shall declare by resolution 49714  
that the amount of taxes which may be raised within the ten-mill 49715  
limitation will be insufficient to provide an adequate amount for 49716  
the necessary requirements of ~~such the~~ district ~~within the county,~~ 49717  
and that it is necessary to levy a tax in excess of ~~such that~~ 49718  
limitation in order to provide the board of health with sufficient 49719

funds to carry out ~~such~~ the health program. ~~Such~~ The resolution 49720  
shall be filed with the board of elections not later than four 49721  
p.m. of the ninetieth day before the day of the election. 49722

~~Such~~ The resolution shall specify the amount of increase in 49723  
rate which it is necessary to levy and the number of years during 49724  
which ~~such~~ the increase shall be in effect, which shall not be for 49725  
a longer period than ten years. 49726

The resolution shall conform to section 5705.191 of the 49727  
Revised Code and be certified and submitted in the manner provided 49728  
in section 5705.25 of the Revised Code, provided that the proposal 49729  
shall be placed on the ballot at the next primary or general 49730  
election occurring more than ninety days after the resolution is 49731  
filed with the board of elections. 49732

**Sec. 3710.01.** As used in this chapter: 49733

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 49734  
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 49735  
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 49736  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 49737  
anthophyllite, and actinolite-tremolite as determined using the 49738  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 49739  
Section 1, Polarized Light Microscopy (PLM). 49740

(B) "Asbestos hazard abatement activity" means any activity 49741  
involving the removal, renovation, enclosure, repair, or 49742  
encapsulation of reasonably related friable asbestos-containing 49743  
materials in an amount greater than fifty linear feet or fifty 49744  
square feet. "Asbestos hazard abatement activity" also includes 49745  
any such activity involving such asbestos-containing materials in 49746  
an amount of fifty linear or fifty square feet or less if, when 49747  
combined with any other reasonably related activity in terms of 49748  
time and location of the activity, the total amount is in an 49749  
amount greater than fifty linear or fifty square feet. 49750

(C) "Asbestos hazard abatement contractor" means a business 49751  
entity or public entity that engages in or intends to engage in 49752  
asbestos hazard abatement activities and that employs or 49753  
supervises one or more asbestos hazard abatement specialists for 49754  
asbestos hazard abatement activities. "Asbestos hazard abatement 49755  
contractor" does not mean an employee of an asbestos hazard 49756  
abatement contractor, a general contractor who subcontracts to an 49757  
asbestos hazard abatement contractor an asbestos hazard abatement 49758  
activity, or any individual who engages in asbestos hazard 49759  
abatement activity in the individual's own home. 49760

(D) "Asbestos hazard abatement project" means one or more 49761  
asbestos hazard abatement activities that are conducted by one 49762  
asbestos hazard abatement contractor and that are reasonably 49763  
related to each other. 49764

(E) "Asbestos hazard abatement specialist" means a person 49765  
with responsibility for the oversight or supervision of asbestos 49766  
hazard abatement activities, including asbestos hazard abatement 49767  
project managers, hazard abatement project supervisors and 49768  
foremen, and employees of school districts or other governmental 49769  
or public entities who coordinate or directly supervise or oversee 49770  
asbestos hazard abatement activities performed by school district, 49771  
governmental, or other public employees in school district, 49772  
governmental, or other public buildings. 49773

(F) "Asbestos hazard evaluation specialist" means a person 49774  
responsible for the identification, detection, and assessment of 49775  
asbestos-containing materials, the determination of appropriate 49776  
response actions, or the preparation of asbestos management plans 49777  
for the purpose of protecting the public health from the hazards 49778  
associated with exposure to asbestos, including the performance of 49779  
air and bulk sampling. This category of specialists includes 49780  
management planners, health professionals, industrial hygienists, 49781  
private consultants, or other individuals involved in asbestos 49782

risk identification or assessment or regulatory activities. 49783

(G) "Business entity" means a partnership, firm, association, 49784  
corporation, sole proprietorship, or other business concern. 49785

(H) "Public entity" means the state or any of its political 49786  
subdivisions or any agency or instrumentality of either. 49787

(I) "License" means a document issued by the ~~department of~~ 49788  
health director of environmental protection to a business entity 49789  
or public entity affirming that the entity has met the 49790  
requirements set forth in this chapter to engage in asbestos 49791  
hazard abatement activities as an asbestos hazard abatement 49792  
contractor. 49793

(J) "Certificate" means: 49794

(1) A document issued by the ~~department~~ director to an 49795  
individual affirming that the individual has successfully 49796  
completed the training and other requirements set forth in this 49797  
chapter to qualify as an asbestos hazard abatement specialist, an 49798  
asbestos hazard evaluation specialist, an asbestos hazard 49799  
abatement worker, an asbestos hazard abatement project designer, 49800  
an asbestos hazard abatement air-monitoring technician, an 49801  
approved asbestos hazard training provider, or other category of 49802  
asbestos hazard specialist that the director establishes by rule; 49803  
or 49804

(2) A document issued by a training institution in accordance 49805  
with rules adopted by the director affirming that an individual 49806  
has successfully completed the instruction required in all 49807  
categories as provided in sections 3710.07 and 3710.10 of the 49808  
Revised Code. 49809

(K) "Person" means any individual, business entity, 49810  
governmental body, or other public or private entity. 49811

(L) "Encapsulate" means to coat, bind, or resurface walls, 49812



ceilings, pipes, or other structures ~~to prevent friable asbestos~~ 49813  
for asbestos-containing materials with suitable products to 49814  
prevent friable asbestos from becoming airborne. 49815

(M) "Friable asbestos-containing material" means ~~any material~~ 49816  
~~that contains more than one per cent asbestos by weight and that~~ 49817  
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~ 49818  
~~hand pressure~~ friable asbestos material as defined in rules 49819  
adopted under Chapter 3704. of the Revised Code. 49820

(N) "Enclosure" means the permanent confinement of friable 49821  
asbestos-containing materials with an airtight barrier in an area 49822  
not used as an air plenum. 49823

(O) "Renovation" means ~~the removal or stripping of friable~~ 49824  
~~asbestos-containing materials used on any pipe, duct, boiler,~~ 49825  
~~tank, reactor, turbine, furnace, or load supporting member~~ 49826  
altering a facility or one or more facility components in any way, 49827  
including the stripping or removal of friable asbestos-containing 49828  
material from a facility component. 49829

(P) "Asbestos hazard abatement worker" means the person 49830  
responsible in a nonsupervisory capacity for the performance of an 49831  
asbestos hazard abatement activity. 49832

(Q) "Asbestos hazard abatement project designer" means the 49833  
person responsible for the determination of the workscope, work 49834  
sequence, or performance standards for an asbestos hazard 49835  
abatement activity, including preparation of specifications, 49836  
plans, and contract documents. 49837

(R) ~~"Director" means the director of health or the director's~~ 49838  
~~authorized representative.~~ 49839

~~(S)~~ "Clearance air sampling" means an air sampling performed 49840  
after the completion of any asbestos hazard abatement activity and 49841  
prior to the reoccupation of the contained work area by the public 49842  
and conducted for the purpose of protecting the public from the 49843

health hazards associated with exposure to friable 49844  
asbestos-containing material. 49845

~~(F)~~(S) "Asbestos hazard abatement air-monitoring technician" 49846  
means the person who is responsible for environmental monitoring 49847  
or work area clearance air sampling, including air monitoring 49848  
performed to determine completion of response actions under the 49849  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 49850  
States environmental protection agency pursuant to the "Asbestos 49851  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 49852  
2970. "Asbestos hazard abatement air-monitoring technician" does 49853  
not mean an industrial hygienist or industrial hygienist in 49854  
training, certified by the American board of industrial hygiene. 49855

**Sec. 3710.02.** (A) In accordance with Chapter 119. of the 49856  
Revised Code, the director of ~~health~~ environmental protection 49857  
shall, as the director determines necessary, adopt rules to carry 49858  
out this chapter. The rules shall include all of the following: 49859

(1) Criteria and procedures for the certification of asbestos 49860  
hazard abatement specialists, asbestos hazard evaluation 49861  
specialists, asbestos hazard abatement workers, asbestos hazard 49862  
abatement project designers, and asbestos hazard abatement 49863  
air-monitoring technicians by the director ~~of health~~; 49864

(2) Criteria and procedures for the director to examine the 49865  
records of licensees, certificate holders, and asbestos hazard 49866  
abatement training schools; 49867

(3) Procedures and criteria in addition to those provided in 49868  
this chapter for the approval of courses for asbestos hazard 49869  
training; 49870

(4) Fees for licenses, certifications, and course approvals 49871  
in excess of the levels set in section 3710.05 of the Revised Code 49872  
and fees for the certification of asbestos hazard abatement 49873

air-monitoring technicians;	49874
(5) Levels of asbestos exposure or other circumstances	49875
constituting a <del>public</del> <u>an environmental</u> health emergency that	49876
authorize the director to issue an emergency order under division	49877
(B) of section 3710.13 of the Revised Code;	49878
(6) Employee training standards, work practices that reduce	49879
the risk of contamination and recontamination of the environment,	49880
record-keeping requirements, action levels, project clearance	49881
levels, and other requirements that asbestos hazard abatement	49882
contractors, asbestos hazard abatement specialists, asbestos	49883
hazard evaluation specialists, asbestos hazard abatement project	49884
designers, asbestos hazard abatement air-monitoring technicians,	49885
asbestos hazard abatement workers, and other persons involved with	49886
asbestos hazard abatement activities must follow for the	49887
prevention of hazard to the public;	49888
(7) Worker protection equipment and practices and other	49889
health and safety standards for employees and agents of public	49890
entities coming in contact with asbestos through asbestos hazard	49891
abatement activity;	49892
(8) Standards of acceptable conduct for licensees and	49893
certificate holders engaged in asbestos hazard abatement or	49894
evaluation activities and acts and omissions that constitute	49895
grounds for the suspension or revocation of a license or	49896
certificate, or the denial of an application or renewal of a	49897
license or certificate in addition to those otherwise provided in	49898
this chapter;	49899
(9) Training requirements for asbestos hazard abatement	49900
project designers and asbestos hazard abatement air-monitoring	49901
technicians;	49902
(10)(a) Subject to the condition specified in division	49903
(A)(10)(b) of this section, a standard requiring that the amount	49904

of asbestos contained in the air in areas accessible to the public 49905  
in buildings that are owned, operated, or leased by a public 49906  
entity be not more than ten thousand asbestos fibers longer than 49907  
five microns per cubic meter of air calculated as an eight-hour 49908  
time-weighted average, which is measured during periods of normal 49909  
building occupancy, and a requirement that measurement of airborne 49910  
asbestos be made by either or both of the following methods, 49911  
provided that results derived by use of the method described in 49912  
division (A)(10)(a)(i) of this section supersede results derived 49913  
by use of the method described in division (A)(10)(a)(ii) of this 49914  
section if both methods are used and the methods yield conflicting 49915  
results concerning the presence of fibers in the tested air that 49916  
may not be asbestos: 49917

(i) Transmission electron microscopy in the manner described 49918  
in the measurement protocol established by the United States 49919  
environmental protection agency as set forth in 40 C.F.R. 763; 49920

(ii) Optical phase contrast microscopy in the manner 49921  
described in the measurement protocol established by the United 49922  
States occupational safety and health administration as set forth 49923  
in 29 C.F.R. 1910. 49924

(b) The director periodically shall review the standard 49925  
required by division (A)(10)(a) of this section and determine 49926  
whether and how it should be amended and how it shall be used in 49927  
conjunction with visual and physical assessment of 49928  
asbestos-containing materials located in buildings that are owned, 49929  
operated, or leased by a public entity to determine appropriate 49930  
and cost-effective response actions to such asbestos-containing 49931  
materials and shall amend the standard if it determines that such 49932  
action is necessary. 49933

(11) Other rules that the director determines necessary for 49934  
the implementation of this chapter and to protect the public 49935  
health from the hazards associated with exposure to asbestos. 49936

(B) The director shall do all of the following:	49937
(1) Administer and enforce this chapter and the rules adopted pursuant thereto;	49938 49939
(2) Develop comprehensive programs and policies for the control and prevention of nonoccupational exposure of the public to friable asbestos-containing materials;	49940 49941 49942
(3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules adopted pursuant thereto;	49943 49944 49945
(4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the director as the director determines necessary to determine compliance with this chapter and the rules adopted pursuant thereto;	49946 49947 49948 49949 49950 49951 49952 49953
(5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules adopted pursuant thereto;	49954 49955 49956 49957
(6) Collect and disseminate health education information relating to safe management of asbestos hazards;	49958 49959
(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any of the director's functions;	49960 49961 49962
(8) As the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where <del>a public</del> <u>an environmental</u> health emergency	49963 49964 49965 49966

involving asbestos may occur, is occurring, or has occurred, or to 49967  
evaluate the performance or compliance of any person subject to 49968  
this chapter; 49969

(9) Conduct an on-site audit of each asbestos hazard training 49970  
provider approved pursuant to this chapter, at least once 49971  
biennially, during an actual course conducted by the provider 49972  
within the state; 49973

(10) Cooperate and assist in investigations, as such relate 49974  
to this chapter, conducted by local law enforcement agencies, ~~the~~ 49975  
~~Ohio environmental protection agency~~, the United States 49976  
occupational safety and health administration, and other local, 49977  
state, and federal agencies. 49978

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 49979  
contractor's license, a business entity or public entity shall 49980  
meet the requirements of this section. 49981

(B) Each employee or agent of the business entity or public 49982  
entity applying for a license who will come in contact with 49983  
asbestos or will be responsible for an asbestos hazard abatement 49984  
project shall: 49985

(1) Be familiar with all applicable state and federal 49986  
standards for asbestos hazard abatement projects; 49987

(2) Have successfully completed the course of instruction on 49988  
asbestos hazard abatement activities, for their particular 49989  
certification, approved by the ~~department of health~~ Ohio 49990  
environmental protection agency pursuant to section 3710.10 of the 49991  
Revised Code, have passed an examination approved by the 49992  
~~department~~ agency, and demonstrate to the ~~department~~ agency that 49993  
the employee or agent is capable of complying with all applicable 49994  
standards of this state, the United States environmental 49995  
protection agency, and the United States occupational safety and 49996

health administration. 49997

(C) A business entity or public entity applying for an 49998  
asbestos hazard abatement contractor's license shall, in addition 49999  
to the other requirements of this section, provide at least one 50000  
asbestos hazard abatement specialist, certified pursuant to this 50001  
chapter and the rules adopted under it, for each asbestos hazard 50002  
abatement project, and demonstrate to the satisfaction of the 50003  
~~department~~ Ohio environmental protection agency that the 50004  
applicant: 50005

(1) Has access to at least one asbestos disposal site 50006  
approved by the ~~Ohio environmental protection~~ agency that is 50007  
sufficient for the deposit of all asbestos waste that the 50008  
applicant will generate during the term of the license; 50009

(2) Is sufficiently qualified to safely remove asbestos, 50010  
demonstrated by reliability as an asbestos hazard abatement 50011  
contractor, possesses a work program that prevents the 50012  
contamination or recontamination of the environment and protects 50013  
the public health from the hazards of exposure to asbestos, 50014  
possesses evidence of certification of each individual employee or 50015  
agent who will be responsible for others who may come in contact 50016  
with friable asbestos-containing materials, possesses evidence of 50017  
training of workers required by section 3710.07 of the Revised 50018  
Code, and has prior successful experience in asbestos hazard 50019  
abatement projects or equivalent qualifications as determined in 50020  
accordance with rules adopted by the director of ~~health~~ 50021  
environmental protection; 50022

(3) Possesses a worker protection program consistent with 50023  
requirements established by the director if the contractor is a 50024  
public entity, and a worker protection program consistent with the 50025  
requirements of the United States occupational safety and health 50026  
administration if the contractor is a business entity; 50027

(4) Is registered as a business entity with the secretary of state.	50028 50029
(D) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.	50030 50031 50032
(E) The business entity or public entity shall meet any other standards that the director, by rule, sets.	50033 50034
(F) Nothing in this chapter or the rules adopted pursuant thereto relating to asbestos hazard abatement project designers shall be interpreted as authorizing or permitting an individual who is certified as an asbestos hazard abatement project designer to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.	50035 50036 50037 50038 50039 50040 50041
<b>Sec. 3710.05.</b> (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.	50042 50043 50044 50045
(B) To apply for licensure as an asbestos abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:	50046 50047 50048 50049 50050
(1) Submit a completed application to the <del>department</del> <u>director of health environmental protection</u> , on a form provided by the <del>department</del> <u>agency</u> ;	50051 50052 50053
(2) Pay the requisite fee as provided in division (D) of this section;	50054 50055
(3) Submit any other information the director <del>of health</del> by rule requires.	50056 50057



(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:	50058
	50059
	50060
(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;	50061
	50062
	50063
	50064
	50065
(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	50066
	50067
	50068
	50069
	50070
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	50071
	50072
(4) A description of the site decontamination procedures that the business entity or public entity will use;	50073
	50074
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	50075
	50076
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	50077
	50078
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	50079
	50080
	50081
	50082
(8) A description of the final clean-up procedures that the business entity or public entity will use;	50083
	50084
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	50085
	50086
(10) The federal tax identification number of the business	50087

entity or the public entity. 50088

(D) The fees to be charged to each public entity, except for 50089  
the agency, and each business entity and their employees and 50090  
agents for licensure, certification, approval, and renewal of 50091  
licenses, certifications, and approvals granted under this 50092  
chapter, subject to division (A)(4) of section 3710.02 of the 50093  
Revised Code, are: 50094

(1) Seven hundred fifty dollars for asbestos hazard abatement 50095  
contractors; 50096

(2) Two hundred dollars for asbestos hazard abatement project 50097  
designers; 50098

(3) Fifty dollars for asbestos hazard abatement workers; 50099

(4) Two hundred dollars for asbestos hazard abatement 50100  
specialists; 50101

(5) Two hundred dollars for asbestos hazard evaluation 50102  
specialists; and 50103

(6) Nine hundred dollars for approval or renewal of asbestos 50104  
hazard training providers. 50105

(E) Notwithstanding division (A) of this section, no business 50106  
entity which engages in asbestos hazard abatement activities 50107  
solely at its own place of business is required to be licensed as 50108  
an asbestos hazard abatement contractor provided that the business 50109  
entity is required to and does comply with all applicable 50110  
standards of the United States environmental protection agency and 50111  
the United States occupational safety and health administration 50112  
and provided further that all persons employed by the business 50113  
entity on the activity meet the requirements of this chapter. 50114

**Sec. 3710.051.** No person shall enter into an agreement to 50115  
perform any aspect of an asbestos hazard abatement project unless 50116  
the agreement is written and contains at least all of the 50117

following: 50118

(A) A requirement that all persons working on the project are 50119  
licensed or certified by the ~~department of health~~ director of 50120  
environmental protection as required by this chapter; 50121

(B) A requirement that all project clearance levels and 50122  
sampling be in accordance with rules adopted by the director of ~~of~~ 50123  
~~health~~; 50124

(C) A requirement that all clearance air-monitoring be 50125  
conducted by asbestos hazard abatement air-monitoring technicians 50126  
or asbestos hazard evaluation specialists certified by the 50127  
~~department~~ director. 50128

**Sec. 3710.06.** (A) Within fifteen business days after 50129  
receiving an application, the ~~department of health~~ director of 50130  
environmental protection shall acknowledge receipt of the 50131  
application and notify the applicant of any deficiency in the 50132  
application. Within sixty calendar days after receiving a 50133  
completed application, including all additional information 50134  
requested by the ~~department~~ director, the ~~department~~ director 50135  
shall issue a license or certificate or deny the application. The 50136  
~~department~~ director shall issue only one license or certificate 50137  
that is in effect at one time to a business entity and its 50138  
principal officers and a public entity and its principal officers. 50139

(B)(1) The ~~department~~ director shall deny an application if 50140  
it determines that the applicant has not demonstrated the ability 50141  
to comply fully with all applicable federal and state requirements 50142  
and all requirements, procedures, and standards established by the 50143  
director of ~~health~~ in this chapter, Chapter 3704. of the Revised 50144  
Code, or rules adopted under those chapters, as those chapters and 50145  
rules pertain to asbestos. 50146

(2) The ~~department~~ director shall deny any application for an 50147

asbestos hazard abatement contractor's license if the applicant or 50148  
an officer or employee of the applicant has been convicted of a 50149  
felony under any state or federal law designed to protect the 50150  
environment. 50151

(3) The ~~department~~ director shall send all denials of an 50152  
application by certified mail to the applicant. If the ~~department~~ 50153  
director receives a timely request for a hearing from the 50154  
applicant on the proposed denial of an application, as provided in 50155  
division (D) of section 3710.13 of the Revised Code, the 50156  
~~department~~ director shall hold a hearing in accordance with 50157  
Chapter 119. of the Revised Code, as provided in division (A) of 50158  
section 3710.13 of the Revised Code. 50159

(C) In an emergency that results from a sudden, unexpected 50160  
event that is not a planned asbestos hazard abatement project, the 50161  
~~department~~ director may waive the requirements for a license or 50162  
certificate. For the purposes of this division, "emergency" 50163  
includes operations necessitated by nonroutine failures of 50164  
equipment or by actions of fire and emergency medical personnel 50165  
pursuant to duties within their official capacities. Any person 50166  
who performs an asbestos hazard abatement activity under emergency 50167  
conditions shall notify the director within three days after 50168  
performance thereof. 50169

(D) Each license or certificate issued under this chapter 50170  
expires one year after the date of issue, but each licensee or 50171  
certificate holder may apply to the ~~department~~ environmental 50172  
protection agency for the extension of the holder's license or 50173  
certificate under the standard renewal procedures of Chapter 4745. 50174  
of the Revised Code. 50175

To qualify for renewal of a license or certificate issued 50176  
under this chapter, each licensee or certificate holder shall send 50177  
the appropriate renewal fee set forth in division (D) of section 50178  
3710.05 of the Revised Code or as adopted by rule by the director 50179

pursuant to division (A)(4) of section 3710.02 of the Revised Code. 50180  
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Certificate holders also shall successfully complete an annual renewal course approved by the ~~department~~ agency pursuant to section 3710.10 of the Revised Code. 50182  
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(E) The ~~department~~ director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent. 50185  
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**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following: 50193  
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(1) Prepare a written respiratory protection program as defined by the director of ~~health~~ environmental protection pursuant to rule, and make the program available to the ~~department of health~~ environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the ~~department~~ agency, and workers at the job site if the contractor is a business entity; 50196  
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(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator; 50204  
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(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or 50208  
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will be responsible for an asbestos hazard abatement project 50210  
receives the appropriate certification or licensure required by 50211  
this chapter and the following training: 50212

(a) An initial course approved by the ~~department~~ agency 50213  
pursuant to section 3710.10 of the Revised Code, completed before 50214  
engaging in any asbestos hazard abatement project; and 50215

(b) An annual review course approved by the ~~department~~ agency 50216  
pursuant to section 3710.10 of the Revised Code. 50217

(B) After obtaining or renewing a license, an asbestos hazard 50218  
abatement contractor shall notify the ~~department~~ agency, on a form 50219  
approved by the director ~~of health~~, at least ten days before 50220  
beginning each asbestos hazard abatement project conducted during 50221  
the term of the contractor's license. 50222

(C) In addition to any other fee imposed under this chapter, 50223  
an asbestos hazard abatement contractor shall pay, at the time of 50224  
providing notice under division (B) of this section, the 50225  
~~department~~ agency a fee of sixty-five dollars for each asbestos 50226  
hazard abatement project conducted. 50227

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 50228  
engaging in any asbestos hazard abatement project shall, during 50229  
the course of the project: 50230

(1) Conduct each project in a manner that is in compliance 50231  
with the requirements the director of environmental protection 50232  
adopts pursuant to section 3704.03 of the Revised Code and the 50233  
asbestos requirements of the United States occupational safety and 50234  
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 50235

(2) Comply with all applicable rules adopted by the director 50236  
of ~~health~~ environmental protection pursuant to ~~section~~ sections 50237  
3704.03 and 3710.02 of the Revised Code. 50238

(B) An asbestos hazard abatement contractor that is a public 50239

entity shall: 50240

(1) Provide workers with protective clothing and equipment 50241  
and ensure that the workers involved in any asbestos hazard 50242  
abatement project use the items properly. Protective clothing and 50243  
equipment shall include: 50244

(a) Respirators approved by the national institute of 50245  
occupational safety and health. These respirators shall be fit 50246  
tested in accordance with requirements of the United States 50247  
occupational safety and health administration set forth in 29 50248  
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 50249  
asbestos hazard abatement contractor shall provide the employee 50250  
with a powered air purifying respirator, in which case, the 50251  
testing requirements of division (B)(1)(a) of this section do not 50252  
apply. 50253

(b) Items required by the director ~~of health~~ by rule as 50254  
provided in division (A)(7) of section 3710.02 of the Revised 50255  
Code. 50256

(2) Comply with all applicable standards of conduct and 50257  
requirements adopted by the director ~~of health~~ pursuant to section 50258  
3710.02 of the Revised Code. 50259

(C) An asbestos hazard abatement specialist engaging in any 50260  
asbestos hazard abatement project shall, during the course of the 50261  
project: 50262

(1) Conduct each project in a manner that will meet 50263  
decontamination procedures, project containment procedures, and 50264  
asbestos fiber dispersal methods as provided in division (A)(6) of 50265  
section 3710.02 of the Revised Code; 50266

(2) Ensure that workers utilize, handle, remove, and dispose 50267  
of the disposable clothing provided by abatement contractors in a 50268  
manner that will prevent contamination or recontamination of the 50269  
environment and protect the public health from the hazards of 50270

exposure to asbestos; 50271

(3) Ensure that workers utilize protective clothing and 50272  
equipment and comply with the applicable health and safety 50273  
standards set forth in division (A) of section 3710.08 of the 50274  
Revised Code; 50275

(4) Ensure that there is no smoking, eating, or drinking in 50276  
the work area; 50277

(5) Comply with all applicable standards of conduct and 50278  
requirements adopted by the director ~~of health~~ pursuant to ~~section~~ 50279  
sections 3704.03 and 3710.02 of the Revised Code. 50280

(D) An asbestos hazard evaluation specialist engaged in the 50281  
identification, detection, and assessment of asbestos-containing 50282  
materials, the determination of appropriate response actions, or 50283  
other activities associated with an abatement project or the 50284  
preparation of management plans, shall comply with the applicable 50285  
standards of conduct and requirements adopted by the director ~~of~~ 50286  
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 50287  
Revised Code. 50288

(E) Every asbestos hazard abatement worker shall comply with 50289  
all applicable standards adopted by the director ~~of health~~ 50290  
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 50291  
Code. 50292

(F) The ~~department~~ director may, on a case-by-case basis, 50293  
approve an alternative to the worker protection requirements of 50294  
divisions (A), (B), and (C) of this section for an asbestos hazard 50295  
abatement project conducted by a public entity, provided that the 50296  
asbestos hazard abatement contractor submits the alternative 50297  
procedure to the ~~department~~ director in writing and demonstrates 50298  
to the satisfaction of the ~~department~~ director that the proposed 50299  
alternative procedure provides equivalent worker protection. 50300



**Sec. 3710.09.** (A) As a means of protecting the public, each 50301  
asbestos hazard abatement contractor licensed under this chapter 50302  
shall maintain records of all asbestos hazard abatement projects 50303  
which the contractor performs and make these records available to 50304  
the ~~department of health~~ the director of environmental protection 50305  
upon request. The licensee shall maintain the records for at least 50306  
thirty years. 50307

(B) The records required by this section shall include all of 50308  
the following: 50309

(1) The name, social security number, and address of the 50310  
person who supervised the asbestos hazard abatement project; 50311

(2) The names and social security numbers of all workers at 50312  
the job site; 50313

(3) The location and description of the asbestos hazard 50314  
abatement project and the amount of asbestos-containing material 50315  
that was removed; 50316

(4) The starting and completion dates of each asbestos hazard 50317  
abatement project; 50318

(5) A summary of the procedures that were used to comply with 50319  
all applicable federal, state, and local standards; 50320

(6) The name and address of each asbestos disposal site where 50321  
the waste containing asbestos was deposited; 50322

(7) Any other information that the director ~~of health~~, by 50323  
rule, requires. 50324

**Sec. 3710.10.** (A) No person other than the ~~department of~~ 50325  
~~health~~ director of environmental protection shall conduct or offer 50326  
to conduct any initial or review training course or examination 50327  
required by this chapter unless that person is approved to sponsor 50328  
the courses and examinations under this section. In conducting any 50329

such course or examination, the ~~department~~ director and the 50330  
approved person shall administer the courses and examinations 50331  
according to the United States environmental protection agency 50332  
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 50333  
and the rules of the director ~~of health~~ adopted pursuant to 50334  
division (A)(3) of section 3710.02 of the Revised Code. A person 50335  
may apply for approval or renewal of a course on the health and 50336  
safety aspects of asbestos hazard abatement activities which meets 50337  
the requirements of division (A)(3) of section 3710.07 of the 50338  
Revised Code by submitting a written application on forms provided 50339  
by the ~~department~~ director. 50340

(B) In order to obtain or renew ~~department~~ approval, a person 50341  
sponsoring a course shall substantially satisfy all of the 50342  
following criteria: 50343

(1) Provide courses of instruction and examinations that meet 50344  
the requirements of division (A) of this section; 50345

(2) Ensure that instruction is given or supervised by 50346  
personnel with sufficient education and experience as determined 50347  
in rules adopted by the director; 50348

(3) Maintain lists of students trained and the dates on which 50349  
training occurred for at least twenty years, and make this 50350  
information available to the ~~department~~ director upon request. 50351

(C) In order to obtain or renew ~~department~~ approval, a person 50352  
sponsoring an initial course or a review course annually shall 50353  
apply to the ~~department~~ director for approval. In applying, the 50354  
person shall submit the fee set forth in division (D) of section 50355  
3710.05 of the Revised Code along with any increase in fee adopted 50356  
pursuant to division (A)(4) of section 3710.02 of the Revised 50357  
Code. 50358

(D)(1) The ~~department~~ director shall act or acknowledge 50359  
receipt of an application within ten working days after receiving 50360

the application. 50361

(2) The ~~department~~ director shall act on the application 50362  
within ninety days after it is complete. 50363

(3) The ~~department~~ director shall grant contingent approval 50364  
of an application if the ~~department~~ director determines the course 50365  
substantially satisfies or will substantially satisfy the criteria 50366  
in this chapter and the rules adopted by the director. 50367

(4) The ~~department~~ director may deny or revoke approval of a 50368  
course if the ~~department~~ director determines the course does not 50369  
or will not substantially satisfy the criteria in this chapter or 50370  
the rules adopted by the director. 50371

(5) The ~~department~~ director shall grant final approval of a 50372  
course only after an on-site audit by the ~~department~~ director 50373  
which reveals that the course substantially satisfies the criteria 50374  
in this chapter and the rules adopted by the director. Course 50375  
approvals expire one year from the date of final approval under 50376  
division (D)(5) of this section. 50377

(E) Each course approval issued under this section expires 50378  
one year after the date of issue, but a person who received 50379  
approval may apply to the ~~department~~ director for renewal under 50380  
the standard renewal procedures of Chapter 4745. of the Revised 50381  
Code. The fee prescribed in section 3710.05 of the Revised Code 50382  
must accompany the application. 50383

**Sec. 3710.11.** Persons licensed, certified, or otherwise 50384  
approved under the laws of another state to perform functions 50385  
substantially similar to those of an asbestos hazard abatement 50386  
contractor, asbestos hazard abatement specialist, asbestos hazard 50387  
evaluation specialist, asbestos hazard abatement project designer, 50388  
or asbestos hazard abatement air-monitoring technician, may apply 50389  
to the director of ~~health~~ environmental protection for licensure 50390

or certification. The director shall license or certify persons 50391  
under this section upon a determination that the standards for 50392  
certification, licensure, or approval in the other state are at 50393  
least substantially equivalent to those established by this 50394  
chapter and the rules adopted thereunder. The director may require 50395  
an examination before licensure or certification under this 50396  
section. 50397

Persons certified or licensed under this section are subject 50398  
to the same duties and requirements for renewal as other persons 50399  
certified or licensed pursuant to this chapter and the rules 50400  
adopted thereunder. 50401

**Sec. 3710.12.** Subject to ~~the hearing provisions of this~~ 50402  
~~chapter section 3710.13 of the Revised Code, the department of~~ 50403  
~~health~~ director of environmental protection may deny, suspend, or 50404  
revoke any license or certificate, or renewal thereof, if the 50405  
licensee or certificate holder: 50406

(A) Fraudulently or deceptively obtains or attempts to obtain 50407  
a license or certificate; 50408

(B) Fails at any time to meet the qualifications for a 50409  
license or certificate; 50410

(C) Is violating or threatening to violate any provisions of 50411  
any of the following: 50412

(1) This chapter, Chapters 3704. and 3745. of the Revised 50413  
Code, or the rules of the director ~~of health~~ adopted pursuant 50414  
~~thereto to those chapters, as those chapters and rules pertain to~~ 50415  
asbestos; 50416

(2) The "National Emission Standard for Hazardous Air 50417  
Pollutants" regulations of the United States environmental 50418  
protection agency as the regulations pertain to asbestos; 50419

(3) The regulations of the United States occupational safety 50420

and health administration as the regulations pertain to asbestos. 50421

**Sec. 3710.13.** (A) ~~Except as otherwise provided in Chapter~~ 50422  
~~119. of the Revised Code or this section, before~~ Before the 50423  
~~department of health~~ director of environmental protection takes 50424  
any action under section 3710.12 of the Revised Code, ~~it~~ the 50425  
director shall give the license applicant, licensee, or 50426  
certificate holder against whom action is contemplated an 50427  
opportunity for a hearing. 50428

Except as otherwise provided in this section, the ~~department~~ 50429  
director shall give notice and hold the hearing in accordance with 50430  
Chapter 119. of the Revised Code. 50431

(B) The ~~department~~ director, without notice or hearing and in 50432  
accordance with rules adopted by the director ~~of health~~, may issue 50433  
an order requiring any action necessary to meet ~~a public~~ an 50434  
environmental health emergency involving asbestos. Any person to 50435  
whom an order is directed shall immediately comply with the order. 50436  
Upon application to the director ~~of health~~, the person shall be 50437  
afforded a hearing as soon as possible, but no more than twenty 50438  
days after receipt of the application by the director. 50439

(C) If the director determines, pursuant to division (B) of 50440  
this section, that ~~a public~~ an environmental health emergency 50441  
involving asbestos exists, the director may order, without a 50442  
hearing, the denial, suspension, or revocation of any license or 50443  
certificate issued under this chapter of the parties involved, 50444  
provided that an opportunity for a hearing is provided to the 50445  
affected party as soon as reasonably possible. 50446

~~(D) All proceedings under this chapter are subject to Chapter~~ 50447  
~~119. of the Revised Code, except that:~~ 50448

~~(1) Upon the request of a licensee or certificate holder, the~~ 50449  
~~location of an adjudicatory hearing is the county seat of the~~ 50450

~~county in which the licensee or certificate holder conducts  
business.~~ 50451  
50452

~~(2) The director shall notify, by certified mail or personal  
delivery, a licensee or certificate holder that the licensee or  
certificate holder is entitled to a hearing if the licensee or  
certificate holder requests it, in writing, within ten days of the  
time that the licensee or certificate holder receives the notice.  
If the licensee or certificate holder requests such a hearing, the  
director shall set the hearing date no later than ten days after  
the director receives the request.~~ 50453  
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~~(3) The director shall not apply for or receive a  
postponement or continuation of an adjudication hearing. If a  
licensee or certificate holder requests a postponement or  
continuation of an adjudication hearing, the director only shall  
grant the request if the licensee or certificate holder  
demonstrates extreme hardship in complying with the hearing date.  
If the director grants a postponement or continuation on the  
grounds of extreme hardship, the director shall include in the  
record of the case, the nature and cause of the extreme hardship.~~ 50461  
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~~(4) In lieu of an adjudicatory hearing required by this  
chapter, a licensee or certificate holder, by no later than the  
date set for a hearing pursuant to division (A)(3) of this  
section, may by written request to the director, request that the  
matter be resolved by the licensee or certificate holder  
submitting documents, papers, and other written evidence to the  
director to support the licensee's or certificate holder's claim.~~ 50470  
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~~(5) If the director appoints a referee or an examiner to  
conduct a hearing, all of the following apply:~~ 50477  
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~~(a) The examiner or referee shall serve, by certified mail  
and within three business days of the conclusion of the hearing, a  
copy of the written adjudication report and the referee's or~~ 50479  
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~~examiner's recommendations, on the director and the affected  
licensee or certificate holder or the licensee's or certificate  
holder's attorney or other representative of record.~~ 50482  
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~~(b) The licensee or certificate holder, within three business  
days of receipt of the report under division (D)(5)(a) of this  
section, may file with the director written objections to the  
report and recommendations.~~ 50485  
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~~(c) The director shall consider any objections received under  
division (D)(5)(b) of this section prior to approving, modifying,  
or disapproving the report and recommendations. Within six  
business days of receiving the report under division (D)(5)(a) of  
this section, the director shall serve the director's order, by  
certified mail, on the affected licensee or certificate holder or  
the licensee's or certificate holder's attorney or other  
representative of record.~~ 50489  
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~~(6) If the director conducts an adjudicatory hearing under  
this chapter, the director shall serve the director's decision, by  
certified mail and within three business days of the conclusion of  
the hearing, on the affected licensee or certificate holder or the  
licensee's or certificate holder's attorney or other  
representative of record.~~ 50497  
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~~(7) If no hearing is held, the director shall issue an order,  
by certified mail and within three business days of the last date  
possible for a hearing, based upon the record available to the  
director, to the affected licensee or certificate holder or the  
licensee's or certificate holder's attorney or other  
representative of record.~~ 50503  
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~~(8) A licensee or certificate holder shall file a notice of  
appeal to an adverse adjudication decision within fifteen days  
after receipt of the director's order.~~ 50509  
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**Sec. 3710.14.** (A) At the request of the director of ~~health~~ environmental protection, the attorney general may commence a civil action for civil penalties and injunctions, in a court of common pleas, against any person who has violated, is violating, or is threatening to violate this chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(B) The court of common pleas in which an action for injunctive relief is filed has jurisdiction to, and shall grant, preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any provision of this ~~chapter~~ chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(C) Upon a finding of a violation, the court shall assess a civil penalty of not more than five thousand dollars against the person.

(D) Each day a violation continues is a separate violation under this section.

(E) The remedies provided in Chapter 3710. of the Revised Code are in addition to remedies otherwise available under any federal, state, or local law.

**Sec. 3710.15.** All civil and criminal penalties ordered pursuant to this chapter and paid as provided in the chapter, and all fees and other moneys collected pursuant to the chapter, shall be deposited in the ~~general operations~~ non-title V clean air fund created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall be used for the sole purpose of administering and enforcing this chapter and the rules adopted under it.~~



Sec. 3710.17. (A) Where any person is certified or licensed 50541  
by the ~~department of health~~ director of environmental protection 50542  
to engage in asbestos hazard abatement or evaluation activity 50543  
pursuant to this chapter, the liability of that person when 50544  
performing such activity in accordance with procedures established 50545  
pursuant to state or federal law for an injury to any individual 50546  
or property caused or related to this activity shall be limited to 50547  
acts or omissions of the person during the course of performing 50548  
the activity which can be shown, based on a preponderance of the 50549  
evidence, to have been negligent. For the purposes of this 50550  
section, the demonstration that acts or omissions of a person 50551  
performing asbestos hazard abatement or evaluation activities were 50552  
in accordance with generally accepted practice and with procedures 50553  
established by state or federal law at the time the abatement or 50554  
evaluation activity was performed creates a rebuttable presumption 50555  
that the acts or omissions were not negligent. 50556

(B) Where any person contracts with a certified asbestos 50557  
hazard abatement specialist, asbestos hazard evaluation 50558  
specialist, or other category of asbestos hazard specialist 50559  
established by the director of health, or a licensed asbestos 50560  
hazard abatement contractor, the liability of that person for 50561  
asbestos-related injuries caused by the person's contractee in the 50562  
performance of asbestos hazard abatement or evaluation activities 50563  
shall be limited to those asbestos-related injuries arising from 50564  
acts which the person knew or could reasonably have been expected 50565  
to know were not in accordance with generally accepted practice or 50566  
with procedures established by state or federal law at the time 50567  
the abatement activity took place. 50568

(C) Notwithstanding any other provisions of the Revised Code 50569  
or rules of a court to the contrary, this section governs all 50570  
claims for asbestos-related injuries arising from asbestos hazard 50571  
abatement or evaluation activities. 50572

**Sec. 3710.19.** On receipt of a notice pursuant to section 50573  
3123.43 of the Revised Code, the ~~department of health~~ director of 50574  
environmental protection shall comply with sections 3123.41 to 50575  
3123.50 of the Revised Code and any applicable rules adopted under 50576  
section 3123.63 of the Revised Code with respect to a license or 50577  
certificate issued pursuant to this chapter. 50578

**Sec. 3710.99.** (A) At the request of the director of ~~health~~ 50579  
environmental protection, a prosecuting attorney, city director of 50580  
law, or similar chief legal officer may commence a criminal 50581  
action, in a court of this state, against any person who violates 50582  
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 50583  
any rule adopted under this chapter, any license or certificate 50584  
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 50585  
this chapter. 50586

(B) Upon conviction, the person is subject to: 50587

(1) A fine of at least ten thousand dollars but not more than 50588  
twenty-five thousand dollars or imprisonment at least one year but 50589  
not more than two years, or both, for a first offense; or 50590

(2) A fine of at least twenty thousand dollars but not more 50591  
than forty thousand dollars or imprisonment of at least two years 50592  
but not more than four years or both for a second or subsequent 50593  
offense. 50594

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 50595  
Revised Code, the superintendent of industrial compliance shall: 50596

(1) Adopt rules pertaining to the definition, name, and 50597  
description of materials necessary to carry out this chapter; 50598

(2) Determine the testing standards, fees, and charges to be 50599  
paid for making any test or analysis required pursuant to section 50600  
3713.08 of the Revised Code. 50601

(B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules regarding the following:

(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;

(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;

(3) Any other rules necessary to administer and carry out this chapter.

(C) The superintendent may do any of the following:

(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.

(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories ~~in various sections of the state~~ that are qualified to make these tests. These laboratories may be used for making any test or analysis of materials used in the manufacture of bedding and stuffed toys. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section.

(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter.

**Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of maple syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; ~~or~~ a beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a

food processing establishment. 50665

**Sec. 3715.041.** (A)(1) As used in this section, "food 50666  
processing establishment" has the same meaning as in section 50667  
3715.021 of the Revised Code. 50668

(2) A person that operates a food processing establishment 50669  
shall register the establishment annually with the director of 50670  
agriculture. The person shall submit an application for 50671  
registration or renewal on a form prescribed and provided by the 50672  
director. Except as provided in division (G) of this section, an 50673  
application for registration or renewal shall be accompanied by a 50674  
registration fee in an amount established in rules adopted under 50675  
this section. If a person files an application for registration on 50676  
or after the first day of August of any year, the fee shall be 50677  
one-half of the annual registration fee. 50678

(B)(1) The director shall inspect the food processing 50679  
establishment for which an application for initial registration 50680  
has been submitted. If, upon inspection, the director finds that 50681  
the establishment is in compliance with this chapter and Chapter 50682  
911., 913., 915., or 925. of the Revised Code, as applicable, or 50683  
applicable rules adopted under those chapters, the director shall 50684  
issue a certificate of registration to the food processing 50685  
establishment. A food processing establishment registration 50686  
expires on the thirty-first day of January and is valid until that 50687  
date unless it is suspended or revoked under this section. 50688

(2) A person that is operating a food processing 50689  
establishment ~~on the effective date of this section~~ shall apply to 50690  
the director for a certificate of registration ~~not later than~~ 50691  
~~ninety days after the effective date of this section~~ not later 50692  
than a date specified by the director in rules adopted under this 50693  
section. If an application is not filed with the director or 50694  
postmarked on or before ~~ninety days after the effective date of~~ 50695

~~this section~~ that date, the director shall assess a late fee in an amount established in rules adopted under this section.

(C)(1) A food processing establishment registration may be renewed by the director. A person seeking registration renewal shall submit an application for renewal to the director not later than the thirty-first day of January. The director shall issue a renewed certificate of registration on receipt of a complete renewal application except as provided in division (C)(2) of this section.

(2) If a renewal application is not filed with the director or postmarked on or before the thirty-first day of January, the director shall assess a late fee in an amount established in rules adopted under this section. The director shall not renew the registration until the applicant pays the late fee.

(D) A copy of the food processing establishment registration certificate shall be conspicuously displayed in an area of the establishment to which customers of the establishment have access.

(E)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this chapter or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters. Except as provided in division (E)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the suspension or revocation in accordance with Chapter 119. of the Revised Code.

(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration

holder an opportunity for a hearing. The director then shall 50727  
afford the registration holder a hearing in accordance with 50728  
Chapter 119. of the Revised Code not later than ten days after the 50729  
date of suspension. 50730

(3) If the director finds that a person is operating a food 50731  
processing establishment without registering the establishment 50732  
under this section, the director shall issue a letter of warning 50733  
to the person giving the person ten days to register the 50734  
establishment. If the person fails to register the establishment 50735  
within that ten-day time period, the director may assess a civil 50736  
penalty against the person. If the director assesses a civil 50737  
penalty, the director shall do so as follows: 50738

(a) If, within five years of the issuance of the letter of 50739  
warning to the person, the director has not previously assessed a 50740  
civil penalty against the person under this section, in an amount 50741  
not exceeding five hundred dollars; 50742

(b) If, within five years of the issuance of the letter of 50743  
warning to the person, the director has previously assessed one 50744  
civil penalty against the person under this section, in an amount 50745  
not exceeding one thousand five hundred dollars; 50746

(c) If, within five years of the issuance of the letter of 50747  
warning to the person, the director has previously assessed two or 50748  
more civil penalties against the person under this section, in an 50749  
amount not exceeding five thousand dollars. 50750

(F) The director shall adopt rules in accordance with Chapter 50751  
119. of the Revised Code that establish all of the following: 50752

(1) The date by which a person that is operating a food 50753  
processing establishment must submit an application for a food 50754  
processing establishment registration; 50755

(2) The amount of the registration fee that must be submitted 50756  
with an application for a food processing establishment 50757

registration and with an application for renewal;	50758
<del>(2)</del> (3) The amount of the late fee that is required in	50759
division (B)(2) of this section;	50760
<del>(3)</del> (4) The amount of the fee for the late renewal of a food	50761
processing establishment registration that is required in division	50762
(C)(2) of this section;	50763
<del>(4)</del> (5) Any other procedures and requirements that are	50764
necessary to administer and enforce this section.	50765
(G) The following are not required to pay any registration	50766
fee that is otherwise required in this section:	50767
(1) <del>Home bakeries</del> <u>Bakeries</u> registered under section 911.02 of	50768
the Revised Code;	50769
(2) Canneries licensed under section 913.02 of the Revised	50770
Code;	50771
(3) Soft drink plants licensed under section 913.23 of the	50772
Revised Code;	50773
(4) Cold-storage warehouses licensed under section 915.02 of	50774
the Revised Code;	50775
(5) Persons licensed under section 915.15 of the Revised	50776
Code;	50777
(6) Persons that are engaged in egg production and that	50778
maintain annually five hundred or fewer laying hens.	50779
(H) All money that is collected under this section shall be	50780
credited to the food safety fund created in section 915.24 of the	50781
Revised Code.	50782
<b><u>Sec. 3715.08.</u></b> (A) As used in this section:	50783
(1) <u>"Medication-assisted treatment" has the same meaning as</u>	50784
<u>in section 340.01 of the Revised Code.</u>	50785



(2) "Prescriber" means any of the following: 50786

(a) An advanced practice registered nurse who holds a 50787  
current, valid license issued under Chapter 4723. of the Revised 50788  
Code and is designated as a clinical nurse specialist, certified 50789  
nurse-midwife, or certified nurse practitioner; 50790

(b) A physician authorized under Chapter 4731. of the Revised 50791  
Code to practice medicine and surgery or osteopathic medicine and 50792  
surgery; 50793

(c) A physician assistant who is licensed under Chapter 4730. 50794  
of the Revised Code, holds a valid prescriber number issued by the 50795  
state medical board, and has been granted physician-delegated 50796  
prescriptive authority. 50797

(3) "Qualifying practitioner" has the same meaning as in 50798  
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 50799  
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 50800

(B) Before initiating medication-assisted treatment, a 50801  
prescriber shall give the patient or the patient's representative 50802  
information about all drugs approved by the United States food and 50803  
drug administration for use in medication-assisted treatment. The 50804  
information must be provided both orally and in writing. The 50805  
prescriber or the prescriber's delegate shall note in the 50806  
patient's medical record when this information was provided and 50807  
make the record available to employees of the board of nursing or 50808  
state medical board on their request. 50809

If the prescriber is not a qualifying practitioner and the 50810  
patient's choice is treatment with a controlled substance 50811  
containing buprenorphine and the prescriber determines that such 50812  
treatment is clinically appropriate and meets generally accepted 50813  
standards of medicine, the prescriber shall refer the patient to a 50814  
qualifying practitioner. If the patient's choice is methadone 50815  
treatment and the prescriber determines that such treatment is 50816

clinically appropriate and meets generally accepted standards of 50817  
medicine, the prescriber shall refer the patient to a community 50818  
addiction services provider licensed under section 5119.391 of the 50819  
Revised Code. In either case, the prescriber or the prescriber's 50820  
delegate shall make a notation in the patient's medical record 50821  
naming the practitioner or provider to whom the patient was 50822  
referred and specifying when the referral was made. 50823

**Sec. 3719.04.** (A) ~~A licensed manufacturer or wholesaler of~~ 50824  
~~controlled substances~~ person identified in division (B)(1)(a) of 50825  
section 4729.52 of the Revised Code who holds a category III 50826  
license under that section may sell at wholesale controlled 50827  
substances to any of the following persons and subject to the 50828  
following conditions: 50829

(1) ~~To a licensed manufacturer or wholesaler of controlled~~ 50830  
~~substances~~ another person who holds a category III license under 50831  
section 4729.50 of the Revised Code, or a terminal distributor of 50832  
dangerous drugs having a category III license under section 50833  
4729.54 of the Revised Code; 50834

(2) To a person in the employ of the United States government 50835  
or of any state, territorial, district, county, municipal, or 50836  
insular government, purchasing, receiving, possessing, or 50837  
dispensing controlled substances by reason of official duties; 50838

(3) To a master of a ship or a person in charge of any 50839  
aircraft upon which no physician is regularly employed, for the 50840  
actual medical needs of persons on board the ship or aircraft, 50841  
when not in port; provided such controlled substances shall be 50842  
sold to the master of the ship or person in charge of the aircraft 50843  
only in pursuance of a special official written order approved by 50844  
a commissioned medical officer or acting assistant surgeon of the 50845  
United States public health service; 50846

(4) To a person in a foreign country, if the federal drug 50847

abuse control laws are complied with. 50848

(B) An official written order for any schedule II controlled 50849  
substances shall be signed in triplicate by the person giving the 50850  
order or by the person's authorized agent. The original shall be 50851  
presented to the person who sells or dispenses the schedule II 50852  
controlled substances named in the order and, if that person 50853  
accepts the order, each party to the transaction shall preserve 50854  
the party's copy of the order for a period of three years in such 50855  
a way as to be readily accessible for inspection by any public 50856  
officer or employee engaged in the enforcement of Chapter 3719. of 50857  
the Revised Code. Compliance with the federal drug abuse control 50858  
laws, respecting the requirements governing the use of a special 50859  
official written order constitutes compliance with this division. 50860

**Sec. 3719.07.** (A) As used in this section, "description" 50861  
means the dosage form, strength, and quantity, and the brand name, 50862  
if any, or the generic name, of a drug or controlled substance. 50863

(B)(1) Every licensed health professional authorized to 50864  
prescribe drugs shall keep a record of all controlled substances 50865  
received and a record of all controlled substances administered, 50866  
dispensed, or used other than by prescription. Every other person, 50867  
except a pharmacist, or a manufacturer, or wholesaler, or other 50868  
person licensed under section 4729.52 of the Revised Code, who is 50869  
authorized to purchase and use controlled substances shall keep a 50870  
record of all controlled substances purchased and used other than 50871  
by prescription. The records shall be kept in accordance with 50872  
division (C)(1) of this section. 50873

(2) Manufacturers and, wholesalers, and other persons 50874  
licensed under section 4729.52 of the Revised Code shall keep 50875  
records of all controlled substances compounded, mixed, 50876  
cultivated, grown, or by any other process produced or prepared by 50877  
them, and of all controlled substances received or sold by them. 50878

The records shall be kept in accordance with division (C)(2) of 50879  
this section. 50880

(3) Every category III terminal distributor of dangerous 50881  
drugs shall keep records of all controlled substances received or 50882  
sold. The records shall be kept in accordance with division (C)(3) 50883  
of this section. 50884

(4) Every person who sells or purchases for resale schedule V 50885  
controlled substances exempted by section 3719.15 of the Revised 50886  
Code shall keep a record showing the quantities and kinds thereof 50887  
received or sold. The records shall be kept in accordance with 50888  
divisions (C)(1), (2), and (3) of this section. 50889

(C)(1) The records required by divisions (B)(1) and (4) of 50890  
this section shall contain the following: 50891

(a) The description of all controlled substances received, 50892  
the name and address of the person from whom received, and the 50893  
date of receipt; 50894

(b) The description of controlled substances administered, 50895  
dispensed, purchased, sold, or used; the date of administering, 50896  
dispensing, purchasing, selling, or using; the name and address of 50897  
the person to whom, or for whose use, or the owner and species of 50898  
the animal for which the controlled substance was administered, 50899  
dispensed, purchased, sold, or used. 50900

(2) The records required by divisions (B)(2) and (4) of this 50901  
section shall contain the following: 50902

(a) The description of all controlled substances produced or 50903  
prepared, the name and address of the person from whom received, 50904  
and the date of receipt; 50905

(b) The description of controlled substances sold, the name 50906  
and address of each person to whom a controlled substance is sold, 50907  
the amount of the controlled substance sold to each person, and 50908

the date it was sold. 50909

(3) The records required by divisions (B)(3) and (4) of this 50910  
section shall contain the following: 50911

(a) The description of controlled substances received, the 50912  
name and address of the person from whom controlled substances are 50913  
received, and the date of receipt; 50914

(b) The name and place of residence of each person to whom 50915  
controlled substances, including those otherwise exempted by 50916  
section 3719.15 of the Revised Code, are sold, the description of 50917  
the controlled substances sold to each person, and the date the 50918  
controlled substances are sold to each person. 50919

(D) Every record required by this section shall be kept for a 50920  
period of three years. 50921

The keeping of a record required by or under the federal drug 50922  
abuse control laws, containing substantially the same information 50923  
as specified in this section, constitutes compliance with this 50924  
section. 50925

Every person who purchases for resale or who sells controlled 50926  
substance preparations exempted by section 3719.15 of the Revised 50927  
Code shall keep the record required by or under the federal drug 50928  
abuse control laws. 50929

**Sec. 3719.08.** (A) ~~Whenever~~ As used in this division, 50930  
"repackager" and "outsourcing facility" have the same meanings as 50931  
in section 4729.01 of the Revised Code. 50932

Whenever a manufacturer sells a controlled substance, and 50933  
whenever a wholesaler, repackager, or outsourcing facility sells a 50934  
controlled substance in a package the wholesaler, repackager, or 50935  
outsourcing facility has prepared, the manufacturer or the 50936  
wholesaler, repackager, or outsourcing facility, as the case may 50937  
be, shall securely affix to each package in which the controlled 50938

substance is contained a label showing in legible English the name 50939  
and address of the vendor and the quantity, kind, and form of 50940  
controlled substance contained therein. No person, except a 50941  
pharmacist for the purpose of dispensing a controlled substance 50942  
upon a prescription shall alter, deface, or remove any label so 50943  
affixed. 50944

(B) Except as provided in division (C) of this section, when 50945  
a pharmacist dispenses any controlled substance on a prescription 50946  
for use by a patient, or supplies a controlled substance to a 50947  
licensed health professional authorized to prescribe drugs for use 50948  
by the professional in personally furnishing patients with 50949  
controlled substances, the pharmacist shall affix to the container 50950  
in which the controlled substance is dispensed or supplied a label 50951  
showing the following: 50952

(1) The name and address of the pharmacy dispensing or 50953  
supplying the controlled substance; 50954

(2) The name of the patient for whom the controlled substance 50955  
is prescribed and, if the patient is an animal, the name of the 50956  
owner and the species of the animal; 50957

(3) The name of the prescriber; 50958

(4) All directions for use stated on the prescription or 50959  
provided by the prescriber; 50960

(5) The date on which the controlled substance was dispensed 50961  
or supplied; 50962

(6) The name, quantity, and strength of the controlled 50963  
substance and, if applicable, the name of the distributor or 50964  
manufacturer. 50965

(C) The requirements of division (B) of this section do not 50966  
apply when a controlled substance is prescribed or supplied for 50967  
administration to an ultimate user who is institutionalized. 50968

(D) A licensed health professional authorized to prescribe 50969  
drugs who personally furnishes a controlled substance to a patient 50970  
shall comply with division (A) of section 4729.291 of the Revised 50971  
Code with respect to labeling and packaging of the controlled 50972  
substance. 50973

(E) No person shall alter, deface, or remove any label 50974  
affixed pursuant to this section as long as any of the original 50975  
contents remain. 50976

(F) Every label for a schedule II, III, or IV controlled 50977  
substance shall contain the following warning: 50978

"Caution: federal law prohibits the transfer of this drug to 50979  
any person other than the patient for whom it was prescribed." 50980

**Sec. 3721.02.** (A) As used in this section, "residential 50981  
facility" means a residential facility licensed under section 50982  
5119.34 of the Revised Code that provides accommodations, 50983  
supervision, and personal care services for three to sixteen 50984  
unrelated adults. 50985

(B)(1) The director of health shall license homes and 50986  
establish procedures to be followed in inspecting and licensing 50987  
homes. The director may inspect a home at any time. Each home 50988  
shall be inspected by the director at least once prior to the 50989  
issuance of a license and at least once every fifteen months 50990  
thereafter. The state fire marshal or a township, municipal, or 50991  
other legally constituted fire department approved by the marshal 50992  
shall also inspect a home prior to issuance of a license, at least 50993  
once every fifteen months thereafter, and at any other time 50994  
requested by the director. A home does not have to be inspected 50995  
prior to issuance of a license by the director, state fire 50996  
marshal, or a fire department if ownership of the home is assigned 50997  
or transferred to a different person and the home was licensed 50998  
under this chapter immediately prior to the assignment or 50999

transfer. A nursing home does not need to be inspected before the 51000  
director increases the nursing home's licensed capacity if the 51001  
beds being added to the nursing home are placed in an area of the 51002  
nursing home that was inspected as part of the most recent 51003  
previous inspection of the nursing home. The director may enter at 51004  
any time, for the purposes of investigation, any institution, 51005  
residence, facility, or other structure that has been reported to 51006  
the director or that the director has reasonable cause to believe 51007  
is operating as a nursing home, residential care facility, or home 51008  
for the aging without a valid license required by section 3721.05 51009  
of the Revised Code or, in the case of a county home or district 51010  
home, is operating despite the revocation of its residential care 51011  
facility license. The director may delegate the director's 51012  
authority and duties under this chapter to any division, bureau, 51013  
agency, or official of the department of health. 51014

(2)(a) If, prior to issuance of a license, a home submits a 51015  
request for an expedited licensing inspection and the request is 51016  
submitted in a manner and form approved by the director, the 51017  
director shall commence an inspection of the home not later than 51018  
ten business days after receiving the request. 51019

(b) On request, submitted in a manner and form approved by 51020  
the director, the director may review plans for a building that is 51021  
to be used as a home for compliance with applicable state and 51022  
local building and safety codes. 51023

(c) The director may charge a fee for an expedited licensing 51024  
inspection or a plan review that is adequate to cover the expense 51025  
of expediting the inspection or reviewing the plans. The fee shall 51026  
be deposited in the state treasury to the credit of the general 51027  
operations fund created in section 3701.83 of the Revised Code and 51028  
used solely for expediting inspections and reviewing plans. 51029

(C) A single facility may be licensed both as a nursing home 51030  
pursuant to this chapter and as a residential facility pursuant to 51031



section 5119.34 of the Revised Code if the director determines 51032  
that the part or unit to be licensed as a nursing home can be 51033  
maintained separate and discrete from the part or unit to be 51034  
licensed as a residential facility. 51035

(D) In determining the number of residents in a home for the 51036  
purpose of licensing, the director shall consider all the 51037  
individuals for whom the home provides accommodations as one group 51038  
unless one of the following is the case: 51039

(1) The home is a home for the aging, in which case all the 51040  
individuals in the part or unit licensed as a nursing home shall 51041  
be considered as one group, and all the individuals in the part or 51042  
unit licensed as a rest home shall be considered as another group. 51043

(2) The home is both a nursing home and a residential 51044  
facility. In that case, all the individuals in the part or unit 51045  
licensed as a nursing home shall be considered as one group, and 51046  
all the individuals in the part or unit licensed as an adult care 51047  
facility shall be considered as another group. 51048

(3) The home maintains, in addition to a nursing home or 51049  
residential care facility, a separate and discrete part or unit 51050  
that provides accommodations to individuals who do not require or 51051  
receive skilled nursing care and do not receive personal care 51052  
services from the home, in which case the individuals in the 51053  
separate and discrete part or unit shall not be considered in 51054  
determining the number of residents in the home if the separate 51055  
and discrete part or unit is in compliance with the Ohio basic 51056  
building code established by the board of building standards under 51057  
Chapters 3781. and 3791. of the Revised Code and the home permits 51058  
the director, on request, to inspect the separate and discrete 51059  
part or unit and speak with the individuals residing there, if 51060  
they consent, to determine whether the separate and discrete part 51061  
or unit meets the requirements of this division. 51062

(E)(1) The director of health shall charge the following application fee and annual renewal licensing and inspection fee for each fifty persons or part thereof of a home's licensed capacity:

(a) For state fiscal year 2010, two hundred twenty dollars;

(b) For state fiscal year 2011, two hundred seventy dollars;

(c) For each state fiscal year thereafter, three hundred twenty dollars.

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and rules adopted under it.

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in either of the following:

(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all	51094
of the following:	51095
(i) The date the inspection or investigation was conducted;	51096
(ii) A statement that the director of health inspects all	51097
homes at least once every fifteen months;	51098
(iii) If a finding or deficiency cited in the statement of	51099
deficiencies has been substantially corrected, a statement that	51100
the finding or deficiency has been substantially corrected and the	51101
date that the finding or deficiency was substantially corrected;	51102
(iv) The number of findings and deficiencies cited in the	51103
statement of deficiencies on the basis of the inspection or	51104
investigation;	51105
(v) The average number of findings and deficiencies cited in	51106
a statement of deficiencies on the basis of an inspection or	51107
investigation conducted under this section during the same	51108
calendar year as the inspection or investigation used in the	51109
advertisement;	51110
(vi) A statement that the advertisement is neither authorized	51111
nor endorsed by the department of health or any other government	51112
agency.	51113
(2) Nothing in division (F)(1) of this section prohibits the	51114
results of an inspection or investigation conducted under this	51115
section from being used in a criminal investigation or	51116
prosecution.	51117
<b>Sec. 3721.031.</b> (A) The director of health may investigate any	51118
complaint the director receives concerning a home.	51119
(1) Except as required by court order, as necessary for the	51120
administration or enforcement of any statute relating to homes, or	51121
as provided in division (C) of this section, the director and any	51122
employee of the department of health shall not release any of the	51123

following information without the permission of the individual or 51124  
of the individual's legal representative: 51125

(a) The identity of any patient or resident; 51126

(b) The identity of any individual who submits a complaint 51127  
about a home; 51128

(c) The identity of any individual who provides the director 51129  
with information about a home and has requested confidentiality; 51130

(d) Any information that reasonably would tend to disclose 51131  
the identity of any individual described in division (A)(1)(a) to 51132  
(c) of this section. 51133

(2) An agency or individual to whom the director is required, 51134  
by court order or for the administration or enforcement of a 51135  
statute relating to homes, to release information described in 51136  
division (A)(1) of this section shall not release the information 51137  
without the permission of the individual who would be or would 51138  
reasonably tend to be identified, or of the individual's legal 51139  
representative, unless the agency or individual is required to 51140  
release it by division (C) of this section, by court order, or for 51141  
the administration or enforcement of a statute relating to homes. 51142

(B) Except as provided in division (C) of this section, any 51143  
record that identifies an individual described in division 51144  
(A)(1)(a) to (c) of this section or that reasonably would tend to 51145  
identify such an individual is not a public record for the 51146  
purposes of section 149.43 of the Revised Code, and is not subject 51147  
to inspection and copying under section 1347.08 of the Revised 51148  
Code. 51149

(C)(1) If the director, or an agency or individual to whom 51150  
the director is required by court order or for administration or 51151  
enforcement of a statute relating to homes to release information 51152  
described in division (A)(1) of this section, uses information in 51153  
any administrative or judicial proceeding against a home that 51154

reasonably would tend to identify an individual described in 51155  
division (A)(1)(a) to (c) of this section, the director, agency, 51156  
or individual shall disclose that information to the home. 51157  
However, the director, agency, or individual shall not disclose 51158  
information that directly identifies an individual described in 51159  
divisions (A)(1)(a) to (c) of this section, unless the individual 51160  
is to testify in the proceedings. 51161

(2)(a) On the request of the director of aging or the 51162  
director's designee and subject to division (C)(2)(b) of this 51163  
section, the director of health may release to the department of 51164  
aging the identity of a patient or resident of a home who receives 51165  
assisted living services pursuant to sections 173.54 to 173.548 of 51166  
the Revised Code. 51167

(b) The department of aging shall not use information 51168  
obtained under division (C)(2)(a) for any purpose other than 51169  
monitoring the well-being of patients or residents who receive 51170  
assisted living services. 51171

(D) No person shall knowingly register a false complaint 51172  
about a home with the director, or knowingly swear or affirm the 51173  
truth of a false complaint, when the complaint is made for the 51174  
purpose of incriminating another. 51175

(E) An individual who in good faith submits a complaint under 51176  
this section or any other provision of the Revised Code regarding 51177  
a violation of this chapter, or participates in any investigation, 51178  
administrative proceeding, or judicial proceeding resulting from 51179  
the complaint, has the full protection against retaliatory action 51180  
provided by sections 4113.51 to 4113.53 of the Revised Code. 51181

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 51182  
Revised Code: 51183

(A) "Long-term care facility" means either of the following: 51184

(1) A nursing home as defined in section 3721.01 of the Revised Code;	51185 51186
(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act."	51187 51188 51189
(B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.	51190 51191
(C) "Abuse" means <del>knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment</del> <u>any of the following:</u>	51192 51193 51194 51195 51196 51197 51198
<u>(1) Physical abuse;</u>	51199
<u>(2) Psychological abuse;</u>	51200
<u>(3) Sexual abuse.</u>	51201
(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.	51202 51203 51204 51205 51206 51207 51208
(E) <u>"Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed.</u>	51209 51210 51211 51212
(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by	51213 51214

any means prohibited by the Revised Code, including violations of 51215  
Chapter 2911. or 2913. of the Revised Code. 51216

~~(F)~~(G) "Resident" includes a resident, patient, former 51217  
resident or patient, or deceased resident or patient of a 51218  
long-term care facility or a residential care facility. 51219

(H) "Physical abuse" means knowingly causing physical harm or 51220  
recklessly causing serious physical harm to a resident through 51221  
either of the following: 51222

(1) Physical contact with the resident; 51223

(2) The use of physical restraint, chemical restraint, 51224  
medication that does not constitute a chemical restraint, or 51225  
isolation, if the restraint, medication, or isolation is 51226  
excessive, for punishment, for staff convenience, a substitute for 51227  
treatment, or in an amount that precludes habilitation and 51228  
treatment. 51229

(I) "Psychological abuse" means knowingly or recklessly 51230  
causing psychological harm to a resident, whether verbally or by 51231  
action. 51232

(J) "Sexual abuse" means sexual conduct or sexual contact 51233  
with a resident, as those terms are defined in section 2907.01 of 51234  
the Revised Code. 51235

~~(G)~~(K) "Physical restraint" has the same meaning as in 51236  
section 3721.10 of the Revised Code. 51237

~~(H)~~(L) "Chemical restraint" has the same meaning as in 51238  
section 3721.10 of the Revised Code. 51239

~~(I)~~(M) "Nursing and nursing-related services" means the 51240  
personal care services and other services not constituting skilled 51241  
nursing care that are specified in rules the director of health 51242  
shall adopt in accordance with Chapter 119. of the Revised Code. 51243

~~(J)~~(N) "Personal care services" has the same meaning as in 51244

section 3721.01 of the Revised Code. 51245

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 51246  
section, "nurse aide" means an individual who provides nursing and 51247  
nursing-related services to residents in a long-term care 51248  
facility, either as a member of the staff of the facility for 51249  
monetary compensation or as a volunteer without monetary 51250  
compensation. 51251

(2) "Nurse aide" does not include either of the following: 51252

(a) A licensed health professional practicing within the 51253  
scope of the professional's license; 51254

(b) An individual providing nursing and nursing-related 51255  
services in a religious nonmedical health care institution, if the 51256  
individual has been trained in the principles of nonmedical care 51257  
and is recognized by the institution as being competent in the 51258  
administration of care within the religious tenets practiced by 51259  
the residents of the institution. 51260

~~(L)~~(P) "Licensed health professional" means all of the 51261  
following: 51262

(1) An occupational therapist or occupational therapy 51263  
assistant licensed under Chapter 4755. of the Revised Code; 51264

(2) A physical therapist or physical therapy assistant 51265  
licensed under Chapter 4755. of the Revised Code; 51266

(3) A physician authorized under Chapter 4731. of the Revised 51267  
Code to practice medicine and surgery, osteopathic medicine and 51268  
surgery, or ~~pediatry~~ podiatric medicine and surgery; 51269

(4) A physician assistant authorized under Chapter 4730. of 51270  
the Revised Code to practice as a physician assistant; 51271

(5) A registered nurse or licensed practical nurse licensed 51272  
under Chapter 4723. of the Revised Code; 51273

(6) A social worker or independent social worker licensed 51274



under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	51275 51276
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	51277 51278
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	51279 51280
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	51281 51282
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	51283 51284
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	51285 51286
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	51287 51288
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	51289 51290
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code;	51291 51292 51293
(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	51294 51295 51296
<del>(M)</del> (O) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	51297 51298 51299 51300 51301 51302 51303 51304

~~(N)~~(R) "Competency evaluation program" means a program 51305  
through which the competency of a nurse aide to provide nursing 51306  
and nursing-related services is evaluated. 51307

~~(O)~~(S) "Training and competency evaluation program" means a 51308  
program of nurse aide training and evaluation of competency to 51309  
provide nursing and nursing-related services. 51310

**Sec. 3721.22.** (A)~~(1)~~ ~~No licensed health professional person~~ 51311  
~~identified in division (P)(1) to (12), (14), or (15) of section~~ 51312  
~~3721.21 of the Revised Code~~ who knows or suspects that a resident 51313  
has been abused ~~or~~, neglected, or exploited, or that a resident's 51314  
property has been misappropriated, by any individual used by a 51315  
long-term care facility or residential care facility to provide 51316  
services to residents, shall fail to report that knowledge or 51317  
suspicion to the ~~director of health~~ facility. 51318

(2) No nursing home administrator licensed or temporarily 51319  
licensed under Chapter 4751. of the Revised Code, and no 51320  
administrator of a residential care facility, who knows or 51321  
suspects that a resident has been abused, neglected, or exploited, 51322  
or that a resident's property has been misappropriated, by any 51323  
individual used by a long-term care facility or residential care 51324  
facility to provide services to residents, shall fail to report 51325  
that knowledge or suspicion to the director of health. 51326

(B) Any person, including a resident, who knows or suspects 51327  
that a resident has been abused ~~or~~, neglected, or exploited, or 51328  
that a resident's property has been misappropriated, by any 51329  
individual used by a long-term care facility or residential care 51330  
facility to provide services to residents, may report that 51331  
knowledge or suspicion to the director of health. 51332

(C) Any person who in good faith reports suspected abuse, 51333  
neglect, exploitation, or misappropriation to a facility or the 51334  
director of health, provides information during an investigation 51335

of suspected abuse, neglect, exploitation, or misappropriation 51336  
conducted by the director, or participates in a hearing conducted 51337  
under section 3721.23 of the Revised Code is not subject to 51338  
criminal prosecution, liable in damages in a tort or other civil 51339  
action, or subject to professional disciplinary action because of 51340  
injury or loss to person or property allegedly arising from the 51341  
making of the report, provision of information, or participation 51342  
in the hearing. 51343

(D) If the director has reason to believe that a violation of 51344  
division (A) of this section has occurred, the director may report 51345  
the suspected violation to the appropriate professional licensing 51346  
authority and to the attorney general, county prosecutor, or other 51347  
appropriate law enforcement official. 51348

(E) No person shall knowingly make a false allegation of 51349  
abuse ~~or~~, neglect, or exploitation of a resident or 51350  
misappropriation of a resident's property, or knowingly swear or 51351  
affirm the truth of a false allegation, when the allegation is 51352  
made for the purpose of incriminating another. 51353

**Sec. 3721.23.** (A) The director of health shall receive, 51354  
review, and investigate allegations of abuse ~~or~~, neglect, or 51355  
exploitation of a resident or misappropriation of the property of 51356  
a resident by any individual used by a long-term care facility or 51357  
residential care facility to provide services to residents. 51358

(B) The director shall make findings regarding alleged abuse, 51359  
neglect, exploitation, or misappropriation of property after doing 51360  
both of the following: 51361

(1) Investigating the allegation and determining that there 51362  
is a reasonable basis for it; 51363

(2) Giving notice to the individual named in the allegation 51364  
and affording the individual a reasonable opportunity for a 51365

hearing. 51366

Notice to the person named in an allegation shall be given 51367  
and the hearing shall be conducted pursuant to rules adopted by 51368  
the director under section 3721.26 of the Revised Code. For 51369  
purposes of conducting a hearing under this section, the director 51370  
may issue subpoenas compelling attendance of witnesses or 51371  
production of documents. The subpoenas shall be served in the same 51372  
manner as subpoenas and subpoenas duces tecum issued for a trial 51373  
of a civil action in a court of common pleas. If a person who is 51374  
served a subpoena fails to attend a hearing or to produce 51375  
documents, or refuses to be sworn or to answer any questions, the 51376  
director may apply to the common pleas court of the county in 51377  
which the person resides, or the county in which the long-term 51378  
care facility or residential care facility is located, for a 51379  
contempt order, as in the case of a failure of a person who is 51380  
served a subpoena issued by the court to attend or to produce 51381  
documents or a refusal of such person to testify. 51382

(C)(1) If the director finds that an individual used by a 51383  
long-term care facility or residential care facility has abused, 51384  
neglected, or ~~abused~~ exploited a resident or misappropriated 51385  
property of a resident, the director shall ~~notify~~ do both of the 51386  
following: 51387

(a) Notify the individual, the facility using the individual, 51388  
~~and~~ the attorney general, county prosecutor, or other appropriate 51389  
law enforcement official. ~~The director also shall do the~~ 51390  
~~following:~~ 51391

~~(a) If the individual is used by a long term care facility as~~ 51392  
~~a nurse aide, the director shall, in accordance with section~~ 51393  
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 51394  
~~established under that section a statement detailing the findings~~ 51395  
~~pertaining to the individual.~~ 51396

~~(b) If the individual is a licensed health professional used by a long term care facility or residential care facility to provide services to residents, the director shall notify, and, if applicable,~~ the appropriate professional licensing authority established under Title XLVII of the Revised Code.

~~(c) If the individual is used by a long term care facility and is neither a nurse aide nor a licensed health professional, or is used by a residential care facility and is not a licensed health professional, the director shall, in:~~

(b) In accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual.

(2) ~~A nurse aide or other~~ An individual about whom a statement is required by this division to be included in the nurse aide registry may provide the director with a statement disputing the director's findings and explaining the circumstances of the allegation. The statement shall be included in the nurse aide registry with the director's findings.

(D)(1) If the director finds that alleged abuse, neglect, or ~~abuse~~ exploitation of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following:

(a) Removing and destroying the files and records, originals and copies, and deleting all index references;

(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of 51428  
this section, the director includes in the nurse aide registry a 51429  
statement of a finding of neglect, the individual found to have 51430  
neglected a resident may, not earlier than one year after the date 51431  
of the finding, petition the director to rescind the finding and 51432  
remove the statement and any accompanying information from the 51433  
nurse aide registry. The director shall consider the petition. If, 51434  
in the judgment of the director, the neglect was a singular 51435  
occurrence and the employment and personal history of the 51436  
individual does not evidence abuse, exploitation, or any other 51437  
incident of neglect of residents, the director shall notify the 51438  
individual and remove the statement and any accompanying 51439  
information from the nurse aide registry. The director shall 51440  
expunge all files and records of the investigation and the 51441  
hearing, except the petition for rescission of the finding of 51442  
neglect and the director's notice that the rescission has been 51443  
approved. 51444

(b) A petition for rescission of a finding of neglect and the 51445  
director's notice that the rescission has been approved are not 51446  
public records for the purposes of section 149.43 of the Revised 51447  
Code. 51448

(3) When files and records have been expunged under division 51449  
(D)(1) or (2) of this section, all rights and privileges are 51450  
restored, and the individual, the director, and any other person 51451  
or government entity may properly reply to an inquiry that no such 51452  
record exists as to the matter expunged. 51453

**Sec. 3721.24.** (A) No person or government entity shall 51454  
retaliate against an employee or another individual used by the 51455  
person or government entity to perform any work or services who, 51456  
in good faith, makes or causes to be made a report of suspected 51457  
abuse ~~or~~, neglect, or exploitation of a resident or 51458

misappropriation of the property of a resident; indicates an 51459  
intention to make such a report; provides information during an 51460  
investigation of suspected abuse, neglect, exploitation, or 51461  
misappropriation conducted by the director of health; or 51462  
participates in a hearing conducted under section 3721.23 of the 51463  
Revised Code or in any other administrative or judicial 51464  
proceedings pertaining to the suspected abuse, neglect, 51465  
exploitation, or misappropriation. For purposes of this division, 51466  
retaliatory actions include discharging, demoting, or transferring 51467  
the employee or other person, preparing a negative work 51468  
performance evaluation of the employee or other person, reducing 51469  
the benefits, pay, or work privileges of the employee or other 51470  
person, and any other action intended to retaliate against the 51471  
employee or other person. 51472

(B)(1) No person or government entity shall retaliate against 51473  
a resident who reports or causes to be reported suspected abuse, 51474  
neglect, exploitation, or misappropriation; indicates an intention 51475  
to make such a report; provides information during an 51476  
investigation of alleged abuse, neglect, exploitation, or 51477  
misappropriation conducted by the director; or participates in a 51478  
hearing under section 3721.23 of the Revised Code or in any other 51479  
administrative or judicial proceeding pertaining to the suspected 51480  
abuse, neglect, exploitation, or misappropriation; or on whose 51481  
behalf any other person or government entity takes any of those 51482  
actions. ~~For~~ 51483

(2) No person or government entity shall retaliate against a 51484  
resident whose family member, guardian, sponsor, or personal 51485  
representative reports or causes to be reported suspected abuse, 51486  
neglect, exploitation, or misappropriation; indicates an intention 51487  
to make such a report; provides information during an 51488  
investigation of alleged abuse, neglect, exploitation, or 51489  
misappropriation conducted by the director; or participates in a 51490

hearing under section 3721.23 of the Revised Code or in any other 51491  
administrative or judicial proceeding pertaining to the suspected 51492  
abuse, neglect, exploitation, or misappropriation; or on whose 51493  
behalf any other person or government entity takes any of those 51494  
actions. 51495

(3) For purposes of ~~this division~~ divisions (B)(1) and (2) of 51496  
this section, retaliatory actions include abuse, verbal threats or 51497  
other harsh language, change of room assignment, withholding of 51498  
services, failure to provide care in a timely manner, and any 51499  
other action intended to retaliate against the resident. 51500

(C) Any person has a cause of action against a person or 51501  
government entity for harm resulting from violation of division 51502  
(A) or (B) of this section. If it finds that a violation has 51503  
occurred, the court may award damages and order injunctive relief. 51504  
The court may award court costs and reasonable attorney's fees to 51505  
the prevailing party. 51506

**Sec. 3721.25.** (A)(1) Except as required by court order, as 51507  
necessary for the administration or enforcement of any statute or 51508  
rule relating to long-term care facilities or residential care 51509  
facilities, or as provided in division (D) of this section, the 51510  
director of health shall not disclose any of the following without 51511  
the consent of the individual or the individual's legal 51512  
representative: 51513

(a) The name of an individual who reports suspected abuse ~~or~~, 51514  
neglect, or exploitation of a resident or misappropriation of a 51515  
resident's property to the facility or director; 51516

(b) The name of an individual who provides information during 51517  
an investigation of suspected abuse, neglect, exploitation, or 51518  
misappropriation conducted by the director; 51519

(c) Any information that would tend to disclose the identity 51520



of an individual described in division (A)(1)(a) or (b) of this section. 51521  
51522

(2) An agency or individual to whom the director is required, 51523  
by court order or for the administration or enforcement of a 51524  
statute relating to long-term care facilities or residential care 51525  
facilities, to release information described in division (A)(1) of 51526  
this section shall not release the information without the 51527  
permission of the individual who would be or would reasonably tend 51528  
to be identified, or of the individual's legal representative, 51529  
unless the agency or individual is required to release it by 51530  
division (D) of this section, by court order, or for the 51531  
administration or enforcement of a statute relating to long-term 51532  
care facilities or residential care facilities. 51533

(B) Except as provided in division (D) of this section, any 51534  
record that identifies an individual described in division 51535  
(A)(1)(a) or (b) of this section, or that would tend to disclose 51536  
the identity of such an individual, is not a public record for the 51537  
purposes of section 149.43 of the Revised Code, and is not subject 51538  
to inspection or copying under section 1347.08 of the Revised 51539  
Code. 51540

(C) Except as provided in division (B) of this section and 51541  
division (D) of section 3721.23 of the Revised Code, the records 51542  
of a hearing conducted under section 3721.23 of the Revised Code 51543  
are public records for the purposes of section 149.43 of the 51544  
Revised Code and are subject to inspection and copying under 51545  
section 1347.08 of the Revised Code. 51546

(D) If the director, or an agency or individual to whom the 51547  
director is required by court order or for administration or 51548  
enforcement of a statute relating to long-term care facilities or 51549  
residential care facilities to release information described in 51550  
division (A)(1) of this section, uses information in any 51551  
administrative or judicial proceeding against a long-term care 51552

facility or residential care facility that reasonably would tend 51553  
to identify an individual described in division (A)(1)(a) or (b) 51554  
of this section, the director, agency, or individual shall 51555  
disclose that information to the facility. However, the director, 51556  
agency, or individual shall not disclose information that directly 51557  
identifies an individual described in division (A)(1)(a) or (b) of 51558  
this section, unless the individual is to testify in the 51559  
proceedings. 51560

**Sec. 3721.32.** (A) The director of health shall establish a 51561  
state nurse aide registry listing all individuals who have done 51562  
any of the following: 51563

(1) Were used by a long-term care facility as nurse aides on 51564  
a full-time, temporary, per diem, or other basis at any time 51565  
during the period commencing July 1, 1989, and ending January 1, 51566  
1990, and successfully completed, not later than October 1, 1990, 51567  
a competency evaluation program approved by the director under 51568  
division (A) of section 3721.31 of the Revised Code or conducted 51569  
by the director under division (C) of that section; 51570

(2) Successfully completed a training and competency 51571  
evaluation program approved by the director under division (A) of 51572  
section 3721.31 of the Revised Code or met the conditions 51573  
specified in division (F) of section 3721.28 of the Revised Code, 51574  
and, if the training and competency evaluation program or the 51575  
training, instruction, or education the individual completed in 51576  
meeting the conditions specified in division (F) of section 51577  
3721.28 of the Revised Code was conducted in or by a long-term 51578  
care facility, or if the director so required pursuant to division 51579  
(E) of section 3721.31 of the Revised Code, has successfully 51580  
completed a competency evaluation program conducted by the 51581  
director; 51582

(3) Successfully completed a training and competency 51583

evaluation program conducted by the director under division (C) of 51584  
section 3721.31 of the Revised Code; 51585

(4) Successfully completed, prior to July 1, 1989, a program 51586  
that the director has determined under division (B)(3) of section 51587  
3721.28 of the Revised Code included a competency evaluation 51588  
component no less stringent than the competency evaluation 51589  
programs approved or conducted by the director under section 51590  
3721.31 of the Revised Code, and was otherwise comparable to the 51591  
training and competency evaluation program being approved by the 51592  
director under section 3721.31 of the Revised Code; 51593

(5) Are listed in a nurse aide registry maintained by another 51594  
state that certifies that its program for training and evaluation 51595  
of competency of nurse aides complies with Titles XVIII and XIX of 51596  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 51597  
as amended, or regulations adopted thereunder; 51598

(6) Were found competent, as provided in division (B)(5) of 51599  
section 3721.28 of the Revised Code, prior to July 1, 1989, after 51600  
the completion of a course of nurse aide training of at least one 51601  
hundred hours' duration; 51602

(7) Are enrolled in a prelicensure program of nursing 51603  
education approved by the board of nursing or by an agency of 51604  
another state that regulates nursing education, have provided the 51605  
long-term care facility with a certificate from the program 51606  
indicating that the individual has successfully completed the 51607  
courses that teach basic nursing skills including infection 51608  
control, safety and emergency procedures, and personal care, and 51609  
have successfully completed a competency evaluation program 51610  
conducted by the director under division (A) of section 3721.31 of 51611  
the Revised Code; 51612

(8) Have the equivalent of twelve months or more of full-time 51613  
employment in the five years preceding listing in the registry as 51614

a hospital aide or orderly and have successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code.

(B) ~~The~~ In addition to the list of individuals required by division (A) of this section, the registry shall include both of the following:

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse ~~or~~, neglect, or exploitation of a resident or misappropriation of resident property;

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings.

Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement.

(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved competency evaluation programs and training and competency evaluation programs.

(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code.

**Sec. 3727.45.** The director of health may apply to the court of common pleas of the county in which a hospital is located for a

temporary or permanent injunction restraining the hospital from 51645  
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 51646  
3727.42 of the Revised Code. 51647

**Sec. 3727.54.** (A) At least once ~~a year~~ every two years, the 51648  
hospital-wide nursing care committee convened pursuant to section 51649  
3727.51 of the Revised Code shall do both of the following: 51650

~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing 51651  
plan in effect at the time of the review does all of the 51652  
following: 51653

~~(1)(a)~~ Affects inpatient care outcomes; 51654

~~(2)(b)~~ Affects clinical management; 51655

~~(3)(c)~~ Facilitates a delivery system that provides, on a 51656  
cost-effective basis, quality nursing care consistent with 51657  
acceptable and prevailing standards of safe nursing care and 51658  
~~evidenced based~~ evidence-based guidelines established by national 51659  
nursing organizations. 51660

~~(B)(2)~~ Make recommendations, based on the ~~most recent~~ review 51661  
conducted under division (A)(1) of this section, regarding how the 51662  
~~most current~~ nursing services staffing plan should be revised, if 51663  
at all. 51664

(B) Beginning in 2018, a hospital shall submit to the 51665  
department of health, by March 1 of each even-numbered year, a 51666  
copy of the hospital's nursing services staffing plan in effect at 51667  
that time. 51668

**Sec. 3729.08.** (A) The licenser of the health district in 51669  
which a recreational vehicle park, recreation camp, combined 51670  
park-camp, or temporary park-camp is or is to be located, in 51671  
accordance with Chapter 119. of the Revised Code, may refuse to 51672  
grant, may suspend, or may revoke any license granted to any 51673

person for failure to comply with this chapter or with any rule 51674  
adopted by the director of health under section 3729.02 of the 51675  
Revised Code. 51676

(B) If a recreational vehicle park or combined park-camp 51677  
operator is found to have used the park or park-camp as a chronic 51678  
nuisance in violation of division (B) of section 3729.14 of the 51679  
Revised Code, the licensor shall immediately revoke any license 51680  
held by the park or park-camp operator upon receipt of information 51681  
provided by the local board of health in accordance with division 51682  
(D) of that section. 51683

Sec. 3729.14. (A) As used in this section: 51684

(1) "Chronic nuisance property" means a property on which 51685  
three or more nuisance activities have occurred during any 51686  
consecutive six-month period. 51687

(2) "Deadly weapon" and "firearm" have the same meanings as 51688  
in section 2923.11 of the Revised Code. 51689

(3) "Nuisance activity" includes all of the following: 51690

(a) A felony drug abuse offense as defined in section 2925.01 51691  
of the Revised Code; 51692

(b) A felony sex offense as defined in section 2967.28 of the 51693  
Revised Code; 51694

(c) A felony offense of violence; 51695

(d) A felony or a specification an element of which includes 51696  
the possession or use of a deadly weapon, including an explosive 51697  
or a firearm. 51698

(4) "Offense of violence" has the same meaning as in section 51699  
2901.01 of the Revised Code. 51700

(5) "Person associated with the property" includes a camp 51701  
operator; camp employee; camp official; camp agent; campsite user; 51702

any other person licensed under Chapter 3729. of the Revised Code; 51703  
any person occupying a campsite including a tenant or invitee; or 51704  
any person present on the property of a recreational park camp or 51705  
combined park-camp with the permission of the camp operator or 51706  
other person licensed under Chapter 3729. of the Revised Code or 51707  
the consent of any campsite user, tenant, or invitee. 51708

(6) "Property" means the property of a recreational vehicle 51709  
park or a combined park-camp, including all lots, buildings, or 51710  
campsites, whether contained on one or multiple parcels of real 51711  
property. 51712

(B) No person shall use or operate a recreational vehicle 51713  
park or combined park-camp as a chronic nuisance. No camp operator 51714  
shall let a park or park-camp be so used, or knowingly permit a 51715  
person who has entered into a campsite use agreement with the 51716  
operator to engage in such conduct in the park or park-camp. 51717

(C) If a local board of health of the health district in 51718  
which a recreational vehicle park or combined park-camp is located 51719  
finds that persons associated with the property of the park or 51720  
park-camp have engaged in a nuisance activity on the park or 51721  
park-camp property two or more times in any consecutive six-month 51722  
period, the local board of health shall send notice to the camp 51723  
operator specifying the conduct that constitutes the nuisance 51724  
activity. The notice shall be sent to the camp operator by 51725  
certified mail. The notice shall inform the operator that if one 51726  
or more nuisance activities occurs on the property within the 51727  
consecutive six-month period beginning on the date of the first 51728  
nuisance activity, the property will be declared a chronic 51729  
nuisance as described in division (A) of this section and the camp 51730  
operator's license will be revoked. 51731

If subsequent to the mailing of the notice, the local board 51732  
of health learns of an additional nuisance activity on the 51733  
recreational vehicle park or combined park-camp property during a 51734

consecutive six-month period beginning on the date the notice was 51735  
mailed to the park operator, the board shall immediately report to 51736  
the licensing authority that the property is a chronic nuisance. 51737  
Upon receipt of such information, the licensing authority shall 51738  
revoke the camp operator's license in accordance with section 51739  
3729.08 of the Revised Code. 51740

(D) This section does not limit any recourse permitted 51741  
elsewhere in the Revised Code or at common law for conduct that 51742  
violates this section. 51743

**Sec. 3734.02.** (A) The director of environmental protection, 51744  
in accordance with Chapter 119. of the Revised Code, shall adopt 51745  
and may amend, suspend, or rescind rules having uniform 51746  
application throughout the state governing solid waste facilities 51747  
and the inspections of and issuance of permits and licenses for 51748  
all solid waste facilities in order to ensure that the facilities 51749  
will be located, maintained, and operated, and will undergo 51750  
closure and post-closure care, in a sanitary manner so as not to 51751  
create a nuisance, cause or contribute to water pollution, create 51752  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 51753  
257.3-8, as amended. The rules may include, without limitation, 51754  
financial assurance requirements for closure and post-closure care 51755  
and corrective action and requirements for taking corrective 51756  
action in the event of the surface or subsurface discharge or 51757  
migration of explosive gases or leachate from a solid waste 51758  
facility, or of ground water contamination resulting from the 51759  
transfer or disposal of solid wastes at a facility, beyond the 51760  
boundaries of any area within a facility that is operating or is 51761  
undergoing closure or post-closure care where solid wastes were 51762  
disposed of or are being disposed of. The rules shall not concern 51763  
or relate to personnel policies, salaries, wages, fringe benefits, 51764  
or other conditions of employment of employees of persons owning 51765  
or operating solid waste facilities. The director, in accordance 51766



with Chapter 119. of the Revised Code, shall adopt and may amend, 51767  
suspend, or rescind rules governing the issuance, modification, 51768  
revocation, suspension, or denial of variances from the director's 51769  
solid waste rules, including, without limitation, rules adopted 51770  
under this chapter governing the management of scrap tires. 51771

Variances shall be issued, modified, revoked, suspended, or 51772  
rescinded in accordance with this division, rules adopted under 51773  
it, and Chapter 3745. of the Revised Code. The director may order 51774  
the person to whom a variance is issued to take such action within 51775  
such time as the director may determine to be appropriate and 51776  
reasonable to prevent the creation of a nuisance or a hazard to 51777  
the public health or safety or the environment. Applications for 51778  
variances shall contain such detail plans, specifications, and 51779  
information regarding objectives, procedures, controls, and other 51780  
pertinent data as the director may require. The director shall 51781  
grant a variance only if the applicant demonstrates to the 51782  
director's satisfaction that construction and operation of the 51783  
solid waste facility in the manner allowed by the variance and any 51784  
terms or conditions imposed as part of the variance will not 51785  
create a nuisance or a hazard to the public health or safety or 51786  
the environment. In granting any variance, the director shall 51787  
state the specific provision or provisions whose terms are to be 51788  
varied and also shall state specific terms or conditions imposed 51789  
upon the applicant in place of the provision or provisions. 51790

The director may hold a public hearing on an application for 51791  
a variance or renewal of a variance at a location in the county 51792  
where the operations that are the subject of the application for 51793  
the variance are conducted. The director shall give not less than 51794  
twenty days' notice of the hearing to the applicant by certified 51795  
mail or by another type of mail accompanied by a receipt and shall 51796  
publish at least one notice of the hearing in a newspaper with 51797  
general circulation in the county where the hearing is to be held. 51798

The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing.

Within ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail or by another type of mail accompanied by a receipt.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2)

and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director ~~has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director~~ has disapproved plans and specifications required to be filed by an order issued under division (A)~~(5)~~(3) of ~~that~~ section 3734.05 of the Revised Code, after the date prescribed for commencement of closure of the facility in the order issued under division (A)~~(6)~~(4) of that section ~~3734.05 of the Revised Code~~ denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed

registration for the facility to the director in accordance with 51863  
rules adopted under divisions (A) and (N)(3) of this section. 51864

This division does not apply to a generator of infectious 51865  
wastes that does any of the following: 51866

(1) Treats, by methods, techniques, and practices established 51867  
by rules adopted under division (B)(2)(a) of section 3734.021 of 51868  
the Revised Code, any of the following: 51869

(a) Infectious wastes that are generated on any premises that 51870  
are owned or operated by the generator; 51871

(b) Infectious wastes that are generated by a generator who 51872  
has staff privileges at a hospital as defined in section 3727.01 51873  
of the Revised Code; 51874

(c) Infectious wastes that are generated in providing care to 51875  
a patient by an emergency medical services organization as defined 51876  
in section 4765.01 of the Revised Code. 51877

(2) Holds a license or renewal of a license to operate a 51878  
crematory facility issued under Chapter 4717. and a permit issued 51879  
under Chapter 3704. of the Revised Code; 51880

(3) Treats or disposes of dead animals or parts thereof, or 51881  
the blood of animals, and is subject to any of the following: 51882

(a) Inspection under the "Federal Meat Inspection Act," 81 51883  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51884

(b) Chapter 918. of the Revised Code; 51885

(c) Chapter 953. of the Revised Code. 51886

(D) Neither this chapter nor any rules adopted under it apply 51887  
to single-family residential premises; to infectious wastes 51888  
generated by individuals for purposes of their own care or 51889  
treatment; to the temporary storage of solid wastes, other than 51890  
scrap tires, prior to their collection for disposal; to the 51891  
storage of one hundred or fewer scrap tires unless they are stored 51892

in such a manner that, in the judgment of the director or the 51893  
board of health of the health district in which the scrap tires 51894  
are stored, the storage causes a nuisance, a hazard to public 51895  
health or safety, or a fire hazard; or to the collection of solid 51896  
wastes, other than scrap tires, by a political subdivision or a 51897  
person holding a franchise or license from a political subdivision 51898  
of the state; to composting, as defined in section 1511.01 of the 51899  
Revised Code, conducted in accordance with section 1511.022 of the 51900  
Revised Code; or to any person who is licensed to transport raw 51901  
rendering material to a compost facility pursuant to section 51902  
953.23 of the Revised Code. 51903

(E)(1) As used in this division: 51904

(a) "On-site facility" means a facility that stores, treats, 51905  
or disposes of hazardous waste that is generated on the premises 51906  
of the facility. 51907

(b) "Off-site facility" means a facility that stores, treats, 51908  
or disposes of hazardous waste that is generated off the premises 51909  
of the facility and includes such a facility that is also an 51910  
on-site facility. 51911

(c) "Satellite facility" means any of the following: 51912

(i) An on-site facility that also receives hazardous waste 51913  
from other premises owned by the same person who generates the 51914  
waste on the facility premises; 51915

(ii) An off-site facility operated so that all of the 51916  
hazardous waste it receives is generated on one or more premises 51917  
owned by the person who owns the facility; 51918

(iii) An on-site facility that also receives hazardous waste 51919  
that is transported uninterruptedly and directly to the facility 51920  
through a pipeline from a generator who is not the owner of the 51921  
facility. 51922

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC	TYPE OF FACILITY	FEE
MANAGEMENT UNIT		
Storage facility using:		
Containers	On-site, off-site, and	
	satellite	\$ 500

Tanks	On-site, off-site, and		51955
	satellite	500	51956
Waste pile	On-site, off-site, and		51957
	satellite	3,000	51958
Surface impoundment	On-site and satellite	8,000	51959
	Off-site	10,000	51960
Disposal facility using:			51961
Deep well injection	On-site and satellite	15,000	51962
	Off-site	25,000	51963
Landfill	On-site and satellite	25,000	51964
	Off-site	40,000	51965
Land application	On-site and satellite	2,500	51966
	Off-site	5,000	51967
Surface impoundment	On-site and satellite	10,000	51968
	Off-site	20,000	51969
Treatment facility using:			51970
Tanks	On-site, off-site, and		51971
	satellite	700	51972
Surface impoundment	On-site and satellite	8,000	51973
	Off-site	10,000	51974
Incinerator	On-site and satellite	5,000	51975
	Off-site	10,000	51976
Other forms			51977
of treatment	On-site, off-site, and		51978
	satellite	1,000	51979

A hazardous waste disposal facility that disposes of 51980  
hazardous waste by deep well injection and that pays the annual 51981  
permit fee established in section 6111.046 of the Revised Code is 51982  
not subject to the permit fee established in this division for 51983  
disposal facilities using deep well injection unless the director 51984  
determines that the facility is not in compliance with applicable 51985  
requirements established under this chapter and rules adopted 51986  
under it. 51987

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;



(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 52050

(5) A hazardous waste facility as described in division 52051  
(E)(3)(a) or (b) of this section. 52052

(G) The director, by order, may exempt any person generating, 52053  
collecting, storing, treating, disposing of, or transporting solid 52054  
wastes, infectious wastes, or hazardous waste, or processing solid 52055  
wastes that consist of scrap tires, in such quantities or under 52056  
such circumstances that, in the determination of the director, are 52057  
unlikely to adversely affect the public health or safety or the 52058  
environment from any requirement to obtain a registration 52059  
certificate, permit, or license or comply with the manifest system 52060  
or other requirements of this chapter. Such an exemption shall be 52061  
consistent with and equivalent to any regulations adopted by the 52062  
administrator of the United States environmental protection agency 52063  
under the "Resource Conservation and Recovery Act of 1976," 90 52064  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 52065  
provided in this chapter. 52066

(H) No person shall engage in filling, grading, excavating, 52067  
building, drilling, or mining on land where a hazardous waste 52068  
facility, or a solid waste facility, was operated without prior 52069  
authorization from the director, who shall establish the procedure 52070  
for granting such authorization by rules adopted in accordance 52071  
with Chapter 119. of the Revised Code. 52072

A public utility that has main or distribution lines above or 52073  
below the land surface located on an easement or right-of-way 52074  
across land where a solid waste facility was operated may engage 52075  
in any such activity within the easement or right-of-way without 52076  
prior authorization from the director for purposes of performing 52077  
emergency repair or emergency replacement of its lines; of the 52078  
poles, towers, foundations, or other structures supporting or 52079  
sustaining any such lines; or of the appurtenances to those 52080  
structures, necessary to restore or maintain existing public 52081

utility service. A public utility may enter upon any such easement 52082  
or right-of-way without prior authorization from the director for 52083  
purposes of performing necessary or routine maintenance of those 52084  
portions of its existing lines; of the existing poles, towers, 52085  
foundations, or other structures sustaining or supporting its 52086  
lines; or of the appurtenances to any such supporting or 52087  
sustaining structure, located on or above the land surface on any 52088  
such easement or right-of-way. Within twenty-four hours after 52089  
commencing any such emergency repair, replacement, or maintenance 52090  
work, the public utility shall notify the director or the 52091  
director's authorized representative of those activities and shall 52092  
provide such information regarding those activities as the 52093  
director or the director's representative may request. Upon 52094  
completion of the emergency repair, replacement, or maintenance 52095  
activities, the public utility shall restore any land of the solid 52096  
waste facility disturbed by those activities to the condition 52097  
existing prior to the commencement of those activities. 52098

(I) No owner or operator of a hazardous waste facility, in 52099  
the operation of the facility, shall cause, permit, or allow the 52100  
emission therefrom of any particulate matter, dust, fumes, gas, 52101  
mist, smoke, vapor, or odorous substance that, in the opinion of 52102  
the director, unreasonably interferes with the comfortable 52103  
enjoyment of life or property by persons living or working in the 52104  
vicinity of the facility, or that is injurious to public health. 52105  
Any such action is hereby declared to be a public nuisance. 52106

(J) Notwithstanding any other provision of this chapter, in 52107  
the event the director finds an imminent and substantial danger to 52108  
public health or safety or the environment that creates an 52109  
emergency situation requiring the immediate treatment, storage, or 52110  
disposal of hazardous waste, the director may issue a temporary 52111  
emergency permit to allow the treatment, storage, or disposal of 52112  
the hazardous waste at a facility that is not otherwise authorized 52113

by a hazardous waste facility installation and operation permit to 52114  
treat, store, or dispose of the waste. The emergency permit shall 52115  
not exceed ninety days in duration and shall not be renewed. The 52116  
director shall adopt, and may amend, suspend, or rescind, rules in 52117  
accordance with Chapter 119. of the Revised Code governing the 52118  
issuance, modification, revocation, and denial of emergency 52119  
permits. 52120

(K) Except for infectious wastes generated by a person who 52121  
produces fewer than fifty pounds of infectious wastes at a 52122  
premises during any one month, no owner or operator of a sanitary 52123  
landfill shall knowingly accept for disposal, or dispose of, any 52124  
infectious wastes that have not been treated to render them 52125  
noninfectious. 52126

(L) The director, in accordance with Chapter 119. of the 52127  
Revised Code, shall adopt, and may amend, suspend, or rescind, 52128  
rules having uniform application throughout the state establishing 52129  
a training and certification program that shall be required for 52130  
employees of boards of health who are responsible for enforcing 52131  
the solid waste and infectious waste provisions of this chapter 52132  
and rules adopted under them and for persons who are responsible 52133  
for the operation of solid waste facilities or infectious waste 52134  
treatment facilities. The rules shall provide all of the 52135  
following, without limitation: 52136

(1) The program shall be administered by the director and 52137  
shall consist of a course on new solid waste and infectious waste 52138  
technologies, enforcement procedures, and rules; 52139

(2) The course shall be offered on an annual basis; 52140

(3) Those persons who are required to take the course under 52141  
division (L) of this section shall do so triennially; 52142

(4) Persons who successfully complete the course shall be 52143  
certified by the director; 52144

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 52177  
United States department of the interior, located in this state, 52178  
or any candidate area located in this state and identified for 52179  
potential inclusion in the national park system in the edition of 52180  
the "national park system plan" submitted under paragraph (b) of 52181  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 52182  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 52183  
application for the permit, unless the facility or proposed 52184  
facility is or is to be used exclusively for the disposal of solid 52185  
wastes generated within the park or recreation area and the 52186  
director determines that the facility or proposed facility will 52187  
not degrade any of the natural or cultural resources of the park 52188  
or recreation area. The director shall not issue a variance under 52189  
division (A) of this section and rules adopted under it, or issue 52190  
an exemption order under division (G) of this section, that would 52191  
authorize any such establishment or expansion of a solid waste 52192  
facility within the boundaries of any such park or recreation 52193  
area, state park purchase area, or candidate area, other than a 52194  
solid waste facility exclusively for the disposal of solid wastes 52195  
generated within the park or recreation area when the director 52196  
determines that the facility will not degrade any of the natural 52197  
or cultural resources of the park or recreation area. 52198

(N)(1) The rules adopted under division (A) of this section, 52199  
other than those governing variances, do not apply to scrap tire 52200  
collection, storage, monocell, monofill, and recovery facilities. 52201  
Those facilities are subject to and governed by rules adopted 52202  
under sections 3734.70 to 3734.73 of the Revised Code, as 52203  
applicable. 52204

(2) Division (C) of this section does not apply to scrap tire 52205  
collection, storage, monocell, monofill, and recovery facilities. 52206  
The establishment and modification of those facilities are subject 52207  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 52208

Code, as applicable. 52209

(3) The director may adopt, amend, suspend, or rescind rules 52210  
under division (A) of this section creating an alternative system 52211  
for authorizing the establishment, operation, or modification of a 52212  
solid waste compost facility in lieu of the requirement that a 52213  
person seeking to establish, operate, or modify a solid waste 52214  
compost facility apply for and receive a permit under division (C) 52215  
of this section and section 3734.05 of the Revised Code and a 52216  
license under division (A)(1) of that section. The rules may 52217  
include requirements governing, without limitation, the 52218  
classification of solid waste compost facilities, the submittal of 52219  
operating records for solid waste compost facilities, and the 52220  
creation of a registration or notification system in lieu of the 52221  
issuance of permits and licenses for solid waste compost 52222  
facilities. The rules shall specify the applicability of divisions 52223  
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 52224  
Code to a solid waste compost facility. 52225

(O)(1) As used in this division, "secondary aluminum waste" 52226  
means waste material or byproducts, when disposed of, containing 52227  
aluminum generated from secondary aluminum smelting operations and 52228  
consisting of dross, salt cake, baghouse dust associated with 52229  
aluminum recycling furnace operations, or dry-milled wastes. 52230

(2) The owner or operator of a sanitary landfill shall not 52231  
dispose of municipal solid waste that has been commingled with 52232  
secondary aluminum waste. 52233

(3) The owner or operator of a sanitary landfill may dispose 52234  
of secondary aluminum waste, but only in a monocell or monofill 52235  
that has been permitted for that purpose in accordance with this 52236  
chapter and rules adopted under it. 52237

(P)(1) As used in divisions (P) and (Q) of this section: 52238

(a) "Natural background" means two picocuries per gram or the 52239

actual number of picocuries per gram as measured at an individual 52240  
solid waste facility, subject to verification by the director of 52241  
health. 52242

(b) "Drilling operation" includes a production operation as 52243  
defined in section 1509.01 of the Revised Code. 52244

(2) The owner or operator of a solid waste facility shall not 52245  
accept for transfer or disposal technologically enhanced naturally 52246  
occurring radioactive material if that material contains or is 52247  
contaminated with radium-226, radium-228, or any combination of 52248  
radium-226 and radium-228 at concentrations equal to or greater 52249  
than five picocuries per gram above natural background. 52250

(3) The owner or operator of a solid waste facility may 52251  
receive and process for purposes other than transfer or disposal 52252  
technologically enhanced naturally occurring radioactive material 52253  
that contains or is contaminated with radium-226, radium-228, or 52254  
any combination of radium-226 and radium-228 at concentrations 52255  
equal to or greater than five picocuries per gram above natural 52256  
background, provided that the owner or operator has obtained and 52257  
maintains all other necessary authorizations, including any 52258  
authorization required by rules adopted by the director of health 52259  
under section 3748.04 of the Revised Code. 52260

(4) The director of environmental protection may adopt rules 52261  
in accordance with Chapter 119. of the Revised Code governing the 52262  
receipt, acceptance, processing, handling, management, and 52263  
disposal by solid waste facilities of material that contains or is 52264  
contaminated with radioactive material, including, without 52265  
limitation, technologically enhanced naturally occurring 52266  
radioactive material that contains or is contaminated with 52267  
radium-226, radium-228, or any combination of radium-226 and 52268  
radium-228 at concentrations less than five picocuries per gram 52269  
above natural background. Rules adopted by the director may 52270  
include at a minimum both of the following: 52271



(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

**Sec. 3734.041.** (A) The owner or operator holding a license issued under division (A) of section 3734.05 of the Revised Code for a sanitary landfill that is so situated that a residence or other occupied structure off the premises of the landfill is located within one thousand feet horizontal distance from the exterior boundary of the landfill, and the owner or operator of any closed landfill that is so situated and for which a license was issued under division (A) of section 3734.05 of the Revised Code, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located, shall, within sixty days after the effective date of the rules adopted under division (F) of this section, submit an explosive gas monitoring plan for the landfill or closed landfill to the director of environmental protection for approval for compliance

with those rules. After approval of the plan, the owner ~~or,~~ 52303  
operator ~~of the landfill, or, in the instance of a closed~~ 52304  
~~landfill, the owner or operator of the closed landfill, or the,~~ 52305  
subsequent owner, lessee, or other person ~~who has control of the~~ 52306  
~~land on which the closed landfill is located~~ shall conduct 52307  
monitoring of explosive gas levels at the landfill or closed 52308  
landfill, and submit written reports of the results of the 52309  
monitoring to the director and the board of health of the health 52310  
district in which the landfill is located in accordance with the 52311  
approved plan and the schedule for implementation contained in the 52312  
approved plan. 52313

No person shall violate or fail to perform a duty imposed by 52314  
a plan approved under this section. 52315

(B) Division (A) of this section does not apply to a sanitary 52316  
landfill or closed sanitary landfill that exclusively disposes, or 52317  
disposed, of solid wastes generated on the premises where the 52318  
landfill or closed landfill is located; to a sanitary landfill or 52319  
closed sanitary landfill that exclusively disposes, or disposed, 52320  
of solid wastes generated on one or more premises owned by the 52321  
person who owns the landfill or closed landfill; or to a sanitary 52322  
landfill or closed sanitary landfill owned or operated by a person 52323  
other than the generator of the wastes that exclusively disposes, 52324  
or disposed, of nonputrescible solid wastes or nonputrescible 52325  
wastes generated by a single generator at one or more premises 52326  
owned by the generator. 52327

(C) ~~When~~ As used in this division and division (D) of this 52328  
section, "responsible party" includes the owner or operator of a 52329  
solid waste disposal facility; any current or former owner of a 52330  
closed solid waste disposal facility; any person who was 52331  
responsible for the operations of a closed solid waste disposal 52332  
facility; any lessee or other person who has control of the 52333  
property on which a closed solid waste disposal facility is 52334

located; a receiver appointed pursuant to Chapter 2735. of the 52335  
Revised Code with respect to a solid waste disposal facility or 52336  
closed solid waste disposal facility; and a trustee in bankruptcy. 52337

Notwithstanding division (B) of this section, if the director 52338  
determines that, due to the types of wastes disposed of, the 52339  
engineering design, the hydrogeological setting, the period of 52340  
time since the commencement of operation, ~~and~~ the proximity of 52341  
residential or other occupied structures located off the premises 52342  
of ~~the landfill~~ a solid waste disposal facility to the exterior 52343  
boundaries, ~~of~~ or information related to concentrations of 52344  
explosive gas at or surrounding a sanitary landfill licensed under 52345  
division (A) of section 3734.05 of the Revised Code facility or 52346  
closed ~~sanitary landfill for which a license was issued under that~~ 52347  
~~division~~ facility, the potential exists for the formation and 52348  
subsurface migration of explosive gases in such quantities and 52349  
under such conditions as to ~~endanger~~ threaten human health or 52350  
safety or the environment, the director ~~shall~~ may issue to the 52351  
~~owner or operator of the sanitary landfill, or, in the instance of~~ 52352  
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 52353  
~~landfill, or the subsequent owner, lessee, or other person who has~~ 52354  
~~control of the property on which the closed landfill is located,~~ 52355  
any responsible party an order directing ~~such owner~~ the 52356  
responsible party to prepare, ~~obtain approval of, and implement an~~ 52357  
and submit a new or revised explosive gas monitoring and reporting 52358  
~~plan, in accordance with division (A) of~~ that complies with 52359  
division (A) of this section and provides for the adequate 52360  
evaluation of explosive gas generation at and migration from the 52361  
solid waste disposal facility or closed solid waste disposal 52362  
facility. A plan so submitted shall be approved in accordance with 52363  
division (A) of this section. After approval of the plan, the 52364  
responsible party shall conduct monitoring of explosive gas levels 52365  
at the facility or closed facility and submit written reports of 52366  
the results of the monitoring in accordance with the plan approved 52367

under this section. For the purposes of this division and division 52368  
(D) of this section, explosive gases shall be considered to 52369  
~~endanger~~ threaten human health or safety or the environment if 52370  
concentrations of methane generated by ~~the landfill~~ a facility in 52371  
~~landfill~~ occupied structures, ~~excluding gas control or recovery~~ 52372  
~~system components~~, exceed twenty-five per cent of the lower 52373  
explosive limit or if concentrations of methane generated by the 52374  
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 52375  
lower explosive limit. As used in this division, "lower explosive 52376  
limit" means the lowest per cent by volume of methane that will 52377  
produce a flame in air at twenty-five degrees centigrade and 52378  
atmospheric pressure. 52379

(D) If a report submitted pursuant to a plan approved under 52380  
division (A) of this section indicates that the formation of 52381  
explosive gases at, and migration of explosive gases from, a 52382  
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 52383  
~~landfill~~ solid waste disposal facility threatens human health or 52384  
safety or the environment, the director or his authorized 52385  
representative ~~shall promptly~~ may conduct an evaluation of the 52386  
levels of explosive gases on the premises of the ~~landfill~~ facility 52387  
and in occupied structures located in proximity to the boundaries 52388  
of the ~~landfill~~ facility to determine whether the formation of 52389  
explosive gases at, and migration of those gases from, the 52390  
~~landfill~~ facility or closed ~~landfill~~ facility constitutes such a 52391  
threat. In addition, the director or the director's authorized 52392  
representative, on their own initiative, may conduct an evaluation 52393  
in accordance with division (G) of this section. Based upon the 52394  
findings of ~~the an~~ an evaluation, ~~or of an evaluation conducted by~~ 52395  
~~the director, or his authorized representative, on his own~~ 52396  
initiative, the director ~~shall~~ may issue an order under division 52397  
(A) or (B) of section 3734.13 of the Revised Code, as the director 52398  
considers necessary or appropriate, directing ~~the owner or~~ 52399  
~~operator of the landfill, or, in the instance of a closed~~ 52400

~~landfill, the owner or operator of the landfill, or the subsequent~~ 52401  
~~owner, lessee, or other person who has control of the land on~~ 52402  
~~which the closed landfill is located, any responsible party to~~ 52403  
perform such measures as the director considers necessary or 52404  
appropriate, to abate or minimize the formation of explosive gases 52405  
or their migration off the premises of the ~~landfill~~ facility, to 52406  
abate or remedy any conditions caused by the formation and 52407  
migration of such gases that ~~endanger~~ threaten human health or 52408  
safety or the environment and to take such actions as the director 52409  
finds necessary or appropriate to prevent recurrence of the 52410  
migration of explosive gases or decrease their concentration to 52411  
levels set forth in division (C) of this section. 52412

After the issuance of an order under this division, the 52413  
director shall inspect the ~~landfill at least once each week, or~~ 52414  
facility at such ~~other~~ intervals as the director or ~~his~~ an 52415  
authorized representative of the director considers necessary or 52416  
appropriate, to ascertain compliance with the order until such 52417  
time as the director determines that full compliance with those 52418  
terms and conditions has been achieved. 52419

If a report submitted pursuant to a plan approved under 52420  
division (A) of this section indicates that the formation of 52421  
explosive gases at, and migration of explosive gases from, a 52422  
~~landfill~~ solid waste disposal facility that is subject to an order 52423  
issued under division (D) of this section has recurred in such 52424  
quantities or under such conditions as to threaten human health or 52425  
safety or the environment, or if the director determines from an 52426  
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 52427  
~~operator of the landfill, or, in the instance of a closed~~ 52428  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 52429  
~~owner, lessee, or other person who has control of the land on~~ 52430  
~~which the closed landfill is located, responsible party has~~ 52431  
violated or is violating a term or condition of the order or that 52432

measures in addition to those prescribed by the order are 52433  
necessary or appropriate under the circumstances, the director 52434  
shall take such actions under division (A), (B), or (C) of section 52435  
3734.13 of the Revised Code as ~~he~~ the director considers necessary 52436  
or appropriate to protect human health or safety or the 52437  
environment. 52438

(E) The director shall conduct random inspections of licensed 52439  
and closed sanitary landfills for explosive gas levels and to 52440  
monitor the accuracy of the reports submitted pursuant to plans 52441  
approved under division (A) of this section. 52442

(F) The director shall adopt rules under Chapter 119. of the 52443  
Revised Code prescribing standards for conducting the explosive 52444  
gas monitoring required by division (A) of this section including, 52445  
without limitation, standards governing the numbers, locations, 52446  
and design and construction of monitoring wells; quality control 52447  
procedures to be followed by persons conducting those evaluations 52448  
to ensure the accuracy of the monitoring; the frequency for 52449  
sampling the monitoring wells, which shall be at least quarterly, 52450  
except as otherwise provided in this division; and the frequency 52451  
of reporting monitoring results to the director and board of 52452  
health. The rules shall require that, in the instance of closed 52453  
sanitary landfills, explosive gas monitoring be conducted for the 52454  
period of twenty years after closure or for such other period as 52455  
the director considers necessary or appropriate. Such explosive 52456  
gas monitoring shall be conducted quarterly during each of the 52457  
five years immediately following closure of the landfills and 52458  
semiannually thereafter. If such semiannual sampling shows that 52459  
the methane limits set in division (C) of this section are 52460  
exceeded, sampling may be resumed at a frequency determined by the 52461  
director. 52462

(G) The director or the director's authorized representative 52463  
may enter upon a solid waste disposal facility or a closed solid 52464

waste disposal facility to conduct an evaluation of the 52465  
concentration of explosive gas generated at or migrating from the 52466  
facility. The owner or operator of a solid waste disposal facility 52467  
or closed solid waste disposal facility shall allow the director 52468  
or representative to conduct such an evaluation of the facility, 52469  
any structures within the boundary of the facility, and any 52470  
occupied structures in close proximity to the boundary of the 52471  
facility that are owned or controlled by the owner or operator. 52472

(H) The remedy provided by division (D) of this section is 52473  
cumulative and concurrent with any other remedy provided in this 52474  
chapter or Chapter 3704. of the Revised Code, and the existence or 52475  
exercise of one remedy does not prevent the exercise of any other. 52476

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)~~(4)~~ 52477  
~~(8)~~,(6) and ~~(9)~~,(7) of this section, no person shall operate or 52478  
maintain a solid waste facility without a license issued under 52479  
this division by the board of health of the health district in 52480  
which the facility is located or by the director of environmental 52481  
protection when the health district in which the facility is 52482  
located is not on the approved list under section 3734.08 of the 52483  
Revised Code. 52484

During the month of December, but before the first day of 52485  
January of the next year, every person proposing to continue to 52486  
operate an existing solid waste facility shall procure a license 52487  
under this division to operate the facility for that year from the 52488  
board of health of the health district in which the facility is 52489  
located or, if the health district is not on the approved list 52490  
under section 3734.08 of the Revised Code, from the director. The 52491  
application for such a license shall be submitted to the board of 52492  
health or to the director, as appropriate, on or before the last 52493  
day of September of the year preceding that for which the license 52494  
is sought. In addition to the application fee prescribed in 52495

division (A)(2) of this section, a person who submits an 52496  
application after that date shall pay an additional ten per cent 52497  
of the amount of the application fee for each week that the 52498  
application is late. Late payment fees accompanying an application 52499  
submitted to the board of health shall be credited to the special 52500  
fund of the health district created in division (B) of section 52501  
3734.06 of the Revised Code, and late payment fees accompanying an 52502  
application submitted to the director shall be credited to the 52503  
general revenue fund. A person who has received a license, upon 52504  
sale or disposition of a solid waste facility, and upon consent of 52505  
the board of health and the director, may have the license 52506  
transferred to another person. The board of health or the director 52507  
may include such terms and conditions in a license or revision to 52508  
a license as are appropriate to ensure compliance with this 52509  
chapter and rules adopted under it. The terms and conditions may 52510  
establish the authorized maximum daily waste receipts for the 52511  
facility. Limitations on maximum daily waste receipts shall be 52512  
specified in cubic yards of volume for the purpose of regulating 52513  
the design, construction, and operation of solid waste facilities. 52514  
Terms and conditions included in a license or revision to a 52515  
license by a board of health shall be consistent with, and pertain 52516  
only to the subjects addressed in, the rules adopted under 52517  
division (A) of section 3734.02 and division (D) of section 52518  
3734.12 of the Revised Code. 52519

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 52520  
~~(9)(7)~~ of this section, each person proposing to open a new solid 52521  
waste facility or to modify an existing solid waste facility shall 52522  
submit an application for a permit with accompanying detail plans 52523  
and specifications to the environmental protection agency for 52524  
required approval under the rules adopted by the director pursuant 52525  
to division (A) of section 3734.02 of the Revised Code and 52526  
applicable rules adopted under division (D) of section 3734.12 of 52527  
the Revised Code at least two hundred seventy days before proposed 52528



operation of the facility and shall concurrently make application 52529  
for the issuance of a license under division (A)(1) of this 52530  
section with the board of health of the health district in which 52531  
the proposed facility is to be located. 52532

(b) On and after the effective date of the rules adopted 52533  
under division (A) of section 3734.02 of the Revised Code and 52534  
division (D) of section 3734.12 of the Revised Code governing 52535  
solid waste transfer facilities, each person proposing to open a 52536  
new solid waste transfer facility or to modify an existing solid 52537  
waste transfer facility shall submit an application for a permit 52538  
with accompanying engineering detail plans, specifications, and 52539  
information regarding the facility and its method of operation to 52540  
the environmental protection agency for required approval under 52541  
those rules at least two hundred seventy days before commencing 52542  
proposed operation of the facility and concurrently shall make 52543  
application for the issuance of a license under division (A)(1) of 52544  
this section with the board of health of the health district in 52545  
which the facility is located or proposed. 52546

(c) Each application for a permit under division (A)(2)(a) or 52547  
(b) of this section shall be accompanied by a nonrefundable 52548  
application fee of four hundred dollars that shall be credited to 52549  
the general revenue fund. Each application for an annual license 52550  
under division (A)(1) or (2) of this section shall be accompanied 52551  
by a nonrefundable application fee of one hundred dollars. If the 52552  
application for an annual license is submitted to a board of 52553  
health on the approved list under section 3734.08 of the Revised 52554  
Code, the application fee shall be credited to the special fund of 52555  
the health district created in division (B) of section 3734.06 of 52556  
the Revised Code. If the application for an annual license is 52557  
submitted to the director, the application fee shall be credited 52558  
to the general revenue fund. If a permit or license is issued, the 52559  
amount of the application fee paid shall be deducted from the 52560

amount of the permit fee due under division (Q) of section 3745.11 52561  
of the Revised Code or the amount of the license fee due under 52562  
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 52563  
Revised Code. 52564

(d) As used in divisions (A)(2)(d), (e), and (f) of this 52565  
section, "modify" means any of the following: 52566

(i) Any increase of more than ten per cent in the total 52567  
capacity of a solid waste facility; 52568

(ii) Any expansion of the limits of solid waste placement at 52569  
a solid waste facility; 52570

(iii) Any increase in the depth of excavation at a solid 52571  
waste facility; 52572

(iv) Any change in the technique of waste receipt or type of 52573  
waste received at a solid waste facility that may endanger human 52574  
health, as determined by the director by rules adopted in 52575  
accordance with Chapter 119. of the Revised Code. 52576

Not later than forty-five days after submitting an 52577  
application under division (A)(2)(a) or (b) of this section for a 52578  
permit to open a new or modify an existing solid waste facility, 52579  
the applicant, in conjunction with an officer or employee of the 52580  
environmental protection agency, shall hold a public meeting on 52581  
the application within the county in which the new or modified 52582  
solid waste facility is or is proposed to be located or within a 52583  
contiguous county. Not less than thirty days before holding the 52584  
public meeting on the application, the applicant shall publish 52585  
notice of the meeting in each newspaper of general circulation 52586  
that is published in the county in which the facility is or is 52587  
proposed to be located. If no newspaper of general circulation is 52588  
published in the county, the applicant shall publish the notice in 52589  
a newspaper of general circulation in the county. The notice shall 52590  
contain the date, time, and location of the public meeting and a 52591

general description of the proposed new or modified facility. Not 52592  
later than five days after publishing the notice, the applicant 52593  
shall send by certified mail a copy of the notice and the date the 52594  
notice was published to the director and the legislative authority 52595  
of each municipal corporation, township, and county, and to the 52596  
chief executive officer of each municipal corporation, in which 52597  
the facility is or is proposed to be located. At the public 52598  
meeting, the applicant shall provide information and describe the 52599  
application and respond to comments or questions concerning the 52600  
application, and the officer or employee of the agency shall 52601  
describe the permit application process. At the public meeting, 52602  
any person may submit written or oral comments on or objections to 52603  
the application. Not more than thirty days after the public 52604  
meeting, the applicant shall provide the director with a copy of a 52605  
transcript of the full meeting, copies of any exhibits, displays, 52606  
or other materials presented by the applicant at the meeting, and 52607  
the original copy of any written comments submitted at the 52608  
meeting. 52609

(e) Except as provided in division (A)(2)(f) of this section, 52610  
prior to taking an action, other than a proposed or final denial, 52611  
upon an application submitted under division (A)(2)(a) of this 52612  
section for a permit to open a new or modify an existing solid 52613  
waste facility, the director shall hold a public information 52614  
session and a public hearing on the application within the county 52615  
in which the new or modified solid waste facility is or is 52616  
proposed to be located or within a contiguous county. If the 52617  
application is for a permit to open a new solid waste facility, 52618  
the director shall hold the hearing not less than fourteen days 52619  
after the information session. If the application is for a permit 52620  
to modify an existing solid waste facility, the director may hold 52621  
both the information session and the hearing on the same day 52622  
unless any individual affected by the application requests in 52623  
writing that the information session and the hearing not be held 52624

on the same day, in which case the director shall hold the hearing 52625  
not less than fourteen days after the information session. The 52626  
director shall publish notice of the public information session or 52627  
public hearing not less than thirty days before holding the 52628  
information session or hearing, as applicable. The notice shall be 52629  
published in each newspaper of general circulation that is 52630  
published in the county in which the facility is or is proposed to 52631  
be located. If no newspaper of general circulation is published in 52632  
the county, the director shall publish the notice in a newspaper 52633  
of general circulation in the county. The notice shall contain the 52634  
date, time, and location of the information session or hearing, as 52635  
applicable, and a general description of the proposed new or 52636  
modified facility. At the public information session, an officer 52637  
or employee of the environmental protection agency shall describe 52638  
the status of the permit application and be available to respond 52639  
to comments or questions concerning the application. At the public 52640  
hearing, any person may submit written or oral comments on or 52641  
objections to the approval of the application. The applicant, or a 52642  
representative of the applicant who has knowledge of the location, 52643  
construction, and operation of the facility, shall attend the 52644  
information session and public hearing to respond to comments or 52645  
questions concerning the facility directed to the applicant or 52646  
representative by the officer or employee of the environmental 52647  
protection agency presiding at the information session and 52648  
hearing. 52649

(f) The solid waste management policy committee of a county 52650  
or joint solid waste management district may adopt a resolution 52651  
requesting expeditious consideration of a specific application 52652  
submitted under division (A)(2)(a) of this section for a permit to 52653  
modify an existing solid waste facility within the district. The 52654  
resolution shall make the finding that expedited consideration of 52655  
the application without the public information session and public 52656  
hearing under division (A)(2)(e) of this section is in the public 52657

interest and will not endanger human health, as determined by the 52658  
director by rules adopted in accordance with Chapter 119. of the 52659  
Revised Code. Upon receiving such a resolution, the director, at 52660  
the director's discretion, may issue a final action upon the 52661  
application without holding a public information session or public 52662  
hearing pursuant to division (A)(2)(e) of this section. 52663

~~(3) Except as provided in division (A)(10) of this section, 52664  
and unless the owner or operator of any solid waste facility, 52665  
other than a solid waste transfer facility or a compost facility 52666  
that accepts exclusively source separated yard wastes, that 52667  
commenced operation on or before July 1, 1968, has obtained an 52668  
exemption from the requirements of division (A)(3) of this section 52669  
in accordance with division (G) of section 3734.02 of the Revised 52670  
Code, the owner or operator shall submit to the director an 52671  
application for a permit with accompanying engineering detail 52672  
plans, specifications, and information regarding the facility and 52673  
its method of operation for approval under rules adopted under 52674  
division (A) of section 3734.02 of the Revised Code and applicable 52675  
rules adopted under division (D) of section 3734.12 of the Revised 52676  
Code in accordance with the following schedule: 52677~~

~~(a) Not later than September 24, 1988, if the facility is 52678  
located in the city of Garfield Heights or Parma in Cuyahoga 52679  
county; 52680~~

~~(b) Not later than December 24, 1988, if the facility is 52681  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 52682  
Mahoning, Ottawa, or Vinton county; 52683~~

~~(c) Not later than March 24, 1989, if the facility is located 52684  
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 52685  
Washington county, or is located in the city of Brooklyn or 52686  
Cuyahoga Heights in Cuyahoga county; 52687~~

~~(d) Not later than June 24, 1989, if the facility is located 52688~~

~~in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or  
Summit county or is located in Cuyahoga county outside the cities  
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;~~

~~(e) Not later than September 24, 1989, if the facility is  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross  
county;~~

~~(f) Not later than December 24, 1989, if the facility is  
located in a county not listed in divisions (A)(3)(a) to (c) of  
this section;~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this  
section, not later than December 31, 1990, if the facility is a  
solid waste facility owned by a generator of solid wastes when the  
solid waste facility exclusively disposes of solid wastes  
generated at one or more premises owned by the generator  
regardless of whether the facility is located on a premises where  
the wastes are generated and if the facility disposes of more than  
one hundred thousand tons of solid wastes per year, provided that  
any such facility shall be subject to division (A)(5) of this  
section.~~

~~(4) Except as provided in divisions (A)(8), (9), and (10) of  
this section, unless the owner or operator of any solid waste  
facility for which a permit was issued after July 1, 1968, but  
before January 1, 1980, has obtained an exemption from the  
requirements of division (A)(4) of this section under division (C)  
of section 3734.02 of the Revised Code, the owner or operator  
shall submit to the director an application for a permit with  
accompanying engineering detail plans, specifications, and  
information regarding the facility and its method of operation for  
approval under those rules.~~

~~(5) The director may issue an order in accordance with  
Chapter 3745. of the Revised Code to the owner or operator of a~~

solid waste facility requiring the person to submit to the 52720  
director updated engineering detail plans, specifications, and 52721  
information regarding the facility and its method of operation for 52722  
approval under rules adopted under division (A) of section 3734.02 52723  
of the Revised Code and applicable rules adopted under division 52724  
(D) of section 3734.12 of the Revised Code if, in the director's 52725  
judgment, conditions at the facility constitute a substantial 52726  
threat to public health or safety or are causing or contributing 52727  
to or threatening to cause or contribute to air or water pollution 52728  
or soil contamination. Any person who receives such an order shall 52729  
submit the updated engineering detail plans, specifications, and 52730  
information to the director within one hundred eighty days after 52731  
the effective date of the order. 52732

~~(6)(4)~~ The director shall act upon ~~an application submitted~~ 52733  
~~under division (A)(3) or (4) of this section and~~ any updated 52734  
engineering plans, specifications, and information submitted under 52735  
division (A)~~(5)(3)~~ of this section within one hundred eighty days 52736  
after receiving them. If the director ~~denies any such permit~~ 52737  
~~application, the issues an order denying the application or~~ 52738  
~~disapproving the plans, specifications, and information submitted~~ 52739  
~~under division (A)(3) of this section, the order shall include all~~ 52740  
~~of the following requirements that:~~ 52741

(a) That the owner or operator submit a plan for closure and 52742  
post-closure care of the facility to the director for approval 52743  
within six months after issuance of the order~~;~~ 52744

(b) That the owner or operator cease accepting solid wastes 52745  
for disposal or transfer at the facility~~;~~ and 52746

(c) The owner or operator commence closure of the facility 52747  
not later than one year after issuance of the order. ~~If~~ 52748

If the director determines that closure of the facility 52749  
within that one-year period would result in the unavailability of 52750

sufficient solid waste management facility capacity within the 52751  
county or joint solid waste management district in which the 52752  
facility is located to dispose of or transfer the solid waste 52753  
generated within the district, the director in the order of ~~denial~~ 52754  
~~or~~ disapproval may postpone commencement of closure of the 52755  
facility for such period of time as the director finds necessary 52756  
for the board of county commissioners or directors of the district 52757  
to secure access to or for there to be constructed within the 52758  
district sufficient solid waste management facility capacity to 52759  
meet the needs of the district, provided that the director shall 52760  
certify in the director's order that postponing the date for 52761  
commencement of closure will not endanger groundwater or any 52762  
property surrounding the facility, allow methane gas migration to 52763  
occur, or cause or contribute to any other type of environmental 52764  
damage. 52765

If an emergency need for disposal capacity that may affect 52766  
public health and safety exists as a result of closure of a 52767  
facility under division (A)~~(6)~~(4) of this section, the director 52768  
may issue an order designating another solid waste facility to 52769  
accept the wastes that would have been disposed of at the facility 52770  
to be closed. 52771

~~(7)~~(5) If the director determines that standards more 52772  
stringent than those applicable in rules adopted under division 52773  
(A) of section 3734.02 of the Revised Code and division (D) of 52774  
section 3734.12 of the Revised Code, or standards pertaining to 52775  
subjects not specifically addressed by those rules, are necessary 52776  
to ensure that a solid waste facility constructed at the proposed 52777  
location will not cause a nuisance, cause or contribute to water 52778  
pollution, or endanger public health or safety, the director may 52779  
issue a permit for the facility with such terms and conditions as 52780  
the director finds necessary to protect public health and safety 52781  
and the environment. If a permit is issued, the director shall 52782



state in the order issuing it the specific findings supporting 52783  
each such term or condition. 52784

~~(8)(6)~~ Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 52785  
section do not apply to a solid waste compost facility that 52786  
accepts exclusively source separated yard wastes and that is 52787  
registered under division (C) of section 3734.02 of the Revised 52788  
Code or, unless otherwise provided in rules adopted under division 52789  
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 52790  
compost facility if the director has adopted rules establishing an 52791  
alternative system for authorizing the establishment, operation, 52792  
or modification of a solid waste compost facility under that 52793  
division. 52794

~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 52795  
apply to scrap tire collection, storage, monocell, monofill, and 52796  
recovery facilities. The approval of plans and specifications, as 52797  
applicable, and the issuance of registration certificates, 52798  
permits, and licenses for those facilities are subject to sections 52799  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 52800  
3734.81 of the Revised Code. 52801

~~(10) Divisions (A)(3) and (4) of this section do not apply to 52802  
a solid waste incinerator that was placed into operation on or 52803  
before October 12, 1994, and that is not authorized to accept and 52804  
treat infectious wastes pursuant to division (B) of this section. 52805~~

(B)(1) No person shall operate or maintain an infectious 52806  
waste treatment facility without a license issued by the board of 52807  
health of the health district in which the facility is located or 52808  
by the director when the health district in which the facility is 52809  
located is not on the approved list under section 3734.08 of the 52810  
Revised Code. 52811

(2)(a) During the month of December, but before the first day 52812  
of January of the next year, every person proposing to continue to 52813

operate an existing infectious waste treatment facility shall 52814  
procure a license to operate the facility for that year from the 52815  
board of health of the health district in which the facility is 52816  
located or, if the health district is not on the approved list 52817  
under section 3734.08 of the Revised Code, from the director. The 52818  
application for such a license shall be submitted to the board of 52819  
health or to the director, as appropriate, on or before the last 52820  
day of September of the year preceding that for which the license 52821  
is sought. In addition to the application fee prescribed in 52822  
division (B)(2)(c) of this section, a person who submits an 52823  
application after that date shall pay an additional ten per cent 52824  
of the amount of the application fee for each week that the 52825  
application is late. Late payment fees accompanying an application 52826  
submitted to the board of health shall be credited to the special 52827  
infectious waste fund of the health district created in division 52828  
(C) of section 3734.06 of the Revised Code, and late payment fees 52829  
accompanying an application submitted to the director shall be 52830  
credited to the general revenue fund. A person who has received a 52831  
license, upon sale or disposition of an infectious waste treatment 52832  
facility and upon consent of the board of health and the director, 52833  
may have the license transferred to another person. The board of 52834  
health or the director may include such terms and conditions in a 52835  
license or revision to a license as are appropriate to ensure 52836  
compliance with the infectious waste provisions of this chapter 52837  
and rules adopted under them. 52838

(b) Each person proposing to open a new infectious waste 52839  
treatment facility or to modify an existing infectious waste 52840  
treatment facility shall submit an application for a permit with 52841  
accompanying detail plans and specifications to the environmental 52842  
protection agency for required approval under the rules adopted by 52843  
the director pursuant to section 3734.021 of the Revised Code two 52844  
hundred seventy days before proposed operation of the facility and 52845  
concurrently shall make application for a license with the board 52846

of health of the health district in which the facility is or is 52847  
proposed to be located. Not later than ninety days after receiving 52848  
a complete application under division (B)(2)(b) of this section 52849  
for a permit to open a new infectious waste treatment facility or 52850  
modify an existing infectious waste treatment facility to expand 52851  
its treatment capacity, or receiving a complete application under 52852  
division (A)(2)(a) of this section for a permit to open a new 52853  
solid waste incineration facility, or modify an existing solid 52854  
waste incineration facility to also treat infectious wastes or to 52855  
increase its infectious waste treatment capacity, that pertains to 52856  
a facility for which a notation authorizing infectious waste 52857  
treatment is included or proposed to be included in the solid 52858  
waste incineration facility's license pursuant to division (B)(3) 52859  
of this section, the director shall hold a public hearing on the 52860  
application within the county in which the new or modified 52861  
infectious waste or solid waste facility is or is proposed to be 52862  
located or within a contiguous county. Not less than thirty days 52863  
before holding the public hearing on the application, the director 52864  
shall publish notice of the hearing in each newspaper that has 52865  
general circulation and that is published in the county in which 52866  
the facility is or is proposed to be located. If there is no 52867  
newspaper that has general circulation and that is published in 52868  
the county, the director shall publish the notice in a newspaper 52869  
of general circulation in the county. The notice shall contain the 52870  
date, time, and location of the public hearing and a general 52871  
description of the proposed new or modified facility. At the 52872  
public hearing, any person may submit written or oral comments on 52873  
or objections to the approval or disapproval of the application. 52874  
The applicant, or a representative of the applicant who has 52875  
knowledge of the location, construction, and operation of the 52876  
facility, shall attend the public hearing to respond to comments 52877  
or questions concerning the facility directed to the applicant or 52878  
representative by the officer or employee of the environmental 52879

protection agency presiding at the hearing. 52880

(c) Each application for a permit under division (B)(2)(b) of 52881  
this section shall be accompanied by a nonrefundable application 52882  
fee of four hundred dollars that shall be credited to the general 52883  
revenue fund. Each application for an annual license under 52884  
division (B)(2)(a) of this section shall be accompanied by a 52885  
nonrefundable application fee of one hundred dollars. If the 52886  
application for an annual license is submitted to a board of 52887  
health on the approved list under section 3734.08 of the Revised 52888  
Code, the application fee shall be credited to the special 52889  
infectious waste fund of the health district created in division 52890  
(C) of section 3734.06 of the Revised Code. If the application for 52891  
an annual license is submitted to the director, the application 52892  
fee shall be credited to the general revenue fund. If a permit or 52893  
license is issued, the amount of the application fee paid shall be 52894  
deducted from the amount of the permit fee due under division (Q) 52895  
of section 3745.11 of the Revised Code or the amount of the 52896  
license fee due under division (C) of section 3734.06 of the 52897  
Revised Code. 52898

(d) The director may issue an order in accordance with 52899  
Chapter 3745. of the Revised Code to the owner or operator of an 52900  
infectious waste treatment facility requiring the person to submit 52901  
to the director updated engineering detail plans, specifications, 52902  
and information regarding the facility and its method of operation 52903  
for approval under rules adopted under section 3734.021 of the 52904  
Revised Code if, in the director's judgment, conditions at the 52905  
facility constitute a substantial threat to public health or 52906  
safety or are causing or contributing to or threatening to cause 52907  
or contribute to air or water pollution or soil contamination. Any 52908  
person who receives such an order shall submit the updated 52909  
engineering detail plans, specifications, and information to the 52910  
director within one hundred eighty days after the effective date 52911

of the order. 52912

(e) The director shall act on any updated engineering plans, 52913  
specifications, and information submitted under division (B)(2)(d) 52914  
of this section within one hundred eighty days after receiving 52915  
them. If the director disapproves any such updated engineering 52916  
plans, specifications, and information, the director shall include 52917  
in the order disapproving the plans the requirement that the owner 52918  
or operator cease accepting infectious wastes for treatment at the 52919  
facility. 52920

(3) Division (B) of this section does not apply to a 52921  
generator of infectious wastes that meets any of the following 52922  
conditions: 52923

(a) Treats, by methods, techniques, and practices established 52924  
by rules adopted under division (B)(2)(a) of section 3734.021 of 52925  
the Revised Code, any of the following wastes: 52926

(i) Infectious wastes that are generated on any premises that 52927  
are owned or operated by the generator; 52928

(ii) Infectious wastes that are generated by a generator who 52929  
has staff privileges at a hospital as defined in section 3727.01 52930  
of the Revised Code; 52931

(iii) Infectious wastes that are generated in providing care 52932  
to a patient by an emergency medical services organization as 52933  
defined in section 4765.01 of the Revised Code. 52934

(b) Holds a license or renewal of a license to operate a 52935  
crematory facility issued under Chapter 4717. and a permit issued 52936  
under Chapter 3704. of the Revised Code; 52937

(c) Treats or disposes of dead animals or parts thereof, or 52938  
the blood of animals, and is subject to any of the following: 52939

(i) Inspection under the "Federal Meat Inspection Act," 81 52940  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 52941

(ii) Chapter 918. of the Revised Code; 52942

(iii) Chapter 953. of the Revised Code. 52943

Nothing in division (B) of this section requires a facility 52944  
that holds a license issued under division (A) of this section as 52945  
a solid waste facility and that also treats infectious wastes by 52946  
the same method, technique, or process to obtain a license under 52947  
division (B) of this section as an infectious waste treatment 52948  
facility. However, the solid waste facility license for the 52949  
facility shall include the notation that the facility also treats 52950  
infectious wastes. 52951

The director shall not issue a permit to open a new solid 52952  
waste incineration facility unless the proposed facility complies 52953  
with the requirements for the location of new infectious waste 52954  
incineration facilities established in rules adopted under 52955  
division (B)(2)(b) of section 3734.021 of the Revised Code. 52956

(C) Except for a facility or activity described in division 52957  
(E)(3) of section 3734.02 of the Revised Code, a person who 52958  
proposes to establish or operate a hazardous waste facility shall 52959  
submit a complete application for a hazardous waste facility 52960  
installation and operation permit and accompanying detail plans, 52961  
specifications, and such information as the director may require 52962  
to the environmental protection agency at least one hundred eighty 52963  
days before the proposed beginning of operation of the facility. 52964  
The applicant shall notify by certified mail the legislative 52965  
authority of each municipal corporation, township, and county in 52966  
which the facility is proposed to be located of the submission of 52967  
the application within ten days after the submission or at such 52968  
earlier time as the director may establish by rule. If the 52969  
application is for a proposed new hazardous waste disposal or 52970  
thermal treatment facility, the applicant also shall give actual 52971  
notice of the general design and purpose of the facility to the 52972  
legislative authority of each municipal corporation, township, and 52973

county in which the facility is proposed to be located at least 52974  
ninety days before the permit application is submitted to the 52975  
environmental protection agency. 52976

In accordance with rules adopted under section 3734.12 of the 52977  
Revised Code, prior to the submission of a complete application 52978  
for a hazardous waste facility installation and operation permit, 52979  
the applicant shall hold at least one meeting in the township or 52980  
municipal corporation in which the facility is proposed to be 52981  
located, whichever is geographically closer to the proposed 52982  
location of the facility. The meeting shall be open to the public 52983  
and shall be held to inform the community of the proposed 52984  
hazardous waste management activities and to solicit questions 52985  
from the community concerning the activities. 52986

(D)(1) Except as provided in section 3734.123 of the Revised 52987  
Code, upon receipt of a complete application for a hazardous waste 52988  
facility installation and operation permit under division (C) of 52989  
this section, the director shall consider the application and 52990  
accompanying information to determine whether the application 52991  
complies with agency rules and the requirements of division (D)(2) 52992  
of this section. After making a determination, the director shall 52993  
issue either a draft permit or a notice of intent to deny the 52994  
permit. The director, in accordance with rules adopted under 52995  
section 3734.12 of the Revised Code or with rules adopted to 52996  
implement Chapter 3745. of the Revised Code, shall provide public 52997  
notice of the application and the draft permit or the notice of 52998  
intent to deny the permit, provide an opportunity for public 52999  
comments, and, if significant interest is shown, schedule a public 53000  
meeting in the county in which the facility is proposed to be 53001  
located and give public notice of the date, time, and location of 53002  
the public meeting in a newspaper of general circulation in that 53003  
county. 53004

(2) The director shall not approve an application for a 53005

hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and



Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 53036  
amended, and all regulations adopted under it, and similar laws 53037  
and rules of other states if any such prior operation was located 53038  
in another state that demonstrates sufficient reliability, 53039  
expertise, and competency to operate a hazardous waste facility 53040  
under the applicable provisions of this chapter and Chapters 3704. 53041  
and 6111. of the Revised Code, the applicable rules and standards 53042  
adopted under them, and terms and conditions of a hazardous waste 53043  
facility installation and operation permit, given the potential 53044  
for harm to the public health and safety and the environment that 53045  
could result from the irresponsible operation of the facility. For 53046  
off-site facilities, as defined in section 3734.41 of the Revised 53047  
Code, the director may use the investigative reports of the 53048  
attorney general prepared pursuant to section 3734.42 of the 53049  
Revised Code as a basis for making a finding and determination 53050  
under division (D)(2)(f) of this section. 53051

(g) That the active areas within a new hazardous waste 53052  
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 53053  
(e), as amended, or organic waste that is toxic and is listed 53054  
under 40 C.F.R. 261, as amended, is being stored, treated, or 53055  
disposed of and where the aggregate of the storage design capacity 53056  
and the disposal design capacity of all hazardous waste in those 53057  
areas is greater than two hundred fifty thousand gallons, are not 53058  
located or operated within any of the following: 53059

(i) Two thousand feet of any residence, school, hospital, 53060  
jail, or prison; 53061

(ii) Any naturally occurring wetland; 53062

(iii) Any flood hazard area if the applicant cannot show that 53063  
the facility will be designed, constructed, operated, and 53064  
maintained to prevent washout by a one-hundred-year flood. 53065

Division (D)(2)(g) of this section does not apply to the 53066

facility of any applicant who demonstrates to the director that 53067  
the limitations specified in that division are not necessary 53068  
because of the nature or volume of the waste and the manner of 53069  
management applied, the facility will impose no substantial danger 53070  
to the health and safety of persons occupying the structures 53071  
listed in division (D)(2)(g)(i) of this section, and the facility 53072  
is to be located or operated in an area where the proposed 53073  
hazardous waste activities will not be incompatible with existing 53074  
land uses in the area. 53075

(h) That the facility will not be located within the 53076  
boundaries of a state park established or dedicated under Chapter 53077  
1546. of the Revised Code, a state park purchase area established 53078  
under section 1546.06 of the Revised Code, any unit of the 53079  
national park system, or any property that lies within the 53080  
boundaries of a national park or recreation area, but that has not 53081  
been acquired or is not administered by the secretary of the 53082  
United States department of the interior, located in this state, 53083  
or any candidate area located in this state identified for 53084  
potential inclusion in the national park system in the edition of 53085  
the "national park system plan" submitted under paragraph (b) of 53086  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 53087  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 53088  
application for the permit, unless the facility will be used 53089  
exclusively for the storage of hazardous waste generated within 53090  
the park or recreation area in conjunction with the operation of 53091  
the park or recreation area. Division (D)(2)(h) of this section 53092  
does not apply to the facility of any applicant for modification 53093  
of a permit unless the modification application proposes to 53094  
increase the land area included in the facility or to increase the 53095  
quantity of hazardous waste that will be treated, stored, or 53096  
disposed of at the facility. 53097

(3) Not later than one hundred eighty days after the end of 53098

the public comment period, the director, without prior hearing, 53099  
shall issue or deny the permit in accordance with Chapter 3745. of 53100  
the Revised Code. If the director approves an application for a 53101  
hazardous waste facility installation and operation permit, the 53102  
director shall issue the permit, upon such terms and conditions as 53103  
the director finds are necessary to ensure the construction and 53104  
operation of the hazardous waste facility in accordance with the 53105  
standards of this section. 53106

(E) No political subdivision of this state shall require any 53107  
additional zoning or other approval, consent, permit, certificate, 53108  
or condition for the construction or operation of a hazardous 53109  
waste facility authorized by a hazardous waste facility 53110  
installation and operation permit issued pursuant to this chapter, 53111  
nor shall any political subdivision adopt or enforce any law, 53112  
ordinance, or rule that in any way alters, impairs, or limits the 53113  
authority granted in the permit. 53114

(F) The director may issue a single hazardous waste facility 53115  
installation and operation permit to a person who operates two or 53116  
more adjoining facilities where hazardous waste is stored, 53117  
treated, or disposed of if the application includes detail plans, 53118  
specifications, and information on all facilities. For the 53119  
purposes of this section, "adjoining" means sharing a common 53120  
boundary, separated only by a public road, or in such proximity 53121  
that the director determines that the issuance of a single permit 53122  
will not create a hazard to the public health or safety or the 53123  
environment. 53124

(G) No person shall falsify or fail to keep or submit any 53125  
plans, specifications, data, reports, records, manifests, or other 53126  
information required to be kept or submitted to the director by 53127  
this chapter or the rules adopted under it. 53128

(H)(1) Each person who holds an installation and operation 53129  
permit issued under this section and who wishes to obtain a permit 53130

renewal shall submit a completed application for an installation 53131  
and operation permit renewal and any necessary accompanying 53132  
general plans, detail plans, specifications, and such information 53133  
as the director may require to the director no later than one 53134  
hundred eighty days prior to the expiration date of the existing 53135  
permit or upon a later date prior to the expiration of the 53136  
existing permit if the permittee can demonstrate good cause for 53137  
the late submittal. The director shall consider the application 53138  
and accompanying information, inspection reports of the facility, 53139  
results of performance tests, a report regarding the facility's 53140  
compliance or noncompliance with the terms and conditions of its 53141  
permit and rules adopted by the director under this chapter, and 53142  
such other information as is relevant to the operation of the 53143  
facility and shall issue a draft renewal permit or a notice of 53144  
intent to deny the renewal permit. The director, in accordance 53145  
with rules adopted under this section or with rules adopted to 53146  
implement Chapter 3745. of the Revised Code, shall give public 53147  
notice of the application and draft renewal permit or notice of 53148  
intent to deny the renewal permit, provide for the opportunity for 53149  
public comments within a specified time period, schedule a public 53150  
meeting in the county in which the facility is located if 53151  
significant interest is shown, and give public notice of the 53152  
public meeting. 53153

(2) Within sixty days after the public meeting or close of 53154  
the public comment period, the director, without prior hearing, 53155  
shall issue or deny the renewal permit in accordance with Chapter 53156  
3745. of the Revised Code. The director shall not issue a renewal 53157  
permit unless the director determines that the facility under the 53158  
existing permit has a history of compliance with this chapter, 53159  
rules adopted under it, the existing permit, or orders entered to 53160  
enforce such requirements that demonstrates sufficient 53161  
reliability, expertise, and competency to operate the facility 53162  
henceforth under this chapter, rules adopted under it, and the 53163

renewal permit. If the director approves an application for a 53164  
renewal permit, the director shall issue the permit subject to the 53165  
payment of the annual permit fee required under division (E) of 53166  
section 3734.02 of the Revised Code and upon such terms and 53167  
conditions as the director finds are reasonable to ensure that 53168  
continued operation, maintenance, closure, and post-closure care 53169  
of the hazardous waste facility are in accordance with the rules 53170  
adopted under section 3734.12 of the Revised Code. 53171

(3) An installation and operation permit renewal application 53172  
submitted to the director that also contains or would constitute 53173  
an application for a modification shall be acted upon by the 53174  
director in accordance with division (I) of this section in the 53175  
same manner as an application for a modification. In approving or 53176  
disapproving the renewal portion of a permit renewal application 53177  
containing an application for a modification, the director shall 53178  
apply the criteria established under division (H)(2) of this 53179  
section. 53180

(4) An application for renewal or modification of a permit 53181  
that does not contain an application for a modification as 53182  
described in divisions (I)(3)(a) to (d) of this section shall not 53183  
be subject to division (D)(2) of this section. 53184

(I)(1) As used in this section, "modification" means a change 53185  
or alteration to a hazardous waste facility or its operations that 53186  
is inconsistent with or not authorized by its existing permit or 53187  
authorization to operate. Modifications shall be classified as 53188  
Class 1, 2, or 3 modifications in accordance with rules adopted 53189  
under division (K) of this section. Modifications classified as 53190  
Class 3 modifications, in accordance with rules adopted under that 53191  
division, shall be further classified by the director as either 53192  
Class 3 modifications that are to be approved or disapproved by 53193  
the director under divisions (I)(3)(a) to (d) of this section or 53194  
as Class 3 modifications that are to be approved or disapproved by 53195

the director under division (I)(5) of this section. Not later than 53196  
thirty days after receiving a request for a modification under 53197  
division (I)(4) of this section that is not listed in Appendix I 53198  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 53199  
section, the director shall classify the modification and shall 53200  
notify the owner or operator of the facility requesting the 53201  
modification of the classification. Notwithstanding any other law 53202  
to the contrary, a modification that involves the transfer of a 53203  
hazardous waste facility installation and operation permit to a 53204  
new owner or operator for any off-site facility as defined in 53205  
section 3734.41 of the Revised Code shall be classified as a Class 53206  
3 modification. The transfer of a hazardous waste facility 53207  
installation and operation permit to a new owner or operator for a 53208  
facility that is not an off-site facility shall be classified as a 53209  
Class 1 modification requiring prior approval of the director. 53210

(2) Except as provided in section 3734.123 of the Revised 53211  
Code, a hazardous waste facility installation and operation permit 53212  
may be modified at the request of the director or upon the written 53213  
request of the permittee only if any of the following applies: 53214

(a) The permittee desires to accomplish alterations, 53215  
additions, or deletions to the permitted facility or to undertake 53216  
alterations, additions, deletions, or activities that are 53217  
inconsistent with or not authorized by the existing permit; 53218

(b) New information or data justify permit conditions in 53219  
addition to or different from those in the existing permit; 53220

(c) The standards, criteria, or rules upon which the existing 53221  
permit is based have been changed by new, amended, or rescinded 53222  
standards, criteria, or rules, or by judicial decision after the 53223  
existing permit was issued, and the change justifies permit 53224  
conditions in addition to or different from those in the existing 53225  
permit; 53226

(d) The permittee proposes to transfer the permit to another person. 53227  
53228

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications: 53229  
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(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit; 53233  
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(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section. 53237  
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(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not 53255  
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previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under



division (K) of this section, Class 2 modification applications, 53291  
and Class 3 modification applications that are not described in 53292  
divisions (I)(3)(a) to (d) of this section shall be approved or 53293  
disapproved by the director in accordance with rules adopted under 53294  
division (K) of this section. The board of county commissioners of 53295  
the county, the board of township trustees of the township, and 53296  
the city manager or mayor of the municipal corporation in which a 53297  
hazardous waste facility is located shall receive notification of 53298  
any application for a modification for that facility and shall be 53299  
considered as interested persons with respect to the director's 53300  
consideration of the application. 53301

As used in division (I) of this section: 53302

(a) "Owner" means the person who owns a majority or 53303  
controlling interest in a facility. 53304

(b) "Operator" means the person who is responsible for the 53305  
overall operation of a facility. 53306

The director shall approve or disapprove an application for a 53307  
Class 1 modification that requires the director's approval within 53308  
sixty days after receiving the request for modification. The 53309  
director shall approve or disapprove an application for a Class 2 53310  
modification within three hundred days after receiving the request 53311  
for modification. The director shall approve or disapprove an 53312  
application for a Class 3 modification within three hundred 53313  
sixty-five days after receiving the request for modification. 53314

(6) The approval or disapproval by the director of a Class 1 53315  
modification application is not a final action that is appealable 53316  
under Chapter 3745. of the Revised Code. The approval or 53317  
disapproval by the director of a Class 2 modification or a Class 3 53318  
modification is a final action that is appealable under that 53319  
chapter. In approving or disapproving a request for a 53320  
modification, the director shall consider all comments pertaining 53321

to the request that are received during the public comment period 53322  
and the public meetings. The administrative record for appeal of a 53323  
final action by the director in approving or disapproving a 53324  
request for a modification shall include all comments received 53325  
during the public comment period relating to the request for 53326  
modification, written materials submitted at the public meetings 53327  
relating to the request, and any other documents related to the 53328  
director's action. 53329

(7) Notwithstanding any other provision of law to the 53330  
contrary, a change or alteration to a hazardous waste facility 53331  
described in division (E)(3)(a) or (b) of section 3734.02 of the 53332  
Revised Code, or its operations, is a modification for the 53333  
purposes of this section. An application for a modification at 53334  
such a facility shall be submitted, classified, and approved or 53335  
disapproved in accordance with divisions (I)(1) to (6) of this 53336  
section in the same manner as a modification to a hazardous waste 53337  
facility installation and operation permit. 53338

(J)(1) Except as provided in division (J)(2) of this section, 53339  
an owner or operator of a hazardous waste facility that is 53340  
operating in accordance with a permit by rule under rules adopted 53341  
by the director under division (E)(3)(b) of section 3734.02 of the 53342  
Revised Code shall submit either a hazardous waste facility 53343  
installation and operation permit application for the facility or 53344  
a modification application, whichever is required under division 53345  
(J)(1)(a) or (b) of this section, within one hundred eighty days 53346  
after the director has requested the application or upon a later 53347  
date if the owner or operator demonstrates to the director good 53348  
cause for the late submittal. 53349

(a) If the owner or operator does not have a hazardous waste 53350  
facility installation and operation permit for any hazardous waste 53351  
treatment, storage, or disposal activities at the facility, the 53352  
owner or operator shall submit an application for such a permit to 53353

the director for the activities authorized by the permit by rule. 53354  
Notwithstanding any other provision of law to the contrary, the 53355  
director shall approve or disapprove the application for the 53356  
permit in accordance with the procedures governing the approval or 53357  
disapproval of permit renewals under division (H) of this section. 53358

(b) If the owner or operator has a hazardous waste facility 53359  
installation and operation permit for hazardous waste treatment, 53360  
storage, or disposal activities at the facility other than those 53361  
authorized by the permit by rule, the owner or operator shall 53362  
submit to the director a request for modification in accordance 53363  
with division (I) of this section. Notwithstanding any other 53364  
provision of law to the contrary, the director shall approve or 53365  
disapprove the modification application in accordance with 53366  
division (I)(5) of this section. 53367

(2) The owner or operator of a boiler or industrial furnace 53368  
that is conducting thermal treatment activities in accordance with 53369  
a permit by rule under rules adopted by the director under 53370  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 53371  
submit a hazardous waste facility installation and operation 53372  
permit application if the owner or operator does not have such a 53373  
permit for any hazardous waste treatment, storage, or disposal 53374  
activities at the facility or, if the owner or operator has such a 53375  
permit for hazardous waste treatment, storage, or disposal 53376  
activities at the facility other than thermal treatment activities 53377  
authorized by the permit by rule, a modification application to 53378  
add those activities authorized by the permit by rule, whichever 53379  
is applicable, within one hundred eighty days after the director 53380  
has requested the submission of the application or upon a later 53381  
date if the owner or operator demonstrates to the director good 53382  
cause for the late submittal. The application shall be accompanied 53383  
by information necessary to support the request. The director 53384  
shall approve or disapprove an application for a hazardous waste 53385

facility installation and operation permit in accordance with 53386  
division (D) of this section and approve or disapprove an 53387  
application for a modification in accordance with division (I)(3) 53388  
of this section, except that the director shall not disapprove an 53389  
application for the thermal treatment activities on the basis of 53390  
the criteria set forth in division (D)(2)(g) or (h) of this 53391  
section. 53392

(3) As used in division (J) of this section: 53393

(a) "Modification application" means a request for a 53394  
modification submitted in accordance with division (I) of this 53395  
section. 53396

(b) "Thermal treatment," "boiler," and "industrial furnace" 53397  
have the same meanings as in rules adopted under section 3734.12 53398  
of the Revised Code. 53399

(K) The director shall adopt, and may amend, suspend, or 53400  
rescind, rules in accordance with Chapter 119. of the Revised Code 53401  
in order to implement divisions (H) and (I) of this section. 53402  
Except when in actual conflict with this section, rules governing 53403  
the classification of and procedures for the modification of 53404  
hazardous waste facility installation and operation permits shall 53405  
be substantively and procedurally identical to the regulations 53406  
governing hazardous waste facility permitting and permit 53407  
modifications adopted under the "Resource Conservation and 53408  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 53409  
amended. 53410

**Sec. 3734.06.** (A)(1) Except as provided in divisions (A)(2), 53411  
(3), (4), and (5) of this section and in section 3734.82 of the 53412  
Revised Code, the annual fee for a solid waste facility license 53413  
shall be in accordance with the following schedule: 53414

AUTHORIZED MAXIMUM

ANNUAL

53415

DAILY WASTE	LICENSE	53416
RECEIPT (TONS)	FEE	53417
100 or less	\$ 5,000	53418
101 to 200	12,500	53419
201 to 500	30,000	53420
501 or more	60,000	53421

For the purpose of determining the applicable license fee 53422  
under divisions (A)(1), (2), and (3) of this section, the 53423  
authorized maximum daily waste receipt shall be the maximum amount 53424  
of wastes the facility is authorized to receive daily that is 53425  
established in the permit for the facility, and any modifications 53426  
to that permit, issued under division (A)(2) ~~or (3)~~ of section 53427  
3734.05 of the Revised Code; the annual license for the facility, 53428  
and any revisions to that license, issued under division (A)(1) of 53429  
section 3734.05 of the Revised Code; the approved operating plan 53430  
or operational report for which submission and approval are 53431  
required by rules adopted by the director of environmental 53432  
protection under section 3734.02 of the Revised Code; or an order 53433  
issued by the director as authorized by rule; ~~or the updated~~ 53434  
~~engineering plans, specifications, and facility and operation~~ 53435  
~~information approved under division (A)(4) of section 3734.05 of~~ 53436  
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 53437  
so established, the annual license fee is sixty thousand dollars 53438  
under division (A)(1) of this section and thirty thousand dollars 53439  
under divisions (A)(2) and (3) of this section. 53440

The authorized maximum daily waste receipt set forth in any 53441  
such document shall be stated in terms of cubic yards of volume 53442  
for the purpose of regulating the design, construction, and 53443  
operation of a solid waste facility. For the purpose of 53444  
determining applicable license fees under this section, the 53445  
authorized maximum daily waste receipt so stated shall be 53446  
converted from cubic yards to tons as the unit of measurement 53447  
based upon a conversion factor of three cubic yards per ton for 53448

compacted wastes generally and one cubic yard per ton for baled wastes. 53449  
53450

(2) The annual license fee for a facility that is an incinerator facility is one-half the amount shown in division (A)(1) of this section. When a municipal corporation, county, or township owns and operates more than one incinerator within its boundaries, the municipal corporation, county, or township shall pay one fee for the licenses for all of its incinerators. The fee shall be determined on the basis of the aggregate maximum daily waste receipt for all the incinerators owned and operated by the municipal corporation, county, or township in an amount that is one-half the amount shown in division (A)(1) of this section. 53451  
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(3) The annual fee for a solid waste compost facility license shall be in accordance with the following schedule: 53461  
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AUTHORIZED MAXIMUM	ANNUAL	53463
DAILY WASTE	LICENSE	53464
RECEIPT (TONS)	FEE	53465
12 or less	\$ 300	53466
13 to 25	600	53467
26 to 50	1,200	53468
51 to 75	1,800	53469
76 to 100	2,500	53470
101 to 150	3,750	53471
151 to 200	5,000	53472
201 to 250	6,250	53473
251 to 300	7,500	53474
301 to 400	10,000	53475
401 to 500	12,500	53476
501 or more	30,000	53477

(4) The annual license fee for a solid waste facility, regardless of its authorized maximum daily waste receipt, is five thousand dollars for a facility meeting either of the following 53478  
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53480

qualifications: 53481

(a) The facility is owned by a generator of solid wastes when 53482  
the solid waste facility exclusively disposes of solid wastes 53483  
generated at one or more premises owned by the generator 53484  
regardless of whether the facility is located on a premises where 53485  
the wastes are generated. 53486

(b) The facility exclusively disposes of wastes that are 53487  
generated from the combustion of coal, or from the combustion of 53488  
primarily coal in combination with scrap tires, that is not 53489  
combined in any way with garbage at one or more premises owned by 53490  
the generator. 53491

(5) The annual license fee for a facility that is a transfer 53492  
facility is seven hundred fifty dollars. 53493

(6) The same fees shall apply to private operators and to the 53494  
state and its political subdivisions and shall be paid within 53495  
thirty days after issuance of a license. The fee includes the cost 53496  
of licensing, all inspections, and other costs associated with the 53497  
administration of the solid waste provisions of this chapter and 53498  
rules adopted under them, excluding the provisions governing scrap 53499  
tires. Each such license shall specify that it is conditioned upon 53500  
payment of the applicable fee to the board of health or the 53501  
director, as appropriate, within thirty days after issuance of the 53502  
license. 53503

(B) The board of health shall retain two thousand five 53504  
hundred dollars of each license fee collected by the board under 53505  
divisions (A)(1), (2), (3), and (4) of this section or the entire 53506  
amount of any such fee that is less than two thousand five hundred 53507  
dollars. The moneys retained shall be paid into a special fund, 53508  
which is hereby created in each health district, and used solely 53509  
to administer and enforce the solid waste provisions of this 53510  
chapter and the rules adopted under them, excluding the provisions 53511

governing scrap tires. The remainder of each license fee collected 53512  
by the board shall be transmitted to the director within 53513  
forty-five days after receipt of the fee. The director shall 53514  
transmit these moneys to the treasurer of state to be credited to 53515  
the general revenue fund. The board of health shall retain the 53516  
entire amount of each fee collected under division (A)(5) of this 53517  
section, which moneys shall be paid into the special fund of the 53518  
health district. 53519

(C)(1) Except as provided in divisions (C)(2) and (3) of this 53520  
section, the annual fee for an infectious waste treatment facility 53521  
license shall be in accordance with the following schedule: 53522

MAXIMUM	ANNUAL	53523
DAILY WASTE	LICENSE	53524
RECEIPT (TONS)	FEE	53525
100 or less	\$ 5,000	53526
101 to 200	12,500	53527
201 to 500	30,000	53528
501 or more	60,000	53529

For the purpose of determining the applicable license fee 53530  
under divisions (C)(1) and (2) of this section, the maximum daily 53531  
waste receipt shall be the maximum amount of infectious wastes the 53532  
facility is authorized to receive daily that is established in the 53533  
permit for the facility, and any modifications to that permit, 53534  
issued under division (B)(2)(b) of section 3734.05 of the Revised 53535  
Code; or the annual license for the facility, and any revisions to 53536  
that license, issued under division (B)(2)(a) of section 3734.05 53537  
of the Revised Code. If no maximum daily waste receipt is so 53538  
established, the annual license fee is sixty thousand dollars 53539  
under division (C)(1) of this section and thirty thousand dollars 53540  
under division (C)(2) of this section. 53541

(2) The annual license fee for an infectious waste treatment 53542  
facility that is an incinerator is one-half the amount shown in 53543



division (C)(1) of this section. 53544

(3) Fees levied under divisions (C)(1) and (2) of this 53545  
section shall apply to private operators and to the state and its 53546  
political subdivisions and shall be paid within thirty days after 53547  
issuance of a license. The fee includes the cost of licensing, all 53548  
inspections, and other costs associated with the administration of 53549  
the infectious waste provisions of this chapter and rules adopted 53550  
under them. Each such license shall specify that it is conditioned 53551  
upon payment of the applicable fee to the board of health or the 53552  
director, as appropriate, within thirty days after issuance of the 53553  
license. 53554

(4) The board of health shall retain two thousand five 53555  
hundred dollars of each license fee collected by the board under 53556  
divisions (C)(1) and (2) of this section. The moneys retained 53557  
shall be paid into a special infectious waste fund, which is 53558  
hereby created in each health district, and used solely to 53559  
administer and enforce the infectious waste provisions of this 53560  
chapter and the rules adopted under them. The remainder of each 53561  
license fee collected by the board shall be transmitted to the 53562  
director within forty-five days after receipt of the fee. The 53563  
director shall transmit these moneys to the treasurer of state to 53564  
be credited to the general revenue fund. 53565

**Sec. 3734.15.** (A) No person shall transport hazardous waste 53566  
anywhere in this state unless the person has first ~~registered~~ 53567  
filed an annual registration statement with, and ~~obtained a~~ 53568  
uniform permit from the public utilities commission paid an annual 53569  
registration fee to, the United States department of 53570  
transportation in accordance with ~~Chapter 4921. of the Revised~~ 53571  
~~Code~~ 49 C.F.R. 107.601 to 107.620. 53572

For the purposes of this section, "registered transporter" 53573  
means any person who ~~is registered~~ has filed an annual 53574

~~registration statement with and has received a uniform permit from~~ 53575  
~~the public utilities commission pursuant to Chapter 4921. of the~~ 53576  
~~Revised Code, and paid an annual registration fee to, the United~~ 53577  
~~States department of transportation in accordance with 49 C.F.R.~~ 53578  
~~107.601 to 107.620.~~ 53579

(B) A registered transporter of hazardous waste shall be 53580  
responsible for the safe delivery of any hazardous waste that the 53581  
registered transporter transports from such time as the registered 53582  
transporter obtains the waste until the registered transporter 53583  
delivers it to a treatment, storage, or disposal facility 53584  
specified in division (F) of section 3734.02 of the Revised Code, 53585  
as recorded on the manifest required in division (B) of section 53586  
3734.12 of the Revised Code. Any registered transporter who 53587  
violates this chapter or any rule adopted under the chapter while 53588  
transporting hazardous waste shall be liable for any damage or 53589  
injury caused by the violation and for the costs of rectifying the 53590  
violation and conditions caused by the violation. 53591

(C) No person who generates hazardous waste shall cause the 53592  
waste to be transported by any person who is not a registered 53593  
transporter. No person shall accept for treatment, storage, or 53594  
disposal any hazardous waste from an unregistered transporter. Any 53595  
person who is requested to accept such waste for treatment, 53596  
storage, or disposal shall notify the director, the board of 53597  
health in the person's location, and the public utilities 53598  
commission of the request. 53599

If a generator causes an unregistered transporter to 53600  
transport the hazardous waste, the generator of the waste, the 53601  
transporter, and any person who accepts the waste for treatment, 53602  
storage, or disposal shall be jointly and severally liable for any 53603  
damage or injury caused by the handling of the waste and for the 53604  
costs of rectifying their violation and conditions caused by their 53605  
violation. 53606

Sec. 3734.57. (A) The following fees are hereby levied on the 53607  
transfer or disposal of solid wastes in this state: 53608

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 53609  
cents of the proceeds of which shall be deposited in the state 53610  
treasury to the credit of the hazardous waste facility management 53611  
fund created in section 3734.18 of the Revised Code and seventy 53612  
cents of the proceeds of which shall be deposited in the state 53613  
treasury to the credit of the hazardous waste clean-up fund 53614  
created in section 3734.28 of the Revised Code; 53615

(2) An additional seventy-five cents per ton through June 30, 53616  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 53617  
treasury to the credit of the waste management fund created in 53618  
section 3734.061 of the Revised Code. 53619

(3) An additional two dollars and eighty-five cents per ton 53620  
through June 30, ~~2018~~ 2020, the proceeds of which shall be 53621  
deposited in the state treasury to the credit of the environmental 53622  
protection fund created in section 3745.015 of the Revised Code; 53623

(4) An additional twenty-five cents per ton through June 30, 53624  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 53625  
treasury to the credit of the soil and water conservation district 53626  
assistance fund created in section 940.15 of the Revised Code. 53627

In the case of solid wastes that are taken to a solid waste 53628  
transfer facility located in this state prior to being transported 53629  
for disposal at a solid waste disposal facility located in this 53630  
state or outside of this state, the fees levied under this 53631  
division shall be collected by the owner or operator of the 53632  
transfer facility as a trustee for the state. The amount of fees 53633  
required to be collected under this division at such a transfer 53634  
facility shall equal the total tonnage of solid wastes received at 53635  
the facility multiplied by the fees levied under this division. In 53636  
the case of solid wastes that are not taken to a solid waste 53637

transfer facility located in this state prior to being transported 53638  
to a solid waste disposal facility, the fees shall be collected by 53639  
the owner or operator of the solid waste disposal facility as a 53640  
trustee for the state. The amount of fees required to be collected 53641  
under this division at such a disposal facility shall equal the 53642  
total tonnage of solid wastes received at the facility that was 53643  
not previously taken to a solid waste transfer facility located in 53644  
this state multiplied by the fees levied under this division. Fees 53645  
levied under this division do not apply to materials separated 53646  
from a mixed waste stream for recycling by a generator or 53647  
materials removed from the solid waste stream through recycling, 53648  
as "recycling" is defined in rules adopted under section 3734.02 53649  
of the Revised Code. 53650

The owner or operator of a solid waste transfer facility or 53651  
disposal facility, as applicable, shall prepare and file with the 53652  
director of environmental protection each month a return 53653  
indicating the total tonnage of solid wastes received at the 53654  
facility during that month and the total amount of the fees 53655  
required to be collected under this division during that month. In 53656  
addition, the owner or operator of a solid waste disposal facility 53657  
shall indicate on the return the total tonnage of solid wastes 53658  
received from transfer facilities located in this state during 53659  
that month for which the fees were required to be collected by the 53660  
transfer facilities. The monthly returns shall be filed on a form 53661  
prescribed by the director. Not later than thirty days after the 53662  
last day of the month to which a return applies, the owner or 53663  
operator shall mail to the director the return for that month 53664  
together with the fees required to be collected under this 53665  
division during that month as indicated on the return or may 53666  
submit the return and fees electronically in a manner approved by 53667  
the director. If the return is filed and the amount of the fees 53668  
due is paid in a timely manner as required in this division, the 53669  
owner or operator may retain a discount of three-fourths of one 53670

per cent of the total amount of the fees that are required to be 53671  
paid as indicated on the return. 53672

The owner or operator may request an extension of not more 53673  
than thirty days for filing the return and remitting the fees, 53674  
provided that the owner or operator has submitted such a request 53675  
in writing to the director together with a detailed description of 53676  
why the extension is requested, the director has received the 53677  
request not later than the day on which the return is required to 53678  
be filed, and the director has approved the request. If the fees 53679  
are not remitted within thirty days after the last day of the 53680  
month to which the return applies or are not remitted by the last 53681  
day of an extension approved by the director, the owner or 53682  
operator shall not retain the three-fourths of one per cent 53683  
discount and shall pay an additional ten per cent of the amount of 53684  
the fees for each month that they are late. For purposes of 53685  
calculating the late fee, the first month in which fees are late 53686  
begins on the first day after the deadline has passed for timely 53687  
submitting the return and fees, and one additional month shall be 53688  
counted every thirty days thereafter. 53689

The owner or operator of a solid waste facility may request a 53690  
refund or credit of fees levied under this division and remitted 53691  
to the director that have not been paid to the owner or operator. 53692  
Such a request shall be made only if the fees have not been 53693  
collected by the owner or operator, have become a debt that has 53694  
become worthless or uncollectable for a period of six months or 53695  
more, and may be claimed as a deduction, including a deduction 53696  
claimed if the owner or operator keeps accounts on an accrual 53697  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 53698  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 53699  
making a request for a refund or credit, an owner or operator 53700  
shall make reasonable efforts to collect the applicable fees. A 53701  
request for a refund or credit shall not include any costs 53702

resulting from those efforts to collect unpaid fees. 53703

A request for a refund or credit of fees shall be made in 53704  
writing, on a form prescribed by the director, and shall be 53705  
supported by evidence that may be required in rules adopted by the 53706  
director under this chapter. After reviewing the request, and if 53707  
the request and evidence submitted with the request indicate that 53708  
a refund or credit is warranted, the director shall grant a refund 53709  
to the owner or operator or shall permit a credit to be taken by 53710  
the owner or operator on a subsequent monthly return submitted by 53711  
the owner or operator. The amount of a refund or credit shall not 53712  
exceed an amount that is equal to ninety days' worth of fees owed 53713  
to an owner or operator by a particular debtor of the owner or 53714  
operator. A refund or credit shall not be granted by the director 53715  
to an owner or operator more than once in any twelve-month period 53716  
for fees owed to the owner or operator by a particular debtor. 53717

If, after receiving a refund or credit from the director, an 53718  
owner or operator receives payment of all or part of the fees, the 53719  
owner or operator shall remit the fees with the next monthly 53720  
return submitted to the director together with a written 53721  
explanation of the reason for the submittal. 53722

For purposes of computing the fees levied under this division 53723  
or division (B) of this section, any solid waste transfer or 53724  
disposal facility that does not use scales as a means of 53725  
determining gate receipts shall use a conversion factor of three 53726  
cubic yards per ton of solid waste or one cubic yard per ton for 53727  
baled waste, as applicable. 53728

The fees levied under this division and divisions (B) and (C) 53729  
of this section are in addition to all other applicable fees and 53730  
taxes and shall be paid by the customer or a political subdivision 53731  
to the owner or operator of a solid waste transfer or disposal 53732  
facility. In the alternative, the fees shall be paid by a customer 53733  
or political subdivision to a transporter of waste who 53734

subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the

basis of cubic yards shall do so in accordance with division (A) 53766  
of this section. 53767

The fee levied under division (B)(1) of this section shall be 53768  
not less than one dollar per ton nor more than two dollars per 53769  
ton, the fee levied under division (B)(2) of this section shall be 53770  
not less than two dollars per ton nor more than four dollars per 53771  
ton, and the fee levied under division (B)(3) of this section 53772  
shall be not more than the fee levied under division (B)(1) of 53773  
this section. 53774

Prior to the approval of the solid waste management plan of a 53775  
district under section 3734.55 of the Revised Code, the solid 53776  
waste management policy committee of a district may levy fees 53777  
under this division by adopting a resolution establishing the 53778  
proposed amount of the fees. Upon adopting the resolution, the 53779  
committee shall deliver a copy of the resolution to the board of 53780  
county commissioners of each county forming the district and to 53781  
the legislative authority of each municipal corporation and 53782  
township under the jurisdiction of the district and shall prepare 53783  
and publish the resolution and a notice of the time and location 53784  
where a public hearing on the fees will be held. Upon adopting the 53785  
resolution, the committee shall deliver written notice of the 53786  
adoption of the resolution; of the amount of the proposed fees; 53787  
and of the date, time, and location of the public hearing to the 53788  
director and to the fifty industrial, commercial, or institutional 53789  
generators of solid wastes within the district that generate the 53790  
largest quantities of solid wastes, as determined by the 53791  
committee, and to their local trade associations. The committee 53792  
shall make good faith efforts to identify those generators within 53793  
the district and their local trade associations, but the 53794  
nonprovision of notice under this division to a particular 53795  
generator or local trade association does not invalidate the 53796  
proceedings under this division. The publication shall occur at 53797



least thirty days before the hearing. After the hearing, the 53798  
committee may make such revisions to the proposed fees as it 53799  
considers appropriate and thereafter, by resolution, shall adopt 53800  
the revised fee schedule. Upon adopting the revised fee schedule, 53801  
the committee shall deliver a copy of the resolution doing so to 53802  
the board of county commissioners of each county forming the 53803  
district and to the legislative authority of each municipal 53804  
corporation and township under the jurisdiction of the district. 53805  
Within sixty days after the delivery of a copy of the resolution 53806  
adopting the proposed revised fees by the policy committee, each 53807  
such board and legislative authority, by ordinance or resolution, 53808  
shall approve or disapprove the revised fees and deliver a copy of 53809  
the ordinance or resolution to the committee. If any such board or 53810  
legislative authority fails to adopt and deliver to the policy 53811  
committee an ordinance or resolution approving or disapproving the 53812  
revised fees within sixty days after the policy committee 53813  
delivered its resolution adopting the proposed revised fees, it 53814  
shall be conclusively presumed that the board or legislative 53815  
authority has approved the proposed revised fees. The committee 53816  
shall determine if the resolution has been ratified in the same 53817  
manner in which it determines if a draft solid waste management 53818  
plan has been ratified under division (B) of section 3734.55 of 53819  
the Revised Code. 53820

The committee may amend the schedule of fees levied pursuant 53821  
to a resolution adopted and ratified under this division by 53822  
adopting a resolution establishing the proposed amount of the 53823  
amended fees. The committee may repeal the fees levied pursuant to 53824  
such a resolution by adopting a resolution proposing to repeal 53825  
them. Upon adopting such a resolution, the committee shall proceed 53826  
to obtain ratification of the resolution in accordance with this 53827  
division. 53828

Not later than fourteen days after declaring the new fees to 53829

be ratified or the fees to be repealed under this division, the 53830  
committee shall notify by certified mail the owner or operator of 53831  
each solid waste disposal facility that is required to collect the 53832  
fees of the ratification and the amount of the fees or of the 53833  
repeal of the fees. Collection of any fees shall commence or 53834  
collection of repealed fees shall cease on the first day of the 53835  
second month following the month in which notification is sent to 53836  
the owner or operator. 53837

Fees levied under this division also may be established, 53838  
amended, or repealed by a solid waste management policy committee 53839  
through the adoption of a new district solid waste management 53840  
plan, the adoption of an amended plan, or the amendment of the 53841  
plan or amended plan in accordance with sections 3734.55 and 53842  
3734.56 of the Revised Code or the adoption or amendment of a 53843  
district plan in connection with a change in district composition 53844  
under section 3734.521 of the Revised Code. 53845

Not later than fourteen days after the director issues an 53846  
order approving a district's solid waste management plan, amended 53847  
plan, or amendment to a plan or amended plan that establishes, 53848  
amends, or repeals a schedule of fees levied by the district, the 53849  
committee shall notify by certified mail the owner or operator of 53850  
each solid waste disposal facility that is required to collect the 53851  
fees of the approval of the plan or amended plan, or the amendment 53852  
to the plan, as appropriate, and the amount of the fees, if any. 53853  
In the case of an initial or amended plan approved under section 53854  
3734.521 of the Revised Code in connection with a change in 53855  
district composition, other than one involving the withdrawal of a 53856  
county from a joint district, the committee, within fourteen days 53857  
after the change takes effect pursuant to division (G) of that 53858  
section, shall notify by certified mail the owner or operator of 53859  
each solid waste disposal facility that is required to collect the 53860  
fees that the change has taken effect and of the amount of the 53861

fees, if any. Collection of any fees shall commence or collection 53862  
of repealed fees shall cease on the first day of the second month 53863  
following the month in which notification is sent to the owner or 53864  
operator. 53865

If, in the case of a change in district composition involving 53866  
the withdrawal of a county from a joint district, the director 53867  
completes the actions required under division (G)(1) or (3) of 53868  
section 3734.521 of the Revised Code, as appropriate, forty-five 53869  
days or more before the beginning of a calendar year, the policy 53870  
committee of each of the districts resulting from the change that 53871  
obtained the director's approval of an initial or amended plan in 53872  
connection with the change, within fourteen days after the 53873  
director's completion of the required actions, shall notify by 53874  
certified mail the owner or operator of each solid waste disposal 53875  
facility that is required to collect the district's fees that the 53876  
change is to take effect on the first day of January immediately 53877  
following the issuance of the notice and of the amount of the fees 53878  
or amended fees levied under divisions (B)(1) to (3) of this 53879  
section pursuant to the district's initial or amended plan as so 53880  
approved or, if appropriate, the repeal of the district's fees by 53881  
that initial or amended plan. Collection of any fees set forth in 53882  
such a plan or amended plan shall commence on the first day of 53883  
January immediately following the issuance of the notice. If such 53884  
an initial or amended plan repeals a schedule of fees, collection 53885  
of the fees shall cease on that first day of January. 53886

If, in the case of a change in district composition involving 53887  
the withdrawal of a county from a joint district, the director 53888  
completes the actions required under division (G)(1) or (3) of 53889  
section 3734.521 of the Revised Code, as appropriate, less than 53890  
forty-five days before the beginning of a calendar year, the 53891  
director, on behalf of each of the districts resulting from the 53892  
change that obtained the director's approval of an initial or 53893

amended plan in connection with the change proceedings, shall 53894  
notify by certified mail the owner or operator of each solid waste 53895  
disposal facility that is required to collect the district's fees 53896  
that the change is to take effect on the first day of January 53897  
immediately following the mailing of the notice and of the amount 53898  
of the fees or amended fees levied under divisions (B)(1) to (3) 53899  
of this section pursuant to the district's initial or amended plan 53900  
as so approved or, if appropriate, the repeal of the district's 53901  
fees by that initial or amended plan. Collection of any fees set 53902  
forth in such a plan or amended plan shall commence on the first 53903  
day of the second month following the month in which notification 53904  
is sent to the owner or operator. If such an initial or amended 53905  
plan repeals a schedule of fees, collection of the fees shall 53906  
cease on the first day of the second month following the month in 53907  
which notification is sent to the owner or operator. 53908

If the schedule of fees that a solid waste management 53909  
district is levying under divisions (B)(1) to (3) of this section 53910  
is amended or repealed, the fees in effect immediately prior to 53911  
the amendment or repeal shall continue to be collected until 53912  
collection of the amended fees commences or collection of the 53913  
repealed fees ceases, as applicable, as specified in this 53914  
division. In the case of a change in district composition, money 53915  
so received from the collection of the fees of the former 53916  
districts shall be divided among the resulting districts in 53917  
accordance with division (B) of section 343.012 of the Revised 53918  
Code and the agreements entered into under division (B) of section 53919  
343.01 of the Revised Code to establish the former and resulting 53920  
districts and any amendments to those agreements. 53921

For the purposes of the provisions of division (B) of this 53922  
section establishing the times when newly established or amended 53923  
fees levied by a district are required to commence and the 53924  
collection of fees that have been amended or repealed is required 53925

to cease, "fees" or "schedule of fees" includes, in addition to 53926  
fees levied under divisions (B)(1) to (3) of this section, those 53927  
levied under section 3734.573 or 3734.574 of the Revised Code. 53928

(C) For the purposes of defraying the added costs to a 53929  
municipal corporation or township of maintaining roads and other 53930  
public facilities and of providing emergency and other public 53931  
services, and compensating a municipal corporation or township for 53932  
reductions in real property tax revenues due to reductions in real 53933  
property valuations resulting from the location and operation of a 53934  
solid waste disposal facility within the municipal corporation or 53935  
township, a municipal corporation or township in which such a 53936  
solid waste disposal facility is located may levy a fee of not 53937  
more than twenty-five cents per ton on the disposal of solid 53938  
wastes at a solid waste disposal facility located within the 53939  
boundaries of the municipal corporation or township regardless of 53940  
where the wastes were generated. 53941

The legislative authority of a municipal corporation or 53942  
township may levy fees under this division by enacting an 53943  
ordinance or adopting a resolution establishing the amount of the 53944  
fees. Upon so doing the legislative authority shall mail a 53945  
certified copy of the ordinance or resolution to the board of 53946  
county commissioners or directors of the county or joint solid 53947  
waste management district in which the municipal corporation or 53948  
township is located or, if a regional solid waste management 53949  
authority has been formed under section 343.011 of the Revised 53950  
Code, to the board of trustees of that regional authority, the 53951  
owner or operator of each solid waste disposal facility in the 53952  
municipal corporation or township that is required to collect the 53953  
fee by the ordinance or resolution, and the director of 53954  
environmental protection. Although the fees levied under this 53955  
division are levied on the basis of tons as the unit of 53956  
measurement, the legislative authority, in its ordinance or 53957

resolution levying the fees under this division, may direct that 53958  
the fees be levied on the basis of cubic yards as the unit of 53959  
measurement based upon a conversion factor of three cubic yards 53960  
per ton generally or one cubic yard per ton for baled wastes. 53961

Not later than five days after enacting an ordinance or 53962  
adopting a resolution under this division, the legislative 53963  
authority shall so notify by certified mail the owner or operator 53964  
of each solid waste disposal facility that is required to collect 53965  
the fee. Collection of any fee levied on or after March 24, 1992, 53966  
shall commence on the first day of the second month following the 53967  
month in which notification is sent to the owner or operator. 53968

(D)(1) The fees levied under divisions (A), (B), and (C) of 53969  
this section do not apply to the disposal of solid wastes that: 53970

(a) Are disposed of at a facility owned by the generator of 53971  
the wastes when the solid waste facility exclusively disposes of 53972  
solid wastes generated at one or more premises owned by the 53973  
generator regardless of whether the facility is located on a 53974  
premises where the wastes are generated; 53975

(b) Are generated from the combustion of coal, or from the 53976  
combustion of primarily coal, regardless of whether the disposal 53977  
facility is located on the premises where the wastes are 53978  
generated; 53979

(c) Are asbestos or asbestos-containing materials or products 53980  
disposed of at a construction and demolition debris facility that 53981  
is licensed under Chapter 3714. of the Revised Code or at a solid 53982  
waste facility that is licensed under this chapter. 53983

(2) Except as provided in section 3734.571 of the Revised 53984  
Code, any fees levied under division (B)(1) of this section apply 53985  
to solid wastes originating outside the boundaries of a county or 53986  
joint district that are covered by an agreement for the joint use 53987  
of solid waste facilities entered into under section 343.02 of the 53988

Revised Code by the board of county commissioners or board of 53989  
directors of the county or joint district where the wastes are 53990  
generated and disposed of. 53991

(3) When solid wastes, other than solid wastes that consist 53992  
of scrap tires, are burned in a disposal facility that is an 53993  
incinerator or energy recovery facility, the fees levied under 53994  
divisions (A), (B), and (C) of this section shall be levied upon 53995  
the disposal of the fly ash and bottom ash remaining after burning 53996  
of the solid wastes and shall be collected by the owner or 53997  
operator of the sanitary landfill where the ash is disposed of. 53998

(4) When solid wastes are delivered to a solid waste transfer 53999  
facility, the fees levied under divisions (B) and (C) of this 54000  
section shall be levied upon the disposal of solid wastes 54001  
transported off the premises of the transfer facility for disposal 54002  
and shall be collected by the owner or operator of the solid waste 54003  
disposal facility where the wastes are disposed of. 54004

(5) The fees levied under divisions (A), (B), and (C) of this 54005  
section do not apply to sewage sludge that is generated by a waste 54006  
water treatment facility holding a national pollutant discharge 54007  
elimination system permit and that is disposed of through 54008  
incineration, land application, or composting or at another 54009  
resource recovery or disposal facility that is not a landfill. 54010

(6) The fees levied under divisions (A), (B), and (C) of this 54011  
section do not apply to solid wastes delivered to a solid waste 54012  
composting facility for processing. When any unprocessed solid 54013  
waste or compost product is transported off the premises of a 54014  
composting facility and disposed of at a landfill, the fees levied 54015  
under divisions (A), (B), and (C) of this section shall be 54016  
collected by the owner or operator of the landfill where the 54017  
unprocessed waste or compost product is disposed of. 54018

(7) When solid wastes that consist of scrap tires are 54019

processed at a scrap tire recovery facility, the fees levied under 54020  
divisions (A), (B), and (C) of this section shall be levied upon 54021  
the disposal of the fly ash and bottom ash or other solid wastes 54022  
remaining after the processing of the scrap tires and shall be 54023  
collected by the owner or operator of the solid waste disposal 54024  
facility where the ash or other solid wastes are disposed of. 54025

(8) The director of environmental protection may issue an 54026  
order exempting from the fees levied under this section solid 54027  
wastes, including, but not limited to, scrap tires, that are 54028  
generated, transferred, or disposed of as a result of a contract 54029  
providing for the expenditure of public funds entered into by the 54030  
administrator or regional administrator of the United States 54031  
environmental protection agency, the director of environmental 54032  
protection, or the director of administrative services on behalf 54033  
of the director of environmental protection for the purpose of 54034  
remediating conditions at a hazardous waste facility, solid waste 54035  
facility, or other location at which the administrator or regional 54036  
administrator or the director of environmental protection has 54037  
reason to believe that there is a substantial threat to public 54038  
health or safety or the environment or that the conditions are 54039  
causing or contributing to air or water pollution or soil 54040  
contamination. An order issued by the director of environmental 54041  
protection under division (D)(8) of this section shall include a 54042  
determination that the amount of the fees not received by a solid 54043  
waste management district as a result of the order will not 54044  
adversely impact the implementation and financing of the 54045  
district's approved solid waste management plan and any approved 54046  
amendments to the plan. Such an order is a final action of the 54047  
director of environmental protection. 54048

(E) The fees levied under divisions (B) and (C) of this 54049  
section shall be collected by the owner or operator of the solid 54050  
waste disposal facility where the wastes are disposed of as a 54051



trustee for the county or joint district and municipal corporation 54052  
or township where the wastes are disposed of. Moneys from the fees 54053  
levied under division (B) of this section shall be forwarded to 54054  
the board of county commissioners or board of directors of the 54055  
district in accordance with rules adopted under division (H) of 54056  
this section. Moneys from the fees levied under division (C) of 54057  
this section shall be forwarded to the treasurer or such other 54058  
officer of the municipal corporation as, by virtue of the charter, 54059  
has the duties of the treasurer or to the fiscal officer of the 54060  
township, as appropriate, in accordance with those rules. 54061

(F) Moneys received by the treasurer or other officer of the 54062  
municipal corporation under division (E) of this section shall be 54063  
paid into the general fund of the municipal corporation. Moneys 54064  
received by the fiscal officer of the township under that division 54065  
shall be paid into the general fund of the township. The treasurer 54066  
or other officer of the municipal corporation or the township 54067  
fiscal officer, as appropriate, shall maintain separate records of 54068  
the moneys received from the fees levied under division (C) of 54069  
this section. 54070

(G) Moneys received by the board of county commissioners or 54071  
board of directors under division (E) of this section or section 54072  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 54073  
shall be paid to the county treasurer, or other official acting in 54074  
a similar capacity under a county charter, in a county district or 54075  
to the county treasurer or other official designated by the board 54076  
of directors in a joint district and kept in a separate and 54077  
distinct fund to the credit of the district. If a regional solid 54078  
waste management authority has been formed under section 343.011 54079  
of the Revised Code, moneys received by the board of trustees of 54080  
that regional authority under division (E) of this section shall 54081  
be kept by the board in a separate and distinct fund to the credit 54082  
of the district. Moneys in the special fund of the county or joint 54083

district arising from the fees levied under division (B) of this 54084  
section and the fee levied under division (A) of section 3734.573 54085  
of the Revised Code shall be expended by the board of county 54086  
commissioners or directors of the district in accordance with the 54087  
district's solid waste management plan or amended plan approved 54088  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 54089  
exclusively for the following purposes: 54090

(1) Preparation of the solid waste management plan of the 54091  
district under section 3734.54 of the Revised Code, monitoring 54092  
implementation of the plan, and conducting the periodic review and 54093  
amendment of the plan required by section 3734.56 of the Revised 54094  
Code by the solid waste management policy committee; 54095

(2) Implementation of the approved solid waste management 54096  
plan or amended plan of the district, including, without 54097  
limitation, the development and implementation of solid waste 54098  
recycling or reduction programs; 54099

(3) Providing financial assistance to boards of health within 54100  
the district, if solid waste facilities are located within the 54101  
district, for enforcement of this chapter and rules, orders, and 54102  
terms and conditions of permits, licenses, and variances adopted 54103  
or issued under it, other than the hazardous waste provisions of 54104  
this chapter and rules adopted and orders and terms and conditions 54105  
of permits issued under those provisions; 54106

(4) Providing financial assistance to each county within the 54107  
district to defray the added costs of maintaining roads and other 54108  
public facilities and of providing emergency and other public 54109  
services resulting from the location and operation of a solid 54110  
waste facility within the county under the district's approved 54111  
solid waste management plan or amended plan; 54112

(5) Pursuant to contracts entered into with boards of health 54113  
within the district, if solid waste facilities contained in the 54114

district's approved plan or amended plan are located within the 54115  
district, for paying the costs incurred by those boards of health 54116  
for collecting and analyzing samples from public or private water 54117  
wells on lands adjacent to those facilities; 54118

(6) Developing and implementing a program for the inspection 54119  
of solid wastes generated outside the boundaries of this state 54120  
that are disposed of at solid waste facilities included in the 54121  
district's approved solid waste management plan or amended plan; 54122

(7) Providing financial assistance to boards of health within 54123  
the district for the enforcement of section 3734.03 of the Revised 54124  
Code or to local law enforcement agencies having jurisdiction 54125  
within the district for enforcing anti-littering laws and 54126  
ordinances; 54127

(8) Providing financial assistance to boards of health of 54128  
health districts within the district that are on the approved list 54129  
under section 3734.08 of the Revised Code to defray the costs to 54130  
the health districts for the participation of their employees 54131  
responsible for enforcement of the solid waste provisions of this 54132  
chapter and rules adopted and orders and terms and conditions of 54133  
permits, licenses, and variances issued under those provisions in 54134  
the training and certification program as required by rules 54135  
adopted under division (L) of section 3734.02 of the Revised Code; 54136

(9) Providing financial assistance to individual municipal 54137  
corporations and townships within the district to defray their 54138  
added costs of maintaining roads and other public facilities and 54139  
of providing emergency and other public services resulting from 54140  
the location and operation within their boundaries of a 54141  
composting, energy or resource recovery, incineration, or 54142  
recycling facility that either is owned by the district or is 54143  
furnishing solid waste management facility or recycling services 54144  
to the district pursuant to a contract or agreement with the board 54145  
of county commissioners or directors of the district; 54146

(10) Payment of any expenses that are agreed to, awarded, or 54147  
ordered to be paid under section 3734.35 of the Revised Code and 54148  
of any administrative costs incurred pursuant to that section. In 54149  
the case of a joint solid waste management district, if the board 54150  
of county commissioners of one of the counties in the district is 54151  
negotiating on behalf of affected communities, as defined in that 54152  
section, in that county, the board shall obtain the approval of 54153  
the board of directors of the district in order to expend moneys 54154  
for administrative costs incurred. 54155

Prior to the approval of the district's solid waste 54156  
management plan under section 3734.55 of the Revised Code, moneys 54157  
in the special fund of the district arising from the fees shall be 54158  
expended for those purposes in the manner prescribed by the solid 54159  
waste management policy committee by resolution. 54160

Notwithstanding division (G)(6) of this section as it existed 54161  
prior to October 29, 1993, or any provision in a district's solid 54162  
waste management plan prepared in accordance with division 54163  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 54164  
prior to that date, any moneys arising from the fees levied under 54165  
division (B)(3) of this section prior to January 1, 1994, may be 54166  
expended for any of the purposes authorized in divisions (G)(1) to 54167  
(10) of this section. 54168

(H) The director shall adopt rules in accordance with Chapter 54169  
119. of the Revised Code prescribing procedures for collecting and 54170  
forwarding the fees levied under divisions (B) and (C) of this 54171  
section to the boards of county commissioners or directors of 54172  
county or joint solid waste management districts and to the 54173  
treasurers or other officers of municipal corporations and the 54174  
fiscal officers of townships. The rules also shall prescribe the 54175  
dates for forwarding the fees to the boards and officials and may 54176  
prescribe any other requirements the director considers necessary 54177  
or appropriate to implement and administer divisions (A), (B), and 54178

(C) of this section.	54179
<b>Sec. 3734.576.</b> (A) As used in this section:	54180
(1) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.	54181 54182 54183
(2) "Automotive shredder residue" means the nonrecyclable residue that is generated as a direct result of processing automobiles, appliances, sheet steel, and other ferrous and nonferrous scrap metals through a hammermill shredder for purposes of recycling and that meets all of the following requirements:	54184 54185 54186 54187 54188
(a) <del>The residue is solid waste.</del>	54189
<del>(b)</del> The residue is not hazardous waste.	54190
<del>(c)</del> <u>(b)</u> The residue created during the recycling process comprises not more than thirty-five per cent of the total weight of material that is processed for recycling.	54191 54192 54193
<del>(d)</del> <u>(c)</u> The residue is generated by processing recycled materials that are to be sold, used, or reused within ninety days of the time when the material is processed.	54194 54195 54196
(B) <u>Automotive shredder residue is not solid waste as defined in section 3734.01 of the Revised Code and is exempt from solid waste fees otherwise applicable under sections 3734.57 and 3734.573 of the Revised Code if both of the following apply:</u>	54197 54198 54199 54200
<u>(1) The automotive shredder residue conforms to specifications that result in a residue of a uniform consistency resembling dirt or mulch;</u>	54201 54202 54203
<u>(2) The particulate pieces that make up the residue do not exceed three inches in diameter.</u>	54204 54205
<u>(C) Automotive shredder residue that does not comply with division (B) of this section is solid waste as defined in section</u>	54206 54207

3734.01 of the Revised Code and is not exempt from solid waste fees applicable under sections 3734.57 and 3734.573 of the Revised Code. 54208  
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(D) Automotive shredder residue that complies with division (B) of this section may be used as daily cover, as defined in rules adopted under Chapter 3745. of the Revised Code, if the residue provides protection comparable to six inches of soil. 54211  
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(E)(1) The solid waste management policy committee of a solid waste management district that is levying a solid waste generation fee under section 3734.573 of the Revised Code may adopt a resolution exempting automotive shredder residue that does not comply with division (B) of this section from that fee without the necessity for ratification of the resolution or may include the exemption in an amended solid waste management plan of the district adopted under section 3734.56 of the Revised Code at the time when adoption of an amended plan is required. Not later than seven days after the adoption of such a resolution or the approval of an amended plan, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the exemption. The exemption shall take effect on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable. 54215  
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The policy committee of a solid waste management district may establish procedures and requirements, including record-keeping procedures and requirements, that are necessary for the administration and enforcement of an exemption established under division ~~(B)~~(E)(1) of this section. 54232  
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(2) If the policy committee of a solid waste management district has adopted a resolution under division ~~(B)~~(E)(1) of this section and the committee seeks to continue exempting automotive 54237  
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shredder residue that does not comply with division (B) of this section from the district's generation fee at the time when the district is required to adopt an amended solid waste management plan under section 3734.56 of the Revised Code, the committee shall include the exemption in the amended plan of the district. If the exemption is not included in the amended plan of the district, the exemption shall expire and shall cease to apply as provided in division ~~(C)~~(F) of this section.

~~(C)~~(F) If the policy committee of a solid waste management district seeks to eliminate an exemption of automotive shredder residue that does not comply with division (B) of this section from the district's generation fee that was established under division ~~(B)~~(E)(1) of this section, the committee shall adopt a resolution eliminating the exemption without the necessity for ratification of the resolution. After adoption of the resolution and if the district has included the exemption in its amended solid waste management plan in accordance with either division ~~(B)~~(E)(1) or (2) of this section, the committee shall subsequently amend the plan to reflect the elimination of the exemption at the time when the adoption of an amended plan is required under section 3734.56 of the Revised Code.

Upon expiration of the exemption or adoption of a resolution eliminating the exemption, the policy committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the expiration or elimination of the exemption, as applicable. The exemption shall cease to apply on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable.

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery

facility license issued under section 3734.81 of the Revised Code		54271
shall be in accordance with the following schedule:		54272
Daily Design	Annual	54273
Input Capacity	License	54274
(Tons)	Fee	54275
1 or less	\$ 100	54276
2 to 25	500	54277
26 to 50	1,000	54278
51 to 100	1,500	54279
101 to 200	2,500	54280
201 to 500	3,500	54281
501 or more	5,500	54282

For the purpose of determining the applicable license fee 54283  
under this division, the daily design input capacity shall be the 54284  
quantity of scrap tires the facility is designed to process daily 54285  
as set forth in the registration certificate or permit for the 54286  
facility, and any modifications to the permit, if applicable, 54287  
issued under section 3734.78 of the Revised Code. 54288

(B) The annual fee for a scrap tire monocell or monofill 54289  
facility license shall be in accordance with the following 54290  
schedule: 54291

Authorized Maximum	Annual	54292
Daily Waste Receipt	License	54293
(Tons)	Fee	54294
100 or less	\$ 5,000	54295
101 to 200	12,500	54296
201 to 500	30,000	54297
501 or more	60,000	54298

For the purpose of determining the applicable license fee 54299  
under this division, the authorized maximum daily waste receipt 54300  
shall be the maximum amount of scrap tires the facility is 54301  
authorized to receive daily that is established in the permit for 54302



the facility, and any modification to that permit, issued under 54303  
section 3734.77 of the Revised Code. 54304

(C)(1) Except as otherwise provided in division (C)(2) of 54305  
this section, the annual fee for a scrap tire storage facility 54306  
license shall equal one thousand dollars times the number of acres 54307  
on which scrap tires are to be stored at the facility during the 54308  
license year, as set forth on the application for the annual 54309  
license, except that the total annual license fee for any such 54310  
facility shall not exceed three thousand dollars. 54311

(2) The annual fee for a scrap tire storage facility license 54312  
for a storage facility that is owned or operated by a motor 54313  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 54314  
Code is one hundred dollars. 54315

(D)(1) Except as otherwise provided in division (D)(2) of 54316  
this section, the annual fee for a scrap tire collection facility 54317  
license is two hundred dollars. 54318

(2) The annual fee for a scrap tire collection facility 54319  
license for a collection facility that is owned or operated by a 54320  
motor vehicle salvage dealer licensed under Chapter 4738. of the 54321  
Revised Code is fifty dollars. 54322

(E) Except as otherwise provided in divisions (C)(2) and 54323  
(D)(2) of this section, the same fees apply to private operators 54324  
and to the state and its political subdivisions and shall be paid 54325  
within thirty days after the issuance of a license. The fees 54326  
include the cost of licensing, all inspections, and other costs 54327  
associated with the administration of the scrap tire provisions of 54328  
this chapter and rules adopted under them. Each license shall 54329  
specify that it is conditioned upon payment of the applicable fee 54330  
to the board of health or the director of environmental 54331  
protection, as appropriate, within thirty days after the issuance 54332  
of the license. 54333

(F) The board of health shall retain fifteen thousand dollars 54334  
of each license fee collected by the board under division (B) of 54335  
this section, or the entire amount of any such fee that is less 54336  
than fifteen thousand dollars, and the entire amount of each 54337  
license fee collected by the board under divisions (A), (C), and 54338  
(D) of this section. The moneys retained shall be paid into a 54339  
special fund, which is hereby created in each health district, and 54340  
used solely to administer and enforce the scrap tire provisions of 54341  
this chapter and rules adopted under them. The remainder, if any, 54342  
of each license fee collected by the board under division (B) of 54343  
this section shall be transmitted to the director within 54344  
forty-five days after receipt of the fee. 54345

(G) The director shall transmit the moneys received by the 54346  
director from license fees collected under division (B) of this 54347  
section to the treasurer of state to be credited to the scrap tire 54348  
management fund, which is hereby created in the state treasury. 54349  
The fund shall consist of all federal moneys received by the 54350  
environmental protection agency for the scrap tire management 54351  
program; all grants, gifts, and contributions made to the director 54352  
for that program; and all other moneys that may be provided by law 54353  
for that program. The director shall use moneys in the fund as 54354  
follows: 54355

(1) Expend amounts determined necessary by the director to 54356  
implement, administer, and enforce the scrap tire provisions of 54357  
this chapter and rules adopted under them; 54358

(2) During each fiscal year, if the director of environmental 54359  
protection determines it to be appropriate and advisable, request 54360  
the director of budget and management to, and the director of 54361  
budget and management ~~shall~~ may, transfer up to one million 54362  
dollars to the scrap tire grant fund created in section 3734.822 54363  
of the Revised Code for supporting market development activities 54364  
for scrap tires and synthetic rubber from tire manufacturing 54365

processes and tire recycling processes. In addition, during a 54366  
fiscal year, the director of environmental protection may request 54367  
the director of budget and management to, and the director of 54368  
budget and management shall, transfer up to an additional five 54369  
hundred thousand dollars to the scrap tire grant fund for scrap 54370  
tire amnesty events and scrap tire cleanup events. 54371

(3) After the expenditures and transfers are made under 54372  
divisions (G)(1) and (2) of this section, expend the balance of 54373  
the money in the scrap tire management fund remaining in each 54374  
fiscal year to conduct removal actions under section 3734.85 of 54375  
the Revised Code and to provide grants to boards of health under 54376  
section 3734.042 of the Revised Code. 54377

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 54378  
defray the cost of administering and enforcing the scrap tire 54379  
provisions of this chapter, rules adopted under those provisions, 54380  
and terms and conditions of orders, variances, and licenses issued 54381  
under those provisions; to abate accumulations of scrap tires; to 54382  
make grants supporting market development activities for scrap 54383  
tires and synthetic rubber from tire manufacturing processes and 54384  
tire recycling processes and to support scrap tire amnesty and 54385  
cleanup events; to make loans to promote the recycling or recovery 54386  
of energy from scrap tires; and to defray the costs of 54387  
administering and enforcing sections 3734.90 to 3734.9014 of the 54388  
Revised Code, a fee of fifty cents per tire is hereby levied on 54389  
the sale of tires. The proceeds of the fee shall be deposited in 54390  
the state treasury to the credit of the scrap tire management fund 54391  
created in section 3734.82 of the Revised Code. The fee is levied 54392  
from the first day of the calendar month that begins next after 54393  
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 54394

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 54395  
2020, there is hereby levied an additional fee of fifty cents per 54396

tire on the sale of tires the proceeds of which shall be deposited 54397  
in the state treasury to the credit of the soil and water 54398  
conservation district assistance fund created in section 940.15 of 54399  
the Revised Code. 54400

(B) Only one sale of the same article shall be used in 54401  
computing the amount of the fee due. 54402

**Sec. 3734.9011.** (A) No wholesale distributor or other person 54403  
shall sell tires to a retail dealer within this state, and no 54404  
retail dealer or other person shall import or otherwise acquire 54405  
tires for sale at retail within this state from a person who is 54406  
not a registered wholesale distributor, without having a 54407  
registration therefor. 54408

(B) Each wholesale distributor and each retail dealer 54409  
required to be registered under division (A) of this section shall 54410  
apply for registration ~~on or before the date that is two months~~ 54411  
~~after the effective date of this section, or~~ on or before the 54412  
first day of doing business that ~~required~~ requires the 54413  
registration. The application shall be filed with the tax 54414  
commissioner, in a form and providing such information as 54415  
prescribed by the commissioner. The commissioner shall assign an 54416  
account number to each registration and shall so notify the 54417  
registrant. ~~The~~ An unrevoked registration shall remain in effect 54418  
until canceled by the wholesale distributor or retail dealer upon 54419  
the cessation of business. 54420

(C) The tax commissioner shall not accept a registration 54421  
under division (B) of this section or may suspend or revoke the 54422  
registration of a wholesale distributor or retail dealer if the 54423  
wholesale distributor or retail dealer has failed to file any 54424  
returns, submit any information, or pay any outstanding taxes, 54425  
charges, or fees as required for any tax, charge, or fee 54426  
administered by the commissioner, to the extent that the 54427

commissioner is aware of such failure at the time of the 54428  
application. 54429

**Sec. 3735.31.** A metropolitan housing authority created under 54430  
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 54431  
corporate and politic. Nothing in this chapter shall limit the 54432  
authority of a metropolitan housing authority, or a nonprofit 54433  
corporation formed by a metropolitan housing authority to carry 54434  
out its functions, to compete for and perform federal housing 54435  
contracts or grants within or outside this state. To clear, plan, 54436  
and rebuild slum areas within the district in which the authority 54437  
is created, to provide safe and sanitary housing accommodations to 54438  
families of low income within that district, or to accomplish any 54439  
combination of the foregoing purposes, the authority may do any of 54440  
the following: 54441

(A) Sue and be sued; have a seal; have corporate succession; 54442  
receive grants from state, federal, or other governments, or from 54443  
private sources; conduct investigations into housing and living 54444  
conditions; enter any buildings or property in order to conduct 54445  
its investigations; conduct examinations, subpoena, and require 54446  
the attendance of witnesses and the production of books and 54447  
papers; issue commissions for the examination of witnesses who are 54448  
out of the state or unable to attend before the authority or 54449  
excused from attendance; and in connection with these powers, any 54450  
member of the authority may administer oaths, take affidavits, and 54451  
issue subpoenas; 54452

(B) Determine what areas constitute slum areas, and prepare 54453  
plans for housing or other projects in those areas; purchase, 54454  
lease, sell, exchange, transfer, assign, or mortgage any property, 54455  
real or personal, or any interest in that property, or acquire the 54456  
same by gift, bequest, or eminent domain; own, hold, clear, and 54457  
improve property; provide and set aside housing projects, or 54458

dwelling units comprising portions of housing projects, designed 54459  
especially for the use of families, the head of which or the 54460  
spouse of which is sixty-five years of age or older; engage in, or 54461  
contract for, the construction, reconstruction, alteration, or 54462  
repair, or both, of any housing project or part of any housing 54463  
project; include in any contract let in connection with a project, 54464  
stipulations requiring that the contractor and any subcontractors 54465  
comply with requirements as to minimum wages and maximum hours of 54466  
labor, and comply with any conditions that the federal government 54467  
has attached to its financial aid of the project; lease or 54468  
operate, or both, any project, and establish or revise schedules 54469  
of rents for any projects or part of any project; arrange with the 54470  
county or municipal corporations, or both, for the planning and 54471  
replanning of streets, alleys, and other public places or 54472  
facilities in connection with any area or project; borrow money 54473  
upon its notes, debentures, or other evidences of indebtedness, 54474  
and secure the same by mortgages upon property held or to be held 54475  
by it, or by pledge of its revenues, or in any other manner; 54476  
invest any funds held in reserves or sinking funds or not required 54477  
for immediate disbursements; enter into a shared service agreement 54478  
with another metropolitan housing authority; execute contracts and 54479  
all other instruments necessary or convenient to the exercise of 54480  
the powers granted in this section; make, amend, and repeal bylaws 54481  
and rules to carry into effect its powers and purposes; 54482

(C) Borrow money or accept grants or other financial 54483  
assistance from the federal government for or in aid of any 54484  
housing project within its territorial limits; take over or lease 54485  
or manage any housing project or undertaking constructed or owned 54486  
by the federal government; comply with any conditions and enter 54487  
into any mortgages, trust indentures, leases, or agreements that 54488  
are necessary, convenient, or desirable; 54489

(D) Subject to section 3735.311 of the Revised Code, employ a 54490

police force to protect the lives and property of the residents of 54491  
housing projects within the district, to preserve the peace in the 54492  
housing projects, and to enforce the laws, ordinances, and 54493  
regulations of this state and its political subdivisions in the 54494  
housing projects and, when authorized by law, outside the limits 54495  
of the housing projects. 54496

(E) Enter into an agreement with a county, municipal 54497  
corporation, or township in whose jurisdiction the metropolitan 54498  
housing authority is located that permits metropolitan housing 54499  
authority police officers employed under division (D) of this 54500  
section to exercise full arrest powers as provided in section 54501  
2935.03 of the Revised Code, perform any police function, exercise 54502  
any police power, or render any police service within specified 54503  
areas of the county, municipal corporation, or township for the 54504  
purpose of preserving the peace and enforcing all laws of the 54505  
state, ordinances of the municipal corporation, or regulations of 54506  
the township. 54507

**Sec. 3735.33.** Any two or more metropolitan housing 54508  
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 54509  
of the Revised Code, may join or cooperate with one another in the 54510  
exercise, either jointly or otherwise, of any or all of their 54511  
powers relative to the purpose of financing as provided in 54512  
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive,~~ of the Revised 54513  
Code. The moneys received from such joint or cooperative financing 54514  
may be used for planning, undertaking, owning, constructing, 54515  
operating, or contracting with respect to a housing project or 54516  
projects located within the area of operation of any one or more 54517  
of the authorities. An authority may by resolution prescribe and 54518  
authorize any other authority or authorities, joining or 54519  
cooperating with it, to act on its behalf with respect to any or 54520  
all powers relative to the purpose of financing, as its agent or 54521  
otherwise, in the name of the authority or authorities so joining 54522

or cooperating, or in its own name. 54523

Any two or more metropolitan housing authorities created 54524  
under sections 3735.27 to 3735.50 of the Revised Code may enter 54525  
into a shared service agreement. 54526

**Sec. 3735.40.** As used in sections 3735.27, 3735.31, and 54527  
3735.40 to 3735.50 of the Revised Code: 54528

(A) "Federal government" includes the United States, the 54529  
federal works administrator, or any other agency or 54530  
instrumentality, corporate or otherwise, of the United States. 54531

(B) "Slum" has the meaning defined in section 1.08 of the 54532  
Revised Code. 54533

(C) "Housing project" or "project" means any of the following 54534  
works or undertakings: 54535

(1) Demolish, clear, or remove buildings from any slum area. 54536  
Such work or undertaking may embrace the adaptation of such area 54537  
to public purposes, including parks or other recreational or 54538  
community purposes. 54539

(2) Provide decent, safe, and sanitary urban or rural 54540  
dwellings, apartments, or other living accommodations for persons 54541  
of low income. ~~Such work or undertaking may include~~ 54542

(3) Provide for buildings, land, equipment, facilities, and 54543  
other real or personal property for necessary, convenient, or 54544  
desirable appurtenances, streets, sewers, water service, parks, 54545  
site preparation, gardening, administrative, community, health, 54546  
recreational, educational, welfare, commercial, residential, or 54547  
other purposes. 54548

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 54549  
project" also may be applied to the planning of the buildings and 54550  
improvements, the acquisition of property, the demolition of 54551  
existing structures, the construction, reconstruction, alteration, 54552



and repair of the improvements, and all other work in connection 54553  
therewith. 54554

(D) "Families of low income" means persons or families who 54555  
lack the amount of income which is necessary, as determined by the 54556  
metropolitan housing authority undertaking the housing project, to 54557  
enable them, without financial assistance, to live in decent, 54558  
safe, and sanitary dwellings, without overcrowding. 54559

(E) "Families" means families consisting of two or more 54560  
persons, a single person who has attained the age at which an 54561  
individual may elect to receive an old age benefit under Title II 54562  
of the "Social Security Act" or is under disability as defined in 54563  
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 54564  
amended, or the remaining member of a tenant family. 54565

(F) "Families" also means a single person discharged by the 54566  
head of a hospital pursuant to section 5122.21 of the Revised Code 54567  
after March 10, 1964. 54568

**Sec. 3735.41.** Except as otherwise provided in section 3735.43 54569  
of the Revised Code, in the operation or management of housing 54570  
projects a metropolitan housing authority shall observe the 54571  
following with respect to rentals and tenant selection: 54572

(A)(1) It shall not ~~accept~~ provide a federally derived rent 54573  
subsidy to any person as a tenant in for any dwelling in a housing 54574  
project if the persons who would occupy the dwelling have an 54575  
aggregate annual net income ~~less such deductions and exemptions~~ 54576  
~~therefrom as are authorized by law or the regulations established~~ 54577  
~~by the public housing administration which that~~ equals or exceeds 54578  
the amount ~~which that~~ the authority determines to be necessary ~~in~~ 54579  
~~order~~ to enable such persons to secure do both of the following: 54580

(a) Secure safe, sanitary, and uncongested dwelling 54581  
accommodations within the area of operation of the authority ~~and~~ 54582

~~to provide;~~ 54583

(b) Provide an adequate standard of living for themselves. 54584

(2) As used in this division, "aggregate annual net income" 54585  
means the aggregate annual income less the deductions and 54586  
exemptions from that income authorized by law or regulations 54587  
established by the United States department of housing and urban 54588  
development. 54589

(B) It may rent or lease the dwelling accommodations therein 54590  
only at rentals within the financial reach of persons who lack the 54591  
amount of income which it determines, pursuant to division (A) of 54592  
this section, to be necessary in order to obtain safe, sanitary, 54593  
and uncongested dwelling accommodations within the area of 54594  
operation of the authority and to provide an adequate standard of 54595  
living. 54596

(C) It may use a federally derived rent subsidy to rent or 54597  
lease to a tenant a dwelling consisting of the number of rooms, 54598  
but no greater number, which it considers necessary to provide 54599  
safe and sanitary accommodations to the proposed occupants 54600  
thereof, without overcrowding. 54601

Sections 3735.27 to 3735.50 of the Revised Code do not limit 54602  
the power of an authority to vest in a bondholder the right, in 54603  
the event of a default by such authority, to take possession of a 54604  
housing project or cause the appointment of a receiver thereof or 54605  
acquire title thereto through foreclosure proceedings, free from 54606  
all the restrictions imposed by such sections. 54607

**Sec. 3735.66.** The legislative authorities of municipal 54608  
corporations and counties may survey the housing within their 54609  
jurisdictions and, after the survey, may adopt resolutions 54610  
describing the boundaries of community reinvestment areas which 54611  
contain the conditions required for the finding under division (B) 54612

of section 3735.65 of the Revised Code. The findings resulting 54613  
from the survey shall be incorporated in the resolution describing 54614  
the boundaries of an area. The legislative authority may stipulate 54615  
in the resolution that only new structures or remodeling 54616  
classified as to use as commercial, industrial, or residential, or 54617  
some combination thereof, and otherwise satisfying the 54618  
requirements of section 3735.67 of the Revised Code are eligible 54619  
for exemption from taxation under that section. If the resolution 54620  
does not include such a stipulation, all new structures and 54621  
remodeling satisfying the requirements of section 3735.67 of the 54622  
Revised Code are eligible for exemption from taxation regardless 54623  
of classification. Whether or not the resolution includes such a 54624  
stipulation, the classification of the structures or remodeling 54625  
eligible for exemption in the area shall at all times be 54626  
consistent with zoning restrictions applicable to the area. For 54627  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 54628  
whether a structure or remodeling composed of multiple units is 54629  
classified as commercial or residential shall be determined by 54630  
resolution or ordinance of the legislative authority or, in the 54631  
absence of such a determination, by the classification of the use 54632  
of the structure or remodeling under the applicable zoning 54633  
regulations. 54634

If construction or remodeling classified as residential is 54635  
eligible for exemption from taxation, the resolution shall specify 54636  
a percentage, not to exceed one hundred per cent, of the assessed 54637  
valuation of such property to be exempted. The percentage 54638  
specified shall apply to all residential construction or 54639  
remodeling for which exemption is granted. 54640

The resolution adopted pursuant to this section shall be 54641  
published in a newspaper of general circulation in the municipal 54642  
corporation, if the resolution is adopted by the legislative 54643  
authority of a municipal corporation, or in a newspaper of general 54644

circulation in the county, if the resolution is adopted by the 54645  
legislative authority of the county, once a week for two 54646  
consecutive weeks or as provided in section 7.16 of the Revised 54647  
Code, immediately following its adoption. 54648

Each legislative authority adopting a resolution pursuant to 54649  
this section shall designate a housing officer. In addition, each 54650  
such legislative authority, not later than ~~fifteen~~ sixty days 54651  
after the adoption of the resolution, shall petition the director 54652  
of development services for the director to confirm the findings 54653  
described in the resolution. The petition shall be accompanied by 54654  
a copy of the resolution and by a map of the community 54655  
reinvestment area in sufficient detail to denote the specific 54656  
boundaries of the area and to indicate zoning restrictions 54657  
applicable to the area. The director shall determine whether the 54658  
findings contained in the resolution are valid, and whether the 54659  
classification of structures or remodeling eligible for exemption 54660  
under the resolution is consistent with zoning restrictions 54661  
applicable to the area as indicated on the map. Within thirty days 54662  
of receiving the petition, the director shall forward the 54663  
director's determination to the legislative authority. The 54664  
legislative authority or housing officer shall not grant any 54665  
exemption from taxation under section 3735.67 of the Revised Code 54666  
until the director forwards the director's determination to the 54667  
legislative authority. The director shall assign to each community 54668  
reinvestment area a unique designation by which the area shall be 54669  
identified for purposes of sections 3735.65 to 3735.70 of the 54670  
Revised Code. 54671

If zoning restrictions in any part of a community 54672  
reinvestment area are changed at any time after the legislative 54673  
authority petitions the director under this section, the 54674  
legislative authority shall notify the director and shall submit a 54675  
map of the area indicating the new zoning restrictions in the 54676

area. 54677

**Sec. 3735.661.** (A) For the purpose of determining the "first 54678  
two amendments" referenced in division (B) of Section 3 of Am. 54679  
Sub. S.B. 19 of the 120th general assembly, an amendment means any 54680  
modification to an ordinance or resolution adopted under section 54681  
3735.66 of the Revised Code that does any of the following: 54682

(1) Expands the geographic size of a community reinvestment 54683  
area; 54684

(2) Increases a property's or category of property's exempted 54685  
percentage of assessed valuation, notwithstanding the requirements 54686  
of section 3735.66 of the Revised Code as that section existed on 54687  
July 21, 1994. Division (A)(2) of this section does not authorize 54688  
a municipal corporation or county to increase a property's or 54689  
category of property's exempted percentage of assessed valuation 54690  
pursuant to that section. 54691

(3) Increases the term of any tax exemption or category of 54692  
tax exemptions, except as provided in division (B)(6) of this 54693  
section; 54694

(4) Extends the duration of a community reinvestment area; 54695

(5) Changes eligibility requirements for receiving tax 54696  
exemptions. 54697

(B) For the purpose of determining the "first two amendments" 54698  
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 54699  
general assembly, an amendment does not include any modification 54700  
to an ordinance or resolution adopted under section 3735.66 of the 54701  
Revised Code that does any of the following: 54702

(1) Restricts the availability of tax exemptions, including 54703  
any of the following: 54704

(a) Removes area from or decreases the geographic size of a 54705  
community reinvestment area; 54706

(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(c) Decreases the term of any tax exemption or category of exemption;

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.

(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;

(3) Recognizes or confirms a previously granted tax exemption;

(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;

(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;

(6) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's

or resolution's modification was the maximum term allowed under 54738  
division (D)(1) or (2) of section 3735.67 of the Revised Code as 54739  
that section existed before its amendment by H.B. 463 of the 131st 54740  
general assembly. 54741

**Sec. 3735.672.** (A) On or before the thirty-first day of March 54742  
each year, a legislative authority that has entered into an 54743  
agreement with a party under section 3735.671 of the Revised Code 54744  
shall submit to the director of development services and the board 54745  
of education of each school district of which a municipal 54746  
corporation or township to which such an agreement applies is a 54747  
part a report on all such agreements in effect during the 54748  
preceding calendar year. The report shall include the following 54749  
information: 54750

(1) The designation, assigned by the director of development 54751  
services, of each community reinvestment area within the municipal 54752  
corporation or county, and the total population of each area 54753  
according to the most recent data available; 54754

(2) The number of agreements and the number of full-time 54755  
employees subject to those agreements within each area, each 54756  
according to the most recent data available and identified and 54757  
categorized by the appropriate standard industrial code, and the 54758  
rate of unemployment in the municipal corporation or county in 54759  
which the area is located for each year since the area was 54760  
certified; 54761

(3) The number of agreements approved and executed during the 54762  
calendar year for which the report is submitted, the total number 54763  
of agreements in effect on the thirty-first day of December of the 54764  
preceding calendar year, the number of agreements that expired 54765  
during the calendar year for which the report is submitted, and 54766  
the number of agreements scheduled to expire during the calendar 54767  
year in which the report is submitted. For each agreement that 54768

expired during the calendar year for which the report is 54769  
submitted, the legislative authority shall include the amount of 54770  
taxes exempted under the agreement. 54771

(4) The number of agreements receiving compliance reviews by 54772  
the tax incentive review council in the municipal corporation or 54773  
county during the calendar year for which the report is submitted, 54774  
including all of the following information: 54775

(a) The number of agreements the terms of which the party has 54776  
complied with, indicating separately for each such agreement the 54777  
value of the real property exempted pursuant to the agreement and 54778  
a comparison of the stipulated and actual schedules for hiring new 54779  
employees, for retaining existing employees, and for the amount of 54780  
payroll of the party attributable to these employees; 54781

(b) The number of agreements the terms of which a party has 54782  
failed to comply with, indicating separately for each such 54783  
agreement the value of the real and personal property exempted 54784  
pursuant to the agreement and a comparison of the stipulated and 54785  
actual schedules for hiring new employees, for retaining existing 54786  
employees, and for the amount of payroll of the enterprise 54787  
attributable to these employees; 54788

(c) The number of agreements about which the tax incentive 54789  
review council made recommendations to the legislative authority, 54790  
and the number of such recommendations that have not been 54791  
followed; 54792

(d) The number of agreements rescinded during the calendar 54793  
year for which the report is submitted. 54794

(5) The number of parties subject to agreements that expanded 54795  
within each area, including the number of new employees hired and 54796  
existing employees retained by that party, and the number of new 54797  
parties subject to agreements that established within each area, 54798  
including the number of new employees hired by each party; 54799



(6) For each agreement in effect during any part of the 54800  
preceding year, the number of employees employed by the party at 54801  
the property that is the subject of the agreement immediately 54802  
prior to formal approval of the agreement, the number of employees 54803  
employed by the party at that property on the thirty-first day of 54804  
December of the preceding year, the payroll of the party for the 54805  
preceding year, the amount of taxes paid on real property that was 54806  
exempted under the agreement, and the amount of such taxes that 54807  
were not paid because of the exemption. 54808

(B) Upon the failure of a municipal corporation or county to 54809  
comply with division (A) of this section: 54810

(1) Beginning on the first day of April of the calendar year 54811  
in which the municipal corporation or county fails to comply with 54812  
that division, the municipal corporation or county shall not enter 54813  
into any agreements under section 3735.671 of the Revised Code 54814  
until the municipal corporation or county has complied with 54815  
division (A) of this section. 54816

(2) On the first day of each ensuing calendar month until the 54817  
municipal corporation or county complies with that division, the 54818  
director of development services shall either order the proper 54819  
county auditor to deduct from the next succeeding payment of taxes 54820  
to the municipal corporation or county under section 321.31, 54821  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 54822  
five hundred dollars for each calendar month the municipal 54823  
corporation or county fails to comply with that division, or order 54824  
the county auditor to deduct such an amount from the next 54825  
succeeding payment to the municipal corporation or county from the 54826  
undivided local government fund under section 5747.51 of the 54827  
Revised Code. At the time such a payment is made, the county 54828  
auditor shall comply with the director's order by issuing a 54829  
warrant, drawn on the fund from which such money would have been 54830  
paid, to the director of development services, who shall deposit 54831

the warrant into the state community reinvestment area program 54832  
administration fund created in division (C) of this section. 54833

(C) The director, by rule, shall establish the state's 54834  
application fee for applications submitted to a municipal 54835  
corporation or county to enter into an agreement under section 54836  
3735.671 of the Revised Code. In establishing the amount of the 54837  
fee, the director shall consider the state's cost of administering 54838  
the community reinvestment area program, including the cost of 54839  
reviewing the reports required under division (A) of this section. 54840  
The director may change the amount of the fee at such times and in 54841  
such increments as the director considers necessary. Any municipal 54842  
corporation or county that receives an application shall collect 54843  
the application fee and remit the fee for deposit in the state 54844  
treasury to the credit of the ~~business assistance~~ tax incentives 54845  
operating fund created in section 122.174 of the Revised Code. 54846

**Sec. 3737.21.** (A) The director of the department of commerce 54847  
shall appoint, from names submitted to the director by the state 54848  
fire council, a state fire marshal, who shall serve at the 54849  
pleasure of the director and shall possess the following 54850  
qualifications: 54851

(1) A degree from an accredited college or university with 54852  
specialized study in either the field of fire protection or fire 54853  
protection engineering, or the equivalent qualifications 54854  
determined from training, experience, and duties in a fire 54855  
service; 54856

(2) Five years of recent, progressively more responsible 54857  
experience in fire inspection, fire code enforcement, fire 54858  
investigation, fire protection engineering, teaching of fire 54859  
safety engineering, or fire fighting. 54860

(B) When a vacancy occurs in the position of state fire 54861  
marshal, the director shall notify the state fire council. ~~The~~ 54862

~~council shall communicate the fact of the vacancy by regular mail~~ 54863  
~~to all fire chiefs and fire protection engineers known to the~~ 54864  
~~council, or whose identity may be ascertained by the council by~~ 54865  
~~the exercise of due diligence. The council, no earlier than thirty~~ 54866  
~~days after mailing the notification, shall compile a list of all~~ 54867  
~~applicants for the position of fire marshal who are qualified~~ 54868  
~~under this section.~~ The council shall submit the names of at least 54869  
three persons on the list for the position of state fire marshal 54870  
who are qualified under this section to the director. The director 54871  
shall appoint the state fire marshal from the list of at least 54872  
three names or may request the council to submit additional names. 54873

**Sec. 3742.01.** As used in this chapter: 54874

(A) "Board of health" means the board of health of a city or 54875  
general health district or the authority having the duties of a 54876  
board of health under section 3709.05 of the Revised Code. 54877

(B) "Child care facility" means each area of any of the 54878  
following in which child care, as defined in section 5104.01 of 54879  
the Revised Code, is provided to children under six years of age: 54880

(1) A child day-care center, type A family day-care home, or 54881  
type B family day-care home as defined in section 5104.01 of the 54882  
Revised Code; 54883

(2) A preschool program or school child program as defined in 54884  
section 3301.52 of the Revised Code. 54885

(C) "Clearance examination" means an examination to determine 54886  
whether the lead hazards in a residential unit, child care 54887  
facility, or school have been sufficiently controlled. A clearance 54888  
examination includes a visual assessment, collection, and analysis 54889  
of environmental samples. 54890

(D) "Clearance technician" means a person, other than a 54891  
licensed lead inspector or licensed lead risk assessor, who 54892

performs a clearance examination. 54893

(E) "Clinical laboratory" means a facility for the 54894  
biological, microbiological, serological, chemical, 54895  
immunohematological, hematological, biophysical, cytological, 54896  
pathological, or other examination of substances derived from the 54897  
human body for the purpose of providing information for the 54898  
diagnosis, prevention, or treatment of any disease, or in the 54899  
assessment or impairment of the health of human beings. "Clinical 54900  
laboratory" does not include a facility that only collects or 54901  
prepares specimens, or serves as a mailing service, and does not 54902  
perform testing. 54903

(F) "Encapsulation" means the coating and sealing of surfaces 54904  
with durable surface coating specifically formulated to be 54905  
elastic, able to withstand sharp and blunt impacts, long-lasting, 54906  
and resilient, while also resistant to cracking, peeling, algae, 54907  
fungus, and ultraviolet light, so as to prevent any part of 54908  
lead-containing paint from becoming part of house dust or 54909  
otherwise accessible to children. 54910

(G) "Enclosure" means the resurfacing or covering of surfaces 54911  
with durable materials such as wallboard or paneling, and the 54912  
sealing or caulking of edges and joints, so as to prevent or 54913  
control chalking, flaking, peeling, scaling, or loose 54914  
lead-containing substances from becoming part of house dust or 54915  
otherwise accessible to children. 54916

(H) "Environmental lead analytical laboratory" means a 54917  
facility that analyzes air, dust, soil, water, paint, film, or 54918  
other substances, other than substances derived from the human 54919  
body, for the presence and concentration of lead. 54920

(I) "HEPA" means the designation given to a product, device, 54921  
or system that has been equipped with a high-efficiency 54922  
particulate air filter, which is a filter capable of removing 54923

particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 54924  
54925

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. 54926  
54927  
54928  
54929  
54930  
54931

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following: 54932  
54933  
54934

(a) Removal of lead-based paint and lead-contaminated dust; 54935

(b) Permanent enclosure or encapsulation of lead-based paint; 54936

(c) Replacement of surfaces or fixtures painted with lead-based paint; 54937  
54938

(d) Removal or permanent covering of lead-contaminated soil; 54939

(e) Preparation, cleanup, and disposal activities associated with lead abatement. 54940  
54941

(2) "Lead abatement" does not include any of the following: 54942

(a) ~~Preventive treatments~~ Residential rental unit lead-safe maintenance practices performed pursuant to ~~section~~ sections 3742.41 and 3742.42 of the Revised Code; 54943  
54944  
54945

(b) Implementation of interim controls; 54946

(c) Activities performed by a property owner on a residential unit to which both of the following apply: 54947  
54948

(i) It is a freestanding single-family home used as the property owner's private residence. 54949  
54950

(ii) No child under six years of age who has lead poisoning resides in the unit. 54951  
54952

(L) "Lead abatement contractor" means any individual who 54953  
engages in or intends to engage in lead abatement and employs or 54954  
supervises one or more lead abatement workers, including on-site 54955  
supervision of lead abatement projects, or prepares 54956  
specifications, plans, or documents for a lead abatement project. 54957

(M) "Lead abatement project" means one or more lead abatement 54958  
activities that are conducted by a lead abatement contractor and 54959  
are reasonably related to each other. 54960

(N) "Lead abatement project designer" means a person who is 54961  
responsible for designing lead abatement projects and preparing a 54962  
pre-abatement plan for all designed projects. 54963

(O) "Lead abatement worker" means an individual who is 54964  
responsible in a nonsupervisory capacity for the performance of 54965  
lead abatement. 54966

(P) "Lead-based paint" means any paint or other similar 54967  
surface-coating substance containing lead at or in excess of the 54968  
level that is hazardous to human health, as that level is 54969  
established in rules adopted under section ~~3742.50~~ 3742.45 of the 54970  
Revised Code. 54971

(Q) "Lead-contaminated dust" means dust that contains an area 54972  
or mass concentration of lead at or in excess of the level that is 54973  
hazardous to human health, as that level is established in rules 54974  
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 54975

(R) "Lead-contaminated soil" means soil that contains lead at 54976  
or in excess of the level that is hazardous to human health, as 54977  
that level is established in rules adopted under section ~~3742.50~~ 54978  
3742.45 of the Revised Code. 54979

(S) "Lead ~~hazard~~ free" means no lead-based paint is present 54980  
in any area referenced in division (B) of section 3742.42 of the 54981  
Revised Code. 54982

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

~~(T)~~(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

~~(U)~~(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

~~(V)~~(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code.

~~(W)~~(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 55014  
unit, child care facility, or school; interpreting results of 55015  
inspections and risk assessments; identifying hazard control 55016  
strategies to reduce or eliminate lead exposures; and completing a 55017  
risk assessment report. 55018

~~(Y) "Lead safe renovation" means the supervision or 55019  
performance of services for the general improvement of all or part 55020  
of an existing structure, including a residential unit, child care 55021  
facility, or school, when the services are supervised or performed 55022  
by a lead safe renovator. 55023~~

~~(Z) "Lead safe renovator" means a person who has successfully 55024  
completed a training program in lead safe renovation approved 55025  
under section 3742.47 of the Revised Code. "Lead-safe residential 55026  
rental unit" means a residential rental unit that has undergone 55027  
the residential rental unit lead-safe maintenance practices 55028  
described in section 3742.42 of the Revised Code, including 55029  
post-maintenance dust sampling or are registered pursuant to 55030  
division (D) of section 3742.41 of the Revised Code. 55031~~

(AA) "Manager" means a person, who may be the same person as 55032  
the owner, responsible for the daily operation of a residential 55033  
unit, child care facility, or school. 55034

(BB) "Permanent" means an expected design life of at least 55035  
twenty years. 55036

(CC) "Replacement" means an activity that entails removing 55037  
components such as windows, doors, and trim that have lead hazards 55038  
on their surfaces and installing components free of lead hazards. 55039

(DD) "Residential unit" means a dwelling or any part of a 55040  
building being used as an individual's private residence. 55041  
"Residential unit" includes a residential rental unit. 55042

(EE) ~~"School"~~ "Residential rental unit" means a rental 55043  
property containing a dwelling or any part of a building being 55044



used as an individual's private residence. 55045

(FF) "School" means a public or nonpublic school in which 55046  
children under six years of age receive education. 55047

**Sec. 3742.02.** (A) No person shall do any of the following: 55048

(1) Violate any provision of this chapter or the rules 55049  
adopted pursuant to it; 55050

(2) Apply or cause to be applied any lead-based paint on or 55051  
inside a residential unit, child care facility, or school, unless 55052  
the director of health has determined by rule under section 55053  
~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute 55054  
exists; 55055

(3) Interfere with an investigation conducted by the director 55056  
of health or a board of health in accordance with section 3742.35 55057  
of the Revised Code. 55058

(B) No person shall knowingly authorize or employ an 55059  
individual to perform lead abatement on a residential unit, child 55060  
care facility, or school unless the individual who will perform 55061  
the lead abatement holds a valid license issued under section 55062  
3742.05 of the Revised Code. 55063

(C) No person shall do any of the following when a 55064  
residential unit, child care facility, or school is involved: 55065

(1) Perform a lead inspection without a valid lead inspector 55066  
license issued under section 3742.05 of the Revised Code; 55067

(2) Perform a lead risk assessment or provide professional 55068  
advice regarding lead abatement without a valid lead risk assessor 55069  
license issued under section 3742.05 of the Revised Code; 55070

(3) Act as a lead abatement contractor without a valid lead 55071  
abatement contractor's license issued under section 3742.05 of the 55072  
Revised Code; 55073

(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	55074 55075 55076
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	55077 55078
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	55079 55080 55081 55082 55083
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	55084 55085 55086
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	55087 55088
<b>Sec. 3742.04.</b> (A) The director of health shall do all of the following:	55089 55090
(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;	55091 55092 55093
(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;	55094 55095 55096 55097 55098 55099
(3) Examine records and reports submitted by physicians, clinical laboratories, and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code;	55100 55101 55102
(4) Issue approval to manufacturers of encapsulants that have	55103

done all of the following:	55104
(a) Submitted an application for approval to the director on a form prescribed by the director;	55105 55106
(b) Paid the application fee established by the director;	55107
(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the requirements established in rules adopted under division (H) of section 3742.03 of the Revised Code;	55108 55109 55110 55111
(d) Complied with rules adopted by the director regarding durability and safety to workers and residents.	55112 55113
(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of the programs among states;	55114 55115 55116 55117 55118 55119
(6) Establish a program to monitor and audit the quality of work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The director may refer improper work discovered through the program to the attorney general for appropriate action.	55120 55121 55122 55123 55124 55125
(B) In addition to any other authority granted by this chapter, the director of health may do any of the following:	55126 55127
(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an ongoing lead abatement program under which it conducts educational programs.	55128 55129 55130 55131 55132
(2) Cooperate with the United States environmental protection	55133

agency in any joint oversight procedures the agency may propose 55134  
for laboratories that offer lead analysis services and are 55135  
accredited under the agency's laboratory accreditation program; 55136

(3) Advise, consult, cooperate with, or enter into contracts 55137  
or cooperative agreements with any person, government entity, 55138  
interstate agency, or the federal government as the director 55139  
considers necessary to fulfill the requirements of this chapter 55140  
and the rules adopted under it. 55141

(C) In accordance with Section 34 of Article II of the Ohio 55142  
Constitution, the purpose of this chapter and rules adopted under 55143  
it is to protect the comfort, safety, and general welfare of 55144  
employees and others who may encounter lead and lead-based paint. 55145  
Therefore, it is the intent of the general assembly that the 55146  
Revised Code and rules adopted under it be the sole and exclusive 55147  
means by which lead abatement activities may be compelled, 55148  
prohibited, licensed, or regulated. Any law or rule governing the 55149  
abatement of lead, lead-based paint, or the employment or 55150  
licensing of lead abatement professionals who abate lead and 55151  
lead-based paint enacted or adopted by a political subdivision 55152  
before or after the effective date of this section is void. 55153

(1) The department of health has the sole and exclusive 55154  
authority to compel, prohibit, license, or regulate lead abatement 55155  
activities within the state, including the licensing of lead 55156  
abatement professionals, and excepting only those activities for 55157  
which oversight has been delegated by the Revised Code to boards 55158  
of health. The regulation of lead abatement activities is a matter 55159  
of general statewide interest that requires uniform statewide 55160  
regulation, and this chapter and rules adopted under it constitute 55161  
a comprehensive plan with respect to all aspects of lead abatement 55162  
within this state. In order to assist the department in the 55163  
furtherance of its sole and exclusive authority as established in 55164  
this section, the director may enter into cooperative agreements 55165

with other state agencies for advice and consultation. Such 55166  
cooperative agreements do not confer on other state agencies any 55167  
authority to administer or enforce this chapter and rules adopted 55168  
under it. In addition, such cooperative agreements shall not be 55169  
construed to dilute or diminish the department's sole and 55170  
exclusive authority as established in this section. 55171

(2) The director of health has the sole and exclusive 55172  
authority to adopt rules pertaining to lead and lead abatement, 55173  
the purposes of which are, in part, to protect the health, safety, 55174  
and welfare of persons owning or living in homes containing lead 55175  
and persons working to abate lead. Any such rules shall be adopted 55176  
in accordance with Chapter 119. of the Revised Code and shall 55177  
include procedures and requirements governing all of the 55178  
following: 55179

(a) The dissemination of information for purposes of 55180  
educating persons who own, dwell, or work in homes containing lead 55181  
or lead-based paint through affirmations, warnings, and 55182  
guidelines; 55183

(b) The dissemination of information for purposes of the 55184  
training of lead abatement employees in order to address the 55185  
hazardous duties and inherent risks associated with lead abatement 55186  
and testing; 55187

(c) The gathering of data for purposes of improving the 55188  
implementation of this chapter. 55189

(D) Nothing in this section shall be construed to eliminate 55190  
any authority statutorily granted to the department of health 55191  
prior to the effective date of this section. 55192

**Sec. 3742.31.** (A) The director of health shall establish, 55193  
promote, and maintain a child lead poisoning prevention program. 55194  
The program shall provide statewide coordination of screening, 55195

diagnosis, and treatment services for children under age six, 55196  
including both of the following: 55197

(1) Collecting the social security numbers of all children 55198  
screened, diagnosed, or treated as part of the program's case 55199  
management system; 55200

(2) Disclosing to the department of medicaid on at least an 55201  
annual basis the identity and lead screening test results of each 55202  
child screened pursuant to section 3742.30 of the Revised Code. 55203  
The director shall collect and disseminate information relating to 55204  
child lead poisoning and controlling lead hazards. 55205

(B) The director of health shall operate the child lead 55206  
poisoning prevention program in accordance with rules adopted 55207  
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 55208  
may enter into an interagency agreement with one or more other 55209  
state agencies to perform one or more of the program's duties. The 55210  
director shall supervise and direct an agency's performance of 55211  
such a duty. 55212

**Sec. 3742.35.** When the director of health or a board of 55213  
health authorized to enforce sections 3742.35 to 3742.40 of the 55214  
Revised Code becomes aware that an individual under six years of 55215  
age has lead poisoning, the director or board shall conduct an 55216  
investigation to determine the source of the lead poisoning. The 55217  
director or board may conduct such an investigation when the 55218  
director or board becomes aware that an individual six years of 55219  
age or older has lead poisoning. The director or board shall 55220  
conduct the investigation in accordance with rules adopted under 55221  
section ~~3742.50~~ 3742.45 of the Revised Code. 55222

In conducting the investigation, the director or board may 55223  
request permission to enter the residential unit, child care 55224  
facility, or school that the director or board reasonably suspects 55225

to be the source of the lead poisoning. If the property is 55226  
occupied, the director or board shall ask the occupant for 55227  
permission. If the property is not occupied, the director or board 55228  
shall ask the property owner or manager for permission. If the 55229  
occupant, owner, or manager fails or refuses to permit entry, the 55230  
director or board may petition and obtain an order to enter the 55231  
property from a court of competent jurisdiction in the county in 55232  
which the property is located. 55233

As part of the investigation, the director or board may 55234  
review the records and reports, if any, maintained by a lead 55235  
inspector, lead abatement contractor, lead risk assessor, lead 55236  
abatement project designer, lead abatement worker, or clearance 55237  
technician. 55238

**Sec. 3742.36.** When the director of health or an authorized 55239  
board of health determines pursuant to an investigation conducted 55240  
under section 3742.35 of the Revised Code that a residential unit, 55241  
child care facility, or school is a possible source of the child's 55242  
lead poisoning, the director or board shall conduct a risk 55243  
assessment of that property in accordance with rules adopted under 55244  
section ~~3742.50~~ 3742.45 of the Revised Code. 55245

**Sec. 3742.41.** (A) ~~A property~~ The director of health shall 55246  
establish and maintain a lead-safe residential rental unit 55247  
registry in accordance with rules adopted under section 3742.45 of 55248  
the Revised Code. The director shall not impose a fee for 55249  
registration of a residential rental unit on the registry. 55250

(B) Beginning six months after the effective date of the 55251  
rules referenced in division (A) of this section, the owner of a 55252  
residential rental unit constructed before January 1, ~~1950~~ 1978, 55253  
~~that is used as a residential unit, child care facility, or school~~ 55254  
~~shall be legally presumed not to contain a lead hazard and not to~~ 55255

~~be the source of the lead poisoning of an individual who resides 55256  
in the unit or receives child care or education at the facility or 55257  
school if the owner or manager of the unit, facility, or school 55258  
successfully completes both of the following preventive 55259  
treatments: 55260~~

~~(1) Follows may implement the essential residential rental 55261  
unit lead-safe maintenance practices specified in section 3742.42 55262  
of the Revised Code for the control of any lead hazards~~+. 55263~~~~

~~(2) Covers all rough, pitted, or porous horizontal surfaces 55264  
of the inhabited or occupied areas within the unit, facility, or 55265  
school with a smooth, cleanable covering or coating, such as metal 55266  
coil stock, plastic, polyurethane, carpet, or linoleum. 55267~~

~~(B) The owner or manager of a residential unit, child care 55268  
facility, or school has successfully completed the preventive 55269  
treatments specified in division (A) of this section if the unit, 55270  
facility, or school passes a clearance examination in accordance 55271  
with standards for passage established by rules adopted under 55272  
section 3742.49 of the Revised Code. 55273~~

~~(C) The legal presumption established under this section is 55274  
rebuttable in a court of law only on a showing of clear and 55275  
convincing evidence to the contrary After completion of the 55276  
residential rental unit lead-safe maintenance practices, the owner 55277  
may register the property as a lead-safe residential rental unit 55278  
with the department of health for inclusion on the registry. 55279~~

~~(D) The owner of a residential rental unit also may register 55280  
the unit as a lead-safe residential rental unit with the 55281  
department for inclusion on the registry if either of the 55282  
following apply: 55283~~

~~(1) The residential rental unit was or is constructed after 55284  
January 1, 1978; 55285~~

~~(2) The residential rental unit is lead free as determined by 55286~~



a licensed lead inspector or lead risk assessor after an 55287  
inspection of the unit. 55288

(E)(1) The owner of a residential rental unit that is subject 55289  
to a lead hazard control order under section 3742.37 of the 55290  
Revised Code shall register the residential rental unit on the 55291  
lead-safe residential rental unit lead-safe registry after the 55292  
unit passes a clearance examination, as specified in section 55293  
3742.39 of the Revised Code, indicating that the lead hazards 55294  
identified in the order are controlled. 55295

(2) The owner of a residential rental unit that is designated 55296  
as housing for the elderly or senior housing by the director is 55297  
exempt from the requirement to register under division (E)(1) of 55298  
this section. 55299

**Sec. 3742.42.** (A) In completing ~~the essential~~ residential 55300  
rental unit lead-safe maintenance practices ~~portion of the~~ 55301  
~~preventive treatments specified in section 3742.41 of the Revised~~ 55302  
~~Code, the owner or manager~~ agent of the owner of a residential 55303  
rental unit, child care facility, or school shall do all of the 55304  
following: 55305

(1) ~~Use only safe work practices, which include compliance~~ 55306  
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 55307  
~~lead-contaminated dust~~ Successfully complete a training program in 55308  
residential rental unit lead-safe maintenance practices approved 55309  
by the director under section 3742.43 of the Revised Code; 55310

(2) ~~Perform~~ Annually perform a visual examinations 55311  
examination for deteriorated paint, underlying damage, and other 55312  
conditions that may cause exposure to lead; 55313

(3) ~~Promptly and safely~~ After completing the visual 55314  
examination and identification of deteriorated paint or other 55315  
conditions that may cause exposure to lead, repair deteriorated 55316

paint or other building components that may cause exposure to lead 55317  
and eliminate the cause of the deterioration in accordance with 55318  
the work practice standards established by the United States 55319  
environmental protection agency in 40 C.F.R. Part 745.85; 55320

~~(4) Ask tenants in a residential unit, and parents,~~ 55321  
~~guardians, and custodians of children in a child care facility or~~ 55322  
~~school, to report concerns about potential lead hazards by~~ 55323  
~~providing written notices to the tenants or parents, guardians,~~ 55324  
~~and custodians or by posting notices in conspicuous locations~~ 55325  
Conduct post-maintenance dust sampling in accordance with rules 55326  
adopted under section 3742.45 of the Revised Code; 55327

~~(5) Perform specialized cleaning in accordance with section~~ 55328  
~~3742.45 of the Revised Code to control lead contaminated dust;~~ 55329

~~(6) Cover any bare soil on the property, except soil proven~~ 55330  
~~not to be lead contaminated;~~ 55331

~~(7) Maintain a record of essential residential rental unit~~ 55332  
~~lead-safe maintenance practices for at least three years that~~ 55333  
~~documents all essential those maintenance practices;~~ 55334

~~(8) Successfully complete a training program in essential~~ 55335  
~~maintenance practices that has been approved under section~~ 55336  
~~3742.47, including post-maintenance dust sampling conducted in~~ 55337  
~~accordance with rules adopted under section 3742.45 of the Revised~~ 55338  
~~Code.~~ 55339

(B) The areas of a residential rental unit, ~~child care~~ 55340  
~~facility, or school~~ that are subject to division (A) of this 55341  
section include all of the following: 55342

(1) The interior surfaces and all common areas ~~of the unit,~~ 55343  
~~facility, or school;~~ 55344

(2) Every attached or unattached structure located within the 55345  
same lot line as the residential rental unit, ~~facility, or school~~ 55346

that the owner or manager considers to be associated with the 55347  
operation of the residential rental unit, facility, or school, 55348  
including garages, play equipment, and fences; 55349

(3) The lot or land that the residential rental unit, 55350  
facility, or school occupies. 55351

(C) The residential rental unit lead-safe maintenance 55352  
practices described in this section are not required to be 55353  
performed by a person licensed as a lead abatement contractor or 55354  
lead abatement worker under this chapter. However, six months 55355  
after the effective date of this amendment, any person other than 55356  
a lead abatement contractor or lead abatement worker who performs 55357  
the residential rental unit lead-safe maintenance practices shall 55358  
have successfully completed a training program in residential 55359  
rental unit lead-safe maintenance practices approved by the 55360  
director under section 3742.43 of the Revised Code. 55361

**Sec. 3742.43.** (A) A person seeking approval of a training 55362  
program in residential rental unit lead-safe maintenance practices 55363  
shall apply for approval of the training program to the director 55364  
of health. The application shall be made on a form prescribed by 55365  
the director and shall include the nonrefundable application fee 55366  
established in division (B) of this section. The director shall 55367  
approve the training program if the applicant demonstrates to the 55368  
satisfaction of the director both of the following: 55369

(1) That the training program will provide written proof of 55370  
completion to each person who completes the program and passes an 55371  
examination; 55372

(2) The program is in compliance with any other training 55373  
program requirements established in rules adopted under section 55374  
3742.45 of the Revised Code. 55375

(B) The director of health shall establish a nonrefundable 55376

application fee for approving a training program under this 55377  
section. The fee shall be reasonable and shall not exceed the 55378  
expense incurred in conducting evaluation and approval of a 55379  
training program. 55380

**Sec. ~~3742.49~~ 3742.44.** The director of health, in consultation 55381  
with the individual authorized by the governor to act as the state 55382  
historic preservation officer, shall develop recommendations for 55383  
controlling lead hazards that take into consideration the historic 55384  
nature of the property in which the hazards are located. The 55385  
director shall provide periodic notifications of the 55386  
recommendations to all persons licensed under this chapter. All 55387  
lead hazard control orders issued under section 3742.37 of the 55388  
Revised Code shall inform the recipient of the recommendations 55389  
developed under this section. 55390

In no event shall a person use the recommendations as 55391  
justification for refusing to comply with a lead hazard control 55392  
order issued under section 3742.37 of the Revised Code. 55393

**Sec. ~~3742.50~~ 3742.45.** (A) The director of health shall adopt 55394  
rules in accordance with Chapter 119. of the Revised Code 55395  
establishing all of the following: 55396

(1) Procedures necessary for the development and operation of 55397  
the child lead poisoning prevention program established under 55398  
section 3742.31 of the Revised Code; 55399

(2) Standards and procedures for conducting investigations 55400  
and risk assessments under sections 3742.35 and 3742.36 of the 55401  
Revised Code; 55402

(3) Standards and procedures for issuing lead hazard control 55403  
orders under section 3742.37 of the Revised Code, including 55404  
standards and procedures for determining appropriate deadlines for 55405  
complying with lead hazard control orders; 55406

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is hazardous to human health;

(6) Standards and procedures to be followed when ~~implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under~~ section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, ~~department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;~~

(7) Standards that must be met to pass a clearance examination;

(8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in essential residential rental unit lead-safe maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~

(9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling.

(B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for

those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning prevention.

**Sec. ~~3742.51~~ 3742.46.** (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to ~~3742.50~~ 3742.45 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.

(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

(2) Costs associated with having lead abatement performed or having the ~~preventive treatments~~ residential rental unit lead-safe maintenance practices specified in section ~~3742.41~~ 3742.42 of the Revised Code performed.

**Sec. 3745.012.** (A) The director of environmental protection shall collect all moneys for permits, licenses, plan approvals, variances, and certifications of any nature issued and

administered by the environmental protection agency under Chapter 55468  
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 55469  
director shall keep a record of all such moneys collected showing 55470  
the amounts received, from whom, and for what purpose collected. 55471  
All such moneys shall be credited to the general revenue fund, 55472  
except for such moneys required to be credited to any other fund. 55473

(B) The director may reduce or waive a fee incurred for 55474  
either of the following: 55475

(1) Submitting a late payment if the original amount has been 55476  
paid in full; 55477

(2) Responding to an emergency, including fees for the 55478  
disposal of material and debris, if the governor declares a state 55479  
of emergency. 55480

**Sec. 3745.016.** There is hereby created in the state treasury 55481  
the federally supported cleanup and response fund consisting of 55482  
money credited to the fund from federal grants, gifts, and 55483  
contributions ~~to support the investigation and remediation of~~ 55484  
~~contaminated property.~~ The environmental protection agency shall 55485  
use money in the fund to support the investigation and remediation 55486  
of contaminated property and implementation of the hazardous waste 55487  
provisions of Chapter 3734. of the Revised Code. 55488

**Sec. 3745.018.** The director of environmental protection shall 55489  
establish within environmental protection the agency a division to 55490  
administer the agency's financial, technical, and compliance 55491  
programs to assist communities, businesses, and other regulated 55492  
entities. The division shall administer all of the following: 55493

(A) State revolving wastewater and drinking water loan 55494  
programs under sections 6109.22 and 6111.036 of the Revised Code; 55495

(B) Agency grant programs, including recycling and litter 55496  
prevention grant programs under section 3736.05 of the Revised 55497

<u>Code;</u>	55498
<u>(C) Programs for providing compliance and pollution prevention assistance to regulated entities under sections 3704.18 and 3745.017 of the Revised Code;</u>	55499 55500 55501
<u>(D) Statewide source reduction, recycling, recycling market development, and litter prevention programs under section 3736.02 of the Revised Code.</u>	55502 55503 55504
<b>Sec. 3745.11.</b> (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.	55505 55506 55507 55508 55509 55510 55511 55512
(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.	55513 55514 55515 55516 55517 55518 55519 55520 55521
The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:	55522 55523 55524 55525
(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through	55526 55527



December 1993, to be collected no sooner than July 1, 1994; 55528

(2) Twenty dollars per ton on the total actual emissions of 55529  
each such regulated pollutant during calendar year 1994, to be 55530  
collected no sooner than April 15, 1995; 55531

(3) Twenty-five dollars per ton on the total actual emissions 55532  
of each such regulated pollutant in calendar year 1995, and each 55533  
subsequent calendar year, to be collected no sooner than the 55534  
fifteenth day of April of the year next succeeding the calendar 55535  
year in which the emissions occurred. 55536

The fees levied under this division do not apply to that 55537  
portion of the emissions of a regulated pollutant at a facility 55538  
that exceed four thousand tons during a calendar year. 55539

(C)(1) The fees assessed under division (B) of this section 55540  
are for the purpose of providing funding for the Title V permit 55541  
program. 55542

(2) The fees assessed under division (B) of this section do 55543  
not apply to emissions from any electric generating unit 55544  
designated as a Phase I unit under Title IV of the federal Clean 55545  
Air Act prior to calendar year 2000. Those fees shall be assessed 55546  
on the emissions from such a generating unit commencing in 55547  
calendar year 2001 based upon the total actual emissions from the 55548  
generating unit during calendar year 2000 and shall continue to be 55549  
assessed each subsequent calendar year based on the total actual 55550  
emissions from the generating unit during the preceding calendar 55551  
year. 55552

(3) The director shall issue invoices to owners or operators 55553  
of air contaminant sources who are required to pay a fee assessed 55554  
under division (B) or (D) of this section. Any such invoice shall 55555  
be issued no sooner than the applicable date when the fee first 55556  
may be collected in a year under the applicable division, shall 55557  
identify the nature and amount of the fee assessed, and shall 55558

indicate that the fee is required to be paid within thirty days 55559  
after the issuance of the invoice. 55560

(D)(1) Except as provided in division (D)(3) of this section, 55561  
from January 1, 1994, through December 31, 2003, each person who 55562  
owns or operates an air contaminant source; who is required to 55563  
apply for a permit to operate pursuant to rules adopted under 55564  
division (G), or a variance pursuant to division (H), of section 55565  
3704.03 of the Revised Code; and who is not required to apply for 55566  
and obtain a Title V permit under section 3704.036 of the Revised 55567  
Code shall pay a single fee based upon the sum of the actual 55568  
annual emissions from the facility of the regulated pollutants 55569  
particulate matter, sulfur dioxide, nitrogen oxides, organic 55570  
compounds, and lead in accordance with the following schedule: 55571

Total tons per year		55572
of regulated pollutants	Annual fee	55573
emitted	per facility	55574
More than 0, but less than 50	\$ 75	55575
50 or more, but less than 100	300	55576
100 or more	700	55577

(2) Except as provided in division (D)(3) of this section, 55578  
beginning January 1, 2004, each person who owns or operates an air 55579  
contaminant source; who is required to apply for a permit to 55580  
operate pursuant to rules adopted under division (G), or a 55581  
variance pursuant to division (H), of section 3704.03 of the 55582  
Revised Code; and who is not required to apply for and obtain a 55583  
Title V permit under section 3704.03 of the Revised Code shall pay 55584  
a single fee based upon the sum of the actual annual emissions 55585  
from the facility of the regulated pollutants particulate matter, 55586  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 55587  
accordance with the following schedule: 55588

Total tons per year		55589
of regulated pollutants	Annual fee	55590

emitted	per facility	
More than 0, but less than 10	\$ 100	55592
10 or more, but less than 50	200	55593
50 or more, but less than 100	300	55594
100 or more	700	55595

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	55612
10 or more, but less than 20	340	55613
20 or more, but less than 30	670	55614
30 or more, but less than 40	1,010	55615
40 or more, but less than 50	1,340	55616
50 or more, but less than 60	1,680	55617
60 or more, but less than 70	2,010	55618
70 or more, but less than 80	2,350	55619
80 or more, but less than 90	2,680	55620
90 or more, but less than 100	3,020	55621
100 or more	3,350	55622

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the

twelve-month period ending on the thirty-first day of August of 55655  
that year. 55656

(b) If the 1989 consumer price index is revised, the director 55657  
shall use the revision of the consumer price index that is most 55658  
consistent with that for calendar year 1989. 55659

(F) Each person who is issued a permit to install pursuant to 55660  
rules adopted under division (F) of section 3704.03 of the Revised 55661  
Code on or after July 1, 2003, shall pay the fees specified in the 55662  
following schedules: 55663

(1) Fuel-burning equipment (boilers, furnaces, or process 55664  
heaters used in the process of burning fuel for the primary 55665  
purpose of producing heat or power by indirect heat transfer) 55666  
Input capacity (maximum) 55667  
(million British thermal units per hour) Permit to install 55668

Greater than 0, but less than 10	\$ 200	55669
10 or more, but less than 100	400	55670
100 or more, but less than 300	1000	55671
300 or more, but less than 500	2250	55672
500 or more, but less than 1000	3750	55673
1000 or more, but less than 5000	6000	55674
5000 or more	9000	55675

Units burning exclusively natural gas, number two fuel oil, 55676  
or both shall be assessed a fee that is one-half the applicable 55677  
amount shown in division (F)(1) of this section. 55678

(2) Combustion turbines and stationary internal combustion 55679  
engines designed to generate electricity 55680  
Generating capacity (mega watts) Permit to install 55681

0 or more, but less than 10	\$ 25	55682
10 or more, but less than 25	150	55683
25 or more, but less than 50	300	55684
50 or more, but less than 100	500	55685

100 or more, but less than 250	1000	55686
250 or more	2000	55687
(3) Incinerators		55688
Input capacity (pounds per hour)	Permit to install	55689
0 to 100	\$ 100	55690
101 to 500	500	55691
501 to 2000	1000	55692
2001 to 20,000	1500	55693
more than 20,000	3750	55694
(4)(a) Process		55695
Process weight rate (pounds per hour)	Permit to install	55696
0 to 1000	\$ 200	55697
1001 to 5000	500	55698
5001 to 10,000	750	55699
10,001 to 50,000	1000	55700
more than 50,000	1250	55701
In any process where process weight rate cannot be		55702
ascertained, the minimum fee shall be assessed. A boiler, furnace,		55703
combustion turbine, stationary internal combustion engine, or		55704
process heater designed to provide direct heat or power to a		55705
process not designed to generate electricity shall be assessed a		55706
fee established in division (F)(4)(a) of this section. A		55707
combustion turbine or stationary internal combustion engine		55708
designed to generate electricity shall be assessed a fee		55709
established in division (F)(2) of this section.		55710
(b) Notwithstanding division (F)(4)(a) of this section, any		55711
person issued a permit to install pursuant to rules adopted under		55712
division (F) of section 3704.03 of the Revised Code shall pay the		55713
fees set forth in division (F)(4)(c) of this section for a process		55714
used in any of the following industries, as identified by the		55715
applicable two-digit, three-digit, or four-digit standard		55716
industrial classification code according to the Standard		55717

Industrial Classification Manual published by the United States	55718	
office of management and budget in the executive office of the	55719	
president, 1987, as revised:	55720	
Major group 10, metal mining;	55721	
Major group 12, coal mining;	55722	
Major group 14, mining and quarrying of nonmetallic minerals;	55723	
Industry group 204, grain mill products;	55724	
2873 Nitrogen fertilizers;	55725	
2874 Phosphatic fertilizers;	55726	
3281 Cut stone and stone products;	55727	
3295 Minerals and earth, ground or otherwise treated;	55728	
4221 Grain elevators (storage only);	55729	
5159 Farm related raw materials;	55730	
5261 Retail nurseries and lawn and garden supply stores.	55731	
(c) The fees set forth in the following schedule apply to the	55732	
issuance of a permit to install pursuant to rules adopted under	55733	
division (F) of section 3704.03 of the Revised Code for a process	55734	
identified in division (F)(4)(b) of this section:	55735	
Process weight rate (pounds per	Permit to install	55736
hour)		
0 to 10,000	\$ 200	55737
10,001 to 50,000	400	55738
50,001 to 100,000	500	55739
100,001 to 200,000	600	55740
200,001 to 400,000	750	55741
400,001 or more	900	55742
(5) Storage tanks		55743
Gallons (maximum useful capacity)	Permit to install	55744
0 to 20,000	\$ 100	55745

20,001 to 40,000	150	55746
40,001 to 100,000	250	55747
100,001 to 500,000	400	55748
500,001 or greater	750	55749
(6) Gasoline/fuel dispensing facilities		55750
For each gasoline/fuel		55751
dispensing facility (includes all	Permit to install	55752
units at the facility)	\$ 100	55753
(7) Dry cleaning facilities		55754
For each dry cleaning		55755
facility (includes all units	Permit to install	55756
at the facility)	\$ 100	55757
(8) Registration status		55758
For each source covered	Permit to install	55759
by registration status	\$ 75	55760
(G) An owner or operator who is responsible for an asbestos		55761
demolition or renovation project pursuant to rules adopted under		55762
section 3704.03 of the Revised Code shall <u>pay, upon submitting a</u>		55763
<u>notification pursuant to rules adopted under that section,</u> the		55764
fees set forth in the following schedule:		55765
Action	Fee	55766
Each notification	\$75	55767
Asbestos removal	\$3/unit	55768
Asbestos cleanup	\$4/cubic yard	55769
For purposes of this division, "unit" means any combination of		55770
linear feet or square feet equal to fifty.		55771
(H) A person who is issued an extension of time for a permit		55772
to install an air contaminant source pursuant to rules adopted		55773
under division (F) of section 3704.03 of the Revised Code shall		55774
pay a fee equal to one-half the fee originally assessed for the		55775
permit to install under this section, except that the fee for such		55776



an extension shall not exceed two hundred dollars. 55777

(I) A person who is issued a modification to a permit to 55778  
install an air contaminant source pursuant to rules adopted under 55779  
section 3704.03 of the Revised Code shall pay a fee equal to 55780  
one-half of the fee that would be assessed under this section to 55781  
obtain a permit to install the source. The fee assessed by this 55782  
division only applies to modifications that are initiated by the 55783  
owner or operator of the source and shall not exceed two thousand 55784  
dollars. 55785

(J) Notwithstanding division (F) of this section, a person 55786  
who applies for or obtains a permit to install pursuant to rules 55787  
adopted under division (F) of section 3704.03 of the Revised Code 55788  
after the date actual construction of the source began shall pay a 55789  
fee for the permit to install that is equal to twice the fee that 55790  
otherwise would be assessed under the applicable division unless 55791  
the applicant received authorization to begin construction under 55792  
division (W) of section 3704.03 of the Revised Code. This division 55793  
only applies to sources for which actual construction of the 55794  
source begins on or after July 1, 1993. The imposition or payment 55795  
of the fee established in this division does not preclude the 55796  
director from taking any administrative or judicial enforcement 55797  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 55798  
of the Revised Code, or a rule adopted under any of them, in 55799  
connection with a violation of rules adopted under division (F) of 55800  
section 3704.03 of the Revised Code. 55801

As used in this division, "actual construction of the source" 55802  
means the initiation of physical on-site construction activities 55803  
in connection with improvements to the source that are permanent 55804  
in nature, including, without limitation, the installation of 55805  
building supports and foundations and the laying of underground 55806  
pipework. 55807

(K)(1) Money received under division (B) of this section 55808

shall be deposited in the state treasury to the credit of the 55809  
Title V clean air fund created in section 3704.035 of the Revised 55810  
Code. Annually, not more than fifty cents per ton of each fee 55811  
assessed under division (B) of this section on actual emissions 55812  
from a source and received by the environmental protection agency 55813  
pursuant to that division ~~shall~~ may be transferred by the director 55814  
using an interstate transfer voucher to the state treasury to the 55815  
credit of the small business assistance fund created in section 55816  
3706.19 of the Revised Code. In addition, annually, the amount of 55817  
money necessary for the operation of the office of ombudsperson as 55818  
determined under division (B) of that section shall be transferred 55819  
to the state treasury to the credit of the small business 55820  
ombudsperson fund created by that section. 55821

(2) Money received by the agency pursuant to divisions (D), 55822  
(F), (G), (H), (I), and (J) of this section shall be deposited in 55823  
the state treasury to the credit of the non-Title V clean air fund 55824  
created in section 3704.035 of the Revised Code. 55825

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 55826  
or (c) of this section, a person issued a water discharge permit 55827  
or renewal of a water discharge permit pursuant to Chapter 6111. 55828  
of the Revised Code shall pay a fee based on each point source to 55829  
which the issuance is applicable in accordance with the following 55830  
schedule:~~ 55831

<del>Design flow discharge (gallons per day)</del>	<del>Fee</del>	
<del>0 to 1000</del>	<del>\$ 0</del>	55833
<del>1,001 to 5000</del>	<del>100</del>	55834
<del>5,001 to 50,000</del>	<del>200</del>	55835
<del>50,001 to 100,000</del>	<del>300</del>	55836
<del>100,001 to 300,000</del>	<del>525</del>	55837
<del>over 300,000</del>	<del>750</del>	55838

~~(b) Notwithstanding the fee schedule specified in division 55839  
(L)(1)(a) of this section, the fee for a water discharge permit 55840~~

~~that is applicable to coal mining operations regulated under 55841  
Chapter 1513. of the Revised Code shall be two hundred fifty 55842  
dollars per mine. 55843~~

~~(c) Notwithstanding the fee schedule specified in division 55844  
(L)(1)(a) of this section, the fee for a water discharge permit 55845  
for a public discharger identified by I in the third character of 55846  
the permittee's NPDES permit number shall not exceed seven hundred 55847  
fifty dollars. 55848~~

~~(2) A person applying for a plan approval for a wastewater 55849  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 55850  
of the Revised Code shall pay a nonrefundable fee of one hundred 55851  
dollars plus sixty-five one-hundredths of one per cent of the 55852  
estimated project cost through June 30, ~~2018~~ 2020, and a 55853  
nonrefundable application fee of one hundred dollars plus 55854  
two-tenths of one per cent of the estimated project cost on and 55855  
after July 1, ~~2018~~ 2020, except that the total fee shall not 55856  
exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and 55857  
five thousand dollars on and after July 1, ~~2018~~ 2020. The fee 55858  
shall be paid at the time the application is submitted. 55859~~

~~(3) A person issued a modification of a water discharge 55860  
permit shall pay a fee equal to one half the fee that otherwise 55861  
would be charged for a water discharge permit, except that the fee 55862  
for the modification shall not exceed four hundred dollars. 55863~~

~~(4)(2) A person who has entered into an agreement with the 55864  
director under section 6111.14 of the Revised Code shall pay an 55865  
administrative service fee for each plan submitted under that 55866  
section for approval that shall not exceed the minimum amount 55867  
necessary to pay administrative costs directly attributable to 55868  
processing plan approvals. The director annually shall calculate 55869  
the fee and shall notify all persons who have entered into 55870  
agreements under that section, or who have applied for agreements, 55871  
of the amount of the fee. 55872~~

~~(5)(3)~~(a)(i) Not later than January 30, ~~2016~~ 2018, and 55873  
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 55874  
issued pursuant to Chapter 6111. of the Revised Code with an 55875  
average daily discharge flow of five thousand gallons or more 55876  
shall pay a nonrefundable annual discharge fee. Any person who 55877  
fails to pay the fee at that time shall pay an additional amount 55878  
that equals ten per cent of the required annual discharge fee. 55879

(ii) The billing year for the annual discharge fee 55880  
established in division (L)~~(5)(3)~~(a)(i) of this section shall 55881  
consist of a twelve-month period beginning on the first day of 55882  
January of the year preceding the date when the annual discharge 55883  
fee is due. In the case of an existing source that permanently 55884  
ceases to discharge during a billing year, the director shall 55885  
reduce the annual discharge fee, including the surcharge 55886  
applicable to certain industrial facilities pursuant to division 55887  
(L)~~(5)(3)~~(c) of this section, by one-twelfth for each full month 55888  
during the billing year that the source was not discharging, but 55889  
only if the person holding the NPDES discharge permit for the 55890  
source notifies the director in writing, not later than the first 55891  
day of October of the billing year, of the circumstances causing 55892  
the cessation of discharge. 55893

(iii) The annual discharge fee established in division 55894  
(L)~~(5)(3)~~(a)(i) of this section, except for the surcharge 55895  
applicable to certain industrial facilities pursuant to division 55896  
(L)~~(5)(3)~~(c) of this section, shall be based upon the average 55897  
daily discharge flow in gallons per day calculated using first day 55898  
of May through thirty-first day of October flow data for the 55899  
period two years prior to the date on which the fee is due. In the 55900  
case of NPDES discharge permits for new sources, the fee shall be 55901  
calculated using the average daily design flow of the facility 55902  
until actual average daily discharge flow values are available for 55903  
the time period specified in division (L)~~(5)(3)~~(a)(iii) of this 55904

section. The annual discharge fee may be prorated for a new source 55905  
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 55906

(b)(i) An NPDES permit holder that is a public discharger 55907  
shall pay the fee specified in the following schedule: 55908

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2016</del> <u>2018</u> , and	
	January 30, <del>2017</del>	
	<u>2019</u>	
5,000 to 49,999	\$ 200	55913
50,000 to 100,000	500	55914
100,001 to 250,000	1,050	55915
250,001 to 1,000,000	2,600	55916
1,000,001 to 5,000,000	5,200	55917
5,000,001 to 10,000,000	10,350	55918
10,000,001 to 20,000,000	15,550	55919
20,000,001 to 50,000,000	25,900	55920
50,000,001 to 100,000,000	41,400	55921
100,000,001 or more	62,100	55922

(ii) Public dischargers owning or operating two or more 55923  
publicly owned treatment works serving the same political 55924  
subdivision, as "treatment works" is defined in section 6111.01 of 55925  
the Revised Code, and that serve exclusively political 55926  
subdivisions having a population of fewer than one hundred 55927  
thousand persons shall pay an annual discharge fee under division 55928  
(L)~~(5)~~(3)(b)(i) of this section that is based on the combined 55929  
average daily discharge flow of the treatment works. 55930

(c)(i) An NPDES permit holder that is an industrial 55931  
discharger, other than a coal mining operator identified by P in 55932  
the third character of the permittee's NPDES permit number, shall 55933  
pay the fee specified in the following schedule: 55934

Average daily	Fee due by	
---------------	------------	--

discharge flow	January 30,	55936
	<del>2016</del> <u>2018</u> , and	55937
	January 30, <del>2017</del>	55938
	<u>2019</u>	
5,000 to 49,999	\$ 250	55939
50,000 to 250,000	1,200	55940
250,001 to 1,000,000	2,950	55941
1,000,001 to 5,000,000	5,850	55942
5,000,001 to 10,000,000	8,800	55943
10,000,001 to 20,000,000	11,700	55944
20,000,001 to 100,000,000	14,050	55945
100,000,001 to 250,000,000	16,400	55946
250,000,001 or more	18,700	55947

(ii) In addition to the fee specified in the above schedule, 55948  
an NPDES permit holder that is an industrial discharger classified 55949  
as a major discharger during all or part of the annual discharge 55950  
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 55951  
section shall pay a nonrefundable annual surcharge of seven 55952  
thousand five hundred dollars not later than January 30, ~~2016~~ 55953  
2018, and not later than January 30, ~~2017~~ 2019. Any person who 55954  
fails to pay the surcharge at that time shall pay an additional 55955  
amount that equals ten per cent of the amount of the surcharge. 55956

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 55957  
section, a public discharger, that is not a separate municipal 55958  
storm sewer system, identified by I in the third character of the 55959  
permittee's NPDES permit number and an industrial discharger 55960  
identified by I, J, L, V, W, X, Y, or Z in the third character of 55961  
the permittee's NPDES permit number shall pay a nonrefundable 55962  
annual discharge fee of one hundred eighty dollars not later than 55963  
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 55964  
Any person who fails to pay the fee at that time shall pay an 55965  
additional amount that equals ten per cent of the required fee. 55966

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 55967  
~~elimination system general or individual~~ an NPDES permit for 55968  
municipal storm water discharge shall pay a nonrefundable storm 55969  
water annual discharge fee of ~~one hundred~~ ten dollars per 55970  
one-tenth of a square mile of area permitted. The fee shall not 55971  
exceed ten thousand dollars and shall be payable on or before 55972  
January 30, 2004, and the thirtieth day of January of each year 55973  
thereafter. Any person who fails to pay the fee on the date 55974  
specified in division (L)~~(6)~~(4) of this section shall pay an 55975  
additional amount per year equal to ten per cent of the annual fee 55976  
that is unpaid. 55977

~~(7)~~(5) The director shall transmit all moneys collected under 55978  
division (L) of this section to the treasurer of state for deposit 55979  
into the state treasury to the credit of the surface water 55980  
protection fund created in section 6111.038 of the Revised Code. 55981

~~(8)~~(6) As used in ~~division (L)~~ of this section: 55982

(a) "NPDES" means the federally approved national pollutant 55983  
discharge elimination system individual and general program for 55984  
issuing, modifying, revoking, reissuing, terminating, monitoring, 55985  
and enforcing permits and imposing and enforcing pretreatment 55986  
requirements under Chapter 6111. of the Revised Code and rules 55987  
adopted under it. 55988

(b) "Public discharger" means any holder of an NPDES permit 55989  
identified by P in the second character of the NPDES permit number 55990  
assigned by the director. 55991

(c) "Industrial discharger" means any holder of an NPDES 55992  
permit identified by I in the second character of the NPDES permit 55993  
number assigned by the director. 55994

(d) "Major discharger" means any holder of an NPDES permit 55995  
classified as major by the regional administrator of the United 55996  
States environmental protection agency in conjunction with the 55997

director. 55998

(M) Through June 30, ~~2018~~ 2020, a person applying for a 55999  
license or license renewal to operate a public water system under 56000  
section 6109.21 of the Revised Code shall pay the appropriate fee 56001  
established under this division at the time of application to the 56002  
director. Any person who fails to pay the fee at that time shall 56003  
pay an additional amount that equals ten per cent of the required 56004  
fee. The director shall transmit all moneys collected under this 56005  
division to the treasurer of state for deposit into the drinking 56006  
water protection fund created in section 6109.30 of the Revised 56007  
Code. 56008

Except as provided in divisions (M)(4) and (5) of this 56009  
section, fees required under this division shall be calculated and 56010  
paid in accordance with the following schedule: 56011

(1) For the initial license required under section 6109.21 of 56012  
the Revised Code for any public water system that is a community 56013  
water system as defined in section 6109.01 of the Revised Code, 56014  
and for each license renewal required for such a system prior to 56015  
January 31, ~~2018~~ 2020, the fee is: 56016

Number of service connections	Fee amount	
Not more than 49	\$ 112	56018
50 to 99	176	56019
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	56021
2,500 to 4,999	1.48	56022
5,000 to 7,499	1.42	56023
7,500 to 9,999	1.34	56024
10,000 to 14,999	1.16	56025
15,000 to 24,999	1.10	56026
25,000 to 49,999	1.04	56027
50,000 to 99,999	.92	56028
100,000 to 149,999	.86	56029



150,000 to 199,999	.80	56030
200,000 or more	.76	56031

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	56045
150 to 299	176	56046
300 to 749	384	56047
750 to 1,499	628	56048
1,500 to 2,999	1,268	56049
3,000 to 7,499	2,816	56050
7,500 to 14,999	5,510	56051
15,000 to 22,499	9,048	56052
22,500 to 29,999	12,430	56053
30,000 or more	16,820	56054

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	56068
2	112	56069
3	176	56070
4	278	56071
5	568	56072
System designated as using a surface water source	792	56074

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2018~~ 2020, and fifteen thousand dollars on and

after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		56110
MMO-MUG	\$2,000	56111
MF	2,100	56112
MMO-MUG and MF	2,550	56113
organic chemical	5,400	56114
trace metals	5,400	56115
standard chemistry	2,800	56116
limited chemistry	1,550	56117

On and after July 1, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	56120
organic chemicals	3,500	56121
trace metals	3,500	56122
standard chemistry	1,800	56123
limited chemistry	1,000	56124

The fee for those services shall be paid at the time the request 56125  
for the survey is made. Through June 30, ~~2018~~ 2020, an individual 56126  
laboratory shall not be assessed a fee under this division more 56127  
than once in any three-year period unless the person requests the 56128  
addition of analytical methods or analysts, in which case the 56129  
person shall pay eighteen hundred dollars for each additional 56130  
survey requested. 56131

As used in division (N)(3) of this section: 56132

(a) "MF" means microfiltration. 56133

(b) "MMO" means minimal medium ONPG. 56134

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 56135

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 56136

The director shall transmit all moneys collected under this 56137  
division to the treasurer of state for deposit into the drinking 56138  
water protection fund created in section 6109.30 of the Revised 56139  
Code. 56140

(O) Any person applying to the director to take an 56141  
examination for certification as an operator of a water supply 56142  
system or wastewater system under Chapter 6109. or 6111. of the 56143  
Revised Code that is administered by the director, at the time the 56144  
application is submitted, shall pay a fee in accordance with the 56145  
following schedule through November 30, ~~2018~~ 2020: 56146

Class A operator	\$ 80	56147
Class I operator	105	56148
Class II operator	120	56149
Class III operator	130	56150
Class IV operator	145	56151

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 56152  
fee in accordance with the following schedule: 56153

Class A operator	\$ 50	56154
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Class I operator	70	56155
Class II operator	80	56156
Class III operator	90	56157
Class IV operator	100	56158

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	56167
Class I operator	35	56168
Class II operator	45	56169
Class III operator	55	56170
Class IV operator	65	56171

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	56177
Class I operator	55	56178
Class II operator	65	56179
Class III operator	75	56180
Class IV operator	85	56181

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a

water supply system or wastewater treatment system examination 56187  
provider shall pay an annual fee that is equal to ten per cent of 56188  
the fees that the provider assesses and collects for administering 56189  
water supply system or wastewater treatment system certification 56190  
examinations in this state for the calendar year. The fee shall be 56191  
paid not later than forty-five days after the end of a calendar 56192  
year. 56193

The director shall transmit all moneys collected under this 56194  
division to the treasurer of state for deposit into the drinking 56195  
water protection fund created in section 6109.30 of the Revised 56196  
Code. 56197

(P) Any person submitting an application for an industrial 56198  
water pollution control certificate under section 6111.31 of the 56199  
Revised Code, as that section existed before its repeal by H.B. 95 56200  
of the 125th general assembly, shall pay a nonrefundable fee of 56201  
five hundred dollars at the time the application is submitted. The 56202  
director shall transmit all moneys collected under this division 56203  
to the treasurer of state for deposit into the surface water 56204  
protection fund created in section 6111.038 of the Revised Code. A 56205  
person paying a certificate fee under this division shall not pay 56206  
an application fee under division (S)(1) of this section. On and 56207  
after June 26, 2003, persons shall file such applications and pay 56208  
the fee as required under sections 5709.20 to 5709.27 of the 56209  
Revised Code, and proceeds from the fee shall be credited as 56210  
provided in section 5709.212 of the Revised Code. 56211

(Q) Except as otherwise provided in division (R) of this 56212  
section, a person issued a permit by the director for a new solid 56213  
waste disposal facility other than an incineration or composting 56214  
facility, a new infectious waste treatment facility other than an 56215  
incineration facility, or a modification of such an existing 56216  
facility that includes an increase in the total disposal or 56217  
treatment capacity of the facility pursuant to Chapter 3734. of 56218

the Revised Code shall pay a fee of ten dollars per thousand cubic 56219  
yards of disposal or treatment capacity, or one thousand dollars, 56220  
whichever is greater, except that the total fee for any such 56221  
permit shall not exceed eighty thousand dollars. A person issued a 56222  
modification of a permit for a solid waste disposal facility or an 56223  
infectious waste treatment facility that does not involve an 56224  
increase in the total disposal or treatment capacity of the 56225  
facility shall pay a fee of one thousand dollars. A person issued 56226  
a permit to install a new, or modify an existing, solid waste 56227  
transfer facility under that chapter shall pay a fee of two 56228  
thousand five hundred dollars. A person issued a permit to install 56229  
a new or to modify an existing solid waste incineration or 56230  
composting facility, or an existing infectious waste treatment 56231  
facility using incineration as its principal method of treatment, 56232  
under that chapter shall pay a fee of one thousand dollars. The 56233  
increases in the permit fees under this division resulting from 56234  
the amendments made by Amended Substitute House Bill 592 of the 56235  
117th general assembly do not apply to any person who submitted an 56236  
application for a permit to install a new, or modify an existing, 56237  
solid waste disposal facility under that chapter prior to 56238  
September 1, 1987; any such person shall pay the permit fee 56239  
established in this division as it existed prior to June 24, 1988. 56240  
In addition to the applicable permit fee under this division, a 56241  
person issued a permit to install or modify a solid waste facility 56242  
or an infectious waste treatment facility under that chapter who 56243  
fails to pay the permit fee to the director in compliance with 56244  
division (V) of this section shall pay an additional ten per cent 56245  
of the amount of the fee for each week that the permit fee is 56246  
late. 56247

Permit and late payment fees paid to the director under this 56248  
division shall be credited to the general revenue fund. 56249

(R)(1) A person issued a registration certificate for a scrap 56250

tire collection facility under section 3734.75 of the Revised Code 56251  
shall pay a fee of two hundred dollars, except that if the 56252  
facility is owned or operated by a motor vehicle salvage dealer 56253  
licensed under Chapter 4738. of the Revised Code, the person shall 56254  
pay a fee of twenty-five dollars. 56255

(2) A person issued a registration certificate for a new 56256  
scrap tire storage facility under section 3734.76 of the Revised 56257  
Code shall pay a fee of three hundred dollars, except that if the 56258  
facility is owned or operated by a motor vehicle salvage dealer 56259  
licensed under Chapter 4738. of the Revised Code, the person shall 56260  
pay a fee of twenty-five dollars. 56261

(3) A person issued a permit for a scrap tire storage 56262  
facility under section 3734.76 of the Revised Code shall pay a fee 56263  
of one thousand dollars, except that if the facility is owned or 56264  
operated by a motor vehicle salvage dealer licensed under Chapter 56265  
4738. of the Revised Code, the person shall pay a fee of fifty 56266  
dollars. 56267

(4) A person issued a permit for a scrap tire monocell or 56268  
monofill facility under section 3734.77 of the Revised Code shall 56269  
pay a fee of ten dollars per thousand cubic yards of disposal 56270  
capacity or one thousand dollars, whichever is greater, except 56271  
that the total fee for any such permit shall not exceed eighty 56272  
thousand dollars. 56273

(5) A person issued a registration certificate for a scrap 56274  
tire recovery facility under section 3734.78 of the Revised Code 56275  
shall pay a fee of one hundred dollars. 56276

(6) A person issued a permit for a scrap tire recovery 56277  
facility under section 3734.78 of the Revised Code shall pay a fee 56278  
of one thousand dollars. 56279

(7) In addition to the applicable registration certificate or 56280  
permit fee under divisions (R)(1) to (6) of this section, a person 56281



issued a registration certificate or permit for any such scrap 56282  
tire facility who fails to pay the registration certificate or 56283  
permit fee to the director in compliance with division (V) of this 56284  
section shall pay an additional ten per cent of the amount of the 56285  
fee for each week that the fee is late. 56286

(8) The registration certificate, permit, and late payment 56287  
fees paid to the director under divisions (R)(1) to (7) of this 56288  
section shall be credited to the scrap tire management fund 56289  
created in section 3734.82 of the Revised Code. 56290

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 56291  
(P), and (S)(2) of this section, division (A)(2) of section 56292  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 56293  
and rules adopted under division (T)(1) of this section, any 56294  
person applying for a registration certificate under section 56295  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 56296  
variance, or plan approval under Chapter 3734. of the Revised Code 56297  
shall pay a nonrefundable fee of fifteen dollars at the time the 56298  
application is submitted. 56299

(b) Except as otherwise provided, any person applying for a 56300  
permit, variance, or plan approval under Chapter 6109. or 6111. of 56301  
the Revised Code shall pay a nonrefundable application fee of one 56302  
hundred dollars at the time the application is submitted through 56303  
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 56304  
dollars at the time the application is submitted on and after July 56305  
1, ~~2018~~ 2020. ~~Except~~ 56306

(c)(i) Except as otherwise provided in ~~division~~ divisions 56307  
(S)~~(3)~~(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 56308  
2020, any person applying for a ~~national pollutant discharge~~ 56309  
~~elimination system~~ an NPDES permit under Chapter 6111. of the 56310  
Revised Code shall pay a nonrefundable application fee of two 56311  
hundred dollars at the time of application for the permit. On and 56312  
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 56313

application fee of fifteen dollars at the time of application. 56314

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule: 56315  
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<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	56320
<u>1,001 to 5000</u>	<u>100</u>	56321
<u>5,001 to 50,000</u>	<u>200</u>	56322
<u>50,001 to 100,000</u>	<u>300</u>	56323
<u>100,001 to 300,000</u>	<u>525</u>	56324
<u>over 300,000</u>	<u>750</u>	56325

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars. 56327  
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(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine. 56332  
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(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars. 56337  
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(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a 56343  
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~~national pollutant discharge elimination system~~ an NPDES general 56345  
storm water construction permit shall pay a nonrefundable fee of 56346  
twenty dollars per acre for each acre that is permitted above five 56347  
acres at the time the application is submitted. However, the per 56348  
acreage fee shall not exceed three hundred dollars. In addition to 56349  
the application fee established under division (S)(1)(c)(i) of 56350  
this section, any person applying for a ~~national pollutant~~ 56351  
~~discharge elimination system~~ an NPDES general storm water 56352  
industrial permit shall pay a nonrefundable fee of one hundred 56353  
fifty dollars at the time the application is submitted. 56354

(e) The director shall transmit all moneys collected under 56355  
division (S)(1) of this section pursuant to Chapter 6109. of the 56356  
Revised Code to the treasurer of state for deposit into the 56357  
drinking water protection fund created in section 6109.30 of the 56358  
Revised Code. 56359

(f) The director shall transmit all moneys collected under 56360  
division (S)(1) of this section pursuant to Chapter 6111. of the 56361  
Revised Code and under division (S)(3) of this section to the 56362  
treasurer of state for deposit into the surface water protection 56363  
fund created in section 6111.038 of the Revised Code. 56364

(g) If a registration certificate is issued under section 56365  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 56366  
the application fee paid shall be deducted from the amount of the 56367  
registration certificate fee due under division (R)(1), (2), or 56368  
(5) of this section, as applicable. 56369

(h) If a person submits an electronic application for a 56370  
registration certificate, permit, variance, or plan approval for 56371  
which an application fee is established under division (S)(1) of 56372  
this section, the person shall pay ~~the~~ all applicable ~~application~~ 56373  
~~fee fees~~ as expeditiously as possible after the submission of the 56374  
electronic application. An application for a registration 56375  
certificate, permit, variance, or plan approval for which an 56376

application fee is established under division (S)(1) of this 56377  
section shall not be reviewed or processed until the applicable 56378  
application fee, and any other fees established under this 56379  
division, are paid. 56380

(2) Division (S)(1) of this section does not apply to an 56381  
application for a registration certificate for a scrap tire 56382  
collection or storage facility submitted under section 3734.75 or 56383  
3734.76 of the Revised Code, as applicable, if the owner or 56384  
operator of the facility or proposed facility is a motor vehicle 56385  
salvage dealer licensed under Chapter 4738. of the Revised Code. 56386

(3) A person applying for coverage under ~~a national pollutant~~ 56387  
~~discharge elimination system~~ an NPDES general discharge permit for 56388  
household sewage treatment systems shall pay the following fees: 56389

(a) A nonrefundable fee of two hundred dollars at the time of 56390  
application for initial permit coverage; 56391

(b) A nonrefundable fee of one hundred dollars at the time of 56392  
application for a renewal of permit coverage. 56393

(T) The director may adopt, amend, and rescind rules in 56394  
accordance with Chapter 119. of the Revised Code that do all of 56395  
the following: 56396

(1) Prescribe fees to be paid by applicants for and holders 56397  
of any license, permit, variance, plan approval, or certification 56398  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 56399  
the Revised Code that are not specifically established in this 56400  
section. The fees shall be designed to defray the cost of 56401  
processing, issuing, revoking, modifying, denying, and enforcing 56402  
the licenses, permits, variances, plan approvals, and 56403  
certifications. 56404

The director shall transmit all moneys collected under rules 56405  
adopted under division (T)(1) of this section pursuant to Chapter 56406  
6109. of the Revised Code to the treasurer of state for deposit 56407

into the drinking water protection fund created in section 6109.30 56408  
of the Revised Code. 56409

The director shall transmit all moneys collected under rules 56410  
adopted under division (T)(1) of this section pursuant to Chapter 56411  
6111. of the Revised Code to the treasurer of state for deposit 56412  
into the surface water protection fund created in section 6111.038 56413  
of the Revised Code. 56414

(2) Exempt the state and political subdivisions thereof, 56415  
including education facilities or medical facilities owned by the 56416  
state or a political subdivision, or any person exempted from 56417  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 56418  
any fee required by this section; 56419

(3) Provide for the waiver of any fee, or any part thereof, 56420  
otherwise required by this section whenever the director 56421  
determines that the imposition of the fee would constitute an 56422  
unreasonable cost of doing business for any applicant, class of 56423  
applicants, or other person subject to the fee; 56424

(4) Prescribe measures that the director considers necessary 56425  
to carry out this section. 56426

(U) When the director reasonably demonstrates that the direct 56427  
cost to the state associated with the issuance of a permit ~~to~~ 56428  
~~install~~, license, variance, plan approval, or certification 56429  
exceeds the fee for the issuance or review specified by this 56430  
section, the director may condition the issuance or review on the 56431  
payment by the person receiving the issuance or review of, in 56432  
addition to the fee specified by this section, the amount, or any 56433  
portion thereof, in excess of the fee specified under this 56434  
section. The director shall not so condition issuances for which a 56435  
fee is prescribed in division ~~(L)(1)(b)~~ (S)(1)(c)(iii) of this 56436  
section. 56437

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 56438

(S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the

development of an applicable requirement as part of the processing 56470  
of a permit, permit revision, or permit renewal; 56471

(c) Administering the permit program, including the 56472  
supporting and tracking of permit applications, compliance 56473  
certification, and related data entry; 56474

(d) Determining which sources are subject to the program and 56475  
implementing and enforcing the terms of any Title V permit, not 56476  
including any court actions or other formal enforcement actions; 56477

(e) Emission and ambient monitoring; 56478

(f) Modeling, analyses, or demonstrations; 56479

(g) Preparing inventories and tracking emissions; 56480

(h) Providing direct and indirect support to small business 56481  
stationary sources to determine and meet their obligations under 56482  
the federal Clean Air Act pursuant to the small business 56483  
stationary source technical and environmental compliance 56484  
assistance program required by section 507 of that act and 56485  
established in sections 3704.18, 3704.19, and 3706.19 of the 56486  
Revised Code. 56487

(3) "Organic compound" means any chemical compound of carbon, 56488  
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 56489  
carbides or carbonates, and ammonium carbonate. 56490

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 56491  
of this section, each sewage sludge facility shall pay a 56492  
nonrefundable annual sludge fee equal to three dollars and fifty 56493  
cents per dry ton of sewage sludge, including the dry tons of 56494  
sewage sludge in materials derived from sewage sludge, that the 56495  
sewage sludge facility treats or disposes of in this state. The 56496  
annual volume of sewage sludge treated or disposed of by a sewage 56497  
sludge facility shall be calculated using the first day of January 56498  
through the thirty-first day of December of the calendar year 56499

preceding the date on which payment of the fee is due. 56500

(2)(a) Except as provided in division (Y)(2)(d) of this 56501  
section, each sewage sludge facility shall pay a minimum annual 56502  
sewage sludge fee of one hundred dollars. 56503

(b) The annual sludge fee required to be paid by a sewage 56504  
sludge facility that treats or disposes of exceptional quality 56505  
sludge in this state shall be thirty-five per cent less per dry 56506  
ton of exceptional quality sludge than the fee assessed under 56507  
division (Y)(1) of this section, subject to the following 56508  
exceptions: 56509

(i) Except as provided in division (Y)(2)(d) of this section, 56510  
a sewage sludge facility that treats or disposes of exceptional 56511  
quality sludge shall pay a minimum annual sewage sludge fee of one 56512  
hundred dollars. 56513

(ii) A sewage sludge facility that treats or disposes of 56514  
exceptional quality sludge shall not be required to pay the annual 56515  
sludge fee for treatment or disposal in this state of exceptional 56516  
quality sludge generated outside of this state and contained in 56517  
bags or other containers not greater than one hundred pounds in 56518  
capacity. 56519

A thirty-five per cent reduction for exceptional quality 56520  
sludge applies to the maximum annual fees established under 56521  
division (Y)(3) of this section. 56522

(c) A sewage sludge facility that transfers sewage sludge to 56523  
another sewage sludge facility in this state for further treatment 56524  
prior to disposal in this state shall not be required to pay the 56525  
annual sludge fee for the tons of sewage sludge that have been 56526  
transferred. In such a case, the sewage sludge facility that 56527  
disposes of the sewage sludge shall pay the annual sludge fee. 56528  
However, the facility transferring the sewage sludge shall pay the 56529  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 56530



of this section. 56531

In the case of a sewage sludge facility that treats sewage 56532  
sludge in this state and transfers it out of this state to another 56533  
entity for disposal, the sewage sludge facility in this state 56534  
shall be required to pay the annual sludge fee for the tons of 56535  
sewage sludge that have been transferred. 56536

(d) A sewage sludge facility that generates sewage sludge 56537  
resulting from an average daily discharge flow of less than five 56538  
thousand gallons per day is not subject to the fees assessed under 56539  
division (Y) of this section. 56540

(3) No sewage sludge facility required to pay the annual 56541  
sludge fee shall be required to pay more than the maximum annual 56542  
fee for each disposal method that the sewage sludge facility uses. 56543  
The maximum annual fee does not include the additional amount that 56544  
may be charged under division (Y)(5) of this section for late 56545  
payment of the annual sludge fee. The maximum annual fee for the 56546  
following methods of disposal of sewage sludge is as follows: 56547

(a) Incineration: five thousand dollars; 56548

(b) Preexisting land reclamation project or disposal in a 56549  
landfill: five thousand dollars; 56550

(c) Land application, land reclamation, surface disposal, or 56551  
any other disposal method not specified in division (Y)(3)(a) or 56552  
(b) of this section: twenty thousand dollars. 56553

(4)(a) In the case of an entity that generates sewage sludge 56554  
or a sewage sludge facility that treats sewage sludge and 56555  
transfers the sewage sludge to an incineration facility for 56556  
disposal, the incineration facility, and not the entity generating 56557  
the sewage sludge or the sewage sludge facility treating the 56558  
sewage sludge, shall pay the annual sludge fee for the tons of 56559  
sewage sludge that are transferred. However, the entity or 56560  
facility generating or treating the sewage sludge shall pay the 56561

one-hundred-dollar minimum fee required under division (Y)(2)(a) 56562  
of this section. 56563

(b) In the case of an entity that generates sewage sludge and 56564  
transfers the sewage sludge to a landfill for disposal or to a 56565  
sewage sludge facility for land reclamation or surface disposal, 56566  
the entity generating the sewage sludge, and not the landfill or 56567  
sewage sludge facility, shall pay the annual sludge fee for the 56568  
tons of sewage sludge that are transferred. 56569

(5) Not later than the first day of April of the calendar 56570  
year following March 17, 2000, and each first day of April 56571  
thereafter, the director shall issue invoices to persons who are 56572  
required to pay the annual sludge fee. The invoice shall identify 56573  
the nature and amount of the annual sludge fee assessed and state 56574  
the first day of May as the deadline for receipt by the director 56575  
of objections regarding the amount of the fee and the first day of 56576  
July as the deadline for payment of the fee. 56577

Not later than the first day of May following receipt of an 56578  
invoice, a person required to pay the annual sludge fee may submit 56579  
objections to the director concerning the accuracy of information 56580  
regarding the number of dry tons of sewage sludge used to 56581  
calculate the amount of the annual sludge fee or regarding whether 56582  
the sewage sludge qualifies for the exceptional quality sludge 56583  
discount established in division (Y)(2)(b) of this section. The 56584  
director may consider the objections and adjust the amount of the 56585  
fee to ensure that it is accurate. 56586

If the director does not adjust the amount of the annual 56587  
sludge fee in response to a person's objections, the person may 56588  
appeal the director's determination in accordance with Chapter 56589  
119. of the Revised Code. 56590

Not later than the first day of June, the director shall 56591  
notify the objecting person regarding whether the director has 56592

found the objections to be valid and the reasons for the finding. 56593  
If the director finds the objections to be valid and adjusts the 56594  
amount of the annual sludge fee accordingly, the director shall 56595  
issue with the notification a new invoice to the person 56596  
identifying the amount of the annual sludge fee assessed and 56597  
stating the first day of July as the deadline for payment. 56598

Not later than the first day of July, any person who is 56599  
required to do so shall pay the annual sludge fee. Any person who 56600  
is required to pay the fee, but who fails to do so on or before 56601  
that date shall pay an additional amount that equals ten per cent 56602  
of the required annual sludge fee. 56603

(6) The director shall transmit all moneys collected under 56604  
division (Y) of this section to the treasurer of state for deposit 56605  
into the surface water protection fund created in section 6111.038 56606  
of the Revised Code. The moneys shall be used to defray the costs 56607  
of administering and enforcing provisions in Chapter 6111. of the 56608  
Revised Code and rules adopted under it that govern the use, 56609  
storage, treatment, or disposal of sewage sludge. 56610

(7) Beginning in fiscal year 2001, and every two years 56611  
thereafter, the director shall review the total amount of moneys 56612  
generated by the annual sludge fees to determine if that amount 56613  
exceeded six hundred thousand dollars in either of the two 56614  
preceding fiscal years. If the total amount of moneys in the fund 56615  
exceeded six hundred thousand dollars in either fiscal year, the 56616  
director, after review of the fee structure and consultation with 56617  
affected persons, shall issue an order reducing the amount of the 56618  
fees levied under division (Y) of this section so that the 56619  
estimated amount of moneys resulting from the fees will not exceed 56620  
six hundred thousand dollars in any fiscal year. 56621

If, upon review of the fees under division (Y)(7) of this 56622  
section and after the fees have been reduced, the director 56623  
determines that the total amount of moneys collected and 56624

accumulated is less than six hundred thousand dollars, the 56625  
director, after review of the fee structure and consultation with 56626  
affected persons, may issue an order increasing the amount of the 56627  
fees levied under division (Y) of this section so that the 56628  
estimated amount of moneys resulting from the fees will be 56629  
approximately six hundred thousand dollars. Fees shall never be 56630  
increased to an amount exceeding the amount specified in division 56631  
(Y)(7) of this section. 56632

Notwithstanding section 119.06 of the Revised Code, the 56633  
director may issue an order under division (Y)(7) of this section 56634  
without the necessity to hold an adjudicatory hearing in 56635  
connection with the order. The issuance of an order under this 56636  
division is not an act or action for purposes of section 3745.04 56637  
of the Revised Code. 56638

(8) As used in division (Y) of this section: 56639

(a) "Sewage sludge facility" means an entity that performs 56640  
treatment on or is responsible for the disposal of sewage sludge. 56641

(b) "Sewage sludge" means a solid, semi-solid, or liquid 56642  
residue generated during the treatment of domestic sewage in a 56643  
treatment works as defined in section 6111.01 of the Revised Code. 56644  
"Sewage sludge" includes, but is not limited to, scum or solids 56645  
removed in primary, secondary, or advanced wastewater treatment 56646  
processes. "Sewage sludge" does not include ash generated during 56647  
the firing of sewage sludge in a sewage sludge incinerator, grit 56648  
and screenings generated during preliminary treatment of domestic 56649  
sewage in a treatment works, animal manure, residue generated 56650  
during treatment of animal manure, or domestic septage. 56651

(c) "Exceptional quality sludge" means sewage sludge that 56652  
meets all of the following qualifications: 56653

(i) Satisfies the class A pathogen standards in 40 C.F.R. 56654  
503.32(a); 56655

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	56656 56657
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	56658 56659
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	56660 56661
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	56662 56663 56664
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	56665 56666 56667
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	56668 56669 56670 56671 56672
(g) "Land reclamation" means the returning of disturbed land to productive use.	56673 56674
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	56675 56676 56677 56678
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	56679 56680 56681 56682
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	56683 56684 56685

they are separated by a public road or highway. 56686

(k) "Annual sludge fee" means the fee assessed under division 56687  
(Y)(1) of this section. 56688

(l) "Landfill" means a sanitary landfill facility, as defined 56689  
in rules adopted under section 3734.02 of the Revised Code, that 56690  
is licensed under section 3734.05 of the Revised Code. 56691

(m) "Preexisting land reclamation project" means a 56692  
property-specific land reclamation project that has been in 56693  
continuous operation for not less than five years pursuant to 56694  
approval of the activity by the director and includes the 56695  
implementation of a community outreach program concerning the 56696  
activity. 56697

**Sec. 3749.01.** As used in sections 3749.01 to 3749.10 of the 56698  
Revised Code: 56699

(A) "Board of health" means a city board of health or a 56700  
general health district, or an authority having the duties of a 56701  
city board of health as authorized by section 3709.05 of the 56702  
Revised Code. 56703

(B) "Health district" means any city or general health 56704  
district created pursuant to section 3709.01 of the Revised Code. 56705

(C) "Person" means the state, any political subdivision, 56706  
special district, public or private corporation, individual, firm, 56707  
partnership, association, or any other entity. 56708

(D) "Licensor" means a city board of health or a general 56709  
health district, an authority having the duties of a city board of 56710  
health as authorized pursuant to section 3709.05 of the Revised 56711  
Code, or the director of ~~the department of~~ health when acting 56712  
under section 3749.07 of the Revised Code. 56713

(E) "Director" means the director of ~~the department of~~ health 56714  
or his an authorized representative of the director of health. 56715

(F) "Private residential swimming pool" means any indoor or 56716  
outdoor structure, chamber, or tank containing a body of water for 56717  
swimming, diving, or bathing located at a dwelling housing no more 56718  
than three families and used exclusively by the residents and 56719  
their nonpaying guests. 56720

(G) "Public swimming pool" means any indoor or outdoor 56721  
structure, chamber, or tank containing a body of water for 56722  
swimming, diving, or bathing that is intended to be used 56723  
collectively for swimming, diving, or bathing and is operated by 56724  
any person whether as the owner, lessee, operator, licensee, or 56725  
concessionaire, regardless of whether or not a fee is charged for 56726  
use, but does not mean any public bathing area or private 56727  
residential swimming pool. 56728

(H) "Public spa" means any public swimming pool that is 56729  
typically operated as a smaller, higher temperature pool for 56730  
recreational or nonmedical uses. 56731

(I) "Special use pool" means a public swimming pool 56732  
containing flume slides, wave generating equipment, or other 56733  
special features that necessitate different design and safety 56734  
requirements. ~~Special use pool does not include any water slide or~~ 56735  
~~wave generating pool at a public amusement area which is licensed~~ 56736  
~~and inspected by the department of agriculture pursuant to~~ 56737  
~~sections 1711.50 to 1711.57 of the Revised Code.~~ 56738

(J) "Public bathing area" means an impounding reservoir, 56739  
basin, lake, pond, creek, river, or other similar natural body of 56740  
water. 56741

(K) "Aquatic amusement ride" means an amusement ride, as 56742  
defined in section 1711.50 of the Revised Code, that contains a 56743  
water slide, catch pool, wave generating equipment, or a body of 56744  
water that is used for bathing, swimming, or other purposes 56745  
related to those activities. 56746

**Sec. 3749.02.** The director of health shall, subject to 56747  
Chapter 119. of the Revised Code, adopt rules of general 56748  
application throughout the state governing the issuance of 56749  
licenses, approval of plans, layout, construction, sanitation, 56750  
safety, and operation of public swimming pools, public spas, and 56751  
special use pools. Such rules shall not be applied to the 56752  
construction, erection, or manufacture of any building to which 56753  
section 3781.06 of the Revised Code is applicable when the 56754  
building or structure is either integral to or appurtenant to a 56755  
public swimming pool, a public spa, or a special use pool. 56756

The director of health shall, subject to Chapter 119. of the 56757  
Revised Code, adopt rules for general application throughout the 56758  
state governing the operation, components, appurtenant facilities, 56759  
surrounding areas, water quality, disinfection, and health of 56760  
aquatic amusement rides. The structural integrity and physical 56761  
safety of an aquatic amusement ride shall be the responsibility of 56762  
the department of agriculture in accordance with sections 1711.50 56763  
to 1711.57 of the Revised Code. 56764

**Sec. 3749.03.** (A) No person shall construct or install, or 56765  
renovate or otherwise substantially alter, a public swimming pool, 56766  
public spa, or special use pool after September 10, 1987, or an 56767  
aquatic amusement ride after the effective date of this amendment, 56768  
until the plans for the pool ~~or~~, spa, or ride have been submitted 56769  
to and approved by the director of health. Within thirty days of 56770  
receipt of the plans, the director shall approve or disapprove 56771  
them. The plans and approval required under this division do not 56772  
apply to repairs or ordinary maintenance that does not 56773  
substantially affect the manner of water recirculation or basic 56774  
design of the public swimming pool, public spa, ~~or~~ special use 56775  
pool, or aquatic amusement ride. 56776

Any person aggrieved by the director's disapproval of plans 56777



under this division may, within thirty days following receipt of 56778  
the director's notice of disapproval, request a hearing on the 56779  
matter. The hearing shall be held in accordance with Chapter 119. 56780  
of the Revised Code and may be appealed in the manner provided in 56781  
that chapter. 56782

(B) Prior to the issuance of a license to operate a newly 56783  
constructed or altered public swimming pool, public spa, ~~or~~ 56784  
special use pool, or aquatic amusement ride, the director or a 56785  
licensor authorized by the director shall verify that the 56786  
construction or alterations are consistent with the plans 56787  
submitted and approved under division (A) of this section. The 56788  
director or licensor authorized by the director shall have two 56789  
working days from the time notification is received that a public 56790  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56791  
amusement ride is ready for an inspection to verify the 56792  
construction or alterations. 56793

(C)(1) Except as provided in division (C)(2) of this section, 56794  
the fees for the approval of plans are as follows: 56795

(a) Five per cent of the total cost of the equipment and 56796  
installation not to exceed two hundred seventy-five dollars for a 56797  
public swimming pool, public spa, ~~or~~ special use pool, aquatic 56798  
amusement ride, or a combination thereof, that has less than two 56799  
thousand square feet of surface area; 56800

(b) Five per cent of the total cost of the equipment and 56801  
installation not to exceed five hundred fifty dollars for a public 56802  
swimming pool, public spa, special use pool, aquatic amusement 56803  
ride, or a combination thereof, that has two thousand or more 56804  
square feet of surface area. 56805

(2) The director may, by rule adopted in accordance with 56806  
Chapter 119. of the Revised Code, increase the fees established by 56807  
this section. 56808

(D) All plan approval fees shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. The fees shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted thereunder.

(E) Plan approvals issued under this section shall not constitute an exemption from the land use and building requirements of the political subdivision in which the public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride is or is to be located.

**Sec. 3749.04.** (A) No person shall operate or maintain a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride without a license issued by the licensor having jurisdiction.

(B) Every person who intends to operate or maintain an existing public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall, during the month of April of each year, apply to the licensor having jurisdiction for a license to operate the pool ~~or~~, spa, or ride. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the pool ~~or~~, spa, or ride. Within thirty days of receipt of an application for licensure of a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride, the licensor shall process the application and either issue a license or otherwise respond to the applicant regarding the application.

(C) Each license issued shall be effective from the date of issuance until the last day of May of the following year.

(D) Each licensor administering and enforcing sections 56840  
3749.01 to 3749.09 of the Revised Code and the rules adopted 56841  
thereunder may establish licensing and inspection fees in 56842  
accordance with section 3709.09 of the Revised Code, which shall 56843  
not exceed the cost of licensing and inspecting public swimming 56844  
pools, public spas, ~~and~~ special use pools, and aquatic amusement 56845  
rides. 56846

(E) Except as provided in division (F) of this section and in 56847  
division (B) of section 3749.07 of the Revised Code, all license 56848  
fees collected by a licensor shall be deposited into a swimming 56849  
pool fund, which is hereby created in each health district. The 56850  
fees shall be used by the licensor solely for the purpose of 56851  
administering and enforcing this chapter and the rules adopted 56852  
under this chapter. 56853

(F) An annual license fee established under division (D) of 56854  
this section shall include any additional amount determined by 56855  
rule of the director of health, which the board of health shall 56856  
collect and transmit to the director pursuant to section 3709.092 56857  
of the Revised Code. The amounts collected under this division 56858  
shall be administered by the director of health and shall be used 56859  
solely for the administration and enforcement of this chapter and 56860  
the rules adopted under this chapter. 56861

**Sec. 3749.05.** The licensor of the district in which a public 56862  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56863  
amusement ride is located may, in accordance with Chapter 119. of 56864  
the Revised Code, refuse to grant a license or suspend or revoke 56865  
any license issued to any person for failure to comply with the 56866  
requirements of Chapter 3749. of the Revised Code and the rules 56867  
adopted thereunder. 56868

**Sec. 3749.06.** Prior to the issuance of an initial license and 56869

annually thereafter, the licensor shall inspect each public 56870  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56871  
amusement ride in ~~his~~ the licensor's jurisdiction to determine 56872  
whether or not the pool ~~or~~, spa, or ride is in compliance with 56873  
Chapter 3749. of the Revised Code and the rules adopted 56874  
thereunder. A licensor may, as ~~he~~ the licensor determines 56875  
appropriate, inspect a public swimming pool, public spa, ~~or~~ 56876  
special use pool, or aquatic amusement ride at any other time. The 56877  
licensor shall make the initial inspection within five days from 56878  
the date of receipt of notification that the pool ~~or~~, spa, or ride 56879  
is ready for operation and shall maintain a record of each 56880  
inspection that ~~he~~ the licensor conducts for a period of at least 56881  
five years on forms prescribed by the director of health. 56882

**Sec. 3749.07.** (A) The director of health shall annually 56883  
survey each health district that licenses public swimming pools, 56884  
public spas, ~~and special use~~ special use pools, and aquatic 56885  
amusement rides to determine whether or not the health district is 56886  
in substantial compliance with this chapter and the rules adopted 56887  
thereunder. If the director determines that a health district is 56888  
in substantial compliance, ~~he~~ the director shall place the 56889  
district on an approved health district licensing list. The 56890  
director shall, as ~~he~~ the director determines necessary, make 56891  
additional surveys of health districts and shall remove from the 56892  
approved health district licensing list any health district ~~he~~ the 56893  
director determines not to be in substantial compliance with this 56894  
chapter and the rules adopted thereunder. 56895

(B) If the director determines that a health district is not 56896  
eligible to be placed on the approved health district licensing 56897  
list, ~~he~~ the director shall certify the same to the board of 56898  
health of the health district and shall perform the duties of a 56899  
health district in that area until the health district is eligible 56900  
for placement on the approved list. All fees payable to the health 56901

district during the time that the director performs the duties of 56902  
the health district and all other such fees that have not been 56903  
expended or otherwise encumbered shall be deposited by the 56904  
director in the state treasury to the credit of the general 56905  
operations fund created by section 3701.83 of the Revised Code, to 56906  
be used by the director in ~~his~~ the director's capacity as a 56907  
licensor. The director shall keep a record of the fees so 56908  
deposited and, when the health district is placed on the approved 56909  
list, shall transfer any remaining balance of the fees to the 56910  
health district swimming pool fund created under division (E) of 56911  
section 3749.04 of the Revised Code. 56912

**Sec. 3751.01.** As used in this chapter: 56913

(A) "Confidential business information" means the types or 56914  
categories of information identified in rules adopted by the 56915  
administrator of the United States environmental protection agency 56916  
under division (A)(1)(g) of section 3751.02 of the Revised Code 56917  
EPCRA. 56918

(B) "EPCRA" means the "Emergency Planning and Community 56919  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 56920  
seq. 56921

(C) "Facility" means all buildings, equipment, structures, 56922  
and other stationary items that are located on a single site or on 56923  
contiguous or adjacent sites and that are owned or operated by the 56924  
same person or by any person who controls, is controlled by, or is 56925  
under common control with such person. 56926

~~(C)~~(D) "Manufacture" means the production, preparation, 56927  
importation, or compounding of a toxic chemical. The term also 56928  
applies to a toxic chemical produced coincidentally during the 56929  
manufacture, processing, use, or disposal of another substance or 56930  
mixture including, without limitation, byproducts and coproducts 56931  
that are separated from the other substance or mixture and 56932

impurities that remain in that substance or mixture. 56933

~~(D)~~(E) "Person" includes the state, any political subdivision 56934  
or other state or local body, the United States and any agency or 56935  
instrumentality thereof, and any entity defined as a person under 56936  
section 1.59 of the Revised Code. 56937

~~(E)~~(F) "Process" means the preparation of a toxic chemical 56938  
after its manufacture for distribution in commerce: 56939

(1) In the same form or physical state as, or in a different 56940  
form or physical state from, that in which it was received by the 56941  
person so preparing such chemical; 56942

(2) As part of an article containing the toxic chemical. 56943

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 56944  
pouring, emitting, emptying, discharging, injecting, escaping, 56945  
leaching, dumping, or discharging into the environment of any 56946  
toxic chemical including, without limitation, the abandonment or 56947  
discarding of barrels, containers, and other closed receptacles 56948  
that contained a toxic chemical. 56949

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 56950  
adopted by the administrator of the United States environmental 56951  
protection agency ~~under division (A)(1)(a) of section 3751.02 of~~ 56952  
~~the Revised Code EPCRA.~~ 56953

**Sec. 3751.02.** ~~(A)~~ The director of environmental protection 56954  
~~shall~~ may do any of the following: 56955

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 56956  
Revised Code ~~that are consistent with and equivalent in scope,~~ 56957  
~~content, and coverage to, and no more stringent than section 313~~ 56958  
~~of the "Emergency Planning and Community Right To Know Act of~~ 56959  
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 56960  
~~under that section:~~ 56961

~~(a) Identifying and listing toxic chemicals, establishing~~ 56962

~~threshold quantities for any such chemical used, manufactured, or 56963  
processed at a facility that differ from and supersede a threshold 56964  
quantity prescribed in division (C) of section 3751.03 of the 56965  
Revised Code, and establishing ranges of quantities of those 56966  
chemicals to be used in preparing toxic chemical release forms 56967  
under that section. The rules may establish different annual 56968  
threshold quantities based upon whether a toxic chemical is used, 56969  
manufactured, or processed at a facility or based upon classes of 56970  
chemicals or categories of facilities. 56971~~

~~(b) Adding or deleting standard industrial classification 56972  
codes from the list in division (A)(1) of section 3751.03 of the 56973  
Revised Code establishing the categories of facilities subject to 56974  
the reporting requirements of that section; 56975~~

~~(c) Applying the reporting requirements of section 3751.03 of 56976  
the Revised Code to owners or operators of individual facilities 56977  
in this state that manufacture, process, or otherwise use a toxic 56978  
chemical, in addition to those subject to the reporting 56979  
requirements of that section pursuant to the criteria contained in 56980  
it or rules adopted under division (A)(1)(a) or (b) of this 56981  
section; 56982~~

~~(d) Modifying the frequency for submitting the report 56983  
required by division (A) of section 3751.03 of the Revised Code 56984  
applicable to: 56985~~

~~(i) All toxic chemical release forms required to be submitted 56986  
by division (A) of section 3751.03 of the Revised Code; 56987~~

~~(ii) A class of toxic chemicals or a category of facilities; 56988~~

~~(iii) A specific toxic chemical; 56989~~

~~(iv) A specific facility. 56990~~

~~(e) Establishing procedures for receiving and fulfilling 56991  
requests from the public for information held by the director 56992~~

<del>under this chapter;</del>	56993
<del>(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;</del>	56994
<del>(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;</del>	56995
<del>(h) Establishing other <u>establishing</u> requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.</del>	56996
<del>(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.</del>	56997
<del>(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.</del>	56998
<del>(B) The director may:</del>	56999
<del>(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right To Know Act</del>	57000
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of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the 57024  
administrator of the United States environmental protection agency 57025  
to apply the toxic chemical release reporting requirements of 57026  
~~section 313~~ of that act to the owner or operator of any facility 57027  
in this state that manufactures, processes, or otherwise uses a 57028  
toxic chemical if, in the director's judgment, such reporting is 57029  
warranted by the toxicity of the toxic chemical manufactured, 57030  
processed, or otherwise used at the facility; the proximity of the 57031  
facility to other facilities that release the toxic chemical or to 57032  
population centers; or the history of releases of the toxic 57033  
chemical at the facility; 57034

~~(2)(C)~~ As the representative of the governor pursuant to 57035  
~~section 313(e)(2)~~ of the "~~Emergency Planning and Community~~ 57036  
~~Right To Know Act of 1986,~~" 100 Stat. 1741, 42 U.S.C.A. 11041 57037  
EPCRA, petition the administrator to, by regulation, add a 57038  
chemical to or delete a chemical from the list of toxic chemicals 57039  
subject to the toxic chemical release reporting requirements of 57040  
~~section 313~~ of that act if, in the director's judgment, the 57041  
chemical meets the criteria of ~~paragraph (d)(2) or (3)~~ of required 57042  
by that section act. 57043

**Sec. 3751.03.** (A)(1) On or before the first day of July of 57044  
each year or as otherwise prescribed ~~in rules adopted by the~~ 57045  
administrator of the United States environmental protection agency 57046  
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 57047  
EPCRA, the owner or operator of a facility ~~that is in standard~~ 57048  
~~industrial classification codes 20 to 39 and any other codes added~~ 57049  
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 57050  
~~the Revised Code, as those standard industrial classification~~ 57051  
~~codes were in effect on July 1, 1985, that has ten or more~~ 57052  
~~full-time employees, and that manufactured, processed, or~~ 57053  
~~otherwise used during the preceding calendar year a toxic chemical~~ 57054  
~~in an amount exceeding the applicable threshold quantity~~ 57055

~~established in division (C) of this section or otherwise~~ 57056  
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 57057  
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 57058  
~~section shall prepare and submit to the director of environmental~~ 57059  
~~protection administrator a completed toxic chemical release form~~ 57060  
~~for each toxic chemical that was so manufactured, processed, or~~ 57061  
~~otherwise used at the facility during the preceding calendar year.~~ 57062  
~~The electronic submission of the form to the administrator~~ 57063  
~~constitutes simultaneous submission of the form to the director of~~ 57064  
~~environmental protection for purposes of EPCRA. The~~ 57065

(2) Division (A)(1) of this section applies to the owner or 57066  
operator of a facility to which all of the following apply: 57067

(a) The facility is in standard industrial classification 57068  
codes 20 to 39, as those codes were in effect on July 1, 1985, or 57069  
in any other applicable code added by the administrator. 57070

(b) The owner or operator has ten or more full-time 57071  
employees. 57072

(c) The facility manufactured, processed, or otherwise used 57073  
during the calendar year immediately preceding the first day of 57074  
July or date otherwise prescribed by the administrator, a toxic 57075  
chemical in an amount exceeding the applicable threshold quantity 57076  
established by the administrator under EPCRA. 57077

(3) The owner or operator shall submit the information 57078  
~~required by division (B) of this section on a uniform toxic~~ 57079  
~~chemical release form prescribed by the administrator under~~ 57080  
~~division (A)(3) of section 3751.02 of the Revised Code EPCRA. If~~ 57081  
~~the director has not prescribed the form, an owner or operator~~ 57082  
~~shall submit the information required to be included on the form~~ 57083  
~~under that division to the director by means of a letter~~ 57084  
~~postmarked not later than the date on which the form is due under~~ 57085  
~~this division.~~ 57086

~~(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all of the following information:~~

~~(1) The name, location of, and principal business activities conducted at the facility;~~

~~(2) Each of the following items of information regarding the toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~

~~(e) An indication as to whether the owner or operator chooses~~

~~to withhold information about it as a trade secret and, if so, 57117  
whether the owner or operator has filed a claim with the 57118  
administrator of the United States environmental protection agency 57119  
for protection of that information as a trade secret pursuant to 57120  
rules adopted under division (A)(2) of section 3751.02 of the 57121  
Revised Code. 57122~~

~~(3) An appropriate certification regarding the accuracy and 57123  
completeness of the report, signed by an official of the owner or 57124  
operator with management responsibility. 57125~~

~~(C) The threshold amounts for purposes of reporting toxic 57126  
chemicals under this section are as follow: 57127~~

~~(1) With respect to a toxic chemical used at a facility, ten 57128  
thousand pounds for the applicable calendar year; 57129~~

~~(2) With respect to a toxic chemical manufactured or 57130  
processed at a facility; 57131~~

~~(a) For the form required to be submitted on or before July 57132  
1, 1989, fifty thousand pounds per year; 57133~~

~~(b) For the form required to be submitted on or before July 57134  
1, 1990, and for each year thereafter, twenty five thousand pounds 57135  
per year; 57136~~

~~(c) Such other threshold quantities as may be prescribed by 57137  
rules adopted under division (A)(1)(a) of section 3751.02 of the 57138  
Revised Code. 57139~~

~~(D)(B) The toxic chemical release forms required by this 57140  
section are intended to provide information to federal, state, and 57141  
local governments and the public, including residents of 57142  
communities surrounding facilities covered by this section. 57143  
Subject to the limitations prescribed in section 3751.04 of the 57144  
Revised Code and rules adopted under division (A)(1)(f) of section 57145  
3751.02 of the Revised Code governing the protection of trade 57146~~

~~secrets and confidential business information, the director, upon~~ 57147  
~~request, shall make toxic chemical release forms submitted under~~ 57148  
~~this section available to inform persons about releases of toxic~~ 57149  
~~chemicals to the environment, to assist government agencies,~~ 57150  
~~researchers, and other persons in conducting research and~~ 57151  
~~gathering data, to aid in the development of appropriate rules,~~ 57152  
~~guidelines, standards, and emergency plans, and for other similar~~ 57153  
~~purposes.~~ 57154

~~(E)(C)~~ No owner or operator of a facility who is required by 57155  
this section to file a toxic chemical release form shall fail to 57156  
submit a toxic chemical release form as required by this section. 57157

~~(F)(D)~~ An owner or operator of a facility who is required 57158  
under this section to file a toxic chemical release form and who 57159  
knowingly makes a false statement on that form, on a record upon 57160  
which the information on that form is based, or on other 57161  
information or records required to be kept or submitted under this 57162  
chapter and the rules adopted under this chapter is guilty of 57163  
falsification under section 2921.13 of the Revised Code. 57164

**Sec. 3751.04.** (A) Except as otherwise provided in division 57165  
(D) of this section, any person required to provide information ~~to~~ 57166  
~~the director of environmental protection~~ under section 3751.03 of 57167  
the Revised Code may withhold from submission ~~to the director or~~ 57168  
~~any other person~~ the specific chemical identity, including the 57169  
chemical name and other specific identification, of the toxic 57170  
chemical on the grounds that the information constitutes a trade 57171  
secret if either of the following conditions is met: 57172

(1)(a) At the time of submitting the information sought to be 57173  
classified as a trade secret, the owner or operator of the 57174  
facility submits a claim for protection of that information as a 57175  
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 57176  
the administrator of the United States environmental protection 57177

~~agency under division (A)(2) of section 3751.02 of the Revised Code EPCRA, and submits a copy of the required toxic chemical release form that indicates that such a claim has been filed and contains the generic class or category of the identity in place of the identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the administrator of the United States environmental protection agency. The owner or operator may withhold from the copy of the explanations and supplemental information submitted to the director information identified as confidential business information in rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code.~~ 57178  
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(b) A determination of the claim remains pending pursuant to those ~~rules~~ regulations. 57190  
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(2) It has been determined by the administrator pursuant to ~~rules adopted under division (A)(2) of section 3751.02 of the Revised Code~~ those regulations that a trade secret exists. 57192  
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(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances: 57195  
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(1) From any toxic chemical release form if it has been determined by the administrator pursuant to ~~rules adopted regulations promulgated under division (A)(2) of section 3751.02 of the Revised Code EPCRA~~ that no trade secret exists; 57198  
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57201

(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section. 57202  
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(C) The governor may, pursuant to ~~section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042 EPCRA,~~ request the administrator of the United States environmental protection agency to provide 57205  
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specific chemical identities that are claimed or have been 57209  
determined to be trade secret information or the explanations and 57210  
supplemental information supporting trade secret protection claims 57211  
regarding facilities located in this state that are subject to 57212  
this chapter. The governor shall not make any trade secret or 57213  
confidential information obtained under this division available to 57214  
any member of the emergency planning commission created in section 57215  
3750.02 of the Revised Code or to any member of a local emergency 57216  
planning committee of an emergency planning district established 57217  
under section 3750.03 of the Revised Code who is not also an 57218  
officer or employee of the state or a political subdivision. Any 57219  
trade secret or confidential business information obtained under 57220  
this division shall be protected from unauthorized disclosure ~~in~~ 57221  
~~accordance with rules adopted under division (A)(1)(f) of section~~ 57222  
~~3751.02 of the Revised Code.~~ 57223

(D)(1) The owner or operator of a facility that is subject to 57224  
section 3751.03 of the Revised Code shall provide the specific 57225  
chemical identity of a toxic chemical, if the specific chemical 57226  
identity is known, to any health professional who submits to the 57227  
owner or operator a written request and statement of need for the 57228  
specific chemical identity. The written statement of need shall be 57229  
a statement of the health professional that the health 57230  
professional has a reasonable basis to believe that all of the 57231  
following conditions pertain to the request: 57232

(a) The information is needed for purposes of diagnosis or 57233  
treatment of an individual; 57234

(b) The individual being diagnosed or treated has been 57235  
exposed to the chemical concerned; 57236

(c) Knowledge of the specific chemical identity of the 57237  
chemical will assist in diagnosis and treatment. 57238

An owner or operator to whom such a written request and 57239

statement of need is submitted shall provide the requested 57240  
information to the health professional promptly after receiving 57241  
the request and statement of need, subject to division (D)(4) of 57242  
this section. 57243

(2) The owner or operator of a facility that is subject to 57244  
section 3751.03 of the Revised Code shall provide a copy of a 57245  
toxic chemical release form that contains the specific chemical 57246  
identity of a toxic chemical, if the specific chemical identity is 57247  
known, to any treating physician or nurse who requests that 57248  
information if the physician or nurse determines that all of the 57249  
following conditions pertain to the request: 57250

(a) A medical emergency exists; 57251

(b) The specific chemical identity of the chemical concerned 57252  
is necessary for or will assist in emergency or first aid 57253  
diagnosis or treatment; 57254

(c) The individual being diagnosed or treated has been 57255  
exposed to the chemical concerned. 57256

The owner or operator shall provide the requested information 57257  
to the physician or nurse immediately upon receiving such a 57258  
request. The owner or operator shall not require any such treating 57259  
physician or nurse to provide a written confidentiality agreement 57260  
or statement of need as a precondition for disclosure of a 57261  
specific chemical identity under this division; however, the owner 57262  
or operator may require the treating physician or nurse to provide 57263  
a written confidentiality agreement under division (D)(4) of this 57264  
section and a statement setting forth the conditions listed in 57265  
divisions (D)(2)(a) to (c) of this section as soon after the 57266  
disclosure is made as circumstances permit. 57267

(3) The owner or operator of a facility that is subject to 57268  
section 3751.03 of the Revised Code shall provide the specific 57269  
chemical identity of a toxic chemical, if the specific chemical 57270



identity is known, to any health professional, including, without 57271  
limitation, a physician, toxicologist, or epidemiologist, who is 57272  
either employed by or under contract with a political subdivision 57273  
and who submits to the owner or operator a written request for the 57274  
information, a written statement of need for the information that 57275  
meets the requirements of division (D)(3) of this section, and a 57276  
written confidentiality agreement under division (D)(4) of this 57277  
section. The owner or operator shall promptly after receipt of the 57278  
written request, statement of need, and confidentiality agreement 57279  
provide the requested information to the local health professional 57280  
who requested it. 57281

The written statement of need for a specific chemical 57282  
identity required by division (D)(3) of this section shall 57283  
describe with reasonable detail one or more of the following 57284  
health needs for the information: 57285

(a) To assess exposure of persons living in a local community 57286  
to the hazards of the chemical concerned; 57287

(b) To conduct or assess sampling to determine exposure 57288  
levels of various population groups to the chemical concerned; 57289

(c) To conduct periodic medical surveillance of population 57290  
groups exposed to the chemical concerned; 57291

(d) To provide medical treatment to individuals or population 57292  
groups exposed to the chemical concerned; 57293

(e) To conduct studies to determine the health effects of 57294  
exposure to the chemical concerned; 57295

(f) To conduct studies to aid in the identification of a 57296  
chemical that may reasonably be anticipated to cause an observed 57297  
health effect. 57298

(4) Any person who obtains information under division (D)(1) 57299  
or (3) of this section shall, as a precondition for receiving that 57300

information, enter into a written confidentiality agreement with 57301  
the owner or operator of the facility from whom the information 57302  
was requested that the person will not use the information for any 57303  
purpose other than the health needs asserted in the statement of 57304  
need provided thereunder, except as otherwise may be authorized by 57305  
the terms of the agreement or by the person providing the 57306  
information. 57307

(E) An officer or employee of the environmental protection 57308  
agency shall not request the owner or operator of a facility 57309  
subject to this chapter to submit to the officer or employee a 57310  
trade secret claim, toxic chemical release form required by 57311  
section 3751.03 of the Revised Code, substantiation of a trade 57312  
secret claim, or explanation or supporting information or copy 57313  
thereof pertaining to a trade secret claim, that contains any 57314  
information claimed or determined to be a trade secret ~~pursuant to~~ 57315  
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 57316  
~~Revised Code~~ or identified as confidential business information ~~by~~ 57317  
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 57318  
any officer or employee of the agency knows or has reason to 57319  
believe that a trade secret claim, toxic chemical release form, 57320  
substantiation, or explanation or supporting information 57321  
pertaining to a trade secret claim contains any such information, 57322  
the officer or employee immediately shall return it to the owner 57323  
or operator of the facility who submitted it without reading it 57324  
and shall request the owner or operator to submit the appropriate 57325  
report or substantiation that does not contain the information 57326  
claimed or determined to be a trade secret or so identified as 57327  
confidential business information. 57328

(F) No officer or employee of the environmental protection 57329  
agency, health professional, physician, nurse, or other person who 57330  
receives information claimed or determined to be a trade secret 57331  
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 57332

~~of the Revised Code or identified as confidential business~~ 57333  
~~information by rules adopted by regulations promulgated by the~~ 57334  
~~administrator under division (A)(1)(g) of section 3751.02 of the~~ 57335  
Revised Code EPCRA shall release any information so classified or 57336  
identified to any person not authorized to have that information 57337  
under division (C) of this section ~~or rules adopted under division~~ 57338  
~~(A)(1)(f) of section 3751.02 of the Revised Code.~~ A violation of 57339  
this division is not also a violation of section 2913.02 or 57340  
2913.04 of the Revised Code. 57341

**Sec. 3751.05.** ~~(A) The owner or operator of a facility~~ 57342  
~~required to annually file one or more toxic chemical release forms~~ 57343  
~~under section 3751.03 of the Revised Code shall submit with the~~ 57344  
~~release forms a filing fee of fifty dollars. In addition to the~~ 57345  
~~filing fee, the owner or operator shall submit an additional fee~~ 57346  
~~of fifteen dollars per release form filed but not exceeding a~~ 57347  
~~total additional fee of five hundred dollars.~~ 57348

~~(B) An owner or operator of a facility who fails to submit a~~ 57349  
~~toxic chemical release form within thirty days after the~~ 57350  
~~applicable filing date prescribed in that section shall submit~~ 57351  
~~with the form a late filing fee of fifteen per cent of the total~~ 57352  
~~fees due under division (A) of this section, whichever is more, in~~ 57353  
~~addition to the fees due under that division.~~ 57354

~~(C) The director of environmental protection may establish~~ 57355  
~~fees to be paid by persons, other than public officers or~~ 57356  
~~employees, obtaining copies of documents or information submitted~~ 57357  
~~to the director under this chapter and rules adopted under it. The~~ 57358  
~~fee shall be established at a level calculated to defray the costs~~ 57359  
~~of copying the documents or information. The director may charge~~ 57360  
~~the actual costs involved in accessing any computerized data base~~ 57361  
~~established by him under this chapter or by the administrator of~~ 57362  
~~the United States environmental protection agency under the~~ 57363

~~"Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for information regarding releases of toxic chemicals for which reporting is required by this chapter and rules adopted under it.~~

~~(D) All moneys received by the director under this section and all civil penalties received under division (B) of section 3751.10 of the Revised Code shall be credited to the toxic chemical release reporting fund, hereby created in the state treasury. Moneys credited to the fund shall be expended by the director exclusively for the purposes of implementing, administering, and enforcing this chapter and the rules adopted and orders issued under it.~~

**Sec. 3751.10.** (A) The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation has occurred or is occurring, upon the written request of the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated or is violating any section of this chapter or any rule adopted or order issued under it. The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any section of this chapter or a rule adopted or order issued under it. The court shall give precedence to such an action over all other cases.

Upon the certified written request of any person, the director shall conduct such investigations and make such inquiries as are necessary to secure compliance with this chapter or rules adopted or orders issued under it. The director may, upon request or upon ~~his~~ the director's own initiative, investigate or make inquiries into any violation of this chapter or rules adopted or

orders issued under it. 57395

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 57396  
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 57397  
an order issued under this chapter, shall pay a civil penalty of 57398  
not more than twenty-five thousand dollars for each day of 57399  
violation. The attorney general, the prosecuting attorney of the 57400  
county, or the city director of law of the city where a violation 57401  
of this chapter or a rule adopted or order issued under it has 57402  
occurred or is occurring, upon the written request of the 57403  
director, shall bring an action for imposition of a civil penalty 57404  
under this division against any person who has committed or is 57405  
committing any such violation. All civil penalties received under 57406  
this division shall be credited to the toxic chemical release 57407  
reporting fund created in section 3751.05 of the Revised Code. 57408

(C) Any action for injunction or civil penalties under 57409  
division (A) or (B) of this section is a civil action governed by 57410  
the Rules of Civil Procedure. 57411

**Sec. 3751.11.** A member of the emergency response commission, 57412  
officer or employee of the environmental protection agency, member 57413  
or employee of a local emergency planning committee, officer or 57414  
employee of a fire department, health professional, physician, 57415  
nurse, or other person who receives information classified as a 57416  
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 57417  
~~section 3751.02 of the Revised Code~~ or identified as confidential 57418  
business information ~~by rules adopted under division (A)(1)(g) of~~ 57419  
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 57420  
violates division (F) of section 3751.04 of the Revised Code or 57421  
otherwise discloses information classified as a trade secret or 57422  
identified as confidential business information pursuant to ~~those~~ 57423  
~~rules that act~~ to a person not authorized to have that information 57424  
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 57425

~~adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, is liable in damages in a civil action to the owner of the trade secret information for any injury or loss to person or property sustained by ~~him~~ the owner resulting from the violation or unauthorized disclosure of that information. Any owner of information so classified as a trade secret or identified as confidential business information who, as a result of a violation of division (F) of section 3751.04 of the Revised Code or by disclosure of trade secret or confidential business information to a person not authorized to have it pursuant to division (C) of section 3751.04 of the Revised Code or ~~rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, sustains any injury or loss to person or property may bring a civil action for damages and other appropriate relief against the person who violated that division or otherwise disclosed the trade secret or confidential business information to a person not so authorized to have it.

In such a civil action, if the plaintiff establishes by a preponderance of the evidence, and if the trier of fact finds, that the defendant violated that division or otherwise disclosed information classified as a trade secret or identified as confidential business information to a person not so authorized to have it, and that the plaintiff sustained injury or loss to person or property as a result of the violation or unauthorized disclosure of the information, the trier of fact may award compensatory damages and such other relief as the trier of fact finds appropriate.

In any civil action under this section the court may award costs and reasonable attorney's fees to the prevailing party.

Liability imposed under this section for a violation of division (F) of section 3751.04 of the Revised Code is in addition to other civil liability, if any, under the Revised Code or common

law of this state and in addition to any criminal penalty that is 57458  
imposed for the same violation under section 3751.99 of the 57459  
Revised Code. 57460

**Sec. 3769.087.** (A) In addition to the commission of eighteen 57461  
per cent retained by each permit holder as provided in section 57462  
3769.08 of the Revised Code, each permit holder shall retain an 57463  
additional amount equal to four per cent of the total of all 57464  
moneys wagered on each racing day on all wagering pools other than 57465  
win, place, and show, of which amount retained an amount equal to 57466  
three per cent of the total of all moneys wagered on each racing 57467  
day on those pools shall be paid in the manner prescribed under 57468  
section 3769.103 of the Revised Code, as a tax. Subject to the 57469  
restrictions contained in divisions (B), (C), and (M) of section 57470  
3769.08 of the Revised Code, from such additional moneys paid to 57471  
the tax commissioner: 57472

(1) Four-sixths shall be allocated to fund distribution as 57473  
provided in division (M) of section 3769.08 of the Revised Code. 57474

(2) One-twelfth shall be paid into the Ohio fairs fund 57475  
created by section 3769.082 of the Revised Code. 57476

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 57477  
the tax commissioner by thoroughbred racing permit holders shall 57478  
be paid into the Ohio thoroughbred race fund created by section 57479  
3769.083 of the Revised Code. 57480

(4) One-twelfth of the additional moneys paid to the tax 57481  
commissioner by harness horse racing permit holders shall be paid 57482  
to the Ohio standardbred development fund created by section 57483  
3769.085 of the Revised Code. 57484

(5) One-sixth shall be paid into the state racing commission 57485  
operating fund created by section 3769.03 of the Revised Code. 57486

(6) One-twelfth of the additional moneys paid to the tax 57487

commissioner by quarterhorse racing permit holders shall be paid 57488  
into the Ohio thoroughbred race fund created by section 3769.083 57489  
of the Revised Code to support quarterhorse development and 57490  
purses. 57491

The remaining one per cent that is retained of the total of 57492  
all moneys wagered on each racing day on all pools other than win, 57493  
place, and show, shall be retained by racing permit holders, and, 57494  
except as otherwise provided in section 3769.089 of the Revised 57495  
Code, racing permit holders shall use one-half for purse money and 57496  
retain one-half. 57497

(B) In addition to the commission of eighteen per cent 57498  
retained by each permit holder as provided in section 3769.08 of 57499  
the Revised Code and the additional amount retained by each permit 57500  
holder as provided in division (A) of this section, each permit 57501  
holder shall retain an additional amount equal to one-half of one 57502  
per cent of the total of all moneys wagered on each racing day on 57503  
all wagering pools other than win, place, and show. The additional 57504  
amount retained under this division shall be paid in the manner 57505  
prescribed under section 3769.103 of the Revised Code, as a tax. 57506  
The tax commissioner shall pay the amount of the tax received 57507  
under this division to the state racing commission operating fund 57508  
created by section 3769.03 of the Revised Code. 57509

(C) Unless otherwise agreed to by the video lottery sales 57510  
agent and the applicable horsemen's association recognized by the 57511  
state racing commission to represent such persons, within ninety 57512  
days after September 29, 2013, for video lottery sales agents 57513  
operating as such on September 29, 2013, or within six months 57514  
after the date a video lottery sales agent begins operating as 57515  
such for video lottery sales agents not operating as such on 57516  
September 29, 2013, the state racing commission shall direct 57517  
through rule that a percentage of the lottery sales agent's 57518  
commission as determined by the state lottery commission for 57519



conducting video lottery terminal gaming on behalf of the state be 57520  
paid to the state racing commission for the benefit of breeding 57521  
and racing in this state. The percentage so determined shall not 57522  
be less than nine per cent or more than eleven per cent of the 57523  
video lottery terminal income, and shall be a sliding scale based 57524  
upon capital expenditures necessary to build the video lottery 57525  
sales agent's facility. The aggregate of one hundred per cent of 57526  
video lottery terminal income minus the lottery sales agent's 57527  
commission percentage as determined by the state lottery 57528  
commission plus the percentage of the lottery sale agent's 57529  
commission, as determined by the state racing commission or 57530  
otherwise agreed to by the video lottery sales agent and the 57531  
applicable horsemen's association recognized by the state racing 57532  
commission to represent such persons, for the benefit of breeding 57533  
and racing in this state shall not exceed forty-five per cent of 57534  
the video lottery terminal income. In addition, beginning July 1, 57535  
2013, the state lottery commission shall adopt a rule to require 57536  
the lottery sales agent conducting video lottery terminal gaming 57537  
on behalf of the state to disperse to the state lottery commission 57538  
one-half of one per cent of such a lottery sales agent's 57539  
commission for the purpose of providing funding support to 57540  
appropriate state agencies for programs that provide for gambling 57541  
addiction and other related addiction services. The state lottery 57542  
commission's rule also may require the lottery sales agent 57543  
conducting video lottery terminal gaming on behalf of the state to 57544  
disperse to the state lottery commission an additional amount up 57545  
to one-half of one per cent of such a lottery sales agent's 57546  
commission for that purpose. 57547

**Sec. 3770.02.** (A) Subject to the advice and consent of the 57548  
senate, the governor shall appoint a director of the state lottery 57549  
commission who shall serve at the pleasure of the governor. The 57550  
director shall devote full time to the duties of the office and 57551

shall hold no other office or employment. The director shall meet 57552  
all requirements for appointment as a member of the commission and 57553  
shall, by experience and training, possess management skills that 57554  
equip the director to administer an enterprise of the nature of a 57555  
state lottery. The director shall receive an annual salary in 57556  
accordance with pay range 48 of section 124.152 of the Revised 57557  
Code. 57558

(B)(1) The director shall attend all meetings of the 57559  
commission and shall act as its secretary. The director shall keep 57560  
a record of all commission proceedings and shall keep the 57561  
commission's records, files, and documents at the commission's 57562  
principal office. All records of the commission's meetings shall 57563  
be available for inspection by any member of the public, upon a 57564  
showing of good cause and prior notification to the director. 57565

(2) The director shall be the commission's executive officer 57566  
and shall be responsible for keeping all commission records and 57567  
supervising and administering the state lottery in accordance with 57568  
this chapter, and carrying out all commission rules adopted under 57569  
section 3770.03 of the Revised Code. 57570

(C)(1) The director shall appoint ~~an assistant director,~~ 57571  
~~deputy directors of marketing, operations, sales, finance, public~~ 57572  
~~relations, security, and administration, as necessary~~ and as many 57573  
regional managers as are required. The director may also appoint 57574  
necessary professional, technical, and clerical assistants. All 57575  
such officers and employees shall be appointed and compensated 57576  
pursuant to Chapter 124. of the Revised Code. Regional and 57577  
assistant regional managers, sales representatives, and any 57578  
lottery executive account representatives shall remain in the 57579  
unclassified service. The assistant director shall act as director 57580  
in the absence or disability of the director. If the director does 57581  
not appoint an assistant director, the director shall designate a 57582  
deputy director to act as director in the absence or disability of 57583

the director. 57584

(2) The director, in consultation with the director of 57585  
administrative services, may establish standards of proficiency 57586  
and productivity for commission field representatives. 57587

(D) The director shall request the bureau of criminal 57588  
identification and investigation, the department of public safety, 57589  
or any other state, local, or federal agency to supply the 57590  
director with the criminal records of any job applicant and may 57591  
periodically request the criminal records of commission employees. 57592  
At or prior to the time of making such a request, the director 57593  
shall require a job applicant or commission employee to obtain 57594  
fingerprint cards prescribed by the superintendent of the bureau 57595  
of criminal identification and investigation at a qualified law 57596  
enforcement agency, and the director shall cause these fingerprint 57597  
cards to be forwarded to the bureau of criminal identification and 57598  
investigation and the federal bureau of investigation. The 57599  
commission shall assume the cost of obtaining the fingerprint 57600  
cards and shall pay to each agency supplying criminal records for 57601  
each investigation under this division a reasonable fee, as 57602  
determined by the agency. 57603

(E) The director shall license lottery sales agents pursuant 57604  
to section 3770.05 of the Revised Code and, when it is considered 57605  
necessary, may revoke or suspend the license of any lottery sales 57606  
agent. The director may license video lottery technology 57607  
providers, independent testing laboratories, and gaming employees, 57608  
and promulgate rules relating thereto. When the director considers 57609  
it necessary, the director may suspend or revoke the license of a 57610  
video lottery technology provider, independent testing laboratory, 57611  
or gaming employee, including suspension or revocation without 57612  
affording an opportunity for a prior hearing under section 119.07 57613  
of the Revised Code when the public safety, convenience, or trust 57614  
requires immediate action. 57615

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets

shall not be construed to in any way limit the authority of the 57677  
commission to operate video lottery terminal games. Nothing in 57678  
this chapter shall restrict the authority of the commission to 57679  
promulgate rules related to the operation of games utilizing video 57680  
lottery terminals as described in section 3770.21 of the Revised 57681  
Code. The rules shall be promulgated pursuant to Chapter 119. of 57682  
the Revised Code, except that instant game rules shall be 57683  
promulgated pursuant to section 111.15 of the Revised Code but are 57684  
not subject to division (D) of that section. Subjects covered in 57685  
these rules shall include, but need not be limited to, the 57686  
following: 57687

(1) The type of lottery to be conducted; 57688

(2) The prices of tickets in the lottery; 57689

(3) The number, nature, and value of prize awards, the manner 57690  
and frequency of prize drawings, and the manner in which prizes 57691  
shall be awarded to holders of winning tickets. 57692

(B) The commission shall promulgate rules, in addition to 57693  
those described in division (A) of this section, pursuant to 57694  
Chapter 119. of the Revised Code under which a statewide lottery 57695  
and statewide joint lottery games may be conducted. Subjects 57696  
covered in these rules shall include, but not be limited to, the 57697  
following: 57698

(1) The locations at which lottery tickets may be sold and 57699  
the manner in which they are to be sold. These rules may authorize 57700  
the sale of lottery tickets by commission personnel or other 57701  
licensed individuals from traveling show wagons at the state fair, 57702  
and at any other expositions the director of the commission 57703  
considers acceptable. These rules shall prohibit commission 57704  
personnel or other licensed individuals from soliciting from an 57705  
exposition the right to sell lottery tickets at that exposition, 57706  
but shall allow commission personnel or other licensed individuals 57707

to sell lottery tickets at an exposition if the exposition 57708  
requests commission personnel or licensed individuals to do so. 57709  
These rules may also address the accessibility of sales agent 57710  
locations to commission products in accordance with the "Americans 57711  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 57712  
et seq. These rules may not permit a lottery sales agent to accept 57713  
a credit card for the purchase of a lottery ticket, except for a 57714  
video lottery terminal as provided in rule 3770:2-7-01 of the 57715  
Administrative Code. 57716

(2) The manner in which lottery sales revenues are to be 57717  
collected, including authorization for the director to impose 57718  
penalties for failure by lottery sales agents to transfer revenues 57719  
to the commission in a timely manner; 57720

(3) The Except as otherwise provided in division (B)(6) of 57721  
this section, the amount of compensation to be paid to licensed 57722  
lottery sales agents. These rules shall include a supplemental 57723  
incentive-based compensation program for lottery sales agents. The 57724  
program shall include quarterly sales goals, which, if met by a 57725  
lottery sales agent, entitle a lottery sales agent to bonus 57726  
compensation. 57727

(4) The substantive criteria for the licensing of lottery 57728  
sales agents consistent with section 3770.05 of the Revised Code, 57729  
and procedures for revoking or suspending their licenses 57730  
consistent with Chapter 119. of the Revised Code. If 57731  
circumstances, such as the nonpayment of funds owed by a lottery 57732  
sales agent, or other circumstances related to the public safety, 57733  
convenience, or trust, require immediate action, the director may 57734  
suspend a license without affording an opportunity for a prior 57735  
hearing under section 119.07 of the Revised Code. 57736

(5) Special game rules to implement any agreements signed by 57737  
the governor that the director enters into with other lottery 57738  
jurisdictions under division (J) of section 3770.02 of the Revised 57739

Code to conduct statewide joint lottery games. The rules shall 57740  
require that the entire net proceeds of those games that remain, 57741  
after associated operating expenses, prize disbursements, lottery 57742  
sales agent bonuses, commissions, and reimbursements, and any 57743  
other expenses necessary to comply with the agreements or the 57744  
rules are deducted from the gross proceeds of those games, be 57745  
transferred to the lottery profits education fund under division 57746  
(B) of section 3770.06 of the Revised Code. 57747

(6) The commission to be paid to a video lottery sales agent, 57748  
which shall be sixty-five and one-half per cent of the agent's 57749  
video lottery terminal income; 57750

(7) Offering an intermediate draw monitor game in which a 57751  
player selects a single number between one and thirty-six or other 57752  
options related to the field of numbers on a lottery device with a 57753  
monitor capable of operating the game; 57754

(8) Any other subjects the commission determines are 57755  
necessary for the operation of video lottery terminal games, 57756  
including the establishment of any fees, fines, ~~or~~ payment 57757  
schedules, or the establishment of a voluntary exclusion program. 57758

(C) Chapter 2915. of the Revised Code does not apply to, 57759  
affect, or prohibit lotteries conducted pursuant to this chapter. 57760

(D) The commission may promulgate rules, in addition to those 57761  
described in divisions (A) and (B) of this section, that establish 57762  
standards governing the display of advertising and celebrity 57763  
images on lottery tickets and on other items that are used in the 57764  
conduct of, or to promote, the statewide lottery and statewide 57765  
joint lottery games. Any revenue derived from the sale of 57766  
advertising displayed on lottery tickets and on those other items 57767  
shall be considered, for purposes of section 3770.06 of the 57768  
Revised Code, to be related proceeds in connection with the 57769  
statewide lottery or gross proceeds from statewide joint lottery 57770



games, as applicable. 57771

(E)(1) The commission shall meet with the director at least 57772  
once each month and shall convene other meetings at the request of 57773  
the chairperson or any five of the members. No action taken by the 57774  
commission shall be binding unless at least five of the members 57775  
present vote in favor of the action. A written record shall be 57776  
made of the proceedings of each meeting and shall be transmitted 57777  
forthwith to the governor, the president of the senate, the senate 57778  
minority leader, the speaker of the house of representatives, and 57779  
the house minority leader. 57780

(2) The director shall present to the commission a report 57781  
each month, showing the total revenues, prize disbursements, and 57782  
operating expenses of the state lottery for the preceding month. 57783  
As soon as practicable after the end of each fiscal year, the 57784  
commission shall prepare and transmit to the governor and the 57785  
general assembly a report of lottery revenues, prize 57786  
disbursements, and operating expenses for the preceding fiscal 57787  
year and any recommendations for legislation considered necessary 57788  
by the commission. 57789

**Sec. 3770.06.** (A) There is hereby created the state lottery 57790  
gross revenue fund, which shall be in the custody of the treasurer 57791  
of state but shall not be part of the state treasury. All gross 57792  
revenues received from sales of lottery tickets, fines, fees, and 57793  
related proceeds in connection with the statewide lottery and all 57794  
gross proceeds from statewide joint lottery games shall be 57795  
deposited into the fund. The treasurer of state shall invest any 57796  
portion of the fund not needed for immediate use in the same 57797  
manner as, and subject to all provisions of law with respect to 57798  
the investment of, state funds. The treasurer of state shall 57799  
disburse money from the fund on order of the director of the state 57800  
lottery commission or the director's designee. 57801

Except for gross proceeds from statewide joint lottery games, 57802  
all revenues of the state lottery gross revenue fund that are not 57803  
paid to holders of winning lottery tickets, that are not required 57804  
to meet short-term prize liabilities, that are not credited to 57805  
lottery sales agents in the form of bonuses, commissions, or 57806  
reimbursements, that are not paid to financial institutions to 57807  
reimburse those institutions for sales agent nonsufficient funds, 57808  
and that are collected from sales agents for remittance to 57809  
insurers under contract to provide sales agent bonding services 57810  
shall be transferred to the state lottery fund, which is hereby 57811  
created in the state treasury. In addition, all revenues of the 57812  
state lottery gross revenue fund that represent the gross proceeds 57813  
from the statewide joint lottery games and that are not paid to 57814  
holders of winning lottery tickets, that are not required to meet 57815  
short-term prize liabilities, that are not credited to lottery 57816  
sales agents in the form of bonuses, commissions, or 57817  
reimbursements, and that are not necessary to cover operating 57818  
expenses associated with those games or to otherwise comply with 57819  
the agreements signed by the governor that the director enters 57820  
into under division (J) of section 3770.02 of the Revised Code or 57821  
the rules the commission adopts under division (B)(5) of section 57822  
3770.03 of the Revised Code shall be transferred to the state 57823  
lottery fund. All investment earnings of the fund shall be 57824  
credited to the fund. Moneys shall be disbursed from the fund 57825  
pursuant to vouchers approved by the director. Total disbursements 57826  
for monetary prize awards to holders of winning lottery tickets in 57827  
connection with the statewide lottery and purchases of goods and 57828  
services awarded as prizes to holders of winning lottery tickets 57829  
shall be of an amount equal to at least fifty per cent of the 57830  
total revenue accruing from the sale of lottery tickets. 57831

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 57832  
there is hereby established in the state treasury the lottery 57833  
profits education fund. Whenever, in the judgment of the director 57834

of the state lottery commission, the amount to the credit of the 57835  
state lottery fund that does not represent proceeds from statewide 57836  
joint lottery games is in excess of that needed to meet the 57837  
maturing obligations of the commission and as working capital for 57838  
its further operations, the director of the state lottery 57839  
commission shall recommend the amount of the excess to be 57840  
transferred to the lottery profits education fund, and the 57841  
director of budget and management may transfer the excess to the 57842  
lottery profits education fund in connection with the statewide 57843  
lottery. In addition, whenever, in the judgment of the director of 57844  
the state lottery commission, the amount to the credit of the 57845  
state lottery fund that represents proceeds from statewide joint 57846  
lottery games equals the entire net proceeds of those games as 57847  
described in division (B)(5) of section 3770.03 of the Revised 57848  
Code and the rules adopted under that division, the director of 57849  
the state lottery commission shall recommend the amount of the 57850  
proceeds to be transferred to the lottery profits education fund, 57851  
and the director of budget and management may transfer those 57852  
proceeds to the lottery profits education fund. Investment 57853  
earnings of the lottery profits education fund shall be credited 57854  
to the fund. 57855

The lottery profits education fund shall be used solely for 57856  
the support of elementary, secondary, vocational, and special 57857  
education programs as determined in appropriations made by the 57858  
general assembly, or as provided in applicable bond proceedings 57859  
for the payment of debt service on obligations issued to pay costs 57860  
of capital facilities, including those for a system of common 57861  
schools throughout the state pursuant to section 2n of Article 57862  
VIII, Ohio Constitution. When determining the availability of 57863  
money in the lottery profits education fund, the director of 57864  
budget and management may consider all balances and estimated 57865  
revenues of the fund. 57866

(C) There is hereby established in the state treasury the 57867  
deferred prizes trust fund. With the approval of the director of 57868  
budget and management, an amount sufficient to fund annuity prizes 57869  
shall be transferred from the state lottery fund and credited to 57870  
the trust fund. The treasurer of state shall credit all earnings 57871  
arising from investments purchased under this division to the 57872  
trust fund. Within sixty days after the end of each fiscal year, 57873  
the treasurer of state shall certify to the director of budget and 57874  
management whether the actuarial amount of the trust fund is 57875  
sufficient over the fund's life for continued funding of all 57876  
remaining deferred prize liabilities as of the last day of the 57877  
fiscal year just ended. Also, within that sixty days, the director 57878  
of budget and management shall certify the amount of investment 57879  
earnings necessary to have been credited to the trust fund during 57880  
the fiscal year just ending to provide for such continued funding 57881  
of deferred prizes. Any earnings credited in excess of the latter 57882  
certified amount shall be transferred to the lottery profits 57883  
education fund. 57884

To provide all or a part of the amounts necessary to fund 57885  
deferred prizes awarded by the commission in connection with the 57886  
statewide lottery, the treasurer of state, in consultation with 57887  
the commission, may invest moneys contained in the deferred prizes 57888  
trust fund which represents proceeds from the statewide lottery in 57889  
obligations of the type permitted for the investment of state 57890  
funds but whose maturities are thirty years or less. 57891  
Notwithstanding the requirements of any other section of the 57892  
Revised Code, to provide all or part of the amounts necessary to 57893  
fund deferred prizes awarded by the commission in connection with 57894  
statewide joint lottery games, the treasurer of state, in 57895  
consultation with the commission, may invest moneys in the trust 57896  
fund which represent proceeds derived from the statewide joint 57897  
lottery games in accordance with the rules the commission adopts 57898  
under division (B)(5) of section 3770.03 of the Revised Code. 57899

Investments of the trust fund are not subject to the provisions of 57900  
division (A)(10) of section 135.143 of the Revised Code limiting 57901  
to twenty-five per cent the amount of the state's total average 57902  
portfolio that may be invested in debt interests other than 57903  
commercial paper and limiting to five per cent the amount that may 57904  
be invested in debt interests, including commercial paper, of a 57905  
single issuer. 57906

All purchases made under this division shall be effected on a 57907  
delivery versus payment method and shall be in the custody of the 57908  
treasurer of state. 57909

The treasurer of state may retain an investment advisor, if 57910  
necessary. The commission shall pay any costs incurred by the 57911  
treasurer of state in retaining an investment advisor. 57912

(D) The auditor of state shall conduct annual audits of all 57913  
funds and any other audits as the auditor of state or the general 57914  
assembly considers necessary. The auditor of state may examine all 57915  
records, files, and other documents of the commission, and records 57916  
of lottery sales agents that pertain to their activities as 57917  
agents, for purposes of conducting authorized audits. 57918

(E) The state lottery commission shall establish an internal 57919  
audit plan before the beginning of each fiscal year, subject to 57920  
the approval of the office of internal audit in the office of 57921  
budget and management. At the end of each fiscal year, the 57922  
commission shall prepare and submit an annual report to the office 57923  
of internal audit for the office's review and approval, specifying 57924  
the internal audit work completed by the end of that fiscal year 57925  
and reporting on compliance with the annual internal audit plan. 57926  
Any preliminary or final report of an internal audit's findings 57927  
and recommendations, which is produced by the office of internal 57928  
audit of the state lottery commission, and all work papers of the 57929  
internal audit, is confidential and not a public record under 57930  
section 149.43 of the Revised Code until the final report of an 57931

internal audit's findings and recommendations has been submitted 57932  
to the director of the commission and the chairperson of the 57933  
commission, or the chairperson's commission member designee. 57934

(F) Whenever, in the judgment of the director of budget and 57935  
management, an amount of net state lottery proceeds is necessary 57936  
to be applied to the payment of debt service on obligations, all 57937  
as defined in sections 151.01 and 151.03 of the Revised Code, the 57938  
director shall transfer that amount directly from the state 57939  
lottery fund or from the lottery profits education fund to the 57940  
bond service fund defined in those sections. The provisions of 57941  
this division are subject to any prior pledges or obligation of 57942  
those amounts to the payment of bond service charges as defined in 57943  
division (C) of section 3318.21 of the Revised Code, as referred 57944  
to in division (B) of this section. 57945

**Sec. 3770.07.** (A)(1) Except as provided in ~~division~~ divisions 57946  
(A)(2) and (H) of this section, lottery prize awards shall be 57947  
claimed by the holder of the winning lottery product, or by the 57948  
executor or administrator, or the trustee of a trust, of the 57949  
estate of a deceased holder of a winning lottery product, in a 57950  
manner to be determined by the state lottery commission, within 57951  
one hundred eighty days after the date on which the prize award 57952  
was announced if the lottery game is an online game, and within 57953  
one hundred eighty days after the close of the game if the lottery 57954  
game is an instant game. 57955

Any lottery prize award with a value that meets or exceeds 57956  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 57957  
subsequent analogous section of the Internal Revenue Code, shall 57958  
not be claimed by or paid to any person, as defined in section 57959  
1.59 of the Revised Code or as defined by rule or order of the 57960  
state lottery commission, until the name, address, and social 57961  
security number of each beneficial owner of the prize award are 57962

documented for the commission. Except when a beneficial owner 57963  
otherwise consents in writing, in the case of a claim for a 57964  
lottery prize award made by one or more beneficial owners using a 57965  
trust, the name, address, and social security number of each such 57966  
beneficial owner in the commission's records as a result of such a 57967  
disclosure are confidential and shall not be subject to inspection 57968  
or copying under section 149.43 of the Revised Code as a public 57969  
record. 57970

Except as otherwise provided in division (A)(1) of this 57971  
section or as otherwise provided by law, the name and address of 57972  
any individual claiming a lottery prize award are subject to 57973  
inspection or copying under section 149.43 of the Revised Code as 57974  
a public record. 57975

(2) An eligible person serving on active military duty in any 57976  
branch of the United States armed forces during a war or national 57977  
emergency declared in accordance with federal law may submit a 57978  
delayed claim for a lottery prize award. The eligible person shall 57979  
do so by notifying the state lottery commission about the claim 57980  
not later than the five hundred fortieth day after the date on 57981  
which the prize award was announced if the lottery game is an 57982  
online game or after the date on which the lottery game closed if 57983  
the lottery game is an instant game. 57984

(3) If no valid claim to a lottery prize award is made within 57985  
the prescribed period, the prize money, the cost of goods and 57986  
services awarded as prizes, or, if goods or services awarded as 57987  
prizes are resold by the state lottery commission, the proceeds 57988  
from their sale shall be returned to the state lottery fund and 57989  
distributed in accordance with section 3770.06 of the Revised 57990  
Code. 57991

(4) The state lottery commission may share with other 57992  
governmental agencies the name, address, and social security 57993  
number of a beneficial owner disclosed to the commission under 57994

division (A)(1) of this section, as authorized under sections 57995  
3770.071 and 3770.073 of the Revised Code. Any shared information 57996  
as disclosed pursuant to those sections that is made confidential 57997  
by division (A)(1) of this section remains confidential and shall 57998  
not be subject to inspection or copying under section 149.43 of 57999  
the Revised Code as a public record unless the applicable 58000  
beneficial owner otherwise provides written consent. 58001

(5) As used in this division: 58002

(a) "Eligible person" means a person who is entitled to a 58003  
lottery prize award and who falls into either of the following 58004  
categories: 58005

(i) While on active military duty in this state, the person, 58006  
as the result of a war or national emergency declared in 58007  
accordance with federal law, is transferred out of this state 58008  
before the one hundred eightieth day after the date on which the 58009  
winner of the lottery prize award is selected. 58010

(ii) While serving in the reserve forces in this state, the 58011  
person, as the result of a war or national emergency declared in 58012  
accordance with federal law, is placed on active military duty and 58013  
is transferred out of this state before the expiration of the one 58014  
hundred eightieth day after the date on which the prize drawing 58015  
occurs for an online game or before the expiration of the one 58016  
hundred eightieth day following the close of an instant game as 58017  
determined by the commission. 58018

(b) "Active military duty" means that a person is covered by 58019  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 58020  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 58021  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 58022  
38 U.S.C. 4301 et seq., as amended. 58023

(c) "Each beneficial owner" means the ultimate recipient or, 58024  
if there is more than one, each ultimate recipient of a lottery 58025



prize award. 58026

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner. 58027  
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(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral. 58038  
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(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a prize winner; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code. 58041  
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(2)(a) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with a remaining unpaid balance of less than one hundred thousand dollars shall be subject to garnishment, attachment, execution, withholding, or deduction except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code or when the 58052  
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director is to make a payment pursuant to section 3770.071 or 58058  
3770.073 of the Revised Code. 58059

(b) No right of any prize winner, as defined in section 58060  
3770.10 of the Revised Code, to a prize award with an unpaid 58061  
balance of one hundred thousand dollars or more shall be subject 58062  
to garnishment, attachment, execution, withholding, or deduction 58063  
except as follows: as provided in sections 3119.80, 3119.81, 58064  
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 58065  
director is to make a payment pursuant to section 3770.071 or 58066  
3770.073 of the Revised Code; or pursuant to the order of a court 58067  
of competent jurisdiction located in this state in a proceeding in 58068  
which the state lottery commission is a named party, in which case 58069  
the garnishment, attachment, execution, withholding, or deduction 58070  
pursuant to the order shall be subordinate to any payments to be 58071  
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 58072  
3123.06, 3770.071, or 3770.073 of the Revised Code. 58073

(3) The state lottery commission may adopt and amend rules 58074  
pursuant to Chapter 119. of the Revised Code as necessary to 58075  
implement division (D) of this section, to provide for payments 58076  
from prize awards subject to garnishment, attachment, execution, 58077  
withholding, or deduction, and to comply with any applicable 58078  
requirements of federal law. 58079

(4) Upon making payments from a prize award as required by 58080  
division (D) of this section, the director and the state lottery 58081  
commission are discharged from all further liability for those 58082  
payments, whether they are made to an executor, administrator, 58083  
trustee, judgment creditor, or another person, or to the prize 58084  
winner, as defined in section 3770.10 of the Revised Code. 58085

(5) The state lottery commission shall adopt rules pursuant 58086  
to section 3770.03 of the Revised Code concerning the payment of 58087  
prize awards upon the death of a prize winner, as defined in 58088  
section 3770.10 of the Revised Code. Upon the death of a prize 58089

winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer or employee of the auditor of state actively auditing, coordinating, or observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award.

(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award.

(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission.

(H) A prize winner of lottery prize money with a value of less than five thousand dollars shall claim the prize only at a retail location of a lottery sales agent. A lottery sales agent presented with a winning lottery ticket at the agent's retail location that is for lottery prize money with a value of less than five thousand dollars, shall pay the lottery prize money to the

claimant. 58122

**Sec. 3770.21.** (A) As used in this section: 58123

(1) "Video lottery terminal" means any electronic device 58124  
approved by the state lottery commission that provides immediate 58125  
prize determinations for participants on an electronic display 58126  
that is located at a facility owned by a holder of a permit as 58127  
defined in rule 3769-1-05 of the Administrative Code. 58128

(2) "Video lottery terminal promotional gaming credit" means 58129  
a video lottery terminal game credit, discount, or other similar 58130  
item issued to a patron to enable the placement of, or increase 58131  
in, a wager at a video lottery terminal. 58132

(3) "Video lottery terminal income" means credits played, 58133  
minus approved video lottery terminal promotional gaming credits, 58134  
minus video lottery prize awards. 58135

(B) The state lottery commission shall include, in 58136  
conjunction with the state racing commission, in any rules adopted 58137  
concerning video lottery terminals, the level of minimum 58138  
investments that must be made by video lottery terminal sales 58139  
agents in the buildings, fixtures, equipment, facilities-related 58140  
preparation, and grounds at the facilities, including temporary 58141  
facilities, in which the terminals will be located, along with any 58142  
standards and timetables for such investments. 58143

(C) A licensed video lottery sales agent may provide video 58144  
lottery terminal promotional gaming credits to patrons for video 58145  
lottery terminal gaming. Video lottery terminal promotional gaming 58146  
credits shall be subject to approval by the director of the state 58147  
lottery commission. 58148

(D) Video lottery terminal sales agents shall develop 58149  
internal guidelines and controls for the purpose of giving 58150  
minority business enterprises the ability to compete for the 58151

awarding of contracts to provide goods and services to those sales agents. As used in this division, "minority business enterprise" has the meaning defined in section 122.71 of the Revised Code.

(E) No license or excise tax or fee not in effect on the effective date of this section shall be assessed upon or collected from a video lottery terminal sales agent by any county, township, municipal corporation, school district, or other political subdivision of the state that has authority to assess or collect a tax or fee by reason of the video lottery terminal related conduct authorized by section 3770.03 of the Revised Code. This division does not prohibit the imposition of taxes under Chapter 718. or 3769. of the Revised Code.

(F)(1) Any action asserting that this section or section 3770.03 of the Revised Code or any portion of those sections or any rule adopted under those sections violates any provision of the Ohio Constitution shall be brought in the court of common pleas of Franklin county within ninety days after the effective date of the amendment of this section by Am. Sub. H.B. 386 of the 129th general assembly, June 11, 2012, or within ninety days after the effective day of any rule, as applicable.

(2) Any claim asserting that any action taken by the governor or the lottery commission pursuant to those sections violates any provision of the Ohio Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken.

(3) Divisions (F)(1) and (2) of this section do not apply to any claim within the original jurisdiction of the supreme court or a court of appeals under Article IV of the Ohio Constitution.

(G) The court of common pleas of Franklin county shall give any claim filed under division (F)(1) or (2) of this section priority over all other civil cases before the court, irrespective

of position on the court's calendar, and shall make a 58183  
determination on the claim expeditiously. A court of appeals shall 58184  
give any appeal from a final order issued in a case brought 58185  
pursuant to division (F) of this section priority over all other 58186  
civil cases before the court, irrespective of position on the 58187  
court's calendar, and shall make a determination on the appeal 58188  
expeditiously. 58189

(H) The state lottery commission shall adopt rules to provide 58190  
video poker games on all video lottery terminals capable of 58191  
operating the game. 58192

**Sec. 3770.22.** (A) Any information concerning the following 58193  
that is submitted, collected, or gathered as part of an 58194  
application to the state lottery commission for a video lottery 58195  
related license under this chapter is confidential and not subject 58196  
to disclosure by a state agency or political subdivision as a 58197  
public record under section 149.43 of the Revised Code: 58198

(1) A dependent of an applicant; 58199

(2) The social security number, passport number, or federal 58200  
tax identification number of an applicant or the spouse of an 58201  
applicant; 58202

(3) The home address and telephone number of an applicant or 58203  
the spouse or dependent of an applicant; 58204

(4) An applicant's birth certificate; 58205

(5) The driver's license number of an applicant or the 58206  
applicant's spouse; 58207

(6) The name or address of a previous spouse of the 58208  
applicant; 58209

(7) The date of birth of the applicant and the spouse of an 58210  
applicant; 58211

(8) The place of birth of the applicant and the spouse of an applicant;	58212 58213
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	58214 58215 58216 58217
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	58218 58219
(11) The electronic mail address of the spouse or family member of the applicant;	58220 58221
(12) Any trade secret, medical records, and patents or exclusive licenses;	58222 58223
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	58224 58225 58226 58227 58228
(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.	58229 58230 58231
(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.	58232 58233 58234 58235 58236 58237 58238
(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.	58239 58240 58241

(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information referenced in this division with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply.

The applicant shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(E) The identity and personal information of a person participating in a voluntary exclusion program implemented either by the lottery commission or a video lottery terminal sales agent shall be confidential and only shall be disseminated according to the following:

(1) The commission may disseminate the information to a video lottery terminal sales agent and the agents and employees of the agent for purposes of enforcement.

(2) A video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to the agents, employees of the agent, and to the commission for purposes of enforcement.

(3) Either the commission or a video lottery terminal sales



agent operating a voluntary exclusion program may disseminate the 58273  
information to other entities upon request of the participant and 58274  
agreement by the commission. 58275

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 58276  
the commission shall have authority to complete the functions of 58277  
licensing, regulating, investigating, and penalizing casino 58278  
operators, management companies, holding companies, key employees, 58279  
casino gaming employees, and gaming-related vendors. The 58280  
commission also shall have jurisdiction over all persons 58281  
participating in casino gaming authorized by Section 6(C) of 58282  
Article XV, Ohio Constitution, and this chapter. 58283

(B) All rules adopted by the commission under this chapter 58284  
shall be adopted under procedures established in Chapter 119. of 58285  
the Revised Code. The commission may contract for the services of 58286  
experts and consultants to assist the commission in carrying out 58287  
its duties under this section. 58288

(C) The commission shall adopt rules as are necessary for 58289  
completing the functions stated in division (A) of this section 58290  
and for addressing the subjects enumerated in division (D) of this 58291  
section. 58292

(D) The commission shall adopt, and as advisable and 58293  
necessary shall amend or repeal, rules that include all of the 58294  
following: 58295

(1) The prevention of practices detrimental to the public 58296  
interest; 58297

(2) Prescribing the method of applying, and the form of 58298  
application, that an applicant for a license under this chapter 58299  
must follow as otherwise described in this chapter; 58300

(3) Prescribing the information to be furnished by an 58301  
applicant or licensee as described in section 3772.11 of the 58302

Revised Code;	58303
(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;	58304 58305 58306 58307
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	58308 58309 58310
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	58311 58312 58313
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	58314 58315
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	58316 58317 58318 58319 58320 58321 58322
(9) Tournament play in any casino facility;	58323
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	58324 58325
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	58326 58327 58328
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	58329 58330 58331
(c) Except as provided by commission rule, no person who	58332

participates in the program shall petition the commission for 58333  
admittance into a casino facility. 58334

(d) The list of persons participating in the program and the 58335  
personal information of those persons shall be confidential and 58336  
shall only be disseminated by the commission to a casino operator 58337  
and the agents and employees of the casino operator for purposes 58338  
of enforcement and to other entities, upon request of the 58339  
participant and agreement by the commission. 58340

(e) A casino operator shall make all reasonable attempts as 58341  
determined by the commission to cease all direct marketing efforts 58342  
to a person participating in the program. 58343

(f) A casino operator shall not cash the check of a person 58344  
participating in the program or extend credit to the person in any 58345  
manner. However, the program shall not exclude a casino operator 58346  
from seeking the payment of a debt accrued by a person before 58347  
participating in the program. 58348

(g) Any and all locations at which a person may register as a 58349  
participant in the program shall be published. 58350

(11) Requiring the commission to adopt standards regarding 58351  
the marketing materials of a licensed casino operator, including 58352  
allowing the commission to prohibit marketing materials that are 58353  
contrary to the adopted standards; 58354

(12) Requiring that the records, including financial 58355  
statements, of any casino operator, management company, holding 58356  
company, and gaming-related vendor be maintained in the manner 58357  
prescribed by the commission and made available for inspection 58358  
upon demand by the commission, but shall be subject to section 58359  
3772.16 of the Revised Code; 58360

(13) Permitting a licensed casino operator, management 58361  
company, key employee, or casino gaming employee to question a 58362  
person suspected of violating this chapter; 58363

(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;

(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.

(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;

(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;

(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;

(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;

(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for

the provision of security at and surveillance of casino facilities;	58395 58396
(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;	58397 58398 58399 58400
(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;	58401 58402 58403 58404 58405
(23) Defining penalties for violation of commission rules and a process for imposing such penalties <del>subject to the review of the joint committee on gaming and wagering;</del>	58406 58407 58408
(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;	58409 58410
(25) Establishing standards for the repair of casino gaming equipment;	58411 58412
(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;	58413 58414 58415 58416
(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional	58417 58418 58419 58420 58421 58422 58423 58424 58425

investment status; 58426

(28) Providing for any other thing necessary and proper for 58427  
successful and efficient regulation of casino gaming under this 58428  
chapter. 58429

(E) The commission shall employ and assign gaming agents as 58430  
necessary to assist the commission in carrying out the duties of 58431  
this chapter and Chapter 2915. of the Revised Code. In order to 58432  
maintain employment as a gaming agent, the gaming agent shall 58433  
successfully complete all continuing training programs required by 58434  
the commission and shall not have been convicted of or pleaded 58435  
guilty or no contest to a disqualifying offense as defined in 58436  
section 3772.07 of the Revised Code. 58437

(F) The commission, as a law enforcement agency, and its 58438  
gaming agents, as law enforcement officers as defined in section 58439  
2901.01 of the Revised Code, shall have authority with regard to 58440  
the detection and investigation of, the seizure of evidence 58441  
allegedly relating to, and the apprehension and arrest of persons 58442  
allegedly committing violations of this chapter or gambling 58443  
offenses as defined in section 2915.01 of the Revised Code or 58444  
violations of any other law of this state that may affect the 58445  
integrity of casino gaming or the operation of skill-based 58446  
amusement machines, and shall have access to casino facilities and 58447  
skill-based amusement machine facilities to carry out the 58448  
requirements of this chapter. 58449

(G) The commission may eject or exclude or authorize the 58450  
ejection or exclusion of and a gaming agent may eject a person 58451  
from a casino facility for any of the following reasons: 58452

(1) The person's name is on the list of persons voluntarily 58453  
excluding themselves from all casinos in a program established 58454  
according to rules adopted by the commission; 58455

(2) The person violates or conspires to violate this chapter 58456

or a rule adopted thereunder; or 58457

(3) The commission determines that the person's conduct or 58458  
reputation is such that the person's presence within a casino 58459  
facility may call into question the honesty and integrity of the 58460  
casino gaming operations or interfere with the orderly conduct of 58461  
the casino gaming operations. 58462

(H) A person, other than a person participating in a 58463  
voluntary exclusion program, may petition the commission for a 58464  
public hearing on the person's ejection or exclusion under this 58465  
chapter. 58466

(I) A casino operator or management company shall have the 58467  
same authority to eject or exclude a person from the management 58468  
company's casino facilities as authorized in division (G) of this 58469  
section. The licensee shall immediately notify the commission of 58470  
an ejection or exclusion. 58471

(J) The commission shall submit a written annual report with 58472  
the governor, president and minority leader of the senate, and the 58473  
speaker and minority leader of the house of representatives, ~~and~~ 58474  
~~joint committee on gaming and wagering~~ before the first day of 58475  
September each year. The annual report shall cover the previous 58476  
fiscal year and shall include all of the following: 58477

(1) A statement describing the receipts and disbursements of 58478  
the commission; 58479

(2) Relevant financial data regarding casino gaming, 58480  
including gross revenues and disbursements made under this 58481  
chapter; 58482

(3) Actions taken by the commission; 58483

(4) An update on casino operators', management companies', 58484  
and holding companies' compulsive and problem gambling plans and 58485  
the voluntary exclusion program and list; 58486

(5) Information regarding prosecutions for conduct described 58487  
in division (H) of section 3772.99 of the Revised Code, including, 58488  
but not limited to, the total number of prosecutions commenced and 58489  
the name of each person prosecuted; 58490

(6) Any additional information that the commission considers 58491  
useful or that the governor, president or minority leader of the 58492  
senate, or speaker or minority leader of the house of 58493  
representatives, ~~or joint committee on gaming and wagering~~ 58494  
requests. 58495

(K) To ensure the integrity of skill-based amusement machine 58496  
operations, the commission shall have jurisdiction over all 58497  
persons conducting or participating in the conduct of skill-based 58498  
amusement machine operations authorized by this chapter and 58499  
Chapter 2915. of the Revised Code, including the authority to 58500  
complete the functions of licensing, regulating, investigating, 58501  
and penalizing those persons in a manner that is consistent with 58502  
the commission's authority to do the same with respect to casino 58503  
gaming. To carry out this division, the commission may adopt rules 58504  
under Chapter 119. of the Revised Code, including rules 58505  
establishing fees and penalties related to the operation of 58506  
skill-based amusement machines. 58507

**Sec. 3772.17.** (A) The upfront license fee to obtain a license 58508  
as a casino operator shall be fifty million dollars per casino 58509  
facility and shall be paid upon each casino operator's filing of 58510  
its casino operator license application with the commission. The 58511  
upfront license fee, once paid to the commission, shall be 58512  
deposited into the economic development programs fund, which is 58513  
created in the state treasury. 58514

(B) New casino operator, management company, and holding 58515  
company license and renewal license fees shall be set by rule, 58516  
~~subject to the review of the joint committee on gaming and~~ 58517



wagering. If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility and the applicant for a license as a management company or holding company was reviewed for suitability as part of the investigation of the casino operator, only one license fee shall be assessed against both applicants for that casino facility.

(C) The fee to obtain an application for a casino operator, management company, or holding company license shall be one million five hundred thousand dollars per application. The application fee for a casino operator, management company, or holding company license may be increased to the extent that the actual review and investigation costs relating to an applicant exceed the application fee set forth in this division. If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility, with the exception of actual costs of the review and investigation of the additional applicant, only one application fee shall be required of such applicants for that casino facility. The application fee shall be deposited into the casino control commission fund. The application fee is nonrefundable.

(D) The license fees for a gaming-related vendor shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering~~. Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a gaming-related vendor license application.

(E) The license fees for a key employee shall be set by rule,

~~subject to the review of the joint committee on gaming and~~ 58550  
~~wagering.~~ Additionally, the commission may assess an applicant a 58551  
reasonable fee in the amount necessary to process a key employee 58552  
license application. If the license is being sought at the request 58553  
of a casino operator, such fees shall be paid by the casino 58554  
operator. 58555

(F) The license fees for a casino gaming employee shall be 58556  
set by rule, ~~subject to the review of the joint committee on~~ 58557  
~~gaming and wagering.~~ If the license is being sought at the request 58558  
of a casino operator, the fee shall be paid by the casino 58559  
operator. 58560

**Sec. 3772.99.** (A) The commission shall levy and collect 58561  
penalties for noncriminal violations of this chapter. Noncriminal 58562  
violations include using the term "casino" in any advertisement in 58563  
regard to a facility operating video lottery terminals, as defined 58564  
in section 3770.21 of the Revised Code, in this state. Moneys 58565  
collected from such penalty levies shall be credited to the 58566  
general revenue fund. 58567

(B) If a licensed casino operator, management company, 58568  
holding company, gaming-related vendor, or key employee violates 58569  
this chapter or engages in a fraudulent act, the commission may 58570  
suspend or revoke the license and may do either or both of the 58571  
following: 58572

(1) Suspend, revoke, or restrict the casino gaming operations 58573  
of a casino operator; 58574

(2) Require the removal of a management company, key 58575  
employee, or discontinuance of services from a gaming-related 58576  
vendor. 58577

(C) The commission shall impose civil penalties against a 58578  
person who violates this chapter under the penalties adopted by 58579

commission rule ~~and reviewed by the joint committee on gaming and~~ 58580  
~~wagering.~~ 58581

(D) A person who purposely or knowingly does any of the 58582  
following commits a misdemeanor of the first degree on the first 58583  
offense and a felony of the fifth degree for a subsequent offense: 58584

(1) Makes a false statement on an application submitted under 58585  
this chapter; 58586

(2) Permits a person less than twenty-one years of age to 58587  
make a wager at a casino facility; 58588

(3) Aids, induces, or causes a person less than twenty-one 58589  
years of age who is not an employee of the casino gaming operation 58590  
to enter or attempt to enter a casino facility; 58591

(4) Enters or attempts to enter a casino facility while under 58592  
twenty-one years of age, unless the person enters a designated 58593  
area as described in section 3772.24 of the Revised Code; 58594

(5) Is a casino operator or employee and participates in 58595  
casino gaming other than as part of operation or employment. 58596

(E) A person who purposely or knowingly does any of the 58597  
following commits a felony of the fifth degree on a first offense 58598  
and a felony of the fourth degree for a subsequent offense. If the 58599  
person is a licensee under this chapter, the commission shall 58600  
revoke the person's license after the first offense. 58601

(1) Uses or possesses with the intent to use a device to 58602  
assist in projecting the outcome of the casino game, keeping track 58603  
of the cards played, analyzing the probability of the occurrence 58604  
of an event relating to the casino game, or analyzing the strategy 58605  
for playing or betting to be used in the casino game, except as 58606  
permitted by the commission; 58607

(2) Cheats at a casino game; 58608

(3) Manufactures, sells, or distributes any cards, chips, 58609

dice, game, or device that is intended to be used to violate this chapter; 58610  
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(4) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players; 58612  
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(5) Places, increases, or decreases a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager; 58615  
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(6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game; 58619  
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(7) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game; 58623  
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(8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game; 58627  
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(9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game; 58629  
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(10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment. 58631  
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(11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter; 58638  
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(12) Operates a casino gaming operation in which wagering is 58640  
conducted or is to be conducted in a manner other than the manner 58641  
required under this chapter or a skill-based amusement machine 58642  
operation in a manner other than the manner required under Chapter 58643  
2915. of the Revised Code. 58644

(F) The possession of more than one of the devices described 58645  
in division (E)(9), (10), or (11) of this section creates a 58646  
rebuttable presumption that the possessor intended to use the 58647  
devices for cheating. 58648

(G) A person who purposely or knowingly does any of the 58649  
following commits a felony of the third degree. If the person is a 58650  
licensee under this chapter, the commission shall revoke the 58651  
person's license after the first offense. A public servant or 58652  
party official who is convicted under this division is forever 58653  
disqualified from holding any public office, employment, or 58654  
position of trust in this state. 58655

(1) Offers, promises, or gives anything of value or benefit 58656  
to a person who is connected with the casino operator, management 58657  
company, holding company, or gaming-related vendor, including 58658  
their officers and employees, under an agreement to influence or 58659  
with the intent to influence the actions of the person to whom the 58660  
offer, promise, or gift was made in order to affect or attempt to 58661  
affect the outcome of a casino game or an official action of a 58662  
commission member, agent, or employee; 58663

(2) Solicits, accepts, or receives a promise of anything of 58664  
value or benefit while the person is connected with a casino, 58665  
including an officer or employee of a casino operator, management 58666  
company, or gaming-related vendor, under an agreement to influence 58667  
or with the intent to influence the actions of the person to 58668  
affect or attempt to affect the outcome of a casino game or an 58669  
official action of a commission member, agent, or employee; 58670

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code. 58702  
58703

(K) Premises used or occupied in violation of division (E)(12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code. 58704  
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**Sec. 3794.03. Areas where smoking is not regulated by this chapter.** 58707  
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The following shall be exempt from the provisions of this chapter: 58709  
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(A) Private residences, except during the hours of operation as a child care or adult care facility for compensation, during the hours of operation as a business by a person other than a person residing in the private residence, or during the hours of operation as a business, when employees of the business, who are not residents of the private residence or are not related to the owner, are present. 58711  
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(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty ~~percent~~ per cent of sleeping rooms may be so designated. 58718  
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(C) Family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a ~~free-standing~~ freestanding structure occupied solely by the place of employment, and smoke from the place of employment does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter. 58722  
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(D) Any nursing home, as defined in division (A) of section 3721.10~~(A)~~ of the Revised Code, but only to the extent necessary to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 58729  
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Revised Code. If indoor smoking area is provided by a nursing home 58732  
for residents of the nursing home, the designated indoor smoking 58733  
area shall be separately enclosed and separately ventilated so 58734  
that tobacco smoke does not enter, through entrances, windows, 58735  
ventilation systems, or other means, any areas where smoking is 58736  
otherwise prohibited under this chapter. Only residents of the 58737  
nursing home may utilize the designated indoor smoking area for 58738  
smoking. A nursing home may designate specific times when the 58739  
indoor smoking area may be used for such purpose. No employee of a 58740  
nursing home shall be required to accompany a resident into a 58741  
designated indoor smoking area or perform services in such area 58742  
when being used for smoking. 58743

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 58744  
~~this chapter~~ in operation prior to ~~the effective date of this~~ 58745  
~~section~~ December 7, 2006. The retail tobacco store shall annually 58746  
file with the department of health by the thirty-first day of 58747  
January ~~thirty-first~~ an affidavit stating the percentage of its 58748  
gross income during the prior calendar year that was derived from 58749  
the sale of cigars, cigarettes, pipes, or other smoking devices 58750  
for smoking tobacco and related smoking accessories. Any retail 58751  
tobacco store that begins operation after ~~the effective date of~~ 58752  
~~this section~~ December 7, 2006, or any existing retail tobacco 58753  
store that relocates to another location after ~~the effective date~~ 58754  
~~of this section~~ December 7, 2006, may only qualify for this 58755  
exemption if located in a freestanding structure occupied solely 58756  
by the business and smoke from the business does not migrate into 58757  
an enclosed area where smoking is prohibited under the provisions 58758  
of this chapter. 58759

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 58760  
~~chapter~~. All outdoor patios shall be physically separated from an 58761  
enclosed area. If windows or doors form any part of the partition 58762  
between an enclosed area and the outdoor patio, the openings shall 58763



be closed to prevent the migration of smoke into the enclosed 58764  
area. If windows or doors do not prevent the migration of smoke 58765  
into the enclosed area, the outdoor patio shall be considered an 58766  
extension of the enclosed area and subject to the prohibitions of 58767  
this chapter. 58768

(G) Private clubs as defined in division (B)(13) of section 58769  
4301.01(B)(13) of the Revised Code, provided all of the following 58770  
apply: the club has no employees; the club is organized as a 58771  
not-for-profit entity; only members of the club are present in the 58772  
club's building; no persons under the age of eighteen are present 58773  
in the club's building; the club is located in a freestanding 58774  
structure occupied solely by the club; smoke from the club does 58775  
not migrate into an enclosed area where smoking is prohibited 58776  
under the provisions of this chapter; and, if the club serves 58777  
alcohol, it holds a valid D4 liquor permit. 58778

(H) An enclosed space in a laboratory facility at an 58779  
accredited college or university, when used solely and exclusively 58780  
for clinical research activities by a person, organization, or 58781  
other entity conducting institutional review board-approved 58782  
scientific or medical research related to the health effects of 58783  
smoking or the use of tobacco products. The enclosed space shall 58784  
not be open to the public and shall be designed to minimize 58785  
exposure of nonsmokers to smoke. The program administrator shall 58786  
annually file a notice of new research with the department of 58787  
health on a form prescribed by the department. 58788

**Sec. 3796.08.** (A)(1) A patient seeking to use medical 58789  
marijuana or a caregiver seeking to assist a patient in the use or 58790  
administration of medical marijuana shall apply to the state board 58791  
of pharmacy for registration. The physician who holds a 58792  
certificate to recommend issued by the state medical board and is 58793  
treating the patient or the physician's delegate shall submit the 58794

application on the patient's or caregiver's behalf in the manner 58795  
established in rules adopted under section 3796.04 of the Revised 58796  
Code. 58797

(2) The application shall include all of the following: 58798

(a) A statement from the physician certifying all of the 58799  
following: 58800

(i) That a bona fide physician-patient relationship exists 58801  
between the physician and patient; 58802

(ii) That the patient has been diagnosed with a qualifying 58803  
medical condition; 58804

(iii) That the physician or physician delegate has requested 58805  
from the drug database a report of information related to the 58806  
patient that covers at least the twelve months immediately 58807  
preceding the date of the report; 58808

(iv) That the physician has informed the patient of the risks 58809  
and benefits of medical marijuana as it pertains to the patient's 58810  
qualifying medical condition and medical history; 58811

~~(v) That the physician has informed the patient that it is 58812  
the physician's opinion that the benefits of medical marijuana 58813  
outweigh its risks. 58814~~

(b) In the case of an application submitted on behalf of a 58815  
patient, the name or names of the one or more caregivers that will 58816  
assist the patient in the use or administration of medical 58817  
marijuana; 58818

(c) In the case of an application submitted on behalf of a 58819  
caregiver, the name of the patient or patients that the caregiver 58820  
seeks to assist in the use or administration of medical marijuana. 58821

(3) If the application is complete and meets the requirements 58822  
established in rules, the board shall register the patient or 58823

caregiver and issue to the patient or caregiver an identification card. 58824  
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(B) The board shall not make public any information reported to or collected by the board under this section that identifies or would tend to identify any specific patient. 58826  
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Information collected by the board pursuant to this section is confidential and not a public record. The board may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form. 58829  
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(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with procedures established in those rules. 58835  
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Sec. 3901.90. The superintendent of insurance, in consultation with the director of mental health and addiction services, shall develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 58839  
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The department of insurance and the department of mental health and addiction services shall jointly report annually on the department's efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and the governor, not later than the thirtieth day of January of each year. 58845  
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Sec. 3902.30. (A) As used in this section: 58853

(1) "Health benefit plan" and "health plan issuer" have the same meanings as under section 3922.01 of the Revised Code. 58854  
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(2) "In-person services" means a medical service delivered by a physician through the use of any communication method where the physician and patient are simultaneously present in the same geographic location. 58856  
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(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code. 58860  
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(4) "Telemedicine service" means a medical service delivered by a physician through the use of any communication method where the physician and patient are not simultaneously present in the same location, including oral, written, or electronic communication. 58865  
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(B)(1) A health benefit plan shall provide coverage for the cost of telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health services. 58870  
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(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service. 58874  
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(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan. 58876  
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(D) This section shall not be construed as prohibiting a health benefit plan from assessing cost-sharing requirements to a covered individual for telemedicine services, provided that such cost sharing requirements for telemedicine services are not greater than those for comparable in-person services. 58880  
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(E) This section shall not be construed as requiring a health plan issuer to reimburse a physician for any costs or fees associated with the provision of telemedicine services that would be in addition to or greater than the standard reimbursement for a comparable in-person service. 58885  
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(F) This section shall apply to all health benefit plans issued, offered, or renewed on or after January 1, 2018. 58890  
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**Sec. 3923.041.** (A) As used in this section: 58892

(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or episodically, for longer than six continuous months. 58893  
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(2) "Clinical peer" means a health care practitioner in the same or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review. 58897  
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(3) "Covered person" means a person receiving coverage for health services under a policy of sickness and accident insurance or a public employee benefit plan. 58900  
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(4) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code. 58903  
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(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question. 58905  
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(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code. 58909  
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(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services. 58911  
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(8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following:

(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state;

(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code.

(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply:

(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or

plan, to accept prior authorization requests through a secure 58946  
electronic transmission. 58947

(b) For policies issued on or after January 1, 2018, the 58948  
insurer or plan, a pharmacy benefit manager responsible for 58949  
handling prior authorization requests, or other payer acting on 58950  
behalf of the insurer or plan shall accept and respond to prior 58951  
prescription benefit authorization requests through a secure 58952  
electronic transmission using NCPDP SCRIPT standard ePA 58953  
transactions, and for prior medical benefit authorization requests 58954  
through a secure electronic transmission using standards 58955  
established by the council for affordable quality health care on 58956  
operating rules for information exchange or its successor. 58957

(c) For purposes of division (B)(2) of this section, neither 58958  
of the following shall be considered a secure electronic 58959  
transmission: 58960

(i) A facsimile; 58961

(ii) A proprietary payer portal for prescription drug 58962  
requests that does not use NCPDP SCRIPT standard. 58963

(3) For policies issued on or after January 1, 2018, a health 58964  
care practitioner and an insurer or plan may enter into a 58965  
contractual arrangement under which the insurer or plan agrees to 58966  
process prior authorization requests that are not submitted 58967  
electronically because of the financial hardship that electronic 58968  
submission of prior authorization requests would create for the 58969  
health care practitioner or if internet connectivity is limited or 58970  
unavailable where the health care practitioner is located. 58971

(4)(a) For policies issued on or after January 1, 2018, if 58972  
the health care practitioner submits the request for prior 58973  
authorization electronically as described in divisions (B)(1) and 58974  
(2) of this section, the insurer or plan shall respond to all 58975  
prior authorization requests within forty-eight hours for urgent 58976

care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the insurer or plan. Division (B)(4) of this section does not apply to emergency services.

(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the insurer or plan shall provide the specific reason for the denial.

(c) If the prior authorization request is incomplete, the insurer or plan shall indicate the specific additional information that is required to process the request.

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as described in divisions (B)(1) and (2) of this section, the insurer or plan shall provide an electronic receipt to the health care practitioner acknowledging that the prior authorization request was received.

(b) For policies issued on or after January 1, 2018, if an issuer or plan requests additional information that is required to process a prior authorization request as described in division (B)(4)(c) of this section, the health care practitioner shall provide an electronic receipt to the issuer or plan acknowledging that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a prior approval related to a chronic condition, the insurer or plan shall honor a prior authorization approval for an approved drug for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under the policy or plan.



(b) The duration of all other prior authorization approvals shall be dictated by the policy or plan. 59007  
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(c) An insurer or plan, in relation to prior approval under division (B)(6)(a) of this section, may require a health care practitioner to submit information to the insurer or plan indicating that the patient's chronic condition has not changed. 59009  
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(i) The request for information by the insurer or plan and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication. 59013  
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(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence, as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly. 59017  
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(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the insurer or plan may terminate the twelve-month approval. 59021  
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(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose. 59024  
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(e) A twelve-month approval provided under division (B)(6)(a) of this section does not apply to and is not required for any of the following: 59029  
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(i) Medications that are prescribed for a non-maintenance condition; 59032  
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(ii) Medications that have a typical treatment of less than one year; 59034  
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(iii) Medications that require an initial trial period to 59036

determine effectiveness and tolerability, beyond which a one-year, 59037  
or greater, prior authorization period will be given; 59038

(iv) Medications where there is medical or scientific 59039  
evidence as defined in section 3922.01 of the Revised Code that do 59040  
not support a twelve-month prior approval; 59041

(v) Medications that are a schedule I or II controlled 59042  
substance or any opioid analgesic or benzodiazepine, as defined in 59043  
section 3719.01 of the Revised Code; 59044

(vi) Medications that are not prescribed by an in-network 59045  
provider as part of the care management program. 59046

(7) For policies issued on or after January 1, 2017, an 59047  
insurer or plan may, but is not required to, provide the 59048  
twelve-month approval prescribed in division (B)(6)(a) of this 59049  
section for a prescription drug that meets either of the 59050  
following: 59051

(a) The drug is prescribed or administered to treat a rare 59052  
medical condition and pursuant to medical or scientific evidence 59053  
as defined in section 3922.01 of the Revised Code. 59054

(b) Medications that are controlled substances not included 59055  
in division (B)(6)(e)(v) of this section. 59056

For purposes of division (B)(7) of this section, "rare 59057  
medical condition" means any disease or condition that affects 59058  
fewer than two hundred thousand individuals in the United States. 59059

(8) Nothing in division (B)(6) or (7) of this section 59060  
prohibits the substitution, in accordance with section 4729.38 of 59061  
the Revised Code, of any drug that has received a twelve-month 59062  
approval under division (B)(6)(a) of this section when there is a 59063  
release of either of the following: 59064

(a) A United States food and drug administration approved 59065  
comparable brand product or a generic counterpart of a brand 59066

product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, an insurer or plan shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the insurer or plan shall review the claim for coverage and medical necessity. The insurer or plan shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the insurer or plan shall disclose to all participating health care practitioners any new prior authorization requirement at least thirty days prior to the effective date of the new requirement.

(b) The notice may be sent via electronic mail or standard mail and shall be conspicuously entitled "Notice of Changes to Prior Authorization Requirements." The notice is not required to

contain a complete listing of all changes made to the prior 59097  
authorization requirements, but shall include specific information 59098  
on where the health care practitioner may locate the information 59099  
on the insurer or plan's web site or, if applicable, the insurer's 59100  
or plan's portal. 59101

(c) All participating health care practitioners shall 59102  
promptly notify the insurer or plan of any changes to the health 59103  
care practitioner's electronic mail or standard mail address. 59104

(11)(a) For policies issued on or after January 1, 2017, the 59105  
insurer or plan shall make available to all participating health 59106  
care practitioners on its web site or provider portal a listing of 59107  
its prior authorization requirements, including specific 59108  
information or documentation that a practitioner must submit in 59109  
order for the prior authorization request to be considered 59110  
complete. 59111

(b) The insurer or plan shall make available on its web site 59112  
information about the policies, contracts, or agreements offered 59113  
by the insurer or plan that clearly identifies specific services, 59114  
drugs, or devices to which a prior authorization requirement 59115  
exists. 59116

(12) For policies issued on or after January 1, 2018, the 59117  
insurer or plan shall establish a streamlined appeal process 59118  
relating to adverse prior authorization determinations that shall 59119  
include all of the following: 59120

(a) For urgent care services, the appeal shall be considered 59121  
within forty-eight hours after the insurer or plan receives the 59122  
appeal. 59123

(b) For all other matters, the appeal shall be considered 59124  
within ten calendar days after the insurer or plan receives the 59125  
appeal. 59126

(c) The appeal shall be between the health care practitioner 59127

requesting the service in question and a clinical peer. 59128

(d) If the appeal does not resolve the disagreement, either 59129  
the covered person or an authorized representative as defined in 59130  
section 3922.01 of the Revised Code may request an external review 59131  
under Chapter 3922. of the Revised Code to the extent Chapter 59132  
3922. of the Revised Code is applicable. 59133

(C) For policies issued on or after January 1, 2017, except 59134  
in cases of fraudulent or materially incorrect information, an 59135  
insurer or plan shall not retroactively deny a prior authorization 59136  
for a health care service, drug, or device when all of the 59137  
following are met: 59138

(1) The health care practitioner submits a prior 59139  
authorization request to the insurer or plan for a health care 59140  
service, drug, or device; 59141

(2) The insurer or plan approves the prior authorization 59142  
request after determining that all of the following are true: 59143

(a) The patient is eligible under the health benefit plan. 59144

(b) The health care service, drug, or device is covered under 59145  
the patient's health benefit plan. 59146

(c) The health care service, drug, or device meets the 59147  
insurer's or plan's standards for medical necessity and prior 59148  
authorization. 59149

(3) The health care practitioner renders the health care 59150  
service, drug, or device pursuant to the approved prior 59151  
authorization request and all of the terms and conditions of the 59152  
health care practitioner's contract with the insurer or plan; 59153

(4) On the date the health care practitioner renders the 59154  
prior approved health care service, drug, or device, all of the 59155  
following are true: 59156

(a) The patient is eligible under the health benefit plan. 59157

(b) The patient's condition or circumstances related to the patient's care has not changed. 59158  
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(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request. 59160  
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(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the insurer or plan, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization. 59163  
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(D) Any provision of a contractual arrangement entered into between an insurer or plan and a health care practitioner or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable. 59171  
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(E) For policies issued on or after January 1, 2017, committing a series of violations of this section that, taken together, constitute a practice or pattern shall be considered an unfair and deceptive practice under sections 3901.19 to 3901.26 of the Revised Code. 59175  
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(F) The superintendent of insurance may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the provisions of this section. 59180  
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(G) This section does not apply to any of the following types of coverage: a policy, contract, certificate, or agreement that covers only a specified accident, accident only, credit, dental, disability income, long-term care, hospital indemnity, supplemental coverage as described in section 3923.37 of the Revised Code, specified disease, or vision care; a dental benefit 59183  
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that is offered as a part of a policy of sickness and accident insurance or a public employee benefit plan; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; a medicare supplement policy of insurance as defined by the superintendent of insurance by rule; coverage under a plan through medicare or the federal employees benefit program; or any coverage issued under Chapter 55 of Title 10 of the United States Code and any coverage issued as a supplement to that coverage.

**Sec. 3937.25.** (A) As used in sections 3937.25 to 3937.29 of the Revised Code, "medical malpractice insurance" means insurance coverage against the legal liability of the insured for loss, damage, or expense arising from a medical, optometric, or chiropractic claim, as those claims are defined in section 2305.113 of the Revised Code.

(B) After a policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than fidelity or surety bonds, medical malpractice insurance, and automobile insurance as defined in section 3937.30 of the Revised Code, has been in effect for more than ninety days, a notice of cancellation for such policy shall not be issued by any licensed insurer unless it is based on one of the following grounds:

(1) Nonpayment of premium;

(2) Discovery of fraud or material misrepresentation in the procurement of the insurance or with respect to any claims submitted thereunder;

(3) Discovery of a moral hazard or willful or reckless acts

or omissions on the part of the named insured that increase any hazard insured against;

(4) The occurrence of a change in the individual risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed, except to the extent the insurer reasonably should have foreseen the change or contemplated the risk in writing the contract;

(5) Loss of applicable reinsurance or a substantial decrease in applicable reinsurance, if the superintendent has determined that reasonable efforts have been made to prevent the loss of, or substantial decrease in, the applicable reinsurance, or to obtain replacement coverage;

(6) Failure of an insured to correct material violations of safety codes or to comply with reasonable written loss control recommendations;

(7) A determination by the superintendent of insurance that the continuation of the policy would create a condition that would be hazardous to the policyholders or the public.

(C) The notice of cancellation required by this section must be in writing, be mailed to the insured at the insured's last known address, and contain all of the following:

(1) The policy number;

(2) The date of the notice;

(3) The effective date of the cancellation;

(4) An explanation of the reason for cancellation.

Such notice of cancellation also shall be mailed to the insured's agent.

(D)(1) Except for nonpayment of premium, the effective date of cancellation must be no less than thirty days from the date of mailing the notice. ~~When~~



(2)(a) When cancellation is for nonpayment of premium, the 59250  
effective date of cancellation must be no less than ten days from 59251  
the date of mailing the notice. 59252

(b) An insurer may include a notice of cancellation of a 59253  
policy of automobile insurance for nonpayment of premium with a 59254  
billing notice. Subject to division (D)(2)(a) of this section, 59255  
such a cancellation is effective on or after the due date of the 59256  
bill. 59257

(E) Nothing in division (B) of this section shall be 59258  
construed to prevent an insurer from writing a policy of 59259  
commercial property insurance, commercial fire insurance, or 59260  
commercial casualty insurance other than medical malpractice 59261  
insurance and automobile insurance as defined in section 3937.30 59262  
of the Revised Code for a period greater than one year and 59263  
providing in such policy that the insurer may issue a notice of 59264  
cancellation of such policy at least thirty days prior to an 59265  
anniversary of such policy, with the effective date of 59266  
cancellation being that anniversary. 59267

The superintendent may prescribe that adequate disclosure be 59268  
made to the insured when a policy is issued for a term of more 59269  
than one year. 59270

(F) There is no liability on the part of, and no cause of 59271  
action of any nature arises against, the superintendent of 59272  
insurance, any insurer, or any person furnishing information 59273  
requested by the superintendent, an insurer, the agent, employee, 59274  
attorney, or other authorized representative of any such persons, 59275  
for any oral or written statement made to supply information 59276  
relevant to a determination on cancellation of any policy of 59277  
commercial property insurance, commercial fire insurance, or 59278  
commercial casualty insurance other than fidelity or surety bonds, 59279  
medical malpractice insurance, and automobile insurance as defined 59280  
in section 3937.30 of the Revised Code, or in connection with 59281

advising an insured or an insured's attorney of the reasons for a 59282  
cancellation of such insurance, or in connection with any 59283  
administrative or judicial proceeding arising out of or related to 59284  
such cancellation. 59285

**Sec. 3937.32.** (A) No cancellation of an automobile insurance 59286  
policy is effective, unless it is pursuant to written notice to 59287  
the insured of cancellation. Such notice shall contain: 59288

~~(A)~~(1) The policy number; 59289

~~(B)~~(2) The date of the notice; 59290

~~(C)~~(3) The effective date of cancellation of the policy, 59291  
which shall not be earlier than thirty days following the date of 59292  
the notice; 59293

~~(D)~~(4) An explanation of the reason for cancellation and the 59294  
information upon which it is based, or a statement that such 59295  
explanation will be furnished to the insured in writing within 59296  
five days after receipt of the insured's written request therefor 59297  
to the insurer; 59298

~~(E)~~(5) Where cancellation is for nonpayment of premium at 59299  
least ten days notice from the date of mailing of cancellation 59300  
accompanied by the reason therefor shall be given; 59301

~~(F)~~(6) A statement that if there is cause to believe such 59302  
cancellation is based on erroneous information, or is contrary to 59303  
law or the terms of the policy, the insured is entitled to have 59304  
the matter reviewed by the superintendent of insurance, upon 59305  
written application to the superintendent made not later than the 59306  
effective date of cancellation of the policy. 59307

(B) An insurer may include a notice of cancellation for 59308  
nonpayment of premium with a billing notice. Subject to division 59309  
(A)(5) of this section, such a cancellation is effective on or 59310  
after the due date of the bill. 59311

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 59312  
issued prior to October 15, 1965, are valid and effective for the 59313  
period set forth in such certificates unless sooner withdrawn by 59314  
the superintendent of industrial compliance. The owner or user of 59315  
any such boiler shall obtain an appropriate certificate of 59316  
operation for such boiler, and shall not operate such boiler, or 59317  
permit it to be operated unless a certificate of operation has 59318  
been obtained in accordance with section 4104.17 of the Revised 59319  
Code. 59320

(B) ~~If, upon making the internal and external inspection 59321  
required under sections 4104.11, 4104.12, and 4104.13 of the 59322  
Revised Code, the inspector finds the boiler to be in safe working 59323  
order, with the fittings necessary to safety, and properly set up, 59324  
upon the inspector's report to the superintendent, the 59325  
superintendent shall issue to the owner or user thereof, or renew, 59326  
upon application and upon a boiler owner or user is in compliance 59327  
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 59328  
the superintendent, upon application, shall issue the boiler owner 59329  
or user a certificate of operation or renew the boiler owner's or 59330  
user's certificate of operation. The certificate of operation 59331  
~~which shall state:~~ 59332~~

(1) State the maximum pressure at which the boiler may be 59333  
operated, as ascertained by the rules of the board of building 59334  
standards. ~~Such certificates shall also state,~~ the name of the 59335  
owner or user, the location, size, and number of each boiler, and 59336  
the date of issuance, ~~and shall be;~~ 59337

(2) Be so placed as to be easily read in the engine room or 59338  
boiler room of the plant where the boiler is located, except that 59339  
the certificate of operation for a portable boiler shall be kept 59340  
on the premises and shall be accessible at all times. 59341

(C) If an inspector at any inspection finds that the boiler 59342

or pressure vessel is not in safe working condition, or is not 59343  
provided with the fittings necessary to safety, or if the fittings 59344  
are improperly arranged, the inspector shall immediately notify 59345  
the owner or user and person in charge of the boiler and shall 59346  
report the same to the superintendent who may revoke, suspend, or 59347  
deny the certificate of operation and not renew the same until the 59348  
boiler or pressure vessel and its fittings are put in condition to 59349  
insure safety of operation, and the owner or user shall not 59350  
operate the boiler or pressure vessel, or permit it to be operated 59351  
until such certificate has been granted or restored. 59352

(D) If the superintendent or a general boiler inspector finds 59353  
that a pressure vessel or boiler or a part thereof poses an 59354  
explosion hazard that reasonably can be regarded as posing an 59355  
imminent danger of death or serious physical harm to persons, the 59356  
superintendent or the general boiler inspector shall seal the 59357  
pressure vessel or boiler and order, in writing, the operator or 59358  
owner of the pressure vessel or boiler to immediately cease the 59359  
pressure vessel's or boiler's operation. The order shall be 59360  
effective until the nonconformities are eliminated, corrected, or 59361  
otherwise remedied, or for a period of seventy-two hours from the 59362  
time of issuance, whichever occurs first. During the 59363  
seventy-two-hour period, the superintendent may request that the 59364  
prosecuting attorney or city attorney of Franklin county or of the 59365  
county in which the pressure vessel or boiler is located obtain an 59366  
injunction restraining the operator or owner of the pressure 59367  
vessel or boiler from continuing its operation after the 59368  
seventy-two-hour period expires until the nonconformities are 59369  
eliminated, corrected, or otherwise remedied. 59370

(E) Each boiler which has been inspected shall be assigned a 59371  
number by the superintendent, which number shall be stamped on a 59372  
nonferrous metal tag affixed to the boiler or its fittings by seal 59373  
or otherwise. No person except an inspector shall deface or remove 59374

any such number or tag. 59375

(F) If the owner or user of any pressure vessel or boiler 59376  
disagrees with the inspector as to the necessity for shutting down 59377  
a pressure vessel or boiler or for making repairs or alterations 59378  
in it, or taking any other measures for safety that are requested 59379  
by an inspector, the owner or user may appeal from the decision of 59380  
the inspector to the superintendent, who may, after such other 59381  
inspection by a general inspector or special inspector as the 59382  
superintendent deems necessary, decide the issue. 59383

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 59384  
nor an inspection or report by any inspector, shall relieve the 59385  
owner or user of a pressure vessel or boiler of the duty of using 59386  
due care in the inspection, operation, and repair of the pressure 59387  
vessel or boiler or of any liability for damages for failure to 59388  
inspect, repair, or operate the pressure vessel or boiler safely. 59389

**Sec. 4104.18.** (A) The owner or user of a boiler required 59390  
under section 4104.12 of the Revised Code to be inspected upon 59391  
installation, and the owner or user of a boiler for which a 59392  
certificate of inspection has been issued ~~which~~ that is replaced 59393  
with an appropriate certificate of operation, shall pay to the 59394  
superintendent of industrial compliance a an initial certificate  
of operation fee in the following amount ~~of fifty, as applicable:~~ 59395  
59396

(1) Fifty dollars for boilers subject to annual inspections 59397  
under section 4104.11 of the Revised Code, ~~one;~~ 59398

(2) One hundred dollars for boilers subject to biennial 59399  
inspection under section 4104.13 of the Revised Code, ~~one;~~ 59400

(3) One hundred fifty dollars for boilers subject to 59401  
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 59402  
~~two;~~ 59403

(4) Two hundred fifty dollars for boilers subject to 59404

quinquennial inspection under section 4104.13 of the Revised Code. 59405

(B) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance an annual certificate of operation renewal fee in the following amount, as applicable: 59406  
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59412

(1) Fifty dollars for boilers subject to annual inspections under section 4101.11 of the Revised Code; 59413  
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(2) One hundred dollars for boilers subject to biennial inspections under section 4104.13 of the Revised Code; 59415  
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(3) One hundred fifty dollars for boilers subject to triennial inspections under section 4104.11 of the Revised Code; 59417  
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(4) Two hundred fifty dollars for boilers subject to quinquennial inspections under section 4104.13 of the Revised Code. 59419  
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(C) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector. 59422  
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~~(C)~~(D) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars. 59430  
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~~(D) The director of commerce, subject to the approval of the~~ 59435  
~~controlling board, may establish fees in excess of the fees~~ 59436  
~~provided in divisions (A), (B), and (C) of this section. (E) The~~ 59437  
~~superintendent of industrial compliance, by rule adopted in~~ 59438  
~~accordance with Chapter 119. of the Revised Code, may increase the~~ 59439  
~~fees required by this section and may establish fees to pay the~~ 59440  
~~costs of the division to fulfill its duties established by this~~ 59441  
~~chapter. The fees shall bear some reasonable relationship to the~~ 59442  
~~cost of administering and enforcing the provisions of this~~ 59443  
~~chapter. Any moneys collected under this section shall be paid~~ 59444  
~~into the state treasury to the credit of the industrial compliance~~ 59445  
~~operating fund created in section 121.084 of the Revised Code.~~ 59446

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 59447  
an invoiced inspection fee required for any inspection conducted 59448  
by the division of industrial compliance pursuant to this chapter 59449  
within forty-five days of the invoice date shall pay a late 59450  
payment fee equal to twenty-five per cent of the invoiced fee. 59451

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and,~~ 59452  
(B), ~~and~~ (C) of this section, the board of building standards 59453  
shall assess the owner or user a fee of three dollars and 59454  
twenty-five cents for each certificate of operation or renewal 59455  
thereof issued under ~~division~~ divisions (A) and (B) of this 59456  
section and for each inspection conducted under division ~~(B)~~(C) of 59457  
this section. The board shall adopt rules, in accordance with 59458  
Chapter 119. of the Revised Code, specifying the manner by which 59459  
the superintendent shall collect and remit to the board the fees 59460  
assessed under this division and requiring that remittance of the 59461  
fees be made at least quarterly. 59462

**Sec. 4105.17.** (A) The fee for each ~~inspection, or attempted~~ 59463  
inspection that, due to no fault of a general inspector or the 59464  
division of industrial compliance, is not successfully completed, 59465

by a general inspector before the operation of a permanent new 59466  
elevator prior to the issuance of a certificate of operation, 59467  
before operation of an elevator being put back into service after 59468  
a repair or after an adjudication under section 4105.11 of the 59469  
Revised Code, or as a result of the operation of section 4105.08 59470  
of the Revised Code and is an elevator required to be inspected 59471  
under this chapter is one hundred twenty dollars plus ten dollars 59472  
for each floor where the elevator stops. ~~The superintendent of 59473  
industrial compliance may assess an additional fee of one hundred 59474  
twenty dollars plus ten dollars for each floor where an elevator 59475  
stops for the reinspection of an elevator when a previous attempt 59476  
to inspect that elevator has been unsuccessful through no fault of 59477  
a general inspector or the division of industrial compliance.~~ 59478

(B) The fee for each ~~inspection, or~~ attempted inspection, 59479  
that due to no fault of the general inspector or the division, is 59480  
not successfully completed by a general inspector before operation 59481  
of a permanent new escalator or moving walk prior to the issuance 59482  
of a certificate of operation, before operation of an escalator or 59483  
moving walk being put back in service after a repair, or as a 59484  
result of the operation of section 4105.08 of the Revised Code is 59485  
three hundred dollars. ~~The superintendent may assess an additional 59486  
fee of one hundred fifty dollars for the reinspection of an 59487  
escalator or moving walk when a previous attempt to inspect that 59488  
escalator or moving walk has been unsuccessful through no fault of 59489  
the general inspector or the division.~~ 59490

(C) The fee for issuing or renewing a certificate of 59491  
operation under section 4105.15 of the Revised Code for an 59492  
elevator that is inspected every six months in accordance with 59493  
division (A) of section 4105.10 of the Revised Code is two hundred 59494  
twenty dollars plus twelve dollars for each floor where the 59495  
elevator stops, except where the elevator has been inspected by a 59496  
special inspector in accordance with section 4105.07 of the 59497



Revised Code. 59498

(D) The fee for issuing or renewing a certificate of 59499  
operation under section 4105.05 of the Revised Code for an 59500  
elevator that is inspected every twelve months in accordance with 59501  
division (A) of section 4105.10 of the Revised Code is fifty-five 59502  
dollars plus ten dollars for each floor where the elevator stops, 59503  
except where the elevator has been inspected by a special 59504  
inspector in accordance with section 4105.07 of the Revised Code. 59505

(E) The fee for issuing or renewing a certificate of 59506  
operation under section 4105.15 of the Revised Code for an 59507  
escalator or moving walk is three hundred dollars, except where 59508  
the escalator or moving walk has been inspected by a special 59509  
inspector in accordance with section 4105.07 of the Revised Code. 59510

(F) All other fees to be charged for any examination given or 59511  
other service performed by the division pursuant to this chapter 59512  
shall be prescribed by the director of commerce. The fees shall be 59513  
reasonably related to the costs of such examination or other 59514  
service. 59515

(G) The director of commerce, subject to the approval of the 59516  
controlling board, may establish fees in excess of the fees 59517  
provided in divisions (A), (B), (C), (D), and (E) of this section. 59518  
Any moneys collected under this section shall be paid into the 59519  
state treasury to the credit of the industrial compliance 59520  
operating fund created in section 121.084 of the Revised Code. 59521

(H) Any person who fails to pay an inspection fee required 59522  
for any inspection ~~conducted~~ attempted by the division pursuant to 59523  
this chapter within forty-five days after the inspection is 59524  
~~conducted attempted, or who fails to pay a certificate of~~ 59525  
operation fee pursuant to this chapter within forty-five days 59526  
after the certificate's expiration, shall pay a late payment fee 59527  
equal to twenty-five per cent of the inspection fee. 59528

(I) In addition to the fees assessed in divisions (A), (B), (C), (D), and (E) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under divisions (A), (B), (C), (D), or (E) of this section and for each permit issued under section 4105.16 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(J) The superintendent, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter. The fees shall bear some reasonable relationship to the cost of administering and enforcing this chapter.

(K) For purposes of this section:

(1) "Escalator" means a power driven, inclined, continuous stairway used for raising or lowering passengers.

(2) "Moving walk" means a passenger carrying device on which passengers stand or walk, with a passenger carrying surface that is uninterrupted and remains parallel to its direction of motion.

**Sec. 4109.06.** (A) This chapter does not apply to the following:

(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;

(2) Students participating in a ~~vocational~~ career-technical or STEM program approved by the Ohio department of education or students participating in any eligible classes through the college

credit plus program established under Chapter 3365. of the Revised 59559  
Code that include a state-recognized pre-apprenticeship program 59560  
that imparts the skills and knowledge needed for successful 59561  
participation in a registered apprenticeship occupation course; 59562

(3) A minor participating in a play, pageant, or concert 59563  
produced by an outdoor historical drama corporation, a 59564  
professional traveling theatrical production, a professional 59565  
concert tour, or a personal appearance tour as a professional 59566  
motion picture star, or as an actor or performer in motion 59567  
pictures or in radio or television productions in accordance with 59568  
the rules adopted pursuant to division (A) of section 4109.05 of 59569  
the Revised Code; 59570

(4) The participation, without remuneration of a minor and 59571  
with the consent of a parent or guardian, in a performance given 59572  
by a church, school, or academy, or at a concert or entertainment 59573  
given solely for charitable purposes, or by a charitable or 59574  
religious institution; 59575

(5) Minors who are employed by their parents in occupations 59576  
other than occupations prohibited by rule adopted under this 59577  
chapter; 59578

(6) Minors engaged in the delivery of newspapers to the 59579  
consumer; 59580

(7) Minors who have received a high school diploma or a 59581  
certificate of attendance from an accredited secondary school or a 59582  
certificate of high school equivalence; 59583

(8) Minors who are currently heads of households or are 59584  
parents contributing to the support of their children; 59585

(9) Minors engaged in lawn mowing, snow shoveling, and other 59586  
related employment; 59587

(10) Minors employed in agricultural employment in connection 59588

with farms operated by their parents, grandparents, or guardians 59589  
where they are members of the guardians' household. Minors are not 59590  
exempt from this chapter if they reside in agricultural labor 59591  
camps as defined in section 3733.41 of the Revised Code; 59592

(11) Students participating in a program to serve as precinct 59593  
officers as authorized by section 3501.22 of the Revised Code. 59594

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 59595  
Revised Code do not apply to the following: 59596

(1) Minors who work in a sheltered workshop operated by a 59597  
county board of developmental disabilities; 59598

(2) Minors performing services for a nonprofit organization 59599  
where the minor receives no compensation, except for any expenses 59600  
incurred by the minor or except for meals provided to the minor; 59601

(3) Minors who are employed in agricultural employment and 59602  
who do not reside in agricultural labor camps. 59603

(C) Division (D) of section 4109.07 of the Revised Code does 59604  
not apply to minors who have their employment hours established as 59605  
follows: 59606

(1) A minor adjudicated to be an unruly child or delinquent 59607  
child who, as a result of the adjudication, is placed on probation 59608  
may either file a petition in the juvenile court in whose 59609  
jurisdiction the minor resides, or apply to the superintendent or 59610  
to the chief administrative officer who issued the minor's age and 59611  
schooling certificate pursuant to section 3331.01 of the Revised 59612  
Code, alleging the restrictions on the hours of employment 59613  
described in division (D) of section 4109.07 of the Revised Code 59614  
will cause a substantial hardship or are not in the minor's best 59615  
interests. Upon receipt of a petition or application, the court, 59616  
the superintendent, or the chief administrative officer, as 59617  
appropriate, shall consult with the person required to supervise 59618  
the minor on probation. If after that consultation, the court, the 59619

superintendent, or the chief administrative officer finds the 59620  
minor has failed to show the restrictions will result in a 59621  
substantial hardship or that the restrictions are not in the 59622  
minor's best interests, the court, the superintendent, or the 59623  
chief administrative officer shall uphold the restrictions. If 59624  
after that consultation, the court, the superintendent, or the 59625  
chief administrative officer finds the minor has shown the 59626  
restricted hours will cause a substantial hardship or are not in 59627  
the minor's best interests, the court, the superintendent, or the 59628  
chief administrative officer shall establish differing hours of 59629  
employment for the minor and notify the minor and the minor's 59630  
employer of those hours, which shall be binding in lieu of the 59631  
restrictions on the hours of employment described in division (D) 59632  
of section 4109.07 of the Revised Code. 59633

(2) Any minor to whom division (C)(1) of this section does 59634  
not apply may either file a petition in the juvenile court in 59635  
whose jurisdiction the person resides, or apply to the 59636  
superintendent or to the chief administrative officer who issued 59637  
the minor's age and schooling certificate pursuant to section 59638  
3331.01 of the Revised Code, alleging the restrictions on the 59639  
hours of employment described in division (D) of section 4109.07 59640  
of the Revised Code will cause a substantial hardship or are not 59641  
in the minor's best interests. 59642

If, as a result of a petition or application, the court, the 59643  
superintendent, or the chief administrative officer, as 59644  
appropriate, finds the minor has failed to show such restrictions 59645  
will result in a substantial hardship or that the restrictions are 59646  
not in the minor's best interests, the court, the superintendent, 59647  
or the chief administrative officer shall uphold the restrictions. 59648  
If the court, the superintendent, or the chief administrative 59649  
officer finds the minor has shown the restricted hours will cause 59650  
a substantial hardship or are not in the minor's best interests, 59651

the court, the superintendent, or the chief administrative officer 59652  
shall establish the hours of employment for the minor and shall 59653  
notify the minor and the minor's employer of those hours. 59654

(D) Section 4109.03, divisions (A) and (C) of section 59655  
4109.02, and division (B) of section 4109.08 of the Revised Code 59656  
do not apply to minors who are sixteen or seventeen years of age 59657  
and who are employed at a seasonal amusement or recreational 59658  
establishment. 59659

(E) As used in this section, "certificate of high school 59660  
equivalence" means either: 59661

(1) A statement issued by the department of education that 59662  
the holder of the statement has achieved the equivalent of a high 59663  
school education as measured by scores obtained on a high school 59664  
equivalency test approved by the department pursuant to division 59665  
(B) of section 3301.80 of the Revised Code; 59666

(2) A statement issued by a primary-secondary education or 59667  
higher education agency of another state that the holder of the 59668  
statement has achieved the equivalent of a high school education 59669  
as measured by scores obtained on a similar nationally recognized 59670  
high school equivalency test. 59671

**Sec. 4112.05.** (A)(1) The commission, as provided in this 59672  
section, shall prevent any person from engaging in unlawful 59673  
discriminatory practices. 59674

(2) The commission may at any time attempt to resolve 59675  
allegations of unlawful discriminatory practices by the use of 59676  
alternative dispute resolution, provided that, before instituting 59677  
the formal hearing authorized by division (B) of this section, it 59678  
shall attempt, by informal methods of conference, conciliation, 59679  
and persuasion, to induce compliance with this chapter. 59680

(B)(1) Any person may file a charge with the commission 59681

alleging that another person has engaged or is engaging in an 59682  
unlawful discriminatory practice. In the case of a charge alleging 59683  
an unlawful discriminatory practice described in division (A), 59684  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 59685  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 59686  
be in writing and under oath and shall be filed with the 59687  
commission within six months after the alleged unlawful 59688  
discriminatory practice was committed. In the case of a charge 59689  
alleging an unlawful discriminatory practice described in division 59690  
(H) of section 4112.02 of the Revised Code, the charge shall be in 59691  
writing and under oath and shall be filed with the commission 59692  
within one year after the alleged unlawful discriminatory practice 59693  
was committed. 59694

(a) An oath under this chapter may be made in any form of 59695  
affirmation the person deems binding on the person's conscience. 59696  
Acceptable forms include, but are not limited to, declarations 59697  
made under penalty of perjury. 59698

(b) Any charge timely received, via facsimile, postal mail, 59699  
electronic mail, or otherwise, may be signed under oath after the 59700  
limitations period for filing set forth under division (B)(1) of 59701  
this section and will relate back to the original filing date. 59702

(2) Upon receiving a charge, the commission may initiate a 59703  
preliminary investigation to determine whether it is probable that 59704  
an unlawful discriminatory practice has been or is being engaged 59705  
in. The commission also may conduct, upon its own initiative and 59706  
independent of the filing of any charges, a preliminary 59707  
investigation relating to any of the unlawful discriminatory 59708  
practices described in division (A), (B), (C), (D), (E), (F), (I), 59709  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 59710  
the Revised Code. Prior to a notification of a complainant under 59711  
division (B)(4) of this section or prior to the commencement of 59712  
informal methods of conference, conciliation, and persuasion, or 59713

alternative dispute resolution, under that division, the members 59714  
of the commission and the officers and employees of the commission 59715  
shall not make public in any manner and shall retain as 59716  
confidential all information that was obtained as a result of or 59717  
that otherwise pertains to a preliminary investigation other than 59718  
one described in division (B)(3) of this section. 59719

(3)(a) Unless it is impracticable to do so and subject to its 59720  
authority under division (B)(3)(d) of this section, the commission 59721  
shall complete a preliminary investigation of a charge filed 59722  
pursuant to division (B)(1) of this section that alleges an 59723  
unlawful discriminatory practice described in division (H) of 59724  
section 4112.02 of the Revised Code, and shall take one of the 59725  
following actions, within one hundred days after the filing of the 59726  
charge: 59727

(i) Notify the complainant and the respondent that it is not 59728  
probable that an unlawful discriminatory practice described in 59729  
division (H) of section 4112.02 of the Revised Code has been or is 59730  
being engaged in and that the commission will not issue a 59731  
complaint in the matter; 59732

(ii) Initiate a complaint and schedule it for informal 59733  
methods of conference, conciliation, and persuasion, or 59734  
alternative dispute resolution; 59735

(iii) Initiate a complaint and refer it to the attorney 59736  
general with a recommendation to seek a temporary or permanent 59737  
injunction or a temporary restraining order. If this action is 59738  
taken, the attorney general shall apply, as expeditiously as 59739  
possible after receipt of the complaint, to the court of common 59740  
pleas of the county in which the unlawful discriminatory practice 59741  
allegedly occurred for the appropriate injunction or order, and 59742  
the court shall hear and determine the application as 59743  
expeditiously as possible. 59744



(b) If it is not practicable to comply with the requirements of division (B)(3)(a) of this section within the one-hundred-day period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance.

(c) Prior to the issuance of a complaint under division (B)(3)(a)(ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B)(3)(a)(i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any manner and shall retain as confidential all information that was obtained as a result of or that otherwise pertains to a preliminary investigation of a charge filed pursuant to division (B)(1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code.

(d) Notwithstanding the types of action described in divisions (B)(3)(a)(ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code by informal methods of conference, conciliation, and persuasion, or by alternative dispute resolution, the commission may seek a temporary or permanent injunction or a temporary restraining order in the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred.

(4) If the commission determines after a preliminary investigation other than one described in division (B)(3) of this section that it is not probable that an unlawful discriminatory practice has been or is being engaged in, it shall notify any complainant under division (B)(1) of this section that it has so

determined and that it will not issue a complaint in the matter. 59777  
If the commission determines after a preliminary investigation 59778  
other than the one described in division (B)(3) of this section 59779  
that it is probable that an unlawful discriminatory practice has 59780  
been or is being engaged in, it shall endeavor to eliminate the 59781  
practice by informal methods of conference, conciliation, and 59782  
persuasion, or by alternative dispute resolution. 59783

(5) Nothing said or done during informal methods of 59784  
conference, conciliation, and persuasion, or during alternative 59785  
dispute resolution, under this section shall be disclosed by any 59786  
member of the commission or its staff or be used as evidence in 59787  
any subsequent hearing or other proceeding. If, after a 59788  
preliminary investigation and the use of informal methods of 59789  
conference, conciliation, and persuasion, or alternative dispute 59790  
resolution, under this section, the commission is satisfied that 59791  
any unlawful discriminatory practice will be eliminated, it may 59792  
treat the charge involved as being conciliated and enter that 59793  
disposition on the records of the commission. If the commission 59794  
fails to effect the elimination of an unlawful discriminatory 59795  
practice by informal methods of conference, conciliation, and 59796  
persuasion, or by alternative dispute resolution under this 59797  
section and to obtain voluntary compliance with this chapter, the 59798  
commission shall issue and cause to be served upon any person, 59799  
including the respondent against whom a complainant has filed a 59800  
charge pursuant to division (B)(1) of this section, a complaint 59801  
stating the charges involved and containing a notice of an 59802  
opportunity for a hearing before the commission, a member of the 59803  
commission, or a hearing examiner at a place that is stated in the 59804  
notice and that is located within the county in which the alleged 59805  
unlawful discriminatory practice has occurred or is occurring or 59806  
in which the respondent resides or transacts business. The hearing 59807  
shall be held not less than thirty days after the service of the 59808  
complaint upon the complainant, the aggrieved persons other than 59809

the complainant on whose behalf the complaint is issued, and the respondent, unless the complainant, an aggrieved person, or the respondent elects to proceed under division (A)(2) of section 4112.051 of the Revised Code when that division is applicable. If a complaint pertains to an alleged unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.

(6) The attorney general shall represent the commission at any hearing held pursuant to division (B)(5) of this section and shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing

and not thereafter. 59841

(2) The respondent has the right to file an answer or an 59842  
amended answer to the original and amended complaints and to 59843  
appear at the hearing in person, by attorney, or otherwise to 59844  
examine and cross-examine witnesses. 59845

(D) The complainant shall be a party to a hearing under 59846  
division (B) of this section, and any person who is an 59847  
indispensable party to a complete determination or settlement of a 59848  
question involved in the hearing shall be joined. Any aggrieved 59849  
person who has or claims an interest in the subject of the hearing 59850  
and in obtaining or preventing relief against the unlawful 59851  
discriminatory practices complained of shall be permitted to 59852  
appear only for the presentation of oral or written arguments, to 59853  
present evidence, perform direct and cross-examination, and be 59854  
represented by counsel. The commission shall adopt rules, in 59855  
accordance with Chapter 119. of the Revised Code governing the 59856  
authority granted under this division. 59857

(E) In any hearing under division (B) of this section, the 59858  
commission, a member of the commission, or the hearing examiner 59859  
shall not be bound by the Rules of Evidence but, in ascertaining 59860  
the practices followed by the respondent, shall take into account 59861  
all reliable, probative, and substantial statistical or other 59862  
evidence produced at the hearing that may tend to prove the 59863  
existence of a predetermined pattern of employment or membership, 59864  
provided that nothing contained in this section shall be construed 59865  
to authorize or require any person to observe the proportion that 59866  
persons of any race, color, religion, sex, military status, 59867  
familial status, national origin, disability, age, or ancestry 59868  
bear to the total population or in accordance with any criterion 59869  
other than the individual qualifications of the applicant. 59870

(F) The testimony taken at a hearing under division (B) of 59871  
this section shall be under oath and shall be reduced to writing 59872

and filed with the commission. Thereafter, in its discretion, the 59873  
commission, upon the service of a notice upon the complainant and 59874  
the respondent that indicates an opportunity to be present, may 59875  
take further testimony or hear argument. 59876

(G)(1)(a) If, upon all reliable, probative, and substantial 59877  
evidence presented at a hearing under division (B) of this 59878  
section, the commission determines that the respondent has engaged 59879  
in, or is engaging in, any unlawful discriminatory practice, 59880  
whether against the complainant or others, the commission shall 59881  
state its findings of fact and conclusions of law and shall issue 59882  
and, subject to the provisions of Chapter 119. of the Revised 59883  
Code, cause to be served on the respondent an order requiring the 59884  
respondent to do all of the following: 59885

~~(1)~~(i) Cease and desist from the unlawful discriminatory 59886  
practice; 59887

(ii) Take any further affirmative or other action that will 59888  
effectuate the purposes of this chapter, including, but not 59889  
limited to, hiring, reinstatement, or upgrading of employees with 59890  
or without back pay, or admission or restoration to union 59891  
membership; 59892

(iii) Report to the commission the manner of compliance. 59893

If the commission directs payment of back pay, it shall make 59894  
allowance for interim earnings. 59895

(b) If the commission finds a violation of division (H) of 59896  
section 4112.02 of the Revised Code, in addition to the action 59897  
described in division (G)(1)(a) of this section, the commission 59898  
additionally may require the respondent to undergo ~~recommendation~~ 59899  
remediation in the form of a class, seminar, or any other type of 59900  
remediation approved by the commission, may require the ~~responded~~ 59901  
respondent to pay actual damages and reasonable attorney's fees, 59902  
and may, to vindicate the public interest, assess a civil penalty 59903

against the respondent as follows: 59904

(i) If division (G)(1)(b)(ii) or (iii) of this section does 59905  
not apply, a civil penalty in an amount not to exceed ten thousand 59906  
dollars; 59907

(ii) If division (G)(1)(b)(iii) of this section does not 59908  
apply and if the respondent has been determined by a final order 59909  
of the commission or by a final judgment of a court to have 59910  
committed one violation of division (H) of section 4112.02 of the 59911  
Revised Code during the five-year period immediately preceding the 59912  
date on which a complaint was issued pursuant to division (B) of 59913  
this section, a civil penalty in an amount not to exceed 59914  
twenty-five thousand dollars; 59915

(iii) If the respondent has been determined by a final order 59916  
of the commission or by a final judgment of a court to have 59917  
committed two or more violations of division (H) of section 59918  
4112.02 of the Revised Code during the seven-year period 59919  
immediately preceding the date on which a complaint was issued 59920  
pursuant to division (B) of this section, a civil penalty damages 59921  
in an amount not to exceed fifty thousand dollars. 59922

(2) Upon the submission of reports of compliance, the 59923  
commission may issue a declaratory order stating that the 59924  
respondent has ceased to engage in particular unlawful 59925  
discriminatory practices. 59926

(H) If the commission finds that no probable cause exists for 59927  
crediting charges of unlawful discriminatory practices or if, upon 59928  
all the evidence presented at a hearing under division (B) of this 59929  
section on a charge, the commission finds that a respondent has 59930  
not engaged in any unlawful discriminatory practice against the 59931  
complainant or others, it shall state its findings of fact and 59932  
shall issue and cause to be served on the complainant an order 59933  
dismissing the complaint as to the respondent. A copy of the order 59934

shall be delivered in all cases to the attorney general and any other public officers whom the commission considers proper.

If, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it may award to the respondent reasonable attorney's fees to the extent provided in 5 U.S.C. 504 and accompanying regulations.

(I) Until the time period for appeal set forth in division (H) of section 4112.06 of the Revised Code expires, the commission, subject to the provisions of Chapter 119. of the Revised Code, at any time, upon reasonable notice, and in the manner it considers proper, may modify or set aside, in whole or in part, any finding or order made by it under this section.

**Sec. 4141.29.** Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

(3)(a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:	59965 59966
(i) Filing an application for benefit rights;	59967
(ii) Making a weekly claim for benefits;	59968
(iii) Reopening an existing claim following a period of employment or nonreporting.	59969 59970
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	59971 59972 59973 59974 59975 59976 59977
(d) The director may, for good cause, extend the period of registration.	59978 59979
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	59980 59981 59982
(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.	59983 59984 59985 59986 59987 59988 59989
(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual	59990 59991 59992 59993 59994



within a specified number of days not to exceed forty-five 59995  
calendar days following the last day the individual worked. In the 59996  
event the individual is not recalled within the specified period, 59997  
this waiver shall cease to be operative with respect to that 59998  
layoff. 59999

(iii) The director may waive the requirement that a claimant 60000  
be actively seeking work if the director determines that the 60001  
individual has been laid off and the employer who laid the 60002  
individual off has notified the director in accordance with 60003  
division (C) of section 4141.28 of the Revised Code that the 60004  
employer has closed the employer's entire plant or part of the 60005  
employer's plant for a purpose other than inventory or vacation 60006  
that will cause unemployment for a definite period not exceeding 60007  
twenty-six weeks beginning on the date the employer notifies the 60008  
director, for the period of the specific shutdown, if all of the 60009  
following apply: 60010

(I) The employer and the individuals affected by the layoff 60011  
who are claiming benefits under this chapter jointly request the 60012  
exemption. 60013

(II) The employer provides that the affected individuals 60014  
shall return to work for the employer within twenty-six weeks 60015  
after the date the employer notifies the director. 60016

(III) The director determines that the waiver of the active 60017  
search for work requirement will promote productivity and economic 60018  
stability within the state. 60019

(iv) Division (A)(4)(a)(iii) of this section does not exempt 60020  
an individual from meeting the other requirements specified in 60021  
division (A)(4)(a)(i) of this section to be able to work and 60022  
otherwise fully be available for work. An exemption granted under 60023  
division (A)(4)(a)(iii) of this section may be granted only with 60024  
respect to a specific plant closing. 60025

(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances:

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section;

(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section;

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs web site" ~~means the electronic job placement system operated by the state~~ has the same meaning as in section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic

posting, and maintenance of an active, searchable resume. 60056

(c) An individual who is attending a training course approved 60057  
by the director meets the requirement of this division, if 60058  
attendance was recommended by the director and the individual is 60059  
regularly attending the course and is making satisfactory 60060  
progress. An individual also meets the requirements of this 60061  
division if the individual is participating and advancing in a 60062  
training program, as defined in division (P) of section 5709.61 of 60063  
the Revised Code, and if an enterprise, defined in division (B) of 60064  
section 5709.61 of the Revised Code, is paying all or part of the 60065  
cost of the individual's participation in the training program 60066  
with the intention of hiring the individual for employment as a 60067  
new employee, as defined in division (L) of section 5709.61 of the 60068  
Revised Code, for at least ninety days after the individual's 60069  
completion of the training program. 60070

(d) An individual who becomes unemployed while attending a 60071  
regularly established school and whose base period qualifying 60072  
weeks were earned in whole or in part while attending that school, 60073  
meets the availability and active search for work requirements of 60074  
division (A)(4)(a) of this section if the individual regularly 60075  
attends the school during weeks with respect to which the 60076  
individual claims unemployment benefits and makes self available 60077  
on any shift of hours for suitable employment with the 60078  
individual's most recent employer or any other employer in the 60079  
individual's base period, or for any other suitable employment to 60080  
which the individual is directed, under this chapter. 60081

(e) An individual who is a member in good standing with a 60082  
labor organization that refers individuals to jobs meets the 60083  
active search for work requirement specified in division (A)(4)(a) 60084  
of this section if the individual provides documentation that the 60085  
individual is eligible for a referral or placement upon request 60086  
and in a manner prescribed by the director. 60087

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.

(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to

the profiling system established by the director under division 60120  
(K) of this section, unless the director determines that: 60121

(a) The individual has completed such services; or 60122

(b) There is justifiable cause for the claimant's failure to 60123  
participate in such services. 60124

Ineligibility for failure to participate in reemployment 60125  
services as described in division (A)(6) of this section shall be 60126  
for the week or weeks in which the claimant was scheduled and 60127  
failed to participate without justifiable cause. 60128

(7) Participates in the reemployment and eligibility 60129  
assessment program, or other reemployment services, as required by 60130  
the director. As used in division (A)(7) of this section, 60131  
"reemployment services" includes job search assistance activities, 60132  
skills assessments, and the provision of labor market statistics 60133  
or analysis. 60134

(a) For purposes of division (A)(7) of this section, 60135  
participation is required unless the director determines that 60136  
either of the following circumstances applies to the individual: 60137

(i) The individual has completed similar services. 60138

(ii) Justifiable cause exists for the failure of the 60139  
individual to participate in those services. 60140

(b) Within six months after October 11, 2013, notwithstanding 60141  
any earlier contact an individual may have had with a local 60142  
~~one-stop county office~~ OhioMeansJobs center, including as 60143  
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 60144  
beginning with the eighth week after the week during which an 60145  
individual first files a valid application for determination of 60146  
benefit rights in the individual's benefit year, the individual 60147  
shall report to a local ~~one-stop county office~~ OhioMeansJobs 60148  
center for reemployment services in the manner prescribed by the 60149

director. 60150

(c) An individual whose active search for work requirement 60151  
has been waived under division (A)(4)(a) of this section or is 60152  
considered to be satisfied under division (A)(4)(c), (d), or (e) 60153  
of this section is exempt from the requirements of division (A)(7) 60154  
of this section. 60155

(B) An individual suffering total or partial unemployment is 60156  
eligible for benefits for unemployment occurring subsequent to a 60157  
waiting period of one week and no benefits shall be payable during 60158  
this required waiting period. Not more than one week of waiting 60159  
period shall be required of any individual in any benefit year in 60160  
order to establish the individual's eligibility for total or 60161  
partial unemployment benefits. 60162

(C) The waiting period for total or partial unemployment 60163  
shall commence on the first day of the first week with respect to 60164  
which the individual first files a claim for benefits at an 60165  
employment office or other place of registration maintained or 60166  
designated by the director or on the first day of the first week 60167  
with respect to which the individual has otherwise filed a claim 60168  
for benefits in accordance with the rules of the department of job 60169  
and family services, provided such claim is allowed by the 60170  
director. 60171

(D) Notwithstanding division (A) of this section, no 60172  
individual may serve a waiting period or be paid benefits under 60173  
the following conditions: 60174

(1) For any week with respect to which the director finds 60175  
that: 60176

(a) The individual's unemployment was due to a labor dispute 60177  
other than a lockout at any factory, establishment, or other 60178  
premises located in this or any other state and owned or operated 60179  
by the employer by which the individual is or was last employed; 60180

and for so long as the individual's unemployment is due to such 60181  
labor dispute. No individual shall be disqualified under this 60182  
provision if either of the following applies: 60183

(i) The individual's employment was with such employer at any 60184  
factory, establishment, or premises located in this state, owned 60185  
or operated by such employer, other than the factory, 60186  
establishment, or premises at which the labor dispute exists, if 60187  
it is shown that the individual is not financing, participating 60188  
in, or directly interested in such labor dispute; 60189

(ii) The individual's employment was with an employer not 60190  
involved in the labor dispute but whose place of business was 60191  
located within the same premises as the employer engaged in the 60192  
dispute, unless the individual's employer is a wholly owned 60193  
subsidiary of the employer engaged in the dispute, or unless the 60194  
individual actively participates in or voluntarily stops work 60195  
because of such dispute. If it is established that the claimant 60196  
was laid off for an indefinite period and not recalled to work 60197  
prior to the dispute, or was separated by the employer prior to 60198  
the dispute for reasons other than the labor dispute, or that the 60199  
individual obtained a bona fide job with another employer while 60200  
the dispute was still in progress, such labor dispute shall not 60201  
render the employee ineligible for benefits. 60202

(b) The individual has been given a disciplinary layoff for 60203  
misconduct in connection with the individual's work. 60204

(2) For the duration of the individual's unemployment if the 60205  
director finds that: 60206

(a) The individual quit work without just cause or has been 60207  
discharged for just cause in connection with the individual's 60208  
work, provided division (D)(2) of this section does not apply to 60209  
the separation of a person under any of the following 60210  
circumstances: 60211

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section



shall be charged to the account of the reimbursing employer and 60244  
not to the mutualized account, except as provided in division 60245  
(D)(2) of section 4141.24 of the Revised Code. 60246

(iv) When an individual has been issued a definite layoff 60247  
date by the individual's employer and before the layoff date, the 60248  
individual quits to accept other employment, the provisions of 60249  
division (D)(2)(a)(iii) of this section apply and no 60250  
disqualification shall be imposed under division (D) of this 60251  
section. However, if the individual fails to meet the employment 60252  
and earnings requirements of division (A)(2) of section 4141.291 60253  
of the Revised Code, then the individual, pursuant to division 60254  
(A)(5) of this section, shall be ineligible for benefits for any 60255  
week of unemployment that occurs prior to the layoff date. 60256

(b) The individual has refused without good cause to accept 60257  
an offer of suitable work when made by an employer either in 60258  
person or to the individual's last known address, or has refused 60259  
or failed to investigate a referral to suitable work when directed 60260  
to do so by a local employment office of this state or another 60261  
state, provided that this division shall not cause a 60262  
disqualification for a waiting week or benefits under the 60263  
following circumstances: 60264

(i) When work is offered by the individual's employer and the 60265  
individual is not required to accept the offer pursuant to the 60266  
terms of the labor-management contract or agreement; or 60267

(ii) When the individual is attending a training course 60268  
pursuant to division (A)(4) of this section except, in the event 60269  
of a refusal to accept an offer of suitable work or a refusal or 60270  
failure to investigate a referral, benefits thereafter paid to 60271  
such individual shall not be charged to the account of any 60272  
employer and, except as provided in division (B)(1)(b) of section 60273  
4141.241 of the Revised Code, shall be charged to the mutualized 60274  
account as provided in division (B) of section 4141.25 of the 60275

Revised Code.	60276
(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.	60277 60278
(d) The individual became unemployed by reason of commitment to any correctional institution.	60279 60280
(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying weeks shall be excluded from the calculation of the maximum amount to be charged, under division (D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual based upon such excluded remuneration or noncredited qualifying weeks.	60281 60282 60283 60284 60285 60286 60287 60288 60289 60290 60291 60292 60293 60294 60295 60296
For purposes of division (D)(2)(e) of this section, "dishonesty" means the commission of substantive theft, fraud, or deceitful acts.	60297 60298 60299
(E) No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept new work if:	60300 60301 60302
(1) As a condition of being so employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of	60303 60304 60305 60306

any such organization. 60307

(2) The position offered is vacant due directly to a strike, 60308  
lockout, or other labor dispute. 60309

(3) The work is at an unreasonable distance from the 60310  
individual's residence, having regard to the character of the work 60311  
the individual has been accustomed to do, and travel to the place 60312  
of work involves expenses substantially greater than that required 60313  
for the individual's former work, unless the expense is provided 60314  
for. 60315

(4) The remuneration, hours, or other conditions of the work 60316  
offered are substantially less favorable to the individual than 60317  
those prevailing for similar work in the locality. 60318

(F) Subject to the special exceptions contained in division 60319  
(A)(4)(f) of this section and section 4141.301 of the Revised 60320  
Code, in determining whether any work is suitable for a claimant 60321  
in the administration of this chapter, the director, in addition 60322  
to the determination required under division (E) of this section, 60323  
shall consider the degree of risk to the claimant's health, 60324  
safety, and morals, the individual's physical fitness for the 60325  
work, the individual's prior training and experience, the length 60326  
of the individual's unemployment, the distance of the available 60327  
work from the individual's residence, and the individual's 60328  
prospects for obtaining local work. 60329

(G) The "duration of unemployment" as used in this section 60330  
means the full period of unemployment next ensuing after a 60331  
separation from any base period or subsequent work and until an 60332  
individual has become reemployed in employment subject to this 60333  
chapter, or the unemployment compensation act of another state, or 60334  
of the United States, and until such individual has worked six 60335  
weeks and for those weeks has earned or been paid remuneration 60336  
equal to six times an average weekly wage of not less than: 60337

eighty-five dollars and ten cents per week beginning on June 26, 60338  
1990; and beginning on and after January 1, 1992, twenty-seven and 60339  
one-half per cent of the statewide average weekly wage as computed 60340  
each first day of January under division (B)(3) of section 4141.30 60341  
of the Revised Code, rounded down to the nearest dollar, except 60342  
for purposes of division (D)(2)(c) of this section, such term 60343  
means the full period of unemployment next ensuing after a 60344  
separation from such work and until such individual has become 60345  
reemployed subject to the terms set forth above, and has earned 60346  
wages equal to one-half of the individual's average weekly wage or 60347  
sixty dollars, whichever is less. 60348

(H) If a claimant is disqualified under division (D)(2)(a), 60349  
(c), or (d) of this section or found to be qualified under the 60350  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 60351  
this section or division (A)(2) of section 4141.291 of the Revised 60352  
Code, then benefits that may become payable to such claimant, 60353  
which are chargeable to the account of the employer from whom the 60354  
individual was separated under such conditions, shall be charged 60355  
to the mutualized account provided in section 4141.25 of the 60356  
Revised Code, provided that no charge shall be made to the 60357  
mutualized account for benefits chargeable to a reimbursing 60358  
employer, except as provided in division (D)(2) of section 4141.24 60359  
of the Revised Code. In the case of a reimbursing employer, the 60360  
director shall refund or credit to the account of the reimbursing 60361  
employer any over-paid benefits that are recovered under division 60362  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 60363  
other states, the United States, or Canada that are subject to 60364  
agreements and arrangements that are established pursuant to 60365  
section 4141.43 of the Revised Code shall be credited or 60366  
reimbursed according to the agreements and arrangements to which 60367  
the chargeable amounts are subject. 60368

(I)(1) Benefits based on service in employment as provided in 60369

divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 60370  
shall be payable in the same amount, on the same terms, and 60371  
subject to the same conditions as benefits payable on the basis of 60372  
other service subject to this chapter; except that after December 60373  
31, 1977: 60374

(a) Benefits based on service in an instructional, research, 60375  
or principal administrative capacity in an institution of higher 60376  
education, as defined in division (Y) of section 4141.01 of the 60377  
Revised Code; or for an educational institution as defined in 60378  
division (CC) of section 4141.01 of the Revised Code, shall not be 60379  
paid to any individual for any week of unemployment that begins 60380  
during the period between two successive academic years or terms, 60381  
or during a similar period between two regular but not successive 60382  
terms or during a period of paid sabbatical leave provided for in 60383  
the individual's contract, if the individual performs such 60384  
services in the first of those academic years or terms and has a 60385  
contract or a reasonable assurance that the individual will 60386  
perform services in any such capacity for any such institution in 60387  
the second of those academic years or terms. 60388

(b) Benefits based on service for an educational institution 60389  
or an institution of higher education in other than an 60390  
instructional, research, or principal administrative capacity, 60391  
shall not be paid to any individual for any week of unemployment 60392  
which begins during the period between two successive academic 60393  
years or terms of the employing educational institution or 60394  
institution of higher education, provided the individual performed 60395  
those services for the educational institution or institution of 60396  
higher education during the first such academic year or term and, 60397  
there is a reasonable assurance that such individual will perform 60398  
those services for any educational institution or institution of 60399  
higher education in the second of such academic years or terms. 60400

If compensation is denied to any individual for any week 60401

under division (I)(1)(b) of this section and the individual was 60402  
not offered an opportunity to perform those services for an 60403  
institution of higher education or for an educational institution 60404  
for the second of such academic years or terms, the individual is 60405  
entitled to a retroactive payment of compensation for each week 60406  
for which the individual timely filed a claim for compensation and 60407  
for which compensation was denied solely by reason of division 60408  
(I)(1)(b) of this section. An application for retroactive benefits 60409  
shall be timely filed if received by the director or the 60410  
director's deputy within or prior to the end of the fourth full 60411  
calendar week after the end of the period for which benefits were 60412  
denied because of reasonable assurance of employment. The 60413  
provision for the payment of retroactive benefits under division 60414  
(I)(1)(b) of this section is applicable to weeks of unemployment 60415  
beginning on and after November 18, 1983. The provisions under 60416  
division (I)(1)(b) of this section shall be retroactive to 60417  
September 5, 1982, only if, as a condition for full tax credit 60418  
against the tax imposed by the "Federal Unemployment Tax Act," 53 60419  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 60420  
secretary of labor determines that retroactivity is required by 60421  
federal law. 60422

(c) With respect to weeks of unemployment beginning after 60423  
December 31, 1977, benefits shall be denied to any individual for 60424  
any week which commences during an established and customary 60425  
vacation period or holiday recess, if the individual performs any 60426  
services described in divisions (I)(1)(a) and (b) of this section 60427  
in the period immediately before the vacation period or holiday 60428  
recess, and there is a reasonable assurance that the individual 60429  
will perform any such services in the period immediately following 60430  
the vacation period or holiday recess. 60431

(d) With respect to any services described in division 60432  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 60433

basis of services in any such capacity shall be denied as 60434  
specified in division (I)(1)(a), (b), or (c) of this section to 60435  
any individual who performs such services in an educational 60436  
institution or institution of higher education while in the employ 60437  
of an educational service agency. For this purpose, the term 60438  
"educational service agency" means a governmental agency or 60439  
governmental entity that is established and operated exclusively 60440  
for the purpose of providing services to one or more educational 60441  
institutions or one or more institutions of higher education. 60442

(e) Any individual employed by a county board of 60443  
developmental disabilities shall be notified by the thirtieth day 60444  
of April each year if the individual is not to be reemployed the 60445  
following academic year. 60446

(f) Any individual employed by a school district, other than 60447  
a municipal school district as defined in section 3311.71 of the 60448  
Revised Code, shall be notified by the first day of June each year 60449  
if the individual is not to be reemployed the following academic 60450  
year. 60451

(2) No disqualification will be imposed, between academic 60452  
years or terms or during a vacation period or holiday recess under 60453  
this division, unless the director or the director's deputy has 60454  
received a statement in writing from the educational institution 60455  
or institution of higher education that the claimant has a 60456  
contract for, or a reasonable assurance of, reemployment for the 60457  
ensuing academic year or term. 60458

(3) If an individual has employment with an educational 60459  
institution or an institution of higher education and employment 60460  
with a noneducational employer, during the base period of the 60461  
individual's benefit year, then the individual may become eligible 60462  
for benefits during the between-term, or vacation or holiday 60463  
recess, disqualification period, based on employment performed for 60464  
the noneducational employer, provided that the employment is 60465

sufficient to qualify the individual for benefit rights separately 60466  
from the benefit rights based on school employment. The weekly 60467  
benefit amount and maximum benefits payable during a 60468  
disqualification period shall be computed based solely on the 60469  
nonschool employment. 60470

(J) Benefits shall not be paid on the basis of employment 60471  
performed by an alien, unless the alien had been lawfully admitted 60472  
to the United States for permanent residence at the time the 60473  
services were performed, was lawfully present for purposes of 60474  
performing the services, or was otherwise permanently residing in 60475  
the United States under color of law at the time the services were 60476  
performed, under section 212(d)(5) of the "Immigration and 60477  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 60478

(1) Any data or information required of individuals applying 60479  
for benefits to determine whether benefits are not payable to them 60480  
because of their alien status shall be uniformly required from all 60481  
applicants for benefits. 60482

(2) In the case of an individual whose application for 60483  
benefits would otherwise be approved, no determination that 60484  
benefits to the individual are not payable because of the 60485  
individual's alien status shall be made except upon a 60486  
preponderance of the evidence that the individual had not, in 60487  
fact, been lawfully admitted to the United States. 60488

(K) The director shall establish and utilize a system of 60489  
profiling all new claimants under this chapter that: 60490

(1) Identifies which claimants will be likely to exhaust 60491  
regular compensation and will need job search assistance services 60492  
to make a successful transition to new employment; 60493

(2) Refers claimants identified pursuant to division (K)(1) 60494  
of this section to reemployment services, such as job search 60495  
assistance services, available under any state or federal law; 60496



(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and

(4) Meets such other requirements as the United States secretary of labor determines are appropriate.

(L) Except as otherwise provided in division (A)(6) of this section, ineligibility pursuant to division (A) of this section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the last day of the week preceding the week in which the claimant satisfies the eligibility requirements.

(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.

**Sec. 4141.43.** (A) The director of job and family services may cooperate with the industrial commission, the bureau of workers' compensation, the United States internal revenue service, the United States employment service, and other similar departments and agencies, as determined by the director, in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The director may employ, jointly with one or more of such agencies or departments, auditors, examiners, inspectors, and other employees necessary for the administration of this chapter and employment and training services for workers in the state.

(B) The director may make the state's record relating to the administration of this chapter available to the railroad retirement board and may furnish the board at the board's expense such copies thereof as the board deems necessary for its purposes.

(C) The director may afford reasonable cooperation with every 60527  
agency of the United States charged with the administration of any 60528  
unemployment compensation law. 60529

(D) The director may enter into arrangements with the 60530  
appropriate agencies of other states or of the United States or 60531  
Canada whereby individuals performing services in this and other 60532  
states for a single employer under circumstances not specifically 60533  
provided for in division (B) of section 4141.01 of the Revised 60534  
Code or in similar provisions in the unemployment compensation 60535  
laws of such other states shall be deemed to be engaged in 60536  
employment performed entirely within this state or within one of 60537  
such other states or within Canada, and whereby potential rights 60538  
to benefits accumulated under the unemployment compensation laws 60539  
of several states or under such a law of the United States, or 60540  
both, or of Canada may constitute the basis for the payment of 60541  
benefits through a single appropriate agency under terms that the 60542  
director finds will be fair and reasonable as to all affected 60543  
interests and will not result in any substantial loss to the 60544  
unemployment compensation fund. 60545

(E) The director may enter into agreements with the 60546  
appropriate agencies of other states or of the United States or 60547  
Canada: 60548

(1) Whereby services or wages upon the basis of which an 60549  
individual may become entitled to benefits under the unemployment 60550  
compensation law of another state or of the United States or 60551  
Canada shall be deemed to be employment or wages for employment by 60552  
employers for the purposes of qualifying claimants for benefits 60553  
under this chapter, and the director may estimate the number of 60554  
weeks of employment represented by the wages reported to the 60555  
director for such claimants by such other agency, provided such 60556  
other state agency or agency of the United States or Canada has 60557  
agreed to reimburse the unemployment compensation fund for such 60558

portion of benefits paid under this chapter upon the basis of such 60559  
services or wages as the director finds will be fair and 60560  
reasonable as to all affected interests; 60561

(2) Whereby the director will reimburse other state or 60562  
federal or Canadian agencies charged with the administration of 60563  
unemployment compensation laws with such reasonable portion of 60564  
benefits, paid under the law of such other states or of the United 60565  
States or of Canada upon the basis of employment or wages for 60566  
employment by employers, as the director finds will be fair and 60567  
reasonable as to all affected interests. Reimbursements so payable 60568  
shall be deemed to be benefits for the purpose of section 4141.09 60569  
and division (A) of section 4141.30 of the Revised Code. However, 60570  
no reimbursement so payable shall be charged against any 60571  
employer's account for the purposes of section 4141.24 of the 60572  
Revised Code if the employer's account, under the same or similar 60573  
circumstances, with respect to benefits charged under the 60574  
provisions of this chapter, other than this section, would not be 60575  
charged or, if the claimant at the time the claimant files the 60576  
combined wage claim cannot establish benefit rights under this 60577  
chapter. This noncharging shall not be applicable to a nonprofit 60578  
organization that has elected to make payments in lieu of 60579  
contributions under section 4141.241 of the Revised Code, except 60580  
as provided in division (D)(2) of section 4141.24 of the Revised 60581  
Code. The director may make to other state or federal or Canadian 60582  
agencies and receive from such other state or federal or Canadian 60583  
agencies reimbursements from or to the unemployment compensation 60584  
fund, in accordance with arrangements pursuant to this section. 60585

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 60586  
the Revised Code, the director may enter into agreements with 60587  
other states whereby services performed for a crew leader, as 60588  
defined in division (BB) of section 4141.01 of the Revised Code, 60589  
may be covered in the state in which the crew leader either: 60590

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled; 60591  
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(b) Resides if the crew leader has no place of business in any state. 60593  
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(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended. 60595  
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(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states. 60600  
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(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for: 60606  
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(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and 60615  
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(2) Avoiding the duplicate use of wages and employment by reason of such combining. 60619  
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(I) The director shall cooperate with the United States 60621

department of labor to the fullest extent consistent with this 60622  
chapter, and shall take such action, through the adoption of 60623  
appropriate rules, regulations, and administrative methods and 60624  
standards, as may be necessary to secure to this state and its 60625  
citizens all advantages available under the provisions of the 60626  
"Social Security Act" that relate to unemployment compensation, 60627  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 60628  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 60629  
113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment 60630  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 60631  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 60632  
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 60633  
U.S.C.A. 3101 et seq. 60634

(J) The director may disclose wage information furnished to 60635  
or maintained by the director under Chapter 4141. of the Revised 60636  
Code to a consumer reporting agency as defined by the "Fair Credit 60637  
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 60638  
the purpose of verifying an individual's income under a written 60639  
agreement that requires all of the following: 60640

(1) A written statement of informed consent from the 60641  
individual whose information is to be disclosed; 60642

(2) A written statement confirming that the consumer 60643  
reporting agency and any other entity to which the information is 60644  
disclosed or released will safeguard the information from illegal 60645  
or unauthorized disclosure; 60646

(3) A written statement confirming that the consumer 60647  
reporting agency will pay to the bureau all costs associated with 60648  
the disclosure. 60649

The director shall prescribe a manner and format in which 60650  
this information may be provided. 60651

(K) The director shall adopt rules defining the requirements 60652

of the release of individual income verification information 60653  
specified in division (J) of this section, which shall include all 60654  
terms and conditions necessary to meet the requirements of federal 60655  
law as interpreted by the United States department of labor or 60656  
considered necessary by the director for the proper administration 60657  
of this division. 60658

(L) The director shall disclose information furnished to or 60659  
maintained by the director under this chapter upon request and on 60660  
a reimbursable basis as required by section 303 of the "Social 60661  
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 60662  
Revenue Code," 26 U.S.C.A. 3304. 60663

**Sec. 4141.51.** (A) An employer who wishes to participate in 60664  
the SharedWork Ohio program shall submit a plan to the director of 60665  
job and family services in which the employer does all of the 60666  
following: 60667

(1) Identifies the participating employees by name, social 60668  
security number, affected unit, and normal weekly hours of work; 60669

(2) Describes the manner in which the employer will implement 60670  
the requirements of the SharedWork Ohio program, including the 60671  
proposed reduction percentage, which shall be between ten per cent 60672  
and fifty per cent, and any temporary closure of the participating 60673  
employer's business for equipment maintenance or other similar 60674  
circumstances that the employer knows may occur during the 60675  
effective period of an approved plan; 60676

(3) Includes a plan for giving advance notice, if feasible, 60677  
to an employee whose normal weekly hours of work are to be reduced 60678  
and, if advance notice is not feasible, an explanation of why that 60679  
notice is not feasible; 60680

(4) Includes a certification by the employer that the 60681  
aggregate reduction in the number of hours worked by the employees 60682

of the employer is in lieu of layoffs and includes an estimate of 60683  
the number of layoffs that would have occurred absent the ability 60684  
to participate in the SharedWork Ohio program; 60685

(5) Includes a certification by the employer that if the 60686  
employer provides health benefits and retirement benefits under a 60687  
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 60688  
or contributions under a defined contribution plan as defined in 60689  
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 60690  
hours of work are reduced under the program that such benefits 60691  
will continue to be provided to an employee participating in the 60692  
SharedWork Ohio program under the same terms and conditions as 60693  
though the normal weekly hours of work of the employee had not 60694  
been reduced or to the same extent as other employees not 60695  
participating in the program; 60696

(6) Permits eligible employees to participate, as 60697  
appropriate, in training to enhance job skills approved by the 60698  
director, including employer-sponsored training or worker training 60699  
funded under the federal ~~"Workforce Investment Act of 1998," 112~~ 60700  
~~Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce 60701  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.; 60702

(7) Includes any other information as required by the United 60703  
States secretary of labor or the director under the rules the 60704  
director adopts under section 4141.50 of the Revised Code; 60705

(8) Includes an attestation by the employer that the terms of 60706  
the written plan submitted by the employer and implementation of 60707  
that plan are consistent with obligations of the employer under 60708  
the applicable federal and state laws; 60709

(9) Includes a certification by the employer that the 60710  
employer will promptly notify the director of any change in the 60711  
business that includes the sale or transfer of all or part of the 60712  
business, and that the employer will notify any successor in 60713

interest to the employer's business prior to the transfer of all 60714  
or part of the business, of the existence of any approved shared 60715  
work plan; 60716

(10) Includes a certification by the employer that, as of the 60717  
date the employer submits the plan, the employer is current on all 60718  
reports and has paid all contributions, reimbursements, interest, 60719  
and penalties due under this chapter; 60720

(11) Includes an assurance from the employer that the 60721  
employer will remain current on all employer reporting and 60722  
payments of contributions, reimbursements, interest, and penalties 60723  
as required by this chapter; 60724

(12) Includes a certification by the employer that none of 60725  
the participating employees are employed on a seasonal, temporary, 60726  
or intermittent basis; 60727

(13) Includes an assurance from the employer that the 60728  
employer will not reduce a participating employee's normal weekly 60729  
hours of work by more than the reduction percentage, except in the 60730  
event of a temporary closure of the employer's business for 60731  
equipment maintenance, or when the employee takes approved time 60732  
off during the week with pay, and the combined work hours and paid 60733  
leave hours equal the number of hours the employee would have 60734  
worked under the plan. 60735

(B) The director shall approve a shared work plan if an 60736  
employer includes in the plan all of the information, 60737  
certifications, and assurances required under division (A) of this 60738  
section. 60739

(C) The director shall approve or deny a shared work plan and 60740  
shall send a written notice to the employer stating whether the 60741  
director approved or denied the plan not later than thirty days 60742  
after the director receives the plan. If the director denies 60743  
approval of a shared work plan, the director shall state the 60744



reasons for denying approval in the written notice sent to the employer. 60745  
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(D) The director shall enforce the requirements of the SharedWork Ohio program in the same manner as the director enforces the requirements of this chapter, including under section 4141.40 of the Revised Code. 60747  
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**Sec. 4301.22.** Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the division of liquor control: 60751  
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(A)(1) Except as otherwise provided in this chapter, no beer or intoxicating liquor shall be sold to any person under twenty-one years of age. 60755  
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(2) No low-alcohol beverage shall be sold to any person under eighteen years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of division (A)(2) of this section. 60758  
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(3) No intoxicating liquor shall be handled by any person under twenty-one years of age, except that a person eighteen years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person nineteen years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a server in a hotel, restaurant, club, or night club, as defined in division (B) of section 4301.01 of the Revised Code, or in the premises of a D-7 permit holder. This section does not authorize persons under twenty-one years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, 60762  
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bagging, loading, or unloading, and may handle beer or 60776  
intoxicating liquor in open containers in connection with cleaning 60777  
tables or handling empty bottles or glasses. 60778

(B) No permit holder and no agent or employee of a permit 60779  
holder shall sell or furnish beer or intoxicating liquor to an 60780  
intoxicated person. 60781

(C) No sales of intoxicating liquor shall be made after 60782  
two-thirty a.m. on Sunday except under either of the following 60783  
circumstances: 60784

(1) Intoxicating liquor may be sold on Sunday under authority 60785  
of a permit that authorizes Sunday sale. 60786

(2) Spirituous liquor may be sold on Sunday by any person 60787  
awarded an agency contract under section 4301.17 of the Revised 60788  
Code if the sale of spirituous liquor is authorized in the 60789  
applicable precinct as the result of an election on question 60790  
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 60791  
agency contract authorizes the sale of spirituous liquor on 60792  
Sunday. 60793

This section does not prevent a municipal corporation from 60794  
adopting a closing hour for the sale of intoxicating liquor 60795  
earlier than two-thirty a.m. on Sunday or to provide that no 60796  
intoxicating liquor may be sold prior to that hour on Sunday. 60797

(D) No holder of a permit shall give away any beer or 60798  
intoxicating liquor of any kind at any time in connection with the 60799  
permit holder's business. However, with the exception of an A-1-A 60800  
permit holder that also has been issued an A-2 or A-2f permit, an 60801  
A-1-A, A-1c, or D permit holder may provide to a paying customer 60802  
not more than a total of four tasting samples of beer, wine, or 60803  
spirituous liquor, as authorized by the applicable permit, in any 60804  
twenty-four-hour period. The permit holder shall provide the 60805  
tasting samples free of charge, at the permit holder's expense, 60806

only to a person who is twenty-one years of age or older. The 60807  
person shall consume the tasting samples on the premises of the 60808  
permit holder. A distributor is not responsible for the costs of 60809  
providing tasting samples authorized under division (D) of this 60810  
section. 60811

As used in division (D) of this section: 60812

(1) "Tasting sample" means one of the following, as 60813  
applicable: 60814

(a) An amount not to exceed two ounces of beer; 60815

(b) An amount not to exceed two ounces of wine; 60816

(c) An amount not to exceed a quarter ounce of spirituous 60817  
liquor. 60818

(2) "D permit holder" means a person that has been issued a 60819  
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 60820  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 60821  
or D-7 permit. 60822

(E) Except as otherwise provided in this division, no retail 60823  
permit holder shall display or permit the display on the outside 60824  
of any licensed retail premises, or on any lot of ground on which 60825  
the licensed premises are situated, or on the exterior of any 60826  
building of which the licensed premises are a part, any sign, 60827  
illustration, or advertisement bearing the name, brand name, trade 60828  
name, trade-mark, designation, or other emblem of or indicating 60829  
the manufacturer, producer, distributor, place of manufacture, 60830  
production, or distribution of any beer or intoxicating liquor. 60831  
Signs, illustrations, or advertisements bearing the name, brand 60832  
name, trade name, trade-mark, designation, or other emblem of or 60833  
indicating the manufacturer, producer, distributor, place of 60834  
manufacture, production, or distribution of beer or intoxicating 60835  
liquor may be displayed and permitted to be displayed on the 60836  
interior or in the show windows of any licensed premises, if the 60837

particular brand or type of product so advertised is actually 60838  
available for sale on the premises at the time of that display. 60839  
The liquor control commission shall determine by rule the size and 60840  
character of those signs, illustrations, or advertisements. 60841

(F) No retail permit holder shall possess on the licensed 60842  
premises any barrel or other container from which beer is drawn, 60843  
unless there is attached to the spigot or other dispensing 60844  
apparatus the name of the manufacturer of the product contained in 60845  
the barrel or other container, provided that, if the beer is 60846  
served at a bar, the manufacturer's name or brand shall appear in 60847  
full view of the purchaser. The commission shall regulate the size 60848  
and character of the devices provided for in this section. 60849

(G) Except as otherwise provided in this division, no sale of 60850  
any gift certificate shall be permitted whereby beer or 60851  
intoxicating liquor of any kind is to be exchanged for the 60852  
certificate, unless the gift certificate can be exchanged only for 60853  
food, and beer or intoxicating liquor, for on-premises consumption 60854  
and the value of the beer or intoxicating liquor for which the 60855  
certificate can be exchanged does not exceed more than thirty per 60856  
cent of the total value of the gift certificate. The sale of gift 60857  
certificates for the purchase of beer, wine, or mixed beverages 60858  
shall be permitted for the purchase of beer, wine, or mixed 60859  
beverages for off-premises consumption. Limitations on the use of 60860  
a gift certificate for the purchase of beer, wine, or mixed 60861  
beverages for off-premises consumption may be expressed by clearly 60862  
stamping or typing on the face of the certificate that the 60863  
certificate may not be used for the purchase of beer, wine, or 60864  
mixed beverages. 60865

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 60866  
the Revised Code: 60867

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 60868

fluid ounces. 60869

(2) "Sale" or "sell" includes exchange, barter, gift, 60870  
distribution, and, except with respect to A-4 permit holders, 60871  
offer for sale. 60872

(B) For the purposes of providing revenues for the support of 60873  
the state and encouraging the grape industries in the state, a tax 60874  
is hereby levied on the sale or distribution of wine in Ohio, 60875  
except for known sacramental purposes, at the rate of thirty cents 60876  
per wine gallon for wine containing not less than four per cent of 60877  
alcohol by volume and not more than fourteen per cent of alcohol 60878  
by volume, ninety-eight cents per wine gallon for wine containing 60879  
more than fourteen per cent but not more than twenty-one per cent 60880  
of alcohol by volume, one dollar and eight cents per wine gallon 60881  
for vermouth, and one dollar and forty-eight cents per wine gallon 60882  
for sparkling and carbonated wine and champagne, the tax to be 60883  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 60884  
person selling or distributing wine upon which no tax has been 60885  
paid. From the tax paid under this section on wine, vermouth, and 60886  
sparkling and carbonated wine and champagne, the treasurer of 60887  
state shall credit to the Ohio grape industries fund created under 60888  
section 924.54 of the Revised Code a sum equal to one cent per 60889  
gallon for each gallon upon which the tax is paid. 60890

(C) For the purpose of providing revenues for the support of 60891  
the state, there is hereby levied a tax on prepared and bottled 60892  
highballs, cocktails, cordials, and other mixed beverages at the 60893  
rate of one dollar and twenty cents per wine gallon to be paid by 60894  
holders of A-4 permits or by any other person selling or 60895  
distributing those products upon which no tax has been paid. Only 60896  
one sale of the same article shall be used in computing the amount 60897  
of tax due. The tax on mixed beverages to be paid by holders of 60898  
A-4 permits under this section shall not attach until the 60899  
ownership of the mixed beverage is transferred for valuable 60900

consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

**Sec. 4303.05.** (A) Permit A-4 may be issued to a either of the following:

(1) A manufacturer to manufacture prepared highballs, cocktails, cordials, and other mixed ~~drinks~~ beverages containing not less than ~~four~~ one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, and to sell such products to wholesale and retail permit holders in sealed containers only under such rules as are adopted by the division of liquor control. The holder of such permit may import into the state spirituous liquor and wine only for blending or other manufacturing purposes under such rules as are prescribed by the division.

(2) A manufacturer to manufacture ice cream containing not less than one-half of one per cent of alcohol by volume but not

more than six per cent of alcohol by volume, and to sell those 60932  
products either for consumption on the premises where manufactured 60933  
or in sealed containers for consumption off the premises where 60934  
manufactured. For off-premises consumption purposes, a 60935  
manufacturer shall not knowingly sell more than four pints of such 60936  
ice cream to a customer in any calendar day. 60937

No A-4 permit shall be issued to a manufacturer to sell ice 60938  
cream under division (A)(2) of this section unless the sale of 60939  
mixed beverages for both on- and off-premises consumption is 60940  
authorized in the election precinct in which the A-4 permit is 60941  
proposed to be located. 60942

(B) The holder of ~~such~~ an A-4 permit may also purchase 60943  
spirituous liquor for manufacturing and blending purposes from the 60944  
holder of an A-3 permit issued by the division. The fee for an A-4 60945  
permit is three thousand nine hundred six dollars for each plant. 60946

**Sec. 4303.22.** (A) Permit H may be issued for a fee of three 60947  
hundred dollars to a for-hire motor carrier who holds a license 60948  
issued by the public utilities commission to transport beer, 60949  
intoxicating liquor, and alcohol, or any of them, in this state 60950  
for delivery or use in this state. This section does not prevent 60951  
the division of liquor control from contracting with for-hire 60952  
motor carriers for the delivery or transportation of liquor for 60953  
the division, and any for-hire motor carrier so contracting with 60954  
the division is eligible for an H permit. Manufacturers or 60955  
wholesale distributors of beer or intoxicating liquor other than 60956  
spirituous liquor who transport or deliver their own products to 60957  
or from their premises licensed under this chapter and Chapter 60958  
4301. of the Revised Code by their own trucks as an incident to 60959  
the purchase or sale of such beverages need not obtain an H 60960  
permit. Carriers by rail shall receive an H permit upon 60961  
application for it. 60962

(B)(1) Every person that transports beer or intoxicating liquor into this state for delivery in this state to an individual or entity, other than to the holder of a permit issued under this chapter, shall prepare and submit a monthly report to the division. The report shall contain all of the following: 60963  
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(a) The name of the person preparing and submitting the report; 60968  
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(b) The period of time covered by the report; 60970

(c) The name and business address of each consignor of the beer or intoxicating liquor; 60971  
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(d) The name and address of each consignee of the beer or intoxicating liquor; 60973  
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(e) The weight of, and unique tracking number assigned for, each delivery of beer or intoxicating liquor to each consignee; 60975  
60976

(f) The date of delivery. 60977

The division shall make any such report available to the public upon request under section 149.43 of the Revised Code. 60978  
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(2) Upon the division's request and not later than thirty days after the request, a person that submits a report shall provide the documents used to prepare the report to the division. The person shall keep and maintain the documents for a period of two years after the submission of the applicable report, unless the division, in writing, authorizes the destruction of the documents at an earlier date. The person shall allow the division, any other state regulatory body, or any law enforcement agency to inspect the documents at any time during regular business hours. 60980  
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(3) No person shall violate division (B) of this section. 60989

If a person willfully violates division (B) of this section, the liquor control commission may suspend or revoke any permit issued to the person under this chapter. 60990  
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(C) This section does not prevent the division from issuing, 60993  
upon the payment of the permit fee, an H permit to any person, 60994  
partnership, firm, or corporation licensed by any other state to 60995  
engage in the business of manufacturing and brewing or producing 60996  
beer, wine, and mixed beverages or any person, partnership, firm, 60997  
or corporation licensed by the United States or any other state to 60998  
engage in the business of importing beer, wine, and mixed 60999  
beverages manufactured outside the United States. ~~The~~ 61000

The manufacturer, brewer, or importer of products 61001  
manufactured outside the United States, upon the issuance of an H 61002  
permit, may transport, ship, and deliver only its own products to 61003  
holders of B-1 or B-5 permits in Ohio in motor trucks and 61004  
equipment owned and operated by such class H permit holder. No H 61005  
permit shall be issued by the division to such applicant until the 61006  
applicant files with the division a liability insurance 61007  
certificate or policy satisfactory to the division, in a sum of 61008  
not less than one thousand nor more than five thousand dollars for 61009  
property damage and for not less than five thousand nor more than 61010  
fifty thousand dollars for loss sustained by reason of injury or 61011  
death and with such other terms as the division considers 61012  
necessary to adequately protect the interest of the public, having 61013  
due regard for the number of persons and amount of property 61014  
affected. The certificate or policy shall insure the manufacturer, 61015  
brewer, or importer of products manufactured outside the United 61016  
States against loss sustained by reason of the death of or injury 61017  
to persons, and for loss of or damage to property, from the 61018  
negligence of such class H permit holder in the operation of its 61019  
motor vehicles or equipment in this state. 61020

**Sec. 4303.26.** (A) Applications for regular permits authorized 61021  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 61022  
with the division of liquor control. No permit shall be issued by 61023  
the division until fifteen days after the application for it is 61024

filed. An applicant for the issuance of a new permit shall pay a 61025  
processing fee of one hundred dollars when filing application for 61026  
the permit, if the permit is then available, or shall pay the 61027  
processing fee when a permit becomes available, if it is not 61028  
available when the applicant initially files the application. When 61029  
an application for a new class C or D permit is filed, when class 61030  
C or D permits become available, or when an application for 61031  
transfer of ownership of a class C or D permit or transfer of a 61032  
location of a class C or D permit is filed, no permit shall be 61033  
issued, nor shall the location or the ownership of a permit be 61034  
transferred, by the division until the division notifies the 61035  
legislative authority of the municipal corporation, if the 61036  
business or event is or is to be located within the corporate 61037  
limits of a municipal corporation, or the clerk of the board of 61038  
county commissioners and the fiscal officer of the board of 61039  
township trustees in the county in which the business or event is 61040  
or is to be conducted, if the business is or is to be located 61041  
outside the corporate limits of a municipal corporation, and an 61042  
opportunity is provided officials or employees of the municipal 61043  
corporation or county and township, who shall be designated by the 61044  
legislative authority ~~of the municipal corporation~~ or the board of 61045  
county commissioners or board of township trustees, for a complete 61046  
hearing upon the advisability of the issuance, transfer of 61047  
ownership, or transfer of location of the permit. In this hearing, 61048  
no objection to the issuance, transfer of ownership, or transfer 61049  
of location of the permit shall be based upon noncompliance of the 61050  
proposed permit premises with local zoning regulations which 61051  
prohibit the sale of beer or intoxicating liquor, in an area zoned 61052  
for commercial or industrial uses, for a permit premises that 61053  
would otherwise qualify for a proper permit issued by the 61054  
division. 61055

When the division sends notice to the legislative or 61056  
executive authority of the political subdivision, as required by 61057

this section, the division shall also so notify, by certified 61058  
mail, return receipt requested, or by personal service, the chief 61059  
peace officer of the political subdivision. Upon the request of 61060  
the chief peace officer, the division shall send the chief peace 61061  
officer a copy of the application for the issuance or the transfer 61062  
of ownership or location of the permit and all other documents or 61063  
materials filed by the applicant or applicants in relation to the 61064  
application. The chief peace officer may appear and testify, 61065  
either in person or through a representative, at any hearing held 61066  
on the advisability of the issuance, transfer of ownership, or 61067  
transfer of location of the permit. The hearing shall be held in 61068  
the central office of the division, except that upon written 61069  
request of the legislative authority of the municipal corporation 61070  
or the board of county commissioners or board of township 61071  
trustees, the hearing shall be held in the county seat of the 61072  
county where the applicant's business is or is to be conducted. 61073

If the business or event specified in an application for the 61074  
issuance, transfer of ownership, or transfer of location of any 61075  
regular permit authorized by sections 4303.02 to 4303.23 of the 61076  
Revised Code, except for an F-2 permit, is, or is to be operated, 61077  
within five hundred feet from the boundaries of a parcel of real 61078  
estate having situated on it a school, church, library, public 61079  
playground, or township park, no permit shall be issued, nor shall 61080  
the location or the ownership of a permit be transferred, by the 61081  
division until written notice of the filing of the application 61082  
with the division is served, by certified mail, return receipt 61083  
requested, or by personal service, upon the authorities in control 61084  
of the school, church, library, public playground, or township 61085  
park and an opportunity is provided them for a complete hearing 61086  
upon the advisability of the issuance, transfer of ownership, or 61087  
transfer of location of the permit. In this hearing, no objection 61088  
to the issuance, transfer of ownership, or transfer of location of 61089  
the permit shall be based upon the noncompliance of the proposed 61090

permit premises with local zoning regulations which prohibit the 61091  
sale of beer or intoxicating liquor, in an area zoned for 61092  
commercial or industrial uses, for a permit premises that would 61093  
otherwise qualify for a proper permit issued by the division. Upon 61094  
the written request of any of these authorities, the hearing shall 61095  
be held in the county seat of the county where the applicant's 61096  
business is or is to be conducted. 61097

A request for any hearing authorized by this section shall be 61098  
made no later than thirty days from the time of notification by 61099  
the division. This thirty-day period begins on the date the 61100  
division mails notice to the legislative authority or the date on 61101  
which the division mails notice to or, by personal service, serves 61102  
notice upon, the institution. The division shall conduct a hearing 61103  
if the request for the hearing is postmarked by the deadline date. 61104  
The division may allow, upon cause shown by the requesting 61105  
legislative authority or board, an extension of thirty additional 61106  
days for the legislative authority of the municipal corporation, 61107  
board of township trustees of the township, or board of county 61108  
commissioners of the county in which a permit premises is or is to 61109  
be located to object to the issuance, transfer of ownership, or 61110  
transfer of location of a permit. The request for the extension 61111  
shall be made by the legislative authority or board to the 61112  
division no later than thirty days after the time of notification 61113  
by the division. 61114

(B)(1) When an application for transfer of ownership of a 61115  
permit is filed with the division, the division shall give notice 61116  
of the application to the ~~department of taxation~~ tax commissioner. 61117  
Within twenty days after receiving this notification, the 61118  
~~department of taxation~~ commissioner shall notify the division of 61119  
liquor control and the proposed transferee of the permit if the 61120  
permit holder owes to this state any delinquent horse-racing 61121  
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 61122

activity taxes, sales or use taxes or, cigarette taxes, other 61123  
tobacco product taxes, income taxes withheld from employee 61124  
compensation, commercial activity taxes, or gross casino revenue 61125  
taxes, or has failed to file any sales tax returns or employee 61126  
income tax withholding corresponding returns or submit any 61127  
information required by the commissioner, as required for such 61128  
taxes, to the extent that the any delinquent taxes and delinquent 61129  
returns are payment or return, or any failure to submit 61130  
information, is known to the department of taxation at that the 61131  
time of the application. The division shall not transfer ownership 61132  
of the permit until payments known to be delinquent are resolved, 61133  
returns known to be delinquent are filed, and until the tax or 61134  
withholding delinquency is resolved any information required by 61135  
the commissioner has been provided. As used in this division, 61136  
"resolved" means that the tax or withholding delinquency 61137  
delinquent payment has been paid in full or an amount sufficient 61138  
to satisfy the delinquency delinquent payment is in escrow for the 61139  
benefit of the state. The department of taxation commissioner 61140  
shall notify the division of the resolution. After the division 61141  
has received the notification from the department of taxation 61142  
commissioner, the division may proceed to transfer ownership of 61143  
the permit. Nothing in this division shall be construed to affect 61144  
or limit the responsibilities or liabilities of the transferor or 61145  
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 61146  
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 61147  
the Revised Code. 61148

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 61149  
~~nothing prohibits the department of taxation from disclosing to~~ 61150  
~~the division or to the proposed transferee or the proposed~~ 61151  
~~transferee's designated agent any information pursuant to division~~ 61152  
~~(B)(1) of this section.~~ 61153

(C) No F or F-2 permit shall be issued for an event until the 61154

applicant has, by means of a form that the division shall provide 61155  
to the applicant, notified the chief peace officer of the 61156  
political subdivision in which the event will be conducted of the 61157  
date, time, place, and duration of the event. 61158

(D) The division of liquor control shall notify an applicant 61159  
for a permit authorized by sections 4303.02 to 4303.23 of the 61160  
Revised Code of an action pending or judgment entered against a 61161  
liquor permit premises, of which the division has knowledge, 61162  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 61163  
applicant is applying for a permit at the location of the premises 61164  
that is the subject of the action under section 3767.03 or 61165  
judgment under section 3767.05 of the Revised Code. 61166

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 61167  
(D) of this section, the holder of a permit issued under sections 61168  
4303.02 to 4303.232 of the Revised Code, who files an application 61169  
for the renewal of the same class of permit for the same premises, 61170  
shall be entitled to the renewal of the permit. The division of 61171  
liquor control shall renew the permit unless the division rejects 61172  
for good cause any renewal application, subject to the right of 61173  
the applicant to appeal the rejection to the liquor control 61174  
commission. 61175

(B) The legislative authority of the municipal corporation, 61176  
the board of township trustees, or the board of county 61177  
commissioners of the county in which a permit premises is located 61178  
may object to the renewal of a permit issued under sections 61179  
4303.11 to 4303.183 of the Revised Code for any of the reasons 61180  
contained in division (A) of section 4303.292 of the Revised Code. 61181  
Any objection shall be made no later than thirty days prior to the 61182  
expiration of the permit, and the division shall accept the 61183  
objection if it is postmarked no later than thirty days prior to 61184  
the expiration of the permit. The objection shall be made by a 61185

resolution specifying the reasons for objecting to the renewal and 61186  
requesting a hearing, but no objection shall be based upon 61187  
noncompliance of the permit premises with local zoning regulations 61188  
that prohibit the sale of beer or intoxicating liquor in an area 61189  
zoned for commercial or industrial uses, for a permit premises 61190  
that would otherwise qualify for a proper permit issued by the 61191  
division. The resolution shall be accompanied by a statement by 61192  
the chief legal officer of the political subdivision that, in the 61193  
chief legal officer's opinion, the objection is based upon 61194  
substantial legal grounds within the meaning and intent of 61195  
division (A) of section 4303.292 of the Revised Code. 61196

Upon receipt of a resolution of a legislative authority or 61197  
board objecting to the renewal of a permit and a statement from 61198  
the chief legal officer, the division shall set a time for the 61199  
hearing and send by certified mail to the permit holder, at the 61200  
permit holder's usual place of business, a copy of the resolution 61201  
and notice of the hearing. The division shall then hold a hearing 61202  
in the central office of the division, except that, upon written 61203  
request of the legislative authority or board, the hearing shall 61204  
be held in the county seat of the county in which the permit 61205  
premises is located, to determine whether the renewal shall be 61206  
denied for any of the reasons contained in division (A) of section 61207  
4303.292 of the Revised Code. Only the reasons for refusal 61208  
contained in division (A) of section 4303.292 of the Revised Code 61209  
and specified in the resolution of objection shall be considered 61210  
at the hearing. 61211

The permit holder and the objecting legislative authority or 61212  
board shall be parties to the proceedings under this section and 61213  
shall have the right to be present, to be represented by counsel, 61214  
to offer evidence, to require the attendance of witnesses, and to 61215  
cross-examine witnesses at the hearing. 61216

(C) An application for renewal of a permit shall be filed 61217

with the division at least fifteen days prior to the expiration of 61218  
an existing permit, and the existing permit shall continue in 61219  
effect as provided in section 119.06 of the Revised Code until the 61220  
application is approved or rejected by the division. Any holder of 61221  
a permit, which has expired through failure to be renewed as 61222  
provided in this section, shall obtain a renewal of the permit, 61223  
upon filing an application for renewal with the division, at any 61224  
time within thirty days from the date of the expired permit. A 61225  
penalty of ten per cent of the permit fee shall be paid by the 61226  
permit holder if the application for renewal is not filed at least 61227  
fifteen days prior to the expiration of the permit. 61228

(D)(1) Annually, the tax commissioner shall cause the 61229  
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 61230  
sales and or use, cigarette, other tobacco products, employer 61231  
withholding, commercial activity, and gross casino revenue tax 61232  
records in the department of taxation for each holder of a permit 61233  
issued under sections 4303.02 to 4303.232 of the Revised Code to 61234  
be examined to determine if the permit holder is delinquent in 61235  
filing any ~~sales or withholding tax~~ returns or has any outstanding 61236  
liability for ~~sales or withholding tax, penalties, or interest~~ 61237  
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 61238  
of the Revised Code, submitting any information required by the 61239  
commissioner, or remitting any payments with respect to those 61240  
taxes or any fees, charges, penalties, or interest related to 61241  
those taxes. ~~If~~ 61242

If any delinquency or liability exists, the commissioner 61243  
shall send a notice of that fact by certified mail, return receipt 61244  
requested, to the permit holder at the mailing address shown in 61245  
the records of the department. The notice shall specify, in as 61246  
much detail as is possible, the periods for which returns have not 61247  
been filed and the nature and amount of unpaid assessments and 61248  
other liabilities and shall be sent on or before the first day of 61249



the third month preceding the month in which the permit expires. 61250  
The commissioner also shall notify the division of liquor control 61251  
of the delinquency or liability, identifying the permit holder by 61252  
name and permit number. 61253

(2)(a) Except as provided in division (D)(4) of this section, 61254  
the division of liquor control shall not renew the permit of any 61255  
permit holder the tax commissioner has identified as being 61256  
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 61257  
~~being liable for outstanding sales or withholding tax, penalties,~~ 61258  
~~or interest, providing any information, or remitting any payments~~ 61259  
with respect to the taxes listed in division (D)(1) of this 61260  
section as of the first day of the sixth month preceding the month 61261  
in which the permit expires, or of any permit holder the 61262  
commissioner has identified as having been assessed by the 61263  
department on or before the first day of the third month preceding 61264  
the month in which the permit expires, until the division is 61265  
notified by the ~~tax~~ commissioner that the delinquency, liability, 61266  
or assessment has been resolved. 61267

(b)(i) Within ninety days after the date on which the permit 61268  
expires, any permit holder whose permit is not renewed under this 61269  
division may file an appeal with the liquor control commission. 61270  
The commission shall notify the tax commissioner regarding the 61271  
filing of any such appeal. During the period in which the appeal 61272  
is pending, the permit shall not be renewed by the division. The 61273  
permit shall be reinstated if the permit holder and the ~~tax~~ 61274  
commissioner or the attorney general demonstrate to the liquor 61275  
control commission that the commissioner's notification of a 61276  
delinquency or assessment was in error or that the issue of the 61277  
delinquency or assessment has been resolved. 61278

(ii) A permit holder who has filed an appeal under division 61279  
(D)(2)(b)(i) of this section may file a motion to withdraw the 61280  
appeal. The division of liquor control may renew a permit holder's 61281

permit if the permit holder has withdrawn such an appeal and the 61282  
division receives written certification from the tax commissioner 61283  
that the permit holder's delinquency or assessment has been 61284  
resolved. 61285

(3) A permit holder notified of delinquency or liability 61286  
under this section may protest the notification to the tax 61287  
commissioner on the basis that no ~~returns are~~ return or 61288  
information is delinquent and no tax, ~~penalties fee, charge,~~ 61289  
penalty, or interest is outstanding. The commissioner shall 61290  
expeditiously consider any evidence submitted by the permit holder 61291  
and, if it is determined that the notification was in error, 61292  
immediately shall inform the division of liquor control that the 61293  
renewal application may be granted. The renewal shall not be 61294  
denied if the delinquency or unreported liability is the subject 61295  
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 61296  
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 61297  
delinquency or unreported liability and is the subject of an 61298  
assessment and of an appeal properly filed by the permit holder. 61299

(4) If the commissioner concludes that under the 61300  
circumstances the permit holder's delinquency or liability has 61301  
been conditionally resolved, the commissioner shall allow the 61302  
permit to be renewed, conditioned upon the permit holder's 61303  
continuing performance in satisfying the delinquency and 61304  
liability. The conditional nature of the renewal shall be 61305  
specified in the notification given to the division of liquor 61306  
control under division (D)(1) of this section. Upon receipt of 61307  
notice of the resolution, the division shall issue a conditional 61308  
renewal. If the taxpayer defaults on any agreement to pay the 61309  
delinquency or liability or fails to keep subsequent tax or fee 61310  
payments current, the liquor control commission, upon request and 61311  
proof of the default or failure to keep subsequent tax or fee 61312  
payments current, shall indefinitely suspend the permit holder's 61313

permit until all taxes or fees and interest due are paid. 61314

(5) The commissioner may adopt rules to assist in 61315

administering the duties imposed by this section. 61316

**Sec. 4303.333.** ~~(A) An A-2 or A-2f permit holder in this state~~ 61317  
~~whose total production of wine, wherever produced, which but for~~ 61318  
~~this exemption is taxable under section 4301.43 of the Revised~~ 61319  
~~Code does not exceed five hundred thousand gallons in a calendar~~ 61320  
~~year, shall be allowed an exemption from the taxes levied under~~ 61321  
~~section 4301.43 of the Revised Code on wine produced and sold or~~ 61322  
~~distributed in this state. The exemption~~ Both of the following are 61323  
exempted from taxes levied under section 4301.43 of the Revised 61324  
Code: 61325

(A) Wine produced and sold or distributed in this state by an 61326  
A-2 or A-2f permit holder in this state, provided the permit 61327  
holder's total production of wine otherwise taxable under that 61328  
section but for this division does not exceed five hundred 61329  
thousand gallons in a calendar year; 61330

(B) The first three hundred ten thousand gallons of cider 61331  
produced and sold or distributed in this state during the calendar 61332  
year by an A-2 or A-2f permit holder in this state. 61333

The exemptions authorized under this section may be claimed 61334  
monthly against current taxes levied under ~~such~~ section 4301.43 of 61335  
the Revised Code as the reports required by section 4303.33 of the 61336  
Revised Code are due. At the time the report for December is due 61337  
for a calendar year during which a permit holder claimed an 61338  
exemption under this section, if the permit holder has paid the 61339  
tax levied under section 4301.43 of the Revised Code, the permit 61340  
holder may claim a refund of such tax paid during the calendar 61341  
year or shall remit any additional tax due because it did not 61342  
qualify for the exemption on the December report. For the purpose 61343  
of providing this refund, taxes previously paid under section 61344

4303.33 of the Revised Code during the calendar year shall not be 61345  
considered final until the December report is filed. 61346

~~(B)~~ The tax commissioner shall prescribe forms for ~~and allow~~ 61347  
the exemptions and refunds authorized by this section. 61348

**Sec. 4501.044.** (A) All moneys received under section 4503.65 61349  
of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of 61350  
the Revised Code on vehicles that are apportionable ~~and to which~~ 61351  
~~the rates specified in divisions (A)(1) to (21) and division (B)~~ 61352  
~~of section 4503.042 of the Revised Code apply~~ shall be paid into 61353  
the international registration plan distribution fund, which is 61354  
hereby created in the state treasury, and distributed as follows: 61355

(1) First, to make payments to other states that are members 61356  
of the international registration plan of the portions of 61357  
registration taxes the states are eligible to receive because of 61358  
the operation within their borders of apportionable vehicles that 61359  
are registered in Ohio; 61360

(2) Second, two and five-tenths per cent of all the moneys 61361  
received from apportionable vehicles under section 4503.65 of the 61362  
Revised Code that are collected from other international 61363  
registration plan jurisdictions shall be deposited into the public 61364  
safety - highway purposes fund established in section 4501.06 of 61365  
the Revised Code; 61366

(3) Third, forty-two and six-tenths per cent of the moneys 61367  
received from apportionable vehicles registered in this state 61368  
under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and 61369  
forty-two and six-tenths per cent of the balance remaining from 61370  
the moneys received from apportionable vehicles under section 61371  
4503.65 of the Revised Code that are collected from other 61372  
international registration plan jurisdictions after distribution 61373  
under division (A)(2) of this section shall be deposited in the 61374  
state treasury to the credit of the public safety - highway 61375

purposes fund created by section 4501.06 of the Revised Code; 61376

(4) Fourth, an amount estimated as the annual costs that the 61377  
department of taxation will incur in conducting audits of persons 61378  
who have registered motor vehicles under the international 61379  
registration plan, one-twelfth of which amount shall be paid by 61380  
the registrar of motor vehicles into the international 61381  
registration plan auditing fund created by section 5703.12 of the 61382  
Revised Code by the fifteenth day of each month; 61383

(5) Fifth, to the public safety - highway purposes fund 61384  
established in section 4501.06 of the Revised Code, to offset 61385  
operating expenses incurred by the bureau of motor vehicles in 61386  
administering the international registration plan; 61387

(6) Any moneys remaining in the international registration 61388  
plan distribution fund after distribution under divisions (A)(1) 61389  
to (5) of this section shall be distributed in accordance with 61390  
division (B) of this section. 61391

(B)(1) Moneys received under section 4503.65 from the tax 61392  
imposed by section 4503.02 of the Revised Code on vehicles that 61393  
are apportionable ~~and to which the rates specified in divisions~~ 61394  
~~(A)(1) to (21) and division (B) of section 4503.042 of the Revised~~ 61395  
~~Code apply~~ vehicles registered in this state shall be distributed 61396  
and used in the manner provided in section 4501.04 of the Revised 61397  
Code and rules adopted by the registrar of motor vehicles for 61398  
moneys deposited to the credit of the auto registration 61399  
distribution fund. 61400

(2) Moneys received from ~~collections~~ apportionable vehicles 61401  
under section 4503.65 of the Revised Code that are collected from 61402  
other international registration plan jurisdictions shall be 61403  
distributed under divisions (B)(2) and (3) of this section. 61404

Each county, township, and municipal corporation shall 61405  
receive an amount such that the ratio that the amount of moneys 61406

received by that county, township, or municipal corporation under 61407  
division (B)(1) of this section from apportionable vehicles 61408  
registered in Ohio and under section 4503.65 of the Revised Code 61409  
from apportionable vehicles registered in other international 61410  
registration plan jurisdictions bears to the total amount of 61411  
moneys received by all counties, townships, and municipal 61412  
corporations under division (B)(1) of this section from 61413  
apportionable vehicles registered in Ohio and under section 61414  
4503.65 of the Revised Code from apportionable vehicles registered 61415  
in other international registration plan jurisdictions equals the 61416  
ratio that the amount of moneys that the county, township, or 61417  
municipal corporation would receive from apportionable vehicles 61418  
registered in Ohio were the moneys from such vehicles distributed 61419  
under section 4501.04 of the Revised Code, based solely on the 61420  
weight schedules contained in section ~~4503.042~~ 4503.65 of the 61421  
Revised Code, bears to the total amount of money that all 61422  
counties, townships, and municipal corporations would receive from 61423  
apportionable vehicles registered in Ohio were the moneys from 61424  
such vehicles distributed under section 4501.04 of the Revised 61425  
Code, based solely on the weight schedules contained in section 61426  
~~4503.042~~ 4503.65 of the Revised Code. 61427

No county, township, or municipal corporation shall receive 61428  
under division (B)(2) of this section an amount greater than the 61429  
amount of money that that county, township, or municipal 61430  
corporation would receive from apportionable vehicles registered 61431  
in Ohio were the money from the taxation of such vehicles 61432  
distributed under section 4501.04 of the Revised Code based solely 61433  
on the weight schedules contained in section ~~4503.042~~ 4503.65 of 61434  
the Revised Code. 61435

(3) If, at the end of the distribution year, the total of all 61436  
moneys received under section 4503.65 of the Revised Code for 61437  
apportionable vehicles registered in another international 61438

registration plan jurisdiction exceeds the total moneys subject to 61439  
distribution under division (B)(2) of this section, the registrar 61440  
shall distribute to each county, township, and municipal 61441  
corporation a portion of the excess. The excess shall be 61442  
distributed to counties, townships, and municipal corporations in 61443  
the same proportion that the revenues received by each county, 61444  
township, and municipal corporation from collections under section 61445  
4503.02 of the Revised Code for apportionable vehicles registered 61446  
in this state and from collections under section 4503.65 of the 61447  
Revised Code for apportionable vehicles registered in another 61448  
international registration plan jurisdiction during that 61449  
distribution year bears to the total revenues received by 61450  
counties, townships, and municipal corporations from taxes levied 61451  
under section 4503.02 of the Revised Code for apportionable 61452  
vehicles registered in this state and from collections under 61453  
section 4503.65 of the Revised Code for apportionable vehicles 61454  
registered in another international registration plan jurisdiction 61455  
during that distribution year. 61456

(C) All moneys received from the administrative fee imposed 61457  
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 61458  
shall be deposited to the credit of the public safety - highway 61459  
purposes fund established in section 4501.06 of the Revised Code, 61460  
to offset operating expenses incurred by the bureau of motor 61461  
vehicles in administering the international registration plan. 61462

(D) A deputy registrar shall retain fifty cents of the fee 61463  
imposed under division (C)(3) of section 4503.65 of the Revised 61464  
Code and shall transmit the remaining amount to the registrar at 61465  
the time and in the manner provided by section 4503.10 of the 61466  
Revised Code. The registrar shall deposit all such moneys received 61467  
into the public safety - highway purposes fund established in 61468  
section 4501.06 of the Revised Code. 61469

(E) All investment earnings of the international registration 61470

plan distribution fund shall be credited to the fund. 61471

**Sec. 4501.045.** (A) All moneys received from the tax imposed 61472  
by section 4503.02 of the Revised Code on commercial cars and 61473  
buses that are registered in this state and that are not 61474  
apportionable and to which the rates provided under divisions 61475  
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 61476  
shall be distributed as follows: 61477

(1) First, forty-two and six-tenths per cent shall be 61478  
deposited in the state treasury to the credit of the public safety 61479  
- highway purposes fund created by section 4501.06 of the Revised 61480  
Code, to be used solely for the purposes set forth in that 61481  
section; 61482

(2) Second, the balance remaining after distribution under 61483  
division (A)(1) of this section shall be deposited to the credit 61484  
of the auto registration distribution fund for distribution in the 61485  
manner provided in sections 4501.03 and 4501.04 of the Revised 61486  
Code. 61487

(B) All moneys received from the tax imposed by section 61488  
4503.02 of the Revised Code on commercial cars and buses that are 61489  
registered in this state and that are not apportionable and to 61490  
which the rates provided under divisions (A)(1) to (7) and 61491  
division (B) of section 4503.042 of the Revised Code apply, shall 61492  
be deposited to the credit of the auto registration distribution 61493  
fund for distribution in the manner provided in sections 4501.03 61494  
and 4501.04 of the Revised Code. 61495

(C) All moneys received from the tax imposed by section 61496  
4503.02 of the Revised Code on trailers and semitrailers shall be 61497  
deposited to the credit of the auto registration distribution fund 61498  
for distribution in the manner provided in sections 4501.03 and 61499  
4501.04 of the Revised Code. 61500



Sec. 4501.07. There is hereby created the public safety 61501  
highway patrol custodial fund, which shall be in the custody of 61502  
the treasurer of state, but shall not be part of the state 61503  
treasury. Except as otherwise provided in section 5502.1321 of the 61504  
Revised Code, all money seized during investigations or other 61505  
enforcement activities of the highway patrol shall be deposited 61506  
into the fund or otherwise safeguarded as provided in Chapter 61507  
2981. of the Revised Code. The director of public safety shall 61508  
transfer money upon resolution of all legal proceedings in 61509  
accordance with Chapter 2981. of the Revised Code. 61510

**Sec. 4503.02.** An annual license tax is hereby levied upon the 61511  
operation of motor vehicles on the public roads or highways, for 61512  
the purpose of enforcing and paying the expense of administering 61513  
the law relative to the registration and operation of such 61514  
vehicles; planning, constructing, maintaining, and repairing 61515  
public roads, highways, and streets; maintaining and repairing 61516  
bridges and viaducts; paying the counties' proportion of the cost 61517  
and expenses of cooperating with the department of transportation 61518  
in the planning, improvement, and construction of state highways; 61519  
paying the counties' portion of the compensation, damages, cost, 61520  
and expenses of planning, constructing, reconstructing, improving, 61521  
maintaining, and repairing roads; paying the principal, interest, 61522  
and charges on county bonds and other obligations issued pursuant 61523  
to Chapter 133. of the Revised Code or incurred pursuant to 61524  
section 5531.09 of the Revised Code for highway improvements; for 61525  
the purpose of providing motorcycle safety and education 61526  
instruction; enabling municipal corporations to plan, construct, 61527  
reconstruct, repave, widen, maintain, repair, clear, and clean 61528  
public highways, roads, and streets; paying the principal, 61529  
interest, and other charges on municipal bonds and other 61530  
obligations issued pursuant to Chapter 133. of the Revised Code or 61531

incurred pursuant to section 5531.09 of the Revised Code for 61532  
highway improvements; to maintain and repair bridges and viaducts; 61533  
to purchase, erect, and maintain street and traffic signs and 61534  
markers; to purchase, erect, and maintain traffic lights and 61535  
signals; to supplement revenue already available for such 61536  
purposes; to pay the interest, principal, and charges on bonds and 61537  
other obligations issued pursuant to Section 2i of Article VIII, 61538  
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 61539  
Code. ~~Such~~ 61540

The tax shall be at the rates specified in sections 4503.04 61541  
~~and~~, 4503.042, and 4503.65 of the Revised Code. Under section 61542  
4503.04 of the Revised Code, the tax shall be paid to and 61543  
collected by the registrar of motor vehicles or deputy registrar 61544  
at the time of making application for registration. Under ~~section~~ 61545  
sections 4503.042 and 4503.65 of the Revised Code, the tax shall 61546  
be paid to and collected by the registrar or deputy registrar as 61547  
specified in those sections at the time and manner set forth by 61548  
the registrar by rule. 61549

**Sec. 4503.038.** (A) Not later than nine months after ~~the~~ 61550  
~~effective date of this section~~ June 30, 2017, the registrar of 61551  
motor vehicles shall adopt rules in accordance with Chapter 119. 61552  
of the Revised Code establishing a service fee that applies for 61553  
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 61554  
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 61555  
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 61556  
4519.56, and 4519.69 of the Revised Code. The service fee shall be 61557  
not more than five dollars and twenty-five cents. When 61558  
establishing the fee, the registrar shall consider inflation and 61559  
any other factors the registrar considers to be relevant to the 61560  
determination. 61561

(B) Not later than nine months after ~~the effective date of~~ 61562

~~this section~~ June 30, 2017, the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing prorated service fees that apply for purposes of multi-year registrations authorized under section 4503.103 of the Revised Code. When establishing the fee, the registrar shall consider inflation and any other factors the registrar considers to be relevant to the determination.

**Sec. 4503.04.** Except as provided in sections 4503.042 and 4503.65 of the Revised Code for the registration of commercial cars, trailers, semitrailers, and certain buses, the rates of the taxes imposed by section 4503.02 of the Revised Code shall be as follows:

(A)(1) For motor vehicles having three wheels or less, the license tax is:

(a) For each motorized bicycle or moped, ten dollars;

(b) For each motorcycle, auticycle, cab-enclosed motorcycle, motor-driven cycle, or motor scooter, fourteen dollars.

(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.

(B) For each passenger car, twenty dollars;

(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;

(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;

(E) For each noncommercial trailer, the license tax is:

(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	61592 61593 61594
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	61595 61596 61597
(F) Notwithstanding its weight, twelve dollars for any:	61598
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	61599 61600 61601
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	61602 61603 61604 61605
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	61606 61607
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	61608 61609 61610
(H) For each transit bus having motor power the license tax is twelve dollars.	61611 61612
"Transit bus" means either a motor vehicle having a seating capacity of more than seven persons which is operated and used by any person in the rendition of a public mass transportation service primarily in a municipal corporation or municipal corporations and provided at least seventy-five per cent of the annual mileage of such service and use is within such municipal corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a	61613 61614 61615 61616 61617 61618 61619 61620 61621

charitable or nonprofit corporation, but does not mean any motor 61622  
vehicle having a seating capacity of more than seven persons when 61623  
such vehicle is used in a ridesharing capacity or any bus 61624  
described by division (F)(3) of this section. 61625

The application for registration of such transit bus shall be 61626  
accompanied by an affidavit prescribed by the registrar of motor 61627  
vehicles and signed by the person or an agent of the firm or 61628  
corporation operating such bus stating that the bus has a seating 61629  
capacity of more than seven persons, and that it is either to be 61630  
operated and used in the rendition of a public mass transportation 61631  
service and that at least seventy-five per cent of the annual 61632  
mileage of such operation and use shall be within one or more 61633  
municipal corporations or that it is to be operated solely for the 61634  
transportation of persons associated with a charitable or 61635  
nonprofit corporation. 61636

The form of the license plate, and the manner of its 61637  
attachment to the vehicle, shall be prescribed by the registrar of 61638  
motor vehicles. 61639

(I) Except as otherwise provided in division (A) or (J) of 61640  
this section, the minimum tax for any vehicle having motor power 61641  
is ten dollars and eighty cents, and for each noncommercial 61642  
trailer, five dollars. 61643

(J)(1) Except as otherwise provided in division (J) of this 61644  
section, for each farm truck, except a noncommercial motor 61645  
vehicle, that is owned, controlled, or operated by one or more 61646  
farmers exclusively in farm use as defined in this section, and 61647  
not for commercial purposes, and provided that at least 61648  
seventy-five per cent of such farm use is by or for the one or 61649  
more owners, controllers, or operators of the farm in the 61650  
operation of which a farm truck is used, the license tax is five 61651  
dollars plus: 61652

- (a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds; 61653  
61654
- (b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds; 61655  
61656  
61657
- (c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds; 61658  
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61660
- (d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds; 61661  
61662  
61663
- (e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds; 61664  
61665
- (f) The minimum license tax for any farm truck shall be twelve dollars. 61666  
61667
- (2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code. 61668  
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- (3) A farm bus may be registered for a period of two hundred ten days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than one such period in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products. 61673  
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61675  
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61678
- (4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety. 61679  
61680  
61681
- (5) Every person registering a farm truck or bus under this 61682

section shall furnish an affidavit certifying that the truck or 61683  
bus licensed to that person is to be so used as to meet the 61684  
requirements necessary for the farm truck or farm bus 61685  
classification. 61686

Any farmer may use a truck owned by the farmer for commercial 61687  
purposes by paying the difference between the commercial truck 61688  
registration fee and the farm truck registration fee for the 61689  
remaining part of the registration period for which the truck is 61690  
registered. Such remainder shall be calculated from the beginning 61691  
of the semiannual period in which application for such commercial 61692  
license is made. 61693

Taxes at the rates provided in this section are in lieu of 61694  
all taxes on or with respect to the ownership of such motor 61695  
vehicles, except as provided in ~~section~~ sections 4503.042 ~~and~~ 61696  
~~section~~, 4503.06, and 4503.65 of the Revised Code. 61697

(K) Other than trucks registered under the international 61698  
registration plan in another jurisdiction and for which this state 61699  
has received an apportioned registration fee, the license tax for 61700  
each truck which is owned, controlled, or operated by a 61701  
nonresident, and licensed in another state, and which is used 61702  
exclusively for the transportation of nonprocessed agricultural 61703  
products intrastate, from the place of production to the place of 61704  
processing, is twenty-four dollars. 61705

"Truck," as used in this division, means any pickup truck, 61706  
straight truck, semitrailer, or trailer other than a travel 61707  
trailer. Nonprocessed agricultural products, as used in this 61708  
division, does not include livestock or grain. 61709

A license issued under this division shall be issued for a 61710  
period of one hundred thirty days in the same manner in which all 61711  
other licenses are issued under this section, provided that no 61712  
truck shall be so licensed for more than one 61713

one-hundred-thirty-day period during any calendar year. 61714

The license issued pursuant to this division shall consist of 61715  
a windshield decal to be designed by the director of public 61716  
safety. 61717

Every person registering a truck under this division shall 61718  
furnish an affidavit certifying that the truck licensed to the 61719  
person is to be used exclusively for the purposes specified in 61720  
this division. 61721

(L) Every person registering a motor vehicle as a 61722  
noncommercial motor vehicle as defined in section 4501.01 of the 61723  
Revised Code, or registering a trailer as a noncommercial trailer 61724  
as defined in that section, shall furnish an affidavit certifying 61725  
that the motor vehicle or trailer so licensed to the person is to 61726  
be so used as to meet the requirements necessary for the 61727  
noncommercial vehicle classification. 61728

(M) Every person registering a van or bus as provided in 61729  
divisions (F)(2) and (3) of this section shall furnish a notarized 61730  
statement certifying that the van or bus licensed to the person is 61731  
to be used for the purposes specified in those divisions. The form 61732  
of the license plate issued for such motor vehicles shall be 61733  
prescribed by the registrar. 61734

(N) Every person registering as a passenger car a motor 61735  
vehicle designed and used for carrying more than nine but not more 61736  
than fifteen passengers, and every person registering a bus as 61737  
provided in division (G) of this section, shall furnish an 61738  
affidavit certifying that the vehicle so licensed to the person is 61739  
to be used in a ridesharing arrangement and that the person will 61740  
have in effect whenever the vehicle is used in a ridesharing 61741  
arrangement a policy of liability insurance with respect to the 61742  
motor vehicle in amounts and coverages no less than those required 61743  
by section 4509.79 of the Revised Code. The form of the license 61744



plate issued for such a motor vehicle shall be prescribed by the registrar. 61745  
61746

(O)(1) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. For any motor vehicle that is used on a seasonal basis, whether used for general transportation or not, and that has not been used on the public roads or highways since the expiration of the registration, the registrar or deputy registrar shall waive the fee established under this division if the application is accompanied by supporting evidence of seasonal use as the registrar may require. The registrar or deputy registrar may waive the fee for other good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the public safety - highway purposes fund established in section 4501.06 of the Revised Code. 61747  
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(2) Division (O)(1) of this section does not apply to a farm truck or farm bus registered under division (J) of this section. 61768  
61769

(P) As used in this section: 61770

(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat. 61771  
61772

(2) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, or is blind, deaf, or so severely disabled as to be unable to move about without the 61773  
61774  
61775

aid of crutches or a wheelchair. 61776

(3) "Farm truck" means a truck used in the transportation 61777  
from the farm of products of the farm, including livestock and its 61778  
products, poultry and its products, floricultural and 61779  
horticultural products, and in the transportation to the farm of 61780  
supplies for the farm, including tile, fence, and every other 61781  
thing or commodity used in agricultural, floricultural, 61782  
horticultural, livestock, and poultry production and livestock, 61783  
poultry, and other animals and things used for breeding, feeding, 61784  
or other purposes connected with the operation of the farm. 61785

(4) "Farm bus" means a bus used only for the transportation 61786  
of agricultural employees and used only in the transportation of 61787  
such employees as are necessary in the operation of the farm. 61788

(5) "Farm supplies" includes fuel used exclusively in the 61789  
operation of a farm, including one or more homes located on and 61790  
used in the operation of one or more farms, and furniture and 61791  
other things used in and around such homes. 61792

**Sec. 4503.042.** ~~The registrar of motor vehicles shall adopt~~ 61793  
~~rules establishing the date, subsequent to this state's entry into~~ 61794  
~~membership in the international registration plan, when the rates~~ 61795  
~~established by~~ under ~~this section become operative~~ apply to 61796  
commercial cars, buses, trailers, and semitrailers that are not 61797  
subject to apportioned rates under the international registration 61798  
plan. 61799

(A) The rates of the annual registration taxes imposed by 61800  
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 61801  
~~cars having a, based on~~ gross vehicle weight or combined gross 61802  
vehicle weight ~~of, for commercial cars that are not apportionable~~ 61803  
are as follows: 61804

(1) ~~Not~~ For not more than two thousand pounds, forty-five 61805

dollars;	61806
(2) <del>More</del> <u>For more</u> than two thousand but not more than six thousand pounds, seventy dollars;	61807 61808
(3) <del>More</del> <u>For more</u> than six thousand but not more than ten thousand pounds, eighty-five dollars;	61809 61810
(4) <del>More</del> <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	61811 61812
(5) <del>More</del> <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	61813 61814
(6) <del>More</del> <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	61815 61816
(7) <del>More</del> <u>For more</u> than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	61817 61818
(8) <del>More</del> <u>For more</u> than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	61819 61820
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	61821 61822
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	61823 61824
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	61825 61826
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	61827 61828
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	61829 61830
(14) <del>More</del> <u>For more</u> than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	61831 61832
(15) <del>More</del> <u>For more</u> than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	61833 61834

- (16) ~~More~~ For more than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars; 61835  
61836
- (17) ~~More~~ For more than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars; 61837  
61838
- (18) ~~More~~ For more than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars; 61839  
61840
- (19) ~~More~~ For more than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars; 61841  
61842
- (20) ~~More~~ For more than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars; 61843  
61844  
61845
- (21) ~~More~~ For more than seventy-eight thousand pounds, one thousand three hundred forty dollars. 61846  
61847
- (B) The rates of the annual registration taxes imposed by section 4503.02 of the Revised Code ~~are as follows for buses having a, based on~~ gross vehicle weight or combined gross vehicle weight ~~of, for buses that are not apportionable are as follows:~~ 61848  
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61850  
61851
- (1) ~~Not~~ For not more than two thousand pounds, ten dollars; 61852
- (2) ~~More~~ For more than two thousand but not more than six thousand pounds, forty dollars; 61853  
61854
- (3) ~~More~~ For more than six thousand but not more than ten thousand pounds, one hundred dollars; 61855  
61856
- (4) ~~More~~ For more than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars; 61857  
61858
- (5) ~~More~~ For more than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars; 61859  
61860
- (6) ~~More~~ For more than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars; 61861  
61862
- (7) ~~More~~ For more than twenty-two thousand but not more than 61863

twenty-six thousand pounds, four hundred twenty dollars;	61864
(8) <del>More</del> <u>For more</u> than twenty-six thousand but not more than	61865
thirty thousand pounds, five hundred dollars;	61866
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than	61867
thirty-four thousand pounds, five hundred eighty dollars;	61868
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more	61869
than thirty-eight thousand pounds, six hundred sixty dollars;	61870
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more	61871
than forty-two thousand pounds, seven hundred forty dollars;	61872
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than	61873
forty-six thousand pounds, eight hundred twenty dollars;	61874
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than	61875
fifty thousand pounds, nine hundred forty dollars;	61876
(14) <del>More</del> <u>For more</u> than fifty thousand but not more than	61877
fifty-four thousand pounds, one thousand dollars;	61878
(15) <del>More</del> <u>For more</u> than fifty-four thousand but not more than	61879
fifty-eight thousand pounds, one thousand ninety dollars;	61880
(16) <del>More</del> <u>For more</u> than fifty-eight thousand but not more	61881
than sixty-two thousand pounds, one thousand one hundred eighty	61882
dollars;	61883
(17) <del>More</del> <u>For more</u> than sixty-two thousand but not more than	61884
sixty-six thousand pounds, one thousand two hundred seventy	61885
dollars;	61886
(18) <del>More</del> <u>For more</u> than sixty-six thousand but not more than	61887
seventy thousand pounds, one thousand three hundred sixty dollars;	61888
(19) <del>More</del> <u>For more</u> than seventy thousand but not more than	61889
seventy-four thousand pounds, one thousand four hundred fifty	61890
dollars;	61891
(20) <del>More</del> <u>For more</u> than seventy-four thousand but not more	61892

than seventy-eight thousand pounds, one thousand five hundred 61893  
forty dollars; 61894

(21) ~~More~~ For more than seventy-eight thousand pounds, one 61895  
thousand six hundred thirty dollars. 61896

(C) ~~In addition to the license taxes imposed at the rates 61897  
specified in divisions (A) and (B) of this section, a fee equal to 61898  
the amount established under section 4503.038 of the Revised Code, 61899  
plus an appropriate amount to cover the cost of postage, shall be 61900  
collected by the registrar for each international registration 61901  
plan license processed by the registrar. 61902~~

~~(D)~~ The rate of the tax for each trailer and semitrailer is 61903  
twenty-five dollars. 61904

~~(E)~~(D) If an application for registration renewal is not 61905  
applied for prior to the expiration date of the registration or 61906  
within thirty days after that date, the registrar or deputy 61907  
registrar shall collect a fee of ten dollars for the issuance of 61908  
the vehicle registration, but may waive the fee for good cause 61909  
shown if the application is accompanied by supporting evidence as 61910  
the registrar may require. The fee shall be in addition to all 61911  
other fees established by this section. A deputy registrar shall 61912  
retain fifty cents of the fee and shall transmit the remaining 61913  
amount to the registrar at the time and in the manner provided by 61914  
section 4503.10 of the Revised Code. The registrar shall deposit 61915  
all moneys received under this division into the public safety - 61916  
highway purposes fund established in section 4501.06 of the 61917  
Revised Code. 61918

~~(F)~~(E) The rates established by this section shall not apply 61919  
to any of the following: 61920

(1) Vehicles equipped, owned, and used by a charitable or 61921  
nonprofit corporation exclusively for the purpose of administering 61922  
chest x-rays or receiving blood donations; 61923

(2) Vans used principally for the transportation of 61924  
handicapped persons that have been modified by being equipped with 61925  
adaptive equipment to facilitate the movement of such persons into 61926  
and out of the vans; 61927

(3) Buses used principally for the transportation of 61928  
handicapped persons or persons sixty-five years of age or older; 61929

(4) Buses used principally for the transportation of persons 61930  
in a ridesharing arrangement; 61931

(5) Transit buses having motor power; 61932

(6) Noncommercial trailers, mobile homes, or manufactured 61933  
homes. 61934

**Sec. 4503.066.** (A)(1) To obtain a tax reduction under section 61935  
4503.065 of the Revised Code, the owner of the home shall file an 61936  
application with the county auditor of the county in which the 61937  
home is located. An application for reduction in taxes based upon 61938  
a physical disability shall be accompanied by a certificate signed 61939  
by a physician, and an application for reduction in taxes based 61940  
upon a mental disability shall be accompanied by a certificate 61941  
signed by a physician or psychologist licensed to practice in this 61942  
state. The certificate shall attest to the fact that the applicant 61943  
is permanently and totally disabled, shall be in a form that the 61944  
department of taxation requires, and shall include the definition 61945  
of totally and permanently disabled as set forth in section 61946  
4503.064 of the Revised Code. An application for reduction in 61947  
taxes based upon a disability certified as permanent and total by 61948  
a state or federal agency having the function of so classifying 61949  
persons shall be accompanied by a certificate from that agency. An 61950  
application by a disabled veteran for the reduction under division 61951  
(B) of section 4503.065 of the Revised Code shall be accompanied 61952  
by a letter or other written confirmation from the United States 61953  
department of veterans affairs, or its predecessor or successor 61954

agency, showing that the veteran qualifies as a disabled veteran. 61955

61956

(2) Each application shall constitute a continuing 61957  
application for a reduction in taxes for each year in which the 61958  
manufactured or mobile home is occupied by the applicant. Failure 61959  
to receive a new application or notification under division (B) of 61960  
this section after an application for reduction has been approved 61961  
is prima-facie evidence that the original applicant is entitled to 61962  
the reduction calculated on the basis of the information contained 61963  
in the original application. The original application and any 61964  
subsequent application shall be in the form of a signed statement 61965  
and shall be filed ~~not later than the first Monday in June~~ on or 61966  
before the thirty-first day of December of the year for which the 61967  
reduction is sought. The statement shall be on a form, devised and 61968  
supplied by the tax commissioner, that shall require no more 61969  
information than is necessary to establish the applicant's 61970  
eligibility for the reduction in taxes and the amount of the 61971  
reduction to which the applicant is entitled. The form shall 61972  
contain a statement that signing such application constitutes a 61973  
delegation of authority by the applicant to the tax commissioner 61974  
or the county auditor, individually or in consultation with each 61975  
other, to examine any tax or financial records that relate to the 61976  
income of the applicant as stated on the application for the 61977  
purpose of determining eligibility under, or possible violation 61978  
of, division (C) or (D) of this section. The form also shall 61979  
contain a statement that conviction of willfully falsifying 61980  
information to obtain a reduction in taxes or failing to comply 61981  
with division (B) of this section shall result in the revocation 61982  
of the right to the reduction for a period of three years. 61983

If an application filed for the current tax year is approved 61984  
after the taxes have been paid for the current year, the amount of 61985  
the reduction in taxes for the current year shall be treated as an 61986



overpayment of taxes in the same manner as a late application 61987  
under division (A)(3) of this section. 61988

(3) A late application for a reduction in taxes for the year 61989  
preceding the year for which an original application is filed may 61990  
be filed with an original application. If the auditor determines 61991  
that the information contained in the late application is correct, 61992  
the auditor shall determine both the amount of the reduction in 61993  
taxes to which the applicant would have been entitled for the 61994  
current tax year had the application been timely filed and 61995  
approved in the preceding year, and the amount the taxes levied 61996  
under section 4503.06 of the Revised Code for the current year 61997  
would have been reduced as a result of the reduction. When an 61998  
applicant is permanently and totally disabled on the first day of 61999  
January of the year in which the applicant files a late 62000  
application, the auditor, in making the determination of the 62001  
amounts of the reduction in taxes under division (A)(3) of this 62002  
section, is not required to determine that the applicant was 62003  
permanently and totally disabled on the first day of January of 62004  
the preceding year. 62005

The amount of the reduction in taxes pursuant to a late 62006  
application shall be treated as an overpayment of taxes by the 62007  
applicant. The auditor shall credit the amount of the overpayment 62008  
against the amount of the taxes or penalties then due from the 62009  
applicant, and, at the next succeeding settlement, the amount of 62010  
the credit shall be deducted from the amount of any taxes or 62011  
penalties distributable to the county or any taxing unit in the 62012  
county that has received the benefit of the taxes or penalties 62013  
previously overpaid, in proportion to the benefits previously 62014  
received. If, after the credit has been made, there remains a 62015  
balance of the overpayment, or if there are no taxes or penalties 62016  
due from the applicant, the auditor shall refund that balance to 62017  
the applicant by a warrant drawn on the county treasurer in favor 62018

of the applicant. The treasurer shall pay the warrant from the 62019  
general fund of the county. If there is insufficient money in the 62020  
general fund to make the payment, the treasurer shall pay the 62021  
warrant out of any undivided manufactured or mobile home taxes 62022  
subsequently received by the treasurer for distribution to the 62023  
county or taxing district in the county that received the benefit 62024  
of the overpaid taxes, in proportion to the benefits previously 62025  
received, and the amount paid from the undivided funds shall be 62026  
deducted from the money otherwise distributable to the county or 62027  
taxing district in the county at the next or any succeeding 62028  
distribution. At the next or any succeeding distribution after 62029  
making the refund, the treasurer shall reimburse the general fund 62030  
for any payment made from that fund by deducting the amount of 62031  
that payment from the money distributable to the county or other 62032  
taxing unit in the county that has received the benefit of the 62033  
taxes, in proportion to the benefits previously received. ~~On the~~ 62034  
~~second Monday in September of each year, the~~ The county auditor 62035  
shall certify the total amount of the reductions in taxes made in 62036  
the current year under division (A)(3) of this section to the tax 62037  
commissioner who shall treat that amount as a reduction in taxes 62038  
for the current tax year and shall make reimbursement to the 62039  
county of that amount in the manner prescribed in section 4503.068 62040  
of the Revised Code, from moneys appropriated for that purpose. 62041

(B) If in any year for which an application for reduction in 62042  
taxes has been approved the owner no longer qualifies for the 62043  
reduction, the owner shall notify the county auditor that the 62044  
owner is not qualified for a reduction in taxes. 62045

During ~~January~~ February of each year, the county auditor 62046  
shall furnish each person whose application for reduction has been 62047  
approved, by ordinary mail, a form on which to report any changes 62048  
in total income, ownership, occupancy, disability, and other 62049  
information earlier furnished the auditor relative to the 62050

application. The form shall be completed and returned to the 62051  
auditor not later than the ~~first Monday in June~~ thirty-first day 62052  
of December if the changes would affect the person's eligibility 62053  
for the reduction. 62054

(C) No person shall knowingly make a false statement for the 62055  
purpose of obtaining a reduction in taxes under section 4503.065 62056  
of the Revised Code. 62057

(D) No person shall knowingly fail to notify the county 62058  
auditor of any change required by division (B) of this section 62059  
that has the effect of maintaining or securing a reduction in 62060  
taxes under section 4503.065 of the Revised Code. 62061

(E) No person shall knowingly make a false statement or 62062  
certification attesting to any person's physical or mental 62063  
condition for purposes of qualifying such person for tax relief 62064  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 62065

(F) Whoever violates division (C), (D), or (E) of this 62066  
section is guilty of a misdemeanor of the fourth degree. 62067

**Sec. 4503.08.** (A) The weight of all motor vehicles, except 62068  
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 62069  
Revised Code, shall be the weight of the vehicle fully equipped as 62070  
determined on a standard scale. The weight of any machinery 62071  
mounted upon or affixed to a motor vehicle and not inherently 62072  
motor vehicle equipment shall not be included in the determination 62073  
of the total weight. 62074

(B) The horsepower of all vehicles propelled by internal 62075  
combustion engines shall be computed upon the following formula: 62076  
square the diameter of the cylinder measured in inches, multiply 62077  
by the number of cylinders, and divide by two and one half. For 62078  
all motor vehicles propelled by steam engines, the rating of the 62079  
horsepower shall be based on the system of rating adopted by the 62080

United States government. 62081

(C) For all motor vehicles propelled by electricity, the 62082  
rating of the horsepower shall be the normal horsepower of the 62083  
electric motor therein, to be ascertained by the registrar of 62084  
motor vehicles. 62085

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 62086  
motorcycle, and all-purpose vehicle required to be registered 62087  
under section 4519.02 of the Revised Code shall file an 62088  
application for registration under section 4519.03 of the Revised 62089  
Code. The owner of a motor vehicle, other than a snowmobile, 62090  
off-highway motorcycle, or all-purpose vehicle, that is not 62091  
designed and constructed by the manufacturer for operation on a 62092  
street or highway may not register it under this chapter except 62093  
upon certification of inspection pursuant to section 4513.02 of 62094  
the Revised Code by the sheriff, or the chief of police of the 62095  
municipal corporation or township, with jurisdiction over the 62096  
political subdivision in which the owner of the motor vehicle 62097  
resides. Except as provided in section 4503.103 of the Revised 62098  
Code, every owner of every other motor vehicle not previously 62099  
described in this section and every person mentioned as owner in 62100  
the last certificate of title of a motor vehicle that is operated 62101  
or driven upon the public roads or highways shall cause to be 62102  
filed each year, by mail or otherwise, in the office of the 62103  
registrar of motor vehicles or a deputy registrar, a written or 62104  
electronic application or a preprinted registration renewal notice 62105  
issued under section 4503.102 of the Revised Code, the form of 62106  
which shall be prescribed by the registrar, for registration for 62107  
the following registration year, which shall begin on the first 62108  
day of January of every calendar year and end on the thirty-first 62109  
day of December in the same year. Applications for registration 62110  
and registration renewal notices shall be filed at the times 62111  
established by the registrar pursuant to section 4503.101 of the 62112

Revised Code. A motor vehicle owner also may elect to apply for or 62113  
renew a motor vehicle registration by electronic means using 62114  
electronic signature in accordance with rules adopted by the 62115  
registrar. Except as provided in division (J) of this section, 62116  
applications for registration shall be made on blanks furnished by 62117  
the registrar for that purpose, containing the following 62118  
information: 62119

(1) A brief description of the motor vehicle to be 62120  
registered, including the year, make, model, and vehicle 62121  
identification number, and, in the case of commercial cars, the 62122  
gross weight of the vehicle fully equipped computed in the manner 62123  
prescribed in section 4503.08 of the Revised Code; 62124

(2) The name and residence address of the owner, and the 62125  
township and municipal corporation in which the owner resides; 62126

(3) The district of registration, which shall be determined 62127  
as follows: 62128

(a) In case the motor vehicle to be registered is used for 62129  
hire or principally in connection with any established business or 62130  
branch business, conducted at a particular place, the district of 62131  
registration is the municipal corporation in which that place is 62132  
located or, if not located in any municipal corporation, the 62133  
county and township in which that place is located. 62134

(b) In case the vehicle is not so used, the district of 62135  
registration is the municipal corporation or county in which the 62136  
owner resides at the time of making the application. 62137

(4) Whether the motor vehicle is a new or used motor vehicle; 62138

(5) The date of purchase of the motor vehicle; 62139

(6) Whether the fees required to be paid for the registration 62140  
or transfer of the motor vehicle, during the preceding 62141  
registration year and during the preceding period of the current 62142

registration year, have been paid. Each application for 62143  
registration shall be signed by the owner, either manually or by 62144  
electronic signature, or pursuant to obtaining a limited power of 62145  
attorney authorized by the registrar for registration, or other 62146  
document authorizing such signature. If the owner elects to apply 62147  
for or renew the motor vehicle registration with the registrar by 62148  
electronic means, the owner's manual signature is not required. 62149

(7) The owner's social security number, driver's license 62150  
number, or state identification number, or, where a motor vehicle 62151  
to be registered is used for hire or principally in connection 62152  
with any established business, the owner's federal taxpayer 62153  
identification number. The bureau of motor vehicles shall retain 62154  
in its records all social security numbers provided under this 62155  
section, but the bureau shall not place social security numbers on 62156  
motor vehicle certificates of registration. 62157

(B) Except as otherwise provided in this division, each time 62158  
an applicant first registers a motor vehicle in the applicant's 62159  
name, the applicant shall present for inspection a physical 62160  
certificate of title or memorandum certificate showing title to 62161  
the motor vehicle to be registered in the name of the applicant if 62162  
a physical certificate of title or memorandum certificate has been 62163  
issued by a clerk of a court of common pleas. If, under sections 62164  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 62165  
instead has issued an electronic certificate of title for the 62166  
applicant's motor vehicle, that certificate may be presented for 62167  
inspection at the time of first registration in a manner 62168  
prescribed by rules adopted by the registrar. An applicant is not 62169  
required to present a certificate of title to an electronic motor 62170  
vehicle dealer acting as a limited authority deputy registrar in 62171  
accordance with rules adopted by the registrar. When a motor 62172  
vehicle inspection and maintenance program is in effect under 62173  
section 3704.14 of the Revised Code and rules adopted under it, 62174

each application for registration for a vehicle required to be 62175  
inspected under that section and those rules shall be accompanied 62176  
by an inspection certificate for the motor vehicle issued in 62177  
accordance with that section. The application shall be refused if 62178  
any of the following applies: 62179

(1) The application is not in proper form. 62180

(2) The application is prohibited from being accepted by 62181  
division (D) of section 2935.27, division (A) of section 2937.221, 62182  
division (A) of section 4503.13, division (B) of section 4510.22, 62183  
or division (B)(1) of section 4521.10 of the Revised Code. 62184

(3) A certificate of title or memorandum certificate of title 62185  
is required but does not accompany the application or, in the case 62186  
of an electronic certificate of title, is required but is not 62187  
presented in a manner prescribed by the registrar's rules. 62188

(4) All registration and transfer fees for the motor vehicle, 62189  
for the preceding year or the preceding period of the current 62190  
registration year, have not been paid. 62191

(5) The owner or lessee does not have an inspection 62192  
certificate for the motor vehicle as provided in section 3704.14 62193  
of the Revised Code, and rules adopted under it, if that section 62194  
is applicable. 62195

This section does not require the payment of license or 62196  
registration taxes on a motor vehicle for any preceding year, or 62197  
for any preceding period of a year, if the motor vehicle was not 62198  
taxable for that preceding year or period under sections 4503.02, 62199  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 62200  
Revised Code. When a certificate of registration is issued upon 62201  
the first registration of a motor vehicle by or on behalf of the 62202  
owner, the official issuing the certificate shall indicate the 62203  
issuance with a stamp on the certificate of title or memorandum 62204  
certificate or, in the case of an electronic certificate of title, 62205

an electronic stamp or other notation as specified in rules 62206  
adopted by the registrar, and with a stamp on the inspection 62207  
certificate for the motor vehicle, if any. The official also shall 62208  
indicate, by a stamp or by other means the registrar prescribes, 62209  
on the registration certificate issued upon the first registration 62210  
of a motor vehicle by or on behalf of the owner the odometer 62211  
reading of the motor vehicle as shown in the odometer statement 62212  
included in or attached to the certificate of title. Upon each 62213  
subsequent registration of the motor vehicle by or on behalf of 62214  
the same owner, the official also shall so indicate the odometer 62215  
reading of the motor vehicle as shown on the immediately preceding 62216  
certificate of registration. 62217

The registrar shall include in the permanent registration 62218  
record of any vehicle required to be inspected under section 62219  
3704.14 of the Revised Code the inspection certificate number from 62220  
the inspection certificate that is presented at the time of 62221  
registration of the vehicle as required under this division. 62222

(C)(1) Except as otherwise provided in division (C)(1) of 62223  
this section, the registrar and each deputy registrar shall 62224  
collect an additional fee of eleven dollars for each application 62225  
for registration and registration renewal received. For vehicles 62226  
specified in divisions (A)(1) to (21) of section 4503.042 of the 62227  
Revised Code, the registrar and deputy registrar shall collect an 62228  
additional fee of thirty dollars for each application for 62229  
registration and registration renewal received. No additional fee 62230  
shall be charged for vehicles registered under section 4503.65 of 62231  
the Revised Code. The additional fee is for the purpose of 62232  
defraying the department of public safety's costs associated with 62233  
the administration and enforcement of the motor vehicle and 62234  
traffic laws of Ohio. Each deputy registrar shall transmit the 62235  
fees collected under division (C)(1) of this section in the time 62236  
and manner provided in this section. The registrar shall deposit 62237



all moneys received under division (C)(1) of this section into the 62238  
public safety - highway purposes fund established in section 62239  
4501.06 of the Revised Code. 62240

(2) In addition, a charge of twenty-five cents shall be made 62241  
for each reflectorized safety license plate issued, and a single 62242  
charge of twenty-five cents shall be made for each county 62243  
identification sticker or each set of county identification 62244  
stickers issued, as the case may be, to cover the cost of 62245  
producing the license plates and stickers, including material, 62246  
manufacturing, and administrative costs. Those fees shall be in 62247  
addition to the license tax. If the total cost of producing the 62248  
plates is less than twenty-five cents per plate, or if the total 62249  
cost of producing the stickers is less than twenty-five cents per 62250  
sticker or per set issued, any excess moneys accruing from the 62251  
fees shall be distributed in the same manner as provided by 62252  
section 4501.04 of the Revised Code for the distribution of 62253  
license tax moneys. If the total cost of producing the plates 62254  
exceeds twenty-five cents per plate, or if the total cost of 62255  
producing the stickers exceeds twenty-five cents per sticker or 62256  
per set issued, the difference shall be paid from the license tax 62257  
moneys collected pursuant to section 4503.02 of the Revised Code. 62258

(D) Each deputy registrar shall be allowed a fee equal to the 62259  
amount established under section 4503.038 of the Revised Code for 62260  
each application for registration and registration renewal notice 62261  
the deputy registrar receives, which shall be for the purpose of 62262  
compensating the deputy registrar for the deputy registrar's 62263  
services, and such office and rental expenses, as may be necessary 62264  
for the proper discharge of the deputy registrar's duties in the 62265  
receiving of applications and renewal notices and the issuing of 62266  
registrations. 62267

(E) Upon the certification of the registrar, the county 62268  
sheriff or local police officials shall recover license plates 62269

erroneously or fraudulently issued. 62270

(F) Each deputy registrar, upon receipt of any application 62271  
for registration or registration renewal notice, together with the 62272  
license fee and any local motor vehicle license tax levied 62273  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 62274  
fee and tax, if any, in the manner provided in this section, 62275  
together with the original and duplicate copy of the application, 62276  
to the registrar. The registrar, subject to the approval of the 62277  
director of public safety, may deposit the funds collected by 62278  
those deputies in a local bank or depository to the credit of the 62279  
"state of Ohio, bureau of motor vehicles." Where a local bank or 62280  
depository has been designated by the registrar, each deputy 62281  
registrar shall deposit all moneys collected by the deputy 62282  
registrar into that bank or depository not more than one business 62283  
day after their collection and shall make reports to the registrar 62284  
of the amounts so deposited, together with any other information, 62285  
some of which may be prescribed by the treasurer of state, as the 62286  
registrar may require and as prescribed by the registrar by rule. 62287  
The registrar, within three days after receipt of notification of 62288  
the deposit of funds by a deputy registrar in a local bank or 62289  
depository, shall draw on that account in favor of the treasurer 62290  
of state. The registrar, subject to the approval of the director 62291  
and the treasurer of state, may make reasonable rules necessary 62292  
for the prompt transmittal of fees and for safeguarding the 62293  
interests of the state and of counties, townships, municipal 62294  
corporations, and transportation improvement districts levying 62295  
local motor vehicle license taxes. The registrar may pay service 62296  
charges usually collected by banks and depositories for such 62297  
service. If deputy registrars are located in communities where 62298  
banking facilities are not available, they shall transmit the fees 62299  
forthwith, by money order or otherwise, as the registrar, by rule 62300  
approved by the director and the treasurer of state, may 62301  
prescribe. The registrar may pay the usual and customary fees for 62302

such service. 62303

(G) This section does not prevent any person from making an 62304  
application for a motor vehicle license directly to the registrar 62305  
by mail, by electronic means, or in person at any of the 62306  
registrar's offices, upon payment of a service fee equal to the 62307  
amount established under section 4503.038 of the Revised Code for 62308  
each application. 62309

(H) No person shall make a false statement as to the district 62310  
of registration in an application required by division (A) of this 62311  
section. Violation of this division is falsification under section 62312  
2921.13 of the Revised Code and punishable as specified in that 62313  
section. 62314

(I)(1) Where applicable, the requirements of division (B) of 62315  
this section relating to the presentation of an inspection 62316  
certificate issued under section 3704.14 of the Revised Code and 62317  
rules adopted under it for a motor vehicle, the refusal of a 62318  
license for failure to present an inspection certificate, and the 62319  
stamping of the inspection certificate by the official issuing the 62320  
certificate of registration apply to the registration of and 62321  
issuance of license plates for a motor vehicle under sections 62322  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 62323  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 62324  
4503.47, and 4503.51 of the Revised Code. 62325

(2)(a) The registrar shall adopt rules ensuring that each 62326  
owner registering a motor vehicle in a county where a motor 62327  
vehicle inspection and maintenance program is in effect under 62328  
section 3704.14 of the Revised Code and rules adopted under it 62329  
receives information about the requirements established in that 62330  
section and those rules and about the need in those counties to 62331  
present an inspection certificate with an application for 62332  
registration or preregistration. 62333

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Subject to division (K) of this section, application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial

tractors, commercial trailers, and commercial semitrailers to 62365  
conduct electronic transactions by July 1, 2010, or sooner. If the 62366  
registrar determines that implementing such a program is feasible, 62367  
the registrar shall adopt new rules under this division or amend 62368  
existing rules adopted under this division as necessary in order 62369  
to respond to advances in technology. 62370

If international registration plan guidelines and provisions 62371  
allow member jurisdictions to permit applications for 62372  
registrations under the international registration plan to be made 62373  
via the internet, the rules the registrar adopts under this 62374  
division shall permit such action. 62375

**Sec. 4503.101.** (A) The registrar of motor vehicles shall 62376  
adopt rules to establish a system of motor vehicle registration 62377  
based upon the type of vehicle to be registered, the type of 62378  
ownership of the vehicle, the class of license plate to be issued, 62379  
and any other factor the registrar determines to be relevant. 62380  
Except for commercial cars, buses, trailers, and semitrailers that 62381  
are registered in this state and that are taxed under ~~section~~ 62382  
sections 4503.042 and 4503.65 of the Revised Code; except for 62383  
rental vehicles owned by motor vehicle renting dealers; and except 62384  
as otherwise provided by rule, motor vehicles owned by an 62385  
individual shall be registered based upon the motor vehicle 62386  
owner's date of birth. Beginning with the 2004 registration year, 62387  
the registrar shall assign motor vehicles to the registration 62388  
periods established by rules adopted under this section. 62389

(B) The registrar shall adopt rules to permit motor vehicle 62390  
owners residing together at one address to select the date of 62391  
birth of any one of the owners as the date to register any or all 62392  
of the vehicles at that residence address, as shown in the records 62393  
of the bureau of motor vehicles. 62394

(C) The registrar shall adopt rules to assign and reassign 62395

all commercial cars, trailers, and semitrailers that are 62396  
registered in this state and that are taxed under ~~section~~ sections 62397  
4503.042 and 4503.65 of the Revised Code and all rental vehicles 62398  
owned by motor vehicle renting dealers to a system of registration 62399  
so that the registrations of approximately one-twelfth of all such 62400  
vehicles expire on the last day of each month of a calendar year. 62401  
To effect a reassignment from the registration period in effect on 62402  
June 30, 2003, to the new registration periods established by the 62403  
rules adopted under this section as amended, the rules may require 62404  
the motor vehicle to be registered for more or less than a 62405  
twelve-month period at the time the motor vehicle's registration 62406  
is subject to its initial renewal following the effective date of 62407  
such rules. If necessary to effect an efficient transition, the 62408  
rules may provide that the registration reassignments take place 62409  
over two consecutive registration periods. The registration taxes 62410  
to be charged shall be determined by the registrar on the basis of 62411  
the annual tax otherwise due on the motor vehicle, prorated in 62412  
accordance with the number of months for which the motor vehicle 62413  
is registered, except that the fee established by division (C)(1) 62414  
of section 4503.10 of the Revised Code shall be collected in full 62415  
for each renewal that occurs during the transition period and 62416  
shall not be prorated. 62417

(D) The registrar shall adopt rules to permit any commercial 62418  
motor vehicle owner or motor vehicle renting dealer who owns two 62419  
or more motor vehicles to request the registrar to permit the 62420  
owner to separate the owner's fleet into up to four divisions for 62421  
assignment to separate dates upon which to register the vehicles, 62422  
provided that the registrar may disapprove any such request 62423  
whenever the registrar has reason to believe that an uneven 62424  
distribution of registrations throughout the calendar year has 62425  
developed or is likely to develop. 62426

(E) Every owner or lessee of a motor vehicle holding a 62427

certificate of registration shall notify the registrar of any 62428  
change of the owner's or lessee's correct address within ten days 62429  
after the change occurs. The notification shall be in writing on a 62430  
form provided by the registrar or by electronic means approved by 62431  
the registrar and shall include the full name, date of birth if 62432  
applicable, license number, county of residence or place of 62433  
business, social security account number of an individual or 62434  
federal tax identification number of a business, and new address. 62435

(F) As used in this section, "motor vehicle renting dealer" 62436  
has the same meaning as in section 4549.65 of the Revised Code. 62437

**Sec. 4503.15.** Owners and lessees of motor vehicles who are 62438  
residents of this state and hold an unrevoked and unexpired 62439  
license duly admitting them to the practice of medicine in this 62440  
state, upon application, accompanied by proof of the issuance to 62441  
the applicant by this state of a ~~certificate~~ license issued 62442  
pursuant to section 4731.14 of the Revised Code authorizing the 62443  
person to engage in the practice of medicine, upon complying with 62444  
the motor vehicle laws relating to registration and licensing of 62445  
motor vehicles, and upon payment of the regular license fee, as 62446  
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 62447  
and the payment of an additional fee of ten dollars, which shall 62448  
be for the purpose of compensating the bureau of motor vehicles 62449  
for additional services required in the issuing of license plates 62450  
under this section, shall be issued a validation sticker and 62451  
license plates, or a validation sticker alone when required by 62452  
section 4503.191 of the Revised Code, for passenger cars and other 62453  
vehicles of a class approved by the registrar. Such license 62454  
plates, in addition to the letters and numbers ordinarily 62455  
inscribed thereon, shall be inscribed with the word "physician." 62456

**Sec. 4503.503.** (A) The owner or lessee of any passenger car, 62457  
noncommercial motor vehicle, recreational vehicle, or other 62458

vehicle of a class approved by the registrar of motor vehicles may 62459  
apply to the registrar for the registration of the vehicle and 62460  
issuance of "Ohio agriculture" license plates. The application for 62461  
"Ohio agriculture" license plates may be combined with a request 62462  
for a special reserved license plate under section 4503.40 or 62463  
4503.42 of the Revised Code. Upon receipt of the completed 62464  
application and compliance with division (B) of this section, the 62465  
registrar shall issue to the applicant the appropriate vehicle 62466  
registration and a set of "Ohio agriculture" license plates with a 62467  
validation sticker or a validation sticker alone when required by 62468  
section 4503.191 of the Revised Code. 62469

In addition to the letters and numbers ordinarily inscribed 62470  
thereon, "Ohio agriculture" license plates shall be inscribed with 62471  
words and markings selected and designed by the Ohio farm bureau 62472  
federation, in consultation with representatives of agricultural 62473  
commodity organizations of this state. The registrar shall approve 62474  
the final design. "Ohio agriculture" license plates shall bear 62475  
county identification stickers that identify the county of 62476  
registration as required under section 4503.19 of the Revised 62477  
Code. 62478

(B) "Ohio agriculture" license plates and validation stickers 62479  
shall be issued upon payment of the regular license tax as 62480  
prescribed under section 4503.04 of the Revised Code, any 62481  
applicable motor vehicle tax levied under Chapter 4504. of the 62482  
Revised Code, any applicable fee prescribed by section 4503.40 or 62483  
4503.42 of the Revised Code, a bureau of motor vehicles 62484  
administrative fee of ten dollars, the contribution specified 62485  
under division (C) of this section, and compliance with all other 62486  
applicable laws relating to the registration of motor vehicles. 62487

(C) For each application for registration and registration 62488  
renewal received under this section, the registrar shall collect a 62489



contribution of twenty dollars. The registrar shall transmit this 62490  
contribution to the treasurer of state for deposit in the ~~Ohio~~ 62491  
~~agriculture license plate scholarship~~ state treasury to the credit 62492  
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 62493  
Revised Code. 62494

(D) The registrar shall deposit the bureau administrative fee 62495  
of ten dollars specified in division (B) of this section, the 62496  
purpose of which is to compensate the bureau for the additional 62497  
services required in the issuing of the applicant's "Ohio 62498  
agriculture" license plates, into the state bureau of motor 62499  
vehicles fund created in section 4501.25 of the Revised Code. 62500

**Sec. 4503.63.** (A) The registrar of motor vehicles shall adopt 62501  
rules in accordance with the international registration plan for 62502  
the calculation of the proportionate registration tax due under 62503  
section ~~4503.042~~ 4503.65 of the Revised Code for the registration 62504  
of a vehicle in this state and in all jurisdictions declared for 62505  
apportionment purposes on the uniform mileage schedule. In 62506  
accordance with such rules, the registrar shall notify the 62507  
registrant of the taxes or fees due and shall collect the amount 62508  
due for registration in each declared jurisdiction, unless the 62509  
other jurisdiction bills the registrant directly. 62510

(B) The registrar shall notify other declared jurisdictions 62511  
that an apportioned registration application has been filed, shall 62512  
furnish the declared jurisdiction documentation to substantiate 62513  
and verify the application, and shall transmit the taxes or fees 62514  
to those jurisdictions within forty-five days of receipt. 62515

(C) The registrar shall cooperate with other jurisdictions in 62516  
connection with registration of vehicles under sections 4503.60 to 62517  
4503.66 of the Revised Code and the collection of apportioned 62518  
taxes and fees. 62519

Sec. 4503.65. ~~The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes to be charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. Until October 1, 2009, such vehicles shall be taxed at the rates established under section 4503.042 of the Revised Code. The rates ~~in~~ established under this section ~~become~~ effective on and after October 1, 2009 apply to commercial cars and buses that are subject to apportioned rates under the international registration plan.~~

(A) The rates of ~~the~~ annual registration taxes ~~imposed by this section are as follows for commercial cars having a, based on gross vehicle weight or combined gross vehicle weight of, for commercial cars that are apportionable are as follows:~~

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven one hundred~~ dollars;

(2) ~~More~~ For more than two thousand but not more than six thousand pounds, ~~seventy two~~ one hundred twenty-five dollars;

(3) ~~More~~ For more than six thousand but not more than ten thousand pounds, ~~eighty eight~~ one hundred forty dollars;

(4) ~~More~~ For more than ten thousand but not more than fourteen thousand pounds, one hundred ~~eight~~ sixty dollars;

(5) ~~More~~ For more than fourteen thousand but not more than eighteen thousand pounds, one hundred ~~twenty nine~~ eighty dollars;

(6) ~~More~~ For more than eighteen thousand but not more than twenty-two thousand pounds, ~~one~~ two hundred ~~fifty four~~ five

dollars;	62550
(7) <del>More</del> <u>For more</u> than twenty-two thousand but not more than	62551
twenty-six thousand pounds, <del>one two</del> <u>hundred eighty thirty</u> dollars;	62552
(8) <del>More</del> <u>For more</u> than twenty-six thousand but not more than	62553
thirty thousand pounds, <del>three four</del> <u>hundred sixty four ten</u> dollars;	62554
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than	62555
thirty-four thousand pounds, four hundred <del>thirty one</del> <u>seventy-five</u>	62556
dollars;	62557
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more	62558
than thirty-eight thousand pounds, <del>four five</del> <u>hundred ninety two</u>	62559
<u>thirty-five</u> dollars;	62560
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more	62561
than forty-two thousand pounds, five hundred <del>fifty four</del>	62562
<u>ninety-five</u> dollars;	62563
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than	62564
forty-six thousand pounds, six hundred <del>fifteen</del> <u>fifty-five</u> dollars;	62565
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than	62566
fifty thousand pounds, <del>six seven</del> <u>hundred seventy seven fifteen</u>	62567
dollars;	62568
(14) <del>More</del> <u>For more</u> than fifty thousand but not more than	62569
fifty-four thousand pounds, seven hundred <del>forty four</del> <u>eighty</u>	62570
dollars;	62571
(15) <del>More</del> <u>For more</u> than fifty-four thousand but not more than	62572
fifty-eight thousand pounds, eight hundred <del>five</del> <u>forty</u> dollars;	62573
(16) <del>More</del> <u>For more</u> than fifty-eight thousand but not more	62574
than sixty-two thousand pounds, <del>eight nine</del> <u>hundred seventy seven</u>	62575
<u>ten</u> dollars;	62576
(17) <del>More</del> <u>For more</u> than sixty-two thousand but not more than	62577
sixty-six thousand pounds, nine hundred <del>forty nine</del> <u>eighty</u> dollars;	62578

(18) <del>More</del> <u>For more</u> than sixty-six thousand but not more than	62579
seventy thousand pounds, one thousand <del>twenty</del> <u>fifty</u> dollars;	62580
(19) <del>More</del> <u>For more</u> than seventy thousand but not more than	62581
seventy-four thousand pounds, one thousand one hundred <del>seven</del>	62582
<u>thirty-five</u> dollars;	62583
(20) <del>More</del> <u>For more</u> than seventy-four thousand but not more	62584
than seventy-eight thousand pounds, one thousand two hundred	62585
<del>thirty</del> <u>fifty-five</u> dollars;	62586
(21) <del>More</del> <u>For more</u> than seventy-eight thousand pounds, one	62587
thousand three hundred <del>seventy-three</del> <u>ninety-five</u> dollars <del>and fifty</del>	62588
<del>cents.</del>	62589
(B) The rates of <del>the</del> <u>annual registration</u> taxes imposed <del>by</del>	62590
<del>this section are as follows for buses having a,</del> <u>based on</u> gross	62591
vehicle weight or combined gross vehicle weight <del>of,</del> <u>for buses that</u>	62592
<u>are apportionable are as follows:</u>	62593
(1) <del>Not</del> <u>For not</u> more than two thousand pounds, <del>eleven</del>	62594
<u>forty-six</u> dollars;	62595
(2) <del>More</del> <u>For more</u> than two thousand but not more than six	62596
thousand pounds, <del>forty-one</del> <u>seventy-six</u> dollars;	62597
(3) <del>More</del> <u>For more</u> than six thousand but not more than ten	62598
thousand pounds, one hundred <del>three</del> <u>thirty-six</u> dollars;	62599
(4) <del>More</del> <u>For more</u> than ten thousand but not more than	62600
fourteen thousand pounds, <del>one</del> <u>two</u> hundred <del>eighty-five</del> <u>sixteen</u>	62601
dollars;	62602
(5) <del>More</del> <u>For more</u> than fourteen thousand but not more than	62603
eighteen thousand pounds, two hundred <del>sixty-seven</del> <u>ninety-six</u>	62604
dollars;	62605
(6) <del>More</del> <u>For more</u> than eighteen thousand but not more than	62606
twenty-two thousand pounds, three hundred <del>forty-nine</del> <u>seventy-six</u>	62607
dollars;	62608

- (7) ~~More~~ For more than twenty-two thousand but not more than 62609  
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six 62610  
dollars; 62611
- (8) ~~More~~ For more than twenty-six thousand but not more than 62612  
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 62613
- (9) ~~More~~ For more than thirty thousand but not more than 62614  
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen 62615  
dollars ~~and fifty cents~~; 62616
- (10) ~~More~~ For more than thirty-four thousand but not more 62617  
than thirty-eight thousand pounds, six hundred ~~seventy-four~~ 62618  
ninety-six dollars ~~and fifty cents~~; 62619
- (11) ~~More~~ For more than thirty-eight thousand but not more 62620  
than forty-two thousand pounds, seven hundred ~~fifty-four~~ 62621  
seventy-six dollars ~~and fifty cents~~; 62622
- (12) ~~More~~ For more than forty-two thousand but not more than 62623  
forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 62624  
dollars ~~and fifty cents~~; 62625
- (13) ~~More~~ For more than forty-six thousand but not more than 62626  
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 62627  
~~and fifty cents~~; 62628
- (14) ~~More~~ For more than fifty thousand but not more than 62629  
fifty-four thousand pounds, one thousand ~~fourteen~~ thirty-six 62630  
dollars ~~and fifty cents~~; 62631
- (15) ~~More~~ For more than fifty-four thousand but not more than 62632  
fifty-eight thousand pounds, one thousand one hundred ~~four~~ 62633  
twenty-six dollars ~~and fifty cents~~; 62634
- (16) ~~More~~ For more than fifty-eight thousand but not more 62635  
than sixty-two thousand pounds, one thousand ~~one~~ two hundred 62636  
~~ninety-four~~ sixteen dollars ~~and fifty cents~~; 62637
- (17) ~~More~~ For more than sixty-two thousand but not more than 62638

sixty-six thousand pounds, one thousand ~~two~~ three hundred 62639  
~~eighty-four~~ six dollars and ~~fifty~~ cents; 62640

(18) ~~More~~ For more than sixty-six thousand but not more than 62641  
seventy thousand pounds, one thousand three hundred ~~seventy-four~~ 62642  
ninety-six dollars and ~~fifty~~ cents; 62643

(19) ~~More~~ For more than seventy thousand but not more than 62644  
seventy-four thousand pounds, one thousand four hundred ~~sixty-four~~ 62645  
eighty-six dollars and ~~fifty~~ cents; 62646

(20) ~~More~~ For more than seventy-four thousand but not more 62647  
than seventy-eight thousand pounds, one thousand five hundred 62648  
~~fifty-four~~ seventy-six dollars and ~~fifty~~ cents; 62649

(21) ~~More~~ For more than seventy-eight thousand pounds, one 62650  
thousand six hundred ~~forty-four~~ sixty-six dollars and ~~fifty~~ cents. 62651

(C)(1) Applications for the in-state registration of a 62652  
commercial car or commercial bus under the international 62653  
registration plan shall be filed with the registrar. The registrar 62654  
shall use the appropriate amount under division (A) or (B) of this 62655  
section as the base rate for purposes of determining the 62656  
registration taxes due to this state in accordance with rules 62657  
adopted under section 4503.63 of the Revised Code for 62658  
apportionment purposes. 62659

(2) With regard to a commercial car or commercial bus that is 62660  
registered in this state and is subject to the international 62661  
registration plan, the registrar or deputy registrar shall charge 62662  
a fee equal to the amount established under section 4503.038 of 62663  
the Revised Code, plus an appropriate amount to cover the cost of 62664  
postage. 62665

(3) With regard to a commercial car or commercial bus that is 62666  
registered in this state and is subject to the international 62667  
registration plan, if an application for registration renewal is 62668  
not applied for prior to the expiration date of the registration 62669

or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require.

(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section.

**Sec. 4503.77.** (A) As used in this section: 62685

(1) "Nonstandard license plate" means all of the following: 62686

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code; 62687  
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(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code; 62690  
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(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997. 62694  
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(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and~~ the director of 62696  
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agriculture. 62700

(B)(1) If, during any calendar year, the total number of 62701  
motor vehicle registrations involving a particular type of 62702  
nonstandard license plate is less than twenty-five, including both 62703  
new registrations and registration renewals, the registrar of 62704  
motor vehicles, on or after the first day of January, but not 62705  
later than the fifteenth day of January of the following year, 62706  
shall send a written notice to the sponsor of that type of 62707  
nonstandard license plate, if a sponsor exists, informing the 62708  
sponsor of this fact. The registrar also shall inform the sponsor 62709  
that if, during the calendar year in which the written notice is 62710  
sent, the total number of motor vehicle registrations involving 62711  
the sponsor's nonstandard license plate again is less than 62712  
twenty-five, the program involving that type of nonstandard 62713  
license plate will be terminated on the thirty-first day of 62714  
December of the calendar year in which the written notice is sent 62715  
and, except as provided in division (C) of this section, no motor 62716  
vehicle registration application involving either the actual 62717  
issuance of that type of nonstandard license plate or the 62718  
registration renewal of a motor vehicle displaying that type of 62719  
nonstandard license plate will be accepted by the registrar or a 62720  
deputy registrar beginning the first day of January of the next 62721  
calendar year. The registrar also shall inform the sponsor that if 62722  
the program involving the sponsor's nonstandard license plate is 62723  
terminated under this section, it may be reestablished pursuant to 62724  
division (D) of this section. 62725

(2) If, during any calendar year, the total number of motor 62726  
vehicle registrations involving a particular type of nonstandard 62727  
license plate is less than twenty-five, including both new 62728  
registrations and registration renewals, and no sponsor exists for 62729  
that license plate, the registrar shall issue a public notice on 62730  
or after the first day of January, but not later than the 62731



fifteenth day of January of the following year, stating that fact. 62732  
The notice also shall inform the public that if, during the 62733  
calendar year in which the registrar issues the public notice, the 62734  
total number of motor vehicle registrations for that type of 62735  
nonstandard license plate, including both new registrations and 62736  
registration renewals, again is less than twenty-five, the program 62737  
involving that type of nonstandard license plate will be 62738  
terminated on the thirty-first day of December of the calendar 62739  
year in which the registrar issues the public notice and, except 62740  
as provided in division (C) of this section, no motor vehicle 62741  
registration application involving either the actual issuance of 62742  
that type of nonstandard license plate or the registration renewal 62743  
of a motor vehicle displaying that type of nonstandard license 62744  
plate will be accepted by the registrar or a deputy registrar 62745  
beginning on the first day of January of the next calendar year. 62746

(C) If the program involving a type of nonstandard license 62747  
plate is terminated under division (B) of this section, the 62748  
registration of any motor vehicle displaying that type of 62749  
nonstandard license plate at the time of termination may be 62750  
renewed so long as the nonstandard license plates remain 62751  
serviceable. If the nonstandard license plates of such a motor 62752  
vehicle become unfit for service, the owner of the motor vehicle 62753  
may apply for the issuance of nonstandard license plates of that 62754  
same type, but the registrar or deputy registrar shall issue such 62755  
nonstandard license plates only if at the time of application the 62756  
stock of the bureau contains license plates of that type of 62757  
nonstandard license plate. If, at the time of such application, 62758  
the stock of the bureau does not contain license plates of that 62759  
type of nonstandard license plate, the registrar or deputy 62760  
registrar shall inform the owner of that fact, and the application 62761  
shall be refused. 62762

If the program involving a type of nonstandard license plate 62763

is terminated under division (B) of this section and the 62764  
registration of motor vehicles displaying such license plates 62765  
continues as permitted by this division, the registrar, for as 62766  
long as such registrations continue to be issued, shall continue 62767  
to collect and distribute any contribution that was required to be 62768  
collected and distributed prior to the termination of that 62769  
program. 62770

(D) If the program involving a nonstandard license plate is 62771  
terminated under division (B)(1) of this section, the sponsor of 62772  
that license plate may apply to the registrar for the 62773  
reestablishment of the program. If the program involving that 62774  
nonstandard license plate is reestablished, the reestablishment is 62775  
subject to division (B) of section 4503.78 of the Revised Code. 62776

**Sec. 4503.83.** (A) Commencing January 1, 2014, the owner or 62777  
lessee of a fleet of apportioned vehicles may apply to the 62778  
registrar of motor vehicles for the registration of any 62779  
apportioned vehicle, commercial trailer, or other vehicle of a 62780  
class approved by the registrar and issuance of company logo 62781  
license plates. The initial application shall be for not less than 62782  
fifty eligible vehicles. The applicant shall provide the registrar 62783  
the artwork for the company logo plate in a format designated by 62784  
the registrar. The registrar shall approve the artwork or return 62785  
the artwork for modification in accordance with any design 62786  
requirements reasonably imposed by the registrar. 62787

Upon approval of the artwork and receipt of the completed 62788  
application and compliance with divisions (B) and (C) of this 62789  
section, the registrar shall issue to the applicant the 62790  
appropriate vehicle registration and the appropriate number of 62791  
company logo license plates with a validation sticker or a 62792  
validation sticker alone when required by section 4503.191 of the 62793  
Revised Code, except that no validation sticker shall be issued 62794

under this section for a motor vehicle for which the registration tax is specified in section 4503.042 of the Revised Code. 62795  
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In addition to the letters and numbers ordinarily inscribed on license plates, company logo license plates shall be inscribed with words and markings requested by the applicant and approved by the registrar. 62797  
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(B) A company logo license plate and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the applicable regular license tax prescribed in section 4503.042 or 4503.65 of the Revised Code for the registration of a vehicle in this state, any applicable fees prescribed in section 4503.10 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles fee of six dollars when a company logo license plate actually is issued, and compliance with all other applicable laws relating to the registration of motor vehicles. If a company logo plate is issued to replace an existing license plate for the same vehicle, the replacement license plate fees prescribed in division (A) of section 4503.19 of the Revised Code shall not apply. 62801  
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(C) The registrar shall deposit the bureau of motor vehicles fee specified in division (B) of this section, the purpose of which is to compensate the bureau for the additional services required in issuing company logo license plates, in the public safety - highway purposes fund created in section 4501.06 of the Revised Code. 62815  
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**Sec. 4504.201.** No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 62821  
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or 4504.24 of the Revised Code. 62826

**Sec. 4508.02.** (A)(1) The director of public safety, subject 62827  
to Chapter 119. of the Revised Code, shall adopt and prescribe 62828  
such rules concerning the administration and enforcement of this 62829  
chapter as are necessary to protect the public. The rules shall 62830  
require an assessment of the holder of a probationary instructor 62831  
license. The director shall inspect the school facilities and 62832  
equipment of applicants and licensees and examine applicants for 62833  
instructor's licenses. 62834

(2) The director shall adopt rules governing online driver 62835  
education courses that may be completed via the internet to 62836  
satisfy the classroom instruction under division (C) of this 62837  
section. The rules shall do all of the following: 62838

(a) Establish standards that an online driver training 62839  
enterprise must satisfy to be licensed to offer an online driver 62840  
education course via the internet, including, at a minimum, proven 62841  
expertise in providing driver education and an acceptable 62842  
infrastructure capable of providing secure online driver education 62843  
in accord with advances in internet technology. The rules shall 62844  
allow an online driver training enterprise to be affiliated with a 62845  
licensed driver training school offering in-person classroom 62846  
instruction, but shall not require such an affiliation. 62847

(b) Establish content requirements that an online driver 62848  
education course must satisfy to be approved as equivalent to 62849  
twenty-four hours of in-person classroom instruction; 62850

(c) Establish attendance standards, including a maximum 62851  
number of course hours that may be completed in a twenty-four-hour 62852  
period; 62853

(d) Allow an enrolled applicant to begin the required eight 62854  
hours of actual behind-the-wheel instruction upon completing at 62855

least two hours of course instruction and being issued a 62856  
certificate of enrollment by a licensed online driver training 62857  
enterprise; 62858

(e) Establish any other requirements necessary to regulate 62859  
online driver education. 62860

(B) The director shall administer and enforce this chapter. 62861

(C) The rules shall require twenty-four hours of in-person 62862  
classroom instruction or completion of an approved, equivalent 62863  
online driver education course offered via the internet by a 62864  
licensed online driver training enterprise, and eight hours of 62865  
actual behind-the-wheel instruction conducted on public streets 62866  
and highways of this state for all beginning drivers of 62867  
noncommercial motor vehicles who are under age eighteen. The rules 62868  
also shall require the classroom instruction or online driver 62869  
education course for such drivers to include instruction ~~in the~~ on 62870  
both of the following: 62871

(1) The dangers of driving a motor vehicle while using an 62872  
electronic wireless communications device to write, send, or read 62873  
a text-based communication; 62874

(2) Substance abuse and prescription drug abuse, the science 62875  
related to addiction, and the effect of psychoactive substances on 62876  
the brain and on a person while operating a motor vehicle. 62877

(D) The rules shall state the minimum hours for classroom and 62878  
behind-the-wheel instruction required for beginning drivers of 62879  
commercial trucks, commercial cars, buses, and commercial 62880  
tractors, trailers, and semitrailers. 62881

(E)(1) The department of public safety may charge a fee to 62882  
each online driver training enterprise in an amount sufficient to 62883  
pay the actual expenses the department incurs in the regulation of 62884  
online driver education courses. 62885

(2) The department shall supply to each licensed online driver training enterprise certificates to be used for certifying an applicant's enrollment in an approved online driver education course and a separate certificate to be issued upon successful completion of an approved online driver education course. The certificates shall be numbered serially. The department may charge a fee to each online driver training enterprise per certificate supplied to pay the actual expenses the department incurs in supplying the certificates.

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing an abbreviated driver training course for adults that must be completed by any applicant for an initial driver's license who is eighteen years of age or older and who failed the road or maneuverability test required under division (A)(2) of section 4507.11 of the Revised Code prior to attempting the test a second or subsequent time.

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of one

gram or more but less than seventeen-hundredths of one gram by 62916  
weight of alcohol per two hundred ten liters of the person's 62917  
breath. 62918

(e) The person has a concentration of eleven-hundredths of 62919  
one gram or more but less than two hundred 62920  
thirty-eight-thousandths of one gram by weight of alcohol per one 62921  
hundred milliliters of the person's urine. 62922

(f) The person has a concentration of seventeen-hundredths of 62923  
one per cent or more by weight per unit volume of alcohol in the 62924  
person's whole blood. 62925

(g) The person has a concentration of two hundred 62926  
four-thousandths of one per cent or more by weight per unit volume 62927  
of alcohol in the person's blood serum or plasma. 62928

(h) The person has a concentration of seventeen-hundredths of 62929  
one gram or more by weight of alcohol per two hundred ten liters 62930  
of the person's breath. 62931

(i) The person has a concentration of two hundred 62932  
thirty-eight-thousandths of one gram or more by weight of alcohol 62933  
per one hundred milliliters of the person's urine. 62934

(j) Except as provided in division (K) of this section, the 62935  
person has a concentration of any of the following controlled 62936  
substances or metabolites of a controlled substance in the 62937  
person's whole blood, blood serum or plasma, or urine that equals 62938  
or exceeds any of the following: 62939

(i) The person has a concentration of amphetamine in the 62940  
person's urine of at least five hundred nanograms of amphetamine 62941  
per milliliter of the person's urine or has a concentration of 62942  
amphetamine in the person's whole blood or blood serum or plasma 62943  
of at least one hundred nanograms of amphetamine per milliliter of 62944  
the person's whole blood or blood serum or plasma. 62945

(ii) The person has a concentration of cocaine in the 62946  
person's urine of at least one hundred fifty nanograms of cocaine 62947  
per milliliter of the person's urine or has a concentration of 62948  
cocaine in the person's whole blood or blood serum or plasma of at 62949  
least fifty nanograms of cocaine per milliliter of the person's 62950  
whole blood or blood serum or plasma. 62951

(iii) The person has a concentration of cocaine metabolite in 62952  
the person's urine of at least one hundred fifty nanograms of 62953  
cocaine metabolite per milliliter of the person's urine or has a 62954  
concentration of cocaine metabolite in the person's whole blood or 62955  
blood serum or plasma of at least fifty nanograms of cocaine 62956  
metabolite per milliliter of the person's whole blood or blood 62957  
serum or plasma. 62958

(iv) The person has a concentration of heroin in the person's 62959  
urine of at least two thousand nanograms of heroin per milliliter 62960  
of the person's urine or has a concentration of heroin in the 62961  
person's whole blood or blood serum or plasma of at least fifty 62962  
nanograms of heroin per milliliter of the person's whole blood or 62963  
blood serum or plasma. 62964

(v) The person has a concentration of heroin metabolite 62965  
(6-monoacetyl morphine) in the person's urine of at least ten 62966  
nanograms of heroin metabolite (6-monoacetyl morphine) per 62967  
milliliter of the person's urine or has a concentration of heroin 62968  
metabolite (6-monoacetyl morphine) in the person's whole blood or 62969  
blood serum or plasma of at least ten nanograms of heroin 62970  
metabolite (6-monoacetyl morphine) per milliliter of the person's 62971  
whole blood or blood serum or plasma. 62972

(vi) The person has a concentration of L.S.D. in the person's 62973  
urine of at least twenty-five nanograms of L.S.D. per milliliter 62974  
of the person's urine or a concentration of L.S.D. in the person's 62975  
whole blood or blood serum or plasma of at least ten nanograms of 62976  
L.S.D. per milliliter of the person's whole blood or blood serum 62977



or plasma. 62978

(vii) The person has a concentration of marihuana in the 62979  
person's urine of at least ten nanograms of marihuana per 62980  
milliliter of the person's urine or has a concentration of 62981  
marihuana in the person's whole blood or blood serum or plasma of 62982  
at least two nanograms of marihuana per milliliter of the person's 62983  
whole blood or blood serum or plasma. 62984

(viii) Either of the following applies: 62985

(I) The person is under the influence of alcohol, a drug of 62986  
abuse, or a combination of them, and, ~~as measured by gas~~ 62987  
~~chromatography mass spectrometry,~~ the person has a concentration 62988  
of marihuana metabolite in the person's urine of at least fifteen 62989  
nanograms of marihuana metabolite per milliliter of the person's 62990  
urine or has a concentration of marihuana metabolite in the 62991  
person's whole blood or blood serum or plasma of at least five 62992  
nanograms of marihuana metabolite per milliliter of the person's 62993  
whole blood or blood serum or plasma. 62994

(II) ~~As measured by gas chromatography mass spectrometry, the~~ 62995  
The person has a concentration of marihuana metabolite in the 62996  
person's urine of at least thirty-five nanograms of marihuana 62997  
metabolite per milliliter of the person's urine or has a 62998  
concentration of marihuana metabolite in the person's whole blood 62999  
or blood serum or plasma of at least fifty nanograms of marihuana 63000  
metabolite per milliliter of the person's whole blood or blood 63001  
serum or plasma. 63002

(ix) The person has a concentration of methamphetamine in the 63003  
person's urine of at least five hundred nanograms of 63004  
methamphetamine per milliliter of the person's urine or has a 63005  
concentration of methamphetamine in the person's whole blood or 63006  
blood serum or plasma of at least one hundred nanograms of 63007  
methamphetamine per milliliter of the person's whole blood or 63008

blood serum or plasma. 63009

(x) The person has a concentration of phencyclidine in the 63010  
person's urine of at least twenty-five nanograms of phencyclidine 63011  
per milliliter of the person's urine or has a concentration of 63012  
phencyclidine in the person's whole blood or blood serum or plasma 63013  
of at least ten nanograms of phencyclidine per milliliter of the 63014  
person's whole blood or blood serum or plasma. 63015

(xi) The state board of pharmacy has adopted a rule pursuant 63016  
to section 4729.041 of the Revised Code that specifies the amount 63017  
of salvia divinorum and the amount of salvinorin A that constitute 63018  
concentrations of salvia divinorum and salvinorin A in a person's 63019  
urine, in a person's whole blood, or in a person's blood serum or 63020  
plasma at or above which the person is impaired for purposes of 63021  
operating any vehicle, streetcar, or trackless trolley within this 63022  
state, the rule is in effect, and the person has a concentration 63023  
of salvia divinorum or salvinorin A of at least that amount so 63024  
specified by rule in the person's urine, in the person's whole 63025  
blood, or in the person's blood serum or plasma. 63026

(2) No person who, within twenty years of the conduct 63027  
described in division (A)(2)(a) of this section, previously has 63028  
been convicted of or pleaded guilty to a violation of this 63029  
division, a violation of division (A)(1) or (B) of this section, 63030  
or any other equivalent offense shall do both of the following: 63031

(a) Operate any vehicle, streetcar, or trackless trolley 63032  
within this state while under the influence of alcohol, a drug of 63033  
abuse, or a combination of them; 63034

(b) Subsequent to being arrested for operating the vehicle, 63035  
streetcar, or trackless trolley as described in division (A)(2)(a) 63036  
of this section, being asked by a law enforcement officer to 63037  
submit to a chemical test or tests under section 4511.191 of the 63038  
Revised Code, and being advised by the officer in accordance with 63039

section 4511.192 of the Revised Code of the consequences of the 63040  
person's refusal or submission to the test or tests, refuse to 63041  
submit to the test or tests. 63042

(B) No person under twenty-one years of age shall operate any 63043  
vehicle, streetcar, or trackless trolley within this state, if, at 63044  
the time of the operation, any of the following apply: 63045

(1) The person has a concentration of at least two-hundredths 63046  
of one per cent but less than eight-hundredths of one per cent by 63047  
weight per unit volume of alcohol in the person's whole blood. 63048

(2) The person has a concentration of at least 63049  
three-hundredths of one per cent but less than 63050  
ninety-six-thousandths of one per cent by weight per unit volume 63051  
of alcohol in the person's blood serum or plasma. 63052

(3) The person has a concentration of at least two-hundredths 63053  
of one gram but less than eight-hundredths of one gram by weight 63054  
of alcohol per two hundred ten liters of the person's breath. 63055

(4) The person has a concentration of at least twenty-eight 63056  
one-thousandths of one gram but less than eleven-hundredths of one 63057  
gram by weight of alcohol per one hundred milliliters of the 63058  
person's urine. 63059

(C) In any proceeding arising out of one incident, a person 63060  
may be charged with a violation of division (A)(1)(a) or (A)(2) 63061  
and a violation of division (B)(1), (2), or (3) of this section, 63062  
but the person may not be convicted of more than one violation of 63063  
these divisions. 63064

(D)(1)(a) In any criminal prosecution or juvenile court 63065  
proceeding for a violation of division (A)(1)(a) of this section 63066  
or for an equivalent offense that is vehicle-related, the result 63067  
of any test of any blood or urine withdrawn and analyzed at any 63068  
health care provider, as defined in section 2317.02 of the Revised 63069  
Code, may be admitted with expert testimony to be considered with 63070

any other relevant and competent evidence in determining the guilt 63071  
or innocence of the defendant. 63072

(b) In any criminal prosecution or juvenile court proceeding 63073  
for a violation of division (A) or (B) of this section or for an 63074  
equivalent offense that is vehicle-related, the court may admit 63075  
evidence on the concentration of alcohol, drugs of abuse, 63076  
controlled substances, metabolites of a controlled substance, or a 63077  
combination of them in the defendant's whole blood, blood serum or 63078  
plasma, breath, urine, or other bodily substance at the time of 63079  
the alleged violation as shown by chemical analysis of the 63080  
substance withdrawn within three hours of the time of the alleged 63081  
violation. The three-hour time limit specified in this division 63082  
regarding the admission of evidence does not extend or affect the 63083  
two-hour time limit specified in division (A) of section 4511.192 63084  
of the Revised Code as the maximum period of time during which a 63085  
person may consent to a chemical test or tests as described in 63086  
that section. The court may admit evidence on the concentration of 63087  
alcohol, drugs of abuse, or a combination of them as described in 63088  
this division when a person submits to a blood, breath, urine, or 63089  
other bodily substance test at the request of a law enforcement 63090  
officer under section 4511.191 of the Revised Code or a blood or 63091  
urine sample is obtained pursuant to a search warrant. Only a 63092  
physician, a registered nurse, an emergency medical 63093  
technician-intermediate, an emergency medical 63094  
technician-paramedic, or a qualified technician, chemist, or 63095  
phlebotomist shall withdraw a blood sample for the purpose of 63096  
determining the alcohol, drug, controlled substance, metabolite of 63097  
a controlled substance, or combination content of the whole blood, 63098  
blood serum, or blood plasma. This limitation does not apply to 63099  
the taking of breath or urine specimens. A person authorized to 63100  
withdraw blood under this division may refuse to withdraw blood 63101  
under this division, if in that person's opinion, the physical 63102  
welfare of the person would be endangered by the withdrawing of 63103

blood. 63104

The bodily substance withdrawn under division (D)(1)(b) of 63105  
this section shall be analyzed in accordance with methods approved 63106  
by the director of health by an individual possessing a valid 63107  
permit issued by the director pursuant to section 3701.143 of the 63108  
Revised Code. 63109

(c) As used in division (D)(1)(b) of this section, "emergency 63110  
medical technician-intermediate" and "emergency medical 63111  
technician-paramedic" have the same meanings as in section 4765.01 63112  
of the Revised Code. 63113

(2) In a criminal prosecution or juvenile court proceeding 63114  
for a violation of division (A) of this section or for an 63115  
equivalent offense that is vehicle-related, if there was at the 63116  
time the bodily substance was withdrawn a concentration of less 63117  
than the applicable concentration of alcohol specified in 63118  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 63119  
than the applicable concentration of a listed controlled substance 63120  
or a listed metabolite of a controlled substance specified for a 63121  
violation of division (A)(1)(j) of this section, that fact may be 63122  
considered with other competent evidence in determining the guilt 63123  
or innocence of the defendant. This division does not limit or 63124  
affect a criminal prosecution or juvenile court proceeding for a 63125  
violation of division (B) of this section or for an equivalent 63126  
offense that is substantially equivalent to that division. 63127

(3) Upon the request of the person who was tested, the 63128  
results of the chemical test shall be made available to the person 63129  
or the person's attorney, immediately upon the completion of the 63130  
chemical test analysis. 63131

If the chemical test was obtained pursuant to division 63132  
(D)(1)(b) of this section, the person tested may have a physician, 63133  
a registered nurse, or a qualified technician, chemist, or 63134

phlebotomist of the person's own choosing administer a chemical 63135  
test or tests, at the person's expense, in addition to any 63136  
administered at the request of a law enforcement officer. If the 63137  
person was under arrest as described in division (A)(5) of section 63138  
4511.191 of the Revised Code, the arresting officer shall advise 63139  
the person at the time of the arrest that the person may have an 63140  
independent chemical test taken at the person's own expense. If 63141  
the person was under arrest other than described in division 63142  
(A)(5) of section 4511.191 of the Revised Code, the form to be 63143  
read to the person to be tested, as required under section 63144  
4511.192 of the Revised Code, shall state that the person may have 63145  
an independent test performed at the person's expense. The failure 63146  
or inability to obtain an additional chemical test by a person 63147  
shall not preclude the admission of evidence relating to the 63148  
chemical test or tests taken at the request of a law enforcement 63149  
officer. 63150

(4)(a) As used in divisions (D)(4)(b) and (c) of this 63151  
section, "national highway traffic safety administration" means 63152  
the national highway traffic safety administration established as 63153  
an administration of the United States department of 63154  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 63155

(b) In any criminal prosecution or juvenile court proceeding 63156  
for a violation of division (A) or (B) of this section, of a 63157  
municipal ordinance relating to operating a vehicle while under 63158  
the influence of alcohol, a drug of abuse, or alcohol and a drug 63159  
of abuse, or of a municipal ordinance relating to operating a 63160  
vehicle with a prohibited concentration of alcohol, a controlled 63161  
substance, or a metabolite of a controlled substance in the whole 63162  
blood, blood serum or plasma, breath, or urine, if a law 63163  
enforcement officer has administered a field sobriety test to the 63164  
operator of the vehicle involved in the violation and if it is 63165  
shown by clear and convincing evidence that the officer 63166

administered the test in substantial compliance with the testing 63167  
standards for any reliable, credible, and generally accepted field 63168  
sobriety tests that were in effect at the time the tests were 63169  
administered, including, but not limited to, any testing standards 63170  
then in effect that were set by the national highway traffic 63171  
safety administration, all of the following apply: 63172

(i) The officer may testify concerning the results of the 63173  
field sobriety test so administered. 63174

(ii) The prosecution may introduce the results of the field 63175  
sobriety test so administered as evidence in any proceedings in 63176  
the criminal prosecution or juvenile court proceeding. 63177

(iii) If testimony is presented or evidence is introduced 63178  
under division (D)(4)(b)(i) or (ii) of this section and if the 63179  
testimony or evidence is admissible under the Rules of Evidence, 63180  
the court shall admit the testimony or evidence and the trier of 63181  
fact shall give it whatever weight the trier of fact considers to 63182  
be appropriate. 63183

(c) Division (D)(4)(b) of this section does not limit or 63184  
preclude a court, in its determination of whether the arrest of a 63185  
person was supported by probable cause or its determination of any 63186  
other matter in a criminal prosecution or juvenile court 63187  
proceeding of a type described in that division, from considering 63188  
evidence or testimony that is not otherwise disallowed by division 63189  
(D)(4)(b) of this section. 63190

(E)(1) Subject to division (E)(3) of this section, in any 63191  
criminal prosecution or juvenile court proceeding for a violation 63192  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 63193  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 63194  
offense that is substantially equivalent to any of those 63195  
divisions, a laboratory report from any laboratory personnel 63196  
issued a permit by the department of health authorizing an 63197

analysis as described in this division that contains an analysis 63198  
of the whole blood, blood serum or plasma, breath, urine, or other 63199  
bodily substance tested and that contains all of the information 63200  
specified in this division shall be admitted as prima-facie 63201  
evidence of the information and statements that the report 63202  
contains. The laboratory report shall contain all of the 63203  
following: 63204

(a) The signature, under oath, of any person who performed 63205  
the analysis; 63206

(b) Any findings as to the identity and quantity of alcohol, 63207  
a drug of abuse, a controlled substance, a metabolite of a 63208  
controlled substance, or a combination of them that was found; 63209

(c) A copy of a notarized statement by the laboratory 63210  
director or a designee of the director that contains the name of 63211  
each certified analyst or test performer involved with the report, 63212  
the analyst's or test performer's employment relationship with the 63213  
laboratory that issued the report, and a notation that performing 63214  
an analysis of the type involved is part of the analyst's or test 63215  
performer's regular duties; 63216

(d) An outline of the analyst's or test performer's 63217  
education, training, and experience in performing the type of 63218  
analysis involved and a certification that the laboratory 63219  
satisfies appropriate quality control standards in general and, in 63220  
this particular analysis, under rules of the department of health. 63221

(2) Notwithstanding any other provision of law regarding the 63222  
admission of evidence, a report of the type described in division 63223  
(E)(1) of this section is not admissible against the defendant to 63224  
whom it pertains in any proceeding, other than a preliminary 63225  
hearing or a grand jury proceeding, unless the prosecutor has 63226  
served a copy of the report on the defendant's attorney or, if the 63227  
defendant has no attorney, on the defendant. 63228



(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

As used in this division, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(G)(1) Whoever violates any provision of divisions (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle

under the influence of alcohol, a drug of abuse, or a combination 63261  
of them. Whoever violates division (A)(1)(j) of this section is 63262  
guilty of operating a vehicle while under the influence of a 63263  
listed controlled substance or a listed metabolite of a controlled 63264  
substance. The court shall sentence the offender for either 63265  
offense under Chapter 2929. of the Revised Code, except as 63266  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 63267  
this section: 63268

(a) Except as otherwise provided in division (G)(1)(b), (c), 63269  
(d), or (e) of this section, the offender is guilty of a 63270  
misdemeanor of the first degree, and the court shall sentence the 63271  
offender to all of the following: 63272

(i) If the sentence is being imposed for a violation of 63273  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63274  
mandatory jail term of three consecutive days. As used in this 63275  
division, three consecutive days means seventy-two consecutive 63276  
hours. The court may sentence an offender to both an intervention 63277  
program and a jail term. The court may impose a jail term in 63278  
addition to the three-day mandatory jail term or intervention 63279  
program. However, in no case shall the cumulative jail term 63280  
imposed for the offense exceed six months. 63281

The court may suspend the execution of the three-day jail 63282  
term under this division if the court, in lieu of that suspended 63283  
term, places the offender under a community control sanction 63284  
pursuant to section 2929.25 of the Revised Code and requires the 63285  
offender to attend, for three consecutive days, a drivers' 63286  
intervention program certified under section 5119.38 of the 63287  
Revised Code. The court also may suspend the execution of any part 63288  
of the three-day jail term under this division if it places the 63289  
offender under a community control sanction pursuant to section 63290  
2929.25 of the Revised Code for part of the three days, requires 63291  
the offender to attend for the suspended part of the term a 63292

drivers' intervention program so certified, and sentences the 63293  
offender to a jail term equal to the remainder of the three 63294  
consecutive days that the offender does not spend attending the 63295  
program. The court may require the offender, as a condition of 63296  
community control and in addition to the required attendance at a 63297  
drivers' intervention program, to attend and satisfactorily 63298  
complete any treatment or education programs that comply with the 63299  
minimum standards adopted pursuant to Chapter 5119. of the Revised 63300  
Code by the director of mental health and addiction services that 63301  
the operators of the drivers' intervention program determine that 63302  
the offender should attend and to report periodically to the court 63303  
on the offender's progress in the programs. The court also may 63304  
impose on the offender any other conditions of community control 63305  
that it considers necessary. 63306

If the court grants unlimited driving privileges to a 63307  
first-time offender under section 4510.022 of the Revised Code, 63308  
all penalties imposed upon the offender by the court under 63309  
division (G)(1)(a)(i) of this section for the offense apply, 63310  
except that the court shall suspend any mandatory or additional 63311  
jail term imposed by the court under division (G)(1)(a)(i) of this 63312  
section upon granting unlimited driving privileges in accordance 63313  
with section 4510.022 of the Revised Code. 63314

(ii) If the sentence is being imposed for a violation of 63315  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63316  
section, except as otherwise provided in this division, a 63317  
mandatory jail term of at least three consecutive days and a 63318  
requirement that the offender attend, for three consecutive days, 63319  
a drivers' intervention program that is certified pursuant to 63320  
section 5119.38 of the Revised Code. As used in this division, 63321  
three consecutive days means seventy-two consecutive hours. If the 63322  
court determines that the offender is not conducive to treatment 63323  
in a drivers' intervention program, if the offender refuses to 63324

attend a drivers' intervention program, or if the jail at which 63325  
the offender is to serve the jail term imposed can provide a 63326  
driver's intervention program, the court shall sentence the 63327  
offender to a mandatory jail term of at least six consecutive 63328  
days. 63329

If the court grants unlimited driving privileges to a 63330  
first-time offender under section 4510.022 of the Revised Code, 63331  
all penalties imposed upon the offender by the court under 63332  
division (G)(1)(a)(ii) of this section for the offense apply, 63333  
except that the court shall suspend any mandatory or additional 63334  
jail term imposed by the court under division (G)(1)(a)(ii) of 63335  
this section upon granting unlimited driving privileges in 63336  
accordance with section 4510.022 of the Revised Code. 63337

The court may require the offender, under a community control 63338  
sanction imposed under section 2929.25 of the Revised Code, to 63339  
attend and satisfactorily complete any treatment or education 63340  
programs that comply with the minimum standards adopted pursuant 63341  
to Chapter 5119. of the Revised Code by the director of mental 63342  
health and addiction services, in addition to the required 63343  
attendance at drivers' intervention program, that the operators of 63344  
the drivers' intervention program determine that the offender 63345  
should attend and to report periodically to the court on the 63346  
offender's progress in the programs. The court also may impose any 63347  
other conditions of community control on the offender that it 63348  
considers necessary. 63349

(iii) In all cases, a fine of not less than three hundred 63350  
seventy-five and not more than one thousand seventy-five dollars; 63351

(iv) In all cases, a suspension of the offender's driver's or 63352  
commercial driver's license or permit or nonresident operating 63353  
privilege for a definite period of one to three years. The court 63354  
may grant limited driving privileges relative to the suspension 63355  
under sections 4510.021 and 4510.13 of the Revised Code. The court 63356

may grant unlimited driving privileges with an ignition interlock 63357  
device relative to the suspension and may reduce the period of 63358  
suspension as authorized under section 4510.022 of the Revised 63359  
Code. 63360

(b) Except as otherwise provided in division (G)(1)(e) of 63361  
this section, an offender who, within ten years of the offense, 63362  
previously has been convicted of or pleaded guilty to one 63363  
violation of division (A) or (B) of this section or one other 63364  
equivalent offense is guilty of a misdemeanor of the first degree. 63365  
The court shall sentence the offender to all of the following: 63366

(i) If the sentence is being imposed for a violation of 63367  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63368  
mandatory jail term of ten consecutive days. The court shall 63369  
impose the ten-day mandatory jail term under this division unless, 63370  
subject to division (G)(3) of this section, it instead imposes a 63371  
sentence under that division consisting of both a jail term and a 63372  
term of house arrest with electronic monitoring, with continuous 63373  
alcohol monitoring, or with both electronic monitoring and 63374  
continuous alcohol monitoring. The court may impose a jail term in 63375  
addition to the ten-day mandatory jail term. The cumulative jail 63376  
term imposed for the offense shall not exceed six months. 63377

In addition to the jail term or the term of house arrest with 63378  
electronic monitoring or continuous alcohol monitoring or both 63379  
types of monitoring and jail term, the court shall require the 63380  
offender to be assessed by a community addiction services provider 63381  
that is authorized by section 5119.21 of the Revised Code, subject 63382  
to division (I) of this section, and shall order the offender to 63383  
follow the treatment recommendations of the services provider. The 63384  
purpose of the assessment is to determine the degree of the 63385  
offender's alcohol usage and to determine whether or not treatment 63386  
is warranted. Upon the request of the court, the services provider 63387  
shall submit the results of the assessment to the court, including 63388

all treatment recommendations and clinical diagnoses related to 63389  
alcohol use. 63390

(ii) If the sentence is being imposed for a violation of 63391  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63392  
section, except as otherwise provided in this division, a 63393  
mandatory jail term of twenty consecutive days. The court shall 63394  
impose the twenty-day mandatory jail term under this division 63395  
unless, subject to division (G)(3) of this section, it instead 63396  
imposes a sentence under that division consisting of both a jail 63397  
term and a term of house arrest with electronic monitoring, with 63398  
continuous alcohol monitoring, or with both electronic monitoring 63399  
and continuous alcohol monitoring. The court may impose a jail 63400  
term in addition to the twenty-day mandatory jail term. The 63401  
cumulative jail term imposed for the offense shall not exceed six 63402  
months. 63403

In addition to the jail term or the term of house arrest with 63404  
electronic monitoring or continuous alcohol monitoring or both 63405  
types of monitoring and jail term, the court shall require the 63406  
offender to be assessed by a community addiction service provider 63407  
that is authorized by section 5119.21 of the Revised Code, subject 63408  
to division (I) of this section, and shall order the offender to 63409  
follow the treatment recommendations of the services provider. The 63410  
purpose of the assessment is to determine the degree of the 63411  
offender's alcohol usage and to determine whether or not treatment 63412  
is warranted. Upon the request of the court, the services provider 63413  
shall submit the results of the assessment to the court, including 63414  
all treatment recommendations and clinical diagnoses related to 63415  
alcohol use. 63416

(iii) In all cases, notwithstanding the fines set forth in 63417  
Chapter 2929. of the Revised Code, a fine of not less than five 63418  
hundred twenty-five and not more than one thousand six hundred 63419  
twenty-five dollars; 63420

(iv) In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to seven years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of

division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63453  
section, a mandatory jail term of sixty consecutive days. The 63454  
court shall impose the sixty-day mandatory jail term under this 63455  
division unless, subject to division (G)(3) of this section, it 63456  
instead imposes a sentence under that division consisting of both 63457  
a jail term and a term of house arrest with electronic monitoring, 63458  
with continuous alcohol monitoring, or with both electronic 63459  
monitoring and continuous alcohol monitoring. The court may impose 63460  
a jail term in addition to the sixty-day mandatory jail term. 63461  
Notwithstanding the jail terms set forth in sections 2929.21 to 63462  
2929.28 of the Revised Code, the additional jail term shall not 63463  
exceed one year, and the cumulative jail term imposed for the 63464  
offense shall not exceed one year. 63465

(iii) In all cases, notwithstanding the fines set forth in 63466  
Chapter 2929. of the Revised Code, a fine of not less than eight 63467  
hundred fifty and not more than two thousand seven hundred fifty 63468  
dollars; 63469

(iv) In all cases, a suspension of the offender's driver's 63470  
license, commercial driver's license, temporary instruction 63471  
permit, probationary license, or nonresident operating privilege 63472  
for a definite period of two to twelve years. The court may grant 63473  
limited driving privileges relative to the suspension under 63474  
sections 4510.021 and 4510.13 of the Revised Code. 63475

(v) In all cases, if the vehicle is registered in the 63476  
offender's name, criminal forfeiture of the vehicle involved in 63477  
the offense in accordance with section 4503.234 of the Revised 63478  
Code. Division (G)(6) of this section applies regarding any 63479  
vehicle that is subject to an order of criminal forfeiture under 63480  
this division. 63481

(vi) In all cases, the court shall order the offender to 63482  
participate with a community addiction services provider 63483  
authorized by section 5119.21 of the Revised Code, subject to 63484



division (I) of this section, and shall order the offender to 63485  
follow the treatment recommendations of the services provider. The 63486  
operator of the services provider shall determine and assess the 63487  
degree of the offender's alcohol dependency and shall make 63488  
recommendations for treatment. Upon the request of the court, the 63489  
services provider shall submit the results of the assessment to 63490  
the court, including all treatment recommendations and clinical 63491  
diagnoses related to alcohol use. 63492

(d) Except as otherwise provided in division (G)(1)(e) of 63493  
this section, an offender who, within ten years of the offense, 63494  
previously has been convicted of or pleaded guilty to three or 63495  
four violations of division (A) or (B) of this section or other 63496  
equivalent offenses or an offender who, within twenty years of the 63497  
offense, previously has been convicted of or pleaded guilty to 63498  
five or more violations of that nature is guilty of a felony of 63499  
the fourth degree. The court shall sentence the offender to all of 63500  
the following: 63501

(i) If the sentence is being imposed for a violation of 63502  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63503  
mandatory prison term of one, two, three, four, or five years as 63504  
required by and in accordance with division (G)(2) of section 63505  
2929.13 of the Revised Code if the offender also is convicted of 63506  
or also pleads guilty to a specification of the type described in 63507  
section 2941.1413 of the Revised Code or, in the discretion of the 63508  
court, either a mandatory term of local incarceration of sixty 63509  
consecutive days in accordance with division (G)(1) of section 63510  
2929.13 of the Revised Code or a mandatory prison term of sixty 63511  
consecutive days in accordance with division (G)(2) of that 63512  
section if the offender is not convicted of and does not plead 63513  
guilty to a specification of that type. If the court imposes a 63514  
mandatory term of local incarceration, it may impose a jail term 63515  
in addition to the sixty-day mandatory term, the cumulative total 63516

of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section

2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to

division (I) of this section, and shall order the offender to 63582  
follow the treatment recommendations of the services provider. The 63583  
operator of the services provider shall determine and assess the 63584  
degree of the offender's alcohol dependency and shall make 63585  
recommendations for treatment. Upon the request of the court, the 63586  
services provider shall submit the results of the assessment to 63587  
the court, including all treatment recommendations and clinical 63588  
diagnoses related to alcohol use. 63589

(vii) In all cases, if the court sentences the offender to a 63590  
mandatory term of local incarceration, in addition to the 63591  
mandatory term, the court, pursuant to section 2929.17 of the 63592  
Revised Code, may impose a term of house arrest with electronic 63593  
monitoring. The term shall not commence until after the offender 63594  
has served the mandatory term of local incarceration. 63595

(e) An offender who previously has been convicted of or 63596  
pleaded guilty to a violation of division (A) of this section that 63597  
was a felony, regardless of when the violation and the conviction 63598  
or guilty plea occurred, is guilty of a felony of the third 63599  
degree. The court shall sentence the offender to all of the 63600  
following: 63601

(i) If the offender is being sentenced for a violation of 63602  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63603  
mandatory prison term of one, two, three, four, or five years as 63604  
required by and in accordance with division (G)(2) of section 63605  
2929.13 of the Revised Code if the offender also is convicted of 63606  
or also pleads guilty to a specification of the type described in 63607  
section 2941.1413 of the Revised Code or a mandatory prison term 63608  
of sixty consecutive days in accordance with division (G)(2) of 63609  
section 2929.13 of the Revised Code if the offender is not 63610  
convicted of and does not plead guilty to a specification of that 63611  
type. The court may impose a prison term in addition to the 63612  
mandatory prison term. The cumulative total of a sixty-day 63613

mandatory prison term and the additional prison term for the 63614  
offense shall not exceed five years. In addition to the mandatory 63615  
prison term or mandatory prison term and additional prison term 63616  
the court imposes, the court also may sentence the offender to a 63617  
community control sanction for the offense, but the offender shall 63618  
serve all of the prison terms so imposed prior to serving the 63619  
community control sanction. 63620

(ii) If the sentence is being imposed for a violation of 63621  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63622  
section, a mandatory prison term of one, two, three, four, or five 63623  
years as required by and in accordance with division (G)(2) of 63624  
section 2929.13 of the Revised Code if the offender also is 63625  
convicted of or also pleads guilty to a specification of the type 63626  
described in section 2941.1413 of the Revised Code or a mandatory 63627  
prison term of one hundred twenty consecutive days in accordance 63628  
with division (G)(2) of section 2929.13 of the Revised Code if the 63629  
offender is not convicted of and does not plead guilty to a 63630  
specification of that type. The court may impose a prison term in 63631  
addition to the mandatory prison term. The cumulative total of a 63632  
one hundred twenty-day mandatory prison term and the additional 63633  
prison term for the offense shall not exceed five years. In 63634  
addition to the mandatory prison term or mandatory prison term and 63635  
additional prison term the court imposes, the court also may 63636  
sentence the offender to a community control sanction for the 63637  
offense, but the offender shall serve all of the prison terms so 63638  
imposed prior to serving the community control sanction. 63639

(iii) In all cases, notwithstanding section 2929.18 of the 63640  
Revised Code, a fine of not less than one thousand three hundred 63641  
fifty nor more than ten thousand five hundred dollars; 63642

(iv) In all cases, a class two license suspension of the 63643  
offender's driver's license, commercial driver's license, 63644  
temporary instruction permit, probationary license, or nonresident 63645

operating privilege from the range specified in division (A)(2) of 63646  
section 4510.02 of the Revised Code. The court may grant limited 63647  
driving privileges relative to the suspension under sections 63648  
4510.021 and 4510.13 of the Revised Code. 63649

(v) In all cases, if the vehicle is registered in the 63650  
offender's name, criminal forfeiture of the vehicle involved in 63651  
the offense in accordance with section 4503.234 of the Revised 63652  
Code. Division (G)(6) of this section applies regarding any 63653  
vehicle that is subject to an order of criminal forfeiture under 63654  
this division. 63655

(vi) In all cases, the court shall order the offender to 63656  
participate with a community addiction services provider 63657  
authorized by section 5119.21 of the Revised Code, subject to 63658  
division (I) of this section, and shall order the offender to 63659  
follow the treatment recommendations of the services provider. The 63660  
operator of the services provider shall determine and assess the 63661  
degree of the offender's alcohol dependency and shall make 63662  
recommendations for treatment. Upon the request of the court, the 63663  
services provider shall submit the results of the assessment to 63664  
the court, including all treatment recommendations and clinical 63665  
diagnoses related to alcohol use. 63666

(2) An offender who is convicted of or pleads guilty to a 63667  
violation of division (A) of this section and who subsequently 63668  
seeks reinstatement of the driver's or occupational driver's 63669  
license or permit or nonresident operating privilege suspended 63670  
under this section as a result of the conviction or guilty plea 63671  
shall pay a reinstatement fee as provided in division (F)(2) of 63672  
section 4511.191 of the Revised Code. 63673

(3) If an offender is sentenced to a jail term under division 63674  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 63675  
if, within sixty days of sentencing of the offender, the court 63676  
issues a written finding on the record that, due to the 63677

unavailability of space at the jail where the offender is required 63678  
to serve the term, the offender will not be able to begin serving 63679  
that term within the sixty-day period following the date of 63680  
sentencing, the court may impose an alternative sentence under 63681  
this division that includes a term of house arrest with electronic 63682  
monitoring, with continuous alcohol monitoring, or with both 63683  
electronic monitoring and continuous alcohol monitoring. 63684

As an alternative to a mandatory jail term of ten consecutive 63685  
days required by division (G)(1)(b)(i) of this section, the court, 63686  
under this division, may sentence the offender to five consecutive 63687  
days in jail and not less than eighteen consecutive days of house 63688  
arrest with electronic monitoring, with continuous alcohol 63689  
monitoring, or with both electronic monitoring and continuous 63690  
alcohol monitoring. The cumulative total of the five consecutive 63691  
days in jail and the period of house arrest with electronic 63692  
monitoring, continuous alcohol monitoring, or both types of 63693  
monitoring shall not exceed six months. The five consecutive days 63694  
in jail do not have to be served prior to or consecutively to the 63695  
period of house arrest. 63696

As an alternative to the mandatory jail term of twenty 63697  
consecutive days required by division (G)(1)(b)(ii) of this 63698  
section, the court, under this division, may sentence the offender 63699  
to ten consecutive days in jail and not less than thirty-six 63700  
consecutive days of house arrest with electronic monitoring, with 63701  
continuous alcohol monitoring, or with both electronic monitoring 63702  
and continuous alcohol monitoring. The cumulative total of the ten 63703  
consecutive days in jail and the period of house arrest with 63704  
electronic monitoring, continuous alcohol monitoring, or both 63705  
types of monitoring shall not exceed six months. The ten 63706  
consecutive days in jail do not have to be served prior to or 63707  
consecutively to the period of house arrest. 63708

As an alternative to a mandatory jail term of thirty 63709

consecutive days required by division (G)(1)(c)(i) of this 63710  
section, the court, under this division, may sentence the offender 63711  
to fifteen consecutive days in jail and not less than fifty-five 63712  
consecutive days of house arrest with electronic monitoring, with 63713  
continuous alcohol monitoring, or with both electronic monitoring 63714  
and continuous alcohol monitoring. The cumulative total of the 63715  
fifteen consecutive days in jail and the period of house arrest 63716  
with electronic monitoring, continuous alcohol monitoring, or both 63717  
types of monitoring shall not exceed one year. The fifteen 63718  
consecutive days in jail do not have to be served prior to or 63719  
consecutively to the period of house arrest. 63720

As an alternative to the mandatory jail term of sixty 63721  
consecutive days required by division (G)(1)(c)(ii) of this 63722  
section, the court, under this division, may sentence the offender 63723  
to thirty consecutive days in jail and not less than one hundred 63724  
ten consecutive days of house arrest with electronic monitoring, 63725  
with continuous alcohol monitoring, or with both electronic 63726  
monitoring and continuous alcohol monitoring. The cumulative total 63727  
of the thirty consecutive days in jail and the period of house 63728  
arrest with electronic monitoring, continuous alcohol monitoring, 63729  
or both types of monitoring shall not exceed one year. The thirty 63730  
consecutive days in jail do not have to be served prior to or 63731  
consecutively to the period of house arrest. 63732

(4) If an offender's driver's or occupational driver's 63733  
license or permit or nonresident operating privilege is suspended 63734  
under division (G) of this section and if section 4510.13 of the 63735  
Revised Code permits the court to grant limited driving 63736  
privileges, the court may grant the limited driving privileges in 63737  
accordance with that section. If division (A)(7) of that section 63738  
requires that the court impose as a condition of the privileges 63739  
that the offender must display on the vehicle that is driven 63740  
subject to the privileges restricted license plates that are 63741



issued under section 4503.231 of the Revised Code, except as 63742  
provided in division (B) of that section, the court shall impose 63743  
that condition as one of the conditions of the limited driving 63744  
privileges granted to the offender, except as provided in division 63745  
(B) of section 4503.231 of the Revised Code. 63746

(5) Fines imposed under this section for a violation of 63747  
division (A) of this section shall be distributed as follows: 63748

(a) Twenty-five dollars of the fine imposed under division 63749  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 63750  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 63751  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 63752  
dollars of the fine imposed under division (G)(1)(d)(iii) or 63753  
(e)(iii) of this section shall be paid to an enforcement and 63754  
education fund established by the legislative authority of the law 63755  
enforcement agency in this state that primarily was responsible 63756  
for the arrest of the offender, as determined by the court that 63757  
imposes the fine. The agency shall use this share to pay only 63758  
those costs it incurs in enforcing this section or a municipal OVI 63759  
ordinance and in informing the public of the laws governing the 63760  
operation of a vehicle while under the influence of alcohol, the 63761  
dangers of the operation of a vehicle under the influence of 63762  
alcohol, and other information relating to the operation of a 63763  
vehicle under the influence of alcohol and the consumption of 63764  
alcoholic beverages. 63765

(b) Fifty dollars of the fine imposed under division 63766  
(G)(1)(a)(iii) of this section shall be paid to the political 63767  
subdivision that pays the cost of housing the offender during the 63768  
offender's term of incarceration. If the offender is being 63769  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 63770  
(e), or (j) of this section and was confined as a result of the 63771  
offense prior to being sentenced for the offense but is not 63772  
sentenced to a term of incarceration, the fifty dollars shall be 63773

paid to the political subdivision that paid the cost of housing 63774  
the offender during that period of confinement. The political 63775  
subdivision shall use the share under this division to pay or 63776  
reimburse incarceration or treatment costs it incurs in housing or 63777  
providing drug and alcohol treatment to persons who violate this 63778  
section or a municipal OVI ordinance, costs of any immobilizing or 63779  
disabling device used on the offender's vehicle, and costs of 63780  
electronic house arrest equipment needed for persons who violate 63781  
this section. 63782

(c) Twenty-five dollars of the fine imposed under division 63783  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 63784  
division (G)(1)(b)(iii) of this section shall be deposited into 63785  
the county or municipal indigent drivers' alcohol treatment fund 63786  
under the control of that court, as created by the county or 63787  
municipal corporation under division (F) of section 4511.191 of 63788  
the Revised Code. 63789

(d) One hundred fifteen dollars of the fine imposed under 63790  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 63791  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 63792  
dollars of the fine imposed under division (G)(1)(d)(iii) or 63793  
(e)(iii) of this section shall be paid to the political 63794  
subdivision that pays the cost of housing the offender during the 63795  
offender's term of incarceration. The political subdivision shall 63796  
use this share to pay or reimburse incarceration or treatment 63797  
costs it incurs in housing or providing drug and alcohol treatment 63798  
to persons who violate this section or a municipal OVI ordinance, 63799  
costs for any immobilizing or disabling device used on the 63800  
offender's vehicle, and costs of electronic house arrest equipment 63801  
needed for persons who violate this section. 63802

(e) Fifty dollars of the fine imposed under divisions 63803  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 63804  
and (G)(1)(e)(iii) of this section shall be deposited into the 63805

special projects fund of the court in which the offender was 63806  
convicted and that is established under division (E)(1) of section 63807  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 63808  
of section 1907.24 of the Revised Code, to be used exclusively to 63809  
cover the cost of immobilizing or disabling devices, including 63810  
certified ignition interlock devices, and remote alcohol 63811  
monitoring devices for indigent offenders who are required by a 63812  
judge to use either of these devices. If the court in which the 63813  
offender was convicted does not have a special projects fund that 63814  
is established under division (E)(1) of section 2303.201, division 63815  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 63816  
of the Revised Code, the fifty dollars shall be deposited into the 63817  
indigent drivers interlock and alcohol monitoring fund under 63818  
division (I) of section 4511.191 of the Revised Code. 63819

(f) Seventy-five dollars of the fine imposed under division 63820  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 63821  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 63822  
of the fine imposed under division (G)(1)(c)(iii), and five 63823  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 63824  
or (e)(iii) of this section shall be transmitted to the treasurer 63825  
of state for deposit into the indigent defense support fund 63826  
established under section 120.08 of the Revised Code. 63827

(g) The balance of the fine imposed under division 63828  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 63829  
section shall be disbursed as otherwise provided by law. 63830

(6) If title to a motor vehicle that is subject to an order 63831  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 63832  
this section is assigned or transferred and division (B)(2) or (3) 63833  
of section 4503.234 of the Revised Code applies, in addition to or 63834  
independent of any other penalty established by law, the court may 63835  
fine the offender the value of the vehicle as determined by 63836  
publications of the national automobile dealers association. The 63837

proceeds of any fine so imposed shall be distributed in accordance 63838  
with division (C)(2) of that section. 63839

(7) In all cases in which an offender is sentenced under 63840  
division (G) of this section, the offender shall provide the court 63841  
with proof of financial responsibility as defined in section 63842  
4509.01 of the Revised Code. If the offender fails to provide that 63843  
proof of financial responsibility, the court, in addition to any 63844  
other penalties provided by law, may order restitution pursuant to 63845  
section 2929.18 or 2929.28 of the Revised Code in an amount not 63846  
exceeding five thousand dollars for any economic loss arising from 63847  
an accident or collision that was the direct and proximate result 63848  
of the offender's operation of the vehicle before, during, or 63849  
after committing the offense for which the offender is sentenced 63850  
under division (G) of this section. 63851

(8) A court may order an offender to reimburse a law 63852  
enforcement agency for any costs incurred by the agency with 63853  
respect to a chemical test or tests administered to the offender 63854  
if all of the following apply: 63855

(a) The offender is convicted of or pleads guilty to a 63856  
violation of division (A) of this section. 63857

(b) The test or tests were of the offender's whole blood, 63858  
blood serum or plasma, or urine. 63859

(c) The test or tests indicated that the offender had a 63860  
prohibited concentration of a controlled substance or a metabolite 63861  
of a controlled substance in the offender's whole blood, blood 63862  
serum or plasma, or urine at the time of the offense. 63863

(9) As used in division (G) of this section, "electronic 63864  
monitoring," "mandatory prison term," and "mandatory term of local 63865  
incarceration" have the same meanings as in section 2929.01 of the 63866  
Revised Code. 63867

(H) Whoever violates division (B) of this section is guilty 63868

of operating a vehicle after underage alcohol consumption and 63869  
shall be punished as follows: 63870

(1) Except as otherwise provided in division (H)(2) of this 63871  
section, the offender is guilty of a misdemeanor of the fourth 63872  
degree. In addition to any other sanction imposed for the offense, 63873  
the court shall impose a class six suspension of the offender's 63874  
driver's license, commercial driver's license, temporary 63875  
instruction permit, probationary license, or nonresident operating 63876  
privilege from the range specified in division (A)(6) of section 63877  
4510.02 of the Revised Code. The court may grant limited driving 63878  
privileges relative to the suspension under sections 4510.021 and 63879  
4510.13 of the Revised Code. The court may grant unlimited driving 63880  
privileges with an ignition interlock device relative to the 63881  
suspension and may reduce the period of suspension as authorized 63882  
under section 4510.022 of the Revised Code. If the court grants 63883  
unlimited driving privileges under section 4510.022 of the Revised 63884  
Code, the court shall suspend any jail term imposed under division 63885  
(H)(1) of this section as required under that section. 63886

(2) If, within one year of the offense, the offender 63887  
previously has been convicted of or pleaded guilty to one or more 63888  
violations of division (A) or (B) of this section or other 63889  
equivalent offenses, the offender is guilty of a misdemeanor of 63890  
the third degree. In addition to any other sanction imposed for 63891  
the offense, the court shall impose a class four suspension of the 63892  
offender's driver's license, commercial driver's license, 63893  
temporary instruction permit, probationary license, or nonresident 63894  
operating privilege from the range specified in division (A)(4) of 63895  
section 4510.02 of the Revised Code. The court may grant limited 63896  
driving privileges relative to the suspension under sections 63897  
4510.021 and 4510.13 of the Revised Code. 63898

(3) If the offender also is convicted of or also pleads 63899  
guilty to a specification of the type described in section 63900

2941.1416 of the Revised Code and if the court imposes a jail term 63901  
for the violation of division (B) of this section, the court shall 63902  
impose upon the offender an additional definite jail term pursuant 63903  
to division (E) of section 2929.24 of the Revised Code. 63904

(4) The offender shall provide the court with proof of 63905  
financial responsibility as defined in section 4509.01 of the 63906  
Revised Code. If the offender fails to provide that proof of 63907  
financial responsibility, then, in addition to any other penalties 63908  
provided by law, the court may order restitution pursuant to 63909  
section 2929.28 of the Revised Code in an amount not exceeding 63910  
five thousand dollars for any economic loss arising from an 63911  
accident or collision that was the direct and proximate result of 63912  
the offender's operation of the vehicle before, during, or after 63913  
committing the violation of division (B) of this section. 63914

(I)(1) No court shall sentence an offender to an alcohol 63915  
treatment program under this section unless the treatment program 63916  
complies with the minimum standards for alcohol treatment programs 63917  
adopted under Chapter 5119. of the Revised Code by the director of 63918  
mental health and addiction services. 63919

(2) An offender who stays in a drivers' intervention program 63920  
or in an alcohol treatment program under an order issued under 63921  
this section shall pay the cost of the stay in the program. 63922  
However, if the court determines that an offender who stays in an 63923  
alcohol treatment program under an order issued under this section 63924  
is unable to pay the cost of the stay in the program, the court 63925  
may order that the cost be paid from the court's indigent drivers' 63926  
alcohol treatment fund. 63927

(J) If a person whose driver's or commercial driver's license 63928  
or permit or nonresident operating privilege is suspended under 63929  
this section files an appeal regarding any aspect of the person's 63930  
trial or sentence, the appeal itself does not stay the operation 63931  
of the suspension. 63932

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern

felony violations of this section, the modified rules shall apply 63964  
to felony violations of this section. 63965

**Sec. 4561.01.** As used in ~~sections 4561.01 to 4561.25 of the~~ 63966  
~~Revised Code~~ this chapter: 63967

(A) "Aviation" means transportation by aircraft; operation of 63968  
aircraft; the establishment, operation, maintenance, repair, and 63969  
improvement of airports, landing fields, and other air navigation 63970  
facilities; and all other activities connected therewith or 63971  
incidental thereto. 63972

(B) "Aircraft" means any contrivance used or designed for 63973  
navigation or flight in the air, excepting a parachute or other 63974  
contrivance for such navigation used primarily as safety 63975  
equipment. 63976

(C) "Airport" means any location either on land or water 63977  
which is used for the landing and taking off of aircraft. 63978

(D) "Landing field" means any location either on land or 63979  
water of such size and nature as to permit the landing or taking 63980  
off of aircraft with safety, and used for that purpose but not 63981  
equipped to provide for the shelter, supply, or care of aircraft. 63982

(E) "Air navigation facility" means any facility used, 63983  
available for use, or designed for use in aid of navigation of 63984  
aircraft, including airports, landing fields, facilities for the 63985  
servicing of aircraft or for the comfort and accommodation of air 63986  
travelers, and any structures, mechanisms, lights, beacons, marks, 63987  
communicating systems, or other instrumentalities or devices used 63988  
or useful as an aid to the safe taking off, navigation, and 63989  
landing of aircraft, or to the safe and efficient operation or 63990  
maintenance of an airport or landing field, and any combination of 63991  
such facilities. 63992

(F) "Air navigation hazard" means any structure, object of 63993



natural growth, or use of land, that obstructs the air space 63994  
required for the flight of aircraft in landing or taking off at 63995  
any airport or landing field, or that otherwise is hazardous to 63996  
such landing or taking off. 63997

(G) "Air navigation," "navigation of aircraft," or "navigate 63998  
aircraft" means the operation of aircraft in the air space over 63999  
this state. 64000

(H) "Airperson" means any individual who, as the person in 64001  
command, or as pilot, mechanic, or member of the crew, engages in 64002  
the navigation of aircraft. 64003

(I) "Airway" means a route in the air space over and above 64004  
the lands or waters of this state, designated by the Ohio aviation 64005  
board as a route suitable for the navigation of aircraft. 64006

(J) "Person" means any individual, firm, partnership, 64007  
corporation, company, association, joint stock association, or 64008  
body politic, and includes any trustee, receiver, assignee, or 64009  
other similar representative thereof. 64010

(K) "Government agency" means a state agency, state 64011  
institution of higher education, regional port authority, or any 64012  
other political subdivision of the state, or the federal 64013  
government or other states. 64014

(L) "Navigable airspace" means the imaginary surfaces around 64015  
an airport as specified in 14 C.F.R. part 77, as amended, 64016  
including any clear zone surface, horizontal surface, conical 64017  
surface, primary surface, approach surface, and transitional 64018  
surface, as well as any terminal obstacle clearance area and en 64019  
route obstacle clearance area. 64020

(M) "Obstruction" means any structure, natural or 64021  
artificially made, permanent or temporary, existing or future, 64022  
that penetrates the navigable airspace. 64023

(N) "Structure" means any object, whether permanent or temporary, including, but not limited to, a building, tower, crane, scaffold, smokestack, earth formation, transmission line, flagpole, ship mast, traverse way, and mobile object.

(O) "Commence to install, erect, construct, or establish" means undertaking any action that affects the natural environment of the site of a structure or object of natural growth, including, but not limited to, clearing of land, excavation, or planting, but excluding surveying changes needed for temporary use of the site and excluding uses in securing geological data, including making necessary borings to ascertain foundation conditions.

**Sec. 4561.021.** There is hereby created in ~~the division of multi-modal planning and programs of~~ the department of transportation the office of aviation. The director of transportation shall appoint the administrator of the office of aviation, ~~who shall serve at the pleasure of the director.~~ The administrator of the office of aviation shall be responsible to the director for the organization, direction, and supervision of the work of the office and the exercise of the powers and the performance of the duties assigned to the office. Subject to Chapter 124. of the Revised Code and civil service regulations, the administrator, with the approval of the director, shall select and appoint the necessary employees. The director also may employ experts for assistance in any specific matter at a reasonable rate of compensation.

**Sec. 4561.05.** The department of transportation shall administer Chapter 4561. of the Revised Code. The department may adopt and promulgate such rules as it determines necessary to carry out this chapter.

The department may issue and amend orders, and make,

promulgate, and amend, reasonable general and special rules and 64054  
procedure, ~~and~~ establish minimum standards, and create application 64055  
forms and establish application fees for permits issued under this 64056  
chapter. 64057

The department may establish safety rules governing 64058  
obstructions, air navigation hazards, and the location, size, use, 64059  
and equipment of airports and landing areas, and rules governing 64060  
air marking, the use of signs or lights designed to be visible 64061  
from the air, and other air navigation facilities. 64062

All rules and amendments thereto, prescribed by the 64063  
department, shall conform to and coincide with, so far as 64064  
possible, ~~the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49~~ 64065  
~~U.S.C. 401, as amended, passed by the congress of the United~~ 64066  
~~States, and the air commerce regulations issued pursuant thereto~~ 64067  
any federal laws and regulations governing aviation and air 64068  
navigation, including 49 U.S.C. 401 to 501 and 14 C.F.R. part 77, 64069  
as amended. 64070

All acts of the department authorized under this section 64071  
shall be carried on in conformity with Chapter 119. of the Revised 64072  
Code. 64073

**Sec. 4561.31.** (A)(1) Except as provided in divisions (D)~~,~~ and 64074  
(E)~~,~~ ~~and (F)~~ of this section, no person shall install, erect, 64075  
construct, establish, or commence to install, erect, construct, or 64076  
establish, any structure or object of natural growth in this 64077  
state, any part of which will penetrate or is reasonably expected 64078  
to penetrate into or through any airport's ~~clear zone surface,~~ 64079  
~~horizontal surface, conical surface, primary surface, approach~~ 64080  
~~surface, or transitional surface~~ navigable airspace without first 64081  
obtaining a permit from the department of transportation under 64082  
section 4561.34 of the Revised Code. ~~The replacement of an~~ 64083  
~~existing structure or object of natural growth with, respectively,~~ 64084

~~a structure or object that is not more than ten feet or twenty per  
cent higher than the height of the existing structure or object,  
whichever is higher, does not constitute commencing to install a  
structure or object, except when any part of the structure or  
object will penetrate or is reasonably expected to penetrate into  
or through any airport's clear zone surface, horizontal surface,  
conical surface, primary surface, approach surface, or  
transitional surface. Such replacement of a like structure or  
object is not exempt from any other requirements of state or local  
law.~~

(2) No person shall substantially change, as determined by  
the department, the height or location of any structure or object  
of natural growth in this state, any part of which, as a result of  
such change, will penetrate or is reasonably expected to penetrate  
into or through any airport's ~~clear zone surface, horizontal  
surface, conical surface, primary surface, approach surface, or  
transitional surface~~ navigable airspace, and for which  
installation had commenced or which was already installed prior to  
October 15, 1991, without first obtaining a permit from the  
department under section 4561.34 of the Revised Code. This  
division does not exempt the structure or object from any other  
requirements of state or local law.

(3) No person shall substantially change, as determined by  
the department, the height or location of any structure or object  
of natural growth for which a permit was issued pursuant to  
section 4561.34 of the Revised Code, without first obtaining an  
amended permit from the department under that section.

(B) No person shall install, erect, construct, establish,  
operate, or maintain any structure or object of natural growth for  
which a permit has been issued under section 4561.34 of the  
Revised Code, except in compliance with the permit's terms and

conditions and with any rules or orders issued under ~~sections~~ 64116  
~~4561.30 to 4561.39 of the Revised Code~~ this chapter. 64117

(C) The holder of a permit issued under section 4561.34 of 64118  
the Revised Code, with the department's approval, may transfer the 64119  
permit to another person who agrees to comply with its terms and 64120  
conditions. 64121

~~(D) Any person who receives a permit to construct, establish,~~ 64122  
~~substantially change, or substantially alter a structure or object~~ 64123  
~~of natural growth from an airport zoning board on or after October~~ 64124  
~~15, 1991, under Chapter 4563. of the Revised Code is not required~~ 64125  
~~to apply for a permit from the department under sections 4561.30~~ 64126  
~~to 4561.39 of the Revised Code, provided that the airport zoning~~ 64127  
~~board has adopted airport zoning regulations pursuant to section~~ 64128  
~~4563.032 of the Revised Code.~~ 64129

~~(E)~~ Any person who receives a certificate from the power 64130  
siting board pursuant to section 4906.03 or 4906.10 of the Revised 64131  
Code on or after October 15, 1991, is not required to apply for a 64132  
permit from the department under ~~sections 4561.30 to 4561.39 of~~ 64133  
~~the Revised Code~~ this chapter. 64134

~~(F)~~(E) Any person who, in accordance with 14 C.F.R. ~~77.11 to~~ 64135  
~~77.19~~ part 77, notified the federal aviation administration prior 64136  
to June 1, 1991, that the person proposes to construct, establish, 64137  
substantially change, or substantially alter a structure or object 64138  
of natural growth is not required to apply for a permit from the 64139  
department under ~~sections 4561.30 to 4561.39 of the Revised Code~~ 64140  
this chapter in connection with the construction, establishment, 64141  
substantial change, or substantial alteration of the structure or 64142  
object of natural growth either as originally proposed to the 64143  
federal aviation administration or as altered as the person or the 64144  
federal aviation administration considers necessary, provided that 64145  
the federal aviation administration, pursuant to 14 C.F.R. ~~Part~~ 64146  
part 77, does not determine that the proposed construction, 64147

establishment, substantial change, or substantial alteration of 64148  
the structure or object of natural growth would be a hazard to air 64149  
navigation. 64150

~~(C)(1) Whoever violates division (A)(1) or (2) of this 64151  
section is guilty of a misdemeanor of the third degree. Each day 64152  
of violation constitutes a separate offense. 64153~~

~~(2)(F) Whoever violates division (A)(3) or (B) of this 64154  
section is guilty of a misdemeanor of the first degree. Each day 64155  
of violation constitutes a separate offense. 64156~~

**Sec. 4561.32.** (A) In accordance with Chapter 119. of the 64157  
Revised Code, the department of transportation shall adopt, and 64158  
may amend and rescind, any rules necessary to administer sections 64159  
4561.30 to 4561.39 of the Revised Code and shall adopt rules based 64160  
in whole upon the obstruction standards set forth in 14 C.F.R. 64161  
~~77.21 to 77.29 part 77,~~ as amended, to uniformly regulate the 64162  
height and location of structures and objects of natural growth in 64163  
any airport's ~~clear zone surface, horizontal surface, conical~~ 64164  
~~surface, primary surface, approach surface, or transitional~~ 64165  
~~surface navigable airspace.~~ The rules shall provide that the 64166  
department may grant a permit under section 4561.34 of the Revised 64167  
Code that includes a waiver from full compliance with the 64168  
obstruction standards. ~~The rules shall also provide that the~~ 64169  
~~department shall base its decision on whether to grant such a~~ 64170  
~~waiver on sound aeronautic principles, as set out in F.A.A.~~ 64171  
~~technical manuals, as amended, including advisory circular~~ 64172  
~~150/5300-13, "airport design standards"; 7400.2c, "airspace~~ 64173  
~~procedures handbook,"; and the U.S. terminal procedures handbook.~~ 64174

(B) The department may conduct any studies or investigations 64175  
it considers necessary to carry out sections ~~4561.30~~ 4561.31 to 64176  
~~4561.39~~ 4561.99 of the Revised Code. 64177

~~Sec. 4561.33. (A) An applicant for a permit required by section 4561.31 of the Revised Code shall file with the department of transportation an application made on forms the department prescribes, which shall contain the following information:~~

~~(1) A description of the structure or object of natural growth for which the permit is sought, its location, and the planned date of commencement of installation;~~

~~(2) A statement explaining the need for the structure or object;~~

~~(3) A statement of the reasons why the proposed location is best suited for the structure or object;~~

~~(4) Any additional information the applicant considers relevant or the department requires.~~

~~An application for an amended permit shall be in the form and contain the information the department prescribes.~~

~~In lieu of an application prescribed by the department, an applicant may file a copy of the federal aviation administration's form 7460-1, notice of proposed construction or alteration do the following not less than forty-five days nor more than two years prior to the proposed installation, erection, construction, establishment, change, alteration, or use:~~

~~(1) File a completed federal aviation administration "notice of proposed construction or alteration" form 7460-1 with the federal aviation administration;~~

~~(2) If the office of aviation requires the submission of an application in addition to the submission of form 7460-1, file a completed application with the office of aviation in the form and containing the information required by the office of aviation.~~

~~The applicant also shall pay any applicable fees at the time the applicant submits the form, application, or both, as~~

applicable. 64208

The time period within which an application must be submitted 64209  
may be waived at the discretion of the administrator of the office 64210  
of aviation for unforeseen emergencies. 64211

(B) An applicant for an amended permit shall file ~~an~~ a 64212  
completed application with the office of aviation if the applicant 64213  
has received notice of the denial of a permit from the office. The 64214  
applicant shall submit the application in the form and containing 64215  
the information required by the office of aviation not less than 64216  
thirty days nor more than two years prior to the planned date of 64217  
commencement of installation or substantial change. This period 64218  
may be waived by the department for unforeseen emergencies. 64219

(C) If the structure or object in the application could have 64220  
a potential impact on a military installation, as such an impact 64221  
is described in the airfield land use compatibility study of that 64222  
military installation, the applicant shall send, within seven days 64223  
after the filing of ~~his~~ the application, a copy of the application 64224  
to the commander of the installation and the appropriate branch of 64225  
the United States department of defense. 64226

(D) It is not necessary that ownership of, option for, or 64227  
other possessory right to a specific site be held by the applicant 64228  
before an application may be filed under this section. 64229

(E) If the department has reason to believe that any person 64230  
has installed, erected, constructed, established, changed, or 64231  
altered, or is commencing to install, erect, construct, establish, 64232  
change, or alter, a structure or object of natural growth for 64233  
which a permit appears to be required under section 4561.31 of the 64234  
Revised Code, but concerning which no application for a permit 64235  
under section 4561.34 of the Revised Code has been filed, the 64236  
department shall issue an order to such person to appear before 64237  
the department and show cause why a permit need not be obtained. 64238



Sec. 4561.34. (A) The department of transportation, subject 64239  
to Chapter 119. of the Revised Code, shall grant or deny a permit 64240  
for which an application has been filed under section 4561.33 of 64241  
the Revised Code. In determining whether to grant or deny a 64242  
permit, the department shall determine whether the height and 64243  
location of a structure or object of natural growth, as set forth 64244  
in the permit application, will be an obstruction to air 64245  
navigation based upon the rules adopted under section 4561.32 of 64246  
the Revised Code if installed, erected, constructed, or 64247  
established as proposed. In the case of an application to 64248  
substantially change an existing structure or object, the 64249  
department shall determine whether the change in the height or 64250  
location of the structure or object, as set forth in the 64251  
application, will create such an obstruction. The consideration of 64252  
safety shall be paramount to considerations of economic or 64253  
technical factors. In making a determination under this division 64254  
the department shall render its decision upon the record, but may 64255  
consider findings and recommendations of other governmental 64256  
entities and interested persons concerning the proposed structure 64257  
or object; however, those findings and recommendations are not 64258  
binding on the department. 64259

(B) The department may grant a permit under this section 64260  
subject to any modification of the height or location of a 64261  
structure or object the department considers necessary. In the 64262  
absence of such modification or unless it grants a waiver from 64263  
compliance with the obstruction standards, the department shall 64264  
deny a permit if it determines, in accordance with division (A) of 64265  
this section, that a proposed structure or object or a change to 64266  
an existing structure or object, as set forth in the application, 64267  
would be an obstruction to air navigation based upon the rules 64268  
adopted under section 4561.32 of the Revised Code. 64269

(C) In rendering a decision on an application for a permit, 64270

the department shall issue an opinion stating its reasons for the 64271  
action taken. The department shall serve upon the applicant and 64272  
each party, as provided in division (C) of section 4561.33 of the 64273  
Revised Code, a copy of its decision regarding a permit and the 64274  
opinion. 64275

**Sec. 4561.341.** Pursuant to any consultation with the power 64276  
siting board regarding an application for certification under 64277  
section 4906.03 or 4906.10 of the Revised Code, the office of 64278  
aviation ~~of the division of multi-modal planning and programs~~ of 64279  
the department of transportation shall review the application to 64280  
determine whether the facility constitutes or will constitute an 64281  
obstruction to air navigation based upon the rules adopted under 64282  
section 4561.32 of the Revised Code. Upon review of the 64283  
application, if the office determines that the facility 64284  
constitutes or will constitute an obstruction to air navigation, 64285  
it shall provide, in writing, this determination and either the 64286  
terms, conditions, and modifications that are necessary for the 64287  
applicant to eliminate the obstruction or a statement that 64288  
compliance with the obstruction standards may be waived, to the 64289  
power siting board under section 4906.03 or 4906.10 of the Revised 64290  
Code, as appropriate. 64291

**Sec. 4561.36.** (A) The department of transportation shall not 64292  
issue any permit under ~~sections 4561.30 to 4561.39 of the Revised~~ 64293  
~~Code~~ this chapter that will result in the creation of an 64294  
obstruction to air navigation based upon the rules adopted under 64295  
section 4561.32 of the Revised Code, unless the department waives 64296  
compliance with the obstruction standards included in those rules. 64297

(B) ~~Sections 4561.30 to 4561.39 of the Revised Code do~~ This 64298  
chapter does not authorize the department to restrict the height 64299  
or location of structures or objects of natural growth under those 64300  
sections for any reason other than to ensure the safety of 64301

aircraft in landing and taking off at an airport, the safety of 64302  
persons occupying or using the area, and the security of property. 64303

~~Sec. 4561.37. Sections 4561.30 to 4561.39 of the Revised Code~~ 64304  
(A)(1) This chapter and rules adopted under it shall not be 64305  
construed to require the removal or lowering of, or the making of 64306  
any other change ~~in~~ to, any structure or object of natural growth 64307  
~~not conforming to rules or orders of the department of~~ 64308  
~~transportation under those sections when adopted or amended, or~~ 64309  
~~otherwise interfere with the continuance of any nonconforming use;~~ 64310  
~~except that, if ordered by the department, the~~ that was in 64311  
existence prior to October 15, 1991. 64312

(2) Division (A)(1) of this section does not apply if the 64313  
structure or object of natural growth is substantially changed, as 64314  
determined by the department of transportation, after the 64315  
effective date of this amendment. 64316

(B)(1) If any provision of this chapter or rule adopted under 64317  
it is enacted, adopted, or amended after a permit has been issued 64318  
for a structure or object of natural growth under this chapter, 64319  
the provision does not apply to that structure or object of 64320  
natural growth. 64321

(2) Division (B)(1) of this section does not apply if the 64322  
structure or object of natural growth is substantially changed, as 64323  
determined by the department, after the effective date of the 64324  
enacted, adopted, or amended provision. 64325

(C) The owner of a nonconforming structure or object with 64326  
regard to which a nonconforming use is voluntarily discontinued 64327  
for two years or more, or a nonconforming structure or object that 64328  
is permanently placed out of service or partially dismantled, 64329  
destroyed, deteriorated, or decayed shall demolish or remove that 64330  
structure or object; and, if ordered to do so by the department. 64331  
If any nonconforming use is voluntarily discontinued for two years 64332

or more, any future use of the premises shall be in conformity 64333  
with ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter. 64334

**Sec. 4561.38.** With respect to any structure or object of 64335  
natural growth for which a permit is required under section 64336  
4561.34 of the Revised Code, rules adopted or orders issued under 64337  
~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter and 64338  
the terms and conditions of any permit issued under ~~those sections~~ 64339  
this chapter prevail in the event of a conflict with any airport 64340  
zoning regulation adopted under sections 4563.01 to 4563.21 of the 64341  
Revised Code, any local regulation under section 4905.65 of the 64342  
Revised Code, any zoning regulation otherwise applicable to the 64343  
structure or object, or the terms or conditions of any permit 64344  
issued under sections 4563.01 to 4563.21 of the Revised Code after 64345  
~~the effective date of this section~~ October 15, 1991. 64346

**Sec. 4561.39.** In addition to any other remedy provided by 64347  
law, the department of transportation may institute in any court 64348  
of competent jurisdiction an action to prevent, restrain, correct, 64349  
or abate any alleged violation or threatened violation of sections 64350  
~~4561.30~~ 4561.31 to 4561.39 of the Revised Code or any rule adopted 64351  
or order issued under them. The court may grant such relief as may 64352  
be necessary, including either of the following: 64353

(A) Authorizing the department or an agent of the department 64354  
to enter upon the property on which the structure or object of 64355  
natural growth is located; 64356

(B) Authorizing the department or an agent of the department 64357  
to remove or demolish the structure or object of natural growth or 64358  
to otherwise correct or abate the violation or threatened 64359  
violation at the expense of the owner of the property. 64360

**Sec. 4561.40.** The department of transportation and the office 64361  
of aviation is not liable for any damages caused by a structure or 64362

object of natural growth that is an obstruction to the navigable 64363  
airspace if either of the following applies: 64364

(A) The structure or object of natural growth was installed, 64365  
erected, constructed, established, changed, or altered without a 64366  
permit issued under this chapter. 64367

(B) A permit was issued under this chapter for the structure 64368  
or object of natural growth but the structure or object of natural 64369  
growth was installed, erected, constructed, established, changed, 64370  
or altered in a manner not in compliance with the terms and 64371  
conditions of the permit. 64372

**Sec. 4563.01.** As used in sections 4563.01 to 4563.21 of the 64373  
Revised Code: 64374

(A) "Airport" means any area of land designed and set aside 64375  
for the landing and taking off of aircraft, and for that purpose 64376  
possessing one or more hard surfaced runways of a length of not 64377  
less than three thousand five hundred feet, and designed for the 64378  
storing, repair, and operation of aircraft, and utilized or to be 64379  
utilized in the interest of the public for such purposes, and any 64380  
area of land designed for such purposes for which designs, plans, 64381  
and specifications conforming to the above requirements have been 64382  
approved by the office of aviation ~~of the division of multi-modal~~ 64383  
~~planning and programs~~ of the department of transportation and for 64384  
which not less than seventy per cent of the area shown by such 64385  
designs and plans to constitute the total area has been acquired. 64386  
An airport is "publicly owned" if the portion thereof used for the 64387  
landing and taking off of aircraft is owned, operated, leased to, 64388  
or leased by the United States, any agency or department thereof, 64389  
this state or any other state, or any political subdivision of 64390  
this state or any other state, or any other governmental body, 64391  
public agency, or public corporation, or any combination thereof. 64392

(B) "Airport hazard" means any structure or object of natural growth or use of land within an airport hazard area that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.

(C) "Airport hazard area" means any area of land adjacent to an airport that has been declared to be an "airport hazard area" by the office of aviation in connection with any airport approach plan recommended by the office.

(D) "Political subdivision" means any municipal corporation, township, or county.

(E) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

(F) "Structure" means any erected object, including, without limitation, buildings, towers, smokestacks, and overhead transmission lines.

**Sec. 4563.032.** Any airport zoning board that adopts, administers, and enforces airport zoning regulations for an airport hazard area under section 4563.03 of the Revised Code shall adopt, as regulations, the rules adopted by the department of transportation under section 4561.32 of the Revised Code that are based in whole upon the obstruction standards set forth in 14 C.F.R. ~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate the height and location of structures and objects of natural growth in any airport's ~~clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface~~ navigable airspace as defined in section 4561.01 of the Revised Code.

Sec. 4582.12. (A)(1) Except as otherwise provided in division 64423  
(E) of section 307.671 of the Revised Code, division (A) of this 64424  
section does not apply to a port authority educational and 64425  
cultural facility acquired, constructed, and equipped pursuant to 64426  
a cooperative agreement entered into under section 307.671 of the 64427  
Revised Code. 64428

(2)~~(a)~~ Except as provided in division (C) of this section or 64429  
except when the port authority elects to construct a building, 64430  
structure, or other improvement pursuant to a contract made with a 64431  
construction manager at risk under sections 9.33 to 9.335 of the 64432  
Revised Code or with a design-build firm under sections 153.65 to 64433  
153.73 of the Revised Code, when the cost of a contract for the 64434  
construction of any building, structure, or other improvement 64435  
undertaken by a port authority involves an expenditure exceeding 64436  
~~the higher of one two hundred fifty thousand dollars or the amount~~ 64437  
~~as adjusted under division (A)(2)(b) of this section~~ and the port 64438  
authority is the contracting entity, the port authority shall make 64439  
a written contract after notice calling for bids for the award of 64440  
the contract has been given by publication twice, with at least 64441  
seven days between publications, in a newspaper of general 64442  
circulation in the area of the jurisdiction of the port authority. 64443  
Each such contract shall be let to the lowest responsive and 64444  
responsible bidder in accordance with section 9.312 of the Revised 64445  
Code. Every contract let shall be in writing and if the contract 64446  
involves work or construction, it shall be accompanied by or shall 64447  
refer to plans and specifications for the work to be done, 64448  
prepared for and approved by the port authority, signed by an 64449  
authorized officer of the port authority and by the contractor, 64450  
and shall be executed in triplicate. 64451

Each bid shall be awarded in accordance with sections 153.54, 64452  
153.57, and 153.571 of the Revised Code. 64453

The port authority may reject any and all bids. 64454

~~(b) On January 1, 2012, and the first day of January of every 64455  
even numbered year thereafter, the director of commerce shall 64456  
adjust the threshold level for contracts subject to the bidding 64457  
requirements contained in division (A)(2)(a) of this section. The 64458  
director shall adjust this amount according to the average 64459  
increase for each of the two years immediately preceding the 64460  
adjustment as set forth in the producer price index for material 64461  
and supply inputs for new nonresidential construction as 64462  
determined by the bureau of labor statistics of the United States 64463  
department of labor or, if that index no longer is published, a 64464  
generally available comparable index. If there is no resulting 64465  
increase, the threshold shall remain the same until the next 64466  
scheduled adjustment on the first day of January of the next 64467  
even numbered year. 64468~~

(B) The board of directors of a port authority by rule may 64469  
provide criteria for the negotiation and award without competitive 64470  
bidding of any contract as to which the port authority is the 64471  
contracting entity for the construction of any building, 64472  
structure, or other improvement under any of the following 64473  
circumstances: 64474

(1) There exists a real and present emergency that threatens 64475  
damage or injury to persons or property of the port authority or 64476  
other persons, provided that a statement specifying the nature of 64477  
the emergency that is the basis for the negotiation and award of a 64478  
contract without competitive bidding shall be signed by the 64479  
officer of the port authority that executes that contract at the 64480  
time of the contract's execution and shall be attached to the 64481  
contract. 64482

(2) A commonly recognized industry or other standard or 64483  
specification does not exist and cannot objectively be articulated 64484  
for the improvement. 64485



(3) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 64486  
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(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 64488  
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(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section. 64491  
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(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 64493  
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(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(4) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 64502  
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**Sec. 4582.31.** (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 64508  
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 64510  
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(2) Adopt an official seal; 64512

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 64513  
64514

(4) Acquire, construct, furnish, equip, maintain, repair, 64515

sell, exchange, lease to or from, or lease with an option to 64516  
purchase, convey other interests in real or personal property, or 64517  
any combination thereof, related to, useful for, or in furtherance 64518  
of any authorized purpose and operate any property in connection 64519  
with transportation, recreational, governmental operations, or 64520  
cultural activities; 64521

(5) Straighten, deepen, and improve any channel, river, 64522  
stream, or other water course or way which may be necessary or 64523  
proper in the development of the facilities of a port authority; 64524

(6) Make available the use or services of any port authority 64525  
facility to one or more persons, one or more governmental 64526  
agencies, or any combination thereof; 64527

(7) Issue bonds or notes for the acquisition, construction, 64528  
furnishing, or equipping of any port authority facility or other 64529  
permanent improvement that a port authority is authorized to 64530  
acquire, construct, furnish, or equip, in compliance with Chapter 64531  
133. of the Revised Code, except that such bonds or notes may only 64532  
be issued pursuant to a vote of the electors residing within the 64533  
area of jurisdiction of the port authority. The net indebtedness 64534  
incurred by a port authority shall never exceed two per cent of 64535  
the total value of all property within the territory comprising 64536  
the port authority as listed and assessed for taxation. 64537

(8) Issue port authority revenue bonds beyond the limit of 64538  
bonded indebtedness provided by law, payable solely from revenues 64539  
as provided in section 4582.48 of the Revised Code, for the 64540  
purpose of providing funds to pay the costs of any port authority 64541  
facility or facilities or parts thereof; 64542

(9) Apply to the proper authorities of the United States 64543  
pursuant to appropriate law for the right to establish, operate, 64544  
and maintain foreign trade zones and establish, operate, and 64545  
maintain foreign trade zones and to acquire, exchange, sell, lease 64546

to or from, lease with an option to purchase, or operate 64547  
facilities, land, or property therefor in accordance with the 64548  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 64549  
81u; 64550

(10) Enjoy and possess the same rights, privileges, and 64551  
powers granted municipal corporations under sections 721.04 to 64552  
721.11 of the Revised Code; 64553

(11) Maintain such funds as it considers necessary; 64554

(12) Direct its agents or employees, when properly identified 64555  
in writing, and after at least five days' written notice, to enter 64556  
upon lands within the confines of its jurisdiction in order to 64557  
make surveys and examinations preliminary to location and 64558  
construction of works for the purposes of the port authority, 64559  
without liability of the port authority or its agents or employees 64560  
except for actual damage done; 64561

(13) Promote, advertise, and publicize the port authority and 64562  
its facilities; provide information to shippers and other 64563  
commercial interests; and appear before rate-making authorities to 64564  
represent and promote the interests of the port authority; 64565

(14) Adopt rules, not in conflict with general law, it finds 64566  
necessary or incidental to the performance of its duties and the 64567  
execution of its powers under sections 4582.21 to 4582.54 of the 64568  
Revised Code. Any such rule shall be posted at no less than five 64569  
public places in the port authority, as determined by the board of 64570  
directors, for a period of not fewer than fifteen days, and shall 64571  
be available for public inspection at the principal office of the 64572  
port authority during regular business hours. No person shall 64573  
violate any lawful rule adopted and posted as provided in this 64574  
division. 64575

(15) Do any of the following, in regard to any interests in 64576  
any real or personal property, or any combination thereof, 64577

including, without limitation, machinery, equipment, plants, 64578  
factories, offices, and other structures and facilities related 64579  
to, useful for, or in furtherance of any authorized purpose, for 64580  
such consideration and in such manner, consistent with Article 64581  
VIII of the Ohio Constitution, as the board in its sole discretion 64582  
may determine: 64583

(a) Loan moneys to any person or governmental entity for the 64584  
acquisition, construction, furnishing, and equipping of the 64585  
property; 64586

(b) Acquire, construct, maintain, repair, furnish, and equip 64587  
the property; 64588

(c) Sell to, exchange with, lease, convey other interests in, 64589  
or lease with an option to purchase the same or any lesser 64590  
interest in the property to the same or any other person or 64591  
governmental entity; 64592

(d) Guarantee the obligations of any person or governmental 64593  
entity. 64594

A port authority may accept and hold as consideration for the 64595  
conveyance of property or any interest therein such property or 64596  
interests therein as the board in its discretion may determine, 64597  
notwithstanding any restrictions that apply to the investment of 64598  
funds by a port authority. 64599

(16) Sell, lease, or convey other interests in real and 64600  
personal property, and grant easements or rights-of-way over 64601  
property of the port authority. The board of directors shall 64602  
specify the consideration and any terms for the sale, lease, or 64603  
conveyance of other interests in real and personal property. Any 64604  
determination made by the board under this division shall be 64605  
conclusive. The sale, lease, or conveyance may be made without 64606  
advertising and the receipt of bids. 64607

(17) Exercise the right of eminent domain to appropriate any 64608

land, rights, rights-of-way, franchises, easements, or other 64609  
property, necessary or proper for any authorized purpose, pursuant 64610  
to the procedure provided in sections 163.01 to 163.22 of the 64611  
Revised Code, if funds equal to the appraised value of the 64612  
property to be acquired as a result of such proceedings are 64613  
available for that purpose. However, nothing contained in sections 64614  
4582.201 to 4582.59 of the Revised Code shall authorize a port 64615  
authority to take or disturb property or facilities belonging to 64616  
any agency or political subdivision of this state, public utility, 64617  
cable operator, or common carrier, which property or facilities 64618  
are necessary and convenient in the operation of the agency or 64619  
political subdivision, public utility, cable operator, or common 64620  
carrier, unless provision is made for the restoration, relocation, 64621  
or duplication of such property or facilities, or upon the 64622  
election of the agency or political subdivision, public utility, 64623  
cable operator, or common carrier, for the payment of 64624  
compensation, if any, at the sole cost of the port authority, 64625  
provided that: 64626

(a) If any restoration or duplication proposed to be made 64627  
under this section involves a relocation of the property or 64628  
facilities, the new facilities and location shall be of at least 64629  
comparable utilitarian value and effectiveness and shall not 64630  
impair the ability of the public utility, cable operator, or 64631  
common carrier to compete in its original area of operation; 64632

(b) If any restoration or duplication made under this section 64633  
involves a relocation of the property or facilities, the port 64634  
authority shall acquire no interest or right in or to the 64635  
appropriated property or facilities, except as provided in 64636  
division (A)(15) of this section, until the relocated property or 64637  
facilities are available for use and until marketable title 64638  
thereto has been transferred to the public utility, cable 64639  
operator, or common carrier. 64640

As used in division (A)(17) of this section, "cable operator" 64641  
has the same meaning as in the "Cable Communications Policy Act of 64642  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 64643  
amended by the "Telecommunications Act of 1996," Pub. L. No. 64644  
104-104, 110 Stat. 56. 64645

(18)(a) Make and enter into all contracts and agreements and 64646  
execute all instruments necessary or incidental to the performance 64647  
of its duties and the execution of its powers under sections 64648  
4582.21 to 4582.59 of the Revised Code. 64649

(b)~~(i)~~ Except as provided in division (A)(18)(c) of this 64650  
section or except when the port authority elects to construct a 64651  
building, structure, or other improvement pursuant to a contract 64652  
made with a construction manager at risk under sections 9.33 to 64653  
9.335 of the Revised Code or with a design-build firm under 64654  
section 153.65 to 153.73 of the Revised Code, when the cost of a 64655  
contract for the construction of any building, structure, or other 64656  
improvement undertaken by a port authority involves an expenditure 64657  
exceeding ~~the higher of one two hundred fifty thousand dollars or~~ 64658  
~~the amount as adjusted under division (A)(18)(b)(ii) of this~~ 64659  
~~section,~~ and the port authority is the contracting entity, the 64660  
port authority shall make a written contract after notice calling 64661  
for bids for the award of the contract has been given by 64662  
publication twice, with at least seven days between publications, 64663  
in a newspaper of general circulation in the area of the port 64664  
authority or as provided in section 7.16 of the Revised Code. Each 64665  
such contract shall be let to the lowest responsive and 64666  
responsible bidder in accordance with section 9.312 of the Revised 64667  
Code. Every contract shall be accompanied by or shall refer to 64668  
plans and specifications for the work to be done, prepared for and 64669  
approved by the port authority, signed by an authorized officer of 64670  
the port authority and by the contractor, and shall be executed in 64671  
triplicate. 64672

Each bid shall be awarded in accordance with sections 153.54, 64673  
153.57, and 153.571 of the Revised Code. The port authority may 64674  
reject any and all bids. 64675

~~(ii) On January 1, 2012, and the first day of January of 64676  
every even numbered year thereafter, the director of commerce 64677  
shall adjust the threshold level for contracts subject to the 64678  
bidding requirements contained in division (A)(18)(b)(i) of this 64679  
section. The director shall adjust this amount according to the 64680  
average increase for each of the two years immediately preceding 64681  
the adjustment as set forth in the producer price index for 64682  
material and supply inputs for new nonresidential construction as 64683  
determined by the bureau of labor statistics of the United States 64684  
department of labor or, if that index no longer is published, a 64685  
generally available comparable index. If there is no resulting 64686  
increase, the threshold shall remain the same until the next 64687  
scheduled adjustment on the first day of January of the next 64688  
even numbered year. 64689~~

(c) The board of directors by rule may provide criteria for 64690  
the negotiation and award without competitive bidding of any 64691  
contract as to which the port authority is the contracting entity 64692  
for the construction of any building or structure or other 64693  
improvement under any of the following circumstances: 64694

(i) There exists a real and present emergency that threatens 64695  
damage or injury to persons or property of the port authority or 64696  
other persons, provided that a statement specifying the nature of 64697  
the emergency that is the basis for the negotiation and award of a 64698  
contract without competitive bidding shall be signed by the 64699  
officer of the port authority that executes that contract at the 64700  
time of the contract's execution and shall be attached to the 64701  
contract. 64702

(ii) A commonly recognized industry or other standard or 64703  
specification does not exist and cannot objectively be articulated 64704

for the improvement. 64705

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 64706  
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(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 64708  
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(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section. 64711  
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(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 64714  
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(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 64724  
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(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of 64730  
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an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(ii) Division (A)(18)(e)(i) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not apply to either of the following: any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation; or any contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this section, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

(19) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and any other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable from any available funds of the port authority or from funds appropriated for that purpose by a political subdivision creating or participating in the creation of the port authority.

(20) Receive and accept from any state or federal agency

grants and loans for or in aid of the construction of any port authority facility or for research and development with respect to port authority facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(21) Engage in research and development with respect to port authority facilities;

(22) Purchase fire and extended coverage and liability insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;

(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;

(24) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state

that has the use and benefit of the real property as specified in 64799  
section 5301.012 of the Revised Code. 64800

(C) Whoever violates division (A)(14) of this section is 64801  
guilty of a minor misdemeanor. 64802

**Sec. 4709.02.** Except as provided in this chapter, no person 64803  
shall do any of the following: 64804

(A) Engage in or attempt to engage in the practice of 64805  
barbering, hold themselves out as a practicing barber, or 64806  
advertise in a manner that indicates they are a barber, without a 64807  
barber license issued pursuant to this chapter; 64808

(B) Operate or attempt to operate a barber shop without a 64809  
barber shop license issued pursuant to this chapter; 64810

(C) Engage in or attempt to engage in the teaching of or 64811  
assist in the teaching of the practice of barbering without a 64812  
barber teacher or assistant barber teacher license issued pursuant 64813  
to this chapter; 64814

(D) Advertise barbering services unless the establishment and 64815  
personnel employed therein are licensed pursuant to this chapter; 64816

(E) Use or display a barber pole for the purpose of offering 64817  
barber services to the consuming public without a barber shop 64818  
license issued pursuant to this chapter; 64819

(F) Operate or attempt to operate a barber school without a 64820  
barber school license issued pursuant to this chapter; 64821

(G) Teach or attempt to teach any phase of barbering for pay, 64822  
free, or otherwise without approval from the state cosmetology and 64823  
barber board; 64824

(H) Being a barber, knowingly continue the practice of 64825  
barbering, or being a student, knowingly continue as a student in 64826  
any barber school, while such person has an infectious, 64827

contagious, or communicable disease; 64828

(I) Obtain or attempt to obtain a license by fraudulent 64829  
misrepresentation for money, other than the required fee, or any 64830  
other thing of value; 64831

(J) Practice or attempt to practice barbering by fraudulent 64832  
misrepresentation; 64833

(K) Employ another person to perform or himself perform the 64834  
practice of barbering in a licensed barber shop unless that person 64835  
is licensed as a barber under this chapter; 64836

(L) Use any room or place for barbering which is also used 64837  
for residential or other business purposes, unless it is separated 64838  
by a substantial ceiling-high partition. This does not exclude 64839  
hair care products used and sold in barber shops or the sale of 64840  
clothing and related accessories as authorized by division (F) of 64841  
section 4709.09 of the Revised Code. 64842

(M) Violate any rule adopted by the board or department of 64843  
health for barber shops or barber schools. 64844

**Sec. 4709.05.** In addition to any other duty imposed on the 64845  
state cosmetology and barber board under this chapter or Chapter 64846  
4713. of the Revised Code, the board shall do all of the 64847  
following: 64848

~~(A) Organize by electing a chairperson from its members to~~ 64849  
~~serve a one year term;~~ 64850

~~(B)~~ Hold regular meetings, at the times and places as it 64851  
determines for the purpose of conducting the examinations required 64852  
under this chapter, and hold additional meetings for the 64853  
transaction of necessary business; 64854

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 64855  
~~for the conduct of its business and the maintenance of its~~ 64856  
~~records;~~ 64857

~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~ 64858  
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~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times. 64860  
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~~(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;~~ 64866  
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~~(G) Employ an executive director who shall do all things requested by the board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as the executive director determines necessary.~~ 64871  
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~~(H)~~(C) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop; 64876  
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~~(I)~~(D) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines; 64881  
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~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following: 64884  
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(1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the 64887  
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department of health; 64889

(2) The content of the examination required of an applicant 64890  
for a barber license. The examination shall include a practical 64891  
demonstration and a written test, shall relate only to the 64892  
practice of barbering, and shall require the applicant to 64893  
demonstrate that the applicant has a thorough knowledge of and 64894  
competence in the proper techniques in the safe use of chemicals 64895  
used in the practice of barbering. 64896

(3) Continuing education requirements for persons licensed 64897  
pursuant to this chapter. The board may impose continuing 64898  
education requirements upon a licensee for a violation of this 64899  
chapter or the rules adopted pursuant thereto or if the board 64900  
determines that the requirements are necessary to preserve the 64901  
health, safety, or welfare of the public. 64902

(4) Requirements for the licensure of barber schools, barber 64903  
teachers, and assistant barber teachers; 64904

(5) Requirements for students of barber schools; 64905

(6) Any other area the board determines appropriate to 64906  
administer or enforce this chapter. 64907

~~(K) Annually review the rules adopted pursuant to division 64908  
(J) of this section in order to compare those rules with the rules 64909  
adopted by the state board of cosmetology pursuant to section 64910  
4713.08 of the Revised Code. If the barber board determines that 64911  
the rules adopted by the state board of cosmetology, including, 64912  
but not limited to, rules concerning using career technical 64913  
schools, would be beneficial to the barbering profession, the 64914  
barber board shall adopt rules similar to those it determines 64915  
would be beneficial for barbers. 64916~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 64917  
indicate at a formal hearing the reasons why the rule is necessary 64918  
as a protection of the persons who use barber services or as an 64919

improvement of the professional standing of barbers in this state; 64920

~~(M)~~(G) Furnish each owner or manager of a barber shop and 64921  
barber school with a copy of all sanitary rules adopted pursuant 64922  
to division ~~(J)~~(E) of this section; 64923

~~(N)~~(H) Conduct such investigations and inspections of persons 64924  
and establishments licensed or unlicensed pursuant to this chapter 64925  
and for that purpose, any member of the board or any of its 64926  
authorized agents may enter and inspect any place of business of a 64927  
licensee or a person suspected of violating this chapter or the 64928  
rules adopted pursuant thereto, during normal business hours; 64929

~~(O)~~(I) Upon the written request of an applicant and the 64930  
payment of the appropriate fee, provide to the applicant licensure 64931  
information concerning the applicant; 64932

~~(P)~~(J) Do all things necessary for the proper administration 64933  
and enforcement of this chapter. 64934

**Sec. 4709.07.** (A) Each person who desires to obtain an 64935  
initial license to practice barbering shall apply to the state 64936  
cosmetology and barber board, on forms provided by the board. The 64937  
application form shall include the name of the person applying for 64938  
the license and evidence that the applicant meets all of the 64939  
requirements of division (B) of this section. The application 64940  
shall be accompanied by two signed current photographs of the 64941  
applicant, in the size determined by the board, that show only the 64942  
head and shoulders of the applicant, and the examination 64943  
application fee. 64944

(B) In order to take the required barber examination and to 64945  
qualify for licensure as a barber, an applicant must demonstrate 64946  
that the applicant meets all of the following: 64947

(1) Is of good moral character; 64948

(2) Is at least eighteen years of age; 64949

(3) Has an eighth grade education or an equivalent education 64950  
as determined by the state board of education in the state where 64951  
the applicant resides; 64952

(4) Has graduated with at least ~~eighteen~~ one thousand eight 64953  
hundred hours of training from a board-approved barber school or 64954  
has graduated with at least one thousand hours of training from a 64955  
board-approved barber school in this state and has a current 64956  
cosmetology or hair designer license issued pursuant to Chapter 64957  
4713. of the Revised Code. No hours of instruction earned by an 64958  
applicant five or more years prior to the examination apply to the 64959  
hours of study required by this division. 64960

(C) Any applicant who meets all of the requirements of 64961  
divisions (A) and (B) of this section may take the barber 64962  
examination at the time and place specified by the board. If the 64963  
applicant fails to attain at least a seventy-five per cent pass 64964  
rate on each part of the examination, the applicant is ineligible 64965  
for licensure; however, the applicant may reapply for examination 64966  
within ninety days after the date of the release of the 64967  
examination scores by paying the required reexamination fee. An 64968  
applicant is only required to take that part or parts of the 64969  
examination on which the applicant did not receive a score of 64970  
seventy-five per cent or higher. If the applicant fails to reapply 64971  
for examination within ninety days or fails the second 64972  
examination, in order to reapply for examination for licensure the 64973  
applicant shall complete an additional course of study of not less 64974  
than two hundred hours, in a board-approved barber school. The 64975  
board shall provide to an applicant, upon request, a report which 64976  
explains the reasons for the applicant's failure to pass the 64977  
examination. 64978

(D) The board shall issue a license to practice barbering to 64979  
any applicant who, to the satisfaction of the board, meets the 64980  
requirements of divisions (A) and (B) of this section, who passes 64981



the required examination, and pays the initial licensure fee. 64982  
Every licensed barber shall display the certificate of licensure 64983  
in a conspicuous place adjacent to or near the licensed barber's 64984  
work chair, along with a signed current photograph, in the size 64985  
determined by the board, showing head and shoulders only. 64986

**Sec. 4709.08.** Any person who holds a current license or 64987  
registration to practice as a barber in any other state or 64988  
district of the United States or country whose requirements for 64989  
licensure or registration of barbers are substantially equivalent 64990  
to the requirements of this chapter and rules adopted under it and 64991  
that extends similar reciprocity to persons licensed as barbers in 64992  
this state may apply to the state cosmetology and barber board for 64993  
a barber license. The board shall, without examination, unless the 64994  
board determines to require an examination, issue a license to 64995  
practice as a licensed barber in this state if the person meets 64996  
the requirements of this section, is at least eighteen years of 64997  
age and of good moral character, and pays the required fees. The 64998  
board may waive any of the requirements of this section. 64999

**Sec. 4709.09.** (A) Each person who desires to obtain a barber 65000  
shop license shall apply to the state cosmetology and barber 65001  
board, on forms provided by the board. The board shall issue a 65002  
barber shop license to a person if the board determines that the 65003  
person meets all of the requirements of division (B) of this 65004  
section and pays the required license and inspection fees. 65005

(B) In order for a person to qualify for a license to operate 65006  
a barber shop, the barber shop shall meet all of the following 65007  
requirements: 65008

(1) Be in the charge and under the immediate supervision of a 65009  
licensed barber; 65010

(2) Be equipped to provide running hot and cold water and 65011

proper drainage; 65012

(3) Sanitize and maintain in a sanitary condition, all 65013  
instruments and supplies; 65014

(4) Keep towels and linens clean and sanitary and in a dry, 65015  
dust-proof container; 65016

(5) Display the shop license and a copy of the board's 65017  
sanitary rules in a conspicuous place in the working area. 65018

(C) Any licensed barber who leases space in a licensed barber 65019  
shop and engages in the practice of barbering independent and free 65020  
from supervision of the owner or manager of the barber shop is 65021  
considered to be engaged in the operation of a separate and 65022  
distinct barber shop and shall obtain a license to operate a 65023  
barber shop pursuant to this section. 65024

(D) A shop license is not transferable from one owner to 65025  
another and if an owner or operator of a barber shop permanently 65026  
ceases offering barber services at the shop, the owner or operator 65027  
shall return the barber shop license to the board within ten days 65028  
of the cessation of services. 65029

(E)(1) Manicurists licensed under Chapter 4713. of the 65030  
Revised Code may practice manicuring in a barber shop. 65031

(2) Tanning facilities issued a permit under section 4713.48 65032  
of the Revised Code may be operated in a barber shop. 65033

(F) Clothing and related accessories may be sold at retail in 65034  
a barber shop so long as these sales maintain the integrity of the 65035  
facility as a barber shop. 65036

**Sec. 4709.10.** (A) Each person who desires to obtain a license 65037  
to operate a barber school shall apply to the state cosmetology 65038  
and barber board, on forms provided by the board. The board shall 65039  
issue a barber school license to a person if the board determines 65040  
that the person meets and will comply with all of the requirements 65041

of division (B) of this section and pays the required licensure 65042  
and inspection fees. 65043

(B) In order for a person to qualify for a license to operate 65044  
a barber school, the barber school to be operated by the person 65045  
must meet all of the following requirements: 65046

(1) Have a training facility sufficient to meet the required 65047  
educational curriculum established by the board, including enough 65048  
space to accommodate all the facilities and equipment required by 65049  
rule by the board; 65050

(2) Provide sufficient licensed teaching personnel to meet 65051  
the minimum pupil-teacher ratio established by rule of the board; 65052

(3) Have established and provide to the board proof that it 65053  
has met all of the board requirements to operate a barber school, 65054  
as adopted by rule of the board; 65055

(4) File with the board a program of its curriculum, 65056  
accounting for not less than ~~eighteen~~ one thousand eight hundred 65057  
hours of instruction in the courses of theory and practical 65058  
demonstration required by rule of the board; 65059

(5) File with the board a surety bond in the amount of ten 65060  
thousand dollars issued by a bonding company licensed to do 65061  
business in this state. The bond shall be in the form prescribed 65062  
by the board and conditioned upon the barber school's continued 65063  
instruction in the theory and practice of barbering. The bond 65064  
shall continue in effect until notice of its termination is 65065  
provided to the board. In no event, however, shall the bond be 65066  
terminated while the barber school is in operation. Any student 65067  
who is injured or damaged by reason of a barber school's failure 65068  
to continue instruction in the theory and practice of barbering 65069  
may maintain an action on the bond against the barber school or 65070  
the surety, or both, for the recovery of any money or tuition paid 65071  
in advance for instruction in the theory and practice of barbering 65072

which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 65073  
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 65075  
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(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following: 65078  
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(a) Be at least seventeen years of age; 65083

(b) Be of good moral character; 65084

(c) Have an eighth grade education, or an equivalent education as determined by the state board of education; 65085  
65086

(d) Submit two signed current photographs of ~~himself~~ the applicant, in the size determined by the board. 65087  
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(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 65089  
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(9) Operate in a manner which reflects credit upon the barbering profession; 65092  
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(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 65094  
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(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 65097  
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(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the ~~barber~~ board, 65101  
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on forms provided by the ~~barber~~ board. The board shall only issue 65103  
a barber teacher license to a person who meets all of the 65104  
following requirements: 65105

(1) Holds a current barber license issued pursuant to this 65106  
chapter and has at least eighteen months of work experience in a 65107  
licensed barber shop or has been employed as an assistant barber 65108  
teacher under the supervision of a licensed barber teacher for at 65109  
least one year, unless, for good cause, the board waives this 65110  
requirement; 65111

(2) Meets such other requirements as adopted by rule by the 65112  
board; 65113

(3) Passes the required examination; and 65114

(4) Pays the required fees. If an applicant fails to pass the 65115  
examination, ~~he~~ the applicant may reapply for the examination and 65116  
licensure no earlier than one year after the failure to pass and 65117  
provided that during that period, ~~he~~ the applicant remains 65118  
employed as an assistant barber teacher. 65119

The board shall only issue an assistant barber teacher 65120  
license to a person who holds a current barber license issued 65121  
pursuant to this chapter and pays the required fees. 65122

(D) Any person who meets the qualifications of an assistant 65123  
teacher pursuant to division (C) of this section, may be employed 65124  
as an assistant teacher, provided that within five days after the 65125  
commencement of the employment the barber school submits to the 65126  
board, on forms provided by the board, the applicant's 65127  
qualifications. 65128

**Sec. 4709.12.** (A) The state cosmetology and barber board 65129  
shall charge and collect the following fees: 65130

(1) For the application to take the barber examination, 65131  
ninety dollars; 65132

(2) For an application to retake any part of the barber examination, forty-five dollars;	65133 65134
(3) For the initial issuance of a license to practice as a barber, thirty dollars;	65135 65136
(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;	65137 65138
(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	65139 65140 65141 65142
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	65143 65144
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	65145 65146 65147 65148
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	65149 65150
(9) For the restoration of a barber shop license, one hundred ten dollars;	65151 65152
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	65153 65154 65155
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	65156 65157
(12) For the restoration of a barber school license, one thousand dollars;	65158 65159
(13) For the issuance of a student registration, forty dollars;	65160 65161

(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	65162 65163
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	65164 65165
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	65166 65167 65168 65169
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	65170 65171 65172
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	65173 65174
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	65175 65176 65177 65178
(C) In addition to any other fee charged and collected under this section, the <del>barber</del> board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.	65179 65180 65181 65182 65183 65184 65185
<b>Sec. 4709.13.</b> (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:	65186 65187 65188 65189
(1) Advertising by means of knowingly false or deceptive statements;	65190 65191

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;	65192 65193
(3) Immoral or unprofessional conduct;	65194
(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;	65195 65196
(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;	65197 65198
(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;	65199 65200 65201 65202 65203 65204
(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;	65205 65206 65207 65208
(8) Violating any sanitary rules approved by the department of health or the board;	65209 65210
(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	65211 65212 65213
(10) Gross incompetence.	65214
(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.	65215 65216 65217 65218 65219 65220
(2) A conviction or plea of guilty to a felony committed	65221



prior to being issued a license under this chapter shall not 65222  
disqualify a person from being issued an initial license under 65223  
this chapter. 65224

(C) Prior to taking any action under division (A) or (B) of 65225  
this section, the board shall provide the person with a statement 65226  
of the charges against the person and notice of the time and place 65227  
of a hearing on the charges. The board shall conduct the hearing 65228  
according to Chapter 119. of the Revised Code. Any person 65229  
dissatisfied with a decision of the board may appeal the board's 65230  
decision to the court of common pleas in Franklin county. 65231

(D) The board may adopt rules in accordance with Chapter 119. 65232  
of the Revised Code, specifying additional grounds upon which the 65233  
board may take action under division (A) of this section. 65234

**Sec. 4709.14.** (A) If the state cosmetology and barber board 65235  
determines that any person is violating or threatening to violate 65236  
any provision of this chapter or the rules adopted pursuant 65237  
thereto and such violation or threatened violation is a threat to 65238  
the health or safety of persons who use barber services, the board 65239  
may apply to a court of competent jurisdiction in the county in 65240  
which the violation or threatened violation occurred or will occur 65241  
for injunctive relief and such other relief to prevent further 65242  
violations. The attorney general shall, at the board's request, 65243  
represent the board in any such action. 65244

(B) If the board determines, after a hearing conducted in 65245  
accordance with Chapter 119. of the Revised Code, that any person 65246  
has violated any provision of this chapter or the rules adopted 65247  
pursuant thereto, the board may, in addition to any other action 65248  
it may take or any other penalty imposed pursuant to this chapter, 65249  
impose one or more fines upon the person. In no event, however, 65250  
shall the fines imposed under this division exceed five hundred 65251  
dollars for a first offense or one thousand dollars for each 65252

subsequent offense. 65253

(C) A person who allegedly has violated a provision of this 65254  
chapter for which the board proposes to impose a fine may pay the 65255  
board the amount of the fine and waive the right to an 65256  
adjudicatory hearing conducted under Chapter 119. of the Revised 65257  
Code and described in division (B) of this section. 65258

**Sec. 4709.23.** No phase of barbering shall be taught for pay, 65259  
free, or otherwise, without approval from the state cosmetology 65260  
and barber board. 65261

**Sec. 4713.01.** As used in this chapter: 65262

"Apprentice instructor" means an individual holding a 65263  
practicing license issued by the state ~~board of~~ cosmetology and 65264  
barber board who is engaged in learning or acquiring knowledge of 65265  
the occupation of an instructor of a branch of cosmetology at a 65266  
school of cosmetology. 65267

"Beauty salon" means a salon in which an individual is 65268  
authorized to engage in all branches of cosmetology. 65269

"Biennial licensing period" means the two-year period 65270  
beginning on the first day of February of an odd-numbered year and 65271  
ending on the last day of January of the next odd-numbered year. 65272

"Boutique salon" means a salon in which an individual engages 65273  
in boutique services and no other branch of cosmetology. 65274

"Boutique services" means braiding, threading, and 65275  
shampooing. 65276

"Braiding" means intertwining the hair in a systematic motion 65277  
to create patterns in a three-dimensional form, inverting the hair 65278  
against the scalp along part of a straight or curved row of 65279  
intertwined hair, or twisting the hair in a systematic motion, and 65280  
includes extending the hair with natural or synthetic hair fibers. 65281

"Branch of cosmetology" means the practice of cosmetology, 65282  
practice of esthetics, practice of hair design, practice of 65283  
manicuring, practice of natural hair styling, or practice of 65284  
boutique services. 65285

"Cosmetic therapy" has the same meaning as in section 4731.15 65286  
of the Revised Code. 65287

"Cosmetologist" means an individual authorized to engage in 65288  
all branches of cosmetology in a licensed facility. 65289

"Cosmetology" means the art or practice of embellishment, 65290  
cleansing, beautification, and styling of hair, wigs, postiches, 65291  
face, body, or nails. 65292

"Cosmetology instructor" means an individual authorized to 65293  
teach the theory and practice of all branches of cosmetology at a 65294  
school of cosmetology. 65295

"Esthetician" means an individual who engages in the practice 65296  
of esthetics but no other branch of cosmetology in a licensed 65297  
facility. 65298

"Esthetics instructor" means an individual who teaches the 65299  
theory and practice of esthetics, but no other branch of 65300  
cosmetology, at a school of cosmetology. 65301

"Esthetics salon" means a salon in which an individual 65302  
engages in the practice of esthetics but no other branch of 65303  
cosmetology. 65304

"Eye lash extensions" include temporary and semi-permanent 65305  
enhancements designed to add length, thickness, and fullness to 65306  
natural eyelashes. 65307

"Hair designer" means an individual who engages in the 65308  
practice of hair design but no other branch of cosmetology in a 65309  
licensed facility. 65310

"Hair design instructor" means an individual who teaches the 65311

theory and practice of hair design, but no other branch of 65312  
cosmetology, at a school of cosmetology. 65313

"Hair design salon" means a salon in which an individual 65314  
engages in the practice of hair design but no other branch of 65315  
cosmetology. 65316

"Hair removal" includes tweezing, waxing, sugaring, and 65317  
threading. "Hair removal" does not include electrolysis. 65318

"Independent contractor" means an individual who is not an 65319  
employee of a salon but practices a branch of cosmetology within a 65320  
salon in a licensed facility. 65321

"Instructor license" means a license to teach the theory and 65322  
practice of a branch of cosmetology at a school of cosmetology. 65323

"Licensed facility" means any premises, building, or part of 65324  
a building licensed under section 4713.41 of the Revised Code in 65325  
which cosmetology services are authorized by the state ~~board of~~ 65326  
cosmetology and barber board to be performed. 65327

"Advanced cosmetologist" means an individual authorized to 65328  
work in a beauty salon and engage in all branches of cosmetology. 65329

"Advanced esthetician" means an individual authorized to work 65330  
in an esthetics salon, but no other type of salon, and engage in 65331  
the practice of esthetics, but no other branch of cosmetology. 65332

"Advanced hair designer" means an individual authorized to 65333  
work in a hair design salon, but no other type of salon, and 65334  
engage in the practice of hair design, but no other branch of 65335  
cosmetology. 65336

"Advanced license" means a license to work in a salon and 65337  
practice the branch of cosmetology practiced at the salon. 65338

"Advanced manicurist" means an individual authorized to work 65339  
in a nail salon, but no other type of salon, and engage in the 65340  
practice of manicuring, but no other branch of cosmetology. 65341

"Advanced natural hair stylist" means an individual 65342  
authorized to work in a natural hair style salon, but no other 65343  
type of salon, and engage in the practice of natural hair styling, 65344  
but no other branch of cosmetology. 65345

"Manicurist" means an individual who engages in the practice 65346  
of manicuring but no other branch of cosmetology in a licensed 65347  
facility. 65348

"Manicurist instructor" means an individual who teaches the 65349  
theory and practice of manicuring, but no other branch of 65350  
cosmetology, at a school of cosmetology. 65351

"Nail salon" means a salon in which an individual engages in 65352  
the practice of manicuring but no other branch of cosmetology. 65353

"Natural hair stylist" means an individual who engages in the 65354  
practice of natural hair styling but no other branch of 65355  
cosmetology in a licensed facility. 65356

"Natural hair style instructor" means an individual who 65357  
teaches the theory and practice of natural hair styling, but no 65358  
other branch of cosmetology, at a school of cosmetology. 65359

"Natural hair style salon" means a salon in which an 65360  
individual engages in the practice of natural hair styling but no 65361  
other branch of cosmetology. 65362

"Practice of braiding" means utilizing the technique of 65363  
intertwining hair in a systematic motion to create patterns in a 65364  
three-dimensional form, including patterns that are inverted, 65365  
upright, or singled against the scalp that follow along straight 65366  
or curved partings. It may include twisting or locking the hair 65367  
while adding bulk or length with human hair, synthetic hair, or 65368  
both and using simple devices such as clips, combs, and hairpins. 65369

"Practice of braiding" does not include application of weaving, 65370  
bonding, and fusion of individual strands or wefts; application of 65371  
dyes, reactive chemicals, or other preparations to alter the color 65372

or straighten, curl, or alter the structure of hair; embellishing 65373  
or beautifying hair by cutting or singeing, except as needed to 65374  
finish the ends of synthetic fibers used to add bulk to or 65375  
lengthen hair. 65376

"Practice of cosmetology" means the practice of all branches 65377  
of cosmetology. 65378

"Practice of esthetics" means the application of cosmetics, 65379  
tonics, antiseptics, creams, lotions, or other preparations for 65380  
the purpose of skin beautification and includes preparation of the 65381  
skin by manual massage techniques or by use of electrical, 65382  
mechanical, or other apparatus; enhancement of the skin by skin 65383  
care, facials, body treatments, hair removal, and other 65384  
treatments; and eye lash extension services. 65385

"Practice of hair design" means embellishing or beautifying 65386  
hair, wigs, or hairpieces by arranging, dressing, pressing, 65387  
curling, waving, permanent waving, cleansing, cutting, singeing, 65388  
bleaching, coloring, braiding, weaving, or similar work. "Practice 65389  
of hair design" includes utilizing techniques performed by hand 65390  
that result in tension on hair roots such as twisting, wrapping, 65391  
weaving, extending, locking, or braiding of the hair. 65392

"Practice of manicuring" means cleaning, trimming, shaping 65393  
the free edge of, or applying polish to the nails of any 65394  
individual; applying nail enhancements and embellishments to any 65395  
individual; massaging the hands and lower arms up to the elbow of 65396  
any individual; massaging the feet and lower legs up to the knee 65397  
of any individual; using lotions or softeners on the hands and 65398  
feet of any individual; or any combination of these types of 65399  
services. 65400

"Practice of natural hair styling" means utilizing techniques 65401  
performed by hand that result in tension on hair roots such as 65402  
twisting, wrapping, weaving, extending, locking, or braiding of 65403

the hair. "Practice of natural hair styling" does not include the 65404  
application of dyes, reactive chemicals, or other preparations to 65405  
alter the color or to straighten, curl, or alter the structure of 65406  
the hair. "Practice of natural hair styling" also does not include 65407  
embellishing or beautifying hair by cutting or singeing, except as 65408  
needed to finish off the end of a braid, or by dressing, pressing, 65409  
curling, waving, permanent waving, or similar work. 65410

"Practicing license" means a license to practice a branch of 65411  
cosmetology in a licensed facility. 65412

"Salon" means a licensed facility on any premises, building, 65413  
or part of a building in which an individual engages in the 65414  
practice of one or more branches of cosmetology. "Salon" does not 65415  
include a barber shop licensed under Chapter 4709. of the Revised 65416  
Code. "Salon" does not mean a tanning facility, although a tanning 65417  
facility may be located in a salon. 65418

"School of cosmetology" means any premises, building, or part 65419  
of a building in which students are instructed in the theories and 65420  
practices of one or more branches of cosmetology. 65421

"Shampooing" means the act of cleansing and conditioning an 65422  
individual's hair under the supervision of an individual licensed 65423  
under this chapter and in preparation to immediately receive a 65424  
service from a licensee. 65425

"Student" means an individual, other than an apprentice 65426  
instructor, who is engaged in learning or acquiring knowledge of 65427  
the practice of a branch of cosmetology at a school of 65428  
cosmetology. 65429

"Tanning facility" means any premises, building, or part of a 65430  
building that contains one or more rooms or booths with any of the 65431  
following: 65432

(A) Equipment or beds used for tanning human skin by the use 65433  
of fluorescent sun lamps using ultraviolet or other artificial 65434

radiation;	65435
(B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;	65436 65437 65438
(C) Equipment or beds that use visible light for cosmetic purposes.	65439 65440
"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair.	65441 65442 65443 65444 65445
<b>Sec. 4713.02.</b> (A) There is hereby created the state <del>board of</del> cosmetology <u>and barber board</u> , consisting of all of the following members appointed by the governor, with the advice and consent of the senate:	65446 65447 65448 65449
(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;	65450 65451
(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;	65452 65453 65454
(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;	65455 65456 65457
(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;	65458 65459 65460
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	65461 65462
(6) One owner of at least five licensed salons;	65463



(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 65464  
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(8) One individual representing the general public; 65470

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 65471  
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(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 65474  
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(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment. 65478  
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(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section. 65482  
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(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology ~~or~~ salon, barber school, or barber shop. 65485  
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Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case 65491  
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of a vacancy occurring on the board, the governor shall, in the 65495  
same manner prescribed for the regular appointment to the board, 65496  
fill the vacancy by appointing a member. Any member appointed to 65497  
fill a vacancy occurring prior to the expiration of the term for 65498  
which the member's predecessor was appointed shall hold office for 65499  
the remainder of such term. Any member shall continue in office 65500  
subsequent to the expiration date of the member's term until the 65501  
member's successor takes office, or until a period of sixty days 65502  
has elapsed, whichever occurs first. Before entering upon the 65503  
discharge of the duties of the office of member, each member shall 65504  
take, and file with the secretary of state, the oath of office 65505  
required by Section 7 of Article XV, Ohio Constitution. 65506

The members of the board shall receive an amount fixed 65507  
pursuant to Chapter 124. of the Revised Code per diem for every 65508  
meeting of the board which they attend, together with their 65509  
necessary expenses, and mileage for each mile necessarily 65510  
traveled. 65511

The members of the board shall annually elect, from among 65512  
their number, a chairperson and a vice-chairperson. The executive 65513  
director appointed pursuant to section 4713.06 of the Revised Code 65514  
shall serve as the board's secretary. 65515

(D) The board shall prescribe the duties of its officers and 65516  
establish an office within Franklin county. The board shall keep 65517  
all records and files at the office and have the records and files 65518  
at all reasonable hours open to public inspection in accordance 65519  
with section 149.43 of the Revised Code and any rules adopted by 65520  
the board in compliance with this state's record retention policy. 65521  
The board also shall adopt a seal for the authentication of its 65522  
orders, communications, and records. 65523

(E) The governor may remove any member for cause prior to the 65524  
expiration of the member's term of office. 65525

(F) Whenever the term "state board of cosmetology" is used, 65526  
referred to, or designated in statute, rule, contract, grant, or 65527  
other document, the use, reference, or designation shall be deemed 65528  
to mean the "state cosmetology and barber board" or the executive 65529  
director of the state cosmetology and barber board, whichever is 65530  
appropriate in context. Whenever the term "barber board" is used, 65531  
referred to, or designated in statute, rule, contract, grant, or 65532  
other document, the use, reference, or designation shall be deemed 65533  
to mean the "state cosmetology and barber board" or the executive 65534  
director of the state cosmetology and barber board, whichever is 65535  
appropriate in context. 65536

**Sec. 4713.03.** The state ~~board of~~ cosmetology and barber board 65537  
shall hold meetings to transact its business at least four times a 65538  
year. The board may hold additional meetings as, in its judgment, 65539  
are necessary. The board shall meet at the times and places it 65540  
selects. 65541

**Sec. 4713.04.** The state ~~board of~~ cosmetology and barber board 65542  
may authorize any of its members, in writing, to undertake any 65543  
proceedings authorized by this chapter, and the finding or order 65544  
of such members is the finding of the board when confirmed by it. 65545  
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**Sec. 4713.05.** All receipts of the state ~~board of~~ cosmetology 65547  
and barber board shall be deposited into the state treasury to the 65548  
credit of the occupational licensing and regulatory fund. All 65549  
vouchers of the board shall be approved by the board chairperson 65550  
or executive director, or both, as authorized by the board. 65551

**Sec. 4713.06.** The state ~~board of~~ cosmetology and barber board 65552  
shall annually appoint an executive director. The executive 65553  
director may not be a member of the board, but subsequent to 65554

appointment, shall serve as secretary of the board. The executive 65555  
director, before entering upon the discharge of the executive 65556  
director's duties, shall file with the secretary of state a good 65557  
and sufficient bond payable to the state, to ensure the faithful 65558  
performance of duties of the office of executive director. The 65559  
bond shall be in an amount the board requires. The premium of the 65560  
bond shall be paid from appropriations made to the board for 65561  
operating purposes. Whenever the term "executive director of the 65562  
state board of cosmetology" or the term "executive director of the 65563  
barber board," or variations thereof, is used, referred to, or 65564  
designated in statute, rule, contract, grant, or other document, 65565  
the use, reference, or designation shall be deemed to mean the 65566  
"executive director of the state cosmetology and barber board." 65567

The board may employ inspectors, examiners, consultants on 65568  
contents of examinations, clerks, or other individuals as 65569  
necessary for the administration of this chapter and Chapter 4709. 65570  
of the Revised Code. All inspectors and examiners shall be 65571  
licensed cosmetologists pursuant to this chapter or licensed 65572  
barbers pursuant to Chapter 4709. of the Revised Code. 65573

The board may appoint inspectors to inspect and investigate 65574  
all facilities regulated by this chapter and Chapter 4709. of the 65575  
Revised Code, including tanning facilities, to ensure compliance 65576  
with this chapter and Chapter 4709. of the Revised Code, the rules 65577  
adopted ~~pursuant to it~~ by the board, and the board's policies, in 65578  
accordance with division (A)(11) of section 4713.07 of the Revised 65579  
Code. 65580

**Sec. 4713.07.** (A) The state ~~board of~~ cosmetology and barber 65581  
board shall do all of the following: 65582

(1) Regulate the practice of cosmetology and all of its 65583  
branches in this state; 65584

- (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; 65585  
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- (3) Adopt rules in accordance with section 4713.08 of the Revised Code; 65589  
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- (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter; 65591  
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- (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter; 65595  
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- (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code; 65598  
65599  
65600
- (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware; 65601  
65602
- (8) Submit a written report annually to the governor that provides all of the following: 65603  
65604
- (a) A discussion of the conditions in this state of the branches of cosmetology; 65605  
65606
- (b) An evaluation of board activities intended to aid or protect consumers; 65607  
65608
- (c) A brief summary of the board's proceedings during the year the report covers; 65609  
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- ~~(e)~~(d) A statement of all money that the board received and expended during the year the report covers. 65611  
65612
- (9) Keep a record of all of the following: 65613

(a) The board's proceedings;	65614
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	65615 65616 65617
(c) The date and number of each license, permit, and registration that the board issues.	65618 65619
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	65620 65621 65622
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it <u>or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code.</u> In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.	65623 65624 65625 65626 65627 65628 65629 65630 65631 65632 65633 65634 65635 65636 65637 65638 65639 65640 65641 65642
(12) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person	65643 65644

authorized to operate a salon, school of cosmetology, tanning facility, or other type of facility under this chapter; 65645  
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(13) All other duties that this chapter imposes on the board. 65647

(B) The board may delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director. 65648  
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**Sec. 4713.071.** (A) ~~Beginning one year after the effective date of this section, the~~ The state board of cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period: 65651  
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(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering; 65657  
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(2) The number of students graduating from licensed public and private schools of cosmetology and barbering; 65659  
65660

(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering; 65661  
65662

(4) The loan default rates for licensed public and private schools of cosmetology and barbering; 65663  
65664

(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering; 65665  
65666

(6) The total number of new and renewal licenses in each profession; 65667  
65668

(7) The total number of complaint-driven inspections conducted by the board; 65669  
65670

(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes; 65671  
65672  
65673

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	65674 65675
(10) The number of adjudications or other disciplinary action taken by the board.	65676 65677
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter <u>or Chapter 4709. of the Revised Code.</u>	65678 65679 65680
<b>Sec. 4713.08.</b> (A) The state <del>board of</del> cosmetology <u>and barber board</u> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	65681 65682 65683 65684
(1) Govern the practice of the branches of cosmetology;	65685
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	65686 65687 65688 65689
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	65690 65691
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	65692 65693 65694 65695 65696
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	65697 65698
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	65699 65700 65701 65702



- (7) Specify locations in which glamour photography services 65703  
in which a branch of cosmetology is practiced may be provided; 65704
- (8) Establish conditions and the fee for a temporary special 65705  
occasion work permit under section 4713.37 of the Revised Code and 65706  
specify the amount of time such a permit is valid; 65707
- (9) Specify conditions an applicant must satisfy for the 65708  
board to issue the applicant an independent contractor license 65709  
under section 4713.39 of the Revised Code and the fee for issuance 65710  
and renewal of the license; 65711
- (10) Establish conditions under which food may be sold at a 65712  
salon; 65713
- (11) Specify which professions regulated by a professional 65714  
regulatory board of this state may be practiced in a salon under 65715  
section 4713.42 of the Revised Code; 65716
- (12) Establish standards for the provision of cosmetic 65717  
therapy, massage therapy, or other professional service in a salon 65718  
pursuant to section 4713.42 of the Revised Code; 65719
- (13) Establish standards for board approval of, and the 65720  
granting of credits for, training in branches of cosmetology at 65721  
schools of cosmetology licensed in this state; 65722
- (14) Establish the manner in which a school of cosmetology 65723  
licensed under section 4713.44 of the Revised Code may offer 65724  
post-secondary and advanced practice programs; 65725
- (15) Establish sanitary standards for the practice of the 65726  
branches of cosmetology, salons, and schools of cosmetology; 65727
- (16) Establish the application process for obtaining a 65728  
tanning facility permit under section 4713.48 of the Revised Code, 65729  
including the amount of the fee for an initial or renewed permit; 65730
- (17) Establish standards for installing and operating a 65731  
tanning facility in a manner that ensures the health and safety of 65732

consumers, including standards that do all of the following: 65733

(a) Establish a maximum safe time of exposure to radiation 65734  
and a maximum safe temperature at which sun lamps may be operated; 65735

(b) Require consumers to wear protective eyeglasses; 65736

(c) Require consumers to be supervised as to the length of 65737  
time consumers use the facility's sun lamps; 65738

(d) Require the operator to prohibit consumers from standing 65739  
too close to sun lamps and to post signs warning consumers of the 65740  
potential effects of radiation on individuals taking certain 65741  
medications and of the possible relationship of the radiation to 65742  
skin cancer; 65743

(e) Require the installation of protective shielding for sun 65744  
lamps and handrails for consumers; 65745

(f) Require floors to be dry during operation of lamps; 65746

(g) Establish procedures an operator must follow in making 65747  
reasonable efforts in compliance with section 4713.50 of the 65748  
Revised Code to determine the age of an individual seeking to use 65749  
sun lamp tanning services. 65750

(18)(a) If the board, under section 4713.61 of the Revised 65751  
Code, develops a procedure for classifying licenses inactive, do 65752  
both of the following: 65753

(i) Establish a fee for having a license classified inactive 65754  
that reflects the cost to the board of providing the inactive 65755  
license service. If one or more renewal periods have elapsed since 65756  
the license was valid, the fee shall not include lapsed renewal 65757  
fees for more than three of those renewal periods; 65758

(ii) Specify the continuing education that an individual 65759  
whose license has been classified inactive must complete to have 65760  
the license restored. The continuing education shall be sufficient 65761  
to ensure the minimum competency in the use or administration of a 65762

new procedure or product required by a licensee necessary to 65763  
protect public health and safety. The requirement shall not exceed 65764  
the cumulative number of hours of continuing education that the 65765  
individual would have been required to complete had the individual 65766  
retained an active license. 65767

(b) In addition, the board may specify the conditions and 65768  
method for granting a temporary work permit to practice a branch 65769  
of cosmetology to an individual whose license has been classified 65770  
inactive. 65771

(19) Establish a fee for approval of a continuing education 65772  
program under section 4713.62 of the Revised Code that is adequate 65773  
to cover any expense the board incurs in the approval process; 65774

(20) Anything else necessary to implement this chapter. 65775

(B)(1) The rules adopted under division (A)(2) of this 65776  
section may establish additional conditions for a temporary 65777  
pre-examination work permit under section 4713.22 of the Revised 65778  
Code that are applicable to individuals who practice a branch of 65779  
cosmetology in another state or country. 65780

(2) The rules adopted under division (A)(18)(b) of this 65781  
section may establish additional conditions for a temporary work 65782  
permit that are applicable to individuals who practice a branch of 65783  
cosmetology in another state. 65784

(C) The conditions specified in rules adopted under division 65785  
(A)(6) of this section may include that an applicant is applying 65786  
for a license to practice a branch of cosmetology for which the 65787  
board determines an examination is unnecessary. 65788

(D) The rules adopted under division (A)(11) of this section 65789  
shall not include a profession if practice of the profession in a 65790  
salon is a violation of a statute or rule governing the 65791  
profession. 65792

(E) The sanitary standards established under division (A)(15) 65793  
of this section shall focus in particular on precautions to be 65794  
employed to prevent infectious or contagious diseases being 65795  
created or spread. The board shall consult with the Ohio 65796  
department of health when establishing the sanitary standards. 65797

(F) The fee established by rules adopted under division 65798  
(A)(16) of this section shall cover the cost the board incurs in 65799  
inspecting tanning facilities and enforcing the board's rules but 65800  
may not exceed one hundred dollars per location of such 65801  
facilities. 65802

**Sec. 4713.081.** The state ~~board of~~ cosmetology and barber 65803  
board shall furnish a copy of the sanitary standards established 65804  
by rules adopted under section 4713.08 of the Revised Code to each 65805  
individual to whom the board issues a practicing license, advanced 65806  
license, license to operate a salon or school of cosmetology, or 65807  
boutique services registration. The board also shall furnish a 65808  
copy of the sanitary standards to each individual providing 65809  
cosmetic therapy, massage therapy, or other professional service 65810  
in a salon under section 4713.42 of the Revised Code. A salon or 65811  
school of cosmetology provided a copy of the sanitary standards 65812  
shall post the standards in a public and conspicuous place in the 65813  
salon or school. 65814

**Sec. 4713.082.** The state ~~board of~~ cosmetology and barber 65815  
board shall furnish a copy of the standards established by rules 65816  
adopted under section 4713.08 of the Revised Code for installing 65817  
and operating a tanning facility to each individual to whom the 65818  
board issues a permit to operate a tanning facility. An individual 65819  
provided a copy of the standards shall post the standards in a 65820  
public and conspicuous place in the tanning facility. 65821

**Sec. 4713.09.** The state ~~board of~~ cosmetology and barber board 65822

may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

**Sec. 4713.10.** (A) The state board of cosmetology shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, ~~seven not more than fifteen~~ dollars and fifty cents;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, ~~thirty-one not more than~~ forty dollars ~~and fifty cents~~;

(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, ~~forty~~ not more than fifty-five dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, ~~thirty-one not~~ more than forty dollars ~~and fifty cents~~;

(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than

seventy-five dollars; 65853

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 65854  
65855

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 65856  
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65858

(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 65859  
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(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 65861  
65862  
65863

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 65864  
65865

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 65866  
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(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 65872  
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(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 65874  
65875  
65876

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 65877  
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(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 65880  
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(C) The board may establish an installment plan for the 65883  
payment of fines and fees and may reduce fees as considered 65884  
appropriate by the board. 65885

~~(C)~~(D) At the request of a person who is temporarily unable 65886  
to pay a fee imposed under division (A) of this section, or on its 65887  
own motion, the board may extend the date payment is due by up to 65888  
ninety days. If the fee remains unpaid after the date payment is 65889  
due, the amount of the fee shall be certified to the attorney 65890  
general for collection in the form and manner prescribed by the 65891  
attorney general. The attorney general may assess the collection 65892  
cost to the amount certified in such a manner and amount as 65893  
prescribed by the attorney general. 65894

**Sec. 4713.11.** The state ~~board of~~ cosmetology and barber 65895  
board, subject to the approval of the controlling board, may 65896  
establish fees in excess of the amounts provided by section 65897  
4713.10 of the Revised Code, provided that any fee increase does 65898  
not exceed the amount permitted by more than fifty per cent. 65899

**Sec. 4713.13.** Whenever in the judgment of the state ~~board of~~ 65900  
cosmetology and barber board any individual has engaged in or is 65901  
about to engage in any acts or practices that constitute a 65902  
violation of this chapter, or any rule adopted under this chapter, 65903  
the board may apply to the appropriate court for an order 65904  
enjoining the acts or practices, and upon a showing by the board 65905  
that the individual has engaged in the acts or practices, the 65906  
court shall grant an injunction, restraining order, or other order 65907  
as may be appropriate. 65908

**Sec. 4713.141.** An inspector employed by the state ~~board of~~ 65909  
cosmetology and barber board may take a sample of a product used 65910  
or sold in a salon or school of cosmetology for the purpose of 65911  
examining the sample, or causing an examination of the sample to 65912

be made, to determine whether division (M) of section 4713.14 of  
the Revised Code has been violated.

Should the results of the test prove that division (M) of  
section 4713.14 of the Revised Code has been violated, the board  
shall take action in accordance with section 4713.64 of the  
Revised Code. A fine imposed under that section shall include the  
cost of the test. The person's license may be suspended or  
revoked.

**Sec. 4713.17.** (A) The following persons are exempt from the  
provisions of this chapter, except, as applicable, section 4713.42  
of the Revised Code:

(1) All individuals authorized to practice medicine, surgery,  
dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United  
States army, navy, air force, or marine hospital service when  
engaged in the actual performance of their official duties, and  
attendants attached to same;

~~(3) Barbers, insofar as their usual and ordinary vocation and  
profession is concerned;~~

~~(4) Funeral directors, embalmers, and apprentices licensed or  
registered under Chapter 4717. of the Revised Code;~~

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning,  
or beautification of wigs and hairpieces but who do not engage in  
any other act constituting the practice of a branch of  
cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in  
section 3721.01 of the Revised Code, who render service to  
registered patients and inpatients who reside in such hospitals or  
homes. Such volunteers shall not use or work with any chemical



products such as permanent wave, hair dye, or chemical hair  
relaxer, which without proper training would pose a health or  
safety problem to the patient.

~~(7)~~(6) Nurse aides and other employees of hospitals and homes  
as defined in section 3721.01 of the Revised Code, who practice a  
branch of cosmetology on registered patients only as part of  
general patient care services and who do not charge patients  
directly on a fee for service basis;

~~(8)~~(7) Cosmetic therapists and massage therapists who hold  
current, valid certificates to practice cosmetic or massage  
therapy issued by the state medical board under section 4731.15 of  
the Revised Code, to the extent their actions are authorized by  
their certificates to practice;

~~(9)~~(8) Inmates who provide services related to a branch of  
cosmetology to other inmates, except when those services are  
provided in a licensed school of cosmetology within a state  
correctional institution for females.

(B) The director of rehabilitation and correction shall  
oversee the services described in division (A)~~(9)~~(8) of this  
section with respect to sanitation and adopt rules governing those  
types of services provided by inmates.

**Sec. 4713.20.** Each individual who seeks admission to an  
examination conducted under section 4713.24 of the Revised Code  
shall submit both of the following to the state ~~board of~~  
cosmetology and barber board:

(A) As part of a license application, proof that the  
individual satisfies all conditions to obtain the license for  
which the examination is conducted, other than the requirement to  
have passed the examination;

(B) A set of the individual's biometric fingerprint scan

taken at the board's offices. 65972

**Sec. 4713.22.** (A) The state ~~board of~~ cosmetology and barber 65973  
board shall issue a temporary pre-examination work permit to an 65974  
individual who applies under section 4713.20 of the Revised Code 65975  
for admission to an examination conducted under section 4713.24 of 65976  
the Revised Code, if the individual satisfies all of the following 65977  
conditions: 65978

(1) Is seeking a practicing license or an instructor license; 65979

(2) Has not previously failed an examination conducted under 65980  
section 4713.24 of the Revised Code to determine the applicant's 65981  
fitness to practice or instruct the branch of cosmetology for 65982  
which the individual seeks a license; 65983

(3) Pays to the board the applicable fee; 65984

(4) Satisfies all other conditions established by rules 65985  
adopted under section 4713.08 of the Revised Code. 65986

(B) An individual issued a temporary pre-examination work 65987  
permit may practice the branch of cosmetology for which the 65988  
individual seeks a practicing license until the date the 65989  
individual is scheduled to take an examination under section 65990  
4713.24 of the Revised Code. The individual shall practice under 65991  
the supervision of an individual holding a current, valid license 65992  
appropriate for the type of salon in which the permit holder 65993  
practices. 65994

(C) An individual issued a temporary pre-examination work 65995  
permit may instruct the branch of cosmetology for which the 65996  
individual seeks an instructor license for a period not to exceed 65997  
one hundred twenty days. 65998

(D) A temporary pre-examination work permit is renewable in 65999  
accordance with rules adopted under section 4713.08 of the Revised 66000  
Code. 66001

**Sec. 4713.24.** (A) The state ~~board of~~ cosmetology and barber  
board shall conduct an examination for each individual who  
satisfies the requirements established by section 4713.20 of the  
Revised Code for admission to the examination. Examinations for  
licensure for any branch of cosmetology shall assess the ability  
of a prospective cosmetology professional to maintain a safe and  
sanitary place of service delivery. The board may develop and  
administer the appropriate examination or enter into an agreement  
with a national testing service to develop the examination,  
administer the examination, or both. The examination shall be  
specific to the type of license the individual seeks and satisfy  
all of the following conditions:

(1) Include both practical demonstrations and written or oral  
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be  
confined to any special system or method;

(3) Be consistent in both practical and technical  
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to  
the individual's skill in and knowledge of the branch of  
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~  
~~amendment~~ September 13, 2016, the board shall create a curriculum  
and an examination for individuals seeking licensure to become an  
instructor and shall conduct an examination for each individual  
who satisfies the requirements established pursuant to section  
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or  
supplies an individual is required to bring to an examination  
described in this section.

(D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes:

(1) Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code;

(2) Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state;

(3) Complying with a public records request after which the questions or the demonstrations have become a public record under division (F) of this section and otherwise may lawfully be released.

(E) The examination papers and the scored results of the practical demonstrations of each individual examined by the board shall be open for inspection by the individual or the individual's attorney for at least ninety days following the announcement of the individual's grade, except for papers that under the terms of a contract with a testing service are not available for inspection. On written request of an individual or the individual's attorney made to the board not later than ninety days after announcement of the individual's grade, the board shall have the individual's practical examination papers regraded manually.

(F) Test materials, examinations, or evaluation tools used in an examination for licensure under this chapter that the board develops or contracts with a private or government entity to administer shall become public records under section 149.43 of the Revised Code fifteen years after the materials, examinations, or tools were first used in an assessment for licensure, unless the release of the record is otherwise prohibited by state or federal law, or the record is deemed to be the proprietary information of

a private entity. 66063

**Sec. 4713.25.** (A) The state ~~board of~~ cosmetology and barber 66064  
board may administer a separate advanced cosmetologist examination 66065  
for individuals who complete an advanced cosmetologist training 66066  
course separate from a cosmetologist training course. The board 66067  
may combine the advanced cosmetologist examination with the 66068  
cosmetologist examination for individuals who complete a combined 66069  
cosmetologist and advanced cosmetologist training course. 66070

(B) The board may administer a separate advanced esthetician 66071  
examination for individuals who complete an advanced esthetician 66072  
training course separate from an esthetician training course. The 66073  
board may combine the advanced esthetician examination with the 66074  
esthetician examination for individuals who complete an 66075  
esthetician and advanced esthetician training course. 66076

(C) The board may administer a separate advanced hair 66077  
designer examination for individuals who complete an advanced hair 66078  
designer training course separate from a hair designer training 66079  
course. The board may combine the advanced hair designer 66080  
examination with the hair designer examination for individuals who 66081  
complete a hair designer and advanced hair designer training 66082  
course. 66083

(D) The board may administer a separate advanced manicurist 66084  
examination for individuals who complete an advanced manicurist 66085  
training course separate from a manicurist training course. The 66086  
board may combine the advanced manicurist examination with the 66087  
manicurist examination for individuals who complete a manicurist 66088  
and advanced manicurist training course. 66089

(E) The board may administer a separate advanced natural hair 66090  
stylist examination for individuals who complete an advanced 66091  
natural hair stylist training course separate from a natural hair 66092  
stylist training course. The board may combine the advanced 66093

natural hair stylist examination with the natural hair stylist 66094  
examination for individuals who complete a natural hair stylist 66095  
and advanced natural hair stylist training course. 66096

**Sec. 4713.28.** (A) The state ~~board of~~ cosmetology and barber 66097  
board shall issue a practicing license to an applicant who 66098  
satisfies all of the following applicable conditions: 66099

(1) Is at least sixteen years of age; 66100

(2) Is of good moral character; 66101

(3) Has the equivalent of an Ohio public school tenth grade 66102  
education; 66103

(4) Has submitted a written application on a form furnished 66104  
by the board that contains all of the following: 66105

(a) The name of the individual and any other identifying 66106  
information required by the board; 66107

(b) A recent photograph of the individual that meets the 66108  
specifications established by the board; 66109

(c) A photocopy of the individual's current driver's license 66110  
or other proof of legal residence; 66111

(d) Proof that the individual is qualified to take the 66112  
applicable examination as required by section 4713.20 of the 66113  
Revised Code; 66114

(e) An oath verifying that the information in the application 66115  
is true; 66116

(f) The applicable application fee. 66117

(5) Passes an examination conducted under division (A) of 66118  
section 4713.24 of the Revised Code for the branch of cosmetology 66119  
the applicant seeks to practice; 66120

(6) Pays to the board the applicable license fee; 66121

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 66153

**Sec. 4713.29.** In accordance with rules adopted under section 66154  
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 66155  
barber board may waive a condition established by section 4713.28 66156  
of the Revised Code for a license to practice a branch of 66157  
cosmetology for an applicant who practices that branch of 66158  
cosmetology in a state or country that does not license or 66159  
register branches of cosmetology. 66160

**Sec. 4713.30.** The state ~~board of~~ cosmetology and barber board 66161  
shall issue an advanced license to an applicant who satisfies all 66162  
of the following applicable conditions: 66163

(A) Is at least sixteen years of age; 66164

(B) Is of good moral character; 66165

(C) Has the equivalent of an Ohio public school tenth grade 66166  
education; 66167

(D) Pays to the board the applicable fee; 66168

(E) Passes the appropriate advanced license examination; 66169

(F) In the case of an applicant for an initial advanced 66170  
cosmetologist license, does either of the following: 66171

(1) Has a licensed advanced cosmetologist or owner of a 66172  
licensed beauty salon located in this or another state certify to 66173  
the board that the applicant has practiced as a cosmetologist for 66174  
at least one thousand eight hundred hours in a licensed beauty 66175  
salon; 66176

(2) Has a school of cosmetology licensed in this state 66177  
certify to the board that the applicant has successfully 66178  
completed, in addition to the hours required for licensure as a 66179  
cosmetologist, at least three hundred hours of board-approved 66180  
advanced cosmetologist training. 66181



(G) In the case of an applicant for an initial advanced 66182  
esthetician license, does either of the following: 66183

(1) Has the licensed advanced esthetician, licensed advanced 66184  
cosmetologist, or owner of a licensed esthetics salon or licensed 66185  
beauty salon located in this or another state certify to the board 66186  
that the applicant has practiced esthetics for at least one 66187  
thousand eight hundred hours as an esthetician in a licensed 66188  
esthetics salon or as a cosmetologist in a licensed beauty salon; 66189

(2) Has a school of cosmetology licensed in this state 66190  
certify to the board that the applicant has successfully 66191  
completed, in addition to the hours required for licensure as an 66192  
esthetician or cosmetologist, at least one hundred fifty hours of 66193  
board-approved advanced esthetician training. 66194

(H) In the case of an applicant for an initial advanced hair 66195  
designer license, does either of the following: 66196

(1) Has the licensed advanced hair designer, licensed 66197  
advanced cosmetologist, or owner of a licensed hair design salon 66198  
or licensed beauty salon located in this or another state certify 66199  
to the board that the applicant has practiced hair design for at 66200  
least one thousand eight hundred hours as a hair designer in a 66201  
licensed hair design salon or as a cosmetologist in a licensed 66202  
beauty salon; 66203

(2) Has a school of cosmetology licensed in this state 66204  
certify to the board that the applicant has successfully 66205  
completed, in addition to the hours required for licensure as a 66206  
hair designer or cosmetologist, at least two hundred forty hours 66207  
of board-approved advanced hair designer training. 66208

(I) In the case of an applicant for an initial advanced 66209  
manicurist license, does either of the following: 66210

(1) Has the licensed advanced manicurist, licensed advanced 66211  
cosmetologist, or owner of a licensed nail salon, licensed beauty 66212

salon, or licensed barber shop located in this or another state 66213  
certify to the board that the applicant has practiced manicuring 66214  
for at least one thousand eight hundred hours as a manicurist in a 66215  
licensed nail salon or licensed barber shop or as a cosmetologist 66216  
in a licensed beauty salon or licensed barber shop; 66217

(2) Has a school of cosmetology licensed in this state 66218  
certify to the board that the applicant has successfully 66219  
completed, in addition to the hours required for licensure as a 66220  
manicurist or cosmetologist, at least one hundred hours of 66221  
board-approved advanced manicurist training. 66222

(J) In the case of an applicant for an initial advanced 66223  
natural hair stylist license, does either of the following: 66224

(1) Has the licensed advanced natural hair stylist, licensed 66225  
advanced cosmetologist, or owner of a licensed natural hair style 66226  
salon or licensed beauty salon located in this or another state 66227  
certify to the board that the applicant has practiced natural hair 66228  
styling for at least one thousand eight hundred hours as a natural 66229  
hair stylist in a licensed natural hair style salon or as a 66230  
cosmetologist in a licensed beauty salon; 66231

(2) Has a school of cosmetology licensed in this state 66232  
certify to the board that the applicant has successfully 66233  
completed, in addition to the hours required for licensure as 66234  
natural hair stylist or cosmetologist, at least one hundred fifty 66235  
hours of board-approved advanced natural hair stylist training. 66236

**Sec. 4713.31.** The state ~~board of~~ cosmetology and barber board 66237  
shall issue an instructor license to an applicant who satisfies 66238  
all of the following applicable conditions: 66239

(A) Is at least eighteen years of age; 66240

(B) Is of good moral character; 66241

(C) Has the equivalent of an Ohio public school twelfth grade 66242

education;	66243
(D) Pays to the board the applicable fee;	66244
(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:	66245 66246 66247
(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	66248 66249 66250 66251 66252
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.	66253 66254 66255 66256
(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:	66257 66258 66259 66260
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	66261 66262 66263 66264 66265 66266 66267
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.	66268 66269 66270 66271
(G) In the case of an applicant for an initial hair design	66272

instructor license, holds a current, valid advanced hair designer 66273  
or advanced cosmetologist license and does either of the 66274  
following: 66275

(1) Has the licensed advanced hair designer, licensed 66276  
advanced cosmetologist, or owner of the licensed hair design salon 66277  
or licensed beauty salon in which the applicant has been employed 66278  
certify to the board that the applicant has engaged in the 66279  
practice of hair design in a licensed hair design salon or 66280  
practice of cosmetology in a licensed beauty salon for at least 66281  
one thousand eight hundred hours; 66282

(2) Has a school of cosmetology licensed in this state 66283  
certify to the board that the applicant has successfully completed 66284  
at least eight hundred hours of board-approved hair design 66285  
instructor's training as an apprentice instructor. 66286

(H) In the case of an applicant for an initial manicurist 66287  
instructor license, holds a current, valid advanced manicurist or 66288  
advanced cosmetologist license and does either of the following: 66289

(1) Has the licensed advanced manicurist, licensed advanced 66290  
cosmetologist, or owner of the licensed nail salon or licensed 66291  
beauty salon in which the applicant has been employed certify to 66292  
the board that the applicant has engaged in the practice of 66293  
manicuring in a licensed nail salon or practice of cosmetology in 66294  
a licensed beauty salon for at least one thousand eight hundred 66295  
hours; 66296

(2) Has a school of cosmetology licensed in this state 66297  
certify to the board that the applicant has successfully completed 66298  
at least three hundred hours of board-approved manicurist 66299  
instructor training as an apprentice instructor. 66300

(I) In the case of an applicant for an initial natural hair 66301  
style instructor license, holds a current, valid advanced natural 66302  
hair stylist or advanced cosmetologist license and does either of 66303

the following: 66304

(1) Has the licensed advanced natural hair stylist, licensed 66305  
advanced cosmetologist, or owner of the licensed natural hair 66306  
style salon or licensed beauty salon in which the applicant has 66307  
been employed certify to the board that the applicant has engaged 66308  
in the practice of natural hair styling in a licensed natural hair 66309  
style salon or practice of cosmetology in a licensed beauty salon 66310  
for at least one thousand eight hundred hours; 66311

(2) Has a school of cosmetology licensed in this state 66312  
certify to the board that the applicant has successfully completed 66313  
at least four hundred hours of board-approved natural hair style 66314  
instructor training as an apprentice instructor. 66315

(J) In the case of all applicants, passes an examination 66316  
conducted under division (B) of section 4713.24 of the Revised 66317  
Code for the branch of cosmetology the applicant seeks to 66318  
instruct. 66319

**Sec. 4713.32.** When determining the total hours of instruction 66320  
received by an applicant for a license under section 4713.28, 66321  
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 66322  
cosmetology and barber board shall not take into account more than 66323  
ten hours of instruction per day. The board shall take into 66324  
account instruction received more than five years prior to the 66325  
date of application for the license in accordance with rules 66326  
adopted under section 4713.08 of the Revised Code. 66327

**Sec. 4713.34.** The state ~~board of~~ cosmetology and barber board 66328  
shall issue a license to practice a branch of cosmetology or 66329  
instructor license to an applicant who is licensed or registered 66330  
in another state or country to practice that branch of cosmetology 66331  
or teach the theory and practice of that branch of cosmetology, as 66332  
appropriate, if all of the following conditions are satisfied: 66333

(A) The applicant satisfies all of the following conditions:	66334
(1) Is not less than eighteen years of age;	66335
(2) Is of good moral character;	66336
(3) In the case of an applicant for a practicing license,	66337
passes an examination conducted under section 4713.24 of the	66338
Revised Code for the license the applicant seeks, unless the	66339
applicant satisfies conditions specified in rules adopted under	66340
section 4713.08 of the Revised Code for the board to issue the	66341
applicant a license without taking the examination;	66342
(4) Pays the applicable fee.	66343
(B) At the time the applicant obtained the license or	66344
registration in the other state or country, the requirements in	66345
this state for obtaining the license the applicant seeks were	66346
substantially equal to the other state or country's requirements.	66347
(C) The jurisdiction that issued the applicant's license or	66348
registration extends similar reciprocity to individuals holding a	66349
license issued by the board.	66350
<b>Sec. 4713.35.</b> An individual who holds a current, valid	66351
cosmetologist or advanced cosmetologist license issued by the	66352
state <del>board of cosmetology and barber board</del> may engage in the	66353
practice of one or more branches of cosmetology as the individual	66354
chooses in a licensed facility.	66355
An individual who holds a current, valid esthetician or	66356
advanced esthetician license issued by the board may engage in the	66357
practice of esthetics but no other branch of cosmetology in a	66358
licensed facility.	66359
An individual who holds a current, valid hair designer or	66360
advanced hair designer license issued by the board may engage in	66361
the practice of hair design but no other branch of cosmetology in	66362
a licensed facility.	66363

An individual who holds a current, valid manicurist or 66364  
advanced manicurist license issued by the board may engage in the 66365  
practice of manicuring but no other branch of cosmetology in a 66366  
licensed facility. 66367

An individual who holds a current, valid natural hair stylist 66368  
or advanced natural hair stylist license issued by the board may 66369  
engage in the practice of natural hair styling but no other branch 66370  
of cosmetology in a licensed facility. 66371

An individual who holds a current, valid cosmetology 66372  
instructor license issued by the board may teach the theory and 66373  
practice of one or more branches of cosmetology at a school of 66374  
cosmetology as the individual chooses. 66375

An individual who holds a current, valid esthetics instructor 66376  
license issued by the board may teach the theory and practice of 66377  
esthetics, but no other branch of cosmetology, at a school of 66378  
cosmetology. 66379

An individual who holds a current, valid hair design 66380  
instructor license issued by the board may teach the theory and 66381  
practice of hair design, but no other branch of cosmetology, at a 66382  
school of cosmetology. 66383

An individual who holds a current, valid manicurist 66384  
instructor license issued by the board may teach the theory and 66385  
practice of manicuring, but no other branch of cosmetology, at a 66386  
school of cosmetology. 66387

An individual who holds a current, valid natural hair style 66388  
instructor license issued by the board may teach the theory and 66389  
practice of natural hair styling, but no other branch of 66390  
cosmetology, at a school of cosmetology. 66391

An individual who holds a current, valid boutique 66392  
registration with the board may engage in the practice of boutique 66393  
services but no other branch of cosmetology. 66394

**Sec. 4713.37.** (A) The state ~~board of~~ cosmetology and barber  
board may issue a temporary special occasion work permit to an  
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or  
country to practice a branch of cosmetology or teach the theory  
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the  
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the  
theory and practice of that branch of cosmetology in this state as  
part of a promotional or instructional program for not more than  
the amount of time a temporary special occasion work permit is  
effective;

(4) Satisfies all other conditions for a temporary special  
occasion work permit established by rules adopted under section  
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section  
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work  
permit may practice the branch of cosmetology the individual  
practices in another state or country, or teach the theory and  
practice of the branch of cosmetology the individual teaches in  
another state or country, until the expiration date of the permit.  
A temporary special occasion work permit is valid for the period  
of time specified in rules adopted under section 4713.08 of the  
Revised Code.

**Sec. 4713.39.** The state ~~board of~~ cosmetology and barber board  
shall issue a license to engage in the practice of a branch of  
cosmetology as an independent contractor to an applicant who pays  
the applicable fee; holds a current, valid license for the type of



salon in which the applicant will practice that branch of 66425  
cosmetology; and satisfies the conditions for the license 66426  
established by rules adopted under section 4713.08 of the Revised 66427  
Code. 66428

**Sec. 4713.41.** The state ~~board of cosmetology and barber board~~ 66429  
shall issue a license to operate a salon, including a boutique 66430  
salon, to an applicant who pays the applicable fee and affirms 66431  
that all of the following conditions will be met: 66432

(A)(1) An individual holding a current, valid cosmetologist 66433  
license or boutique services registration pertaining to the branch 66434  
of cosmetology services performed at the salon or boutique salon, 66435  
shall have charge of and immediate supervision over the salon at 66436  
all times when the salon is open for business except as permitted 66437  
under division (A)(2) of this section. 66438

(2) A business establishment that is engaged primarily in 66439  
retail sales but is also licensed as a salon shall have present an 66440  
individual holding a current, valid license or registration to 66441  
practice in that type of salon in charge of and in immediate 66442  
supervision of the salon during posted or advertised service 66443  
hours, if the practice of cosmetology is restricted to those 66444  
posted or advertised service hours. 66445

(B) The salon is equipped to do all of the following: 66446

(1) Provide potable running hot and cold water and proper 66447  
drainage; 66448

(2) Sanitize all instruments and supplies used in the branch 66449  
of cosmetology provided at the salon; 66450

(3) If cosmetic therapy, massage therapy, or other 66451  
professional service is provided at the salon under section 66452  
4713.42 of the Revised Code, sanitize all instruments and supplies 66453  
used in the cosmetic therapy, massage therapy, or other 66454

professional service. 66455

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 66456  
66457  
66458

(D) The salon is kept in a clean and sanitary condition and properly ventilated. 66459  
66460

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 66461  
66462

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services. 66463  
66464  
66465  
66466

**Sec. 4713.44.** (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 66467  
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66469  
66470

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 66471  
66472  
66473  
66474  
66475  
66476

(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 66477  
66478  
66479

(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 66480  
66481  
66482

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes 66483  
66484

grades, and holds examinations in order to certify the students' 66485  
completion of the prescribed course of study before the issuance 66486  
of certificates of completion; 66487

(5) In the case of a school of cosmetology that offers clock 66488  
hours for the purpose of satisfying minimum hours of training and 66489  
instruction, keeps a daily record of the attendance of each 66490  
student; 66491

(6) On the date that an apprentice cosmetology instructor 66492  
begins cosmetology instructor training at the school, certifies 66493  
the name of the apprentice cosmetology instructor to the board 66494  
along with the date on which the apprentice's instructor training 66495  
began; 66496

(7) Instructs not more than six apprentice cosmetology 66497  
instructors at any one time; 66498

(8) Files with the board a good and sufficient surety bond 66499  
executed by the individual, firm, or corporation operating the 66500  
school of cosmetology as principal and by a surety company as 66501  
surety in the amount of ten thousand dollars; provided, that this 66502  
requirement does not apply to a vocational or career-technical 66503  
school program conducted by a city, exempted village, local, or 66504  
joint vocational school district. The bond shall be in the form 66505  
prescribed by the board and be conditioned upon the school's 66506  
continued instruction in the theory and practice of the branches 66507  
of cosmetology. Every bond shall continue in effect until notice 66508  
of its termination is given to the board by registered mail and 66509  
every bond shall so provide. 66510

(9) Establishes and maintains an internal procedure for 66511  
processing complaints filed against the school and for providing 66512  
students with instructions on how to file a complaint directly 66513  
with the board pursuant to section 4713.641 of the Revised Code. 66514

(B) A school of cosmetology holding a license issued under 66515

division (A) of this section is an educational institution and is 66516  
authorized to offer educational programs beyond secondary 66517  
education, advanced practice programs, or both in accordance with 66518  
rules adopted by the board pursuant to section 4713.08 of the 66519  
Revised Code. 66520

(C) A school of cosmetology holding a license to operate a 66521  
school of cosmetology on September 29, 2013, shall establish and 66522  
maintain an internal procedure for processing complaints filed 66523  
against the school and shall provide each of the school's students 66524  
with instructions on how to file a complaint directly with the 66525  
board pursuant to section 4713.641 of the Revised Code. 66526

**Sec. 4713.45.** (A) A school of cosmetology may do the 66527  
following: 66528

(1) In accordance with rules adopted under section 4713.08 of 66529  
the Revised Code, a school of cosmetology operated by a public 66530  
entity or a private person may offer clock hours, credit hours, or 66531  
competency-based credits for the purpose of satisfying minimum 66532  
hours of training and instruction; 66533

(2) Allow an apprentice cosmetology instructor the regular 66534  
quota of students prescribed by the state ~~board of~~ cosmetology and 66535  
barber board if a cosmetology instructor is present; 66536

(3) Compensate an apprentice cosmetology instructor; 66537

(4) Subject to division (B) of this section, employ an 66538  
individual who does not hold a current, valid instructor license 66539  
to teach subjects related to a branch of cosmetology. 66540

(B) A school of cosmetology shall have a licensed cosmetology 66541  
instructor present when an individual employed pursuant to 66542  
division (A)(4) of this section teaches at the school, unless the 66543  
individual is one of the following: 66544

(1) An individual with a current, valid teacher's certificate 66545

or educator license issued by the state board of education; 66546

(2) An individual with a bachelor's degree in the subject the 66547  
person teaches at the school; 66548

(3) An individual also employed by a university or college to 66549  
teach the subject the person teaches at the school. 66550

(C) A school of cosmetology shall annually review the 66551  
subjects and coursework required to receive an initial cosmetology 66552  
license and advanced license and, in doing so, shall incorporate 66553  
standards adopted by the state ~~board of~~ cosmetology and barber 66554  
board pursuant to division (A)(13) of section 4713.08 of the 66555  
Revised Code. 66556

**Sec. 4713.48.** (A) The state ~~board of~~ cosmetology and barber 66557  
board shall issue a permit to operate a tanning facility to an 66558  
applicant if all of the following conditions are satisfied: 66559

(1) The applicant applies in accordance with the application 66560  
process adopted by rules adopted under section 4713.08 of the 66561  
Revised Code. 66562

(2) The applicant pays to the treasurer of state the fee 66563  
established by those rules. 66564

(3) An initial inspection of the premises indicates that the 66565  
tanning facility has been installed and will be operated in 66566  
accordance with those rules. 66567

(B) A permit holder shall post the permit in a public and 66568  
conspicuous place on any premises where the tanning facility is 66569  
located. An individual shall obtain a separate permit for each of 66570  
the premises owned or operated by that individual at which the 66571  
individual seeks to operate a tanning facility. 66572

(C) To continue operating, a permit holder shall biennially 66573  
renew the permit by the last day of January of each odd-numbered 66574  
year. The board shall renew the permit upon the holder's payment 66575

to the treasurer of state of the biennial renewal fee. 66576

**Sec. 4713.50.** (A) A tanning facility operator or employee 66577  
shall make reasonable efforts, in accordance with procedures 66578  
established under section 4713.08 of the Revised Code, to 66579  
determine whether an individual seeking to use the facility's sun 66580  
lamp tanning services is less than sixteen years of age, at least 66581  
sixteen but less than eighteen years of age, or eighteen years of 66582  
age or older. 66583

(B)(1) A tanning facility operator or employee shall not 66584  
allow an individual who is eighteen years of age or older to use 66585  
the facility's sun lamp tanning services without first obtaining 66586  
the consent of the individual. The consent shall be evidenced by 66587  
the individual's signature on the form developed by the state 66588  
~~board of cosmetology and barber board~~ under section 4713.51 of the 66589  
Revised Code. The consent is valid indefinitely. 66590

(2) A tanning facility operator or employee shall not allow 66591  
an individual who is at least sixteen but less than eighteen years 66592  
of age to use the facility's sun lamp tanning services without 66593  
first obtaining the consent of a parent or legal guardian of the 66594  
individual. The consent shall be evidenced by the signature of the 66595  
parent or legal guardian on the form developed by the board under 66596  
section 4713.51 of the Revised Code. The form must be signed in 66597  
the presence of the operator or an employee of the tanning 66598  
facility. The consent is valid for ninety days from the date the 66599  
form is signed. A tanning facility operator or employee shall not 66600  
allow an individual who is at least sixteen but less than eighteen 66601  
years of age to use the facility's sun lamp tanning services for 66602  
more than forty-five sessions during the ninety-day period covered 66603  
by the consent. No such session may be longer than the maximum 66604  
safe time of exposure specified in rules adopted under division 66605  
(A)(17) of section 4713.08 of the Revised Code. 66606

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

**Sec. 4713.51.** The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

**Sec. 4713.55.** Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal of the board attached. 66637  
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The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies. 66639  
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**Sec. 4713.56.** Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request. 66655  
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Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 66662  
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Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and 66665  
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conspicuous place in the school. 66667

Every individual who provides cosmetic therapy, massage 66668  
therapy, or other professional service in a salon under section 66669  
4713.42 of the Revised Code shall maintain the individual's 66670  
professional license or certificate or electronically generated 66671  
license certification or registration and a state of Ohio issued 66672  
photo identification that can be produced upon inspection or 66673  
request. 66674

**Sec. 4713.57.** A license or registration issued by the state 66675  
~~board of~~ cosmetology and barber board pursuant to this chapter is 66676  
valid until the last day of January of the odd-numbered year 66677  
following its original issuance or renewal, unless the license is 66678  
revoked or suspended prior to that date. Renewal shall be done in 66679  
accordance with the standard renewal procedure of Chapter 4745. of 66680  
the Revised Code. The board may refuse to renew a license if the 66681  
individual holding the license has an outstanding unpaid fine 66682  
levied under section 4713.64 of the Revised Code. 66683

**Sec. 4713.58.** (A) Except as provided in division (B) of this 66684  
section, on payment of the renewal fee and submission of proof 66685  
satisfactory to the state ~~board of~~ cosmetology and barber board 66686  
that any applicable continuing education requirements have been 66687  
completed, an individual currently licensed as: 66688

(1) A cosmetology instructor who has previously been licensed 66689  
as a cosmetologist or an advanced cosmetologist, is entitled to 66690  
the reissuance of a cosmetologist or advanced cosmetologist 66691  
license; 66692

(2) An esthetics instructor who has previously been licensed 66693  
as an esthetician or an advanced esthetician, is entitled to the 66694  
reissuance of an esthetician or advanced esthetician license; 66695

(3) A hair design instructor who has previously been licensed 66696

as a hair designer or an advanced hair designer, is entitled to 66697  
the reissuance of a hair designer or advanced hair designer 66698  
license; 66699

(4) A manicurist instructor who has previously been licensed 66700  
as a manicurist or an advanced manicurist, is entitled to the 66701  
reissuance of a manicurist or advanced manicurist license; 66702

(5) A natural hair style instructor who has previously been 66703  
licensed as a natural hair stylist or an advanced natural hair 66704  
stylist, is entitled to the reissuance of a natural hair stylist 66705  
or advanced natural hair stylist license. 66706

(B) No individual is entitled to the reissuance of a license 66707  
under division (A) of this section if the license was revoked or 66708  
suspended or the individual has an outstanding unpaid fine levied 66709  
under section 4713.64 of the Revised Code. 66710

**Sec. 4713.59.** If the state ~~board of~~ cosmetology and barber 66711  
board adopts rules under section 4713.09 of the Revised Code to 66712  
establish a continuing education requirement as a condition of 66713  
renewal for a practicing license, advanced license, or instructor 66714  
license, the board shall inform each affected licensee of the 66715  
continuing education requirement that applies to the next biennial 66716  
licensing period by including that information in the renewal 66717  
notification it sends the licensee. The notification shall state 66718  
that the licensee must complete the continuing education 66719  
requirement by the fifteenth day of January of the next 66720  
odd-numbered year. 66721

Hours completed in excess of the continuing education 66722  
requirement may not be applied to the next biennial licensing 66723  
period. 66724

**Sec. 4713.61.** (A) If the state ~~board of~~ cosmetology and 66725  
barber board adopts a continuing education requirement under 66726

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

**Sec. 4713.62.** (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 66757  
conditions are satisfied: 66758

(1) The person operating the program submits to the board a 66759  
written application for approval. 66760

(2) The person operating the program pays to the board a fee 66761  
established by rules adopted under section 4713.08 of the Revised 66762  
Code. 66763

(3) The program is operated by an employee, officer, or 66764  
director of a nonprofit professional association, college or 66765  
university, proprietary continuing education institutions 66766  
providing programs approved by the board, vocational school, 66767  
postsecondary proprietary school of cosmetology licensed by the 66768  
board, salon licensed by the board, or manufacturer of supplies or 66769  
equipment used in the practice of a branch of cosmetology. 66770

(4) The program will do at least one of the following: 66771

(a) Enhance the professional competency of the affected 66772  
licensees or registrants; 66773

(b) Protect the public; 66774

(c) Educate the affected licensees or registrants in the 66775  
application of the laws and rules regulating the practice of a 66776  
branch of cosmetology. 66777

(5) The person operating the program provides the board a 66778  
tentative schedule of when the program will be available so that 66779  
the board can make the schedule readily available to all licensees 66780  
and registrants throughout the state. 66781

**Sec. 4713.63.** A practicing license, advanced license, or 66782  
instructor license that has not been renewed for any reason other 66783  
than because it has been revoked, suspended, or classified 66784  
inactive, or because the license holder has been given a waiver or 66785  
extension under section 4713.60 of the Revised Code, is expired. 66786

An expired license may be restored if the individual who held the license meets all of the following applicable conditions: 66787  
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(A) Pays to the state ~~board of~~ cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code; 66789  
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(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods. 66792  
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The board shall deposit all fees it receives under division (B) of this section into the general revenue fund. 66799  
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**Sec. 4713.64.** (A) The state ~~board of~~ cosmetology and barber board may take disciplinary action under this chapter for any of the following: 66801  
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(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it; 66804  
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(2) Continued practice by an individual knowingly having an infectious or contagious disease; 66806  
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(3) Habitual drunkenness or addiction to any habit-forming drug; 66808  
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(4) Willful false and fraudulent or deceptive advertising; 66810

(5) Falsification of any record or application required to be filed with the board; 66811  
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(6) Failure to pay a fine or abide by a suspension order issued by the board; 66813  
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(7) Failure to cooperate with an investigation or inspection;	66815
(8) Failure to respond to a subpoena;	66816
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	66817 66818
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	66819 66820 66821
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	66822 66823
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	66824 66825
(2) Impose a fine;	66826
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	66827 66828
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	66829 66830 66831
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	66832 66833 66834 66835 66836 66837 66838
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board	66839 66840 66841 66842 66843 66844

does not ratify a consent agreement, the admissions and findings 66845  
contained in the agreement are of no effect, and the case shall be 66846  
scheduled for adjudication under Chapter 119. of the Revised Code. 66847

(D) The amount and content of corrective action courses and 66848  
other relevant criteria shall be established by the board in rules 66849  
adopted under section 4713.08 of the Revised Code. 66850

(E)(1) The board may impose a separate fine for each offense 66851  
listed in division (A) of this section. The amount of the first 66852  
fine issued for a violation as the result of an inspection shall 66853  
be not more than two hundred fifty dollars if the violator has not 66854  
previously been fined for that offense. Any fines issued for 66855  
additional violations during such an inspection shall not be more 66856  
than one hundred dollars for each additional violation. The fine 66857  
shall be not more than five hundred dollars if the violator has 66858  
been fined for the same offense once before. Any fines issued for 66859  
additional violations during a second inspection shall not be more 66860  
than two hundred dollars for each additional violation. The fine 66861  
shall be not more than one thousand dollars if the violator has 66862  
been fined for the same offense two or more times before. Any 66863  
fines issued for additional violations during a third inspection 66864  
shall not be more than three hundred dollars for each additional 66865  
violation. 66866

(2) The board shall issue an order notifying a violator of a 66867  
fine imposed under division (E)(1) of this section. The notice 66868  
shall specify the date by which the fine is to be paid. The date 66869  
shall be less than forty-five days after the board issues the 66870  
order. 66871

(3) At the request of a violator who is temporarily unable to 66872  
pay a fine, or upon its own motion, the board may extend the time 66873  
period within which the violator shall pay the fine up to ninety 66874  
days after the date the board issues the order. 66875

(4) If a violator fails to pay a fine by the date specified 66876  
in the board's order and does not request an extension within ten 66877  
days after the date the board issues the order, or if the violator 66878  
fails to pay the fine within the extended time period as described 66879  
in division (E)(3) of this section, the board shall add to the 66880  
fine an additional penalty equal to ten per cent of the fine. 66881

(5) If a violator fails to pay a fine within ninety days 66882  
after the board issues the order, the board shall add to the fine 66883  
interest at a rate specified by the board in rules adopted under 66884  
section 4713.08 of the Revised Code. 66885

(6) If the fine, including any interest or additional 66886  
penalty, remains unpaid on the ninety-first day after the board 66887  
issues an order under division (E)(2) of this section, the amount 66888  
of the fine and any interest or additional penalty shall be 66889  
certified to the attorney general for collection in the form and 66890  
manner prescribed by the attorney general. The attorney general 66891  
may assess the collection cost to the amount certified in such a 66892  
manner and amount as prescribed by the attorney general. 66893

(F) In the case of an offense of failure to comply with 66894  
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 66895  
Code, the board shall impose a fine of five hundred dollars if the 66896  
violator has not previously been fined for that offense. If the 66897  
violator has previously been fined for the offense, the board may 66898  
impose a fine in accordance with this division or take another 66899  
action in accordance with division (B) of this section. 66900

(G) The board shall notify a licensee or registrant who is in 66901  
violation of division (A) of this section and the owner of the 66902  
salon in which the conditions constituting the violation were 66903  
found. The individual receiving the notice of violation and the 66904  
owner of the salon may request a hearing pursuant to section 66905  
119.07 of the Revised Code. If the individual or owner fails to 66906  
request a hearing or enter into a consent agreement thirty days 66907



after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the

delivery person obtain a signature to verify that the notice has 66940  
been delivered. The board also may send the notices by electronic 66941  
mail, provided that the electronic mail delivery system certifies 66942  
that a notice has been received. 66943

**Sec. 4713.641.** Any student or former student of a school of 66944  
cosmetology licensed under division (A) of section 4713.44 of the 66945  
Revised Code may file a complaint with the state ~~board of~~ 66946  
cosmetology and barber board alleging that the school has violated 66947  
division (A) of section 4713.64 of the Revised Code. The complaint 66948  
shall be in writing and signed by the individual bringing the 66949  
complaint. Upon receiving a complaint, the board shall initiate a 66950  
preliminary investigation to determine whether it is probable that 66951  
a violation was committed. If the board determines after 66952  
preliminary investigation that it is not probable that a violation 66953  
was committed, the board shall notify the individual who filed the 66954  
complaint of the board's findings and that the board will not 66955  
issue a formal complaint in the matter. If the board determines 66956  
after a preliminary investigation that it is probable that a 66957  
violation was committed, the board shall proceed against the 66958  
school pursuant to the board's authority under section 4713.64 of 66959  
the Revised Code and in accordance with the hearing and notice 66960  
requirements prescribed in Chapter 119. of the Revised Code. 66961

**Sec. 4713.65.** On receipt of a notice pursuant to section 66962  
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 66963  
barber board shall comply with sections 3123.41 to 3123.50 of the 66964  
Revised Code and any applicable rules adopted under section 66965  
3123.63 of the Revised Code with respect to a license issued 66966  
pursuant to this chapter or licenses issued pursuant to Chapter 66967  
4709. of the Revised Code. 66968

**Sec. 4713.66.** (A) The state ~~board of~~ cosmetology and barber 66969

board, on its own motion or on receipt of a written complaint, may investigate or inspect the activities or premises of an individual or entity who is alleged to have violated this chapter or rules adopted under it, regardless of whether the individual or entity holds a license or registration issued under this chapter.

(B) If, based on its investigation, the board determines that there is reasonable cause to believe that an individual or entity has violated this chapter or rules adopted under it, the board shall afford the individual or entity an opportunity for a hearing. Notice shall be given and any hearing conducted in accordance with Chapter 119. of the Revised Code.

(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code.

**Sec. 4713.68.** The state ~~board of cosmetology and barber board~~ shall comply with section 4776.20 of the Revised Code.

**Sec. 4713.69.** (A) The state ~~board of cosmetology and barber board~~ shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

(2) Is of good moral character;

(3) Has the equivalent of an Ohio public school tenth grade education;

(4) Has submitted a written application on a form prescribed by the board containing all of the following:

(a) The applicant's name and home address;

(b) The applicant's home telephone number and cellular

telephone number, if any;	66998
(c) The applicant's electronic mail address, if any;	66999
(d) The applicant's date of birth;	67000
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	67001 67002 67003
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	67004 67005 67006
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	67007 67008 67009
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	67010 67011
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	67012 67013 67014 67015
(C) <del>Within six months of the effective date of this section,</del> <del>the</del> <u>The</u> board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	67016 67017 67018 67019
<b>Sec. 4715.13.</b> (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:	67020 67021 67022 67023
(1) For license to practice dentistry, two hundred <del>ten</del> <del>sixty-seven</del> dollars if issued in an odd-numbered year or <del>three</del> <del>four</del> hundred <del>fifty-seven</del> <u>fifty-four</u> dollars if issued in an	67024 67025 67026

even-numbered year; 67027

(2) For duplicate license, to be granted upon proof of loss 67028  
of the original, twenty dollars; 67029

(3) For a general anesthesia permit, one hundred twenty-seven 67030  
dollars; 67031

(4) For a conscious intravenous sedation permit, one hundred 67032  
twenty-seven dollars. 67033

(B) Forty dollars of each fee collected under division (A)(1) 67034  
of this section for a license issued in an even-numbered year and 67035  
twenty dollars of each fee collected under division (A)(1) of this 67036  
section in an odd-numbered year shall be paid to the dentist loan 67037  
repayment fund established under section 3702.95 of the Revised 67038  
Code. 67039

(C) In the case of a person who applies for a license to 67040  
practice dentistry by taking an examination administered by the 67041  
state dental board, both of the following apply: 67042

(1) The fee in division (A)(1) of this section may be 67043  
refunded to an applicant who is unavoidably prevented from 67044  
attending the examination, or the applicant may be examined at the 67045  
next regular or special meeting of the board without an additional 67046  
fee. 67047

(2) An applicant who fails the first examination may be 67048  
re-examined at the next regular or special meeting of the board 67049  
without an additional fee. 67050

**Sec. 4715.14.** (A)(1) Each person who is licensed to practice 67051  
dentistry in Ohio shall, on or before the first day of January of 67052  
each even-numbered year, register with the state dental board. The 67053  
registration shall be made on a form prescribed by the board and 67054  
furnished by the secretary, shall include the licensee's name, 67055  
address, license number, and such other reasonable information as 67056

the board may consider necessary, and shall include payment of a 67057  
biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 67058  
dollars. ~~Except as provided in division (E) of this section, this~~ 67059  
~~fee shall be paid to the treasurer of state.~~ Subject to division 67060  
(C) of this section, a registration shall be in effect for the 67061  
two-year period beginning on the first day of January of the 67062  
even-numbered year and ending on the last day of December of the 67063  
following odd-numbered year, and shall be renewed in accordance 67064  
with the standard renewal procedure of sections 4745.01 to 4745.03 67065  
of the Revised Code. 67066

(2)(a) Except as provided in division (A)(2)(b) of this 67067  
section, in the case of a licensee seeking registration who 67068  
prescribes or personally furnishes opioid analgesics or 67069  
benzodiazepines, as defined in section 3719.01 of the Revised 67070  
Code, the licensee shall certify to the board whether the licensee 67071  
has been granted access to the drug database established and 67072  
maintained by the state board of pharmacy pursuant to section 67073  
4729.75 of the Revised Code. 67074

(b) The requirement in division (A)(2)(a) of this section 67075  
does not apply if any of the following is the case: 67076

(i) The state board of pharmacy notifies the state dental 67077  
board pursuant to section 4729.861 of the Revised Code that the 67078  
licensee has been restricted from obtaining further information 67079  
from the drug database. 67080

(ii) The state board of pharmacy no longer maintains the drug 67081  
database. 67082

(iii) The licensee does not practice dentistry in this state. 67083

(3) If a licensee certifies to the state dental board that 67084  
the licensee has been granted access to the drug database and the 67085  
board finds through an audit or other means that the licensee has 67086  
not been granted access, the board may take action under section 67087

4715.30 of the Revised Code. 67088

(B) A licensed dentist who desires to temporarily retire from 67089  
practice and who has given the board notice in writing to that 67090  
effect shall be granted such a retirement, provided only that at 67091  
that time all previous registration fees and additional costs of 67092  
reinstatement have been paid. 67093

(C) Not later than the thirty-first day of January of an 67094  
even-numbered year, the board shall send a notice by certified 67095  
mail to a dentist who fails to renew a license in accordance with 67096  
division (A) of this section. The notice shall state all of the 67097  
following: 67098

(1) That the board has not received the registration form and 67099  
fee described in that division; 67100

(2) That the license shall remain valid and in good standing 67101  
until the first day of April following the last day of December of 67102  
the odd-numbered year in which the dentist was scheduled to renew 67103  
if the dentist remains in compliance with all other applicable 67104  
provisions of this chapter and any rule adopted under it; 67105

(3) That the license may be renewed until the first day of 67106  
April following the last day of December of the odd-numbered year 67107  
in which the dentist was scheduled to renew by the payment of the 67108  
biennial registration fee and an additional fee of one hundred 67109  
twenty-seven dollars to cover the cost of late renewal; 67110

(4) That unless the board receives the registration form and 67111  
fee before the first day of April following the last day of 67112  
December of the odd-numbered year in which the dentist was 67113  
scheduled to renew, the board may, on or after the relevant first 67114  
day of April, initiate disciplinary action against the dentist 67115  
pursuant to Chapter 119. of the Revised Code; 67116

(5) That a dentist whose license has been suspended as a 67117  
result of disciplinary action initiated pursuant to division 67118

(C)(4) of this section may be reinstated by the payment of the 67119  
biennial registration fee and an additional fee of three hundred 67120  
eighty-one dollars to cover the cost of reinstatement. 67121

(D) Each dentist licensed to practice, whether a resident or 67122  
not, shall notify the secretary in writing or electronically of 67123  
any change in the dentist's office address or employment within 67124  
ten days after such change has taken place. On the first day of 67125  
July of every even-numbered year, the secretary shall issue a 67126  
printed roster of the names and addresses so registered. 67127

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 67128  
shall be paid to the dentist loan repayment fund created under 67129  
section 3702.95 of the Revised Code. 67130

**Sec. 4715.16.** (A) Upon payment of a fee of ~~ten~~ thirteen 67131  
dollars, the state dental board may without examination issue a 67132  
limited resident's license to any person who is a graduate of a 67133  
dental college, is authorized to practice in another state or 67134  
country or qualified to take the regular licensing examination in 67135  
this state, and furnishes the board satisfactory proof of having 67136  
been appointed a dental resident at an accredited dental college 67137  
in this state or at an accredited program of a hospital in this 67138  
state, but has not yet been licensed as a dentist by the board. 67139  
Any person receiving a limited resident's license may practice 67140  
dentistry only in connection with programs operated by the dental 67141  
college or hospital at which the person is appointed as a resident 67142  
as designated on the person's limited resident's license, and only 67143  
under the direction of a licensed dentist who is a member of the 67144  
dental staff of the college or hospital or a dentist holding a 67145  
current limited teaching license issued under division (B) of this 67146  
section, and only on bona fide patients of such programs. The 67147  
holder of a limited resident's license may be disciplined by the 67148  
board pursuant to section 4715.30 of the Revised Code. 67149



(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 67150  
upon application endorsed by an accredited dental college in this 67151  
state, the board may without examination issue a limited teaching 67152  
license to a dentist who is a graduate of a dental college, is 67153  
authorized to practice dentistry in another state or country, and 67154  
has full-time appointment to the faculty of the endorsing dental 67155  
college. A limited teaching license is subject to annual renewal 67156  
in accordance with the standard renewal procedure of Chapter 4745. 67157  
of the Revised Code, and automatically expires upon termination of 67158  
the full-time faculty appointment. A person holding a limited 67159  
teaching license may practice dentistry only in connection with 67160  
programs operated by the endorsing dental college. The board may 67161  
discipline the holder of a limited teaching license pursuant to 67162  
section 4715.30 of the Revised Code. 67163

(C)(1) As used in this division: 67164

(a) "Continuing dental education practicum" or "practicum" 67165  
means a course of instruction, approved by the American dental 67166  
association, Ohio dental association, or academy of general 67167  
dentistry, that is designed to improve the clinical skills of a 67168  
dentist by requiring the dentist to participate in clinical 67169  
exercises on patients. 67170

(b) "Director" means the person responsible for the operation 67171  
of a practicum. 67172

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 67173  
application endorsed by the director of a continuing dental 67174  
education practicum, the board shall, without examination, issue a 67175  
temporary limited continuing education license to a resident of a 67176  
state other than Ohio who is licensed to practice dentistry in 67177  
such state and is in good standing, is a graduate of an accredited 67178  
dental college, and is registered to participate in the endorsing 67179  
practicum. The determination of whether a dentist is in good 67180  
standing shall be made by the board. 67181

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 67214  
continuing dental education practicum and shall expire at the end 67215  
of one year. If the dentist fails to complete the endorsing 67216  
practicum in one year, the board may, upon the dentist's 67217  
application and payment of a fee of ~~seventy-five~~ ninety-four 67218  
dollars, renew the temporary limited continuing education license 67219  
for a consecutive one-year period. Only two renewals may be 67220  
granted. The holder of a temporary limited continuing education 67221  
license may be disciplined by the board pursuant to section 67222  
4715.30 of the Revised Code. 67223

(D) The board shall act either to approve or to deny any 67224  
application for a limited license pursuant to division (A), (B), 67225  
or (C) of this section not later than sixty days of the date the 67226  
board receives the application. 67227

**Sec. 4715.21.** Each person who desires to practice as a dental 67228  
hygienist shall file with the secretary of the state dental board 67229  
a written application for a license, under oath, upon the form 67230  
prescribed. Such applicant shall furnish satisfactory proof of 67231  
being at least eighteen years of age and of good moral character. 67232  
An applicant shall present a diploma or certificate of graduation 67233  
from an accredited dental hygiene school and shall pay the 67234  
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 67235  
license is issued in an odd-numbered year or one hundred 67236  
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 67237  
year. Those passing such examination as the board prescribes 67238  
relating to dental hygiene shall receive a certificate of 67239  
registration entitling them to practice. If an applicant fails to 67240  
pass the first examination the applicant may apply for a 67241  
re-examination at the next regular or special examination meeting 67242  
of the board. 67243

No applicant shall be admitted to more than two examinations 67244

without first presenting satisfactory proof that the applicant has 67245  
successfully completed such refresher courses in an accredited 67246  
dental hygiene school as the state dental board may prescribe. 67247

An accredited dental hygiene school shall be one accredited 67248  
by the American dental association commission on dental 67249  
accreditation or whose educational standards are recognized by the 67250  
American dental association commission on dental accreditation and 67251  
approved by the state dental board. 67252

**Sec. 4715.24.** (A) Each person who is licensed to practice as 67253  
a dental hygienist in Ohio shall, on or before the first day of 67254  
January of each even-numbered year, register with the state dental 67255  
board, unless the person is temporarily retired pursuant to 67256  
section 4715.241 of the Revised Code. The registration shall be 67257  
made on a form prescribed by the board and furnished by the 67258  
secretary, shall include the licensee's name, address, license 67259  
number, and such other reasonable information as the board may 67260  
consider necessary, and shall include payment of a biennial 67261  
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 67262  
fee shall be paid to the treasurer of state. All such 67263  
registrations shall be in effect for the two-year period beginning 67264  
on the first day of January of each even-numbered year and ending 67265  
on the last day of December of the following odd-numbered year, 67266  
and shall be renewed in accordance with the standard renewal 67267  
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 67268  
failure of a licensee to renew registration in accordance with 67269  
this section shall result in the automatic suspension of the 67270  
licensee's license to practice as a dental hygienist, unless the 67271  
licensee is temporarily retired pursuant to section 4715.241 of 67272  
the Revised Code. 67273

(B) Any dental hygienist whose license has been automatically 67274  
suspended under this section may be reinstated on application to 67275

the board on a form prescribed by the board for licensure 67276  
reinstatement and payment of the biennial registration fee and in 67277  
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 67278  
of reinstatement. 67279

(C) The license of a dental hygienist shall be exhibited in a 67280  
conspicuous place in the room in which the dental hygienist 67281  
practices. Each dental hygienist licensed to practice, whether a 67282  
resident or not, shall notify the secretary in writing or 67283  
electronically of any change in the dental hygienist's office 67284  
address or employment within ten days after the change takes 67285  
place. 67286

(D) Ten dollars of each biennial registration fee collected 67287  
under division (A) or (B) of this section shall be paid to the 67288  
dental hygienist loan repayment fund established under section 67289  
3702.967 of the Revised Code. 67290

**Sec. 4715.27.** The state dental board may issue a license to 67291  
an applicant who furnishes satisfactory proof of being at least 67292  
eighteen years of age, of good moral character and who 67293  
demonstrates, to the satisfaction of the board, knowledge of the 67294  
laws, regulations, and rules governing the practice of a dental 67295  
hygienist; who proves, to the satisfaction of the board, intent to 67296  
practice as a dental hygienist in this state; who is a graduate 67297  
from an accredited school of dental hygiene and who holds a 67298  
license by examination from a similar dental board, and who passes 67299  
an examination as prescribed by the board relating to dental 67300  
hygiene. 67301

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 67302  
application endorsed by an accredited dental hygiene school in 67303  
this state, the state dental board may without examination issue a 67304  
teacher's certificate to a dental hygienist, authorized to 67305  
practice in another state or country. A teacher's certificate 67306

shall be subject to annual renewal in accordance with the standard 67307  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 67308  
Code, and shall not be construed as authorizing anything other 67309  
than teaching or demonstrating the skills of a dental hygienist in 67310  
the educational programs of the accredited dental hygiene school 67311  
which endorsed the application. 67312

**Sec. 4715.362.** A dentist who desires to participate in the 67313  
oral health access supervision program shall apply to the state 67314  
dental board for an oral health access supervision permit. The 67315  
application shall be under oath, on a form prescribed by the board 67316  
in rules adopted under section 4715.372 of the Revised Code, and 67317  
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 67318  
To be eligible to receive the permit, an applicant shall meet the 67319  
requirements established by the board in rules adopted under 67320  
section 4715.372 of the Revised Code. 67321

The state dental board shall issue an oral health access 67322  
supervision permit to a dentist who is in good standing with the 67323  
board and satisfies all of the requirements of this section. 67324

**Sec. 4715.363.** (A) A dental hygienist who desires to 67325  
participate in the oral health access supervision program shall 67326  
apply to the state dental board for a permit to practice under the 67327  
oral health access supervision of a dentist. The application shall 67328  
be under oath, on a form prescribed by the board in rules adopted 67329  
under section 4715.372 of the Revised Code, and accompanied by an 67330  
application fee of ~~twenty~~ twenty-five dollars, which may be paid 67331  
by ~~personal check or~~ credit card. 67332

(B) The applicant shall provide evidence satisfactory to the 67333  
board that the applicant has done all of the following: 67334

(1) Completed at least one year and attained a minimum of one 67335  
thousand five hundred hours of experience in the practice of 67336

dental hygiene; 67337

(2) Completed at least twenty-four hours of continuing dental 67338  
hygiene education during the two years prior to submission of the 67339  
application; 67340

(3) Completed a course pertaining to the practice of dental 67341  
hygiene under the oral health access supervision of a dentist that 67342  
meets standards established in rules adopted under section 67343  
4715.372 of the Revised Code; 67344

(4) Completed, during the two years prior to submission of 67345  
the application, a course pertaining to the identification and 67346  
prevention of potential medical emergencies that is the same as 67347  
the course described in division (C)(2) of section 4715.22 of the 67348  
Revised Code. 67349

(C) The state dental board shall issue a permit to practice 67350  
under the oral health access supervision of a dentist to a dental 67351  
hygienist who is in good standing with the board and meets all of 67352  
the requirements of divisions (A) and (B) of this section. 67353

**Sec. 4715.369.** (A) An oral health access supervision permit 67354  
issued under section 4715.362 of the Revised Code expires on the 67355  
thirty-first day of December of the odd-numbered year that occurs 67356  
after the permit's issuance. A dentist who desires to renew a 67357  
permit shall apply, under oath, to the state dental board on a 67358  
form prescribed by the board in rules adopted under section 67359  
4715.372 of the Revised Code. At the time of application, the 67360  
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 67361

(B) The board shall renew an oral health access supervision 67362  
permit for a two-year period if the dentist submitted a complete 67363  
application, paid the renewal fee, is in good standing with the 67364  
board, and verified with the board all of the following: 67365

(1) The locations at which dental hygienists have, under the 67366

dentist's authorization, provided services during the two years 67367  
prior to submission of the renewal application; 67368

(2) The number of patients treated, during the two years 67369  
prior to submission of the renewal application, by each dental 67370  
hygienist providing dental hygiene services under the dentist's 67371  
authorization; 67372

(3) For each number of patients provided under division 67373  
(B)(2) of this section, the number of patients whom the dentist 67374  
clinically evaluated following the provision of dental hygiene 67375  
services by a dental hygienist. 67376

**Sec. 4715.37.** (A) A permit to practice under the oral health 67377  
access supervision of a dentist issued under section 4715.363 of 67378  
the Revised Code expires on the thirty-first day of December of 67379  
the odd-numbered year that occurs after the permit's issuance. A 67380  
dental hygienist who desires to renew a permit to practice under 67381  
the oral health access supervision of a dentist shall apply, under 67382  
oath, to the state dental board on a form prescribed by the board 67383  
in rules adopted under section 4715.372 of the Revised Code. At 67384  
the time of application, the dental hygienist shall pay a renewal 67385  
fee of ~~twenty~~ twenty-five dollars. 67386

(B) The state dental board shall renew a permit for a 67387  
two-year period if the dental hygienist submitted a complete 67388  
application, paid the renewal fee, is in good standing with the 67389  
board, and has verified with the board both of the following: 67390

(1) The locations at which the hygienist has provided dental 67391  
hygiene services under a permit to practice under the oral health 67392  
access supervision of a dentist; 67393

(2) The number of patients that the hygienist has treated 67394  
under a permit during the two years prior to submission of the 67395  
renewal application. 67396



Sec. 4715.53. (A) Each individual seeking a certificate to 67397  
practice as a dental x-ray machine operator shall apply to the 67398  
state dental board on a form the board shall prescribe and 67399  
provide. The application shall be accompanied by an application 67400  
fee of ~~twenty-five~~ thirty-two dollars. 67401

(B) The board shall review all applications received and 67402  
issue a dental x-ray machine operator certificate to each 67403  
applicant who submits evidence satisfactory to the board of one of 67404  
the following: 67405

(1) The applicant holds certification from the dental 67406  
assisting national board or the Ohio commission on dental 67407  
assistant certification. 67408

(2) The applicant holds a license, certificate, permit, 67409  
registration, or other credential issued by another state that the 67410  
board determines uses standards for dental x-ray machine operators 67411  
that are at least equal to those established under this chapter. 67412

(3) The applicant has successfully completed an educational 67413  
program consisting of at least seven hours of instruction in 67414  
dental x-ray machine operation that meets either of the following 67415  
requirements: 67416

(a) Has been approved by the board in accordance with section 67417  
4715.57 of the Revised Code; 67418

(b) Is conducted by an institution accredited by the American 67419  
dental association commission on dental accreditation. 67420

(C) A certificate issued under this section expires two years 67421  
after it is issued and may be renewed if the certificate holder 67422  
does both of the following: 67423

(1) Certifies to the board that the certificate holder has 67424  
completed at least two hours of instruction in dental x-ray 67425  
machine operation approved by the board in accordance with section 67426

4715.57 of the Revised Code during the two-year period preceding 67427  
the date the renewal application is received by the board. 67428

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 67429  
to the board. 67430

Renewals shall be made in accordance with the standard 67431  
renewal procedure established under Chapter 4745. of the Revised 67432  
Code. 67433

**Sec. 4715.62.** (A) Each individual seeking to register with 67434  
the state dental board as an expanded function dental auxiliary 67435  
shall file with the secretary of the board a written application 67436  
for registration, under oath, on a form the board shall prescribe 67437  
and provide. An applicant shall include with the completed 67438  
application all of the following: 67439

(1) An application fee of ~~twenty~~ twenty-five dollars; 67440

(2) Proof satisfactory to the board that the applicant has 67441  
successfully completed, at an educational institution accredited 67442  
by the commission on dental accreditation of the American dental 67443  
association or the higher learning commission of the north central 67444  
association of colleges and schools, the education or training 67445  
specified by the board in rules adopted under section 4715.66 of 67446  
the Revised Code as the education or training that is necessary to 67447  
obtain registration under this chapter to practice as an expanded 67448  
function dental auxiliary, as evidenced by a diploma or other 67449  
certificate of graduation or completion that has been signed by an 67450  
appropriate official of the accredited institution that provided 67451  
education or training; 67452

(3) Proof satisfactory to the board that the applicant has 67453  
passed an examination that meets the standards established by the 67454  
board in rules adopted under section 4715.66 of the Revised Code 67455  
to be accepted by the board as an examination of competency to 67456

practice as an expanded function dental auxiliary; 67457

(4) Proof that the applicant holds current certification to 67458  
perform basic life-support procedures, evidenced by documentation 67459  
showing the successful completion of a basic life-support training 67460  
course certified by the American red cross, the American heart 67461  
association, or the American safety and health institute. 67462

(B) If an applicant complies with division (A) of this 67463  
section, the board shall register the applicant as an expanded 67464  
function dental auxiliary. 67465

**Sec. 4715.63.** (A) Registration under section 4715.62 of the 67466  
Revised Code expires on the thirty-first day of December of the 67467  
year following the year in which the registration occurs. An 67468  
individual may renew a registration for subsequent two-year 67469  
periods by submitting both of the following to the secretary of 67470  
the state dental board each time the individual seeks to renew a 67471  
registration: 67472

(1) A completed application for renewal, under oath, on a 67473  
form the board shall prescribe and provide; 67474

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 67475

(B) If an individual complies with division (A) of this 67476  
section and is not in violation of any section of this chapter or 67477  
rule adopted under it, the board shall renew the individual's 67478  
registration for a two-year period that expires on the 67479  
thirty-first day of December of the year following the year in 67480  
which the registration was renewed. 67481

(C) Registration renewals shall be made in accordance with 67482  
the standard renewal procedure established under Chapter 4745. of 67483  
the Revised Code. 67484

**Sec. 4715.70.** Any person applying for issuance of or renewing 67485

a certificate, license, permit, or registration under this chapter 67486  
shall pay, in addition to any fee associated with the certificate, 67487  
license, permit, or registration, a five dollar financial services 67488  
fee. 67489

**Sec. 4717.01.** As used in this chapter: 67490

(A) "Embalming" means the ~~preservation and disinfection, or~~ 67491  
~~attempted preservation and disinfection,~~ process of chemically 67492  
treating the dead human body by ~~application~~ any of chemicals 67493  
~~externally, internally, or both~~ the following to reduce the 67494  
presence and growth of microorganisms, to temporarily slow organic 67495  
decomposition, and to restore acceptable physical appearance: 67496

(1) Arterial injection; 67497

(2) Cavity treatment; 67498

(3) Hypodermic tissue injection. 67499

(B) "Funeral business" means a sole proprietorship, 67500  
partnership, corporation, limited liability company, or other 67501  
business entity that is engaged in funeral directing for profit or 67502  
for free from one or more funeral homes licensed under this 67503  
chapter. 67504

(C) "Funeral directing" means the business or profession of 67505  
directing or supervising funerals for profit from one or more 67506  
funeral homes licensed under this chapter, the arrangement or sale 67507  
of funeral services, the filling out or execution of a funeral 67508  
service contract, the business or profession of preparing dead 67509  
human bodies for burial by means other than embalming, the 67510  
disposition of dead human bodies, the provision or maintenance of 67511  
a place for the preparation, the care, or disposition of dead 67512  
human bodies, the use in connection with a business of the term 67513  
"funeral director," "undertaker," "mortician," or any other term 67514  
from which can be implied the business of funeral directing, or 67515

the holding out to the public that one is a funeral director or a 67516  
disposer of dead human bodies. 67517

(D) "Funeral home" means a fixed place for the care, 67518  
preparation for burial, or disposition of dead human bodies or the 67519  
conducting of funerals. Each business location is a funeral home, 67520  
regardless of common ownership or management. 67521

(E) "Embalmer" means a person who engages, in whole or in 67522  
part, in embalming and who is licensed under this chapter. 67523

(F) "Funeral director" means a person who engages, in whole 67524  
or in part, in funeral directing and who is licensed under this 67525  
chapter. 67526

(G) "Final disposition" has the same meaning as in division 67527  
(J) of section 3705.01 of the Revised Code. 67528

(H) "Supervision" means the operation of all phases of the 67529  
business of funeral directing or embalming under the specific 67530  
direction of a licensed funeral director or licensed embalmer. 67531

(I) "Direct supervision" means the physical presence of a 67532  
licensed funeral director or licensed embalmer while the specific 67533  
functions of the funeral or embalming are being carried out. 67534

(J) "Embalming facility" means a fixed location, separate 67535  
from the funeral home, that is licensed under this chapter whose 67536  
only function is the embalming and preparation of dead human 67537  
bodies. 67538

(K) "Crematory facility" means the physical location at which 67539  
a cremation chamber is located and the cremation process takes 67540  
place. "Crematory facility" does not include an infectious waste 67541  
incineration facility for which a license is held under division 67542  
(B) of section 3734.05 of the Revised Code, or a solid waste 67543  
incineration facility for which a license is held under division 67544  
(A) of that section that includes a notation pursuant to division 67545

(B)(3) of that section authorizing the facility to also treat 67546  
infectious wastes, in connection with the incineration of body 67547  
parts other than dead human bodies that were donated to science 67548  
for purposes of medical education or research. 67549

(L) "Crematory" means the building or portion of a building 67550  
that houses the holding facility and the cremation chamber. 67551

(M) "Cremation" means the technical process of using heat and 67552  
flame to reduce human or animal remains to bone fragments or ashes 67553  
or any combination thereof. "Cremation" includes processing and 67554  
may include the pulverization of bone fragments. 67555

(N) "Cremation chamber" means the enclosed space within which 67556  
cremation takes place. 67557

(O) "Cremated remains" means all human or animal remains 67558  
recovered after the completion of the cremation process, which may 67559  
include the residue of any foreign matter such as casket material, 67560  
dental work, or eyeglasses that were cremated with the human or 67561  
animal remains. 67562

(P) "Lapsed license" means a license issued under this 67563  
chapter that has become invalid because of the failure of the 67564  
licensee to renew the license within the time limits prescribed 67565  
under this chapter. 67566

(Q) "~~Operator of a crematory facility~~ Crematory operator" 67567  
means the ~~sole proprietorship, partnership, corporation, limited~~ 67568  
~~liability company, or other business entity responsible for the~~ 67569  
~~overall operation of~~ person who engages, in whole or in part, in 67570  
cremation from one or more crematories licensed under this chapter 67571  
and who has been issued a crematory facility operator permit under 67572  
this chapter. 67573

(R) "Processing" means the reduction of identifiable bone 67574  
fragments to unidentifiable bone fragments through manual or 67575  
mechanical means after the completion of the cremation process. 67576

(S) "Pulverization" means the reduction of identifiable bone fragments to granulated particles by manual or mechanical means after the completion of the cremation process.

(T) "Preneed funeral contract" means a written agreement, contract, or series of contracts to sell or otherwise provide any funeral services, funeral goods, or any combination thereof to be used in connection with the funeral or final disposition of a dead human body, where payment for the goods or services is made either outright or on an installment basis, prior to the death of the person purchasing the goods or services or for whom the goods or services are purchased. "Preneed funeral contract" does not include any preneed cemetery merchandise and services contract or any agreement, contract, or series of contracts pertaining to the sale of any burial lot, burial or interment right, entombment right, or columbarium right with respect to which an endowment care fund is established or is exempt from establishment pursuant to section 1721.21 of the Revised Code.

For the purposes of division (T) of this section, "funeral goods" includes caskets.

(U) "Purchaser" means the individual who has purchased and financed a preneed funeral contract, and who may or may not be the contract beneficiary.

(V) "Contract beneficiary" means the individual for whom funeral goods and funeral services are provided pursuant to a preneed funeral contract.

(W) "Seller" means any person that enters into a preneed funeral contract with a purchaser for the provision of funeral goods, funeral services, or both.

(X) "Felony" means a criminal act classified as a felony by this state, any other state, or federal law.

Sec. 4717.02. (A) There is hereby created the board of 67607  
embalmers and funeral directors consisting of seven members to be 67608  
appointed by the governor with the advice and consent of the 67609  
senate. Five members shall be licensed ~~embalmers and~~ practicing 67610  
funeral directors, ~~each with~~ four of which shall also be licensed 67611  
embalmers. Each of the funeral director members shall have at 67612  
least ten consecutive years of experience in this state 67613  
immediately preceding the date of the person's appointment. In 67614  
addition, one of ~~these~~ the funeral director members shall hold a 67615  
crematory operator permit and be knowledgeable and experienced in 67616  
operating a crematory. Two members shall represent the public; at 67617  
least one of these members shall be at least sixty years of age. 67618

(B) Terms of office are for five years, commencing on the 67619  
first day of July and ending on the last day of June. Each member 67620  
shall hold office from the date of the member's appointment until 67621  
the end of the term for which the member was appointed. Before 67622  
entering upon the duties of the office, each member shall take and 67623  
file with the secretary of state an oath of office as required by 67624  
Section 7 of Article XV, Ohio Constitution. 67625

(C) The governor may remove a member of the board for neglect 67626  
of duty, incompetency, or immoral conduct. Vacancies shall be 67627  
filled in the manner provided for original appointments. Any 67628  
member appointed to fill a vacancy occurring prior to the 67629  
expiration date of the term for which the member's predecessor was 67630  
appointed shall hold office as a member for the remainder of that 67631  
term. A member shall continue in office subsequent to the 67632  
expiration date of the member's term until the member's successor 67633  
takes office, or until a period of sixty days has elapsed, 67634  
whichever occurs first. 67635

(D) Each member of the board shall receive an amount fixed 67636  
under division (J) of section 124.15 of the Revised Code for each 67637



day, not to exceed sixty days per year, employed in the discharge 67638  
of the member's duties as a board member, together with any 67639  
necessary expenses incurred in the performance of those duties. 67640

**Sec. 4717.03.** (A) Members of the board of embalmers and 67641  
funeral directors shall annually in July, or within thirty days 67642  
after the senate's confirmation of the new members appointed in 67643  
that year, meet and organize by selecting from among its members a 67644  
president, vice-president, and secretary-treasurer. The board may 67645  
hold other meetings as it determines necessary. A quorum of the 67646  
board consists of four members, of whom at least three shall be 67647  
members who are embalmers and funeral directors. The concurrence 67648  
of at least four members is necessary for the board to take any 67649  
action. The president and secretary-treasurer shall sign all 67650  
licenses issued under this chapter and affix the board's seal to 67651  
each license. 67652

(B) The board may appoint an individual who is not a member 67653  
of the board to serve as executive director of the board. The 67654  
executive director serves at the pleasure of the board and shall 67655  
do all of the following: 67656

(1) Serve as the board's chief administrative officer; 67657

(2) Act as custodian of the board's records; 67658

(3) Execute all of the board's orders; 67659

(4) Employ staff who are not members of the board and who 67660  
serve at the pleasure of the executive director to provide any 67661  
assistance that the board considers necessary. 67662

(C) In executing the board's orders as required by division 67663  
(B)(3) of this section, the executive director may enter the 67664  
premises, establishment, office, or place of business of any 67665  
embalmer, funeral director, or ~~operator of a crematory facility~~ 67666  
operator in this state. The executive director may serve and 67667

execute any process issued by any court under this chapter. 67668

(D) The executive director may employ necessary inspectors, 67669  
who shall be licensed embalmers and funeral directors. An 67670  
inspector employed by the executive director may enter the 67671  
premises, establishment, office, or place of business of any 67672  
embalmer, funeral director, or crematory operator ~~of a, embalming~~ 67673  
facility, funeral home, or crematory facility in this state, for 67674  
the purposes of inspecting the facility and premises; the license, 67675  
permit, and registration of embalmers ~~and,~~ funeral directors, and 67676  
crematory operators operating in the facility; and the license of 67677  
the funeral home, embalming facility, or crematory facility and 67678  
perform any other duties delegated to the inspector by the board 67679  
or assigned to the inspector by the executive director. The 67680  
executive director may enter the facility or premises of a funeral 67681  
home, embalming facility, or crematory for the purpose of an 67682  
inspection if accompanied by an inspector or, if an inspector is 67683  
not available, when a situation presents a danger of immediate and 67684  
serious harm to the public. 67685

(E) The president of the board shall designate three of the 67686  
board's members to serve on the crematory review board, which is 67687  
hereby created, for such time as the president finds appropriate 67688  
to carry out the provisions of this chapter. Those members of the 67689  
crematory review board designated by the president to serve and 67690  
three members designated by the cemetery dispute resolution 67691  
commission shall designate, by a majority vote, one person who 67692  
holds a crematory operator permit, who is experienced in the 67693  
operation of a crematory facility, and who is not affiliated with 67694  
a cemetery or a funeral home to serve on the crematory review 67695  
board for such time as the crematory review board finds 67696  
appropriate. Members serving on the crematory review board shall 67697  
not receive any additional compensation for serving on the board, 67698  
but may be reimbursed for their actual and necessary expenses 67699

incurred in the performance of official duties as members of the 67700  
board. Members of the crematory review board shall designate one 67701  
from among its members to serve as a chairperson for such time as 67702  
the board finds appropriate. Costs associated with conducting an 67703  
adjudicatory hearing in accordance with division (F) of this 67704  
section shall be paid from funds available to the board of 67705  
embalmers and funeral directors. 67706

(F) Upon receiving written notice from the board of embalmers 67707  
and funeral directors of any of the following, the crematory 67708  
review board shall conduct an adjudicatory hearing on the matter 67709  
in accordance with Chapter 119. of the Revised Code, except as 67710  
otherwise provided in this section or division (C) of section 67711  
4717.14 of the Revised Code: 67712

(1) Notice provided under division (I) of this section of an 67713  
alleged violation of any provision of this chapter or any rules 67714  
adopted under this chapter governing or in connection with 67715  
crematory operators, crematory facilities, or cremation; 67716

(2) Notice provided under division (B) of section 4717.14 of 67717  
the Revised Code that the board of embalmers and funeral directors 67718  
proposes to refuse to grant or renew, or to suspend or revoke, a 67719  
license to operate a crematory facility; 67720

(3) Notice provided under division (C) of section 4717.14 of 67721  
the Revised Code that the board of embalmers and funeral directors 67722  
has issued an order summarily suspending a crematory operator 67723  
permit or a license to operate a crematory facility; 67724

(4) Notice provided under division (B) of section 4717.15 of 67725  
the Revised Code that the board of embalmers and funeral directors 67726  
proposes to issue a notice of violation and order requiring 67727  
payment of a forfeiture for any violation described in divisions 67728  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 67729  
connection with a crematory operator, crematory facility, or 67730

cremation. 67731

Nothing in division (F) of this section precludes the 67732  
crematory review board from appointing an independent examiner in 67733  
accordance with section 119.09 of the Revised Code to conduct any 67734  
adjudication hearing required under division (F) of this section. 67735

The crematory review board shall submit a written report of 67736  
findings and advisory recommendations, and a written transcript of 67737  
its proceedings, to the board of embalmers and funeral directors. 67738  
The board of embalmers and funeral directors shall serve a copy of 67739  
the written report of the crematory review board's findings and 67740  
advisory recommendations on the party to the adjudication or the 67741  
party's attorney, by certified mail, within five days after 67742  
receiving the report and advisory recommendations. A party may 67743  
file objections to the written report with the board of embalmers 67744  
and funeral directors within ten days after receiving the report. 67745  
No written report is final or appealable until it is issued as a 67746  
final order by the board of embalmers and funeral directors and 67747  
entered on the record of the proceedings. The board of embalmers 67748  
and funeral directors shall consider objections filed by the party 67749  
prior to issuing a final order. After reviewing the findings and 67750  
advisory recommendations of the crematory review board, the 67751  
written transcript of the crematory review board's proceedings, 67752  
and any objections filed by a party, the board of embalmers and 67753  
funeral directors shall issue a final order in the matter. Any 67754  
party may appeal the final order issued by the board of embalmers 67755  
and funeral directors in a matter described in divisions (F)(1) to 67756  
(4) of this section in accordance with section 119.12 of the 67757  
Revised Code, except that the appeal may be made to the court of 67758  
common pleas in the county in which is located the crematory 67759  
facility to which the final order pertains, or in the county in 67760  
which the party resides. 67761

(G) On its own initiative or on receiving a written complaint 67762

from any person whose identity is made known to the board of 67763  
embalmers and funeral directors, the board shall investigate the 67764  
acts or practices of any person holding or claiming to hold a 67765  
license, permit, or registration under this chapter that, if 67766  
proven to have occurred, would violate this chapter or any rules 67767  
adopted under it. The board may compel witnesses by subpoena to 67768  
appear and testify in relation to investigations conducted under 67769  
this chapter and may require by subpoena duces tecum the 67770  
production of any book, paper, or document pertaining to an 67771  
investigation. If a person does not comply with a subpoena or 67772  
subpoena duces tecum, the board may apply to the court of common 67773  
pleas of any county in this state for an order compelling the 67774  
person to comply with the subpoena or subpoena duces tecum, or for 67775  
failure to do so, to be held in contempt of court. 67776

(H) If, as a result of its investigation conducted under 67777  
division (G) of this section, the board of embalmers and funeral 67778  
directors has reasonable cause to believe that the person 67779  
investigated is violating any provision of this chapter or any 67780  
rules adopted under this chapter governing or in connection with 67781  
embalming, funeral directing, cremation, funeral homes, embalming 67782  
facilities, or cremation facilities, or the operation of funeral 67783  
homes ~~or~~, embalming facilities, or crematory facilities, it may, 67784  
after providing the opportunity for an adjudicatory hearing, issue 67785  
an order directing the person to cease the acts or practices that 67786  
constitute the violation. The board shall conduct the adjudicatory 67787  
hearing in accordance with Chapter 119. of the Revised Code except 67788  
that, notwithstanding the provisions of that chapter, the 67789  
following shall apply: 67790

(1) The board shall send the notice informing the person of 67791  
the person's right to a hearing by certified mail. 67792

(2) The person is entitled to a hearing only if the person 67793  
requests a hearing and if the board receives the request within 67794

thirty days after the mailing of the notice described in division 67795  
(H)(1) of this section. 67796

(3) A stenographic record shall be taken, in the manner 67797  
prescribed in section 119.09 of the Revised Code, at every 67798  
adjudicatory hearing held under this section, regardless of 67799  
whether the record may be the basis of an appeal to a court. 67800

(I) If, as a result of its investigation conducted under 67801  
division (G) of this section, the board of embalmers and funeral 67802  
directors has reasonable cause to believe that the person 67803  
investigated is violating any provision of this chapter or any 67804  
rules adopted under this chapter governing or in connection with 67805  
crematory operators, crematory facilities, or cremation, the board 67806  
shall send written notice of the alleged violation to the 67807  
crematory review board. If, after the conclusion of the 67808  
adjudicatory hearing in the matter conducted under division (F) of 67809  
this section, the board of embalmers and funeral directors finds 67810  
that a person is in violation of any provision of this chapter or 67811  
any rules adopted under this chapter governing or in connection 67812  
with crematory operators, crematory facilities, or cremation, the 67813  
board may issue a final order under that division directing the 67814  
person to cease the acts or practices that constitute the 67815  
violation. 67816

(J) The board of embalmers and funeral directors may bring a 67817  
civil action to enjoin any violation or threatened violation of 67818  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 67819  
under any of those sections; division (A) or (B) of section 67820  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 67821  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 67822  
division (D)(1) of section 4717.27; divisions (A) to (C) of 67823  
section 4717.28, or division (D) or (E) of section 4717.31 of the 67824  
Revised Code. The action shall be brought in the county where the 67825  
violation occurred or the threatened violation is expected to 67826

occur. At the request of the board, the attorney general shall 67827  
represent the board in any matter arising under this chapter. 67828

(K) The board of embalmers and funeral directors and the 67829  
crematory review board may issue subpoenas for ~~funeral directors~~ 67830  
~~and embalmers or persons holding themselves out as such, for~~ 67831  
~~operators of crematory facilities~~ any person holding a license or 67832  
permit under this chapter or persons holding themselves out as 67833  
such, or for any other person whose testimony, in the opinion of 67834  
either board, is necessary. The subpoena shall require the person 67835  
to appear before the appropriate board or any designated member of 67836  
either board, upon any hearing conducted under this chapter. The 67837  
penalty for disobedience to the command of such a subpoena is the 67838  
same as for refusal to answer such a process issued under 67839  
authority of the court of common pleas. 67840

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 67841  
Code, all moneys received by the board of embalmers and funeral 67842  
directors from any source shall be deposited in the state treasury 67843  
to the credit of the occupational licensing and regulatory fund 67844  
created in section 4743.05 of the Revised Code. 67845

(M) The board of embalmers and funeral directors shall submit 67846  
a written report to the governor on or before the first Monday of 67847  
July of each year. This report shall contain a detailed statement 67848  
of the nature and amount of the board's receipts and the amount 67849  
and manner of its expenditures. 67850

**Sec. 4717.04.** (A) The board of embalmers and funeral 67851  
directors shall adopt rules in accordance with Chapter 119. of the 67852  
Revised Code for the government, transaction of the business, and 67853  
the management of the affairs of the board of embalmers and 67854  
funeral directors and the crematory review board, and for the 67855  
administration and enforcement of this chapter. These rules shall 67856  
include all of the following: 67857

(1) The nature, scope, content, and form of the application 67858  
that must be completed and license examination that must be passed 67859  
in order to receive an embalmer's license or a funeral director's 67860  
license under section 4717.05 of the Revised Code. The rules shall 67861  
ensure both of the following: 67862

(a) That the embalmer's license examination tests the 67863  
applicant's knowledge through at least a comprehensive section and 67864  
an Ohio laws section; 67865

(b) That the funeral director's license examination tests the 67866  
applicant's knowledge through at least a comprehensive section, an 67867  
Ohio laws section, and a sanitation section. 67868

(2) The minimum license examination score necessary to be 67869  
licensed under section 4717.05 of the Revised Code as an embalmer 67870  
or as a funeral director; 67871

(3) Procedures for determining the dates of the embalmer's 67872  
and funeral director's license examinations, which shall be 67873  
administered at least once each year, the time and place of each 67874  
examination, and the supervision required for each examination; 67875

(4) Procedures for determining whether the board shall accept 67876  
an applicant's compliance with the licensure, registration, or 67877  
certification requirements of another state as grounds for 67878  
granting the applicant a license under this chapter; 67879

(5) A determination of whether completion of a nationally 67880  
recognized embalmer's or funeral director's examination 67881  
sufficiently meets the license requirements for the comprehensive 67882  
section of either the embalmer's or the funeral director's license 67883  
examination administered under this chapter; 67884

(6) Continuing education requirements for licensed embalmers 67885  
and funeral directors; 67886

(7) Requirements for the licensing and operation of funeral 67887



homes;	67888
(8) Requirements for the licensing and operation of embalming facilities;	67889 67890
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	67891 67892 67893 67894
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	67895 67896 67897
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	67898 67899 67900 67901 67902 67903
(c) Committing unprofessional conduct;	67904
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	67905 67906 67907 67908
(e) Refusing to promptly submit the custody of a dead human body <u>or cremated remains</u> upon the express order of the person legally entitled to the body;	67909 67910 67911
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	67912 67913 67914 67915
(g) Misleading the public using false or deceptive advertising;	67916 67917

(h) Failing to forward to the board on or before its due date 67918  
the annual report of preneed funeral sales required by division 67919  
(J) of section 4717.31 of the Revised Code. If the annual report 67920  
is sent to the board by United States mail, it shall be postmarked 67921  
on or before the due date for the submission of the annual report 67922  
in order to be timely filed with the board. Mail that is not 67923  
postmarked shall be considered filed on the date it is received by 67924  
the board. 67925

Each instance of the commission of any of the types of 67926  
conduct described in ~~divisions~~ division (A)(9)(a), (b), (c), (d), 67927  
(e), (f), and (g) of this section is a separate violation. The 67928  
rules adopted under division (A)(9) of this section shall 67929  
establish the amount of the forfeiture for a violation of each of 67930  
those divisions. The forfeiture for a first violation shall not 67931  
exceed five thousand dollars, and the forfeiture for a second or 67932  
subsequent violation shall not exceed ten thousand dollars. The 67933  
amount of the forfeiture may differ among the types of violations 67934  
according to what the board considers the seriousness of each 67935  
violation. 67936

(10) Requirements for the licensing and operation of 67937  
crematory facilities; 67938

(11) Procedures for the board to take possession of and to 67939  
arrange the lawful disposition of unclaimed cremated remains that 67940  
were held or stored at a funeral home or crematory that has been 67941  
closed; 67942

(12) Procedures for the issuance of duplicate licenses; 67943

~~(12)~~(13) Requirements for criminal records checks of 67944  
applicants under section 4776.03 of the Revised Code; 67945

~~(13)~~(14) The amount and content of corrective action courses 67946  
required by the board under section 4717.14 of the Revised Code. 67947

(B) The board may adopt rules governing the educational 67948

standards for licensure as an embalmer or funeral director, or 67949  
obtaining a permit to be a crematory operator, and the standards 67950  
of service and practice to be followed in embalming ~~and,~~ funeral 67951  
directing, and cremation, and in the operation of funeral homes, 67952  
embalming facilities, and crematory facilities in this state. 67953

(C) Nothing in this chapter authorizes the board of embalmers 67954  
and funeral directors to regulate cemeteries, except that the 67955  
board shall license and regulate ~~crematories~~ funeral homes, 67956  
embalming facilities, and crematory facilities located at 67957  
cemeteries in accordance with this chapter. 67958

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 67959  
embalmer shall apply to the board of embalmers and funeral 67960  
directors on a form provided by the board. The applicant shall 67961  
include with the application an initial license fee as set forth 67962  
in section 4717.07 of the Revised Code and evidence, verified by 67963  
oath and satisfactory to the board, that the applicant meets all 67964  
of the following requirements: 67965

(1) The applicant is at least eighteen years of age and of 67966  
good moral character. 67967

(2) If the applicant has pleaded guilty to, has been found by 67968  
a judge or jury to be guilty of, or has had a judicial finding of 67969  
eligibility for treatment in lieu of conviction entered against 67970  
the applicant in this state for aggravated murder, murder, 67971  
voluntary manslaughter, felonious assault, kidnapping, rape, 67972  
sexual battery, gross sexual imposition, aggravated arson, 67973  
aggravated robbery, or aggravated burglary, or has pleaded guilty 67974  
to, has been found by a judge or jury to be guilty of, or has had 67975  
a judicial finding of eligibility for treatment in lieu of 67976  
conviction entered against the applicant in another jurisdiction 67977  
for a substantially equivalent offense, at least five years has 67978  
elapsed since the applicant was released from incarceration, a 67979

community control sanction, a post-release control sanction, 67980  
parole, or treatment in connection with the offense. 67981

(3) The applicant holds at least a bachelor's degree from a 67982  
college or university authorized to confer degrees by the ~~Ohio~~ 67983  
~~board~~ department of regents higher education or the comparable 67984  
legal agency of another state in which the college or university 67985  
is located and submits an official transcript from that college or 67986  
university with the application. 67987

(4) The applicant has satisfactorily completed at least 67988  
twelve months of instruction in a prescribed course in mortuary 67989  
science as approved by the board and has presented to the board a 67990  
certificate showing successful completion of the course. The 67991  
course of mortuary science college training may be completed 67992  
either before or after the completion of the educational standard 67993  
set forth in division (A)(3) of this section. 67994

(5) The applicant has registered with the board prior to 67995  
beginning an embalmer apprenticeship. 67996

(6) The applicant has satisfactorily completed at least one 67997  
year of apprenticeship under an embalmer licensed in this state 67998  
and has ~~assisted that person~~ participated in embalming at least 67999  
twenty-five dead human bodies. 68000

(7) The applicant, upon meeting the educational standards 68001  
provided for in divisions (A)(3) and (4) of this section and 68002  
completing the apprenticeship required in division (A)(6) of this 68003  
section, has completed the examination for an embalmer's license 68004  
required by the board. 68005

(B) Upon receiving satisfactory evidence verified by oath 68006  
that the applicant meets all the requirements of division (A) of 68007  
this section, the board shall issue the applicant an embalmer's 68008  
license. 68009

(C) Any person who desires to be licensed as a funeral 68010

director shall apply to the board on a form ~~provided~~ prescribed by 68011  
the board. The application shall include an initial license fee as 68012  
set forth in section 4717.07 of the Revised Code and evidence, 68013  
verified by oath and satisfactory to the board, that the applicant 68014  
meets all of the following requirements: 68015

(1) Except as otherwise provided in division (D) of this 68016  
section, the applicant has satisfactorily met all the requirements 68017  
for an embalmer's license as described in divisions (A)(1) to (4) 68018  
of this section. 68019

(2) The applicant has registered with the board prior to 68020  
beginning a funeral director apprenticeship. 68021

(3) The applicant, following mortuary science college 68022  
training described in division (A)(4) of this section, has 68023  
satisfactorily completed a one-year apprenticeship under a 68024  
licensed funeral director in this state and has ~~assisted that~~ 68025  
~~person~~ participated in directing at least twenty-five funerals. 68026

(4) The applicant has satisfactorily completed the 68027  
examination for a funeral director's license as required by the 68028  
board. 68029

(D) In lieu of mortuary science college training required for 68030  
a funeral director's license under division (C)(1) of this 68031  
section, the applicant may substitute a satisfactorily completed 68032  
two-year apprenticeship under a licensed funeral director in this 68033  
state assisting that person in directing at least fifty funerals. 68034

(E) Upon receiving satisfactory evidence that the applicant 68035  
meets all the requirements of division (C) of this section, the 68036  
board shall issue to the applicant a funeral director's license. 68037

(F) A funeral director or embalmer may request the funeral 68038  
director's or embalmer's license be placed on inactive status by 68039  
submitting to the board a form prescribed by the board and such 68040  
other information as the board may request. A funeral director or 68041

embalmer may not place the funeral director's or embalmer's 68042  
license on inactive status unless the funeral director or embalmer 68043  
is in good standing with the board and is in compliance with 68044  
applicable continuing education requirements. A funeral director 68045  
or embalmer who is granted inactive status is prohibited from 68046  
participating in any activity for which a funeral director's or 68047  
embalmer's license is required in this state. A funeral director 68048  
or embalmer who has been granted inactive status is exempt from 68049  
the continuing education requirements under section 4717.09 of the 68050  
Revised Code during the period of the inactive status. 68051

(G) A funeral director or embalmer who has been granted 68052  
inactive status may not return to active status for at least two 68053  
years following the date that the inactive status was granted. 68054  
Following a period of at least two years of inactive status, the 68055  
funeral director or embalmer may apply to return to active status 68056  
upon completion of all of the following conditions: 68057

(1) The funeral director or embalmer files with the board a 68058  
form prescribed by the board seeking active status and provides 68059  
any other information as the board may request; 68060

(2) The funeral director or embalmer takes and passes the 68061  
Ohio laws examination for each license being activated; 68062

(3) The funeral director or embalmer pays a reactivation fee 68063  
to the board in the amount of one hundred forty dollars for each 68064  
license being reactivated. 68065

(H) As used in this section: 68066

(1) "Community control sanction" has the same meaning as in 68067  
section 2929.01 of the Revised Code. 68068

(2) "Post-release control sanction" has the same meaning as 68069  
in section 2967.01 of the Revised Code. 68070

**Sec. 4717.051.** (A) Any person who desires to obtain a permit 68071

as a crematory operator shall apply to the board of embalmers and 68072  
funeral directors on a form prescribed by the board. The applicant 68073  
shall include with the application the initial permit fee set 68074  
forth in section 4717.07 of the Revised Code and evidence, 68075  
verified under oath and satisfactory to the board, that the 68076  
applicant satisfies all of the following requirements: 68077

(1) The applicant is at least eighteen years of age and of 68078  
good moral character. 68079

(2) If the applicant has pleaded guilty to, or has been found 68080  
by a judge or jury to be guilty of, or has had judicial finding of 68081  
eligibility for treatment in lieu of conviction entered against 68082  
the applicant in this state for aggravated murder, murder, 68083  
voluntary manslaughter, felonious assault, kidnapping, rape, 68084  
sexual battery, gross sexual imposition, aggravated arson, 68085  
aggravated robbery, or aggravated burglary, or has pleaded guilty 68086  
to, has been found by a judge or jury to be guilty of, or has had 68087  
judicial finding of eligibility for treatment in lieu of 68088  
conviction entered against the applicant in another jurisdiction 68089  
for a substantially equivalent offense, at least five years has 68090  
elapsed since the applicant was released from incarceration, a 68091  
community control sanction, a post-release control sanction, 68092  
parole, or treatment in connection with the offense. 68093

(3) The applicant has satisfactorily completed a crematory 68094  
operation certification program approved by the board and has 68095  
presented to the board a certificate showing completion of the 68096  
program. 68097

(B) If the board of embalmers and funeral directors, upon 68098  
receiving satisfactory evidence, determines that the applicant 68099  
satisfies all of the requirements of division (A) of this section, 68100  
the board shall issue to the applicant a permit as a crematory 68101  
operator. 68102

(C) The board of embalmers and funeral directors may revoke 68103  
or suspend a crematory operator permit or subject a crematory 68104  
operator permit holder to discipline in accordance with the laws, 68105  
rules, and procedures applicable to licensees under this chapter. 68106

**Sec. 4717.06.** (A)(1) ~~Any person~~ A licensed funeral director 68107  
who desires to obtain a license to operate a funeral home, a 68108  
licensed embalmer who desires to obtain a license to operate an 68109  
embalming facility, or a holder of a crematory operator permit who 68110  
desires to obtain a license to operate a crematory facility shall 68111  
apply to the board of embalmers and funeral directors on a form 68112  
~~provided~~ prescribed by the board. The application shall include 68113  
the initial license application fee set forth in section 4717.07 68114  
of the Revised Code and proof satisfactory to the board that the 68115  
funeral home, embalming facility, or crematory facility is in 68116  
compliance with rules adopted by the board under section 4717.04 68117  
of the Revised Code, rules adopted by the board of building 68118  
standards under Chapter 3781. of the Revised Code, and all other 68119  
federal, state, and local requirements relating to the safety of 68120  
the premises. 68121

(2) If the funeral home, embalming facility, or crematory 68122  
facility to which the license application pertains is owned by a 68123  
corporation or limited liability company, the application shall 68124  
include the name and address of the corporation's or limited 68125  
liability company's statutory agent appointed under section 68126  
1701.07 or 1705.06 of the Revised Code or, in the case of a 68127  
foreign corporation, the corporation's designated agent appointed 68128  
under section 1703.041 of the Revised Code. If the funeral home, 68129  
embalming facility, or crematory facility to which the application 68130  
pertains is owned by a partnership, the application shall include 68131  
the name and address of each of the partners. If, at any time 68132  
after the submission of a license application or issuance of a 68133  
license, the statutory or designated agent of a corporation or 68134



limited liability company owning a funeral home, embalming 68135  
facility, or crematory facility or the address of the statutory or 68136  
designated agent changes or, in the case of a partnership, any of 68137  
the partners of the funeral home, embalming facility, or crematory 68138  
facility or the address of any of the partners changes, the 68139  
applicant for or holder of the license to operate the funeral 68140  
home, embalming facility, or crematory facility shall submit 68141  
written notice to the board, within thirty days after the change, 68142  
informing the board of the change and of any name or address of a 68143  
statutory or designated agent or partner that has changed from 68144  
that contained in the application for the license or the most 68145  
recent notice submitted under division (A)(2) of this section. 68146

(B)(1) The board of embalmers and funeral directors shall 68147  
issue a license to operate a funeral home only to a licensed 68148  
funeral director who is named in the application as the funeral 68149  
director actually in charge and ultimately responsible for the 68150  
funeral home. The board shall issue the license only for the 68151  
address at which the funeral home is physically located and 68152  
operated. The funeral home license and licenses of the embalmers 68153  
and funeral directors employed by the funeral home shall be 68154  
displayed in a conspicuous place within the funeral home. The name 68155  
of the funeral director to whom the funeral home license has been 68156  
issued shall be conspicuously displayed immediately on the outside 68157  
or the inside of the primary entrance to the funeral home that is 68158  
used by the public. 68159

(2) The funeral home shall have on the premises one of the 68160  
following: 68161

(a) If embalming will take place at the funeral home, an 68162  
embalming room that is adequately equipped and maintained. The 68163  
embalming room shall be kept in a clean and sanitary manner and 68164  
used only for the embalming, preparation, or holding of dead human 68165  
bodies. The embalming room shall contain only the articles, 68166

facilities, and instruments necessary for those purposes. 68167

(b) If embalming will not take place at the funeral home, a 68168  
holding room that is adequately equipped and maintained. The 68169  
holding room shall be kept in a clean and sanitary manner and used 68170  
only for the preparation, other than embalming, and holding of 68171  
dead human bodies. The holding room shall contain only the 68172  
articles and facilities necessary for those purposes. 68173

~~(3) Except as provided in division (B) of section 4717.11 of 68174  
the Revised Code, a funeral home shall be established and operated 68175  
only under the name of a holder of a funeral director's license 68176  
issued by the board who is actually in charge of and ultimately 68177  
responsible for the funeral home, and a funeral home license shall 68178  
not include directional or geographical references in the name of 68179  
the funeral home. The holder of the funeral home license shall be 68180  
a funeral director licensed under this chapter who is actually in 68181  
charge of and ultimately responsible for the funeral home. Nothing 68182  
in division (B)(3) of this section prohibits the holder of a 68183  
funeral home license from including directional or geographical 68184  
references in promotional or advertising materials identifying the 68185  
location of the funeral home. 68186~~

~~(4) Each funeral home shall be directly supervised by a 68187  
funeral director licensed under this chapter, who may supervise 68188  
more than one funeral home. 68189~~

(C)(1) The board shall issue a license to operate an 68190  
embalming facility only to a licensed embalmer who is actually in 68191  
charge of and ultimately responsible for the embalming facility. 68192  
The board shall issue the license only for the address at which 68193  
the embalming facility is physically located and operated. The 68194  
license shall be displayed in a conspicuous place within the 68195  
facility. The name of the embalmer to whom the embalming facility 68196  
license has been issued shall be conspicuously displayed on the 68197  
outside or inside of the primary entrance to the embalming 68198

facility. 68199

(2) The embalming facility shall be adequately equipped and 68200  
maintained in a sanitary manner. The embalming room at such a 68201  
facility shall contain only the articles, facilities, and 68202  
instruments necessary for its stated purpose. The embalming room 68203  
shall be kept in a clean and sanitary condition and used only for 68204  
the care and preparation of dead human bodies. 68205

~~(3) An embalming facility license shall be issued only to an 68206  
embalmer licensed under division (B) of section 4717.05 of the 68207  
Revised Code, who is actually in charge of the facility. 68208~~

(D)(1) The board shall issue a license to operate a crematory 68209  
facility only to a crematory operator who is actually in charge 68210  
and ultimately responsible for the crematory facility. The board 68211  
shall issue the license only for the address at which the 68212  
crematory facility is physically located and operated. The license 68213  
shall be displayed in a conspicuous place within the crematory 68214  
facility. The name of the crematory operator to whom the crematory 68215  
facility license has been issued shall be conspicuously displayed 68216  
on the outside or inside of the primary entrance to the crematory 68217  
facility. 68218

(2) The crematory facility shall be adequately equipped and 68219  
maintained in a clean and sanitary manner. The crematory facility 68220  
may be located in a funeral home, embalming facility, cemetery 68221  
building, or other building in which the crematory facility may 68222  
lawfully operate. If a crematory facility engages in the cremation 68223  
of animals, the crematory facility shall cremate animals in a 68224  
cremation chamber that also is not used to cremate dead human 68225  
bodies or human body parts and shall not cremate animals in a 68226  
cremation chamber used for the cremation of dead human bodies and 68227  
human body parts. Cremation chambers that are used for the 68228  
cremation of dead human bodies or human body parts and cremation 68229  
chambers used for the cremation of animals may be located in the 68230

same area. Cremation chambers used for the cremation of animals 68231  
shall have conspicuously displayed on the unit a notice that the 68232  
unit is to be used for animals only. 68233

(3) A license to operate a crematory facility shall be issued 68234  
to the person actually in charge of the crematory facility. This 68235  
section does not require the individual who is actually in charge 68236  
of the crematory facility to be an embalmer or funeral director 68237  
licensed under this chapter. 68238

(4) Nothing in this section or rules adopted under section 68239  
4717.04 of the Revised Code precludes the establishment and 68240  
operation of a crematory facility on or adjacent to the property 68241  
on which a cemetery, funeral home, or embalming facility is 68242  
located. 68243

**Sec. 4717.07.** (A) The board of embalmers and funeral 68244  
directors shall charge and collect the following fees: 68245

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial 68246  
renewal of an embalmer's or funeral director's license, one 68247  
hundred fifty dollars; 68248

(2) For ~~the issuance of~~ applying for an embalmer or funeral 68249  
director registration, twenty-five dollars; 68250

(3) For filing an embalmer or funeral director certificate of 68251  
apprenticeship, ten dollars; 68252

(4) For the application to take the examination for a license 68253  
to practice as an embalmer or funeral director, or to retake a 68254  
section of the examination, thirty-five dollars; 68255

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to 68256  
operate a funeral home, three hundred fifty dollars and biennial 68257  
renewal of a license to operate a funeral home, three hundred 68258  
fifty dollars; 68259

(6) For the reinstatement of a lapsed embalmer's or funeral 68260

director's license, the renewal fee prescribed in division (A)(1) 68261  
of this section plus fifty dollars for each month or portion of a 68262  
month the license is lapsed, but not more than one thousand 68263  
dollars; 68264

(7) For the reinstatement of a lapsed license to operate a 68265  
funeral home, the renewal fee prescribed in division (A)(5) of 68266  
this section plus fifty dollars for each month or portion of a 68267  
month the license is lapsed until reinstatement, but not more than 68268  
one thousand dollars; 68269

(8) For ~~the initial issuance of~~ applying for a license to 68270  
operate an embalming facility, three hundred fifty dollars and 68271  
biennial renewal of a license to operate an embalming facility, 68272  
three hundred fifty dollars; 68273

(9) For the reinstatement of a lapsed license to operate an 68274  
embalming facility, the renewal fee prescribed in division (A)(8) 68275  
of this section plus fifty dollars for each month or portion of a 68276  
month the license is lapsed until reinstatement, but not more than 68277  
one thousand dollars; 68278

(10) For ~~the initial issuance of~~ applying for a license to 68279  
operate a crematory facility, three hundred fifty dollars and 68280  
biennial renewal of a license to operate a crematory facility, 68281  
three hundred fifty dollars; 68282

(11) For the reinstatement of a lapsed license to operate a 68283  
crematory facility, the renewal fee prescribed in division (A)(10) 68284  
of this section plus fifty dollars for each month or portion of a 68285  
month the license is lapsed until reinstatement, but not more than 68286  
one thousand dollars; 68287

(12) For applying for the initial or biennial renewal of a 68288  
crematory operator permit, one hundred dollars; 68289

(13) For the reinstatement of a lapsed crematory operator 68290  
permit, the renewal fee prescribed in division (A)(12) of this 68291

<u>section plus fifty dollars for each month or portion of a month</u>	68292
<u>the permit is lapsed, but not more than one thousand dollars;</u>	68293
<u>(14) For the issuance of a duplicate of a license issued</u>	68294
<u>under this chapter, ten dollars;</u>	68295
<u>(15) For each preneed funeral contract sold in the state</u>	68296
<u>other than those funded by the assignment of an existing insurance</u>	68297
<u>policy, ten dollars.</u>	68298
(B) In addition to the fees set forth in division (A) of this	68299
section, an applicant shall pay the examination fee assessed by	68300
any examining agency the board uses for any section of an	68301
examination required under this chapter.	68302
(C) Subject to the approval of the controlling board, the	68303
board of embalmers and funeral directors may establish fees in	68304
excess of the amounts set forth in this section, provided that	68305
these fees do not exceed the amounts set forth in this section by	68306
more than fifty per cent.	68307
<b>Sec. 4717.08.</b> (A) Every license <u>and permit</u> issued under this	68308
chapter expires on the last day of December of each even-numbered	68309
year and shall be renewed on or before that date according to the	68310
standard license renewal procedure set forth in Chapter 4745. of	68311
the Revised Code. Licenses <u>and permits</u> not renewed by the last day	68312
of December of each even-numbered year are lapsed.	68313
(B) A holder of a lapsed license to operate a funeral home,	68314
license to operate an embalming facility, or license to operate a	68315
crematory facility <u>or a crematory operator permit</u> may reinstate	68316
the license <u>or permit</u> with the board by paying the lapsed license	68317
fee established under section 4717.07 of the Revised Code.	68318
(C) A holder of a lapsed embalmer's or funeral director's	68319
license may reinstate the license with the board by paying the	68320
lapsed license fee established under section 4717.07 of the	68321

Revised Code, except that if the license is lapsed for more than 68322  
one hundred eighty days after its expiration date, the holder also 68323  
shall take and pass the Ohio laws examination for each license as 68324  
a condition for reinstatement. 68325

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 68326  
funeral directors shall attend between twelve and thirty hours of 68327  
educational programs as a condition for renewal of their licenses. 68328  
The board of embalmers and funeral directors shall adopt rules 68329  
governing the administration and enforcement of the continuing 68330  
education requirements of this section. The board may contract 68331  
with a professional organization or association or other third 68332  
party to assist it in performing functions necessary to administer 68333  
and enforce the continuing education requirements of this section. 68334  
A professional organization or association or other third party 68335  
with whom the board so contracts may charge a reasonable fee for 68336  
performing these functions to licensees or to the persons who 68337  
provide continuing education programs. 68338

(B) A person holding both an embalmer's license and a funeral 68339  
director's license need meet only the continuing education 68340  
requirements established by the board for one or the other of 68341  
those licenses in order to satisfy the requirement of division (A) 68342  
of this section. 68343

(C) A person holding a courtesy card permit issued under 68344  
section 4717.10 of the Revised Code is not required to satisfy the 68345  
continuing education requirements specified in division (A) of 68346  
this section as a condition of renewal of the permit. 68347

(D) A crematory operator shall maintain an active 68348  
certification from a crematory operator certification program as a 68349  
condition for renewal of the permit. 68350

(E) The board shall not renew the license of a licensee who 68351  
fails to meet the continuing education requirements of this 68352

section and who has not been granted a ~~waiver or~~ an exemption 68353  
under division ~~(D)~~(F) or ~~(E)~~(G) of this section. 68354

~~(D)~~(F) Any licensee who fails to meet the continuing 68355  
education requirements of this section because of undue hardship 68356  
or disability, or who is not actively engaged in the practice of 68357  
funeral directing or embalming in this state, may apply to the 68358  
board for a ~~waiver or~~ an exemption. 68359

~~(E)~~ A (G) Any licensee who has been an embalmer or a funeral 68360  
director for not less than fifty years and who is not ~~actually~~ 68361  
actively in charge ~~of an embalming facility or a manager or~~ 68362  
~~actually in charge of~~ and ultimately responsible for a funeral 68363  
home or embalming facility in this state may apply to the board 68364  
for an exemption. 68365

~~(F)~~ ~~The board shall determine, by rule, the procedures for~~ 68366  
~~applying for a waiver or an exemption~~ from the continuing 68367  
education requirements ~~under~~ specified in division (A) of this 68368  
~~section and under what conditions a waiver or an exemption may be~~ 68369  
~~granted.~~ 68370

(H) The board shall not renew the crematory operator permit 68371  
of an individual who fails to satisfy the certification 68372  
requirement of division (D) of this section. 68373

**Sec. 4717.10.** (A) The board of embalmers and funeral 68374  
directors may recognize licenses issued to embalmers and funeral 68375  
directors by other states, and upon presentation of such licenses, 68376  
may issue to the holder an embalmer's or funeral director's 68377  
license under this chapter. The board shall charge the same fee as 68378  
prescribed in section 4717.07 of the Revised Code to issue or 68379  
renew such an embalmer's or funeral director's license. Such 68380  
licenses shall be renewed biennially as provided in section 68381  
4717.08 of the Revised Code. The board shall not issue a license 68382  
to any person under division (A) of this section unless the 68383



applicant proves that the applicant, in the state in which the 68384  
applicant is licensed, has complied with requirements 68385  
substantially equal to those established in section 4717.05 of the 68386  
Revised Code. 68387

(B) The board of embalmers and funeral directors may issue 68388  
courtesy card permits. A courtesy card permit holder shall be 68389  
authorized to undertake both the following acts in this state: 68390

(1) Prepare and complete those sections of a death 68391  
certificate and other permits needed for disposition of deceased 68392  
human remains in this state and sign and file such death 68393  
certificates and permits; 68394

(2) Supervise and conduct funeral ceremonies, interments, and 68395  
entombments in this state. 68396

(C) The board of embalmers and funeral directors may 68397  
determine under what conditions a courtesy card permit may be 68398  
issued to funeral directors in bordering states after taking into 68399  
account whether and under what conditions and fees such border 68400  
states issue similar courtesy card permits to funeral directors 68401  
licensed in this state. A courtesy card permit holder shall comply 68402  
with all applicable laws and rules of this state while engaged in 68403  
any acts of funeral directing in this state. The board may revoke 68404  
or suspend a courtesy card permit or subject a courtesy card 68405  
permit holder to discipline in accordance with the laws, rules, 68406  
and procedures applicable to funeral ~~director-licensees~~ directors 68407  
under this chapter. Applicants for courtesy card permits shall 68408  
apply on forms prescribed by the board, pay a biennial fee set by 68409  
the board for initial applications and renewals, and adhere to 68410  
such other requirements imposed by the board on courtesy card 68411  
permit holders. 68412

(D) No courtesy card permit holder shall be authorized to 68413  
undertake any of the following activities in this state: 68414

(1) Arranging funerals or disposition services with members of the public in this state;	68415 68416
(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	68417 68418
(3) Advertise funeral or disposition services in this state;	68419
(4) Enter into or execute funeral or disposition contracts in this state;	68420 68421
(5) Prepare or embalm deceased human remains in this state;	68422
(6) Arrange for or carry out the disinterment of human remains in this state.	68423 68424
(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	68425 68426 68427 68428
<b>Sec. 4717.11.</b> (A) <del>(1)</del> A person who is licensed to operate a funeral home shall <del>obtain a new</del> <u>surrender that person's license upon any to operate a funeral home within thirty days after a change in any of the following:</u>	68429 68430 68431 68432
<u>(a) The location of the funeral home</u> <del>or any change in ownership of the funeral;</del>	68433 68434
<u>(b) The person who is actually in charge and ultimately responsible for the funeral home;</u>	68435 68436
<u>(c) Ownership of the funeral home</u> business that owns the funeral home that results in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership. <del>The person licensed to operate the funeral home shall surrender the current license to the board within</del>	68437 68438 68439 68440 68441 68442 68443

(2) Within thirty days after any such a change described in 68444  
division (A)(1) of this section occurs. If a funeral home is sold, 68445  
the ~~new~~ funeral director who will be actually in charge and 68446  
ultimately responsible for the funeral home after the change shall 68447  
apply for a ~~license within thirty days after the date of the~~ 68448  
~~closing of the purchase of the~~ new funeral home license. Upon the 68449  
filing of an application for a funeral home license by a licensed 68450  
funeral director, the funeral home may continue to operate until 68451  
the board denies the funeral home's application. 68452

~~(B) When the funeral director who is licensed to operate a~~ 68453  
~~funeral home ceases to operate the home because of death,~~ 68454  
~~resignation, employment termination, sale of the funeral home, or~~ 68455  
~~any other reason, the funeral home may continue to operate under~~ 68456  
~~that person's name, provided that the name of the new person~~ 68457  
~~licensed to operate the funeral home is added to the license~~ 68458  
~~within twenty four months after the previous license holder dies~~ 68459  
~~or otherwise ceases to operate the funeral home. The new licensee~~ 68460  
~~shall meet the requirements of section 4717.06 of the Revised~~ 68461  
~~Code.~~ 68462

~~(C) A person who is licensed to operate an embalming facility~~ 68463  
~~shall obtain a new license upon any change in~~ (1) A person who is 68464  
licensed to operate an embalming facility shall surrender that 68465  
person's license to operate an embalming facility within thirty 68466  
days after a change in any of the following: 68467

(a) The location of the embalming facility ~~or any change in~~ 68468  
~~ownership;~~ 68469

(b) The person who is actually in charge and ultimately 68470  
responsible for the embalming facility; 68471

(c) Ownership of the business entity that owns the embalming 68472  
facility that results in a majority of the ownership of the 68473  
business entity being held by one or more persons who solely or in 68474

combination with others did not own a majority of the business 68475  
entity immediately prior to the change in ownership. ~~The person~~ 68476  
~~licensed to operate the facility shall surrender the current~~ 68477  
~~license to the board within thirty days after any such change~~ 68478  
~~occurs.~~ 68479

~~(D) A person who is licensed to operate a crematory facility 68480  
shall obtain a new license upon any change in location of the 68481  
crematory facility or any change in ownership of the business 68482  
entity operating the facility that results in a majority of the 68483  
ownership of the business entity being held by one or more persons 68484  
who solely or in combination with others did not own a majority of 68485  
the business entity immediately prior to the change in ownership. 68486  
The person licensed to operate the crematory facility shall 68487  
surrender the current license to the board within thirty days 68488  
after any such change occurs.~~ 68489

(2) Within thirty days after a change described in division 68490  
(B)(1) of this section occurs, the person who will be actually in 68491  
charge and ultimately responsible for the embalming facility after 68492  
the change shall apply for a new license to operate the embalming 68493  
facility. Upon filing of an application for a license to operate 68494  
an embalming facility by a licensed embalmer, the embalming 68495  
facility may continue to operate until the board denies the 68496  
embalming facility's application. 68497

(C)(1) A person who is licensed to operate a crematory 68498  
facility shall surrender that person's license to operate a 68499  
crematory facility within thirty days after a change in any of the 68500  
following: 68501

(a) The location of the crematory facility; 68502

(b) The person who is actually in charge and ultimately 68503  
responsible for the crematory facility; 68504

(c) Ownership of the business entity that owns the crematory 68505

facility that results in a majority of the ownership of the 68506  
business entity being held by one or more persons who alone or in 68507  
combination with others did not own a majority of the business 68508  
entity immediately prior to the change in ownership. 68509

(2) Within thirty days after a change described in division 68510  
(C)(1) of this section occurs, the person who will be actually in 68511  
charge and ultimately responsible for the crematory facility after 68512  
the change shall apply for a new license to operate the crematory 68513  
facility. Upon the filing of an application for a license to 68514  
operate a crematory facility by a person holding a crematory 68515  
operator permit, the crematory facility may continue to operate 68516  
until the board denies the crematory facility's application. 68517

(D)(1) The board of embalmers and funeral directors shall 68518  
review applications for new licenses under section 4717.06 of the 68519  
Revised Code. 68520

(2) If the board, upon receiving satisfactory evidence, 68521  
determines that the applicant satisfies all of the requirements of 68522  
division (A), (B), (C), or (D) of section 4717.06 of the Revised 68523  
Code with respect to a particular funeral home, embalming 68524  
facility, or crematory facility, the board shall issue to the 68525  
applicant a new license to operate that funeral home, embalming 68526  
facility, or crematory facility. 68527

**Sec. 4717.13.** (A) No person shall do any of the following: 68528

(1) Engage in the business or profession of funeral directing 68529  
unless the person is licensed as a funeral director under this 68530  
chapter, is certified as an apprentice funeral director in 68531  
accordance with rules adopted under section 4717.04 of the Revised 68532  
Code and ~~is assisting~~ under the supervision of a funeral director 68533  
licensed under this chapter, or is a student in a college of 68534  
mortuary sciences approved by the board of embalmers and funeral 68535  
directors and is under the direct supervision of a funeral 68536

director licensed by the board; 68537

(2) Engage in embalming unless the person is licensed as an 68538  
embalmer under this chapter, is certified as an apprentice 68539  
embalmer in accordance with rules adopted under section 4717.04 of 68540  
the Revised Code and is ~~assisting~~ under the supervision of an 68541  
embalmer licensed under this chapter, or is a student in a college 68542  
of mortuary science approved by the board and is under the direct 68543  
supervision of an embalmer licensed by the board; 68544

(3) Advertise or otherwise offer to provide or convey the 68545  
impression that the person provides funeral directing services 68546  
unless the person is licensed as a funeral director under this 68547  
chapter and is employed by or under contract to a licensed funeral 68548  
home and performs funeral directing services for that funeral home 68549  
in a manner consistent with the advertisement, offering, or 68550  
conveyance; 68551

(4) Advertise or otherwise offer to provide or convey the 68552  
impression that the person provides embalming services unless the 68553  
person is licensed as an embalmer under this chapter and is 68554  
employed by or under contract to a licensed funeral home or a 68555  
licensed embalming facility and performs embalming services for 68556  
the funeral home or embalming facility in a manner consistent with 68557  
the advertisement, offering, or conveyance; 68558

(5) Operate a funeral home without a license to operate the 68559  
funeral home issued by the board under this chapter; 68560

(6) Practice the business or profession of funeral directing 68561  
from any place except from a funeral home that a person is 68562  
licensed to operate under this chapter; 68563

(7) Practice embalming from any place except from a funeral 68564  
home or embalming facility that a person is licensed to operate 68565  
under this chapter; 68566

(8) Operate a crematory or perform cremation without a 68567

license to operate the crematory issued under this chapter; 68568

(9) Cremate animals in a cremation chamber in which dead 68569  
human bodies or body parts are cremated or cremate dead human 68570  
bodies or human body parts in a cremation chamber in which animals 68571  
are cremated-;i 68572

(10) Hold a dead human body, before final disposition, for 68573  
more than forty-eight hours after the time of death unless the 68574  
dead human body is embalmed or placed into refrigeration and 68575  
maintained at a constant temperature of less than forty degrees; 68576

(11) Knowingly refuse to promptly submit the custody of a 68577  
dead human body or cremated remains upon the oral or written order 68578  
of the person legally entitled to the body or cremated remains; 68579

(12) Except as ordered by the person holding the right of 68580  
disposition under section 2108.70 or 2108.81 of the Revised Code, 68581  
knowingly fail to carry out the final disposition of a dead human 68582  
body within thirty days after taking custody of the body. 68583

(B) No funeral director or other person in charge of the 68584  
final disposition of a dead human body shall fail to do one of the 68585  
following prior to the interment of the body: 68586

(1) Affix to the ankle or wrist of the deceased a tag encased 68587  
in a durable and long-lasting material that contains the name, 68588  
date of birth, date of death, and social security number of the 68589  
deceased; 68590

(2) Place in the casket a capsule containing a tag bearing 68591  
the information described in division (B)(1) of this section; 68592

(3) If the body was cremated, place in the vessel containing 68593  
the cremated remains a tag bearing the information described in 68594  
division (B)(1) of this section. 68595

(C) No person who holds a funeral home license for a funeral 68596  
home that is closed, or that is owned by a funeral business in 68597

which changes in the ownership of the funeral business result in a 68598  
majority of the ownership of the funeral business being held by 68599  
one or more persons who solely or in combination with others did 68600  
not own a majority of the funeral business immediately prior to 68601  
the change in ownership, shall fail to submit to the board within 68602  
thirty days after the closing or such a change ~~in~~ of ownership of 68603  
the funeral business owning the funeral home, a clearly enumerated 68604  
account of all of the following from which the licensee, at the 68605  
time of the closing or change ~~in~~ of ownership of the funeral 68606  
business and in connection with the funeral home, was to receive 68607  
payment for providing the funeral services, funeral goods, or any 68608  
combination of those in connection with the funeral or final 68609  
disposition of a dead human body: 68610

(1) Preneed funeral contracts governed by sections 4717.31 to 68611  
4717.38 of the Revised Code; 68612

(2) Life insurance policies or annuities the benefits of 68613  
which are payable to the provider of funeral or burial goods or 68614  
services; 68615

(3) Accounts at banks or savings banks insured by the federal 68616  
deposit insurance corporation, savings and loan associations 68617  
insured by the federal savings and loan insurance corporation or 68618  
the Ohio deposit guarantee fund, or credit unions insured by the 68619  
national credit union administration or a credit union share 68620  
guaranty corporation organized under Chapter 1761. of the Revised 68621  
Code that are payable upon the death of the person for whose 68622  
benefit deposits into the accounts were made. 68623

(D)(1) No person who holds a funeral home license for a 68624  
funeral home that is closed shall negligently fail to send written 68625  
notice to the purchaser of every preneed funeral contract to which 68626  
the funeral business is a party via first class United States 68627  
mail. Such notice shall be addressed to the purchaser's last known 68628  
address and shall explain that the funeral business is being 68629



closed and the name of any funeral business that has been 68630  
designated to assume the obligations of the preneed contract. 68631

(2) Within thirty days of the closing of a funeral home, no 68632  
person who held the funeral home license for the closed funeral 68633  
home shall negligently fail to transfer all preneed contracts to 68634  
the funeral home or funeral homes that have been designated to 68635  
assume the obligation of the preneed contracts. If the person who 68636  
holds a funeral home license for a funeral home that is closed 68637  
fails to designate a successor funeral home or funeral homes to 68638  
assume the obligations of the preneed funeral contracts, the board 68639  
shall make such designations and order the transfer of the preneed 68640  
funeral contracts to the designated funeral home or funeral homes. 68641

**Sec. 4717.14.** (A) The board of embalmers and funeral 68642  
directors may refuse to grant or renew, or may suspend or revoke, 68643  
any license or permit issued under this chapter or may require the 68644  
holder of a license or permit to take corrective action courses 68645  
for any of the following reasons: 68646

(1) The holder of a license ~~was~~ or permit obtained the 68647  
license or permit by fraud or misrepresentation either in the 68648  
application or in passing the examination. 68649

(2) The applicant ~~or~~, licensee, or permit holder has been 68650  
convicted of or has pleaded guilty to a felony or of any crime 68651  
involving moral turpitude. 68652

(3) The applicant ~~or~~, licensee, or permit holder has 68653  
purposely violated any provision of sections 4717.01 to 4717.15 or 68654  
a rule adopted under any of those sections; division (A) or (B) of 68655  
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 68656  
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 68657  
division (D)(1) of section 4717.27; or divisions (A) to (C) of 68658  
section 4717.28 of the Revised Code; or any provisions of sections 68659  
4717.31 to 4717.38 of the Revised Code; any rule or order of the 68660

department of health or a board of health of a health district 68661  
governing the disposition of dead human bodies; or any other rule 68662  
or order applicable to the applicant or licensee. 68663

(4) The applicant ~~or~~, licensee, or permit holder has 68664  
committed immoral or unprofessional conduct. 68665

(5) The applicant or licensee knowingly permitted an 68666  
unlicensed person, other than a person serving an apprenticeship, 68667  
to engage in the profession or business of embalming or funeral 68668  
directing under the applicant's or licensee's supervision. 68669

(6) The applicant ~~or~~, licensee, or permit holder has been 68670  
habitually intoxicated, or is addicted to the use of morphine, 68671  
cocaine, or other habit-forming or illegal drugs. 68672

(7) The applicant ~~or~~, licensee, or permit holder has refused 68673  
to promptly submit the custody of a dead human body or cremated 68674  
remains upon the express order of the person legally entitled to 68675  
the body or cremated remains. 68676

(8) The licensee or permit holder loaned the licensee's own 68677  
license or the permit holder's own permit, or the applicant ~~or~~, 68678  
licensee, or permit holder borrowed or used the license or permit 68679  
of another person, or knowingly aided or abetted the granting of 68680  
an improper license or permit. 68681

(9) The applicant ~~or~~, licensee ~~transferred a license to~~ 68682  
~~operate a funeral home, embalming facility, or crematory from one~~ 68683  
~~owner or operator to another, or from one location to another,~~ 68684  
~~without notifying the board.~~ 68685

~~(10) The applicant or licensee, or permit holder misled the~~ 68686  
public by using false or deceptive advertising. As used in this 68687  
division, "false and deceptive advertising" includes, but is not 68688  
limited to, any of the following: 68689

(a) Using the names of persons who are not licensed to 68690

practice funeral directing in a way that leads the public to 68691  
believe that such persons are engaging in funeral directing; 68692

(b) Using any name for the funeral home other than the name 68693  
under which the funeral home is licensed; 68694

(c) Using in the funeral home's name the surname of an 68695  
individual who is not directly, actively, or presently associated 68696  
with the funeral home, unless such surname has been previously and 68697  
continuously used by the funeral home. 68698

(B)(1) The board of embalmers and funeral directors shall 68699  
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 68700  
~~embalmer's, funeral director's, funeral home, or embalming~~ 68701  
~~facility~~ a license or permit only in accordance with Chapter 119. 68702  
of the Revised Code. 68703

(2) The board shall send to the crematory review board 68704  
written notice that it proposes to refuse to issue or renew, or 68705  
proposes to suspend or revoke, a license to operate a crematory 68706  
facility. If, after the conclusion of the adjudicatory hearing on 68707  
the matter conducted under division (F) of section 4717.03 of the 68708  
Revised Code, the board of embalmers and funeral directors finds 68709  
that any of the circumstances described in divisions (A)(1) to 68710  
~~(10)~~(9) of this section apply to the person named in its proposed 68711  
action, the board may issue a final order under division (F) of 68712  
section 4717.03 of the Revised Code refusing to issue or renew, or 68713  
suspending or revoking, the person's license to operate a 68714  
crematory facility. 68715

(C) If the board of embalmers and funeral directors 68716  
determines that there is clear and convincing evidence that any of 68717  
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 68718  
section apply to the holder of a license or permit issued under 68719  
this chapter and that the licensee's or permit holder's continued 68720  
practice presents a danger of immediate and serious harm to the 68721

public, the board may suspend the licensee's license or permit 68722  
holder's permit without a prior adjudicatory hearing. The 68723  
executive director of the board shall prepare written allegations 68724  
for consideration by the board. 68725

The board, after reviewing the written allegations, may 68726  
suspend a license or permit without a prior hearing. 68727

The board shall issue a written order of suspension by a 68728  
delivery system or in person in accordance with section 119.07 of 68729  
the Revised Code. Such an order is not subject to suspension by 68730  
the court during the pendency of any appeal filed under section 68731  
119.12 of the Revised Code. If the licensee or permit holder ~~of an~~ 68732  
~~embalmer's, funeral director's, funeral home, or embalming~~ 68733  
~~facility license~~ requests an adjudicatory hearing by the board, 68734  
the date set for the hearing shall be within fifteen days, but not 68735  
earlier than seven days, after the licensee or permit holder has 68736  
requested a hearing, unless the board and the licensee or permit 68737  
holder agree to a different time for holding the hearing. 68738

Upon issuing a written order of suspension to the holder of a 68739  
license to operate a crematory facility, the board of embalmers 68740  
and funeral directors shall send written notice of the issuance of 68741  
the order to the crematory review board. The crematory review 68742  
board shall hold an adjudicatory hearing on the order under 68743  
division (F) of section 4717.03 of the Revised Code within fifteen 68744  
days, but not earlier than seven days, after the issuance of the 68745  
order, unless the crematory review board and the licensee agree to 68746  
a different time for holding the adjudicatory hearing. 68747

Any summary suspension imposed under this division shall 68748  
remain in effect, unless reversed on appeal, until a final 68749  
adjudicatory order issued by the board of embalmers and funeral 68750  
directors pursuant to this division and Chapter 119. of the 68751  
Revised Code, or division (F) of section 4717.03 of the Revised 68752  
Code, as applicable, becomes effective. The board of embalmers and 68753

funeral directors shall issue its final adjudicatory order within 68754  
sixty days after the completion of its hearing or, in the case of 68755  
the summary suspension of a license to operate a crematory 68756  
facility, within sixty days after completion of the adjudicatory 68757  
hearing by the crematory review board. A failure to issue the 68758  
order within that time results in the dissolution of the summary 68759  
suspension order, but does not invalidate any subsequent final 68760  
adjudicatory order. 68761

(D) If the board of embalmers and funeral directors suspends 68762  
or revokes a funeral director's license ~~held by a funeral director~~ 68763  
or a license to operate a funeral home for any reason identified 68764  
in division (A) of this section, the board may file a complaint 68765  
with the court of common pleas in the county where the violation 68766  
occurred requesting appointment of a receiver and the 68767  
sequestration of the assets of the funeral home that held the 68768  
suspended or revoked license or the licensed funeral home that 68769  
employs the funeral director that held the suspended or revoked 68770  
license. If the court of common pleas is satisfied with the 68771  
application for a receivership, the court may appoint a receiver. 68772

The board or a receiver may employ and procure whatever 68773  
assistance or advice is necessary in the receivership or 68774  
liquidation and distribution of the assets of the funeral home, 68775  
and, for that purpose, may retain officers or employees of the 68776  
funeral home as needed. All expenses of the receivership or 68777  
liquidation shall be paid from the assets of the funeral home and 68778  
shall be a lien on those assets, and that lien shall be a priority 68779  
to any other lien. 68780

(E) Any holder of a license or permit issued under this 68781  
chapter who has pleaded guilty to, has been found by a judge or 68782  
jury to be guilty of, or has had a judicial finding of eligibility 68783  
for treatment in lieu of conviction entered against the individual 68784  
in this state for aggravated murder, murder, voluntary 68785

manslaughter, felonious assault, kidnapping, rape, sexual battery, 68786  
gross sexual imposition, aggravated arson, aggravated robbery, or 68787  
aggravated burglary, or who has pleaded guilty to, has been found 68788  
by a judge or jury to be guilty of, or has had a judicial finding 68789  
of eligibility for treatment in lieu of conviction entered against 68790  
the individual in another jurisdiction for any substantially 68791  
equivalent criminal offense, is hereby suspended from practice 68792  
under this chapter by operation of law, and any license or permit 68793  
issued to the individual under this chapter is hereby suspended by 68794  
operation of law as of the date of the guilty plea, verdict or 68795  
finding of guilt, or judicial finding of eligibility for treatment 68796  
in lieu of conviction, regardless of whether the proceedings are 68797  
brought in this state or another jurisdiction. The board shall 68798  
notify the suspended individual of the suspension of the 68799  
individual's license or permit by the operation of this division 68800  
by a delivery system or in person in accordance with section 68801  
119.07 of the Revised Code. If an individual whose license or 68802  
permit is suspended under this division fails to make a timely 68803  
request for an adjudicatory hearing, the board shall enter a final 68804  
order revoking the license. 68805

(F) No person whose license or permit has been suspended or 68806  
revoked under or by the operation of this section shall knowingly 68807  
practice embalming ~~or~~, funeral directing, or cremation, or operate 68808  
a funeral home, embalming facility, or crematory facility until 68809  
the board has reinstated the person's license or permit. 68810

**Sec. 4717.15.** (A) The board of embalmers and funeral 68811  
directors, without the necessity for conducting a prior 68812  
adjudication hearing, may issue a notice of violation to the 68813  
holder of an embalmer's, funeral director's, funeral home, or 68814  
embalming facility, or crematory facility license, or a crematory 68815  
operator permit or a courtesy card permit issued under this 68816  
chapter who the board finds has committed any of the violations 68817

described in ~~divisions~~ division (A)(9)(a) to (g) of section 68818  
4717.04 of the Revised Code. The notice shall set forth the 68819  
specific violation committed by the licensee or permit holder and 68820  
shall be sent by certified mail. The notice shall be accompanied 68821  
by an order requiring the payment of the appropriate forfeiture 68822  
prescribed in rules adopted under division (A)(9) of section 68823  
4717.04 of the Revised Code and by a notice informing the licensee 68824  
or permit holder that the licensee is entitled to an adjudicatory 68825  
hearing on the notice of violation and order if the licensee or 68826  
permit holder requests a hearing and if the board receives the 68827  
request within thirty days after the mailing of the notice of 68828  
violation and order. The board shall conduct any such adjudicatory 68829  
hearing in accordance with Chapter 119. of the Revised Code, 68830  
except as otherwise provided in this division. 68831

A licensee or permit holder who receives a notice of 68832  
violation and order under this division shall pay to the executive 68833  
director of the board the full amount of the forfeiture by 68834  
certified check within thirty days after the notice of violation 68835  
and order were mailed to the licensee or permit holder unless, 68836  
within that time, the licensee or permit holder submits a request 68837  
for an adjudicatory hearing on the notice of violation and order. 68838  
If such a request for an adjudicatory hearing is timely filed, the 68839  
licensee or permit holder need not pay the forfeiture to the 68840  
executive director until after a final, nonappealable 68841  
administrative or judicial decision is rendered on the order 68842  
requiring payment of the forfeiture. If a final nonappealable 68843  
administrative or judicial decision is rendered affirming the 68844  
board's order, the licensee or permit holder shall pay to the 68845  
executive director of the board the full amount of the forfeiture 68846  
by certified check within thirty days after notice of the decision 68847  
was sent to the licensee. A forfeiture is considered to be paid 68848  
when the licensee's or permit holder's certified check is received 68849  
by the executive director in Columbus. If the licensee or permit 68850

holder fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license or permit, as the board considers appropriate.

(B) The board shall send to the crematory review board written notice that it proposes to issue to the holder of a license to operate a crematory facility issued under this chapter a notice of violation and order requiring payment of a forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that the licensee has committed any of the violations described in ~~divisions~~ division (A)(9)(~~a~~) to (~~g~~) of section 4717.04 of the Revised Code in connection with the operation of a crematory facility or cremation, the board of embalmers and funeral directors may issue a final order under division (F) of section 4717.03 of the Revised Code requiring payment of the appropriate forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. A licensee who receives such an order shall pay the full amount of the forfeiture to the executive director by certified check within thirty days after the order was sent to the licensee unless, within that time, the licensee files a notice of appeal in accordance with division (F) of section 4717.03 and section 119.12 of the Revised Code. If such a notice of appeal is timely filed, the licensee or permit holder need not pay the forfeiture to the executive director until after a final, nonappealable judicial decision is rendered in the appeal. If a final, nonappealable judicial decision is rendered affirming the board's order, the licensee or permit holder shall pay to the executive director the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee or



permit holder. A forfeiture is considered paid when the licensee's 68884  
or permit holder's certified check is received by the executive 68885  
director in Columbus. If the licensee or permit holder fails to so 68886  
pay the full amount of the forfeiture to the executive director 68887  
within that time, the board shall issue an order suspending or 68888  
revoking the individual's license, as the board considers 68889  
appropriate. 68890

**Sec. 4717.16.** On receipt of a notice pursuant to section 68891  
3123.43 of the Revised Code, the board of embalmers and funeral 68892  
directors shall comply with sections 3123.41 to 3123.50 of the 68893  
Revised Code and any applicable rules adopted under section 68894  
3123.63 of the Revised Code with respect to a license or permit 68895  
issued pursuant to this chapter. 68896

**Sec. 4717.21.** (A) Any person, on an antemortem basis, may 68897  
serve as the person's own authorizing agent, authorize the 68898  
person's own cremation, and specify the arrangements for the final 68899  
disposition of the person's own cremated remains by executing an 68900  
antemortem cremation authorization form. A guardian, custodian, or 68901  
other personal representative who is authorized by law or contract 68902  
to do so on behalf of a person, on an antemortem basis, may 68903  
authorize the cremation of the person and specify the arrangements 68904  
for the final disposition of the person's cremated remains by 68905  
executing an antemortem cremation authorization form on the 68906  
person's behalf. Any such antemortem cremation authorization form 68907  
also shall be signed by one witness. The original copy of the 68908  
executed authorization form shall be sent to the ~~operator of the~~ 68909  
crematory facility being authorized to conduct the cremation, and 68910  
a copy shall be retained by the person who executed the 68911  
authorization form. The person who executed an antemortem 68912  
cremation authorization form may revoke the authorization at any 68913  
time by providing written notice of the revocation to ~~the operator~~ 68914

~~of~~ the crematory facility named in the authorization form. The 68915  
person who executed the authorization form may transfer the 68916  
authorization to another crematory facility by providing written 68917  
notice to the ~~operator of the~~ crematory facility named in the 68918  
original authorization of the revocation of the authorization and, 68919  
in accordance with this division, executing a new antemortem 68920  
cremation authorization form authorizing ~~the operator of~~ another 68921  
crematory facility to conduct the cremation. 68922

(B)(1) Each antemortem cremation authorization form shall 68923  
specify the final disposition that is to be made of the cremated 68924  
remains. 68925

(2) Every antemortem cremation authorization form entered 68926  
into on or after ~~the effective date of this amendment~~ October 12, 68927  
2006, shall specify the final disposition that is to be made of 68928  
the remains and shall include a provision in substantially the 68929  
following form: 68930

NOTICE: Upon the death of the person who is the subject of 68931  
this antemortem cremation authorization, the person holding the 68932  
right of disposition under section 2108.70 or 2108.81 of the 68933  
Revised Code may cancel the cremation arrangements, modify the 68934  
arrangements for the final disposition of the cremated remains, or 68935  
make alternative arrangements for the final disposition of the 68936  
decedent's body. However, the person executing this antemortem 68937  
cremation authorization is encouraged to state his or her 68938  
preferences as to the manner of final disposition in a declaration 68939  
of the right of disposition pursuant to section 2108.72 of the 68940  
Revised Code, including that the arrangements set forth in this 68941  
form shall be followed. 68942

(C)(1) Except as provided in division (C)(2) of this section, 68943  
when the ~~operator of a~~ crematory facility is in possession of a 68944  
cremation authorization form that has been executed on an 68945  
antemortem basis in accordance with this section, the other 68946

conditions set forth in division (A) of section 4717.23 of the Revised Code have been met, the crematory facility has possession of the decedent to which the antemortem authorization pertains, and the crematory facility has received payment for the cremation of the decedent and the final disposition of the cremated remains of the decedent or is otherwise assured of payment for those services, the crematory facility shall cremate the decedent as directed and dispose of the cremated remains in accordance with the instructions contained in the antemortem cremation authorization form.

(2) A person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code who is not disqualified under section 2108.75 of the Revised Code may cancel the arrangements for the decedent's cremation, modify the arrangements for the final disposition of the decedent's cremated remains, or make alternative arrangements for the final disposition of the decedent's body. If a person with the right takes any such action, the ~~operator~~ crematory facility shall disregard the instructions contained in the antemortem cremation authorization form and follow the instructions of the person with the right.

(D) An antemortem cremation authorization form executed under division (A) of this section does not constitute a contract for conducting the cremation of the person named in the authorization form or for the final disposition of the person's cremated remains. Despite the existence of such an antemortem cremation authorization, a person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code may modify, in writing, the arrangements for the final disposition of the cremated remains of the decedent set forth in the authorization form or may cancel the cremation and claim the decedent's body for purposes of making alternative arrangements

for the final disposition of the decedent's body. The revocation 68979  
of an antemortem cremation authorization form executed under 68980  
division (A) of this section, or the cancellation of the cremation 68981  
of the person named in the antemortem authorization or 68982  
modification of the arrangements for the final disposition of the 68983  
person's cremated remains as authorized by this division, does not 68984  
affect the validity or enforceability of any contract entered into 68985  
for the cremation of the person named in the antemortem 68986  
authorization or for the final disposition of the person's 68987  
cremated remains. 68988

(E) Nothing in this section applies to any antemortem 68989  
cremation authorization form executed prior to ~~the effective date~~ 68990  
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 68991  
crematory facility, or other party may specify, with the written 68992  
approval of the person who executed the antemortem authorization, 68993  
that such an antemortem authorization is subject to sections 68994  
4717.21 to 4717.30 of the Revised Code. 68995

**Sec. 4717.23.** (A) No crematory operator ~~of a~~ or crematory 68996  
facility shall cremate or allow the cremation ~~at a crematory~~ 68997  
~~facility the operator is licensed to operate under this chapter~~ of 68998  
a dead human body, other than one that was donated to science for 68999  
purposes of medical education or research, until all of the 69000  
following have occurred: 69001

(1) A period of at least twenty-four hours has elapsed since 69002  
the decedent's death as indicated on a complete, nonprovisional 69003  
death certificate filed under section 3705.16 of the Revised Code 69004  
or under the laws of another state that are substantially 69005  
equivalent to that section, unless, if the decedent died from a 69006  
virulent communicable disease, the department of health or board 69007  
of health having territorial jurisdiction where the death of the 69008  
decedent occurred requires by rule or order the cremation to occur 69009

prior to the end of that period; 69010

(2) The ~~operator~~ crematory facility has received a burial or 69011  
burial-transit permit that authorizes the cremation of the 69012  
decedent; 69013

(3) The ~~operator~~ crematory facility has received a completed 69014  
cremation authorization form executed pursuant to section 4717.21 69015  
or 4717.24 of the Revised Code, as applicable, that authorizes the 69016  
cremation of the decedent. A blank cremation authorization form 69017  
shall be provided by the ~~operator~~ crematory facility and shall 69018  
comply with section 4717.24 of the Revised Code and, if 69019  
applicable, section 4717.21 of the Revised Code. 69020

(4) The ~~operator~~ crematory facility has received any other 69021  
documentation required by this state or a political subdivision of 69022  
this state. 69023

(B) No crematory operator ~~of a~~ or crematory facility shall 69024  
cremate or allow the cremation of any body parts, including, 69025  
without limitation, dead human bodies that were donated to science 69026  
for purposes of medical research or education, at a crematory 69027  
facility ~~the operator is~~ licensed to operate in this state until 69028  
both of the following have occurred: 69029

(1) The ~~operator~~ crematory facility has received a completed 69030  
cremation authorization form executed pursuant to section 4717.25 69031  
of the Revised Code or, if the decedent has executed an antemortem 69032  
cremation authorization form in accordance with section 4717.21 of 69033  
the Revised Code and has donated the decedent's body to science 69034  
for purposes of medical education or research, such an antemortem 69035  
cremation authorization form; 69036

(2) The ~~operator~~ crematory facility has received any other 69037  
documentation required by this state or a political subdivision of 69038  
this state. 69039

**Sec. 4717.24.** (A) A cremation authorization form authorizing 69040  
the cremation of a dead human body, other than one that was 69041  
donated to science for purposes of medical education or research, 69042  
shall include at least all of the following information and 69043  
statements: 69044

(1) A statement that the decedent has been identified in 69045  
accordance with division (B) of this section; 69046

(2) The name of the funeral director or other individual who 69047  
obtained the burial or burial-transit permit authorizing the 69048  
cremation of the decedent; 69049

(3) The name of the authorizing agent and the relationship of 69050  
the authorizing agent to the decedent; 69051

(4) A statement that the authorizing agent in fact has the 69052  
right to authorize cremation of the decedent and that the 69053  
authorizing agent does not have actual knowledge of the existence 69054  
of any living person who has a superior priority right to act as 69055  
the authorizing agent under section 4717.22 of the Revised Code. 69056  
If the person executing the cremation authorization form knows of 69057  
another living person who has such a superior priority right, the 69058  
authorization form shall include a statement indicating that the 69059  
person executing the authorization form has made reasonable 69060  
efforts to contact the person having the superior priority right 69061  
and has been unable to do so and that the person executing the 69062  
authorization form has no reason to believe that the person having 69063  
the superior priority right would object to the cremation of the 69064  
decedent. 69065

(5) A statement of whether the authorizing agent has actual 69066  
knowledge of the presence in the decedent of a pacemaker, 69067  
defibrillator, or any other mechanical or radioactive device or 69068  
implant that poses a hazard to the health or safety of personnel 69069  
performing the cremation; 69070

(6) A statement indicating the crematory facility is to cremate the casket or alternative container in which the decedent was delivered to or accepted by the crematory facility;

(7) A statement of whether the crematory facility is authorized to simultaneously cremate the decedent in the same cremation chamber with one or more other decedents who were related to the decedent named in the cremation authorization form by consanguinity or affinity or who, at any time during the one-year period preceding the decedent's death, lived with the decedent in a common law marital relationship or otherwise cohabited with the decedent. A cremation authorization form executed under this section shall not authorize the simultaneous cremation of a decedent in the same cremation chamber with one or more other decedents except under the circumstances described in the immediately preceding sentence.

(8) The names of any persons designated by the authorizing agent to be present in the holding facility or cremation room prior to or during the cremation of the decedent or during the removal of the cremated remains from the cremation chamber;

(9) The authorization for the crematory facility to cremate the decedent and to process or pulverize the cremated remains as is the practice at the particular crematory facility;

(10) A statement of whether it is the crematory facility's practice to return all of the residue removed from the cremation chamber following the cremation or to separate and remove foreign matter from the residue before returning the cremated remains to the authorizing agent or the person designated on the authorization form to receive the cremated remains pursuant to division (A)(11) of this section;

(11) The name of the person who is to receive the cremated remains of the decedent from the crematory facility;

(12) The manner in which the final disposition of the cremated remains of the decedent is to occur, if known. If the cremation authorization form does not specify the manner of the final disposition of the cremated remains, it shall indicate that the cremated remains will be held by the crematory facility for thirty days after the cremation, unless, prior to the end of that period, they are picked up from the crematory facility by the person designated on the cremation authorization form to receive them, the authorizing agent, or, if applicable, the funeral director who obtained the burial or burial-transit permit for the decedent, or are delivered or shipped by the ~~operator of the~~ crematory facility to one of those persons. The authorization form shall indicate that if no instructions for the final disposition are provided on the authorization form and that if no arrangements for final disposition have been made within the thirty-day period, the crematory facility may return the cremated remains to the authorizing agent. The authorization form shall further indicate that if no arrangements for the final disposition of the cremated remains have been made within sixty days after the completion of the cremation and if the authorizing agent has not picked them up or caused them to be picked up within that period, the crematory operator or crematory facility may dispose of them in accordance with division (C) of section 4717.27 of the Revised Code.

(13) A listing of the items of value to be delivered to the crematory facility along with the dead human body, if any, and instructions regarding how those items are to be handled;

(14) A statement of whether the authorizing agent has made arrangements for any type of viewing of the decedent or for a service with the decedent present prior to the cremation and, if so, the date, time, and place of the service;

(15) A statement of whether the crematory facility may proceed with the cremation at any time after the conditions set



forth in division (A) of section 4717.23 of the Revised Code have 69134  
been met and the decedent has been received at the facility; 69135

(16) The certification of the authorizing agent to the effect 69136  
that all of the information and statements contained in the 69137  
authorization form are accurate; 69138

(17) The signature of the authorizing agent and the signature 69139  
of at least one witness who observed the authorizing agent execute 69140  
the cremation authorization form. 69141

(B) In making the identification of the decedent required by 69142  
division (A)(1) of this section, the funeral home arranging the 69143  
cremation shall require the authorizing agent or the agent's 69144  
appointed representative to visually identify the decedent's 69145  
remains or a photograph or other visual image of the remains. If 69146  
identification is by photograph or other visual image, the 69147  
authorizing agent or representative shall sign the photograph or 69148  
other visual image. If visual identification is not feasible, 69149  
other positive identification of the decedent may be used 69150  
including, but not limited to, reliance upon an identification 69151  
made through the coroner's office or identification of photographs 69152  
or other visual images of scars, tattoos, or physical deformities 69153  
taken from the decedent's remains. 69154

(C) An authorizing agent who is not available to execute a 69155  
cremation authorization form in person may designate another 69156  
individual to serve as the authorizing agent by providing to the 69157  
~~operator of the crematory facility where the cremation is to occur~~ 69158  
a written designation, acknowledged before a notary public or 69159  
other person authorized to administer oaths, authorizing that 69160  
other individual to serve as the authorizing agent, ~~or by sending~~ 69161  
~~to the operator a facsimile transmission of the written~~ 69162  
~~designation that has been so acknowledged.~~ Any such written 69163  
designation shall contain the name of the decedent, the name and 69164  
address of the authorizing agent, the relationship of the 69165

authorizing agent to the decedent, and the name and address of the 69166  
individual who is being designated to serve as the authorizing 69167  
agent. Upon receiving ~~such a written designation or a facsimile~~ 69168  
~~transmission of~~ such a written designation, the operator shall 69169  
permit the individual named in the written designation to serve as 69170  
the authorizing agent and to execute the cremation authorization 69171  
form authorizing the cremation of the decedent named in the 69172  
written designation. 69173

(D) An authorizing agent who signs a cremation authorization 69174  
form under this section is hereby deemed to warrant the accuracy 69175  
of the information and statements contained in such authorization 69176  
form, including the identification of the decedent and the agent's 69177  
authority to authorize the cremation. A funeral home and its 69178  
employees are not responsible for verifying the accuracy of any 69179  
information or statements the authorizing agent made on the 69180  
authorization form, unless the funeral home or its employees have 69181  
actual knowledge to the contrary regarding any such information or 69182  
statement. When delivering the decedent's remains to a crematory 69183  
facility or in carrying out the disposition in its own facility, 69184  
the funeral home is responsible for having the decedent identified 69185  
pursuant to division (B) of this section and carrying out the 69186  
obligations imposed on the funeral home by division (B) of section 69187  
4717.29 of the Revised Code. 69188

(E) At any time after executing a cremation authorization 69189  
form and prior to the beginning of the cremation process, the 69190  
authorizing agent who executed the cremation authorization form 69191  
under division (A) or (C) of this section may, in writing, modify 69192  
the arrangements for the final disposition of the cremated remains 69193  
of the decedent set forth in the authorization form or may, in 69194  
writing, revoke the authorization, cancel the cremation, and claim 69195  
the decedent's body for purposes of making alternative 69196  
arrangements for the final disposition of the decedent's body. The 69197

~~operator of a~~ crematory facility shall cancel the cremation if the 69198  
~~operator~~ crematory facility receives such a revocation before 69199  
beginning the cremation. 69200

(F) A cremation authorization form executed under this 69201  
section does not constitute a contract for conducting the 69202  
cremation of the decedent named in the authorization form or for 69203  
the final disposition of the cremated remains of the decedent. The 69204  
revocation of a cremation authorization form or modification of 69205  
the arrangements for the final disposition of the cremated remains 69206  
of the decedent pursuant to division (E) of this section does not 69207  
affect the validity or enforceability of any contract for the 69208  
cremation of the decedent named in the authorization form or for 69209  
the final disposition of the cremated remains of the decedent. 69210

**Sec. 4717.25.** (A) A cremation authorization form authorizing 69211  
the cremation of any body parts, including, without limitation, 69212  
dead human bodies that were donated to science for purposes of 69213  
medical education or research shall include at least all of the 69214  
following information and statements, as applicable: 69215

(1) The identity of the decedent whose body was donated to 69216  
science for purposes of medical education or research or the 69217  
identity of the living person or such a decedent from whom the 69218  
body parts were removed; 69219

(2) The name of the authorizing agent and the relationship of 69220  
the authorizing agent to the decedent or the living person from 69221  
whom the body parts were removed; 69222

(3) A statement that the authorizing agent in fact has the 69223  
right to authorize the cremation of the decedent or the body parts 69224  
removed from the decedent or living person and a description of 69225  
the basis of the person's right to execute the cremation 69226  
authorization form; 69227

(4) A statement of whether the crematory facility is 69228  
authorized to simultaneously cremate the decedent or body parts 69229  
removed from the decedent or living person with one or more other 69230  
decedents whose bodies were donated to science for purposes of 69231  
medical education or research or with body parts removed from one 69232  
or more other decedents or living persons; 69233

(5) The authorization for the crematory facility to cremate 69234  
the decedent or body parts removed from the decedent or living 69235  
person and to process or pulverize the cremated remains as is the 69236  
practice at the particular crematory facility; 69237

(6) A statement of whether it is the crematory facility's 69238  
practice to return all of the residue removed from the cremation 69239  
chamber following the cremation or to separate and remove foreign 69240  
matter from the residue before returning the cremated remains to 69241  
the authorizing agent or the authorizing agent's designee; 69242

(7) The name of the person who is to receive the cremated 69243  
remains from the crematory facility; 69244

(8) The manner in which the final disposition of the cremated 69245  
remains is to occur, if known. If the cremation authorization form 69246  
does not specify the manner of the final disposition of the 69247  
cremated remains, it shall indicate that the cremated remains will 69248  
be held by the crematory facility for thirty days after the 69249  
cremation, unless, prior to the end of that period, they are 69250  
picked up from the crematory facility by the person designated on 69251  
the authorization form to receive them or by the authorizing 69252  
agent, or are delivered or shipped by the ~~operator of the~~ 69253  
crematory facility to one of those persons. The authorization form 69254  
shall indicate that if no instructions for the final disposition 69255  
of the cremated remains are provided on the authorization form and 69256  
that if no arrangements for final disposition have been made 69257  
within the thirty-day period, the crematory facility may return 69258  
the cremated remains to the authorizing agent. The authorization 69259

form shall further indicate that if no arrangements for the final 69260  
disposition of the cremated remains have been made within sixty 69261  
days after the cremation and if the authorizing agent or person 69262  
designated on the authorization form to receive the cremated 69263  
remains has not picked them up or caused them to be picked up 69264  
within that period, the crematory operator or the crematory 69265  
facility may dispose of them in accordance with division (C)(1) or 69266  
(2) of section 4717.27 of the Revised Code. 69267

(9) The certification of the authorizing agent to the effect 69268  
that all of the information and statements contained in the 69269  
authorization form are accurate. 69270

(B) An authorizing agent who signs a cremation authorization 69271  
form under this section is hereby deemed to warrant the accuracy 69272  
of the information and statements contained in the authorization 69273  
form, including the person's authority to authorize the cremation. 69274

(C) At any time after executing a cremation authorization 69275  
form and prior to the beginning of the cremation process, an 69276  
authorizing agent who executed a cremation authorization form 69277  
under this section may, in writing, revoke the authorization, 69278  
cancel the cremation, and claim the decedent's body or the body 69279  
parts for purposes of making alternative arrangements for the 69280  
final disposition of the decedent's body or the body parts. The 69281  
~~operator of a crematory facility~~ shall cancel the cremation if the 69282  
~~operator~~ crematory facility receives such a revocation before 69283  
beginning the cremation. 69284

(D) A cremation authorization form executed under this 69285  
section does not constitute a contract for conducting the 69286  
cremation of the decedent named in the authorization form or body 69287  
parts removed from the decedent or living person named in the form 69288  
or for the final disposition of the cremated remains of the 69289  
decedent or body parts. The revocation of a cremation 69290  
authorization form or modification of the arrangements for the 69291

final disposition of the cremated remains of the decedent or the 69292  
body parts pursuant to division (C) of this section does not 69293  
affect the validity or enforceability of any contract for the 69294  
cremation of the decedent named in the authorization form, the 69295  
cremation of body parts from the decedent or living person named 69296  
in the authorization form, or the final disposition of the 69297  
cremated remains of the decedent or body parts. 69298

**Sec. 4717.26.** (A) The ~~operator of a~~ crematory facility may 69299  
schedule the time for the cremation of a dead human body to occur 69300  
at the ~~operator's~~ crematory facility's own convenience at any time 69301  
after the conditions set forth in division (A) or (B) of section 69302  
4717.23 of the Revised Code, as applicable, have been met and the 69303  
decedent or body parts have been delivered to the facility, 69304  
unless, in the case of a dead human body, the ~~operator~~ crematory 69305  
facility has received specific instructions to the contrary on the 69306  
cremation authorization form authorizing the cremation of the 69307  
decedent executed under section 4717.21, 4717.24, or 4717.25 of 69308  
the Revised Code. The ~~operator of a~~ crematory facility becomes 69309  
responsible for a dead human body or body parts when the body or 69310  
body parts have been delivered to or accepted by the facility or 69311  
an employee or agent of the facility. 69312

(B) No crematory operator ~~of a~~ or crematory facility shall 69313  
fail to do either of the following: 69314

(1) Upon receipt at the crematory facility of any dead human 69315  
body that has not been embalmed, and subject to the prohibition 69316  
set forth in division (C)(1) of this section, place the body in a 69317  
holding or refrigerated facility at the crematory facility and 69318  
keep the body in the holding or refrigerated facility until near 69319  
the time the cremation process commences or until the body is held 69320  
at the facility for eight hours or longer. If the body is held for 69321  
eight hours or longer, place the body in a refrigerated facility 69322

at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator ~~of a~~ or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative container in which the body was delivered to or accepted by the crematory facility;

(2) Fail to cremate the casket or alternative container in which the body was delivered or accepted, in its entirety with the body.

(D) No ~~operator of a~~ crematory facility shall simultaneously cremate more than one decedent or body parts removed from more than one decedent or living person in the same cremation chamber unless the cremation authorization forms executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the cremation of each of the decedents or body parts removed from each decedent or living person specifically authorize such a simultaneous cremation. This division does not prohibit the use of cremation equipment that contains more than one cremation chamber.

(E) No ~~operator of a~~ crematory facility shall permit any persons other than employees of the crematory facility, the authorizing agent for the cremation of the decedent who is to be, is being, or was cremated, persons designated to be present at the cremation of the decedent on the cremation authorization form

executed under section 4717.21 or 4717.24 of the Revised Code, and 69354  
persons authorized by the individual who is actually in charge of 69355  
the crematory facility, to be present in the holding facility or 69356  
cremation room while any dead human bodies or body parts are being 69357  
held there prior to cremation or are being cremated or while any 69358  
cremated remains are being removed from the cremation chamber. 69359

(F)(1) ~~No operator of a~~ crematory facility shall remove any 69360  
dental gold, body parts, organs, or other items of value from a 69361  
dead human body prior to the cremation or from the cremated 69362  
remains after cremation unless the cremation authorization form 69363  
authorizing the cremation of the decedent executed under section 69364  
4717.21 or 4717.24 of the Revised Code specifically authorizes the 69365  
removal thereof. 69366

(2) ~~No operator of a~~ crematory facility that removes any 69367  
dental gold, body parts, organs, or other items from a dead human 69368  
body or assists in such removal shall charge a fee for doing so 69369  
that exceeds the actual cost to the crematory facility for 69370  
performing or assisting in the removal. 69371

(G) Upon the completion of each cremation, the ~~operator of a~~ 69372  
crematory facility shall remove from the cremation chamber all of 69373  
the cremation residue that is practicably recoverable. If the 69374  
cremation authorization form executed under section 4717.21, 69375  
4717.24, or 4717.25 of the Revised Code specifies that the 69376  
cremated remains are to be placed in an urn, the ~~operator~~ 69377  
crematory facility shall place them in the type of urn specified 69378  
on the authorization form. If the authorization form does not 69379  
specify that the cremated remains are to be placed in an urn, the 69380  
~~operator~~ crematory facility shall place them in a temporary 69381  
container. If not all of the recovered cremated remains will fit 69382  
in the urn selected or the temporary container, the ~~operator~~ 69383  
crematory facility shall place the remainder in a separate 69384  
temporary container, and the cremated remains placed in the 69385



separate temporary container shall be delivered, released, or 69386  
disposed of along with those in the urn or other temporary 69387  
container. Nothing in this section requires ~~an operator of~~ a 69388  
crematory facility to recover any specified quantity or quality of 69389  
cremated remains upon the completion of a cremation, but only 69390  
requires ~~an operator~~ a crematory facility to recover from the 69391  
cremation chamber all of the cremation residue that is ~~practically~~ 69392  
practicably recoverable. 69393

(H) No ~~operator of~~ a crematory facility shall knowingly 69394  
represent to an authorizing agent or a designee of an authorizing 69395  
agent that an urn or temporary container contains the recovered 69396  
cremated remains of a specific decedent or of body parts removed 69397  
from a specific decedent or living person when it does not. This 69398  
division does not prohibit the making of such a representation 69399  
because of the presence in the recovered cremated remains of de 69400  
minimus amounts of the cremated remains of another decedent or of 69401  
body parts removed from another decedent or living person that 69402  
were not practicably recoverable and that remained in the 69403  
cremation chamber after the cremated remains from previous 69404  
cremations were removed. 69405

(I) No ~~operator of~~ a crematory facility or funeral director 69406  
shall ship or cause to be shipped any cremated remains by a class 69407  
or method of mail, common carrier service, or delivery service 69408  
that does not have an internal system for tracing the location of 69409  
the cremated remains during shipment and that does not require a 69410  
signed receipt from the person accepting delivery of the cremated 69411  
remains. 69412

(J) No ~~operator of~~ a crematory facility shall fail to 69413  
establish and maintain a system for accurately identifying each 69414  
dead human body in the facility's possession, and for identifying 69415  
each decedent or living person from which body parts in the 69416  
facility's possession were removed, throughout all phases of the 69417

holding and cremation process. 69418

(K) No ~~operator of a~~ crematory facility shall knowingly use 69419  
or allow the use of the same cremation chamber for the cremation 69420  
of dead human bodies, or human body parts, and animals. 69421

**Sec. 4717.27.** (A) The authorizing agent who executed the 69422  
cremation authorization form authorizing the cremation of a 69423  
decedent under section 4717.24 of the Revised Code or the 69424  
cremation of body parts under section 4717.25 of the Revised Code 69425  
is ultimately responsible for the final disposition of the 69426  
cremated remains of the decedent or body parts. 69427

(B) If the cremation authorization form does not contain 69428  
instructions for the final disposition of the cremated remains of 69429  
the decedent or body parts, if no arrangements for the disposition 69430  
of the cremated remains are made within thirty days after the 69431  
completion of the cremation, and if the cremated remains have not 69432  
been picked up within that thirty-day period by the person 69433  
designated to receive them on the authorization form or, in the 69434  
absence of such a designated person, by the authorizing agent, the 69435  
~~operator of the~~ crematory facility or the funeral home holding the 69436  
unclaimed cremated remains, at the end of that thirty-day period, 69437  
may release or deliver them in person to, or cause their delivery 69438  
by a method described in division (I) of section 4717.26 of the 69439  
Revised Code that is acceptable under that division to, the person 69440  
designated to receive them on the cremation authorization form or, 69441  
if no person has been so designated, to the authorizing agent. 69442

(C)(1) If the cremation authorization form does not contain 69443  
instructions for the final disposition of the cremated remains of 69444  
the decedent or body parts, if no arrangements for the final 69445  
disposition of the cremated remains are made within sixty days 69446  
after the completion of the cremation, and if the cremated remains 69447  
have not been picked up by the person designated on the 69448

authorization form to receive them or, in the absence of such a 69449  
designated person, by the authorizing agent, the ~~operator of the~~ 69450  
crematory facility or the funeral home holding the unclaimed 69451  
cremated remains may dispose of the cremated remains in a grave, 69452  
crypt, or niche, by scattering them in any dignified manner, 69453  
including in a memorial garden, at sea, by air, or at any 69454  
scattering grounds described in section 1721.21 of the Revised 69455  
Code, or in any other lawful manner, at any time after the end of 69456  
that sixty-day period. 69457

(2) If the cremation authorization form specifies the manner 69458  
of the final disposition of the cremated remains, or if within 69459  
sixty days after the completion of the cremation the authorizing 69460  
agent makes arrangements for the final disposition of the cremated 69461  
remains, and if either the arrangements have not been carried out 69462  
within that sixty-day period because of the inaction of a party 69463  
other than the operator of the crematory facility or the funeral 69464  
home holding the unclaimed cremated remains, or the authorizing 69465  
agent fails to pick up the cremated remains within that sixty-day 69466  
period, the ~~operator of the~~ crematory facility or the funeral home 69467  
holding the unclaimed cremated remains may dispose of the cremated 69468  
remains in a grave, crypt, or niche, by scattering them in any 69469  
dignified manner, including in a memorial garden, at sea, by air, 69470  
or at any scattering grounds described in section 1721.21 of the 69471  
Revised Code, or in any other lawful manner, at any time after the 69472  
end of that period. 69473

(3) If cremated remains of a decedent who was eighteen years 69474  
or older at the time of death are unclaimed under divisions (C)(1) 69475  
and (2) of this section, the ~~operator of the~~ crematory facility or 69476  
the funeral home holding the cremated remains shall, before 69477  
disposing of the unclaimed cremated remains, notify the secretary 69478  
of the United States department of veterans affairs of the name 69479  
of, and other identifying information related to, the decedent. 69480

If, within sixty days of the notification, the secretary of the department of veterans affairs notifies the crematory facility or funeral home that the decedent was a veteran who is eligible for burial in a national cemetery under the control of the national cemetery administration and that the secretary agrees to provide for the cost of the transportation and burial of the unclaimed cremated remains in a national cemetery, the crematory facility or funeral home shall follow the directions of the secretary and arrange for the burial of the unclaimed remains in the national cemetery at the secretary's expense. If the secretary does not assume the right to direct the burial of the unclaimed remains within sixty days of the notification by the crematory facility or funeral home, the crematory facility or funeral home may carry out the disposition of the unclaimed remains under divisions (C)(1) and (2) of this section.

(4) When cremated remains are disposed of in accordance with division (C)(1) or (2) of this section, the authorizing agent who executed the cremation authorization form authorizing the cremation of the decedent or body parts under section 4717.24 or 4717.25 of the Revised Code is liable to the ~~operator of the~~ crematory facility or the funeral home for the cost of the final disposition, which cost shall not exceed the reasonable cost for disposing of the cremated remains in a common grave or crypt in the county where the cremated remains were buried or placed in a grave, crypt or niche, or scattered.

(D)(1) Except as provided in division (D)(2) of this section, no person shall do either of the following:

(a) Dispose of the cremated remains of a dead human body or body parts in such a manner or in such a location that the cremated remains are commingled with those of another decedent or body parts removed from another decedent or living person;

(b) Place the cremated remains of more than one decedent or

of body parts removed from more than one decedent or living person 69513  
in the same urn or temporary container. 69514

(2) Division (D)(1) of this section does not prohibit any of 69515  
the following: 69516

(a) The scattering of cremated remains at sea or by air or in 69517  
a dedicated area at a cemetery used exclusively for the scattering 69518  
on the ground of the cremated remains of dead human bodies or body 69519  
parts. 69520

(b) The commingling of the cremated remains of more than one 69521  
decedent or of body parts removed from more than one decedent or 69522  
living person or the placement in the same urn or temporary 69523  
container of the cremated remains of more than one decedent or of 69524  
body parts removed from more than one decedent or living person 69525  
when each authorizing agent who executed the cremation 69526  
authorization form authorizing the cremation of each of the 69527  
decedents or body parts removed from each of the decedents or 69528  
living persons under section 4717.21, 4717.24, or 4717.25 of the 69529  
Revised Code authorized the commingling of the cremated remains or 69530  
the placement of the cremated remains in the same urn or temporary 69531  
container on the authorization form. 69532

(c) The commingling, by the individual designated on the 69533  
cremation authorization form authorizing the cremation of the 69534  
decedent or body parts to receive the cremated remains, other than 69535  
a funeral director or employee of a cemetery, or by the 69536  
authorizing agent who executed the cremation authorization form, 69537  
after receipt of the cremated remains, of the cremated remains 69538  
with those of another decedent or of body parts removed from 69539  
another decedent or living person or the placing of them by any 69540  
such person in the same urn or temporary container with those of 69541  
another decedent or of body parts removed from another decedent or 69542  
living person. 69543

**Sec. 4717.28.** (A) No ~~operator of a~~ crematory facility shall 69544  
fail to ensure that a written receipt is provided to the person 69545  
who delivers a dead human body or body parts to the facility for 69546  
cremation. If the dead human body is other than one that was 69547  
donated to science for purposes of medical education or research, 69548  
the receipt shall be signed by both a representative of the 69549  
crematory facility and the person who delivered the decedent to 69550  
the crematory facility and shall indicate the name of the 69551  
decedent; the date and time of delivery; the type of casket or 69552  
alternative container in which the decedent was delivered to the 69553  
facility; the name of the person who delivered the decedent to the 69554  
facility; if applicable, the name of the funeral home or other 69555  
establishment with whom the delivery person is affiliated; and the 69556  
name of the person who received the decedent on behalf of the 69557  
facility. If the dead human body was donated to science for 69558  
purposes of medical education or research, the receipt shall 69559  
consist of a copy of the cremation authorization form executed 69560  
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 69561  
that authorizes the cremation of the decedent or body parts that 69562  
has been signed by both a representative of the crematory facility 69563  
and the person who delivered the decedent or body parts to the 69564  
crematory facility and that indicates the date and time of the 69565  
delivery. The operator may provide the copy of the receipt to the 69566  
person who delivered the decedent or body parts to the facility 69567  
either in person or by certified mail, return receipt requested. 69568

(B) No ~~operator of a~~ crematory facility shall fail to ensure 69569  
at the time of releasing cremated remains that a written receipt 69570  
signed by both a representative of the crematory facility and the 69571  
person who received the cremated remains is provided to the person 69572  
who received the cremated remains. Unless the cremated remains are 69573  
those of a dead human body that was donated to science for 69574  
purposes of medical education or research or are those of body 69575

parts, the receipt shall indicate the name of the decedent; the 69576  
date and time of the release; the name of the person to whom the 69577  
cremated remains were released; if applicable, the name of the 69578  
funeral home, cemetery, or other entity to whom the cremated 69579  
remains were released; and the name of the person who released the 69580  
cremated remains on behalf of the crematory facility. If the 69581  
cremated remains are those of a dead human body that was donated 69582  
to science for purposes of medical education or research or are 69583  
those of body parts, the receipt shall consist of a copy of the 69584  
cremation authorization form executed under section 4717.21, 69585  
4717.24, or 4717.25 of the Revised Code that authorizes the 69586  
cremation of the decedent or body parts that has been signed by 69587  
both a representative of the crematory facility and the person who 69588  
received the cremated remains and that indicates the date and time 69589  
of the release. If the cremated remains were delivered to the 69590  
authorizing agent or other individual designated on the cremation 69591  
authorization form by a method described in division (I) of 69592  
section 4717.26 of the Revised Code that is acceptable under that 69593  
division, the receipt required by this division shall accompany 69594  
the cremated remains, and the signature of the authorizing agent 69595  
or other designated individual on the delivery receipt meets the 69596  
requirement of this division that the person receiving the 69597  
cremated remains sign the receipt provided by the crematory 69598  
facility. 69599

(C) No ~~operator of a~~ crematory facility shall fail to make or 69600  
keep on file during the time that the ~~operator~~ crematory facility 69601  
remains engaged in the business of cremating dead human bodies or 69602  
body parts, all of the following records and documents: 69603

(1) A copy of each receipt issued upon acceptance by or 69604  
delivery to the crematory facility of a dead human body under 69605  
division (A) of this section; 69606

(2) A record of each cremation conducted at the facility, 69607

containing at least the name of the decedent or, in the case of 69608  
body parts, the name of the decedent or living person from whom 69609  
the body parts were removed, the date and time of the cremation, 69610  
and the final disposition made of the cremated remains; 69611

(3) A copy of each delivery receipt issued under division (B) 69612  
of this section; 69613

(4) A separate record of the cremated remains of each 69614  
decedent or the body parts removed from each decedent or living 69615  
person that were disposed of in accordance with division (C)(1) or 69616  
(2) of section 4717.27 of the Revised Code, containing at least 69617  
the name of the decedent, the date and time of the cremation, and 69618  
the location, date, and manner of final disposition of the 69619  
cremated remains. 69620

(D) All records required to be maintained under sections 69621  
4717.21 to 4717.30 of the Revised Code are subject to inspection 69622  
by the board of embalmers and funeral directors or an authorized 69623  
representative of the board, upon reasonable notice, at any 69624  
reasonable time. 69625

**Sec. 4717.30.** (A) ~~The A crematory operator of a~~ crematory 69626  
facility ~~or a~~ funeral director, or funeral home is not liable in 69627  
damages in a civil action for any of the following actions or 69628  
omissions, unless the actions or omissions were made with 69629  
malicious purpose, in bad faith, or in a wanton or reckless manner 69630  
or unless any of the conditions set forth in divisions (B)(1) to 69631  
(3) of this section apply: 69632

(1)(a) For having arranged or performed the cremation of the 69633  
decedent, or having released or disposed of the cremated remains, 69634  
in accordance with the instructions set forth in the cremation 69635  
authorization form executed by the decedent on an antemortem basis 69636  
under section 4717.21 of the Revised Code; 69637



(b) For having arranged or performed the cremation of the 69638  
decedent or body parts removed from the decedent or living person 69639  
or having released or disposed of the cremated remains in 69640  
accordance with the instructions set forth in a cremation 69641  
authorization form executed by the person authorized to serve as 69642  
the authorizing agent for the cremation of the decedent or for the 69643  
cremation of body parts of the decedent or living person, named in 69644  
the cremation authorization form executed under section 4717.24 or 69645  
4717.25 of the Revised Code. 69646

(2) For having arranged or performed the cremation of the 69647  
decedent, or having released or disposed of the cremated remains, 69648  
in accordance with the instructions set forth in the cremation 69649  
authorization form executed by a designated agent under division 69650  
(C) of section 4717.24 of the Revised Code. 69651

(B) The crematory operator of a, crematory facility, funeral 69652  
director, or funeral home is not liable in damages in a civil 69653  
action for refusing to accept a dead human body or body parts or 69654  
to perform a cremation under any of the following circumstances, 69655  
unless the refusal was made with malicious purpose, in bad faith, 69656  
or in a wanton or reckless manner: 69657

(1) The crematory operator, crematory facility, funeral 69658  
director, or funeral home has actual knowledge that there is a 69659  
dispute regarding the cremation of the decedent or body parts, 69660  
until such time as the crematory operator, crematory facility, 69661  
funeral director, or funeral home receives an order of the probate 69662  
court having jurisdiction ordering the cremation of the decedent 69663  
or body parts or until the crematory operator, crematory facility, 69664  
funeral director, or funeral home receives from the parties to the 69665  
dispute a copy of a written agreement resolving the dispute and 69666  
authorizing the cremation to be performed. 69667

(2) The crematory operator, crematory facility, funeral 69668  
director, or funeral home has a reasonable basis for questioning 69669

the accuracy of any of the information or statements contained in 69670  
a cremation authorization form executed under section 4717.21, 69671  
4717.24, or 4717.25 of the Revised Code, as applicable, that 69672  
authorizes the cremation of the decedent or body parts. 69673

(3) The crematory operator, crematory facility, funeral 69674  
director, or funeral home has any other lawful reason for refusing 69675  
to accept the dead human body or body parts or to perform the 69676  
cremation. 69677

(C) ~~The~~ A crematory operator of a, crematory facility or a, 69678  
funeral director, or funeral home is not liable in damages in a 69679  
civil action for refusing to release or dispose of the cremated 69680  
remains of a decedent or body parts when the crematory operator 69681  
~~or, crematory facility, funeral director, or funeral home~~ has 69682  
actual knowledge that there is a dispute regarding the release or 69683  
final disposition of the cremated remains in connection with any 69684  
damages sustained, prior to the time the crematory operator, 69685  
crematory facility, funeral home, or funeral director receives an 69686  
order of the probate court having jurisdiction ordering the 69687  
release or final disposition of the cremated remains, or prior to 69688  
the time the crematory operator or, crematory facility, funeral 69689  
director, or funeral home receives from the parties to the dispute 69690  
a copy of a written agreement resolving the dispute and 69691  
authorizing the cremation to be performed. 69692

(D) ~~The~~ A crematory operator of a, crematory facility, 69693  
funeral director, or funeral home is not liable in damages in a 69694  
civil action in connection with the cremation of, or disposition 69695  
of the cremated remains of, any dental gold, jewelry, or other 69696  
items of value delivered to the crematory facility or funeral home 69697  
with a dead human body or body parts, unless either or both of the 69698  
following apply: 69699

(1) The cremation authorization form authorizing the 69700  
cremation of the decedent or body parts executed under section 69701

4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 69702  
contains specific instructions for the removal or recovery and 69703  
disposition of any such dental gold, jewelry, or other items of 69704  
value prior to the cremation, and the crematory operator, 69705  
crematory facility, funeral director, or funeral home has failed 69706  
to comply with the written instructions. 69707

(2) The actions or omissions of the crematory operator, 69708  
crematory facility, funeral director, or funeral home were made 69709  
with malicious purpose, in bad faith, or in a wanton or reckless 69710  
manner. 69711

(E)(1) This section does not create a new cause of action 69712  
against or substantive legal right against ~~the operator of a~~ 69713  
crematory operator, crematory facility or a, funeral director, or 69714  
funeral home. 69715

(2) This section does not affect any immunities from civil 69716  
liability or defenses established by another section of the 69717  
Revised Code or available at common law to which ~~the operator of a~~ 69718  
crematory ~~or a~~ operator, crematory facility, funeral director, or 69719  
funeral home may be entitled under circumstances not covered by 69720  
this section. 69721

**Sec. 4717.32.** (A) Any preneed funeral contract that involves 69722  
the payment of money or the purchase or assignment of an insurance 69723  
policy or annuity shall be in writing and shall include all of the 69724  
following information: 69725

(1) The name, address, and phone number of the seller and the 69726  
name and address of the purchaser of the contract, and, if the 69727  
contract beneficiary is someone other than the purchaser of the 69728  
contract, the name and address of the contract beneficiary, and if 69729  
the contract involves the payment of money but not the purchase or 69730  
assignment of an insurance policy or annuity, the social security 69731  
number of the purchaser of the contract or if the contract 69732

beneficiary is someone other than the purchaser, the social 69733  
security number of the contract beneficiary; 69734

(2) A statement of the funeral goods and funeral services 69735  
purchased, which disclosure may be made by attaching a copy of the 69736  
completed statement of funeral goods and services selected to the 69737  
preneed funeral contract; 69738

(3) A disclosure informing the purchaser whether the contract 69739  
is either a guaranteed preneed funeral contract or a nonguaranteed 69740  
preneed funeral contract, and, if the contract is guaranteed only 69741  
in part, a disclosure specifying the funeral goods or funeral 69742  
services included in the guarantee; 69743

(4) If the preneed funeral contract is a guaranteed contract, 69744  
a disclosure that the seller, in exchange for all of the proceeds 69745  
of the trust, insurance policy, or annuity, shall provide the 69746  
funeral goods and funeral services set forth in the preneed 69747  
funeral contract without regard to the actual cost of such funeral 69748  
goods and funeral services prevailing at the time of performance 69749  
and that the seller may receive any excess funds remaining after 69750  
all expenses for the funeral have been paid. 69751

(5) If the preneed funeral contract is a nonguaranteed 69752  
contract, a disclosure that the proceeds of the trust, insurance 69753  
policy, or annuity shall be applied to the retail prices in effect 69754  
at the time of the funeral for the funeral goods and funeral 69755  
services set forth in the contract, that any excess funds 69756  
remaining after all expenses for the funeral have been paid shall 69757  
be paid to the estate of the decedent or the beneficiary named in 69758  
the life insurance policy if the preneed funeral contract is 69759  
funded by a life insurance policy, and that, in the event of an 69760  
insufficiency in funds, the seller shall not be required to 69761  
perform until payment arrangements satisfactory to the seller have 69762  
been made. 69763

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code and the right to revoke a revocable preneed funeral contract in accordance with section 4717.35 or division ~~(F)~~(G) of section 4717.36 of the Revised Code, as applicable;

(8) A disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the preneed funeral contract are unavailable at the time of need;

(9) A disclosure that any purchaser of funeral goods and funeral services is entitled to receive price information prior to making that purchase in accordance with the federal trade commission's funeral industry practices revised rule, 16 C.F.R. part 453;

(10) The following notice in boldface print and in substantially the following form:

"NOTICE: Under Ohio law, the person holding the right of disposition of the remains of the individual contract beneficiary pursuant to section 2108.70 or 2108.81 of the Revised Code will have the right to make funeral arrangements inconsistent with the arrangements set forth in this contract. However, the individual contract beneficiary is encouraged to state his or her preferences as to funeral arrangements in a declaration of the right of disposition pursuant to section 2108.72 of the Revised Code, including that the arrangements set forth in this contract shall be followed."

(11) The notice described in division (A) of section 4717.34 69795  
of the Revised Code; 69796

(12) A disclosure that any purchaser of funeral goods or 69797  
funeral services funded in whole or in part in advance of death 69798  
under a preneed funeral contract sold by a licensee under this 69799  
chapter may be eligible for reimbursement of financial loses 69800  
suffered as a result of malfeasance, misfeasance, default, 69801  
failure, or insolvency of the licensee. 69802

(B) If a preneed funeral contract is funded by any means 69803  
other than an insurance policy or policies, or an annuity or 69804  
annuities, the preneed funeral contract shall include all of the 69805  
following information in addition to the information required to 69806  
be included under division (A) of this section: 69807

(1) Disclosures ~~identifying that identify~~ the name and 69808  
address of the trustee of the preneed funeral contract trust 69809  
established pursuant to section 4717.36 of the Revised Code, 69810  
~~indicating that direct that any payments made by the purchaser of~~ 69811  
the preneed funeral contract shall be made directly to the trustee 69812  
identified in the preneed funeral contract, that indicate whether 69813  
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 69814  
~~a statement of who~~ that identify whether the trust or the 69815  
purchaser will be responsible for the taxes owed on the trust 69816  
earnings; 69817

(2) A disclosure explaining the form in which the purchase 69818  
price must be paid and, if the price is to be paid in 69819  
installments, a disclosure to the purchaser regarding what 69820  
constitutes a default under the preneed funeral contract and the 69821  
consequences of the default; 69822

(3) The following notice in boldface print and in 69823  
substantially the following form: 69824

"NOTICE: You, as the purchaser of this contract, will be 69825

notified in writing when the trustee of this contract has received 69826  
a deposit of the funds you paid the seller under this contract. If 69827  
you do not receive that notice within sixty days after the date 69828  
you paid the funds to the seller, you should contact the trustee 69829  
identified in the contract." 69830

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 69831  
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 69832  
or firm or guaranteed price for the funeral goods and services and 69833  
~~goods to be provided under the preneed funeral contract may be~~ 69834  
~~charged a~~ whether the seller will charge any initial service fee 69835  
as permitted by division (B) of section 4717.36 and a cancellation 69836  
or transfer fee as specified in division (F) permitted by division 69837  
(G)(2), (H), or (J) of section 4717.36 of the Revised Code if the 69838  
~~purchaser wishes to transfer the contract to another seller.~~ 69839

(C) If a preneed funeral contract is funded by the purchase 69840  
or assignment of one or more insurance policies or annuities, the 69841  
preneed funeral contract shall include all of the following 69842  
information in addition to the information required to be included 69843  
under division (A) of this section: 69844

(1) The name and address of each applicable insurance company 69845  
and any right the purchaser has regarding canceling or 69846  
transferring the applicable insurance policies or annuities; 69847

(2) A directive that any payment made by the purchaser of the 69848  
preneed funeral contract shall be made directly to the insurance 69849  
company and, if premiums are being paid in installments, a 69850  
description of the terms of payment for any remaining payments due 69851  
~~if the funding is to be paid in installments;~~ 69852

(3) A list of actions that constitute default under a preneed 69853  
funeral contract and the consequences of a default; 69854

(4) The following notice in boldface print and in 69855  
substantially the following form: 69856

"NOTICE: You, as the purchaser of this contract, will be notified in writing by the insurance company identified in this contract when the insurance policy or policies, or annuity or annuities, that will fund this contract have been issued. If you do not receive the notice within sixty days after the date you paid the funds to the seller, you should contact the insurance company identified in the contract."

(D) The seller of a preneed funeral contract that is funded by the purchase or assignment of one or more insurance policies or annuities does not need to include in the contract the information described in divisions (C)(2) and (3) of this section if those disclosures are provided in the application for a life insurance policy or annuity or in the life insurance policy or annuity.

**Sec. 4717.33.** (A) If a preneed funeral contract is funded by any means other than an insurance policy or policies, or an annuity or annuities, the trustee of the trust created pursuant to section 4717.36 of the Revised Code shall notify the purchaser of the preneed funeral contract in writing, within fifteen days after the trustee receives any payment to be deposited into the trust, that the trustee has received payment. The notice shall include all of the following information:

(1) The amount the trustee received;

(2) The name and address of the institution described in division ~~(B)~~(D) of section 4717.36 of the Revised Code where the trust is being held;

(3) The name of the beneficiary of that trust.

(B) If a preneed funeral contract is funded by the purchase or assignment of one or more insurance policies or annuities, the insurance company shall notify the purchaser of the preneed funeral contract in writing within sixty days after the insurance



company receives an initial premium payment applicable to that 69887  
preneed funeral contract. The notice shall include all of the 69888  
following information that is pertinent to that preneed funeral 69889  
contract: 69890

(1) The amount the insurance company received; 69891

(2) The name and address of the insurance company; 69892

(3) The name of the insured; 69893

(4) The amount of the death benefit; 69894

(5) The policy or contract number of the insurance policy, 69895  
annuity, or contract. 69896

(C) For purposes of division (B) of this section, delivery of 69897  
an insurance policy, certificate, annuity, or contract to the 69898  
purchaser shall satisfy the notice requirement specified in that 69899  
division. 69900

**Sec. 4717.35.** If a preneed funeral contract contains a 69901  
provision stating that the preneed funeral contract will be funded 69902  
by the purchase of an insurance policy, the insurance agent who 69903  
sold the policy that will fund that preneed funeral contract shall 69904  
require that any payment made by the purchaser be made in the form 69905  
of a check, cashier's check, money order, or debit or credit card, 69906  
payable only to the insurance company. The insurance agent shall 69907  
remit the application for insurance and the premium paid to the 69908  
insurance company designated in the preneed funeral contract 69909  
within the time period specified in division (B)(15) of section 69910  
3905.14 of the Revised Code, unless the purchaser rescinds the 69911  
preneed funeral contract in accordance with division (A) of 69912  
section 4717.34 of the Revised Code. 69913

If the purchaser of a preneed funeral contract that is 69914  
revocable and that is funded by an insurance policy or annuity 69915  
elects to cancel the preneed funeral contract, the purchaser shall 69916

provide a written notice to the seller and the insurance company 69917  
designated in the contract stating that the purchaser intends to 69918  
cancel that contract. Fifteen days after the purchaser provides 69919  
the notice to the seller of the contract and the insurance 69920  
company, the purchaser may cancel the preneed funeral contract and 69921  
change the beneficiary of the insurance policy or annuity or 69922  
reassign the benefits under the policy or annuity. 69923

The purchaser of a preneed funeral contract that is 69924  
irrevocable and that is funded by an insurance policy or annuity 69925  
may transfer the preneed funeral contract to a successor seller by 69926  
notifying the original seller of the designation of a successor 69927  
seller. Within fifteen days after receiving the written notice of 69928  
the designation of the successor seller from the purchaser, the 69929  
original seller shall assign the seller's rights to the proceeds 69930  
of the policy to the successor seller. The insurance company shall 69931  
confirm the change of assignment by providing written notice to 69932  
the policyholder. 69933

**Sec. 4717.36.** (A) This section applies only to preneed 69934  
funeral contracts that are funded by any means other than an 69935  
insurance policy or policies, or an annuity or annuities. 69936

~~One hundred per cent of all payments for funeral goods and 69937  
funeral services made under a preneed funeral contract shall 69938  
remain intact and held in trust in accordance with this section 69939  
for the benefit of the contract beneficiary. No money in a preneed 69940  
funeral contract trust shall be distributed from the trust except 69941  
as provided in this section. Within thirty days after the provider 69942  
of the funeral goods or funeral services receives any payment 69943  
under a preneed funeral contract, the seller of the preneed 69944  
funeral contract shall deliver the moneys received for that 69945  
preneed funeral contract that have not been returned to the 69946  
purchaser as provided in division (A) of section 4717.34 of the 69947~~

~~Revised Code to the trustee designated in the preneed funeral  
contract. No money in a preneed funeral contract trust shall be  
distributed from the trust except as provided in this section.~~ 69948  
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(B) A seller of a preneed funeral contract that stipulates a  
fixed or firm or guaranteed price for the funeral services and  
goods to be provided under the preneed funeral contract may charge  
an initial service fee not to exceed ten per cent of the total  
amount of all payments to be made under the preneed funeral  
contract. If the amount to be paid by the purchaser is to be paid  
in installments, not more than one-half of any payment may be  
applied to the initial service fee. If the preneed funeral  
contract is revoked by the purchaser, any portion of the initial  
service fee that has not been paid under the preneed funeral  
contract is no longer due and payable to the seller. 69951  
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(C) All payments made by the purchaser of a preneed funeral  
contract, except for the initial service fee permitted by division  
(B) of this section, shall be made in the form of a check,  
cashier's check, money order, or debit or credit card, payable  
only to the trustee of the preneed funeral contract trust. The  
funds deposited with the trustee shall remain intact and held in  
trust for the contract beneficiary. 69962  
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(D) The seller shall establish a preneed funeral contract  
trust at one of the following types of institutions and shall  
designate that institution as the trustee of the preneed funeral  
contract trust: 69969  
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(1) A trust company licensed under Chapter 1111. of the  
Revised Code; 69973  
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(2) A national bank, federal savings bank, or federal savings  
association that pledges securities in accordance with section  
1111.04 of the Revised Code; 69975  
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(3) A credit union authorized to conduct business in this 69978

state pursuant to Chapter 1733. of the Revised Code. 69979

~~(C)~~(E) Moneys deposited in a preneed funeral contract trust 69980  
fund shall be held and invested in the manner in which trust funds 69981  
are permitted to be held and invested pursuant to Chapter 1111. of 69982  
the Revised Code. 69983

~~(D)~~(F) The seller shall establish a separate preneed funeral 69984  
contract trust for the moneys paid under each preneed funeral 69985  
contract, unless the purchaser or purchasers of a preneed funeral 69986  
contract or contracts authorize the seller to place the moneys 69987  
paid for that contract or those contracts in a combined preneed 69988  
funeral contract trust. The trustee of a combined preneed funeral 69989  
contract trust shall keep exact records of the corpus, income, 69990  
expenses, and disbursements with regard to each purchaser and 69991  
contract beneficiary for whom moneys are held in the trust. The 69992  
terms of a preneed funeral contract trust are governed by this 69993  
section and the payments from that trust are governed by Chapter 69994  
1111. of the Revised Code, except as otherwise provided in this 69995  
section. 69996

A trustee of a preneed funeral contract trust may pay taxes 69997  
and expenses for a preneed funeral contract trust and may charge a 69998  
fee for managing a preneed funeral contract trust. The fee shall 69999  
not exceed the amount regularly or usually charged for similar 70000  
services rendered by the institutions described in division ~~(B)~~(D) 70001  
of this section when serving as a trustee. The taxes, expenses, 70002  
and fees shall be paid only from the accumulated income on that 70003  
trust. 70004

~~(E)~~(G) If the purchaser of a preneed funeral contract that is 70005  
revocable elects to cancel the contract, the purchaser shall 70006  
provide a written notice to the seller of the contract and the 70007  
trustee of the preneed funeral contract trust stating that the 70008  
purchaser intends to cancel the contract. Fifteen days after the 70009  
purchaser provides that notice to the seller and trustee, the 70010

purchaser may cancel the contract. Upon canceling a preneed 70011  
funeral contract pursuant to this division, one of the following 70012  
shall occur, as applicable: 70013

(1) If the preneed funeral contract does not stipulate a firm 70014  
or fixed or guaranteed price for funeral goods and funeral 70015  
services to be provided under the preneed funeral contract, the 70016  
trustee shall give to the purchaser all of the assets of the trust 70017  
that exist at the time of cancellation, less any fees charged, 70018  
distributions paid, and expenses incurred by the trustee pursuant 70019  
to division ~~(D)~~(F) of this section. 70020

(2) If the preneed funeral contract does stipulate a firm or 70021  
fixed or guaranteed price for funeral goods and funeral services 70022  
to be provided under the contract, the purchaser may request and 70023  
receive from the trustee all of the assets of the trust at the 70024  
time of cancellation, less a cancellation fee that the original 70025  
seller may collect from the trustee that is equal to or less than 70026  
ten per cent of the value of the assets of the trust on the date 70027  
the trust is cancelled, provided, however, that to the extent the 70028  
original seller took an initial service fee as permitted by 70029  
division (B) of this section, the aggregate amount of the 70030  
cancellation fee and less the initial service fee may not exceed 70031  
ten per cent of the value of those assets. In addition to any 70032  
cancellation fee, there may also be deducted any fees charged, 70033  
distributions paid, and expenses incurred by the trustee pursuant 70034  
to division ~~(D)~~(F) of this section. 70035

If more than one purchaser enters into the contract, all of 70036  
those purchasers must request cancellation of the contract for it 70037  
to be effective under this division, and the trustee shall refund 70038  
to each purchaser only those funds that purchaser has paid under 70039  
the contract and any income earned on those funds in an amount 70040  
that is in direct proportion to the amount of funds that purchaser 70041  
paid relative to the total amount of payments deposited in that 70042

trust, less any fees charged, distributions paid, and expenses 70043  
incurred by the trustee pursuant to division ~~(D)~~(F) of this 70044  
section, the amount of which are in direct proportion to the 70045  
amount of funds that purchaser paid relative to the total amount 70046  
of payments deposited in that trust. 70047

~~(F)~~(H) The purchaser of a preneed funeral contract that is 70048  
irrevocable may transfer the preneed funeral contract to a 70049  
successor seller. A purchaser who elects to make such a transfer 70050  
shall provide a written notice of the designation of a successor 70051  
seller to the trustee and the original seller. Within fifteen days 70052  
after receiving the written notice of the new designation from the 70053  
purchaser, the trustee shall list the successor seller as the 70054  
seller of the preneed funeral contract and the original seller 70055  
shall relinquish and transfer all rights under the preneed funeral 70056  
contract to the successor seller. The trustee shall confirm the 70057  
transfer by providing written notice of the transfer to the 70058  
original seller, the successor seller, and the purchaser. If the 70059  
preneed funeral contract stipulates a firm or fixed or guaranteed 70060  
price for the funeral goods and funeral services to be provided 70061  
under the preneed funeral contract, the original seller may 70062  
collect from the trustee a transfer fee from the trust that equals 70063  
up to ten per cent of the value of the assets of the trust on the 70064  
date the trust is transferred, provided, however, that to the 70065  
extent the original seller took an initial service fee as 70066  
permitted by division (B) of this section, the aggregate amount of 70067  
the transfer fee and the initial service fee may not exceed ten 70068  
per cent of the value of those assets. If the preneed funeral 70069  
contract does not stipulate a firm or fixed or guaranteed price 70070  
for funeral goods and funeral services to be provided under the 70071  
preneed funeral contract, no transfer fee shall be collected by 70072  
the original seller. 70073

~~(G)~~(I) If a seller of a preneed funeral contract elects to 70074

transfer a preneed funeral contract trust from an institution 70075  
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 70076  
different institution, the trustee of the original trust shall 70077  
notify the purchaser of the preneed funeral contract of that 70078  
transfer in writing within thirty days after the transfer occurred 70079  
and shall provide the purchaser with the name of and the contact 70080  
information for the institution where the new trust is maintained. 70081  
Upon receipt of the trust, the trustee of the transferred trust 70082  
shall notify the purchaser of the receipt of the trusts in 70083  
accordance with division (A) of section 4717.33 of the Revised 70084  
Code. 70085

~~(H)~~(J) If a seller receives a notice that the contract 70086  
beneficiary has died and that funeral goods and funeral services 70087  
have been provided by a provider other than the seller, except as 70088  
otherwise specified in this section, the seller shall direct the 70089  
trustee, within thirty days after receiving that notice, to pay to 70090  
the provider that provided the funeral goods and services, if 70091  
still unpaid, or the estate of the contract beneficiary all funds 70092  
held by the trustee, less any fees charged, distributions paid, 70093  
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 70094  
of this section. In the event the preneed funeral contract 70095  
stipulates a firm or fixed or guaranteed price for funeral goods 70096  
and funeral services that were to be provided under the preneed 70097  
funeral contract, the seller may collect from the trustee a 70098  
cancellation fee not exceeding ten per cent of the value of the 70099  
assets of the trust on the date the trust is transferred, 70100  
provided, however, that to the extent the original seller took an 70101  
initial service fee as permitted by division (B) of this section, 70102  
the aggregate amount of the transfer fee and the initial service 70103  
fee shall not exceed ten per cent of the value of those assets. If 70104  
the preneed funeral trust does not stipulate a firm or fixed or 70105  
guaranteed price for funeral goods and funeral services to be 70106  
provided under the preneed funeral contract, no cancellation fees 70107

shall be collected by the original seller. 70108

(I)(K) A certified copy of the certificate of death or other 70109  
evidence of death satisfactory to the trustee shall be furnished 70110  
to the trustee as evidence of death, and the trustee shall 70111  
promptly pay the accumulated payments and income, if any, 70112  
according to the preneed funeral contract. Such payment of the 70113  
accumulated payments and income pursuant to this section and, when 70114  
applicable, the preneed funeral contract, relieves the trustee of 70115  
any further liability on the accumulated payments and income. 70116

Sec. 4717.41. (A) There is hereby created the preneed 70117  
recovery fund, which shall be in the custody of the treasurer of 70118  
state but shall not be part of the state treasury. All fees 70119  
collected under division (A)(15) of section 4717.07 of the Revised 70120  
Code shall be deposited into the fund. The fund shall be used to 70121  
reimburse purchasers of preneed funeral contracts who have 70122  
suffered financial loss as a result of the malfeasance, 70123  
misfeasance, default, failure, or insolvency in connection with 70124  
the sale of a preneed funeral contract by any licensee under this 70125  
chapter, regardless of whether the sale of such contract occurred 70126  
before or after the establishment of the fund. The fund, and all 70127  
investment earnings thereon, shall only be used for the purposes 70128  
set forth in this section and shall not be used for any other 70129  
purposes. The fund shall be administered by the board of embalmers 70130  
and funeral directors. 70131

(B) All fees collected under division (A)(15) of section 70132  
4717.07 of the Revised Code shall be deposited into the fund. 70133  
Deposits to and disbursements from the fund account shall be 70134  
subject to rules established by the board. 70135

(C) If at the end of any fiscal year for this state, the 70136  
balance in the fund exceeds two million dollars, the fee required 70137  
by division (A)(15) of section 4717.07 of the Revised Code for the 70138



upcoming fiscal year shall be reduced by fifty per cent. If the 70139  
balance in the fund at the end of a fiscal year exceeds three 70140  
million dollars, the payment of the fee required by division 70141  
(A)(15) of section 4717.07 of the Revised Code shall be suspended 70142  
for the upcoming fiscal year. 70143

(D) The board shall adopt rules governing management of the 70144  
fund, the presentation and processing of applications for 70145  
reimbursement, subrogation, or assignment of the rights of any 70146  
reimbursed applicant. 70147

(E) The board may expend moneys in the fund for the following 70148  
purposes: 70149

(1) To make reimbursements on approved applications; 70150

(2) To purchase insurance to cover losses as considered 70151  
appropriate by the board and not inconsistent with the purposes of 70152  
the fund; 70153

(3) To invest such portions of the fund as are not currently 70154  
needed to reimburse losses and maintain adequate reserves, as are 70155  
permitted to be made by fiduciaries under the laws of this state; 70156

(4) To pay the expenses of the board for administering the 70157  
fund, including employment of local counsel to prosecute 70158  
subrogation claims. 70159

(F) Reimbursements from the fund shall be made only to the 70160  
extent to which those losses are not bonded or otherwise covered, 70161  
protected, or reimbursed and only after the applicant has complied 70162  
with all applicable rules of the board. 70163

(G) The board shall investigate all applications made and may 70164  
reject or allow such claims in whole or in part to the extent that 70165  
moneys are available in the fund. The board shall have complete 70166  
discretion to determine the order and manner of payment of 70167  
approved applications. All payments shall be a matter of privilege 70168

and not of right, and no person shall have any right in the fund 70169  
as a third-party beneficiary or otherwise. No attorney may be 70170  
compensated by the board for prosecuting an application for 70171  
reimbursement. 70172

(H) If reimbursement is made to an applicant under this 70173  
section, the board shall be subrogated in the reimbursement amount 70174  
and may bring any action it considers advisable against any 70175  
person. The board may enforce any claims it may have for 70176  
restitution or otherwise and may employ and compensate 70177  
consultants, agents, legal counsel, accountants, and other persons 70178  
it considers appropriate. 70179

**Sec. 4723.05.** The board of nursing shall appoint an executive 70180  
director, ~~who shall be a registered nurse of this state with at~~ 70181  
~~least five years experience in the practice of nursing as a~~ 70182  
~~registered nurse,~~ shall be a resident of this state during the 70183  
term of appointment, and shall not be a member of the board at the 70184  
time of appointment or during the term of appointment. The board 70185  
shall meet at such times and places as it may direct and provide 70186  
in its rules. The president may call special meetings, and the 70187  
executive director shall call special meetings upon the written 70188  
request of two or more board members. The board shall provide 70189  
itself with a seal. The president and executive director may 70190  
administer oaths. The executive director is the chief 70191  
administrative officer of the board and shall serve as a full time 70192  
employee of the board and shall be entitled to attend all meetings 70193  
of the board except meetings concerning the appointment and terms 70194  
of employment of the executive director. 70195

The term of the executive director shall be one year 70196  
commencing on the first day of January. The executive director 70197  
shall receive necessary expenses in addition to salary. The 70198  
executive director shall give a surety bond to the state in such 70199

sum as the board requires, and conditioned upon the faithful 70200  
performance of the duties of executive director. 70201

The executive director is an appointing authority as defined 70202  
in section 124.01 of the Revised Code, and may appoint such 70203  
nursing education consultants, nursing practice consultants, 70204  
investigative personnel, and any additional employees for 70205  
professional, clerical, and special work necessary to carry out 70206  
the board's functions and with the board's approval, may establish 70207  
standards for the conduct of employees. 70208

**Sec. 4723.50.** (A) As used in this section: 70209

(1) "Controlled substance" has the same meaning as in section 70210  
3719.01 of the Revised Code. 70211

(2) "Medication-assisted treatment" has the same meaning as 70212  
in section 340.01 of the Revised Code. 70213

(B) In accordance with Chapter 119. of the Revised Code, the 70214  
board of nursing shall adopt rules as necessary to implement the 70215  
provisions of this chapter pertaining to the authority of advanced 70216  
practice registered nurses who are designated as clinical nurse 70217  
specialists, certified nurse-midwives, and certified nurse 70218  
practitioners to prescribe and furnish drugs and therapeutic 70219  
devices. 70220

The board shall adopt rules that are consistent with a 70221  
recommended exclusionary formulary the board receives from the 70222  
committee on prescriptive governance pursuant to section 4723.492 70223  
of the Revised Code. After reviewing a formulary submitted by the 70224  
committee, the board may either adopt the formulary as a rule or 70225  
ask the committee to reconsider and resubmit the formulary. The 70226  
board shall not adopt any rule that does not conform to a 70227  
formulary developed by the committee. 70228

The exclusionary formulary shall permit, in a manner 70229

consistent with section 4723.481 of the Revised Code, the 70230  
prescribing of controlled substances, as defined in section 70231  
3719.01 of the Revised Code, in a manner consistent with section 70232  
4723.481 of the Revised Code including drugs that contain 70233  
buprenorphine used in medication-assisted treatment and both oral 70234  
and long-acting opioid antagonists. The formulary shall not permit 70235  
the prescribing or furnishing of any of the following: 70236

(1) A drug or device to perform or induce an abortion; 70237

(2) A drug or device prohibited by federal or state law. 70238

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) 70239  
of this section, the board shall adopt rules under this section 70240  
that do the following: 70241

(1) Establish standards for board approval of the course of 70242  
study in advanced pharmacology and related topics required by 70243  
section 4723.482 of the Revised Code; 70244

(2) Establish requirements for board approval of the two-hour 70245  
course of instruction in the laws of this state as required under 70246  
division (C)(1) of section 4723.482 of the Revised Code and 70247  
division (B)(2) of section 4723.484 of the Revised Code; 70248

(3) Establish criteria for the components of the standard 70249  
care arrangements described in section 4723.431 of the Revised 70250  
Code that apply to the authority to prescribe, including the 70251  
components that apply to the authority to prescribe schedule II 70252  
controlled substances. The rules shall be consistent with that 70253  
section and include all of the following: 70254

(a) Quality assurance standards; 70255

(b) Standards for periodic review by a collaborating 70256  
physician or podiatrist of the records of patients treated by the 70257  
clinical nurse specialist, certified nurse-midwife, or certified 70258  
nurse practitioner; 70259

(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist; 70260  
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(d) Any other criteria recommended by the committee on prescriptive governance. 70265  
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Sec. 4723.51. (A) As used in this section: 70267

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 70268  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 70271  
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(B) The board of nursing shall adopt rules establishing standards and procedures to be followed by advanced practice registered nurses in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 70273  
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The board may apply the rules to all circumstances in which an advanced practice registered nurse prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 70283  
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(C) All rules adopted under this section shall be adopted in 70289

accordance with Chapter 119. of the Revised Code. The rules shall 70290  
be consistent with rules adopted under sections 4730.55 and 70291  
4731.056 of the Revised Code. 70292

**Sec. 4723.52.** (A) As used in this section: 70293

(1) "Community addiction services provider" has the same 70294  
meaning as in section 5119.01 of the Revised Code. 70295

(2) "Medication-assisted treatment" has the same meaning as 70296  
in section 340.01 of the Revised Code. 70297

(B) An advanced practice registered nurse shall comply with 70298  
section 3715.08 of the Revised Code and rules adopted under 70299  
section 4723.51 of the Revised Code when treating a patient for 70300  
addiction with medication-assisted treatment or proposing to 70301  
initiate such treatment. 70302

(C) An advanced practice registered nurse who fails to comply 70303  
with this section shall treat not more than thirty patients at any 70304  
one time with medication-assisted treatment even if the facility 70305  
or location at which the treatment is provided is either of the 70306  
following: 70307

(1) Exempted by divisions (B)(2)(a) to (d) of section 70308  
4729.553 of the Revised Code from being required to possess a 70309  
category III terminal distributor of dangerous drugs license with 70310  
an office-based opioid treatment classification; 70311

(2) A community addiction services provider that provides 70312  
alcohol and drug addiction services that are certified by the 70313  
department of mental health and addiction services under section 70314  
5119.36 of the Revised Code. 70315

**Sec. 4729.01.** As used in this chapter: 70316

(A) "Pharmacy," except when used in a context that refers to 70317  
the practice of pharmacy, means any area, room, rooms, place of 70318

business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.

(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:

(1) Interpreting prescriptions;

(2) Dispensing drugs and drug therapy related devices;

(3) Compounding drugs;

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;

(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;

(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;

(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;

(9) Engaging in the administration of immunizations to the

extent authorized by section 4729.41 of the Revised Code; 70349

(10) Engaging in the administration of drugs to the extent 70350  
authorized by section 4729.45 of the Revised Code. 70351

(C) "Compounding" means the preparation, mixing, assembling, 70352  
packaging, and labeling of one or more drugs in any of the 70353  
following circumstances: 70354

(1) Pursuant to a prescription issued by a licensed health 70355  
professional authorized to prescribe drugs; 70356

(2) Pursuant to the modification of a prescription made in 70357  
accordance with a consult agreement; 70358

(3) As an incident to research, teaching activities, or 70359  
chemical analysis; 70360

(4) In anticipation of orders for drugs pursuant to 70361  
prescriptions, based on routine, regularly observed dispensing 70362  
patterns; 70363

(5) Pursuant to a request made by a licensed health 70364  
professional authorized to prescribe drugs for a drug that is to 70365  
be used by the professional for the purpose of direct 70366  
administration to patients in the course of the professional's 70367  
practice, if all of the following apply: 70368

(a) At the time the request is made, the drug is not 70369  
commercially available regardless of the reason that the drug is 70370  
not available, including the absence of a manufacturer for the 70371  
drug or the lack of a readily available supply of the drug from a 70372  
manufacturer. 70373

(b) A limited quantity of the drug is compounded and provided 70374  
to the professional. 70375

(c) The drug is compounded and provided to the professional 70376  
as an occasional exception to the normal practice of dispensing 70377  
drugs pursuant to patient-specific prescriptions. 70378



(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	70379 70380
(E) "Drug" means:	70381
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	70382 70383 70384 70385
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	70386 70387 70388
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	70389 70390
(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	70391 70392 70393 70394
(F) "Dangerous drug" means any of the following:	70395
(1) Any drug to which either of the following applies:	70396
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	70397 70398 70399 70400 70401 70402 70403
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	70404 70405
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	70406 70407 70408

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 70409  
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(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 70412  
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 70414  
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(H) "Prescription" means all of the following: 70416

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 70417  
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(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 70421  
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(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user; 70427  
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(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp; 70432  
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(5) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 70437  
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electronic, or oral order for an epinephrine autoinjector issued 70439  
to and in the name of a qualified entity, as defined in section 70440  
3728.01 of the Revised Code. 70441

(I) "Licensed health professional authorized to prescribe 70442  
drugs" or "prescriber" means an individual who is authorized by 70443  
law to prescribe drugs or dangerous drugs or drug therapy related 70444  
devices in the course of the individual's professional practice, 70445  
including only the following: 70446

(1) A dentist licensed under Chapter 4715. of the Revised 70447  
Code; 70448

(2) A clinical nurse specialist, certified nurse-midwife, or 70449  
certified nurse practitioner who holds a current, valid license to 70450  
practice nursing as an advanced practice registered nurse issued 70451  
under Chapter 4723. of the Revised Code; 70452

(3) An optometrist licensed under Chapter 4725. of the 70453  
Revised Code to practice optometry under a therapeutic 70454  
pharmaceutical agents certificate; 70455

(4) A physician authorized under Chapter 4731. of the Revised 70456  
Code to practice medicine and surgery, osteopathic medicine and 70457  
surgery, or podiatric medicine and surgery; 70458

(5) A physician assistant who holds a license to practice as 70459  
a physician assistant issued under Chapter 4730. of the Revised 70460  
Code, holds a valid prescriber number issued by the state medical 70461  
board, and has been granted physician-delegated prescriptive 70462  
authority; 70463

(6) A veterinarian licensed under Chapter 4741. of the 70464  
Revised Code. 70465

(J) "~~Sale and or sell include delivery, transfer, barter,~~ 70466  
~~exchange, or gift, or offer therefor, and each such includes any~~ 70467  
transaction made by any person, whether as principal proprietor, 70468

agent, or employee, to do or offer to do any of the following: 70469  
deliver, distribute, broker, exchange, gift or otherwise give 70470  
away, or transfer, whether the transfer is by passage of title, 70471  
physical movement, or both. 70472

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 70473  
which the purpose of the purchaser is to resell the article 70474  
purchased or received by the purchaser. 70475

(L) "Retail sale" and "sale at retail" mean any sale other 70476  
than a wholesale sale or sale at wholesale. 70477

(M) "Retail seller" means any person that sells any dangerous 70478  
drug to consumers without assuming control over and responsibility 70479  
for its administration. Mere advice or instructions regarding 70480  
administration do not constitute control or establish 70481  
responsibility. 70482

(N) "Price information" means the price charged for a 70483  
prescription for a particular drug product and, in an easily 70484  
understandable manner, all of the following: 70485

(1) The proprietary name of the drug product; 70486

(2) The established (generic) name of the drug product; 70487

(3) The strength of the drug product if the product contains 70488  
a single active ingredient or if the drug product contains more 70489  
than one active ingredient and a relevant strength can be 70490  
associated with the product without indicating each active 70491  
ingredient. The established name and quantity of each active 70492  
ingredient are required if such a relevant strength cannot be so 70493  
associated with a drug product containing more than one 70494  
ingredient. 70495

(4) The dosage form; 70496

(5) The price charged for a specific quantity of the drug 70497  
product. The stated price shall include all charges to the 70498

consumer, including, but not limited to, the cost of the drug 70499  
product, professional fees, handling fees, if any, and a statement 70500  
identifying professional services routinely furnished by the 70501  
pharmacy. Any mailing fees and delivery fees may be stated 70502  
separately without repetition. The information shall not be false 70503  
or misleading. 70504

(O) "Wholesale distributor of dangerous drugs" or "wholesale 70505  
distributor" means a person engaged in the sale of dangerous drugs 70506  
at wholesale and includes any agent or employee of such a person 70507  
authorized by the person to engage in the sale of dangerous drugs 70508  
at wholesale. 70509

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 70510  
a person, other than a pharmacist or prescriber, who manufactures 70511  
dangerous drugs and who is engaged in the sale of those dangerous 70512  
drugs ~~within this state.~~ 70513

(Q) "Terminal distributor of dangerous drugs" or "terminal 70514  
distributor" means a person who is engaged in the sale of 70515  
dangerous drugs at retail, or any person, other than a 70516  
manufacturer, repackager, outsourcing facility, third-party 70517  
logistics provider, wholesale distributor, or a pharmacist, who 70518  
has possession, custody, or control of dangerous drugs for any 70519  
purpose other than for that person's own use and consumption, ~~and.~~ 70520  
"Terminal distributor" includes pharmacies, hospitals, nursing 70521  
homes, and laboratories and all other persons who procure 70522  
dangerous drugs for sale or other distribution by or under the 70523  
supervision of a pharmacist or licensed health professional 70524  
authorized to prescribe drugs. 70525

(R) "Promote to the public" means disseminating a 70526  
representation to the public in any manner or by any means, other 70527  
than by labeling, for the purpose of inducing, or that is likely 70528  
to induce, directly or indirectly, the purchase of a dangerous 70529  
drug at retail. 70530

(S) "Person" includes any individual, partnership, 70531  
association, limited liability company, or corporation, the state, 70532  
any political subdivision of the state, and any district, 70533  
department, or agency of the state or its political subdivisions. 70534

(T) "Animal shelter" means a facility operated by a humane 70535  
society or any society organized under Chapter 1717. of the 70536  
Revised Code or a dog pound operated pursuant to Chapter 955. of 70537  
the Revised Code. 70538

(U) "Food" has the same meaning as in section 3715.01 of the 70539  
Revised Code. 70540

(V) "Pain management clinic" has the same meaning as in 70541  
section 4731.054 of the Revised Code. 70542

(W) "Investigational drug or product" means a drug or product 70543  
that has successfully completed phase one of the United States 70544  
food and drug administration clinical trials and remains under 70545  
clinical trial, but has not been approved for general use by the 70546  
United States food and drug administration. "Investigational drug 70547  
or product" does not include controlled substances in schedule I, 70548  
as established pursuant to section 3719.41 of the Revised Code, 70549  
and as amended. 70550

(X) "Product," when used in reference to an investigational 70551  
drug or product, means a biological product, other than a drug, 70552  
that is made from a natural human, animal, or microorganism source 70553  
and is intended to treat a disease or medical condition. 70554

(Y) "Third-party logistics provider" means a person that 70555  
provides or coordinates warehousing or other logistics services 70556  
pertaining to dangerous drugs including distribution, on behalf of 70557  
a manufacturer, wholesale distributor, or terminal distributor of 70558  
dangerous drugs, but does not take ownership of the drugs or have 70559  
responsibility to direct the sale or disposition of the drugs. 70560

(Z) "Repackager of dangerous drugs" or "repackager" means a 70561

person that repacks and relabels dangerous drugs for sale or distribution. 70562  
70563

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration. 70564  
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**Sec. 4729.06.** The state board of pharmacy shall keep a record of its proceedings and a register of all ~~identification cards,~~ licenses, and registrations that have been granted, together with each renewal and suspension or revocation of ~~an identification card,~~ a license, or registration. The books and registers of the board shall be prima-facie evidence of the matters therein recorded. The books and registers may be in electronic format. 70568  
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The president and executive director of the board may administer oaths. 70576  
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A statement signed by the executive director to which is affixed the official seal of the board to the effect that it appears from the records of the board that the board has not issued ~~an identification card,~~ a license, or registration to the person specified in the statement, or that ~~an identification card,~~ a license, or registration, if issued, has been revoked or suspended, or the holder has been subjected to disciplinary action by the board shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state. 70578  
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**Sec. 4729.08.** Every applicant for examination and licensure as a pharmacist shall: 70588  
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(A) Be at least eighteen years of age; 70590

(B) Be of good moral character ~~and habits,~~ as defined in 70591

rules adopted by the state board of pharmacy under section 4729.26 70592  
of the Revised Code; 70593

(C) Have obtained a degree in pharmacy from a program that 70594  
has been recognized and approved by the state board of pharmacy, 70595  
except that graduates of schools or colleges of pharmacy that are 70596  
located outside the United States and have not demonstrated that 70597  
the standards of their programs are at least equivalent to 70598  
programs recognized and approved by the board shall be required to 70599  
pass an equivalency examination recognized and approved by the 70600  
board and to establish written and oral proficiency in English. 70601

(D) Have satisfactorily completed at least the minimum 70602  
requirements for pharmacy internship as outlined by the board. 70603

If the board is satisfied that the applicant meets the 70604  
foregoing requirements and if the applicant passes the examination 70605  
required under section 4729.07 of the Revised Code, the board 70606  
shall issue to the applicant a license ~~and an identification card~~ 70607  
authorizing the individual to practice pharmacy. 70608

**Sec. 4729.09.** The state board of pharmacy may license an 70609  
individual as a pharmacist without examination ~~and issue an~~ 70610  
~~identification card to the pharmacist~~ if the individual: 70611

(A) Holds a license in good standing to practice pharmacy 70612  
under the laws of another state, has successfully completed an 70613  
examination for licensure in the other state, and in the opinion 70614  
of the board, the examination was at least as thorough as that 70615  
required by the board at the time the individual took the 70616  
examination; 70617

(B) Is of good moral character ~~and habit,~~ as defined in rules 70618  
adopted by the board under section 4729.26 of the Revised Code; 70619

(C) Has filed with the licensing body of the other state at 70620  
least the credentials or the equivalent that were required by this 70621



state at the time the other state licensed the individual ~~was~~ 70622  
~~licensed as~~ a pharmacist. 70623

The board shall not issue ~~any identification card or a~~ 70624  
license to practice pharmacy to an individual licensed in another 70625  
state if the state in which the individual is licensed does not 70626  
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 70627  
individuals holding valid licenses received through examination by 70628  
the state board of pharmacy. 70629

**Sec. 4729.11.** The state board of pharmacy shall establish a 70630  
pharmacy internship program for the purpose of providing the 70631  
practical experience necessary to practice as a pharmacist. Any 70632  
individual who desires to become a pharmacy intern shall apply for 70633  
licensure to the board. An application filed under this section 70634  
may not be withdrawn without the approval of the board. 70635

Each applicant shall be issued ~~an identification card and a~~ 70636  
license as a pharmacy intern if ~~in the opinion of~~ the board 70637  
determines that the applicant is actively pursuing an educational 70638  
program in preparation for licensure as a pharmacist and meets the 70639  
other requirements as determined by the board. ~~An identification~~ 70640  
~~card and a~~ license shall be valid until the next ~~annual~~ renewal 70641  
date and shall be renewed only if the intern is meeting the 70642  
requirements and rules of the board. 70643

~~The state board of pharmacy may appoint a director of~~ 70644  
~~pharmacy internship who is a licensed pharmacist and who is not~~ 70645  
~~directly or indirectly connected with a school or college of~~ 70646  
~~pharmacy or department of pharmacy of a university. The director~~ 70647  
~~of pharmacy internship shall be responsible to the board for the~~ 70648  
~~operation and direction of the pharmacy internship program~~ 70649  
~~established by the board under this section, and for such other~~ 70650  
~~duties as the board may assign.~~ 70651

~~Sec. 4729.12. An identification card~~ A license issued by the 70652  
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 70653  
Revised Code entitles the individual to whom it is issued to 70654  
practice as a pharmacist or as a pharmacy intern in this state 70655  
until the next ~~annual~~ renewal date. 70656

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 70657  
~~the fifteenth day of September,~~ according to the standard renewal 70658  
procedure of Chapter 4745. of the Revised Code and rules adopted 70659  
by the board under section 4729.26 of the Revised Code. Licenses 70660  
are valid for the period specified in the rules, unless earlier 70661  
revoked or suspended by the board. The period shall not exceed 70662  
twenty-four months unless the board extends the period in the 70663  
rules to adjust license renewal schedules. 70664

~~Each pharmacist and pharmacy intern shall carry the~~ 70665  
~~identification card or renewal identification card while engaged~~ 70666  
~~in the practice of pharmacy. The license shall be conspicuously~~ 70667  
~~exposed at the principal place where the pharmacist or pharmacy~~ 70668  
~~intern practices pharmacy.~~ 70669

A pharmacist or pharmacy intern who desires to continue in 70670  
the practice of pharmacy shall file with the board an application 70671  
in such form and containing such data as the board may require for 70672  
renewal of ~~an identification card~~ a license. In the case of a 70673  
pharmacist who dispenses or plans to dispense controlled 70674  
substances in this state, the pharmacist shall certify, as part of 70675  
the application, that the pharmacist has been granted access to 70676  
the drug database established and maintained by the board pursuant 70677  
to section 4729.75 of the Revised Code, unless the board has 70678  
restricted the pharmacist from obtaining further information from 70679  
the database or the board no longer maintains the database. If the 70680  
pharmacist certifies to the board that the applicant has been 70681  
granted access to the drug database and the board finds through an 70682

audit or other means that the pharmacist has not been granted 70683  
access, the board may take action under section 4729.16 of the 70684  
Revised Code. 70685

An application filed under this section for renewal of ~~an~~ 70686  
~~identification card~~ a license may not be withdrawn without the 70687  
approval of the board. 70688

If the board finds that an applicant's ~~identification card~~ 70689  
license has not been revoked or placed under suspension and that 70690  
the applicant has paid the renewal fee, has continued pharmacy 70691  
education in accordance with the rules of the board, and is 70692  
entitled to continue in the practice of pharmacy, the board shall 70693  
~~issue a renewal identification card to the applicant~~ renew the 70694  
applicant's license. 70695

When ~~an identification card~~ a license has ~~lapsed for more~~ 70696  
~~than sixty days~~ expired but an application is made within three 70697  
years after the expiration of the ~~card~~ license, the ~~applicant~~ 70698  
applicant's license shall be ~~issued a renewal identification card~~ 70699  
renewed without further examination if the applicant meets the 70700  
requirements of this section and pays the fee designated under 70701  
division (A)(5) of section 4729.15 of the Revised Code. 70702

A pharmacist or pharmacy intern who fails to renew the 70703  
pharmacist's or intern's license by the renewal date prescribed by 70704  
the board shall not engage in the practice of pharmacy until a 70705  
valid license is issued by the board. 70706

**Sec. 4729.13.** A pharmacist who fails to make application to 70707  
the state board of pharmacy for a ~~renewal identification card~~ 70708  
license renewal within a period of three years from the expiration 70709  
of the ~~identification card~~ license must pass an examination for 70710  
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 70711  
of the Revised Code; except that a pharmacist whose ~~registration~~ 70712  
license has expired, but who has continually practiced pharmacy in 70713

another state under a license issued by the authority of that 70714  
state, may obtain a ~~renewal identification card~~ renewed license 70715  
upon payment to the executive director of the board the fee 70716  
designated under division (A)(6) of section 4729.15 of the Revised 70717  
Code. 70718

**Sec. 4729.15.** (A) Except as provided in division (B) of this 70719  
section, the state board of pharmacy shall charge the following 70720  
fees: 70721

(1) For applying for a license to practice as a pharmacist, 70722  
an amount adequate to cover all ~~rentals, compensation for~~ 70723  
~~proctors, and other~~ expenses of the board related to examination 70724  
except the expenses of procuring and grading the examination, 70725  
which fee shall not be returned if the applicant fails to pass the 70726  
examination; 70727

(2) For the examination of an applicant for licensure as a 70728  
pharmacist, an amount adequate to cover any expenses to the board 70729  
of procuring and grading the examination or any part thereof, 70730  
which fee shall not be returned if the applicant fails to pass the 70731  
examination; 70732

(3) For issuing a license ~~and an identification card~~ to an 70733  
individual who passes the examination described in section 4729.07 70734  
of the Revised Code, an amount that is adequate to cover the 70735  
expense; 70736

(4) For a pharmacist applying for renewal of ~~an~~ 70737  
~~identification card within sixty days after~~ a license before the 70738  
expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty~~ 70739  
~~cents~~, which fee shall not be returned if the applicant fails to 70740  
qualify for renewal; 70741

(5) For a pharmacist applying for renewal of ~~an~~ 70742  
~~identification card~~ a license that has ~~lapsed~~ been expired for 70743

~~more than sixty days, but for less than three years, one hundred  
thirty five dollars the renewal fee identified in division (A)(4)  
of this section plus a penalty of fifty dollars per year or  
fraction of a year that the renewal is late, which fee shall not  
be returned if the applicant fails to qualify for renewal;~~ 70744  
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(6) For a pharmacist applying for renewal of ~~an  
identification card~~ a license that has ~~lapsed~~ been expired for 70749  
more than three years, three hundred thirty-seven dollars and 70750  
fifty cents, which fee shall not be returned if the applicant 70751  
fails to qualify for renewal; 70752  
70753

(7) For a pharmacist applying for a license ~~and  
identification card~~, on presentation of a pharmacist license 70754  
granted by another state, three hundred thirty-seven dollars and 70755  
fifty cents, which fee shall not be returned if the applicant 70756  
fails to qualify for licensure. 70757  
70758

(8) For a license ~~and identification card~~ to practice as a 70759  
pharmacy intern, ~~twenty two~~ forty-five dollars ~~and fifty cents~~, 70760  
which fee shall not be returned if the applicant fails to qualify 70761  
for licensure; 70762

(9) For the renewal of a pharmacy intern ~~identification card~~ 70763  
license, ~~twenty two~~ forty-five dollars ~~and fifty cents~~, which fee 70764  
shall not be returned if the applicant fails to qualify for 70765  
renewal; 70766

(10) ~~For issuing a replacement license to a pharmacist,  
twenty two dollars and fifty cents;~~ 70767  
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~~(11) For issuing a replacement license to a pharmacy intern,  
seven dollars and fifty cents;~~ 70769  
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~~(12) For issuing a replacement identification card to a  
pharmacist, thirty seven dollars and fifty cents, or pharmacy  
intern, seven dollars and fifty cents;~~ 70771  
70772  
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~~(13)~~ For certifying licensure and grades for reciprocal 70774  
licensure, ~~ten~~ thirty-five dollars; 70775

~~(14)~~(11) For making copies of any application, affidavit, or 70776  
other document filed in the state board of pharmacy office, an 70777  
amount fixed by the board that is adequate to cover the expense, 70778  
except that for copies required by federal or state agencies or 70779  
law enforcement officers for official purposes, no charge need be 70780  
made; 70781

~~(15)~~(12) For certifying and affixing the seal of the board, 70782  
an amount fixed by the board that is adequate to cover the 70783  
expense, except that for certifying and affixing the seal of the 70784  
board to a document required by federal or state agencies or law 70785  
enforcement officers for official purposes, no charge need be 70786  
made; 70787

~~(16)~~(13) For each copy of a book or pamphlet that includes 70788  
laws administered by the state board of pharmacy, rules adopted by 70789  
the board, and chapters of the Revised Code with which the board 70790  
is required to comply, an amount fixed by the board that is 70791  
adequate to cover the expense of publishing and furnishing the 70792  
book or pamphlet. 70793

(B)(1) Subject to division (B)(2) of this section, the fees 70794  
described in divisions (A)(1) to ~~(13)~~(10) of this section do not 70795  
apply to an individual who is on active duty in the armed forces 70796  
of the United States, as defined in section 5903.01 of the Revised 70797  
Code, to the spouse of an individual who is on active duty in the 70798  
armed forces of the United States, or to an individual who served 70799  
in the armed forces of the United States and presents a ~~valid copy~~ 70800  
~~of the individual's DD-214 form or an equivalent document issued~~ 70801  
~~by the United States department of defense indicating that the~~ 70802  
~~individual is an honorably discharged veteran~~ documentation that 70803  
the individual has been discharged under honorable conditions from 70804  
the armed forces or has been transferred to the reserve with 70805

evidence of satisfactory service. 70806

(2) The state board of pharmacy may establish limits with 70807  
respect to the individuals for whom fees are not applicable under 70808  
division (B)(1) of this section. 70809

**Sec. 4729.16.** (A)(1) The state board of pharmacy, after 70810  
notice and hearing in accordance with Chapter 119. of the Revised 70811  
Code, may impose any one or more of the following sanctions on a 70812  
pharmacist or pharmacy intern if the board finds the individual 70813  
engaged in any of the conduct set forth in division (A)(2) of this 70814  
section: 70815

(a) Revoke, suspend, restrict, limit, or refuse to grant or 70816  
renew a license; 70817

(b) Reprimand or place the license holder on probation; 70818

(c) Impose a monetary penalty or forfeiture not to exceed in 70819  
severity any fine designated under the Revised Code for a similar 70820  
offense, or in the case of a violation of a section of the Revised 70821  
Code that does not bear a penalty, a monetary penalty or 70822  
forfeiture of not more than five hundred dollars. 70823

(2) The board may impose the sanctions listed in division 70824  
(A)(1) of this section if the board finds a pharmacist or pharmacy 70825  
intern: 70826

(a) Has been convicted of a felony, or a crime of moral 70827  
turpitude, as defined in section 4776.10 of the Revised Code; 70828

(b) Engaged in dishonesty or unprofessional conduct in the 70829  
practice of pharmacy; 70830

(c) Is addicted to or abusing alcohol or drugs or is impaired 70831  
physically or mentally to such a degree as to render the 70832  
pharmacist or pharmacy intern unfit to practice pharmacy; 70833

(d) Has been convicted of a misdemeanor related to, or 70834

committed in, the practice of pharmacy; 70835

(e) Violated, conspired to violate, attempted to violate, or 70836  
aided and abetted the violation of any of the provisions of this 70837  
chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 70838  
2925. or 3719. of the Revised Code, or any rule adopted by the 70839  
board under those provisions; 70840

(f) Permitted someone other than a pharmacist or pharmacy 70841  
intern to practice pharmacy; 70842

(g) Knowingly lent the pharmacist's or pharmacy intern's name 70843  
to an illegal practitioner of pharmacy or had a professional 70844  
connection with an illegal practitioner of pharmacy; 70845

(h) Divided or agreed to divide remuneration made in the 70846  
practice of pharmacy with any other individual, including, but not 70847  
limited to, any licensed health professional authorized to 70848  
prescribe drugs or any owner, manager, or employee of a health 70849  
care facility, residential care facility, or nursing home; 70850

(i) Violated the terms of a consult agreement entered into 70851  
pursuant to section 4729.39 of the Revised Code; 70852

(j) Committed fraud, misrepresentation, or deception in 70853  
applying for or securing a license ~~or identification card~~ issued 70854  
by the board under this chapter or under Chapter 3715. or 3719. of 70855  
the Revised Code; 70856

(k) Failed to comply with an order of the board or a 70857  
settlement agreement; 70858

(l) Engaged in any other conduct for which the board may 70859  
impose discipline as set forth in rules adopted under section 70860  
4729.26 of the Revised Code. 70861

(B) Any individual whose ~~identification card~~ or license is 70862  
revoked, suspended, or refused, shall return the ~~identification~~ 70863  
~~card and~~ license to the offices of the state board of pharmacy 70864



within ten days after receipt of notice of such action. 70865

(C) As used in this section: 70866

"Unprofessional conduct in the practice of pharmacy" includes 70867  
any of the following: 70868

(1) Advertising or displaying signs that promote dangerous 70869  
drugs to the public in a manner that is false or misleading; 70870

(2) Except as provided in section 4729.281 or 4729.44 of the 70871  
Revised Code, the dispensing or sale of any drug for which a 70872  
prescription is required, without having received a prescription 70873  
for the drug; 70874

(3) Knowingly dispensing medication pursuant to false or 70875  
forged prescriptions; 70876

(4) Knowingly failing to maintain complete and accurate 70877  
records of all dangerous drugs received or dispensed in compliance 70878  
with federal laws and regulations and state laws and rules; 70879

(5) Obtaining any remuneration by fraud, misrepresentation, 70880  
or deception; 70881

(6) Failing to conform to prevailing standards of care of 70882  
similar pharmacists or pharmacy interns under the same or similar 70883  
circumstances, whether or not actual injury to a patient is 70884  
established; 70885

(7) Engaging in any other conduct that the board specifies as 70886  
unprofessional conduct in the practice of pharmacy in rules 70887  
adopted under section 4729.26 of the Revised Code. 70888

(D) The board may suspend a license ~~or identification card~~ 70889  
under division (B) of section 3719.121 of the Revised Code by 70890  
utilizing a telephone conference call to review the allegations 70891  
and take a vote. 70892

(E) For purposes of this division, an individual authorized 70893  
to practice as a pharmacist or pharmacy intern accepts the 70894

privilege of practicing in this state subject to supervision by 70895  
the board. By filing an application for or holding a license to 70896  
practice as a pharmacist or pharmacy intern, an individual gives 70897  
consent to submit to a mental or physical examination when ordered 70898  
to do so by the board in writing and waives all objections to the 70899  
admissibility of testimony or examination reports that constitute 70900  
privileged communications. 70901

If the board has reasonable cause to believe that an 70902  
individual who is a pharmacist or pharmacy intern is physically or 70903  
mentally impaired, the board may require the individual to submit 70904  
to a physical or mental examination, or both. The expense of the 70905  
examination is the responsibility of the individual required to be 70906  
examined. 70907

Failure of an individual who is a pharmacist or pharmacy 70908  
intern to submit to a physical or mental examination ordered by 70909  
the board, unless the failure is due to circumstances beyond the 70910  
individual's control, constitutes an admission of the allegations 70911  
and a suspension order shall be entered without the taking of 70912  
testimony or presentation of evidence. Any subsequent adjudication 70913  
hearing under Chapter 119. of the Revised Code concerning failure 70914  
to submit to an examination is limited to consideration of whether 70915  
the failure was beyond the individual's control. 70916

If, based on the results of an examination ordered under this 70917  
division, the board determines that the individual's ability to 70918  
practice is impaired, the board shall suspend the individual's 70919  
license or deny the individual's application and shall require the 70920  
individual, as a condition for an initial, continued, reinstated, 70921  
or renewed license to practice, to submit to a physical or mental 70922  
examination and treatment. 70923

An order of suspension issued under this division shall not 70924  
be subject to suspension by a court during pendency of any appeal 70925  
filed under section 119.12 of the Revised Code. 70926

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(H) No pharmacist or pharmacy intern shall knowingly engage in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to (1) of this section.

Sec. 4729.23. (A) Except as provided in division (B) of this section, information received by the state board of pharmacy pursuant to an investigation is confidential and is not subject to discovery in any civil action. Any record that identifies a patient, confidential informant, or individual who files a complaint with the board or may reasonably lead to the identification of the patient, informant, or complainant is not a

public record for purposes of section 149.43 of the Revised Code 70958  
and is not subject to inspection or copying under section 1347.08 70959  
of the Revised Code. 70960

(B) The board shall conduct all investigations or inspections 70961  
and proceedings in a manner that protects the confidentiality of 70962  
patients, confidential informants, and individuals who file 70963  
complaints with the board. The board shall not make public the 70964  
names or any other identifying information of patients, 70965  
confidential informants, or complainants unless proper consent is 70966  
given or, in the case of a patient, a waiver of the patient 70967  
privilege exists under division (B) of section 2317.02 of the 70968  
Revised Code. The consent or waiver is not required if the board 70969  
possesses reliable and substantial evidence that no bona fide 70970  
physician-patient relationship exists. 70971

On request, the board may share any information it receives 70972  
pursuant to an investigation or inspection, including patient 70973  
records and patient record information, with law enforcement 70974  
agencies, other licensing boards, and other state or federal 70975  
governmental agencies that are prosecuting, adjudicating, or 70976  
investigating alleged violations of statutes or administrative 70977  
rules. An agency or board that receives the information shall 70978  
comply with the same requirements regarding confidentiality as 70979  
those with which the state board of pharmacy must comply, 70980  
notwithstanding any conflicting provision of the Revised Code or 70981  
agency procedure that applies when the agency is dealing with 70982  
other information in its possession. 70983

Any information the board receives from a state or federal 70984  
agency is subject to the same confidentiality requirements as the 70985  
agency from which it was received and shall not be released by the 70986  
board without prior authorization from that agency. 70987

The board may, for good cause shown, disclose or authorize 70988

disclosure of information gathered pursuant to an investigation. 70989

(C) Any board activity that involves continued monitoring of 70990  
an individual for treatment or recovery purposes as part of or 70991  
following any disciplinary action taken under section 4729.16, 70992  
4729.56, or 4729.57 of the Revised Code shall be conducted in a 70993  
manner that maintains an individual's confidentiality with respect 70994  
to the individual's treatment or recovery program. Information 70995  
received or maintained by the board with respect to the board's 70996  
monitoring activities is not subject to discovery in any civil 70997  
action and is confidential, except that the board may disclose 70998  
information to law enforcement officers and government entities 70999  
for purposes of an investigation of a license or certificate 71000  
holder. 71001

Sec. 4729.24. (A) Subject to division (B) of this section, in 71002  
addition to the actions the state board of pharmacy may take under 71003  
Chapter 119. of the Revised Code, the board may order the taking 71004  
of depositions; examine and copy any books, accounts, papers, 71005  
records, documents, and other tangible objects; issue subpoenas; 71006  
and compel the attendance of witnesses and production of books, 71007  
accounts, papers, records, documents, and other tangible objects. 71008

On failure of a person to comply with a subpoena issued by 71009  
the board and after reasonable notice to that person, the board 71010  
may apply to the court of common pleas of Franklin county for an 71011  
order compelling the production of persons or records pursuant to 71012  
the Ohio Rules of Civil Procedure. 71013

A subpoena issued by the board may be served by a sheriff, 71014  
sheriff's deputy, or board employee designated by the board. 71015  
Service of a subpoena may be made by delivering a copy of the 71016  
subpoena to the person named in the subpoena or by leaving it at 71017  
the person's usual place of residence. 71018

(B) A subpoena for patient record information may be issued 71019

only on approval by the board's executive director and the 71020  
president or another board member designated by the president, in 71021  
consultation with the office of the attorney general. Before 71022  
issuing the subpoena, the executive director and the office of the 71023  
attorney general shall determine whether probable cause exists to 71024  
believe that the complaint filed alleges, or an investigation has 71025  
revealed, a violation of this chapter or Chapters 2925., 3715., 71026  
3719., or 3796. of the Revised Code or any rule adopted by the 71027  
board, that the records sought are relevant to the alleged 71028  
violation and material to the investigation, and that the records 71029  
cover a reasonable period of time surrounding the alleged 71030  
violation. 71031

(C) The board may adopt rules in accordance with Chapter 119. 71032  
of the Revised Code establishing procedures to be followed in 71033  
taking the actions authorized by this section, including 71034  
procedures regarding payment for and service of subpoenas. 71035

**Sec. 4729.51.** (A) No person other than a registered licensed 71036  
manufacturer of dangerous drugs, outsourcing facility, third-party 71037  
logistics provider, repackager of dangerous drugs, or 71038  
wholesale distributor of dangerous drugs shall possess for sale, sell, 71039  
distribute, or deliver, at wholesale, dangerous drugs or 71040  
investigational drugs or products, except as follows: 71041

(1) A licensed terminal distributor of dangerous drugs that 71042  
is a pharmacy may make occasional sales of dangerous drugs or 71043  
investigational drugs or products at wholesale. 71044

(2) A licensed terminal distributor of dangerous drugs having 71045  
more than one licensed location may transfer or deliver dangerous 71046  
drugs from one licensed location to another licensed location 71047  
owned by the terminal distributor if the license issued for each 71048  
location is in effect at the time of the transfer or delivery. 71049

(3) A licensed terminal distributor of dangerous drugs that 71050

is not a pharmacy may make occasional sales of naloxone at 71051  
wholesale. 71052

(B) No ~~registered~~ licensed manufacturer, outsourcing 71053  
facility, third-party logistics provider, repackager, or 71054  
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71055  
distribute, at wholesale, dangerous drugs or investigational drugs 71056  
or products to any person other than the following: 71057

(1) Subject to division (D) of this section, a licensed 71058  
terminal distributor of dangerous drugs; 71059

(2) Subject to division (C) of this section, any person 71060  
exempt from licensure as a terminal distributor of dangerous drugs 71061  
under section 4729.541 of the Revised Code; 71062

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 71063  
third-party logistics provider, repackager, or 71064  
distributor ~~of dangerous drugs~~; 71065

(4) A terminal distributor, manufacturer, outsourcing 71066  
facility, third-party logistics provider, repackager, or 71067  
distributor ~~of dangerous drugs~~ that is located in another state, 71068  
is not engaged in the sale of dangerous drugs within this state, 71069  
and is actively licensed to engage in the sale of dangerous drugs 71070  
by the state in which the distributor conducts business. 71071

(C) No ~~registered~~ licensed manufacturer, outsourcing 71072  
facility, third-party logistics provider, repackager, or 71073  
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71074  
distribute, at wholesale, dangerous drugs or investigational drugs 71075  
or products to either of the following: 71076

(1) A prescriber who is employed by either of the following: 71077

(a) A pain management clinic that is not licensed as a 71078  
terminal distributor of dangerous drugs with a pain management 71079  
clinic classification issued under section 4729.552 of the Revised 71080

Code; 71081

(b) A facility, clinic, or other location that provides 71082  
office-based opioid treatment but is not licensed as a terminal 71083  
distributor of dangerous drugs with an office-based opioid 71084  
treatment classification issued under section 4729.553 of the 71085  
Revised Code if such a license is required by that section. 71086

(2) A business entity described in division (A)(2) or (3) of 71087  
section 4729.541 of the Revised Code that is, or is operating, 71088  
either of the following: 71089

(a) A pain management clinic without a license as a terminal 71090  
distributor of dangerous drugs with a pain management clinic 71091  
classification issued under section 4729.552 of the Revised Code; 71092

(b) A facility, clinic, or other location that provides 71093  
office-based opioid treatment without a license as a terminal 71094  
distributor of dangerous drugs with an office-based opioid 71095  
treatment classification issued under section 4729.553 of the 71096  
Revised Code if such a license is required by that section. 71097

(D) No ~~registered~~ licensed manufacturer, outsourcing 71098  
facility, third-party logistics provider, repackager, or wholesale 71099  
~~distributor of dangerous drugs~~ shall possess dangerous drugs or 71100  
investigational drugs or products for sale at wholesale, or sell 71101  
or distribute such drugs at wholesale, to a licensed terminal 71102  
distributor of dangerous drugs, except as follows: 71103

~~(1) In the case of a terminal distributor with a category I~~ 71104  
~~license, only dangerous drugs described in category I, as defined~~ 71105  
~~in division (A)(1) of section 4729.54 of the Revised Code;~~ 71106

~~(2)~~ In the case of a terminal distributor with a category II 71107  
license, only dangerous drugs ~~described in category I and~~ category 71108  
II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 71109  
4729.54 of the Revised Code; 71110



~~(3)~~(2) In the case of a terminal distributor with a category 71111  
III license, dangerous drugs described in ~~category I,~~ category II,~~7~~ 71112  
and category III, as defined in divisions (A)(1)~~7~~ and (2)~~7~~ ~~and (3)~~ 71113  
of section 4729.54 of the Revised Code; 71114

~~(4)~~(3) In the case of a terminal distributor with a limited 71115  
category ~~I,~~ II,~~7~~ or III license, only the dangerous drugs specified 71116  
in the ~~certificate furnished by the terminal distributor in~~ 71117  
~~accordance with section 4729.60 of the Revised Code~~ license. 71118

(E)(1) Except as provided in division (E)(2) of this section, 71119  
no person shall do any of the following: 71120

(a) Sell or distribute, at retail, dangerous drugs; 71121

(b) Possess for sale, at retail, dangerous drugs; 71122

(c) Possess dangerous drugs. 71123

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 71124  
not apply to any of the following: 71125

(i) A licensed terminal distributor of dangerous drugs; 71126

(ii) A person who possesses, or possesses for sale or sells, 71127  
at retail, a dangerous drug in accordance with Chapters 3719., 71128  
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 71129  
Code; 71130

(iii) Any of the persons identified in divisions (A)(1) to 71131  
(5) and (13) of section 4729.541 of the Revised Code, but only to 71132  
the extent specified in that section. 71133

(b) Division (E)(1)(c) of this section does not apply to any 71134  
of the following: 71135

(i) A ~~registered~~ licensed manufacturer, outsourcing facility, 71136  
third-party logistics provider, repackager, or wholesale 71137  
~~distributor of dangerous drugs;~~ 71138

(ii) Any of the persons identified in divisions (A)(6) to 71139

(12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a ~~registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs,~~ except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A)(1) or (3) of this section.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.

(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the state board of pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to

collect samples of any drug, regardless of its nature or in whose possession it may be. 71171  
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(I) Notwithstanding anything to the contrary in this section, 71173  
the board of education of a city, local, exempted village, or 71174  
joint vocational school district may distribute epinephrine 71175  
autoinjectors for use in accordance with section 3313.7110 of the 71176  
Revised Code and may distribute inhalers for use in accordance 71177  
with section 3313.7113 of the Revised Code. 71178

**Sec. 4729.52.** (A) As used in this section: 71179

(1) "Category II" means any dangerous drug that is not included in category III. 71180  
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(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 71182  
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(3) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 71184  
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(B)(1)(a) The state board of pharmacy shall license the following persons: 71188  
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(i) Wholesale distributors of dangerous drugs; 71190

(ii) Manufacturers of dangerous drugs; 71191

(iii) Outsourcing facilities; 71192

(iv) Third-party logistics providers; 71193

(v) Repackagers of dangerous drugs. 71194

(b) There shall be two categories for the licenses identified in division (B)(1)(a) of this section. The categories are as follows: 71195  
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(i) Category II license. A person who obtains this license 71198

may possess, have custody or control of, and distribute, only the 71199  
dangerous drugs described in category II. 71200

(ii) Category III license. A person who obtains this license 71201  
may possess, have custody or control of, and distribute, the 71202  
dangerous drugs described in category II and category III. 71203

(c) The board may adopt rules under section 4729.26 of the 71204  
Revised Code to create classification types of any license issued 71205  
pursuant to this section. Persons who meet the definitions of the 71206  
classification types shall comply with all requirements for the 71207  
specific license classification specified in rule. 71208

(C) A person desiring to be registered as a wholesale 71209  
distributor of dangerous drugs seeking a license identified in 71210  
division (B)(1)(a) of this section shall file with the executive 71211  
director of the state board of pharmacy a verified application 71212  
containing such information as the board requires of the applicant 71213  
relative to the licensure qualifications to be registered as a 71214  
wholesale distributor of dangerous drugs set forth in section 71215  
4729.53 of the Revised Code and the rules adopted under that 71216  
section. The 71217

The board shall register license as a category II or category 71218  
III manufacturer, outsourcing facility, third-party logistics 71219  
provider, repackager, or wholesale distributor of dangerous drugs 71220  
each applicant who has paid the required registration license fee, 71221  
if the board determines that the applicant meets the licensure 71222  
qualifications to be registered as a wholesale distributor of 71223  
dangerous drugs set forth in section 4729.53 of the Revised Code 71224  
and the rules adopted under that section. 71225

(B)(D) The board may register and issue to a person who does 71226  
not reside in this state a registration certificate as a wholesale 71227  
distributor of dangerous drugs license identified in division 71228  
(B)(1)(a) of this section if the person possesses pays the 71229

required licensure fee and meets either of the following: 71230

(1) Possesses a current and valid manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs registration certificate or license, or its equivalent, issued by another state that in which that person is physically located, but only if that state has qualifications for licensure or registration comparable to the registration licensure requirements in this state and pays the required registration fee; 71231  
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(2) Meets the requirements set forth by the board for issuance of a license identified in division (B)(1)(a) of this section, as verified by a state, federal, or other entity recognized by the board to perform such verification. 71239  
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(C)(E) All registration certificates licenses issued or renewed pursuant to this section are effective for a period of twelve months from the first day of July of each year specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A registration certificate license shall be renewed annually by the board for a like period, pursuant to this section and, the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person desiring seeking to renew a registration certificate license shall submit an application for renewal and pay the required renewal fee before the first day of July each year date specified in the rules adopted by the board. 71243  
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(D)(F) Each registration certificate and its application license issued under this section shall describe not more than one establishment or place where the registrant or applicant license holder may engage in the sale of dangerous drugs at wholesale 71258  
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activities authorized by the license. No ~~registration certificate~~ 71262  
license shall authorize or permit the ~~wholesale distributor of~~ 71263  
~~dangerous drugs~~ person named therein to engage in the sale or 71264  
distribution of drugs at wholesale or to maintain possession, 71265  
custody, or control of dangerous drugs for any purpose other than 71266  
for the ~~registrant's~~ licensee's own use and consumption at any 71267  
establishment or place other than that described in the 71268  
~~certificate~~ license. 71269

~~(E)(G)(1)(a)~~ The registration category II license fee is 71270  
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 71271  
accompany each application for ~~registration licensure~~. The 71272  
~~registration license~~ renewal fee is seven hundred fifty one 71273  
thousand nine hundred dollars and shall accompany each renewal 71274  
application. 71275

(b) The category III license fee is two thousand dollars and 71276  
shall accompany each application for licensure. The license 71277  
renewal fee is two thousand dollars and shall accompany each 71278  
renewal application. 71279

~~A registration certificate~~ (c)(i) Subject to division 71280  
(G)(1)(c)(ii) of this section, a license issued pursuant to this 71281  
section that has not been renewed ~~in any year by the first day of~~ 71282  
~~August~~ by the date specified in rules adopted by the board may be 71283  
reinstated upon payment of the renewal fee and a penalty of ~~one~~ 71284  
three hundred fifty dollars. 71285

(ii) If a complete application for renewal has not been 71286  
submitted by the sixty-first day after the renewal date specified 71287  
in rules adopted by the board, the license is considered void and 71288  
cannot be renewed, but the license holder may reapply for 71289  
licensure. 71290

(2) Renewal fees and penalties assessed under division 71291  
~~(E)(G)(1)~~ of this section shall not be returned if the applicant 71292

fails to qualify for renewal. 71293

(3) A person licensed pursuant to this section that fails to 71294  
renew licensure in accordance with this section and rules adopted 71295  
by the board is prohibited from engaging in manufacturing, 71296  
repackaging, compounding, or distributing as a third-party 71297  
logistics provider or wholesale distributor until a valid license 71298  
is issued by the board. 71299

~~(F) The registration of any person as a wholesale distributor~~ 71300  
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 71301  
section subjects the person holder and the person's holder's 71302  
agents and employees to the jurisdiction of the board and to the 71303  
laws of this state for the purpose of the enforcement of this 71304  
chapter and the rules of the board. However, the filing of an 71305  
application for ~~registration as a wholesale distributor of~~ 71306  
~~dangerous drugs~~ licensure under this section by, or on behalf of, 71307  
any person, or the registration issuance of a license pursuant to 71308  
this section to or on behalf of any person ~~as a wholesale~~ 71309  
~~distributor of dangerous drugs,~~ shall not, of itself, constitute 71310  
evidence that the person is doing business within this state. 71311

(I) The board may enter into agreements with other states, 71312  
federal agencies, and other entities to exchange information 71313  
concerning licensing and inspection of any manufacturer, 71314  
outsourcing facility, third-party logistics provider, repackager, 71315  
or wholesale distributor located within or outside this state and 71316  
to investigate alleged violations of the laws and rules governing 71317  
distribution of drugs by such persons. Any information received 71318  
pursuant to such an agreement is subject to the same 71319  
confidentiality requirements applicable to the agency or entity 71320  
from which it was received and shall not be released without prior 71321  
authorization from that agency or entity. Any information received 71322  
is also subject to section 4729.23 of the Revised Code. 71323

Sec. 4729.53. (A) The state board of pharmacy shall not 71324  
~~register~~ license any person as a manufacturer of dangerous drugs, 71325  
outsourcing facility, third-party logistics provider, repackager 71326  
of dangerous drugs, or wholesale distributor of dangerous drugs 71327  
unless the applicant for ~~registration~~ licensure furnishes 71328  
satisfactory proof to the board that the applicant meets all of 71329  
the following: 71330

(1) If the applicant has ~~been convicted of a violation of~~ 71331  
committed acts that the board finds violate any federal, state, or 71332  
local law, regulation, or rule relating to drug samples, 71333  
manufacturing, compounding, repackaging, wholesale or retail drug 71334  
distribution, or distribution of dangerous drugs, including 71335  
controlled substances, ~~or of~~ constitute a felony, or if a federal, 71336  
state, or local governmental entity has suspended or revoked any 71337  
current or prior license ~~or registration~~ of the applicant for the 71338  
manufacture, compounding, repackaging, distribution, or sale of 71339  
any dangerous drugs, including controlled substances, the 71340  
applicant, to the satisfaction of the board, assures that the 71341  
applicant has in place adequate safeguards to prevent the 71342  
recurrence of any such violations. 71343

(2) The applicant's past experience in the manufacture, 71344  
compounding, repackaging, or distribution of dangerous drugs, 71345  
including controlled substances, is acceptable to the board. 71346

(3) The applicant is properly equipped as to land, buildings, 71347  
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 71348  
~~a wholesale distributor of dangerous drugs,~~ including providing 71349  
adequate security for and proper storage conditions and handling 71350  
for dangerous drugs, and is complying with the requirements under 71351  
this chapter and the rules adopted pursuant thereto for 71352  
maintaining and making available records to properly identified 71353  
board officials and federal, state, and local law enforcement 71354



agencies. 71355

(4) Personnel employed by the applicant have the appropriate 71356  
education or experience, as determined by the board, to assume 71357  
responsibility for positions related to compliance with this 71358  
chapter and the rules adopted pursuant thereto. 71359

(5) The applicant has designated the name and address of a 71360  
person to whom communications from the board may be directed and 71361  
upon whom the notices and citations provided for in section 71362  
4729.56 of the Revised Code may be served. 71363

(6) Adequate safeguards are assured to prevent the sale of 71364  
dangerous drugs ~~to any person other than those named in division~~ 71365  
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 71366

(7) Any other requirement or qualification the board, by rule 71367  
adopted in accordance with Chapter 119. of the Revised Code, 71368  
considers relevant to and consistent with the public safety and 71369  
health. 71370

(B) In addition to the causes described in section 4729.56 of 71371  
the Revised Code for refusing to grant or renew a ~~registration~~ 71372  
~~certificate~~ license, the board may refuse to ~~register~~ grant or 71373  
renew ~~the registration certificate of any person a~~ license if the 71374  
board determines that the granting of the ~~registration~~ license 71375  
certificate or its renewal is not in the public interest. 71376

**Sec. 4729.54.** (A) As used in this section: 71377

(1) ~~"Category I" means single dose injections of intravenous~~ 71378  
~~fluids, including saline, Ringer's lactate, five per cent dextrose~~ 71379  
~~and distilled water, and other intravenous fluids or parenteral~~ 71380  
~~solutions included in this category by rule of the state board of~~ 71381  
~~pharmacy, that have a volume of one hundred milliliters or more~~ 71382  
~~and that contain no added substances, or single dose injections of~~ 71383  
~~epinephrine to be administered pursuant to sections 4765.38 and~~ 71384

~~4765.39 of the Revised Code.~~ 71385

~~(2)~~ "Category II" means any dangerous drug that is not 71386  
included in category ~~I or~~ III. 71387

~~(3)~~(2) "Category III" means any controlled substance that is 71388  
contained in schedule I, II, III, IV, or V. 71389

~~(4)~~(3) "Emergency medical service organization" has the same 71390  
meaning as in section 4765.01 of the Revised Code. 71391

~~(5)~~(4) "Person" includes an emergency medical service 71392  
organization. 71393

~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV,  
and schedule V" mean controlled substance schedules I, II, III,  
IV, and V, respectively, as established pursuant to section  
3719.41 of the Revised Code and as amended. 71394  
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(B)(1) A person ~~who desires~~ seeking to be licensed as a 71398  
terminal distributor of dangerous drugs shall file with the 71399  
executive director of the state board of pharmacy a verified 71400  
application. After it is filed, the application may not be 71401  
withdrawn without approval of the board. 71402

(2) An application shall contain all the following that apply 71403  
in the applicant's case: 71404

(a) Information that the board requires relative to the 71405  
qualifications of a terminal distributor of dangerous drugs set 71406  
forth in section 4729.55 of the Revised Code; 71407

(b) A statement ~~that as to whether~~ the person ~~wishes is~~ 71408  
seeking to be licensed as a ~~category I,~~ category II, category III, 71409  
~~limited category I,~~ limited category II, or limited category III 71410  
terminal distributor of dangerous drugs; 71411

(c) If the person ~~wishes is~~ seeking to be licensed as a 71412  
~~limited category I,~~ limited category II, or limited category III 71413  
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 71414

dangerous drugs that the person ~~wishes~~ is seeking to possess, have 71415  
custody or control of, and distribute, which list shall also 71416  
specify the purpose for which those drugs will be used and their 71417  
source; 71418

(d) If the person is an emergency medical service 71419  
organization, the information that is specified in division (C)(1) 71420  
of this section; 71421

(e) Except for an emergency medical service organization, the 71422  
identity of the one establishment or place at which the person 71423  
intends to engage in the sale or other distribution of dangerous 71424  
drugs at retail, and maintain possession, custody, or control of 71425  
dangerous drugs for purposes other than the person's own use or 71426  
consumption; 71427

(f) If the application pertains to a pain management clinic, 71428  
information that demonstrates, to the satisfaction of the board, 71429  
compliance with division (A) of section 4729.552 of the Revised 71430  
Code; 71431

(g) If the application pertains to a facility, clinic, or 71432  
other location described in division (B) of section 4729.553 of 71433  
the Revised Code that must hold a category III terminal 71434  
distributor of dangerous drugs license with an office-based opioid 71435  
treatment classification, information that demonstrates, to the 71436  
satisfaction of the board, compliance with division (C) of that 71437  
section. 71438

(C)(1) An emergency medical service organization ~~that wishes~~ 71439  
seeking to be licensed as a terminal distributor of dangerous 71440  
drugs shall list in its application for licensure the following 71441  
additional information: 71442

(a) The units under its control that the organization 71443  
determines will possess dangerous drugs for the purpose of 71444  
administering emergency medical services in accordance with 71445

Chapter 4765. of the Revised Code; 71446

(b) With respect to each such unit, whether the dangerous 71447  
drugs that the organization determines the unit will possess are 71448  
in category I, II, or III. 71449

(2) An emergency medical service organization that is 71450  
licensed as a terminal distributor of dangerous drugs shall file a 71451  
new application for such licensure if there is any change in the 71452  
number, or location of, any of its units or any change in the 71453  
category of the dangerous drugs that any unit will possess. 71454

(3) A unit listed in an application for licensure pursuant to 71455  
division (C)(1) of this section may obtain the dangerous drugs it 71456  
is authorized to possess from its emergency medical service 71457  
organization or, on a replacement basis, from a hospital pharmacy. 71458  
If units will obtain dangerous drugs from a hospital pharmacy, the 71459  
organization shall file, and maintain in current form, the 71460  
following items with the pharmacist who is responsible for the 71461  
hospital's terminal distributor of dangerous drugs license: 71462

(a) A copy of its standing orders or protocol; 71463

(b) A list of the personnel employed or used by the 71464  
organization to provide emergency medical services in accordance 71465  
with Chapter 4765. of the Revised Code, who are authorized to 71466  
possess the drugs, which list also shall indicate the personnel 71467  
who are authorized to administer the drugs. 71468

(D) Each emergency medical service organization that applies 71469  
for a terminal distributor of dangerous drugs license shall submit 71470  
with its application the following: 71471

(1) A ~~notarized~~ copy of its standing orders or protocol, 71472  
which orders or protocol shall be signed by a physician ~~and~~ 71473  
~~specify:~~ 71474

(2) A list of the dangerous drugs that its units may carry, 71475

expressed in standard dose units, which shall be signed by a 71476  
physician; 71477

~~(2)~~(3) A list of the personnel employed or used by the 71478  
organization to provide emergency medical services in accordance 71479  
with Chapter 4765. of the Revised Code. 71480

~~An~~ In accordance with Chapter 119. of the Revised Code, the 71481  
board shall adopt rules specifying when an emergency medical 71482  
service organization that is licensed as a terminal distributor 71483  
~~shall~~ must notify the board ~~immediately~~ of any changes in its 71484  
~~standing orders or protocol~~ documentation submitted pursuant to 71485  
division (D) of this section. 71486

(E) There shall be ~~six~~ four categories of terminal 71487  
distributor of dangerous drugs licenses, ~~which.~~ The categories 71488  
~~shall be~~ are as follows: 71489

(1) ~~Category I license. A person who obtains this license may~~ 71490  
~~possess, have custody or control of, and distribute only the~~ 71491  
~~dangerous drugs described in category I.~~ 71492

~~(2) Limited category I license. A person who obtains this~~ 71493  
~~license may possess, have custody or control of, and distribute~~ 71494  
~~only the dangerous drugs described in category I that were listed~~ 71495  
~~in the application for licensure.~~ 71496

~~(3)~~ Category II license. A person who obtains this license 71497  
may possess, have custody or control of, and distribute only the 71498  
dangerous drugs described in ~~category I and~~ category II. 71499

~~(4)~~(2) Limited category II license. A person who obtains this 71500  
license may possess, have custody or control of, and distribute 71501  
only the dangerous drugs described in ~~category I or~~ category II 71502  
that were listed in the application for licensure. 71503

~~(5)~~(3) Category III license, which may include a pain 71504  
management clinic classification issued under section 4729.552 of 71505

the Revised Code. A person who obtains this license may possess, 71506  
have custody or control of, and distribute the dangerous drugs 71507  
described in ~~category I~~, category II, and category III. If the 71508  
license includes a pain management clinic classification, the 71509  
person may operate a pain management clinic. 71510

~~(6)~~(4) Limited category III license. A person who obtains 71511  
this license may possess, have custody or control of, and 71512  
distribute only the dangerous drugs described in ~~category I~~, 71513  
category II, or category III that were listed in the application 71514  
for licensure. 71515

(F) Except for an application made on behalf of an animal 71516  
shelter, if an applicant for ~~licensure as a limited category I,~~ 71517  
II, license or limited category III ~~terminal distributor of~~ 71518  
~~dangerous drugs~~ license intends to administer dangerous drugs to a 71519  
person or animal, the applicant shall submit, with the 71520  
application, a ~~notarized~~ copy of its protocol or standing orders, 71521  
~~which.~~ The protocol or orders shall be signed by a licensed health 71522  
professional authorized to prescribe drugs, specify the dangerous 71523  
drugs to be administered, and list personnel who are authorized to 71524  
administer the dangerous drugs in accordance with federal law or 71525  
the law of this state. An application made on behalf of an animal 71526  
shelter shall include a ~~notarized~~ list of the dangerous drugs to 71527  
be administered to animals and the personnel who are authorized to 71528  
administer the drugs to animals in accordance with section 71529  
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 71530  
~~distributor license,~~ 71531

In accordance with Chapter 119. of the Revised Code, the 71532  
board shall adopt rules specifying when a licensee shall must 71533  
notify the board ~~immediately~~ of any changes in its ~~protocol or~~ 71534  
~~standing orders, or in such personnel~~ documentation submitted 71535  
pursuant to this division. 71536

(G)(1) Except as provided in division (G)(2) of this section, 71537

each applicant for licensure as a terminal distributor of 71538  
dangerous drugs shall submit, with the application, a license fee 71539  
determined as follows: 71540

(a) ~~For a category I or limited category I license,~~ 71541  
~~forty five dollars;~~ 71542

~~(b) For a category II or limited category II license, one the~~ 71543  
~~fee is three hundred twelve twenty dollars and fifty cents;.~~ 71544

~~(c)~~(b) For a category III license, including a license with a 71545  
pain management clinic classification issued under section 71546  
4729.552 of the Revised Code, or a limited category III license, 71547  
~~one four hundred fifty forty~~ dollars. 71548

(2)(a) Except as provided in division (G)(2)(b) of this 71549  
section, for a person who is required to hold a license as a 71550  
terminal distributor of dangerous drugs pursuant to division (D) 71551  
of section 4729.541 of the Revised Code, the fee ~~shall be sixty is~~ 71552  
one hundred twenty dollars. 71553

(b) For a professional association, corporation, partnership, 71554  
or limited liability company organized for the purpose of 71555  
practicing veterinary medicine, the fee ~~shall be forty is one~~ 71556  
hundred twenty dollars. 71557

(3) Fees assessed under divisions (G)(1) and (2) of this 71558  
section shall not be returned if the applicant fails to qualify 71559  
for ~~registration~~ the license. 71560

(H)(1) The board shall issue a terminal distributor of 71561  
dangerous drugs license to each person who submits an application 71562  
for such licensure in accordance with this section, pays the 71563  
required license fee, is determined by the board to meet the 71564  
requirements set forth in section 4729.55 of the Revised Code, and 71565  
satisfies any other applicable requirements of this section. 71566

(2) The license of a person other than an emergency medical 71567

service organization shall describe the one establishment or place 71568  
at which the licensee may engage in the sale or other distribution 71569  
of dangerous drugs at retail and maintain possession, custody, or 71570  
control of dangerous drugs for purposes other than the licensee's 71571  
own use or consumption. The one establishment or place shall be 71572  
that which is ~~described~~ identified in the application for 71573  
licensure. 71574

No such license shall authorize or permit the terminal 71575  
distributor of dangerous drugs named in it to engage in the sale 71576  
or other distribution of dangerous drugs at retail or to maintain 71577  
possession, custody, or control of dangerous drugs for any purpose 71578  
other than the distributor's own use or consumption, at any 71579  
establishment or place other than that described in the license, 71580  
except that an agent or employee of an animal shelter may possess 71581  
and use dangerous drugs in the course of business as provided in 71582  
division (D) of section 4729.532 of the Revised Code. 71583

(3) The license of an emergency medical service organization 71584  
shall cover and describe all the units of the organization listed 71585  
in its application for licensure. 71586

~~(4) The license of every terminal distributor of dangerous 71587  
drugs shall indicate, on its face, the category of licensure. If 71588  
the license is a limited category I, II, or III license, it shall 71589  
specify, and shall authorize the licensee to possess, have custody 71590  
or control of, and distribute only, the dangerous drugs that were 71591  
listed in the application for licensure. 71592~~

(I)(1) All licenses issued or renewed pursuant to this 71593  
section shall be effective for a period ~~of twelve months from the~~ 71594  
~~first day of April of each year~~ specified by the board in rules 71595  
adopted under section 4729.26 of the Revised Code. The effective 71596  
period for an initial or renewed license shall not exceed 71597  
twenty-four months unless the board extends the period in rules to 71598  
adjust license renewal schedules. A license shall be renewed by 71599



the board ~~for a like period, annually,~~ according to the provisions 71600  
of this section, ~~and~~ the standard renewal procedure of Chapter 71601  
4745. of the Revised Code, and rules adopted by the board under 71602  
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 71603  
to renew a license shall submit an application for renewal and pay 71604  
the required fee on or before the ~~thirty first day of March each~~ 71605  
~~year~~ date specified in the rules adopted by the board. The fee 71606  
required for the renewal of a license shall be the same as the 71607  
license fee paid ~~for the license being renewed, and shall~~ 71608  
~~accompany the application for renewal~~ under division (G) of this 71609  
section. 71610

A (2)(a) Subject to division (I)(2)(b) of this section, a 71611  
license that has not been renewed ~~during March in any year and by~~ 71612  
~~the first day of May of the same year~~ by the date specified in 71613  
rules adopted by the board may be reinstated only upon payment of 71614  
the required renewal fee and a penalty fee of ~~fifty five~~ one 71615  
hundred ten dollars. 71616

(b) If an application for renewal has not been submitted by 71617  
the sixty-first day after the renewal date specified in rules 71618  
adopted by the board, the license is considered void and cannot be 71619  
renewed, but the license holder may reapply for licensure. 71620

(3) A terminal distributor of dangerous drugs that fails to 71621  
renew licensure in accordance with this section and rules adopted 71622  
by the board is prohibited from engaging in the retail sale, 71623  
possession, or distribution of dangerous drugs until a valid 71624  
license is issued by the board. 71625

(J)(1) No emergency medical service organization that is 71626  
licensed as a terminal distributor of dangerous drugs shall fail 71627  
to comply with division (C)(2) or (3) of this section. 71628

(2) No emergency medical service organization that is 71629  
licensed as a terminal distributor of dangerous drugs shall fail 71630

to comply with division (D) of this section. 71631

(3) No licensed terminal distributor of dangerous drugs shall 71632  
possess, have custody or control of, or distribute dangerous drugs 71633  
that the terminal distributor is not entitled to possess, have 71634  
custody or control of, or distribute by virtue of its category of 71635  
licensure. 71636

(4) No licensee that is required by division (F) of this 71637  
section to notify the board of changes in its protocol or standing 71638  
orders, or in personnel, shall fail to comply with that division. 71639

(K) The board may enter into agreements with other states, 71640  
federal agencies, and other entities to exchange information 71641  
concerning licensing and inspection of terminal distributors of 71642  
dangerous drugs located within or outside this state and to 71643  
investigate alleged violations of the laws and rules governing 71644  
distribution of drugs by terminal distributors. Any information 71645  
received pursuant to such an agreement is subject to the same 71646  
confidentiality requirements applicable to the agency or entity 71647  
from which it was received and shall not be released without prior 71648  
authorization from that agency or entity. 71649

**Sec. 4729.552.** (A) To be eligible to receive a license as a 71650  
category III terminal distributor of dangerous drugs with a pain 71651  
management clinic classification, an applicant shall submit 71652  
evidence satisfactory to the state board of pharmacy that the 71653  
applicant's pain management clinic will be operated in accordance 71654  
with the requirements specified in division (B) of this section 71655  
and that the applicant meets any other applicable requirements of 71656  
this chapter. 71657

If the board determines that an applicant meets all of the 71658  
requirements, the board shall issue to the applicant a license as 71659  
a category III terminal distributor of dangerous drugs and specify 71660  
on the license that the terminal distributor is classified as a 71661

pain management clinic. 71662

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following: 71663  
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(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 71665  
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(2) Comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 71669  
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(3) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 71672  
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(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code; 71676  
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(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following: 71681  
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(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 71686  
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(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code. 71689  
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(6) Maintain a list of each person with ownership of the 71691

facility and notify the state board of pharmacy of any change to that list. 71692  
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(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification. 71694  
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No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter. 71699  
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(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code. 71703  
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(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 71709  
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**Sec. 4729.56.** (A) ~~In (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend~~ impose any one or more of the following sanctions on a person licensed under division (B)(1)(a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section: 71713  
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(a) Suspend, revoke, restrict, limit, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the 71719  
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<del>Revised Code or may impose a license;</del>	71722
<u>(b) Reprimand or place the license holder on probation;</u>	71723
<u>(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or <del>one</del> <u>two</u> thousand <u>five hundred</u> dollars if the acts committed are not classified as an offense by the Revised Code <del>for any of the following causes:</del></u>	71724 71725 71726 71727 71728
<u>(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following:</u>	71729 71730
<del>(1)</del> <u>(a) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs licensure under section 4729.52 of the Revised Code;</u>	71731 71732 71733
<del>(2)</del> <u>(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;</u>	71734 71735 71736
<del>(3)</del> <u>(c) A conviction of a felony;</u>	71737
<del>(4)</del> <u>(d) Failing to satisfy the qualifications for registration licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;</u>	71738 71739 71740 71741
<u>(e) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or licensed terminal distributor;</u>	71742 71743 71744 71745 71746 71747
<u>(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code;</u>	71748 71749 71750
<u>(g) Any other cause for which the board may impose sanctions</u>	71751

as set forth in rules adopted under section 4729.26 of the Revised Code. 71752  
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(B) Upon the suspension or revocation of ~~the registration certificate of any wholesale distributor of dangerous drugs~~ any license identified in division (B)(1)(a) of section 4729.52 of the Revised Code, the ~~distributor~~ licensee shall immediately surrender the ~~distributor's registration certificate~~ license to the board. 71754  
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(C) If the board suspends, revokes, or refuses to renew any ~~registration certificate issued to a wholesale distributor of dangerous drugs~~ license identified in division (B)(1)(a) of section 4729.52 of the Revised Code and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board may place under seal all dangerous drugs owned by or in the possession, custody, or control of the affected ~~wholesale distributor of dangerous drugs~~ licensee. Except as provided in this division, the board shall not dispose of the dangerous drugs sealed under this division until the ~~wholesale distributor of dangerous drugs~~ licensee exhausts all of the ~~distributor's~~ licensee's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The board shall deposit the proceeds of the sale with the court. 71760  
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(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 71776  
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(E) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

**Sec. 4729.561.** If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs to possess or distribute dangerous drugs presents a danger of immediate and serious harm to others, the board may suspend without a hearing the ~~wholesaler distributor's registration certificate~~ license issued pursuant to section 4729.52 of the Revised Code. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ~~ninety one~~ hundred twenty days after the ~~hearing suspension~~, the suspension shall be void on the ~~ninety-first~~ one hundred twenty-first day after the suspension.

**Sec. 4729.57.** (A) The state board of pharmacy may ~~suspend~~ after notice and a hearing in accordance with Chapter 119. of the

Revised Code, impose any one or more of the following sanctions on 71815  
a terminal distributor of dangerous drugs for any of the causes 71816  
set forth in division (B) of this section: 71817

(1) Suspend, revoke, restrict, limit, or refuse to grant or 71818  
renew any license as a terminal distributor of dangerous drugs, or 71819  
may impose; 71820

(2) Reprimand or place the license holder on probation; 71821

(3) Impose a monetary penalty or forfeiture not to exceed in 71822  
severity any fine designated under the Revised Code for a similar 71823  
offense or one thousand dollars if the acts committed have not 71824  
been classified as an offense by the Revised Code, for any of the 71825  
following causes: 71826

(B) The board may impose the sanctions listed in division (A) 71827  
of this section for any of the following: 71828

(1) Making any false material statements in an application 71829  
for a license as a terminal distributor of dangerous drugs; 71830

(2) Violating any rule of the board; 71831

(3) Violating any provision of this chapter; 71832

(4) Except as provided in section 4729.89 of the Revised 71833  
Code, violating any provision of the "Federal Food, Drug, and 71834  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 71835  
3715. of the Revised Code; 71836

(5) Violating any provision of the federal drug abuse control 71837  
laws or Chapter 2925. or 3719. of the Revised Code; 71838

(6) Falsely or fraudulently promoting to the public a 71839  
dangerous drug, except that nothing in this division prohibits a 71840  
terminal distributor of dangerous drugs from furnishing 71841  
information concerning a dangerous drug to a health care provider 71842  
or another licensed terminal distributor; 71843



(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 71844  
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(8) Except as provided in division ~~(B)~~(C) of this section: 71847

(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor; 71848  
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(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services. 71855  
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(9) Conviction of a felony; 71860

(10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code. 71861  
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~~(B)~~(C) Sanctions shall not be imposed under division ~~(A)~~(B)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows: 71864  
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(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request. 71867  
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(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this 71872  
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chapter and the rules of the board. 71874

~~(C)~~(D)(1) Upon the suspension or revocation of a license 71875  
issued to a terminal distributor of dangerous drugs or the refusal 71876  
by the board to renew such a license, the distributor shall 71877  
immediately surrender the license to the board. 71878

(2)(a) The board may place under seal all dangerous drugs 71879  
that are owned by or in the possession, custody, or control of a 71880  
terminal distributor at the time the license is suspended or 71881  
revoked or at the time the board refuses to renew the license. 71882  
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 71883  
section, dangerous drugs so sealed shall not be disposed of until 71884  
appeal rights under Chapter 119. of the Revised Code have expired 71885  
or an appeal filed pursuant to that chapter has been determined. 71886

(b) The court involved in an appeal filed pursuant to Chapter 71887  
119. of the Revised Code may order the board, during the pendency 71888  
of the appeal, to sell sealed dangerous drugs that are perishable. 71889  
The proceeds of such a sale shall be deposited with that court. 71890

(E) If the board is required under Chapter 119. of the 71891  
Revised Code to give notice of an opportunity for a hearing and 71892  
the license holder does not make a timely request for a hearing in 71893  
accordance with section 119.07 of the Revised Code, the board is 71894  
not required to hold a hearing, but may adopt a final order that 71895  
contains the board's findings. In the final order, the board may 71896  
impose any of the sanctions listed in division (A) of this 71897  
section. 71898

(F) Notwithstanding division (C)(2) of section 2953.32 of the 71899  
Revised Code specifying that if records pertaining to a criminal 71900  
case are sealed under that section the proceedings in the case 71901  
must be deemed not to have occurred, sealing of the following 71902  
records on which the board has based an action under this section 71903  
shall have no effect on the board's action or any sanction imposed 71904

by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

**Sec. 4729.571.** ~~If the~~ (A) The state board of pharmacy determines ~~that there is clear and convincing evidence that the method used by~~ may suspend without a hearing the license of a terminal distributor of dangerous drugs to distribute or prescribe dangerous drugs presents if the board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others, the board may suspend the terminal distributor's license without a hearing due to either of the following:

(1) The method used by the terminal distributor to possess or distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor. The

(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ suspension, the suspension shall be void on the ~~ninety-first~~ one hundred twenty-first day after the suspension.

If the terminal distributor holds a license with a pain management clinic classification issued under section 4729.552 of the Revised Code or a license with an office-based opioid

treatment classification issued under section 4729.553 of the Revised Code and the person holding the license also holds a certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, prior to suspending the license without a hearing, the board shall consult with the secretary of the state medical board or, if the secretary is unavailable, another physician member of the board.

**Sec. 4729.58.** The state board of pharmacy, within thirty days after receipt of ~~an~~ a complete application filed in the form and manner set forth in section 4729.52 or 4729.54 of the Revised Code for the issuance of a ~~new~~ license ~~or registration certificate~~ or the renewal of a license ~~or registration certificate~~ ~~previously issued~~, shall notify the applicant therefor whether or not such license ~~or registration certificate~~ will be issued or renewed. If the board determines that such license ~~or registration certificate~~ will not be issued or renewed, such notice to the applicant shall set forth, in a manner determined by the board, the reason or reasons that such license ~~or registration certificate~~ will not be issued or renewed.

**Sec. 4729.59.** The executive director of the state board of pharmacy shall maintain a register of the names, addresses, and the date of ~~registration~~ licensure of those persons to whom a ~~registration certificate~~ has licenses have been issued pursuant to ~~section~~ sections 4729.52 ~~of the Revised Code and those persons to whom a license has been issued pursuant to section~~ and 4729.54 of the Revised Code. ~~The register shall be the property of the board and shall be open for public examination and inspection at all reasonable times, as the board may direct.~~

The board shall ~~publish or~~ make available to ~~registered wholesale distributors and licensed terminal distributors of dangerous drugs, annually, and at such other times and in such~~

manner as the board shall prescribe, a roster setting forth the names and addresses of those persons who have been registered by the board pursuant to section 4729.52 of the Revised Code and those persons who have been licensed pursuant to section 4729.54 of the Revised Code, . The roster shall indicate those persons whose licenses ~~or registration certificates~~ have been suspended, revoked, or surrendered, and those persons whose licenses ~~or registration certificates~~ have not been renewed.

A written statement signed and verified by the executive director of the board or the director's designee in which it is stated that after diligent search of the register no record or entry of the issuance of a license ~~or registration certificate~~ to a person is found is admissible in evidence and constitutes presumptive evidence of the fact that the person is not a licensed ~~terminal distributor or is not a registered wholesale distributor of dangerous drugs~~ pursuant to section 4729.52 or 4729.54 of the Revised Code.

**Sec. 4729.60.** (A)(1) Before a ~~registered wholesale distributor of dangerous drugs~~ licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the ~~wholesale distributor~~ licensee shall ~~obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that~~ query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs. ~~The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited~~

~~category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute.~~ 71999  
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If no ~~certificate is obtained or furnished~~ documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the ~~wholesale distributor~~ licensee is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a ~~registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs~~ licensee conducts a documented query and relies on the ~~certificate~~ results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the ~~wholesale distributor of dangerous drugs~~ licensee shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale. 72002  
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(2) Division (A)(1) of this section does not apply when a ~~wholesale distributor~~ licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code sells or distributes dangerous drugs at wholesale to any of the following: 72016  
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(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code; 72020  
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(b) Any of the persons described in divisions (A)(1) to (13) of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section. 72022  
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(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall ~~obtain from the seller and the seller shall furnish to the terminal distributor the number of~~ query the roster 72026  
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established pursuant to section 4729.59 of the Revised Code to 72030  
confirm the seller's registration certificate seller is licensed 72031  
to engage in the sale or distribution of dangerous drugs at 72032  
wholesale. 72033

If no ~~registration number is obtained or furnished~~ documented 72034  
query is conducted before a purchase is made, it shall be presumed 72035  
that the purchase of dangerous drugs by the terminal distributor 72036  
is in violation of division (F) of section 4729.51 of the Revised 72037  
Code and the sale of dangerous drugs by the seller is in violation 72038  
of division (A) of section 4729.51 of the Revised Code. If a 72039  
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 72040  
~~furnished a registration number from a wholesale distributor of~~ 72041  
~~dangerous drugs~~ conducts a documented query at least annually and 72042  
relies on the ~~registration number~~ results of the query in 72043  
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 72044  
~~distributor of dangerous drugs~~, the terminal distributor shall be 72045  
deemed not to have violated division (F) of section 4729.51 of the 72046  
Revised Code in making the purchase. 72047

**Sec. 4729.61.** ~~(A) No person shall make or cause to be made,~~ 72048  
~~or furnish or cause to be furnished to a wholesale distributor of~~ 72049  
~~dangerous drugs, a false certificate required to be furnished to a~~ 72050  
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 72051  
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 72052

~~(B)~~ No person shall make or cause to be made ~~a false~~ 72053  
~~registration certificate of a wholesale distributor of dangerous~~ 72054  
~~drugs~~ or a false or fraudulent license of a terminal distributor 72055  
of dangerous drugs or a manufacturer, outsourcing facility, 72056  
third-party logistics provider, repackager, or wholesale 72057  
distributor of dangerous drugs. 72058

**Sec. 4729.62.** If a ~~wholesale distributor of dangerous drugs~~ 72059

who has been registered ceases to engage in the sale of dangerous 72060  
drugs at wholesale, or if a terminal distributor of dangerous 72061  
drugs to whom a license has been issued ceases to engage in the 72062  
sale of dangerous drugs at retail, such terminal or wholesale 72063  
distributor of dangerous drugs person licensed under section 72064  
4729.52 or 4729.54 of the Revised Code ceases to engage in the 72065  
activities for which the license was issued, the person shall 72066  
notify the state board of pharmacy of such fact and shall 72067  
surrender such license ~~or registration certificate~~ to the board 72068  
within a time frame specified by the board in rules adopted under 72069  
section 4729.26 of the Revised Code; provided, that on dissolution 72070  
of a partnership by death, the surviving partner may operate under 72071  
a license ~~or registration certificate~~ issued to the partnership 72072  
until expiration, revocation, or suspension of such license ~~or~~ 72073  
~~registration certificate~~, and the heirs or legal representatives 72074  
of deceased persons, and receivers and trustees in bankruptcy 72075  
appointed by any competent authority, may operate under the 72076  
license ~~or registration certificate~~ issued to the persons 72077  
succeeded in possession by such heir, representative, receiver, or 72078  
trustee in bankruptcy until expiration, revocation, or suspension 72079  
of such license ~~or registration certificate~~. 72080

**Sec. 4729.67.** On receipt of a notice pursuant to section 72081  
3123.43 of the Revised Code, the state board of pharmacy shall 72082  
comply with sections 3123.41 to 3123.50 of the Revised Code and 72083  
any applicable rules adopted under section 3123.63 of the Revised 72084  
Code with respect to a license, ~~identification card~~, or 72085  
certificate of registration issued pursuant to this chapter. 72086

**Sec. 4729.75.** The state board of pharmacy may establish and 72087  
maintain a drug database. The board shall use the drug database to 72088  
monitor the misuse and diversion of the following: controlled 72089  
substances, as defined in section 3719.01 of the Revised Code; 72090



medical marijuana, as authorized under Chapter 3796. of the 72091  
Revised Code; and other dangerous drugs the board includes in the 72092  
database pursuant to rules adopted under section 4729.84 of the 72093  
Revised Code. In establishing and maintaining the database, the 72094  
board shall electronically collect information pursuant to 72095  
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the 72096  
Revised Code and shall disseminate information as authorized or 72097  
required by sections 4729.80 and 4729.81 of the Revised Code. The 72098  
board's collection and dissemination of information shall be 72099  
conducted in accordance with rules adopted under section 4729.84 72100  
of the Revised Code. 72101

**Sec. 4729.77.** (A) If the state board of pharmacy establishes 72102  
and maintains a drug database pursuant to section 4729.75 of the 72103  
Revised Code, each pharmacy licensed as a terminal distributor of 72104  
dangerous drugs that dispenses drugs to patients in this state and 72105  
is included in the types of pharmacies specified in rules adopted 72106  
under section 4729.84 of the Revised Code shall submit to the 72107  
board the following prescription information: 72108

- (1) Terminal distributor identification; 72109
- (2) Patient identification; 72110
- (3) Prescriber identification; 72111
- (4) Date prescription was issued by prescriber; 72112
- (5) Date drug was dispensed; 72113
- (6) Indication of whether the drug dispensed is new or a 72114  
refill; 72115
- (7) Name, strength, and national drug code of the drug 72116  
dispensed; 72117
- (8) Quantity of drug dispensed; 72118
- (9) Number of days' supply of drug dispensed; 72119

(10) Serial or prescription number assigned by the terminal distributor;	72120 72121
(11) Source of payment for the drug dispensed;	72122
<u>(12) Any other data fields recognized by the American society for automation in pharmacy and specified in rules adopted under section 4729.84 of the Revised Code.</u>	72123 72124 72125
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	72126 72127 72128
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.	72129 72130 72131 72132
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	72133 72134 72135
(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.	72136 72137 72138
(b) The board is unable to receive electronic submissions.	72139
(C) This section does not apply to a prescriber personally furnishing or administering dangerous drugs to the prescriber's patient.	72140 72141 72142
<u>Sec. 4729.772. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, in addition to the information required to be submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 of the Revised Code, the board may accept information from other sources, including other state agencies, to the extent the information is related to monitoring the misuse and diversion of</u>	72143 72144 72145 72146 72147 72148 72149

drugs as set forth in section 4729.75 of the Revised Code. 72150

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(B) Any information submitted pursuant to this section shall 72152

be transmitted as specified by the board in rules adopted under 72153

section 4729.84 of the Revised Code. 72154

**Sec. 4729.78.** (A) If the state board of pharmacy establishes 72155

and maintains a drug database pursuant to section 4729.75 of the 72156

Revised Code, each manufacturer of dangerous drugs, outsourcing 72157

facility, repackager of dangerous drugs, or wholesale distributor 72158

of dangerous drugs that delivers drugs ~~in this state~~ to 72159

prescribers or terminal distributors of dangerous drugs shall 72160

submit to the board the following purchase information: 72161

(1) Purchaser identification; 72162

(2) Identification of the drug sold; 72163

(3) Quantity of the drug sold; 72164

(4) Date of sale; 72165

(5) The ~~wholesale distributor's~~ license number issued by the 72166

board. 72167

(B)(1) The information shall be transmitted as specified by 72168

the board in rules adopted under section 4729.84 of the Revised 72169

Code. 72170

(2) The information shall be submitted electronically in the 72171

format specified by the board, except that the board may grant a 72172

waiver allowing ~~the distributor to submit~~ submission of the 72173

information in another format. 72174

(3) The information shall be submitted in accordance with any 72175

time limits specified by the board, except that the board may 72176

grant an extension if either of the following occurs: 72177

(a) The manufacturer, outsourcing facility, repackager, or 72178  
wholesale distributor suffers a mechanical or electronic failure, 72179  
or cannot meet the deadline for other reasons beyond the 72180  
~~distributor's~~ person's control. 72181

(b) The board is unable to receive electronic submissions. 72182

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 72183  
and maintains a drug database pursuant to section 4729.75 of the 72184  
Revised Code, the board is authorized or required to provide 72185  
information from the database ~~in accordance with the following~~ 72186  
only as follows: 72187

(1) On receipt of a request from a designated representative 72188  
of a government entity responsible for the licensure, regulation, 72189  
or discipline of health care professionals with authority to 72190  
prescribe, administer, or dispense drugs, the board may provide to 72191  
the representative information from the database relating to the 72192  
professional who is the subject of an active investigation being 72193  
conducted by the government entity or relating to a professional 72194  
who is acting as an expert witness for the government entity in 72195  
such an investigation. 72196

(2) On receipt of a request from a federal officer, or a 72197  
state or local officer of this or any other state, whose duties 72198  
include enforcing laws relating to drugs, the board shall provide 72199  
to the officer information from the database relating to the 72200  
person who is the subject of an active investigation of a drug 72201  
abuse offense, as defined in section 2925.01 of the Revised Code, 72202  
being conducted by the officer's employing government entity. 72203

(3) Pursuant to a subpoena issued by a grand jury, the board 72204  
shall provide to the grand jury information from the database 72205  
relating to the person who is the subject of an investigation 72206  
being conducted by the grand jury. 72207

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own ~~database information~~ prescription history.

(8) On receipt of a request from a medical director or a

pharmacy director of a managed care organization that has entered 72239  
into a contract with the department of medicaid under section 72240  
5167.10 of the Revised Code and a data security agreement with the 72241  
board required by section 5167.14 of the Revised Code, the board 72242  
shall provide to the medical director or the pharmacy director 72243  
information from the database relating to a medicaid recipient 72244  
enrolled in the managed care organization, including information 72245  
in the database related to prescriptions for the recipient that 72246  
were not covered or reimbursed under a program administered by the 72247  
department of medicaid. 72248

(9) On receipt of a request from the medicaid director, the 72249  
board shall provide to the director information from the database 72250  
relating to a recipient of a program administered by the 72251  
department of medicaid, including information in the database 72252  
related to prescriptions for the recipient that were not covered 72253  
or paid by a program administered by the department. 72254

(10) On receipt of a request from a medical director of a 72255  
managed care organization that has entered into a contract with 72256  
the administrator of workers' compensation under division (B)(4) 72257  
of section 4121.44 of the Revised Code and a data security 72258  
agreement with the board required by section 4121.447 of the 72259  
Revised Code, the board shall provide to the medical director 72260  
information from the database relating to a claimant under Chapter 72261  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 72262  
managed care organization, including information in the database 72263  
related to prescriptions for the claimant that were not covered or 72264  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 72265  
Revised Code, if the administrator of workers' compensation 72266  
confirms, upon request from the board, that the claimant is 72267  
assigned to the managed care organization. 72268

(11) On receipt of a request from the administrator of 72269  
workers' compensation, the board shall provide to the 72270

administrator information from the database relating to a claimant 72271  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 72272  
including information in the database related to prescriptions for 72273  
the claimant that were not covered or reimbursed under Chapter 72274  
4121., 4123., 4127., or 4131. of the Revised Code. 72275

(12) On receipt of a request from a prescriber or the 72276  
prescriber's delegate approved by the board, the board shall 72277  
provide to the prescriber information from the database relating 72278  
to a patient's mother, if the prescriber certifies in a form 72279  
specified by the board that it is for the purpose of providing 72280  
medical treatment to a newborn or infant patient diagnosed as 72281  
opioid dependent and the prescriber has not been denied access to 72282  
the database by the board. 72283

(13) On receipt of a request from the director of health, the 72284  
board shall provide to the director information from the database 72285  
relating to the duties of the director or the department of health 72286  
in implementing the Ohio violent death reporting system 72287  
established under section 3701.93 of the Revised Code. 72288

(14) On receipt of a request from a requestor described in 72289  
division (A)(1), (2), (5), or (6) of this section who is from or 72290  
participating with another state's prescription monitoring 72291  
program, the board may provide to the requestor information from 72292  
the database, but only if there is a written agreement under which 72293  
the information is to be used and disseminated according to the 72294  
laws of this state. 72295

(15) On receipt of a request from a delegate of a retail 72296  
dispensary licensed under Chapter 3796. of the Revised Code who is 72297  
approved by the board to serve as the dispensary's delegate, the 72298  
board shall provide to the delegate a report of information from 72299  
the database pertaining only to a patient's use of medical 72300  
marijuana, if both of the following conditions are met: 72301

(a) The delegate certifies in a form specified by the board 72302  
that it is for the purpose of dispensing medical marijuana for use 72303  
in accordance with Chapter 3796. of the Revised Code. 72304

(b) The retail dispensary or delegate has not been denied 72305  
access to the database by the board. 72306

(16) On receipt of a request from a judge of a program 72307  
certified by the Ohio supreme court as a specialized docket 72308  
program for drugs, the board shall provide to the judge, or an 72309  
employee of the program who is designated by the judge to receive 72310  
the information, information from the database that relates 72311  
specifically to a current or prospective program participant. 72312

(17) On receipt of a request from a coroner, deputy coroner, 72313  
or coroner's delegate approved by the board, the board shall 72314  
provide to the requestor information from the database relating to 72315  
a deceased person about whom the coroner is conducting or has 72316  
conducted an autopsy or investigation. Information received by a 72317  
coroner, deputy coroner, or coroner's delegate may be shared with 72318  
a drug overdose fatality review committee established pursuant to 72319  
section 307.631 of the Revised Code. 72320

(18) On receipt of a request from a prescriber, the board may 72321  
provide to the prescriber a summary of the prescriber's 72322  
prescribing record if such a record is created by the board. 72323  
Information in the summary is subject to the confidentiality 72324  
requirements of this chapter. 72325

(19)(a) On receipt of a request from a pharmacy's responsible 72326  
person, the board may provide to the responsible person a summary 72327  
of the pharmacy's dispensing record if such a record is created by 72328  
the board. Information in the summary is subject to the 72329  
confidentiality requirements of this chapter. 72330

(b) As used in division (A)(19)(a) of this section, 72331  
"responsible person" has the same meaning as in rules adopted by 72332



the board under section 4729.26 of the Revised Code. 72333

(20) The board may provide information from the database 72334  
without request to a prescriber or pharmacist who is authorized to 72335  
use the database pursuant to this chapter. 72336

(21) On receipt of a request from a peer review committee, as 72337  
defined in section 2305.25 of the Revised Code, the board shall 72338  
provide to the committee information from the database relating to 72339  
a health care professional who is subject to the committee's 72340  
evaluation, supervision, or discipline if the information is to be 72341  
used for one of those purposes. 72342

(22) Any personal health information submitted to the board 72343  
pursuant to section 4729.772 of the Revised Code may be provided 72344  
by the board only as authorized by the submitter of the 72345  
information and in accordance with rules adopted under section 72346  
4729.84 of the Revised Code. 72347

(B) The state board of pharmacy shall maintain a record of 72348  
each individual or entity that requests information from the 72349  
database pursuant to this section. In accordance with rules 72350  
adopted under section 4729.84 of the Revised Code, the board may 72351  
use the records to document and report statistics and law 72352  
enforcement outcomes. 72353

The board may provide records of an individual's requests for 72354  
database information only to the following: 72355

(1) A designated representative of a government entity that 72356  
is responsible for the licensure, regulation, or discipline of 72357  
health care professionals with authority to prescribe, administer, 72358  
or dispense drugs who is involved in an active criminal or 72359  
disciplinary investigation being conducted by the government 72360  
entity of the individual who submitted the requests for database 72361  
information; 72362

(2) A federal officer, or a state or local officer of this or 72363

any other state, whose duties include enforcing laws relating to 72364  
drugs and who is involved in an active investigation being 72365  
conducted by the officer's employing government entity of the 72366  
individual who submitted the requests for database information; 72367

(3) A designated representative of the department of medicaid 72368  
regarding a prescriber who is treating or has treated a recipient 72369  
of a program administered by the department and who submitted the 72370  
requests for database information. 72371

(C) Information contained in the database and any information 72372  
obtained from it is confidential and is not a public record. 72373  
Information contained in the records of requests for information 72374  
from the database is confidential and is not a public record. 72375  
Information contained in the database that does not identify a 72376  
person, including any licensee or registrant of the board or other 72377  
entity, may be released in summary, statistical, or aggregate 72378  
form. 72379

~~(D) Information contained in the database may be provided 72380~~  
~~only as expressly permitted in law, including any information 72381~~  
~~contained in the database that relates to any person, including 72382~~  
~~any licensee or registrant of the board or other entity. 72383~~

~~(E) A pharmacist or prescriber shall not be held liable in 72384~~  
~~damages to any person in any civil action for injury, death, or 72385~~  
~~loss to person or property on the basis that the pharmacist or 72386~~  
~~prescriber did or did not seek or obtain information from the 72387~~  
~~database. 72388~~

**Sec. 4729.82. (A)** If the state board of pharmacy establishes 72389  
a drug database pursuant to section 4729.75 of the Revised Code, 72390  
the information collected for the database shall be retained in 72391  
the database and accessible to persons listed in division (A) of 72392  
section 4729.80 of the Revised Code for at least ~~three~~ five years. 72393  
Any 72394

(B) Except as provided in division (C) of this section, any 72395  
information that identifies a patient shall be destroyed after it 72396  
has been retained for ~~three~~ five years unless a law enforcement 72397  
agency or a government entity responsible for the licensure, 72398  
regulation, or discipline of licensed health professionals 72399  
authorized to prescribe drugs has submitted a written request to 72400  
the board for retention of the information in accordance with 72401  
rules adopted by the board under section 4729.84 of the Revised 72402  
Code. 72403

(C) The board may retain information that identifies a 72404  
patient for a period in excess of five years if the board 72405  
considers retention of the information necessary to serve an 72406  
investigatory or public health purpose. 72407

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 72408  
and maintains a drug database pursuant to section 4729.75 of the 72409  
Revised Code, the board may use, for the purpose of establishing 72410  
or maintaining the database, any portion of the licensure or 72411  
registration fees collected under ~~section 4729.15, 4729.52, or~~ 72412  
~~4729.54 of the Revised Code for the licensing or registration of~~ 72413  
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 72414  
~~drugs, or terminal distributors of dangerous drugs~~ this chapter. 72415  
The board shall not increase the amount of any of those fees 72416  
solely for the purpose of establishing or maintaining the 72417  
database. 72418

The board shall not impose any charge on a prescriber for the 72419  
establishment or maintenance of the database. The board shall not 72420  
charge any fees for the transmission of data to the database or 72421  
for the receipt of information from the database, except that the 72422  
board may charge a fee in accordance with rules adopted under 72423  
section 4729.84 of the Revised Code to an individual who requests 72424  
the individual's own database information under section 4729.80 of 72425

the Revised Code. 72426

(B) The board may accept grants, gifts, or donations for 72427  
purposes of the drug database. Any money received shall be 72428  
deposited into the state treasury to the credit of the drug 72429  
database fund, which is hereby created. Money in the fund shall be 72430  
used solely for purposes of the drug database. 72431

**Sec. 4729.84.** For purposes of establishing and maintaining a 72432  
drug database pursuant to section 4729.75 of the Revised Code, the 72433  
state board of pharmacy shall adopt rules in accordance with 72434  
Chapter 119. of the Revised Code to carry out and enforce sections 72435  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 72436  
all of the following: 72437

(A) A means of identifying each patient, each terminal 72438  
distributor of dangerous drugs, each purchase at wholesale of 72439  
dangerous drugs, and each retail dispensary licensed under Chapter 72440  
3796. of the Revised Code about which information is entered into 72441  
the drug database; 72442

(B) Requirements for the transmission of information from 72443  
terminal distributors of dangerous drugs, manufacturers of 72444  
dangerous drugs, outsourcing facilities, repackagers of dangerous 72445  
drugs, wholesale distributors of dangerous drugs, prescribers, and 72446  
retail dispensaries; 72447

(C) An electronic format for the submission of information 72448  
from ~~terminal distributors, wholesale distributors, prescribers,~~ 72449  
~~and retail dispensaries~~ persons identified in division (B) of this 72450  
section; 72451

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 72452  
~~distributor, prescriber, or retail dispensary~~ person unable to 72453  
submit information electronically may obtain a waiver to submit 72454  
information in another format; 72455

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a ~~terminal distributor, wholesale distributor, prescriber, or retail dispensary~~ person identified in division (B) of this section may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the

Revised Code; 72487

(M) Additional data fields, recognized by the American society for automation in pharmacy, that licensed terminal distributors of dangerous drugs must submit to the board pursuant to section 4729.77 of the Revised Code; 72488  
72489  
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72491

(N) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code; 72492  
72493  
72494

(O) Requirements for the transmission of information pursuant to section 4729.772 of the Revised Code and requirements for the release of such information by the board. 72495  
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**Sec. 4729.86.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply: 72498  
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(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~ (15) to (22), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows: 72501  
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(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense; 72507  
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(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code; 72509  
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(c) When a prescriber, pharmacist, or retail dispensary 72516

licensed under Chapter 3796. of the Revised Code provides the 72517  
information to a person who is approved by the board to serve as 72518  
such a delegate of the prescriber, pharmacist, or retail 72519  
dispensary; 72520

(d) When a prescriber or pharmacist includes the information 72521  
in a medical record, as defined in section 3701.74 of the Revised 72522  
Code; 72523

(e) When a coroner, deputy coroner, or coroner's delegate, as 72524  
authorized by division (A)(17) of section 4729.80 of the Revised 72525  
Code, shares information with a drug overdose fatality review 72526  
committee. 72527

(2) No person shall provide false information to the state 72528  
board of pharmacy with the intent to obtain or alter information 72529  
contained in the drug database. 72530

(3) No person shall obtain drug database information by any 72531  
means except as provided under section 4729.80 or 4729.81 of the 72532  
Revised Code. 72533

(B) A person shall not use information obtained pursuant to 72534  
division (A) of section 4729.80 of the Revised Code as evidence in 72535  
any civil or administrative proceeding. 72536

(C)(1) Except as provided in division (C)(2) of this section, 72537  
after providing notice and affording an opportunity for a hearing 72538  
in accordance with Chapter 119. of the Revised Code, the board may 72539  
restrict a person from obtaining further information from the drug 72540  
database if any of the following is the case: 72541

(a) The person violates division (A)(1), (2), or (3) of this 72542  
section; 72543

(b) The person is a requestor identified in division (A)(14) 72544  
of section 4729.80 of the Revised Code and the board determines 72545  
that the person's actions in another state would have constituted 72546

a violation of division (A)(1), (2), or (3) of this section; 72547

(c) The person fails to comply with division (B) of this 72548  
section, regardless of the jurisdiction in which the failure to 72549  
comply occurred; 72550

(d) The person creates, by clear and convincing evidence, a 72551  
threat to the security of information contained in the database. 72552

(2) If the board determines that allegations regarding a 72553  
person's actions warrant restricting the person from obtaining 72554  
further information from the drug database without a prior 72555  
hearing, the board may summarily impose the restriction. A 72556  
telephone conference call may be used for reviewing the 72557  
allegations and taking a vote on the summary restriction. The 72558  
summary restriction shall remain in effect, unless removed by the 72559  
board, until the board's final adjudication order becomes 72560  
effective. 72561

(3) The board shall determine the extent to which the person 72562  
is restricted from obtaining further information from the 72563  
database. 72564

**Sec. 4730.05.** (A) There is hereby created the physician 72565  
assistant policy committee of the state medical board. The 72566  
president of the board shall appoint the members of the committee. 72567  
The committee shall consist of the seven members specified in 72568  
divisions (A)(1) to (3) of this section. When the committee is 72569  
developing or revising policy and procedures for 72570  
physician-delegated prescriptive authority for physician 72571  
assistants, the committee shall include the two additional members 72572  
specified in division (A)(4) of this section. 72573

(1) Three members of the committee shall be physicians. Of 72574  
the physician members, one shall be a member of the state medical 72575  
board, one shall be appointed from a list of five physicians 72576



recommended by the Ohio state medical association, and one shall 72577  
be appointed from a list of five physicians recommended by the 72578  
Ohio osteopathic association. At all times, the physician 72579  
membership of the committee shall include at least one physician 72580  
who is a supervising physician of a physician assistant, 72581  
preferably with at least two years' experience as a supervising 72582  
physician. 72583

(2) Three members shall be physician assistants appointed 72584  
from a list of five individuals recommended by the Ohio 72585  
association of physician assistants. 72586

(3) One member, who is not affiliated with any health care 72587  
profession, shall be appointed to represent the interests of 72588  
consumers. 72589

(4) The two additional members, appointed to serve only when 72590  
the committee is developing or revising policy and procedures for 72591  
physician-delegated prescriptive authority for physician 72592  
assistants, shall be pharmacists. Of these members, one shall be 72593  
appointed from a list of five clinical pharmacists recommended by 72594  
the Ohio pharmacists association and one shall be appointed from 72595  
the pharmacist members of the state board of pharmacy, preferably 72596  
from among the members who are clinical pharmacists. 72597

The pharmacist members shall have voting privileges only for 72598  
purposes of developing or revising policy and procedures for 72599  
physician-delegated prescriptive authority for physician 72600  
assistants. Presence of the pharmacist members shall not be 72601  
required for the transaction of any other business. 72602

(B) Terms of office shall be for two years, with each term 72603  
ending on the same day of the same month as did the term that it 72604  
succeeds. Each member shall hold office from the date of being 72605  
appointed until the end of the term for which the member was 72606  
appointed. Members may be reappointed, except that a member may 72607

not be appointed to serve more than three consecutive terms. As 72608  
vacancies occur, a successor shall be appointed who has the 72609  
qualifications the vacancy requires. A member appointed to fill a 72610  
vacancy occurring prior to the expiration of the term for which a 72611  
predecessor was appointed shall hold office as a member for the 72612  
remainder of that term. A member shall continue in office 72613  
subsequent to the expiration date of the member's term until a 72614  
successor takes office or until a period of sixty days has 72615  
elapsed, whichever occurs first. 72616

(C) Each member of the committee shall receive ~~an amount~~ 72617  
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 72618  
~~Code for each day employed in the discharge of official duties as~~ 72619  
~~a member, and shall also receive~~ the member's necessary and actual 72620  
expenses incurred in the performance of official duties as a 72621  
member. 72622

(D) The committee members specified in divisions (A)(1) to 72623  
(3) of this section by a majority vote shall elect a chairperson 72624  
from among those members. The members may elect a new chairperson 72625  
at any time. 72626

(E) The state medical board may appoint assistants, clerical 72627  
staff, or other employees as necessary for the committee to 72628  
perform its duties adequately. 72629

(F) The committee shall meet at least four times a year and 72630  
at such other times as may be necessary to carry out its 72631  
responsibilities. 72632

**Sec. 4730.40.** (A) ~~Subject to division (B)~~ As used in this 72633  
section, "medication-assisted treatment" has the same meaning as 72634  
in section 340.01 of the Revised Code. 72635

(B) Except as provided in divisions (C) and (D) of this 72636  
section, the physician assistant formulary adopted by the state 72637

medical board under section 4730.39 of the Revised Code may 72638  
include any or all of the following drugs: 72639

(1) Schedule II, III, IV, and V controlled substances; 72640

(2) Drugs that under state or federal law may be dispensed 72641  
only pursuant to a prescription by a licensed health professional 72642  
authorized to prescribe drugs, as defined in section 4729.01 of 72643  
the Revised Code; 72644

(3) Any drug that is not a dangerous drug, as defined in 72645  
section 4729.01 of the Revised Code. 72646

~~(B)~~(C) The formulary adopted by the board shall include both 72647  
of the following for use in medication-assisted treatment: 72648

(1) Drugs that contain buprenorphine; 72649

(2) Opioid antagonists, including oral and long-acting forms. 72650

(D) The formulary adopted by the board shall not include, and 72651  
shall specify that it does not include, any drug or device used to 72652  
perform or induce an abortion. 72653

**Sec. 4730.55.** (A) As used in this section: 72654

(1) "Controlled substance," "schedule III," "schedule IV," 72655  
and "schedule V" have the same meanings as in section 3719.01 of 72656  
the Revised Code. 72657

(2) "Medication-assisted treatment" has the same meaning as 72658  
in section 340.01 of the Revised Code. 72659

(B) The state medical board shall adopt rules that establish 72660  
standards and procedures to be followed by physician assistants in 72661  
the use of all drugs approved by the United States food and drug 72662  
administration for use in medication-assisted treatment, including 72663  
controlled substances in schedule III, IV, or V. The rules shall 72664  
address detoxification, relapse prevention, patient assessment, 72665  
individual treatment planning, counseling and recovery supports, 72666

diversion control, and other topics selected by the board after 72667  
considering best practices in medication-assisted treatment. 72668

The board may apply the rules to all circumstances in which a 72669  
physician assistant prescribes drugs for use in 72670  
medication-assisted treatment or limit the application of the 72671  
rules to prescriptions for medication-assisted treatment issued 72672  
for patients being treated in office-based practices or other 72673  
practice types or locations specified by the board. 72674

(C) All rules adopted under this section shall be adopted in 72675  
accordance with Chapter 119. of the Revised Code. The rules shall 72676  
be consistent with rules adopted under sections 4723.51 and 72677  
4731.056 of the Revised Code. 72678

**Sec. 4730.56.** (A) As used in this section: 72679

(1) "Community addiction services provider" has the same 72680  
meaning as in section 5119.01 of the Revised Code. 72681

(2) "Medication-assisted treatment" has the same meaning as 72682  
in section 340.01 of the Revised Code. 72683

(B) A physician assistant shall comply with section 3715.08 72684  
of the Revised Code and rules adopted under section 4730.55 of the 72685  
Revised Code when treating a patient with medication-assisted 72686  
treatment or proposing to initiate such treatment. 72687

(C) A physician assistant who fails to comply with this 72688  
section shall treat not more than thirty patients at any one time 72689  
with medication-assisted treatment even if the facility or 72690  
location at which the treatment is provided is either of the 72691  
following: 72692

(1) Exempted by divisions (B)(2)(a) to (d) of section 72693  
4729.553 of the Revised Code from being required to possess a 72694  
category III terminal distributor of dangerous drugs license with 72695  
an office-based opioid treatment classification; 72696

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 72697  
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**Sec. 4731.04.** As used in this chapter: 72701

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 72702  
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(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school. 72707  
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(C) "Graduate medical education" means education received through any of the following: 72711  
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(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 72713  
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(2) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 72717  
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(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada; 72723  
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(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada. 72727  
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(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices. 72730  
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**Sec. 4731.056.** (A) As used in this section: 72738

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 72739  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 72742  
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(3) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 72744  
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(B) The state medical board shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ that establish standards and procedures to be followed by physicians in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V to treat opioid dependence or addiction. 72747  
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The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted

treatment. The 72757

The board may ~~limit the application of~~ apply the rules to 72758  
~~treatment provided through an~~ all circumstances in which a 72759  
physician prescribes drugs for use in medication-assisted 72760  
treatment or limit the application of the rules to prescriptions 72761  
for medication-assisted treatment for patients being treated in 72762  
office-based ~~practice~~ practices or other practice ~~type~~ types or 72763  
~~location~~ locations specified by the board. 72764

(C) All rules adopted under this section shall be adopted in 72765  
accordance with Chapter 119. of the Revised Code. The rules shall 72766  
be consistent with rules adopted under sections 4723.51 and 72767  
4730.55 of the Revised Code. 72768

**Sec. 4731.07.** (A) The state medical board shall keep a record 72769  
of its proceedings. The minutes of a meeting of the board shall, 72770  
on approval by the board, constitute an official record of its 72771  
proceedings. 72772

(B) The board shall keep a register of applicants for 72773  
certificates ~~to practice~~ issued under this chapter and Chapters 72774  
4760., 4762., and 4774. of the Revised Code and licenses issued 72775  
under this chapter and Chapters 4730. and 4778. of the Revised 72776  
Code. The register shall show the name of the applicant and 72777  
whether the applicant was granted or refused a certificate or 72778  
license. With respect to applicants to practice medicine and 72779  
surgery or osteopathic medicine and surgery, the register shall 72780  
show the name of the institution that granted the applicant the 72781  
degree of doctor of medicine or osteopathic medicine. The books 72782  
and records of the board shall be prima-facie evidence of matters 72783  
therein contained. 72784

**Sec. ~~4731.081~~ 4731.08.** In addition to any other eligibility 72785  
requirement set forth in this chapter, each applicant for a 72786

~~certificate license~~ to practice medicine and surgery or 72787  
osteopathic medicine and surgery shall comply with sections 72788  
4776.01 to 4776.04 of the Revised Code. The state medical board 72789  
shall not grant to an applicant a ~~certificate license~~ to practice 72790  
medicine and surgery or osteopathic medicine and surgery unless 72791  
the board, in its discretion, decides that the results of the 72792  
criminal records check do not make the applicant ineligible for a 72793  
~~certificate license~~ issued pursuant to section 4731.14 of the 72794  
Revised Code. 72795

~~Sec. 4731.091 4731.09.~~ (A) ~~As used in this section and in~~ 72796  
~~section 4731.092 of the Revised Code:~~ 72797

~~(1) "Graduate medical education" means education received~~ 72798  
~~through any of the following:~~ 72799

~~(a) An internship or residency program conducted in the~~ 72800  
~~United States and accredited by either the accreditation council~~ 72801  
~~for graduate medical education of the American medical association~~ 72802  
~~or the American osteopathic association;~~ 72803

~~(b) A clinical fellowship program conducted in the United~~ 72804  
~~States at an institution with a residency program accredited by~~ 72805  
~~either the accreditation council for graduate medical education of~~ 72806  
~~the American medical association or the American osteopathic~~ 72807  
~~association that is in a clinical field the same as or related to~~ 72808  
~~the clinical field of the fellowship program;~~ 72809

~~(c) An internship program conducted in Canada and accredited~~ 72810  
~~by the committee on accreditation of preregistration physician~~ 72811  
~~training programs of the federation of provincial medical~~ 72812  
~~licensing authorities of Canada;~~ 72813

~~(d) A residency program conducted in Canada and accredited by~~ 72814  
~~either the royal college of physicians and surgeons of Canada or~~ 72815  
~~the college of family physicians of Canada.~~ 72816



~~(2) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.~~

~~(B) To be eligible for admission to the examination conducted by the state medical board under section 4731.13 of the Revised Code, an applicant must meet the medical education and graduate medical education requirements specified in any one of the following and any additional requirements of division (C) of this section An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements:~~

~~(1) Be at least eighteen years of age and of good moral character;~~

~~(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;~~

~~(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;~~

~~(4) Meet one of the following medical education and graduate medical education requirements:~~

~~(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than ~~nine~~ twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board;~~

~~(2)(b) Hold certification from the educational commission for~~

foreign medical graduates and have successfully completed not less 72848  
than ~~nine~~ twenty-four months of graduate medical education through 72849  
the ~~first-year~~ second-year level of graduate medical education or 72850  
its equivalent as determined by the board; 72851

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 72852  
program as recognized by the board under section ~~4731.092~~ 4731.091 72853  
of the Revised Code and have successfully completed, subsequent to 72854  
completing fifth pathway training, not less than ~~nine~~ twelve 72855  
months of graduate medical education or its equivalent as 72856  
determined by the board. 72857

(5) Have successfully passed an examination prescribed in 72858  
rules adopted by the board to determine competency to practice 72859  
medicine and surgery or osteopathic medicine and surgery; 72860

(6) Comply with section 4731.08 of the Revised Code; 72861

(7) Meet the requirements of section 4731.142 of the Revised 72862  
Code if eligibility for the license applied for is based in part 72863  
on certification from the educational commission for foreign 72864  
medical graduates and the undergraduate education requirements 72865  
established by this section were fulfilled at an institution 72866  
outside of the United States. 72867

~~(C) If an applicant holding certification from the~~ 72868  
~~educational commission for foreign medical graduates received the~~ 72869  
~~core clinical instruction segment of the applicant's medical~~ 72870  
~~education at an institution in the United States, the board may~~ 72871  
~~require that to be eligible for admission to its examination, the~~ 72872  
~~applicant must have received the instruction at either of the~~ 72873  
~~following:~~ 72874

~~(1) An institution that, at the time of the instruction, was~~ 72875  
~~a formal part of or had formal affiliation with a medical school~~ 72876  
~~accredited by the liaison committee on medical education or an~~ 72877  
~~osteopathic medical school accredited by the American osteopathic~~ 72878

association. 72879

~~(2) An institution with, at the time of the instruction, a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a field the same as or related to the core clinical instruction~~ (B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following: 72880  
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(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section; 72890  
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(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section; 72893  
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(3) Consent to the release of the applicant's information; 72895

(4) Any other information required by rules adopted by the board. 72896  
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(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee. 72898  
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(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant. 72903  
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(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not 72907  
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later than ninety days after receipt of a complete application 72909  
unless the applicant agrees in writing to an extension or the 72910  
board determines that there is a substantial question of a 72911  
violation of this chapter or the rules adopted under it and 72912  
notifies the applicant in writing of the reasons for continuation 72913  
of the investigation. If the board determines that the applicant 72914  
is not in violation of this chapter or the rules adopted under it, 72915  
the board shall issue a license not later than forty-five days 72916  
after making that determination. 72917

**Sec. ~~4731.092~~ 4731.091.** To be recognized by the state medical 72918  
board as a qualified graduate of a fifth pathway training program, 72919  
an applicant shall submit evidence satisfactory to the board that 72920  
~~he~~ the applicant has done all of the following: 72921

(A) Studied medicine in a foreign medical school acknowledged 72922  
by the world health organization and verified by a member state of 72923  
that organization as operating within the state's jurisdiction at 72924  
the time ~~he~~ the applicant studied medicine; 72925

(B) Successfully completed all the formal requirements of the 72926  
foreign medical school except internship or social service 72927  
requirements; 72928

(C) Prior to entrance into the fifth pathway training 72929  
program, attained on a screening examination acceptable to the 72930  
board a score satisfactory to a medical school accredited by the 72931  
liaison committee on medical education; 72932

(D) Successfully completed one academic year of fifth pathway 72933  
training at a hospital affiliated with a medical school accredited 72934  
by the liaison committee on medical education. 72935

**Sec. 4731.10.** Upon the request of a person who holds a 72936  
license or certificate to practice in this state pursuant to 72937  
~~Chapter 4731. of the Revised Code~~ issued under this chapter and is 72938

seeking licensure in another state, the state medical board shall 72939  
provide verification of the person's license or certificate to 72940  
practice the person's profession in this state. The fee for such 72941  
verification ~~shall be~~ is fifty dollars. 72942

**Sec. 4731.14.** (A) ~~As used in this section, "graduate medical~~ 72943  
~~education" has the same meaning as in section 4731.091 of the~~ 72944  
~~Revised Code~~ The state medical board shall review all applications 72945  
submitted under section 4731.09 or 4731.296 of the Revised Code 72946  
and determine whether each applicant meets the requirements for a 72947  
license to practice medicine and surgery or osteopathic medicine 72948  
and surgery. An affirmative vote of not fewer than six members of 72949  
the board is necessary for the board to determine that an 72950  
applicant meets the requirements for a license. 72951

(B) ~~The state medical board shall issue its certificate to~~ 72952  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 72953  
~~as follows:~~ 72954

(1) ~~The board shall issue its certificate to each individual~~ 72955  
~~who was admitted to the board's examination by meeting the~~ 72956  
~~educational requirements specified in division (B)(1) or (3) of~~ 72957  
~~section 4731.091 of the Revised Code if the individual passes the~~ 72958  
~~examination, pays a certificate issuance fee of three hundred~~ 72959  
~~dollars, and submits evidence satisfactory to the board that the~~ 72960  
~~individual has successfully completed not less than twelve months~~ 72961  
~~of graduate medical education or its equivalent as determined by~~ 72962  
~~the board.~~ 72963

(2) ~~Except as provided in section 4731.142 of the Revised~~ 72964  
~~Code, the board shall issue its certificate to each individual who~~ 72965  
~~was admitted to the board's examination by meeting the educational~~ 72966  
~~requirements specified in division (B)(2) of section 4731.091 of~~ 72967  
~~the Revised Code if the individual passes the examination, pays a~~ 72968  
~~certificate issuance fee of three hundred dollars, submits~~ 72969

~~evidence satisfactory to the board that the individual has 72970  
successfully completed not less than twenty four months of 72971  
graduate medical education through the second year level of 72972  
graduate medical education or its equivalent as determined by the 72973  
board, and, if the individual passed the examination prior to 72974  
completing twenty four months of graduate medical education or its 72975  
equivalent, the individual continues to meet the moral character 72976  
requirements for admission to the board's examination. 72977~~

~~(C) If the board determines that the evidence submitted with 72978  
an application is satisfactory and the applicant meets the 72979  
requirements for a license, the board shall issue to the applicant 72980  
a license to practice medicine and surgery or osteopathic medicine 72981  
and surgery, as applicable. If the applicant holds a medical 72982  
degree other than the degree of doctor of medicine or doctor of 72983  
osteopathic medicine, the license shall indicate that the 72984  
applicant is authorized to practice medicine and surgery pursuant 72985  
to the laws of this state. Each certificate license issued by the 72986  
board shall be signed by its president and secretary, and attested 72987  
by its seal. The certificate shall be on a form prescribed by the 72988  
board and shall indicate the medical degree held by the individual 72989  
to whom the certificate is issued. If the individual holds the 72990  
degree of doctor of medicine, the certificate shall state that the 72991  
individual is authorized to practice medicine and surgery pursuant 72992  
to the laws of this state. If the individual holds the degree of 72993  
doctor of osteopathic medicine, the certificate shall state that 72994  
the individual is authorized to practice osteopathic medicine and 72995  
surgery pursuant to the laws of this state. If the individual 72996  
holds a medical degree other than the degree of doctor of medicine 72997  
or doctor of osteopathic medicine, the certificate shall indicate 72998  
the diploma, degree, or other document issued by the medical 72999  
school or institution the individual attended and shall state that 73000  
the individual is authorized to practice medicine and surgery 73001  
pursuant to the laws of this state. 73002~~

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician." 73003  
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~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter~~ holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted. 73008  
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(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate. 73021  
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**Sec. 4731.142.** (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum 73023  
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score that demonstrates proficiency in spoken English. 73034

(B) An individual is not required to demonstrate proficiency 73035  
in spoken English in accordance with division (A) of this section 73036  
if any of the following apply: 73037

(1) The individual was required to demonstrate such 73038  
proficiency as a condition of certification from the educational 73039  
commission for foreign medical graduates; 73040

(2) For the five years immediately preceding the date on 73041  
which the applicant submitted to the board an application as 73042  
described in section 4731.09 of the Revised Code, the applicant 73043  
held an unrestricted license issued by another state to practice 73044  
medicine and surgery or osteopathic medicine and surgery and was 73045  
actively engaged in such practice in the United States; 73046

(3) At the beginning of the five-year period preceding the 73047  
date on which the applicant submitted to the board an application 73048  
as described in section 4731.09 of the Revised Code, the applicant 73049  
was receiving graduate medical education and, upon completion of 73050  
that education, held an unrestricted license issued by another 73051  
state to practice medicine and surgery or osteopathic medicine and 73052  
surgery and was actively engaged in such practice in the United 73053  
States. 73054

**Sec. 4731.143.** (A) Each person holding a valid ~~certificate~~ 73055  
license issued under this chapter authorizing the ~~certificate~~ 73056  
license holder to practice medicine and surgery, osteopathic 73057  
medicine and surgery, or podiatric medicine and surgery, who is 73058  
not covered by medical malpractice insurance shall provide a 73059  
patient with written notice of the ~~certificate~~ license holder's 73060  
lack of that insurance coverage prior to providing nonemergency 73061  
professional services to the patient. The notice shall be provided 73062  
alone on its own page. The notice shall provide space for the 73063  
patient to acknowledge receipt of the notice, and shall be in the 73064



following form: 73065

"N O T I C E: 73066

Dr. .... (here state the full name of the 73067  
~~certificate~~ license holder) is not covered by medical malpractice 73068  
insurance. 73069

The undersigned acknowledges the receipt of this notice. 73070  
..... 73071  
(Patient's Signature) 73072  
..... 73073  
(Date)" 73074

The ~~certificate~~ license holder shall obtain the patient's 73075  
signature, acknowledging the patient's receipt of the notice, 73076  
prior to providing nonemergency professional services to the 73077  
patient. The ~~certificate~~ license holder shall maintain the signed 73078  
notice in the patient's ~~file~~ medical record. 73079

(B) This section does not apply to any officer or employee of 73080  
the state, as those terms are defined in section 9.85 of the 73081  
Revised Code, who is immune from civil liability under section 73082  
9.86 of the Revised Code or is entitled to indemnification 73083  
pursuant to section 9.87 of the Revised Code, to the extent that 73084  
the person is acting within the scope of the person's employment 73085  
or official responsibilities. 73086

This section does not apply to a person who complies with 73087  
division (B)(2) of section 2305.234 of the Revised Code. 73088

(C) As used in this section, "medical malpractice insurance" 73089  
means insurance coverage against the legal liability of the 73090  
insured and against loss, damage, or expense incident to a claim 73091  
arising out of the death, disease, or injury of any person as the 73092  
result of negligence or malpractice in rendering professional 73093  
service by any licensed physician, podiatrist, or hospital, as 73094

those terms are defined in section 2305.113 of the Revised Code. 73095

**Sec. 4731.15.** (A)~~(1)~~ The state medical board also shall 73096  
regulate the following limited branches of medicine: massage 73097  
therapy and cosmetic therapy, and to the extent specified in 73098  
section 4731.151 of the Revised Code, naprapathy and 73099  
mechanotherapy. The board shall adopt rules governing the limited 73100  
branches of medicine under its jurisdiction. The rules shall be 73101  
adopted in accordance with Chapter 119. of the Revised Code. 73102

~~(2) As used in this chapter:~~ 73103

~~(a) "Cosmetic therapy" means the permanent removal of hair 73104  
from the human body through the use of electric modalities 73105  
approved by the board for use in cosmetic therapy, and 73106  
additionally may include the systematic friction, stroking, 73107  
slapping, and kneading or tapping of the face, neck, scalp, or 73108  
shoulders.~~ 73109

~~(b) "Massage therapy" means the treatment of disorders of the 73110  
human body by the manipulation of soft tissue through the 73111  
systematic external application of massage techniques including 73112  
touch, stroking, friction, vibration, percussion, kneading, 73113  
stretching, compression, and joint movements within the normal 73114  
physiologic range of motion; and adjunctive thereto, the external 73115  
application of water, heat, cold, topical preparations, and 73116  
mechanical devices.~~ 73117

(B) A certificate to practice a limited branch of medicine 73118  
issued by the state medical board is valid for a two-year period, 73119  
except when an initial certificate is issued for a shorter period 73120  
or when division (C)(2) of this section is applicable. The 73121  
certificate may be renewed in accordance with division (C) of this 73122  
section. 73123

(C)(1) Except as provided in division (C)(2) of this section, 73124

~~all~~ both of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial renewal with the state medical board in a manner prescribed by the board. An applicant for renewal shall pay a biennial renewal fee of one hundred dollars.

(b) At least ~~six months~~ one month before a certificate expires, the board shall provide a renewal notice to the certificate holder.

~~(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial renewal fee to the board.~~

(2) The board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division (A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of ~~the biennial~~

~~renewal a reinstatement fee and the applicable monetary penalty of~~ 73156  
~~one hundred twenty-five dollars.~~ With regard to reinstatement of a 73157  
certificate to practice cosmetic therapy, the applicant also shall 73158  
submit with the application a certification that the number of 73159  
hours of continuing education necessary to have a suspended 73160  
certificate reinstated have been completed, as specified in rules 73161  
the board shall adopt in accordance with Chapter 119. of the 73162  
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 73163  
~~dollars.~~ 73164

If a certificate has been suspended pursuant to this division 73165  
for more than two years, it may be restored. Subject to section 73166  
4731.222 of the Revised Code, the board may restore the 73167  
certificate upon an applicant's submission of a restoration 73168  
application, ~~the biennial renewal fee, and the applicable monetary~~ 73169  
~~penalty~~ a restoration fee of one hundred fifty dollars and 73170  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 73171  
The board shall not restore to an applicant a certificate to 73172  
practice unless the board, in its discretion, decides that the 73173  
results of the criminal records check do not make the applicant 73174  
ineligible for a certificate issued pursuant to section 4731.17 of 73175  
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 73176

**Sec. 4731.22.** (A) The state medical board, by an affirmative 73177  
vote of not fewer than six of its members, may limit, revoke, or 73178  
suspend ~~an individual's~~ a license or certificate to practice or 73179  
certificate to recommend, refuse to grant a license or certificate 73180  
~~to an individual,~~ refuse to renew a license or certificate, refuse 73181  
to reinstate a license or certificate, or reprimand or place on 73182  
probation the holder of a license or certificate if the individual 73183  
applying for or holding the license or certificate ~~holder~~ is found 73184  
by the board to have committed fraud during the administration of 73185  
the examination for a license or certificate to practice or to 73186  
have committed fraud, misrepresentation, or deception in applying 73187

for, renewing, or securing any license or certificate to practice 73188  
or certificate to recommend issued by the board. 73189

(B) The board, by an affirmative vote of not fewer than six 73190  
members, shall, to the extent permitted by law, limit, revoke, or 73191  
suspend ~~an individual's~~ a license or certificate to practice or 73192  
certificate to recommend, refuse to issue a license or certificate 73193  
~~to an individual~~, refuse to renew a license or certificate, refuse 73194  
to reinstate a license or certificate, or reprimand or place on 73195  
probation the holder of a license or certificate for one or more 73196  
of the following reasons: 73197

(1) Permitting one's name or one's license or certificate to 73198  
practice to be used by a person, group, or corporation when the 73199  
individual concerned is not actually directing the treatment 73200  
given; 73201

(2) Failure to maintain minimal standards applicable to the 73202  
selection or administration of drugs, or failure to employ 73203  
acceptable scientific methods in the selection of drugs or other 73204  
modalities for treatment of disease; 73205

(3) Except as provided in section 4731.97 of the Revised 73206  
Code, selling, giving away, personally furnishing, prescribing, or 73207  
administering drugs for other than legal and legitimate 73208  
therapeutic purposes or a plea of guilty to, a judicial finding of 73209  
guilt of, or a judicial finding of eligibility for intervention in 73210  
lieu of conviction of, a violation of any federal or state law 73211  
regulating the possession, distribution, or use of any drug; 73212

(4) Willfully betraying a professional confidence. 73213

For purposes of this division, "willfully betraying a 73214  
professional confidence" does not include providing any 73215  
information, documents, or reports under sections 307.621 to 73216  
307.629 of the Revised Code to a child fatality review board; does 73217

not include providing any information, documents, or reports under sections 307.631 to 307.639 of the Revised Code to a drug overdose fatality review committee; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 73250  
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- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 73254  
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- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 73258  
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 73261  
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 73264  
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 73267  
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 73270  
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 73273  
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 73276  
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- (15) Violation of the conditions of limitation placed by the 73279

board upon a license or certificate to practice; 73280

(16) Failure to pay license renewal fees specified in this 73281  
chapter; 73282

(17) Except as authorized in section 4731.31 of the Revised 73283  
Code, engaging in the division of fees for referral of patients, 73284  
or the receiving of a thing of value in return for a specific 73285  
referral of a patient to utilize a particular service or business; 73286

(18) Subject to section 4731.226 of the Revised Code, 73287  
violation of any provision of a code of ethics of the American 73288  
medical association, the American osteopathic association, the 73289  
American podiatric medical association, or any other national 73290  
professional organizations that the board specifies by rule. The 73291  
state medical board shall obtain and keep on file current copies 73292  
of the codes of ethics of the various national professional 73293  
organizations. The individual whose license or certificate is 73294  
being suspended or revoked shall not be found to have violated any 73295  
provision of a code of ethics of an organization not appropriate 73296  
to the individual's profession. 73297

For purposes of this division, a "provision of a code of 73298  
ethics of a national professional organization" does not include 73299  
any provision that would preclude the making of a report by a 73300  
physician of an employee's use of a drug of abuse, or of a 73301  
condition of an employee other than one involving the use of a 73302  
drug of abuse, to the employer of the employee as described in 73303  
division (B) of section 2305.33 of the Revised Code. Nothing in 73304  
this division affects the immunity from civil liability conferred 73305  
by that section upon a physician who makes either type of report 73306  
in accordance with division (B) of that section. As used in this 73307  
division, "employee," "employer," and "physician" have the same 73308  
meanings as in section 2305.33 of the Revised Code. 73309

(19) Inability to practice according to acceptable and 73310



prevailing standards of care by reason of mental illness or 73311  
physical illness, including, but not limited to, physical 73312  
deterioration that adversely affects cognitive, motor, or 73313  
perceptive skills. 73314

In enforcing this division, the board, upon a showing of a 73315  
possible violation, may compel any individual authorized to 73316  
practice by this chapter or who has submitted an application 73317  
pursuant to this chapter to submit to a mental examination, 73318  
physical examination, including an HIV test, or both a mental and 73319  
a physical examination. The expense of the examination is the 73320  
responsibility of the individual compelled to be examined. Failure 73321  
to submit to a mental or physical examination or consent to an HIV 73322  
test ordered by the board constitutes an admission of the 73323  
allegations against the individual unless the failure is due to 73324  
circumstances beyond the individual's control, and a default and 73325  
final order may be entered without the taking of testimony or 73326  
presentation of evidence. If the board finds an individual unable 73327  
to practice because of the reasons set forth in this division, the 73328  
board shall require the individual to submit to care, counseling, 73329  
or treatment by physicians approved or designated by the board, as 73330  
a condition for initial, continued, reinstated, or renewed 73331  
authority to practice. An individual affected under this division 73332  
shall be afforded an opportunity to demonstrate to the board the 73333  
ability to resume practice in compliance with acceptable and 73334  
prevailing standards under the provisions of the individual's 73335  
license or certificate. For the purpose of this division, any 73336  
individual who applies for or receives a license or certificate to 73337  
practice under this chapter accepts the privilege of practicing in 73338  
this state and, by so doing, shall be deemed to have given consent 73339  
to submit to a mental or physical examination when directed to do 73340  
so in writing by the board, and to have waived all objections to 73341  
the admissibility of testimony or examination reports that 73342  
constitute a privileged communication. 73343

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 ~~or 4731.282~~ of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or 73376  
the performance or inducement of an abortion upon a pregnant woman 73377  
with actual knowledge that the conditions specified in division 73378  
(B) of section 2317.56 of the Revised Code have not been satisfied 73379  
or with a heedless indifference as to whether those conditions 73380  
have been satisfied, unless an affirmative defense as specified in 73381  
division (H)(2) of that section would apply in a civil action 73382  
authorized by division (H)(1) of that section; 73383

(24) The revocation, suspension, restriction, reduction, or 73384  
termination of clinical privileges by the United States department 73385  
of defense or department of veterans affairs or the termination or 73386  
suspension of a certificate of registration to prescribe drugs by 73387  
the drug enforcement administration of the United States 73388  
department of justice; 73389

(25) Termination or suspension from participation in the 73390  
medicare or medicaid programs by the department of health and 73391  
human services or other responsible agency for any act or acts 73392  
that also would constitute a violation of division (B)(2), (3), 73393  
(6), (8), or (19) of this section; 73394

(26) Impairment of ability to practice according to 73395  
acceptable and prevailing standards of care because of habitual or 73396  
excessive use or abuse of drugs, alcohol, or other substances that 73397  
impair ability to practice. 73398

For the purposes of this division, any individual authorized 73399  
to practice by this chapter accepts the privilege of practicing in 73400  
this state subject to supervision by the board. By filing an 73401  
application for or holding a license or certificate to practice 73402  
under this chapter, an individual shall be deemed to have given 73403  
consent to submit to a mental or physical examination when ordered 73404  
to do so by the board in writing, and to have waived all 73405  
objections to the admissibility of testimony or examination 73406  
reports that constitute privileged communications. 73407

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare

contract or consent agreement; 73440

(c) Two written reports indicating that the individual's 73441  
ability to practice has been assessed and that the individual has 73442  
been found capable of practicing according to acceptable and 73443  
prevailing standards of care. The reports shall be made by 73444  
individuals or providers approved by the board for making the 73445  
assessments and shall describe the basis for their determination. 73446

The board may reinstate a license or certificate suspended 73447  
under this division after that demonstration and after the 73448  
individual has entered into a written consent agreement. 73449

When the impaired practitioner resumes practice, the board 73450  
shall require continued monitoring of the individual. The 73451  
monitoring shall include, but not be limited to, compliance with 73452  
the written consent agreement entered into before reinstatement or 73453  
with conditions imposed by board order after a hearing, and, upon 73454  
termination of the consent agreement, submission to the board for 73455  
at least two years of annual written progress reports made under 73456  
penalty of perjury stating whether the individual has maintained 73457  
sobriety. 73458

(27) A second or subsequent violation of section 4731.66 or 73459  
4731.69 of the Revised Code; 73460

(28) Except as provided in division (N) of this section: 73461

(a) Waiving the payment of all or any part of a deductible or 73462  
copayment that a patient, pursuant to a health insurance or health 73463  
care policy, contract, or plan that covers the individual's 73464  
services, otherwise would be required to pay if the waiver is used 73465  
as an enticement to a patient or group of patients to receive 73466  
health care services from that individual; 73467

(b) Advertising that the individual will waive the payment of 73468  
all or any part of a deductible or copayment that a patient, 73469  
pursuant to a health insurance or health care policy, contract, or 73470

plan that covers the individual's services, otherwise would be required to pay. 73471  
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(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 73473  
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(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file medical record; 73476  
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(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; 73481  
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 73485  
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 73492  
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for 73495  
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discipline under this section if a court of competent jurisdiction 73502  
has issued an order that either quashes a subpoena or permits the 73503  
individual to withhold the testimony or evidence in issue; 73504

(35) Failure to supervise an oriental medicine practitioner 73505  
or acupuncturist in accordance with Chapter 4762. of the Revised 73506  
Code and the board's rules for providing that supervision; 73507

(36) Failure to supervise an anesthesiologist assistant in 73508  
accordance with Chapter 4760. of the Revised Code and the board's 73509  
rules for supervision of an anesthesiologist assistant; 73510

(37) Assisting suicide, as defined in section 3795.01 of the 73511  
Revised Code; 73512

(38) Failure to comply with the requirements of section 73513  
2317.561 of the Revised Code; 73514

(39) Failure to supervise a radiologist assistant in 73515  
accordance with Chapter 4774. of the Revised Code and the board's 73516  
rules for supervision of radiologist assistants; 73517

(40) Performing or inducing an abortion at an office or 73518  
facility with knowledge that the office or facility fails to post 73519  
the notice required under section 3701.791 of the Revised Code; 73520

(41) Failure to comply with the standards and procedures 73521  
established in rules under section 4731.054 of the Revised Code 73522  
for the operation of or the provision of care at a pain management 73523  
clinic; 73524

(42) Failure to comply with the standards and procedures 73525  
established in rules under section 4731.054 of the Revised Code 73526  
for providing supervision, direction, and control of individuals 73527  
at a pain management clinic; 73528

(43) Failure to comply with the requirements of section 73529  
4729.79 or 4731.055 of the Revised Code, unless the state board of 73530  
pharmacy no longer maintains a drug database pursuant to section 73531

4729.75 of the Revised Code;	73532
(44) Failure to comply with the requirements of section	73533
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	73534
submit to the department of health in accordance with a court	73535
order a complete report as described in section 2919.171 or	73536
2919.202 of the Revised Code;	73537
(45) Practicing at a facility that is subject to licensure as	73538
a category III terminal distributor of dangerous drugs with a pain	73539
management clinic classification unless the person operating the	73540
facility has obtained and maintains the license with the	73541
classification;	73542
(46) Owning a facility that is subject to licensure as a	73543
category III terminal distributor of dangerous drugs with a pain	73544
management clinic classification unless the facility is licensed	73545
with the classification;	73546
(47) Failure to comply with the requirement regarding	73547
maintaining notes described in division (B) of section 2919.191 of	73548
the Revised Code or failure to satisfy the requirements of section	73549
2919.191 of the Revised Code prior to performing or inducing an	73550
abortion upon a pregnant woman;	73551
(48) Failure to comply with the requirements in section	73552
3719.061 of the Revised Code before issuing for a minor a	73553
prescription for an opioid analgesic, as defined in section	73554
3719.01 of the Revised Code;	73555
(49) Failure to comply with the requirements of section	73556
4731.30 of the Revised Code or rules adopted under section	73557
4731.301 of the Revised Code when recommending treatment with	73558
medical marijuana;	73559
(50) Practicing at a facility, clinic, or other location that	73560
is subject to licensure as a category III terminal distributor of	73561
dangerous drugs with an office-based opioid treatment	73562



classification unless the person operating that place has obtained 73563  
and maintains the license with the classification; 73564

(51) Owning a facility, clinic, or other location that is 73565  
subject to licensure as a category III terminal distributor of 73566  
dangerous drugs with an office-based opioid treatment 73567  
classification unless that place is licensed with the 73568  
classification. 73569

(C) Disciplinary actions taken by the board under divisions 73570  
(A) and (B) of this section shall be taken pursuant to an 73571  
adjudication under Chapter 119. of the Revised Code, except that 73572  
in lieu of an adjudication, the board may enter into a consent 73573  
agreement with an individual to resolve an allegation of a 73574  
violation of this chapter or any rule adopted under it. A consent 73575  
agreement, when ratified by an affirmative vote of not fewer than 73576  
six members of the board, shall constitute the findings and order 73577  
of the board with respect to the matter addressed in the 73578  
agreement. If the board refuses to ratify a consent agreement, the 73579  
admissions and findings contained in the consent agreement shall 73580  
be of no force or effect. 73581

A telephone conference call may be utilized for ratification 73582  
of a consent agreement that revokes or suspends an individual's 73583  
license or certificate to practice or certificate to recommend. 73584  
The telephone conference call shall be considered a special 73585  
meeting under division (F) of section 121.22 of the Revised Code. 73586

If the board takes disciplinary action against an individual 73587  
under division (B) of this section for a second or subsequent plea 73588  
of guilty to, or judicial finding of guilt of, a violation of 73589  
section 2919.123 of the Revised Code, the disciplinary action 73590  
shall consist of a suspension of the individual's license or 73591  
certificate to practice for a period of at least one year or, if 73592  
determined appropriate by the board, a more serious sanction 73593  
involving the individual's license or certificate to practice. Any 73594

consent agreement entered into under this division with an 73595  
individual that pertains to a second or subsequent plea of guilty 73596  
to, or judicial finding of guilt of, a violation of that section 73597  
shall provide for a suspension of the individual's license or 73598  
certificate to practice for a period of at least one year or, if 73599  
determined appropriate by the board, a more serious sanction 73600  
involving the individual's license or certificate to practice. 73601

(D) For purposes of divisions (B)(10), (12), and (14) of this 73602  
section, the commission of the act may be established by a finding 73603  
by the board, pursuant to an adjudication under Chapter 119. of 73604  
the Revised Code, that the individual committed the act. The board 73605  
does not have jurisdiction under those divisions if the trial 73606  
court renders a final judgment in the individual's favor and that 73607  
judgment is based upon an adjudication on the merits. The board 73608  
has jurisdiction under those divisions if the trial court issues 73609  
an order of dismissal upon technical or procedural grounds. 73610

(E) The sealing of conviction records by any court shall have 73611  
no effect upon a prior board order entered under this section or 73612  
upon the board's jurisdiction to take action under this section 73613  
if, based upon a plea of guilty, a judicial finding of guilt, or a 73614  
judicial finding of eligibility for intervention in lieu of 73615  
conviction, the board issued a notice of opportunity for a hearing 73616  
prior to the court's order to seal the records. The board shall 73617  
not be required to seal, destroy, redact, or otherwise modify its 73618  
records to reflect the court's sealing of conviction records. 73619

(F)(1) The board shall investigate evidence that appears to 73620  
show that a person has violated any provision of this chapter or 73621  
any rule adopted under it. Any person may report to the board in a 73622  
signed writing any information that the person may have that 73623  
appears to show a violation of any provision of this chapter or 73624  
any rule adopted under it. In the absence of bad faith, any person 73625  
who reports information of that nature or who testifies before the 73626

board in any adjudication conducted under Chapter 119. of the 73627  
Revised Code shall not be liable in damages in a civil action as a 73628  
result of the report or testimony. Each complaint or allegation of 73629  
a violation received by the board shall be assigned a case number 73630  
and shall be recorded by the board. 73631

(2) Investigations of alleged violations of this chapter or 73632  
any rule adopted under it shall be supervised by the supervising 73633  
member elected by the board in accordance with section 4731.02 of 73634  
the Revised Code and by the secretary as provided in section 73635  
4731.39 of the Revised Code. The president may designate another 73636  
member of the board to supervise the investigation in place of the 73637  
supervising member. No member of the board who supervises the 73638  
investigation of a case shall participate in further adjudication 73639  
of the case. 73640

(3) In investigating a possible violation of this chapter or 73641  
any rule adopted under this chapter, or in conducting an 73642  
inspection under division (E) of section 4731.054 of the Revised 73643  
Code, the board may question witnesses, conduct interviews, 73644  
administer oaths, order the taking of depositions, inspect and 73645  
copy any books, accounts, papers, records, or documents, issue 73646  
subpoenas, and compel the attendance of witnesses and production 73647  
of books, accounts, papers, records, documents, and testimony, 73648  
except that a subpoena for patient record information shall not be 73649  
issued without consultation with the attorney general's office and 73650  
approval of the secretary and supervising member of the board. 73651

(a) Before issuance of a subpoena for patient record 73652  
information, the secretary and supervising member shall determine 73653  
whether there is probable cause to believe that the complaint 73654  
filed alleges a violation of this chapter or any rule adopted 73655  
under it and that the records sought are relevant to the alleged 73656  
violation and material to the investigation. The subpoena may 73657  
apply only to records that cover a reasonable period of time 73658

surrounding the alleged violation. 73659

(b) On failure to comply with any subpoena issued by the 73660  
board and after reasonable notice to the person being subpoenaed, 73661  
the board may move for an order compelling the production of 73662  
persons or records pursuant to the Rules of Civil Procedure. 73663

(c) A subpoena issued by the board may be served by a 73664  
sheriff, the sheriff's deputy, or a board employee designated by 73665  
the board. Service of a subpoena issued by the board may be made 73666  
by delivering a copy of the subpoena to the person named therein, 73667  
reading it to the person, or leaving it at the person's usual 73668  
place of residence, usual place of business, or address on file 73669  
with the board. When serving a subpoena to an applicant for or the 73670  
holder of a license or certificate issued under this chapter, 73671  
service of the subpoena may be made by certified mail, return 73672  
receipt requested, and the subpoena shall be deemed served on the 73673  
date delivery is made or the date the person refuses to accept 73674  
delivery. If the person being served refuses to accept the 73675  
subpoena or is not located, service may be made to an attorney who 73676  
notifies the board that the attorney is representing the person. 73677

(d) A sheriff's deputy who serves a subpoena shall receive 73678  
the same fees as a sheriff. Each witness who appears before the 73679  
board in obedience to a subpoena shall receive the fees and 73680  
mileage provided for under section 119.094 of the Revised Code. 73681

(4) All hearings, investigations, and inspections of the 73682  
board shall be considered civil actions for the purposes of 73683  
section 2305.252 of the Revised Code. 73684

(5) A report required to be submitted to the board under this 73685  
chapter, a complaint, or information received by the board 73686  
pursuant to an investigation or pursuant to an inspection under 73687  
division (E) of section 4731.054 of the Revised Code is 73688  
confidential and not subject to discovery in any civil action. 73689

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report

that documents the disposition of all cases during the preceding 73722  
three months. The report shall contain the following information 73723  
for each case with which the board has completed its activities: 73724

(a) The case number assigned to the complaint or alleged 73725  
violation; 73726

(b) The type of license or certificate to practice, if any, 73727  
held by the individual against whom the complaint is directed; 73728

(c) A description of the allegations contained in the 73729  
complaint; 73730

(d) The disposition of the case. 73731

The report shall state how many cases are still pending and 73732  
shall be prepared in a manner that protects the identity of each 73733  
person involved in each case. The report shall be a public record 73734  
under section 149.43 of the Revised Code. 73735

(G) If the secretary and supervising member determine both of 73736  
the following, they may recommend that the board suspend an 73737  
individual's license or certificate to practice or certificate to 73738  
recommend without a prior hearing: 73739

(1) That there is clear and convincing evidence that an 73740  
individual has violated division (B) of this section; 73741

(2) That the individual's continued practice presents a 73742  
danger of immediate and serious harm to the public. 73743

Written allegations shall be prepared for consideration by 73744  
the board. The board, upon review of those allegations and by an 73745  
affirmative vote of not fewer than six of its members, excluding 73746  
the secretary and supervising member, may suspend a license or 73747  
certificate without a prior hearing. A telephone conference call 73748  
may be utilized for reviewing the allegations and taking the vote 73749  
on the summary suspension. 73750

The board shall issue a written order of suspension by 73751

certified mail or in person in accordance with section 119.07 of 73752  
the Revised Code. The order shall not be subject to suspension by 73753  
the court during pendency of any appeal filed under section 119.12 73754  
of the Revised Code. If the individual subject to the summary 73755  
suspension requests an adjudicatory hearing by the board, the date 73756  
set for the hearing shall be within fifteen days, but not earlier 73757  
than seven days, after the individual requests the hearing, unless 73758  
otherwise agreed to by both the board and the individual. 73759

Any summary suspension imposed under this division shall 73760  
remain in effect, unless reversed on appeal, until a final 73761  
adjudicative order issued by the board pursuant to this section 73762  
and Chapter 119. of the Revised Code becomes effective. The board 73763  
shall issue its final adjudicative order within seventy-five days 73764  
after completion of its hearing. A failure to issue the order 73765  
within seventy-five days shall result in dissolution of the 73766  
summary suspension order but shall not invalidate any subsequent, 73767  
final adjudicative order. 73768

(H) If the board takes action under division (B)(9), (11), or 73769  
(13) of this section and the judicial finding of guilt, guilty 73770  
plea, or judicial finding of eligibility for intervention in lieu 73771  
of conviction is overturned on appeal, upon exhaustion of the 73772  
criminal appeal, a petition for reconsideration of the order may 73773  
be filed with the board along with appropriate court documents. 73774  
Upon receipt of a petition of that nature and supporting court 73775  
documents, the board shall reinstate the individual's license or 73776  
certificate to practice. The board may then hold an adjudication 73777  
under Chapter 119. of the Revised Code to determine whether the 73778  
individual committed the act in question. Notice of an opportunity 73779  
for a hearing shall be given in accordance with Chapter 119. of 73780  
the Revised Code. If the board finds, pursuant to an adjudication 73781  
held under this division, that the individual committed the act or 73782  
if no hearing is requested, the board may order any of the 73783

sanctions identified under division (B) of this section. 73784

(I) The license or certificate to practice issued to an 73785  
individual under this chapter and the individual's practice in 73786  
this state are automatically suspended as of the date of the 73787  
individual's second or subsequent plea of guilty to, or judicial 73788  
finding of guilt of, a violation of section 2919.123 of the 73789  
Revised Code. In addition, the license or certificate to practice 73790  
or certificate to recommend issued to an individual under this 73791  
chapter and the individual's practice in this state are 73792  
automatically suspended as of the date the individual pleads 73793  
guilty to, is found by a judge or jury to be guilty of, or is 73794  
subject to a judicial finding of eligibility for intervention in 73795  
lieu of conviction in this state or treatment or intervention in 73796  
lieu of conviction in another jurisdiction for any of the 73797  
following criminal offenses in this state or a substantially 73798  
equivalent criminal offense in another jurisdiction: aggravated 73799  
murder, murder, voluntary manslaughter, felonious assault, 73800  
kidnapping, rape, sexual battery, gross sexual imposition, 73801  
aggravated arson, aggravated robbery, or aggravated burglary. 73802  
Continued practice after suspension shall be considered practicing 73803  
without a license or certificate. 73804

The board shall notify the individual subject to the 73805  
suspension by certified mail or in person in accordance with 73806  
section 119.07 of the Revised Code. If an individual whose license 73807  
or certificate is automatically suspended under this division 73808  
fails to make a timely request for an adjudication under Chapter 73809  
119. of the Revised Code, the board shall do whichever of the 73810  
following is applicable: 73811

(1) If the automatic suspension under this division is for a 73812  
second or subsequent plea of guilty to, or judicial finding of 73813  
guilt of, a violation of section 2919.123 of the Revised Code, the 73814  
board shall enter an order suspending the individual's license or 73815



certificate to practice for a period of at least one year or, if 73816  
determined appropriate by the board, imposing a more serious 73817  
sanction involving the individual's license or certificate to 73818  
practice. 73819

(2) In all circumstances in which division (I)(1) of this 73820  
section does not apply, enter a final order permanently revoking 73821  
the individual's license or certificate to practice. 73822

(J) If the board is required by Chapter 119. of the Revised 73823  
Code to give notice of an opportunity for a hearing and if the 73824  
individual subject to the notice does not timely request a hearing 73825  
in accordance with section 119.07 of the Revised Code, the board 73826  
is not required to hold a hearing, but may adopt, by an 73827  
affirmative vote of not fewer than six of its members, a final 73828  
order that contains the board's findings. In that final order, the 73829  
board may order any of the sanctions identified under division (A) 73830  
or (B) of this section. 73831

(K) Any action taken by the board under division (B) of this 73832  
section resulting in a suspension from practice shall be 73833  
accompanied by a written statement of the conditions under which 73834  
the individual's license or certificate to practice may be 73835  
reinstated. The board shall adopt rules governing conditions to be 73836  
imposed for reinstatement. Reinstatement of a license or 73837  
certificate suspended pursuant to division (B) of this section 73838  
requires an affirmative vote of not fewer than six members of the 73839  
board. 73840

(L) When the board refuses to grant or issue a license or 73841  
certificate to practice to an applicant, revokes an individual's 73842  
license or certificate to practice, refuses to renew an 73843  
individual's license or certificate to practice, or refuses to 73844  
reinstate an individual's license or certificate to practice, the 73845  
board may specify that its action is permanent. An individual 73846  
subject to a permanent action taken by the board is forever 73847

thereafter ineligible to hold a license or certificate to practice 73848  
and the board shall not accept an application for reinstatement of 73849  
the license or certificate or for issuance of a new license or 73850  
certificate. 73851

(M) Notwithstanding any other provision of the Revised Code, 73852  
all of the following apply: 73853

(1) The surrender of a license or certificate issued under 73854  
this chapter shall not be effective unless or until accepted by 73855  
the board. A telephone conference call may be utilized for 73856  
acceptance of the surrender of an individual's license or 73857  
certificate to practice. The telephone conference call shall be 73858  
considered a special meeting under division (F) of section 121.22 73859  
of the Revised Code. Reinstatement of a license or certificate 73860  
surrendered to the board requires an affirmative vote of not fewer 73861  
than six members of the board. 73862

(2) An application for a license or certificate made under 73863  
the provisions of this chapter may not be withdrawn without 73864  
approval of the board. 73865

(3) Failure by an individual to renew a license or 73866  
certificate to practice in accordance with this chapter or a 73867  
certificate to recommend in accordance with rules adopted under 73868  
section 4731.301 of the Revised Code shall not remove or limit the 73869  
board's jurisdiction to take any disciplinary action under this 73870  
section against the individual. 73871

(4) At the request of the board, a license or certificate 73872  
holder shall immediately surrender to the board a license or 73873  
certificate that the board has suspended, revoked, or permanently 73874  
revoked. 73875

(N) Sanctions shall not be imposed under division (B)(28) of 73876  
this section against any person who waives deductibles and 73877  
copayments as follows: 73878

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 73910  
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 73913  
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**Sec. 4731.221.** If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section. 73916  
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If any person who has been granted a license or certificate under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency or has submitted to such board proof, satisfactory to the board, that the person has been discharged as having a restoration to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of such court shall forthwith notify the state medical board of an adjudication of mental illness or mental incompetence, and shall note any suspension of a license or certificate in the margin of the court's record of such license or certificate. 73926  
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Sec. 4731.222. (A) This section applies to both of the 73940  
following: 73941

(1) An applicant seeking restoration of a license or 73942  
certificate issued under this chapter that has been in a suspended 73943  
or inactive state for any cause for more than two years; 73944

(2) An applicant seeking issuance of a license or certificate 73945  
pursuant to section 4731.17, ~~4731.29~~, 4731.295, 4731.57, or 73946  
4731.571 of the Revised Code who for more than two years has not 73947  
been engaged in the practice of medicine and surgery, osteopathic 73948  
medicine and surgery, podiatric medicine and surgery, or a limited 73949  
branch of medicine as any of the following: 73950

(a) An active practitioner; 73951

(b) A participant in a program of graduate medical education, 73952  
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 73953

(c) A student in a college of podiatry determined by the 73954  
state medical board to be in good standing; 73955

(d) A student in a school, college, or institution giving 73956  
instruction in a limited branch of medicine determined by the 73957  
board to be in good standing under section 4731.16 of the Revised 73958  
Code. 73959

(B) Before restoring a license or certificate to good 73960  
standing for or issuing a license or certificate to an applicant 73961  
subject to this section, the state medical board may impose terms 73962  
and conditions including any one or more of the following: 73963

(1) Requiring the applicant to pass an oral or written 73964  
examination, or both, to determine the applicant's present fitness 73965  
to resume practice; 73966

(2) Requiring the applicant to obtain additional training and 73967  
to pass an examination upon completion of such training; 73968

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

**Sec. 4731.223.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid license or certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, or for a second or subsequent time pleads guilty to, or is subject to a judicial finding of guilt of, a violation of section 2919.123 of

the Revised Code, the prosecutor in the case, on forms prescribed 73999  
and provided by the state medical board, shall promptly notify the 74000  
board of the conviction or guilty plea. Within thirty days of 74001  
receipt of that information, the board shall initiate action in 74002  
accordance with Chapter 119. of the Revised Code to determine 74003  
whether to suspend or revoke the license or certificate under 74004  
section 4731.22 of the Revised Code. 74005

(C) The prosecutor in any case against any person holding a 74006  
valid license or certificate issued pursuant to this chapter, on 74007  
forms prescribed and provided by the state medical board, shall 74008  
notify the board of any of the following: 74009

(1) A plea of guilty to, a finding of guilt by a jury or 74010  
court of, or judicial finding of eligibility for intervention in 74011  
lieu of conviction for a felony, or a case in which the trial 74012  
court issues an order of dismissal upon technical or procedural 74013  
grounds of a felony charge; 74014

(2) A plea of guilty to, a finding of guilt by a jury or 74015  
court of, or judicial finding of eligibility for intervention in 74016  
lieu of conviction for a misdemeanor committed in the course of 74017  
practice, or a case in which the trial court issues an order of 74018  
dismissal upon technical or procedural grounds of a charge of a 74019  
misdemeanor, if the alleged act was committed in the course of 74020  
practice; 74021

(3) A plea of guilty to, a finding of guilt by a jury or 74022  
court of, or judicial finding of eligibility for intervention in 74023  
lieu of conviction for a misdemeanor involving moral turpitude, or 74024  
a case in which the trial court issues an order of dismissal upon 74025  
technical or procedural grounds of a charge of a misdemeanor 74026  
involving moral turpitude. 74027

The report shall include the name and address of the license 74028  
or certificate holder, the nature of the offense for which the 74029

action was taken, and the certified court documents recording the 74030  
action. 74031

**Sec. 4731.224.** (A) Within sixty days after the imposition of 74032  
any formal disciplinary action taken by any health care facility, 74033  
including a hospital, health care facility operated by a health 74034  
insuring corporation, ambulatory surgical center, or similar 74035  
facility, against any individual holding a valid license or 74036  
certificate to practice issued pursuant to this chapter, the chief 74037  
administrator or executive officer of the facility shall report to 74038  
the state medical board the name of the individual, the action 74039  
taken by the facility, and a summary of the underlying facts 74040  
leading to the action taken. Upon request, the board shall be 74041  
provided certified copies of the patient records that were the 74042  
basis for the facility's action. Prior to release to the board, 74043  
the summary shall be approved by the peer review committee that 74044  
reviewed the case or by the governing board of the facility. As 74045  
used in this division, "formal disciplinary action" means any 74046  
action resulting in the revocation, restriction, reduction, or 74047  
termination of clinical privileges for violations of professional 74048  
ethics, or for reasons of medical incompetence, medical 74049  
malpractice, or drug or alcohol abuse. "Formal disciplinary 74050  
action" includes a summary action, an action that takes effect 74051  
notwithstanding any appeal rights that may exist, and an action 74052  
that results in an individual surrendering clinical privileges 74053  
while under investigation and during proceedings regarding the 74054  
action being taken or in return for not being investigated or 74055  
having proceedings held. "Formal disciplinary action" does not 74056  
include any action taken for the sole reason of failure to 74057  
maintain records on a timely basis or failure to attend staff or 74058  
section meetings. 74059

The filing or nonfiling of a report with the board, 74060  
investigation by the board, or any disciplinary action taken by 74061



the board, shall not preclude any action by a health care facility 74062  
to suspend, restrict, or revoke the individual's clinical 74063  
privileges. 74064

In the absence of fraud or bad faith, no individual or entity 74065  
that provides patient records to the board shall be liable in 74066  
damages to any person as a result of providing the records. 74067

(B) If any individual authorized to practice under this 74068  
chapter or any professional association or society of such 74069  
individuals believes that a violation of any provision of this 74070  
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 74071  
Revised Code, or any rule of the board has occurred, the 74072  
individual, association, or society shall report to the board the 74073  
information upon which the belief is based. This division does not 74074  
require any treatment provider approved by the board under section 74075  
4731.25 of the Revised Code or any employee, agent, or 74076  
representative of such a provider to make reports with respect to 74077  
an impaired practitioner participating in treatment or aftercare 74078  
for substance abuse as long as the practitioner maintains 74079  
participation in accordance with the requirements of section 74080  
4731.25 of the Revised Code, and as long as the treatment provider 74081  
or employee, agent, or representative of the provider has no 74082  
reason to believe that the practitioner has violated any provision 74083  
of this chapter or any rule adopted under it, other than the 74084  
provisions of division (B)(26) of section 4731.22 of the Revised 74085  
Code. This division does not require reporting by any member of an 74086  
impaired practitioner committee established by a health care 74087  
facility or by any representative or agent of a committee or 74088  
program sponsored by a professional association or society of 74089  
individuals authorized to practice under this chapter to provide 74090  
peer assistance to practitioners with substance abuse problems 74091  
with respect to a practitioner who has been referred for 74092  
examination to a treatment program approved by the board under 74093

section 4731.25 of the Revised Code if the practitioner cooperates 74094  
with the referral for examination and with any determination that 74095  
the practitioner should enter treatment and as long as the 74096  
committee member, representative, or agent has no reason to 74097  
believe that the practitioner has ceased to participate in the 74098  
treatment program in accordance with section 4731.25 of the 74099  
Revised Code or has violated any provision of this chapter or any 74100  
rule adopted under it, other than the provisions of division 74101  
(B)(26) of section 4731.22 of the Revised Code. 74102

(C) Any professional association or society composed 74103  
primarily of doctors of medicine and surgery, doctors of 74104  
osteopathic medicine and surgery, doctors of podiatric medicine 74105  
and surgery, or practitioners of limited branches of medicine that 74106  
suspends or revokes an individual's membership for violations of 74107  
professional ethics, or for reasons of professional incompetence 74108  
or professional malpractice, within sixty days after a final 74109  
decision shall report to the board, on forms prescribed and 74110  
provided by the board, the name of the individual, the action 74111  
taken by the professional organization, and a summary of the 74112  
underlying facts leading to the action taken. 74113

The filing of a report with the board or decision not to file 74114  
a report, investigation by the board, or any disciplinary action 74115  
taken by the board, does not preclude a professional organization 74116  
from taking disciplinary action against an individual. 74117

(D) Any insurer providing professional liability insurance to 74118  
an individual authorized to practice under this chapter, or any 74119  
other entity that seeks to indemnify the professional liability of 74120  
such an individual, shall notify the board within thirty days 74121  
after the final disposition of any written claim for damages where 74122  
such disposition results in a payment exceeding twenty-five 74123  
thousand dollars. The notice shall contain the following 74124  
information: 74125

(1) The name and address of the person submitting the notification;	74126 74127
(2) The name and address of the insured who is the subject of the claim;	74128 74129
(3) The name of the person filing the written claim;	74130
(4) The date of final disposition;	74131
(5) If applicable, the identity of the court in which the final disposition of the claim took place.	74132 74133
(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.	74134 74135 74136 74137 74138 74139 74140 74141 74142 74143
(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.	74144 74145 74146 74147 74148 74149 74150 74151 74152 74153
The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or	74154 74155 74156

recredentialing the individual or in reviewing the individual's 74157  
clinical privileges. The board shall indicate whether or not the 74158  
information has been verified. Information transmitted by the 74159  
board shall be subject to the same confidentiality provisions as 74160  
when maintained by the board. 74161

(G) Except for reports filed by an individual pursuant to 74162  
division (B) of this section, the board shall send a copy of any 74163  
reports or summaries it receives pursuant to this section to the 74164  
individual who is the subject of the reports or summaries. The 74165  
individual shall have the right to file a statement with the board 74166  
concerning the correctness or relevance of the information. The 74167  
statement shall at all times accompany that part of the record in 74168  
contention. 74169

(H) An individual or entity that, pursuant to this section, 74170  
reports to the board or refers an impaired practitioner to a 74171  
treatment provider approved by the board under section 4731.25 of 74172  
the Revised Code shall not be subject to suit for civil damages as 74173  
a result of the report, referral, or provision of the information. 74174

(I) In the absence of fraud or bad faith, no professional 74175  
association or society of individuals authorized to practice under 74176  
this chapter that sponsors a committee or program to provide peer 74177  
assistance to practitioners with substance abuse problems, no 74178  
representative or agent of such a committee or program, and no 74179  
member of the state medical board shall be held liable in damages 74180  
to any person by reason of actions taken to refer a practitioner 74181  
to a treatment provider approved under section 4731.25 of the 74182  
Revised Code for examination or treatment. 74183

**Sec. 4731.225.** (A) If the holder of a license or certificate 74184  
issued under this chapter violates division (A), (B), or (C) of 74185  
section 4731.66 or section 4731.69 of the Revised Code, or if any 74186  
other person violates division (B) or (C) of section 4731.66 or 74187

section 4731.69 of the Revised Code, the state medical board, 74188  
pursuant to an adjudication under Chapter 119. of the Revised Code 74189  
and an affirmative vote of not fewer than six of its members, 74190  
shall: 74191

(1) For a first violation, impose a civil penalty of not more 74192  
than five thousand dollars; 74193

(2) For each subsequent violation, impose a civil penalty of 74194  
not more than twenty thousand dollars and, if the violator is a 74195  
license or certificate holder, proceed under division (B)(27) of 74196  
section 4731.22 of the Revised Code. 74197

(B)(1) If the holder of a license or certificate issued under 74198  
this chapter violates any section of this chapter other than 74199  
section 4731.281 or 4731.282 of the Revised Code or the sections 74200  
specified in division (A) of this section, or violates any rule 74201  
adopted under this chapter, the board may, pursuant to an 74202  
adjudication under Chapter 119. of the Revised Code and an 74203  
affirmative vote of not fewer than six of its members, impose a 74204  
civil penalty. The amount of the civil penalty shall be determined 74205  
by the board in accordance with the guidelines adopted under 74206  
division (B)(2) of this section. The civil penalty may be in 74207  
addition to any other action the board may take under section 74208  
4731.22 of the Revised Code. 74209

(2) The board shall adopt and may amend guidelines regarding 74210  
the amounts of civil penalties to be imposed under this section. 74211  
Adoption or amendment of the guidelines requires the approval of 74212  
not fewer than six board members. 74213

Under the guidelines, no civil penalty amount shall exceed 74214  
twenty thousand dollars. 74215

(C) Amounts received from payment of civil penalties imposed 74216  
under this section shall be deposited by the board in accordance 74217  
with section 4731.24 of the Revised Code. Amounts received from 74218

payment of civil penalties imposed for violations of division 74219  
(B)(26) of section 4731.22 of the Revised Code shall be used by 74220  
the board solely for investigations, enforcement, and compliance 74221  
monitoring. 74222

**Sec. 4731.23.** (A)(1)(a) The state medical board shall 74223  
designate one or more attorneys at law who have been admitted to 74224  
the practice of law, and who are classified as either 74225  
administrative law attorney examiners or as administrative law 74226  
attorney examiner administrators under the state job 74227  
classification plan adopted under section 124.14 of the Revised 74228  
Code, as hearing examiners, subject to Chapter 119. of the Revised 74229  
Code, to conduct any hearing which the medical board is empowered 74230  
to hold or undertake pursuant to Chapter 119. of the Revised Code. 74231

(b) Notwithstanding the requirement of division (A)(1)(a) of 74232  
this section that the board designate as a hearing examiner an 74233  
attorney who is classified as either an administrative law 74234  
attorney examiner or an administrative law attorney examiner 74235  
administrator, the board may, subject to section 127.16 of the 74236  
Revised Code, enter into a personal service contract with an 74237  
attorney admitted to the practice of law in this state to serve on 74238  
a temporary basis as a hearing examiner. 74239

(2) The hearing examiner shall hear and consider the oral and 74240  
documented evidence introduced by the parties and issue in writing 74241  
proposed findings of fact and conclusions of law to the board for 74242  
their consideration within thirty days following the close of the 74243  
hearing. 74244

(B) The board shall be given copies of the transcript of the 74245  
record hearing and all exhibits and documents presented by the 74246  
parties at the hearing. 74247

(C) The board shall, upon the favorable vote of three 74248  
members, allow the parties or their counsel the opportunity to 74249

present oral arguments on the proposed findings of fact and 74250  
conclusions of law of the hearing examiner prior to the board's 74251  
final action. 74252

(D) The board shall render a decision and take action within 74253  
sixty days following the receipt of the hearing examiner's 74254  
proposed findings of fact and conclusions of law or within any 74255  
longer period mutually agreed upon by the board and the license or 74256  
certificate holder. 74257

(E) The final decision of the board in any hearing which the 74258  
board is empowered to undertake shall be in writing and contain 74259  
findings of fact and conclusions of law. Copies of the decision 74260  
shall be delivered to the parties personally or by certified mail. 74261  
The decision shall be final upon delivery or mailing, except that 74262  
the license or certificate holder may appeal in the manner 74263  
provided by Chapter 119. of the Revised Code. 74264

**Sec. 4731.26.** Upon application by the holder of a license or 74265  
certificate to practice issued under this chapter, the state 74266  
medical board shall issue a duplicate license or certificate to 74267  
replace one missing or damaged, to reflect a name change, or for 74268  
any other reasonable cause. The fee for a duplicate license or 74269  
certificate to practice shall be thirty-five dollars. 74270

**Sec. 4731.281.** (A)(1) Each person holding a ~~certificate~~ 74271  
license issued under this chapter to practice medicine and 74272  
surgery, osteopathic medicine and surgery, or podiatric medicine 74273  
and surgery wishing to renew that ~~certificate~~ license shall apply 74274  
to the board for renewal. Applications shall be submitted to the 74275  
board in a manner prescribed by the board. Each application shall 74276  
be accompanied by a biennial renewal fee of three hundred five 74277  
dollars. Applications shall be submitted according to the 74278  
following schedule: 74279

(a) Persons whose last name begins with the letters "A" through "B," on or before <del>April 1, 2001,</del> and the first day of <del>April</del> <u>July</u> of every odd-numbered year <del>thereafter;</del>	74280 74281 74282
(b) Persons whose last name begins with the letters "C" through "D," on or before <del>January 1, 2001,</del> and the first day of <del>January</del> <u>April</u> of every odd-numbered year <del>thereafter;</del>	74283 74284 74285
(c) Persons whose last name begins with the letters "E" through "G," on or before <del>October 1, 2000,</del> and the first day of <del>October</del> <u>January</u> of every <del>even-numbered</del> <u>odd-numbered</u> year <del>thereafter;</del>	74286 74287 74288 74289
(d) Persons whose last name begins with the letters "H" through "K," on or before <del>July 1, 2000,</del> and the first day of <del>July</del> <u>October</u> of every even-numbered year <del>thereafter;</del>	74290 74291 74292
(e) Persons whose last name begins with the letters "L" through "M," on or before <del>April 1, 2000,</del> and the first day of <del>April</del> <u>July</u> of every even-numbered year <del>thereafter;</del>	74293 74294 74295
(f) Persons whose last name begins with the letters "N" through "R," on or before <del>January 1, 2000,</del> and the first day of <del>January</del> <u>April</u> of every even-numbered year <del>thereafter;</del>	74296 74297 74298
(g) Persons whose last name begins with the letter "S," on or before <del>October 1, 1999,</del> and the first day of <del>October</del> <u>January</u> of every <del>odd-numbered</del> <u>even-numbered</u> year <del>thereafter;</del>	74299 74300 74301
(h) Persons whose last name begins with the letters "T" through "Z," on or before <del>July 1, 1999,</del> and the first day of <del>July</del> <u>October</u> of every odd-numbered year <del>thereafter.</del>	74302 74303 74304
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	74305 74306 74307 74308 74309



(2) The board shall provide to every person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice or may provide the notice to the person through the secretary of any recognized medical, osteopathic, or podiatric society, ~~according to the following schedule:~~

~~(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd numbered year thereafter;~~

~~(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even numbered year thereafter;~~

~~(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even numbered year thereafter;~~

~~(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even numbered year thereafter;~~

~~(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even numbered year thereafter;~~

~~(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd numbered year thereafter;~~

~~(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd numbered year thereafter;~~

~~(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd numbered year thereafter. The notice shall be~~

provided to the person at least one month prior to the date on 74340  
which the person's license expires. 74341

(3) Failure of any person to receive a notice of renewal from 74342  
the board shall not excuse the person from the requirements 74343  
contained in this section. 74344

(4) The board's notice shall inform the applicant of the 74345  
renewal procedure. The board shall provide the application for 74346  
renewal in a form determined by the board. 74347

(5) The applicant shall provide in the application the 74348  
applicant's full name; the applicant's residence address, business 74349  
address, and electronic mail address; the number of the 74350  
applicant's ~~certificate~~ license to practice; and any other 74351  
information required by the board. 74352

(6)(a) Except as provided in division (A)(6)(b) of this 74353  
section, in the case of an applicant who prescribes or personally 74354  
furnishes opioid analgesics or benzodiazepines, as defined in 74355  
section 3719.01 of the Revised Code, the applicant shall certify 74356  
to the board whether the applicant has been granted access to the 74357  
drug database established and maintained by the state board of 74358  
pharmacy pursuant to section 4729.75 of the Revised Code. 74359

(b) The requirement in division (A)(6)(a) of this section 74360  
does not apply if any of the following is the case: 74361

(i) The state board of pharmacy notifies the state medical 74362  
board pursuant to section 4729.861 of the Revised Code that the 74363  
applicant has been restricted from obtaining further information 74364  
from the drug database. 74365

(ii) The state board of pharmacy no longer maintains the drug 74366  
database. 74367

(iii) The applicant does not practice medicine and surgery, 74368  
osteopathic medicine and surgery, or podiatric medicine and 74369

surgery in this state. 74370

(c) If an applicant certifies to the state medical board that 74371  
the applicant has been granted access to the drug database and the 74372  
board finds through an audit or other means that the applicant has 74373  
not been granted access, the board may take action under section 74374  
4731.22 of the Revised Code. 74375

(7) The applicant shall ~~include with the application a list~~ 74376  
~~of the names and addresses of~~ indicate whether the applicant 74377  
currently collaborates, as that term is defined in section 4723.01 74378  
of the Revised Code, with any clinical nurse specialists, 74379  
certified nurse-midwives, or certified nurse practitioners ~~with~~ 74380  
~~whom the applicant is currently collaborating, as defined in~~ 74381  
~~section 4723.01 of the Revised Code.~~ 74382

(8) The applicant shall report any criminal offense to which 74383  
the applicant has pleaded guilty, of which the applicant has been 74384  
found guilty, or for which the applicant has been found eligible 74385  
for intervention in lieu of conviction, since last ~~filing~~ 74386  
submitting an application for a ~~certificate~~ license to practice or 74387  
renewal of a ~~certificate~~ license. 74388

(9) The applicant shall execute and deliver the application 74389  
to the board in a manner prescribed by the board. 74390

(B) The board shall renew a ~~certificate~~ license under this 74391  
chapter to practice medicine and surgery, osteopathic medicine and 74392  
surgery, or podiatric medicine and surgery upon application and 74393  
qualification therefor in accordance with this section. A renewal 74394  
shall be valid for a two-year period. 74395

(C) Failure of any ~~certificate~~ license holder to renew and 74396  
comply with this section shall operate automatically to suspend 74397  
the holder's ~~certificate~~ license to practice and if applicable, 74398  
the holder's certificate to recommend issued under section 4731.30 74399  
of the Revised Code. Continued practice after the suspension shall 74400

be considered as practicing in violation of section 4731.41, 74401  
4731.43, or 4731.60 of the Revised Code. If 74402

If the ~~certificate~~ license has been suspended pursuant to 74403  
this division for two years or less, it may be reinstated. The 74404  
board shall reinstate a ~~certificate~~ license to practice suspended 74405  
for failure to renew upon an applicant's submission of a renewal 74406  
application, ~~the biennial renewal fee, and the applicable monetary~~ 74407  
~~penalty. The penalty for reinstatement shall be one payment of a~~ 74408  
reinstatement fee of four hundred five dollars. If 74409

If the ~~certificate~~ license has been suspended pursuant to 74410  
this division for more than two years, it may be restored. Subject 74411  
to section 4731.222 of the Revised Code, the board may restore a 74412  
~~certificate~~ license to practice suspended for failure to renew 74413  
upon an applicant's submission of a restoration application, ~~the~~ 74414  
~~biennial renewal fee, and the applicable monetary penalty~~ payment 74415  
of a restoration fee of five hundred five dollars, and compliance 74416  
with sections 4776.01 to 4776.04 of the Revised Code. The board 74417  
shall not restore to an applicant a ~~certificate~~ license to 74418  
practice unless the board, in its discretion, decides that the 74419  
results of the criminal records check do not make the applicant 74420  
ineligible for a ~~certificate~~ license issued pursuant to section 74421  
4731.14, 4731.56, or 4731.57 of the Revised Code. ~~The penalty for~~ 74422  
~~restoration shall be two hundred dollars. The board shall deposit~~ 74423  
~~the penalties in accordance with section 4731.24 of the Revised~~ 74424  
~~Code. Any renewal~~ reinstatement or restoration of a ~~certificate~~ 74425  
license to practice under this section shall operate automatically 74426  
to renew the holder's certificate to recommend. 74427

(D) ~~If an individual certifies completion of the number of~~ 74428  
~~hours and type of continuing medical education required to renew~~ 74429  
~~or reinstate a certificate to practice, and the board finds~~ 74430  
~~through the random samples it conducts under this section or~~ 74431  
~~through any other means that the individual did not complete the~~ 74432

~~requisite continuing medical education, the board may impose a 74433  
civil penalty of not more than five thousand dollars. The board's 74434  
finding shall be made pursuant to an adjudication under Chapter 74435  
119. of the Revised Code and by an affirmative vote of not fewer 74436  
than six members. 74437~~

~~A civil penalty imposed under this division may be in 74438  
addition to or in lieu of any other action the board may take 74439  
under section 4731.22 of the Revised Code. The board shall deposit 74440  
civil penalties in accordance with section 4731.24 of the Revised 74441  
Code. 74442~~

~~(E) The state medical board may obtain information not 74443  
protected by statutory or common law privilege from courts and 74444  
other sources concerning malpractice claims against any person 74445  
holding a ~~certificate~~ license to practice under this chapter or 74446  
practicing as provided in section 4731.36 of the Revised Code. 74447~~

~~(F)(E) Each mailing sent by the board under division (A)(2) 74448  
of this section to a person holding a ~~certificate~~ license to 74449  
practice medicine and surgery or osteopathic medicine and surgery 74450  
shall inform the applicant of the reporting requirement 74451  
established by division (H) of section 3701.79 of the Revised 74452  
Code. At the discretion of the board, the information may be 74453  
included on the application for renewal or on an accompanying 74454  
page. 74455~~

~~(G)(F) Each person holding a ~~certificate~~ license to practice 74456  
medicine and surgery, osteopathic medicine and surgery, or 74457  
podiatric medicine and surgery shall give notice to the board of 74458  
~~any of the following changes~~ a change in the license holder's 74459  
residence address, business address, or electronic mail address 74460  
not later than thirty days after the change occurs. 74461~~

~~(1) A change in the certificate holder's residence address, 74462  
business address, or electronic mail address. 74463~~

~~(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the certificate holder is collaborating.~~ 74464  
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74466

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of this section, each person holding a ~~certificate~~ license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board. 74467  
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(2) Each person holding a ~~certificate~~ license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. 74473  
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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following: 74479  
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(1) Continuing medical education completed by holders of ~~certificates~~ licenses to practice medicine and surgery that is certified by the Ohio state medical association; 74482  
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(2) Continuing medical education completed by holders of ~~certificates~~ licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association; 74485  
74486  
74487

(3) Continuing medical education completed by holders of ~~certificates~~ licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. 74488  
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74490

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic 74491  
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association under divisions (B)(1) and (2) of this section that 74494  
assist doctors of medicine and doctors of osteopathic medicine in 74495  
both of the following: 74496

(1) Recognizing the signs of domestic violence and its 74497  
relationship to child abuse; 74498

(2) Diagnosing and treating chronic pain, as defined in 74499  
section 4731.052 of the Revised Code. 74500

(D) The board shall adopt rules providing for pro rata 74501  
reductions by month of the number of hours of continuing education 74502  
that must be completed for ~~certificate~~ license holders who are in 74503  
their first renewal period, have been disabled by illness or 74504  
accident, or have been absent from the country. The board shall 74505  
adopt the rules in accordance with Chapter 119. of the Revised 74506  
Code. 74507

(E) The board may require a random sample of holders of 74508  
~~certificates~~ licenses to practice medicine and surgery, 74509  
osteopathic medicine and surgery, or podiatric medicine and 74510  
surgery to submit materials documenting completion of the required 74511  
number of hours of continuing medical education. This division 74512  
does not limit the board's authority to conduct investigations 74513  
pursuant to section 4731.22 of the Revised Code. 74514

(F) ~~The board may impose a civil penalty of not more than~~ 74515  
~~five thousand dollars if (1) If, through a random sample conducted~~ 74516  
under division (E) of this section or any other means, ~~it~~ the 74517  
board finds that an individual ~~falsely~~ who certified ~~that the~~ 74518  
~~individual completed~~ completion of the number of hours and type of 74519  
continuing medical education required ~~for renewal of~~ to renew, 74520  
reinstate, or restore a certificate license to practice. ~~If the~~ 74521  
~~civil penalty is imposed in addition to any other action the board~~ 74522  
~~takes~~ did not complete the requisite continuing medical education, 74523  
the board may do either of the following: 74524

(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, or both; 74525  
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(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 74528  
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(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 74530  
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(3) A civil penalty ~~imposed under this division may be in addition to or in lieu of any other action the board takes under section 4731.22 of the Revised Code.~~ paid under division (F)(1)(b) of this section or imposed under division (F)(1)(a) of this section shall be in an amount specified by the board of not more than five thousand dollars. 74534  
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The board shall deposit civil 74539  
penalties in accordance with section 4731.24 of the Revised Code. 74540

**Sec. 4731.291.** (A) An individual seeking to pursue an 74541  
internship, residency, or clinical fellowship program in this 74542  
state, who does not hold a ~~certificate~~ license to practice 74543  
medicine and surgery or osteopathic medicine or surgery issued 74544  
under this chapter, shall apply to the state medical board for a 74545  
training certificate. The application shall be made on forms that 74546  
the board shall furnish and shall be accompanied by an application 74547  
fee of seventy-five dollars. 74548

An applicant for a training certificate shall furnish to the 74549  
board ~~of~~ all of the following: 74550

(1) Evidence satisfactory to the board that the applicant is 74551  
at least eighteen years of age and is of good moral character. 74552

(2) Evidence satisfactory to the board that the applicant has 74553  
been accepted or appointed to participate in this state in one of 74554



the following: 74555

(a) An internship or residency program accredited by either 74556  
the accreditation council for graduate medical education of the 74557  
American medical association or the American osteopathic 74558  
association; 74559

(b) A clinical fellowship program at an institution with a 74560  
residency program accredited by either the accreditation council 74561  
for graduate medical education of the American medical association 74562  
or the American osteopathic association that is in a clinical 74563  
field the same as or related to the clinical field of the 74564  
fellowship program; 74565

(3) Information identifying the beginning and ending dates of 74566  
the period for which the applicant has been accepted or appointed 74567  
to participate in the internship, residency, or clinical 74568  
fellowship program; 74569

(4) Any other information that the board requires. 74570

(B) If no grounds for denying a license or certificate under 74571  
section 4731.22 of the Revised Code apply, and the applicant meets 74572  
the requirements of division (A) of this section, the board shall 74573  
issue a training certificate to the applicant. The board shall not 74574  
require an examination as a condition of receiving a training 74575  
certificate. 74576

A training certificate issued pursuant to this section shall 74577  
be valid only for the period of one year, but may in the 74578  
discretion of the board and upon application duly made, be renewed 74579  
annually for a maximum of five years. The fee for renewal of a 74580  
training certificate shall be thirty-five dollars. 74581

The board shall maintain a register of all individuals who 74582  
hold training certificates. 74583

(C) The holder of a valid training certificate shall be 74584

entitled to perform such acts as may be prescribed by or 74585  
incidental to the holder's internship, residency, or clinical 74586  
fellowship program, but the holder shall not be entitled otherwise 74587  
to engage in the practice of medicine and surgery or osteopathic 74588  
medicine and surgery in this state. The holder shall limit 74589  
activities under the certificate to the programs of the hospitals 74590  
or facilities for which the training certificate is issued. The 74591  
holder shall train only under the supervision of the physicians 74592  
responsible for supervision as part of the internship, residency, 74593  
or clinical fellowship program. ~~A~~ 74594

~~A~~ training certificate may be revoked by the board upon 74595  
proof, satisfactory to the board, that the holder thereof has 74596  
engaged in practice in this state outside the scope of the 74597  
internship, residency, or clinical fellowship program for which 74598  
the training certificate has been issued, or upon proof, 74599  
satisfactory to the board, that the holder thereof has engaged in 74600  
unethical conduct or that there are grounds for action against the 74601  
holder under section 4731.22 of the Revised Code. 74602

(D) The board may adopt rules as the board finds necessary to 74603  
effect the purpose of this section. 74604

**Sec. 4731.292.** The state medical board may register, without 74605  
examination, persons who are not citizens of the United States, 74606  
but who hold the degree of doctor of medicine or the degree of 74607  
doctor of osteopathic medicine and surgery, for the purpose of 74608  
permitting such persons to practice in hospitals operated by the 74609  
state. Registration pursuant to this section permits practice of 74610  
medicine or osteopathic medicine and surgery in state operated 74611  
institutions under the supervision of the medical staff of such 74612  
institution until the next scheduled examination ~~conducted~~ 74613  
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 74614  
~~Revised Code~~ in its rules. 74615

An applicant for a limited certificate to practice medicine 74616  
or osteopathic medicine and surgery shall furnish proof, 74617  
satisfactory to the board, that: 74618

(A) ~~He~~ The applicant has filed an application for 74619  
naturalization and that such application has not been rejected or 74620  
withdrawn, or if not yet eligible to file an application for 74621  
naturalization, ~~he~~ the applicant has filed a declaration of 74622  
intention to become a citizen of the United States in an 74623  
appropriate court of record. 74624

(B) ~~He~~ The applicant has successfully passed the educational 74625  
council for foreign medical graduates test. 74626

(C) ~~He~~ The applicant is at least eighteen years of age and of 74627  
good moral character. 74628

(D) ~~He~~ The applicant is a graduate of a medical or 74629  
osteopathic school or college which is reputable and in good 74630  
standing in the judgment of the board. 74631

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 74632  
and training within the physical confines of the institution for 74633  
which the limited certificate to practice is granted. 74634

(F) The medical staff of the institution for which the 74635  
limited certificate to practice is granted has approved in writing 74636  
~~his~~ the applicant's application for such certificate. 74637

(G) ~~He~~ The applicant will practice medicine or osteopathic 74638  
medicine and surgery only under the supervision of the attending 74639  
medical staff of the institution for which the limited certificate 74640  
is granted. 74641

(H) ~~He~~ The applicant has made application to take the state 74642  
medical board examination as provided by this section. 74643

Registration pursuant to this section shall be valid until 74644  
such time as the applicant takes the state medical board 74645

examination. If the applicant passes the examination, ~~he~~ the 74646  
applicant shall then be granted a limited certificate to practice 74647  
medicine or osteopathic medicine and surgery. A holder of a 74648  
limited certificate to practice, upon completion of the requisite 74649  
training and upon receipt of ~~his~~ United States citizenship, shall 74650  
be entitled to receive an unlimited ~~certificate~~ license to 74651  
practice. 74652

A limited certificate to practice issued pursuant to this 74653  
section shall be valid for a period of one year only, but may be 74654  
renewed, in the discretion of the board and upon application duly 74655  
made, annually, with the written approval of the medical staff of 74656  
the institution for which the limited certificate to practice has 74657  
been issued, but no limited certificate shall be renewed more than 74658  
four times. The fee to be paid to the board for the issuances of 74659  
the pre-examination registration permit to engage in limited 74660  
practice shall be one hundred dollars; the fee to be paid for each 74661  
renewal of a limited certificate shall be ten dollars. 74662

An applicant for a limited certificate to practice must take 74663  
~~the~~ an examination ~~conducted under section 4731.13 of the Revised~~ 74664  
~~Code~~ prescribed by the board in its rules at the first reasonable 74665  
opportunity. Failure to take the examination at the first 74666  
reasonable opportunity authorizes the termination of the 74667  
pre-examination registration permit to engage in a limited 74668  
practice as defined in this section. 74669

The holder of a valid limited certificate to practice may 74670  
engage in the practice of medicine and surgery or osteopathic 74671  
medicine and surgery only under the supervision of a member of the 74672  
medical staff of the institution for which the limited certificate 74673  
to practice has been issued, and only within physical confines of 74674  
the institution so named. A limited certificate to practice may be 74675  
revoked by the board upon proof, satisfactory to the board, that 74676  
the holder thereof has engaged in the practice of medicine and 74677

surgery or osteopathic medicine and surgery in this state outside 74678  
the scope of ~~his~~ the holder's certificate, or upon proof that the 74679  
holder thereof has engaged in unethical conduct or has violated 74680  
section 4731.22 of the Revised Code. 74681

The board may promulgate such additional rules and 74682  
regulations as the board finds necessary to effect the purpose of 74683  
this section. 74684

**Sec. 4731.293.** (A) The state medical board may issue, without 74685  
examination, a clinical research faculty certificate to practice 74686  
medicine and surgery, osteopathic medicine and surgery, or 74687  
podiatric medicine and surgery to any person who applies for the 74688  
certificate and provides to the board all of the following: 74689

(1) Evidence satisfactory to the board of all of the 74690  
following: 74691

(a) That the applicant holds a current, unrestricted license 74692  
to practice medicine and surgery ~~or~~, osteopathic medicine and 74693  
surgery, or podiatric medicine and surgery issued by another state 74694  
or country; 74695

(b) That the applicant has been appointed to serve in this 74696  
state on the academic staff of a medical school accredited by the 74697  
liaison committee on medical education ~~or~~, an osteopathic medical 74698  
school accredited by the American osteopathic association, or a 74699  
college of podiatric medicine and surgery in good standing with 74700  
the board; 74701

(c) That the applicant is an international medical graduate 74702  
who holds a medical degree from an educational institution listed 74703  
in the international medical education directory. 74704

(2) An affidavit and supporting documentation from the dean 74705  
of the ~~medical~~ school or college, or the department director or 74706  
chairperson of a teaching hospital affiliated with the school or 74707

college, that the applicant is qualified to perform teaching and 74708  
research activities and will be permitted to work only under the 74709  
authority of the department director or chairperson of a teaching 74710  
hospital affiliated with the ~~medical~~ school or college where the 74711  
applicant's teaching and research activities will occur; 74712

(3) A description from the ~~medical~~ school, college, or 74713  
teaching hospital of the scope of practice in which the applicant 74714  
will be involved, including the types of teaching, research, and 74715  
procedures in which the applicant will be engaged; 74716

(4) A description from the ~~medical~~ school, college, or 74717  
teaching hospital of the type and amount of patient contact that 74718  
will occur in connection with the applicant's teaching and 74719  
research activities. 74720

(B) An applicant for an initial clinical research faculty 74721  
certificate shall pay a fee of three hundred seventy-five dollars. 74722

(C) The holder of a clinical research faculty certificate may 74723  
~~practice~~ do one of the following, as applicable: 74724

(1) Practice medicine and surgery or osteopathic medicine and 74725  
surgery only as is incidental to the certificate holder's teaching 74726  
or research duties at the medical school or a teaching hospital 74727  
affiliated with the school; 74728

(2) Practice podiatric medicine and surgery only as is 74729  
incidental to the certificate holder's teaching or research duties 74730  
at the college of podiatric medicine and surgery or a teaching 74731  
hospital affiliated with the college. The 74732

(D) The board may revoke a certificate on receiving proof 74733  
satisfactory to the board that the certificate holder has engaged 74734  
in practice in this state outside the scope of the certificate or 74735  
that there are grounds for action against the certificate holder 74736  
under section 4731.22 of the Revised Code. 74737

~~(D)~~(E) A clinical research faculty certificate is valid for 74738  
three years, except that the certificate ceases to be valid if the 74739  
holder's academic staff appointment ~~to the academic staff of the~~ 74740  
~~school~~ described in division (A)(1)(b) of this section is no 74741  
longer valid or the certificate is revoked pursuant to division 74742  
~~(C)~~(D) of this section. 74743

~~(E)~~(F)(1) ~~Three months before a clinical research faculty~~ 74744  
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 74745  
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 74746  
~~of renewal addressed to the certificate holder's last known~~ 74747  
~~address~~ at least one month before the certificate expires. Failure 74748  
of a certificate holder to receive a notice of renewal from the 74749  
board shall not excuse the certificate holder from the 74750  
requirements contained in this section. The notice shall inform 74751  
the certificate holder of the renewal procedure. The notice also 74752  
shall inform the certificate holder of the reporting requirement 74753  
established by division (H) of section 3701.79 of the Revised 74754  
Code. At the discretion of the board, the information may be 74755  
included on the application for renewal or on an accompanying 74756  
page. 74757

(2) A clinical research faculty certificate may be renewed 74758  
for an additional three-year period. There is no limit on the 74759  
number of times a certificate may be renewed. A person seeking 74760  
renewal of a certificate shall apply to the board. The board shall 74761  
provide the application for renewal in a form determined by the 74762  
board. 74763

(3) An applicant is eligible for renewal if the applicant 74764  
does all of the following: 74765

(a) Pays a renewal fee of three hundred seventy-five dollars; 74766

(b) Reports any criminal offense to which the applicant has 74767  
pleaded guilty, of which the applicant has been found guilty, or 74768

for which the applicant has been found eligible for intervention 74769  
in lieu of conviction, since last filing an application for a 74770  
clinical research faculty certificate; 74771

(c) Provides to the board an affidavit and supporting 74772  
documentation from the dean of the ~~medical~~ school or college, or 74773  
the department director or chairperson of a teaching hospital 74774  
affiliated with the school or college, that the applicant is in 74775  
compliance with the applicant's current clinical research faculty 74776  
certificate; 74777

(d) Provides evidence satisfactory to the board of all of the 74778  
following: 74779

(i) That the applicant continues to maintain a current, 74780  
unrestricted license to practice medicine and surgery ~~or~~, 74781  
osteopathic medicine and surgery, or podiatric medicine and 74782  
surgery issued by another state or country; 74783

(ii) That the applicant's initial appointment to serve in 74784  
this state on the academic staff of a ~~medical~~ school or college is 74785  
still valid or has been renewed; 74786

(iii) That the applicant has completed one hundred fifty 74787  
hours of continuing medical education that meet the requirements 74788  
set forth in section 4731.282 of the Revised Code. 74789

(4) Regardless of whether the certificate has expired, a 74790  
person who was granted a visiting medical faculty certificate 74791  
under this section as it existed immediately prior to June 6, 74792  
2012, may apply for a clinical research faculty certificate as a 74793  
renewal. The board may issue the clinical research faculty 74794  
certificate if the applicant meets the requirements of division 74795  
~~(E)~~(F)(3) of this section. The board may not issue a clinical 74796  
research faculty certificate if the visiting medical faculty 74797  
certificate was revoked. 74798

~~(F)~~(G) The board shall maintain a register of all persons who 74799



hold clinical research faculty certificates. 74800

~~(G)~~(H) The board may adopt any rules it considers necessary 74801  
to implement this section. The rules shall be adopted in 74802  
accordance with Chapter 119. of the Revised Code. 74803

**Sec. 4731.294.** (A) The state medical board may issue, without 74804  
examination, a special activity certificate to any person seeking 74805  
to practice medicine and surgery or osteopathic medicine and 74806  
surgery in conjunction with a special activity, program, or event 74807  
taking place in this state. 74808

(B) An applicant for a special activity certificate shall 74809  
hold a telemedicine certificate issued under section 4731.296 of 74810  
the Revised Code or submit evidence satisfactory to the board of 74811  
all of the following: 74812

(1) The applicant holds a current, unrestricted license to 74813  
practice medicine and surgery or osteopathic medicine and surgery 74814  
issued by another state or country and that within the two-year 74815  
period immediately preceding application, the applicant has done 74816  
one of the following: 74817

(a) Actively practiced medicine and surgery or osteopathic 74818  
medicine and surgery in the United States; 74819

(b) Participated in a graduate medical education program 74820  
accredited by either the accreditation council for graduate 74821  
medical education of the American medical association or the 74822  
American osteopathic association; 74823

(c) Successfully passed the federation licensing examination 74824  
established by the federation of state medical boards, a special 74825  
examination established by the federation of state medical boards, 74826  
or all parts of a standard medical licensing examination 74827  
established for purposes of determining the competence of 74828  
individuals to practice medicine and surgery or osteopathic 74829

medicine and surgery in the United States. 74830

(2) The applicant meets the same educational requirements 74831  
that individuals must meet under sections 4731.09, ~~4731.091~~, and 74832  
4731.14 of the Revised Code. 74833

(3) The applicant's practice in conjunction with the special 74834  
activity, program, or event will be in the public interest. 74835

(C) The applicant shall pay a fee of one hundred twenty-five 74836  
dollars unless the applicant holds a telemedicine certificate 74837  
issued under section 4731.296 of the Revised Code. If the 74838  
applicant holds a telemedicine certificate, the board shall not 74839  
charge a fee for issuing a certificate under this section. The 74840  
board shall maintain a register of all persons who hold a special 74841  
activity certificate. 74842

(D) The holder of a special activity certificate may practice 74843  
medicine and surgery or osteopathic medicine and surgery only in 74844  
conjunction with the special activity, event, or program for which 74845  
the certificate is issued. The board may revoke a certificate on 74846  
receiving proof satisfactory to the board that the holder of the 74847  
certificate has engaged in practice in this state outside the 74848  
scope of the certificate or that there are grounds for action 74849  
against the certificate holder under section 4731.22 of the 74850  
Revised Code. 74851

(E) A special activity certificate is valid for the shorter 74852  
of thirty days or the duration of the special activity, program, 74853  
or event. The certificate may not be renewed. 74854

(F) The state medical board shall adopt rules in accordance 74855  
with Chapter 119. of the Revised Code that specify how often an 74856  
applicant may be granted a certificate under this section. 74857

**Sec. 4731.295.** (A)(1) As used in this section: 74858

(a) "Free clinic" has the same meaning as in section 3701.071 74859

of the Revised Code. 74860

(b) "Indigent and uninsured person" and "operation" have the 74861  
same meanings as in section 2305.234 of the Revised Code. 74862

(2) For the purposes of this section, a person shall be 74863  
considered retired from practice if the person's license ~~or~~ 74864  
~~certificate~~ has expired with the person's intention of ceasing to 74865  
practice medicine and surgery or osteopathic medicine and surgery 74866  
for remuneration. 74867

(B) The state medical board may issue, without examination, a 74868  
volunteer's certificate to a person who is retired from practice 74869  
so that the person may provide medical services to indigent and 74870  
uninsured persons at any location, including a free clinic. The 74871  
board shall deny issuance of a volunteer's certificate to a person 74872  
who is not qualified under this section to hold a volunteer's 74873  
certificate. 74874

(C) An application for a volunteer's certificate shall 74875  
include all of the following: 74876

(1) A copy of the applicant's degree of medicine or 74877  
osteopathic medicine. 74878

(2) One of the following, as applicable: 74879

(a) A copy of the applicant's most recent license ~~or~~ 74880  
~~certificate~~ authorizing the practice of medicine and surgery or 74881  
osteopathic medicine and surgery issued by a jurisdiction in the 74882  
United States that licenses persons to practice medicine and 74883  
surgery or osteopathic medicine and surgery. 74884

(b) A copy of the applicant's most recent license equivalent 74885  
to a license to practice medicine and surgery or osteopathic 74886  
medicine and surgery in one or more branches of the United States 74887  
armed services that the United States government issued. 74888

(3) Evidence of one of the following, as applicable: 74889

(a) That the applicant has maintained for at least ten years 74890  
prior to retirement full licensure in good standing in any 74891  
jurisdiction in the United States that licenses persons to 74892  
practice medicine and surgery or osteopathic medicine and surgery. 74893

(b) That the applicant has practiced for at least ten years 74894  
prior to retirement in good standing as a doctor of medicine and 74895  
surgery or osteopathic medicine and surgery in one or more of the 74896  
branches of the United States armed services. 74897

(4) A notarized statement from the applicant, on a form 74898  
prescribed by the board, that the applicant will not accept any 74899  
form of remuneration for any medical services rendered while in 74900  
possession of a volunteer's certificate. 74901

(D) The holder of a volunteer's certificate may provide 74902  
medical services only to indigent and uninsured persons, but may 74903  
do so at any location, including a free clinic. The holder shall 74904  
not accept any form of remuneration for providing medical services 74905  
while in possession of the certificate. Except in a medical 74906  
emergency, the holder shall not perform any operation or deliver 74907  
babies. The board may revoke a volunteer's certificate on 74908  
receiving proof satisfactory to the board that the holder has 74909  
engaged in practice in this state outside the scope of the 74910  
certificate. 74911

(E)(1) A volunteer's certificate shall be valid for a period 74912  
of three years, unless earlier revoked under division (D) of this 74913  
section or pursuant to section 4731.22 of the Revised Code. A 74914  
volunteer's certificate may be renewed upon the application of the 74915  
holder. The board shall maintain a register of all persons who 74916  
hold volunteer's certificates. The board shall not charge a fee 74917  
for issuing or renewing a certificate pursuant to this section. 74918

(2) To be eligible for renewal of a volunteer's certificate 74919  
the holder of the certificate shall certify to the board 74920

completion of one hundred fifty hours of continuing medical 74921  
education that meets the requirements of section 4731.282 of the 74922  
Revised Code regarding certification by private associations and 74923  
approval by the board. The board may not renew a certificate if 74924  
the holder has not complied with the continuing medical education 74925  
requirements. Any entity for which the holder provides medical 74926  
services may pay for or reimburse the holder for any costs 74927  
incurred in obtaining the required continuing medical education 74928  
credits. 74929

(3) The board shall issue a volunteer's certificate to each 74930  
person who qualifies under this section for the certificate. The 74931  
certificate shall state that the certificate holder is authorized 74932  
to provide medical services pursuant to the laws of this state. 74933  
The holder shall display the certificate prominently at the 74934  
location where the holder primarily practices. 74935

(4) The holder of a volunteer's certificate issued pursuant 74936  
to this section is subject to the immunity provisions regarding 74937  
the provision of services to indigent and uninsured persons in 74938  
section 2305.234 of the Revised Code. 74939

(F) The board shall adopt rules in accordance with Chapter 74940  
119. of the Revised Code to administer and enforce this section. 74941

**Sec. 4731.296.** (A) For the purposes of this section, "the 74942  
practice of telemedicine" means the practice of medicine in this 74943  
state through the use of any communication, including oral, 74944  
written, or electronic communication, by a physician located 74945  
outside this state. 74946

(B) A person who wishes to practice telemedicine in this 74947  
state shall file an application with the state medical board, 74948  
together with a fee ~~in the amount of the fee described in division~~ 74949  
~~(D) of section 4731.29 of the Revised Code~~ three hundred five 74950  
dollars and shall comply with sections 4776.01 to 4776.04 of the 74951

Revised Code. If the board, in its discretion, decides that the results of the criminal records check do not make the person ineligible for a telemedicine certificate, the board may issue, without examination, a telemedicine certificate to a person who meets all of the following requirements:

(1) The person holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of continuing medical education every two years.

(2) The person's principal place of practice is in that state.

(3) The person does not hold a ~~certificate~~ license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state.

(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections ~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with ~~division (E) of section 4731.29~~ 4731.142 of the Revised Code.

(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code.

(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of

the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 74983  
74984

(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 74985  
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To be eligible for renewal, the holder of the certificate shall do both of the following: 74990  
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(1) Pay a fee in the amount of the fee described in division (A)(1) of section 4731.281 of the Revised Code; 74992  
74993

(2) Certify to the board compliance with the continuing medical education requirements of the state in which the holder's principal place of practice is located. 74994  
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The board may require a random sample of persons holding a telemedicine certificate to submit materials documenting completion of the continuing medical education requirements described in this division. 74997  
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(F) The board shall convert a telemedicine certificate to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code on receipt of a written request from the certificate holder. Once the telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code, including continuing medical education requirements. 75001  
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**Sec. 4731.298.** (A) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a visiting clinical professional development certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's 75008  
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participation in a clinical professional development program. 75013

(B) To be eligible for a visiting clinical professional 75014  
development certificate, an applicant shall provide to the board 75015  
both of the following: 75016

(1) Documentation satisfactory to the board of all of the 75017  
following: 75018

(a) Verification from the school or hospital conducting the 75019  
program that the applicant has sufficient financial resources to 75020  
support the applicant and any dependents based on the cost of 75021  
living in the geographic area of the school or hospital conducting 75022  
the program, including room, board, transportation, and related 75023  
living expenses; 75024

(b) Valid health and evacuation insurance for the duration of 75025  
the applicant's stay in the United States; 75026

(c) Professional liability insurance provided by the program 75027  
or the school or hospital conducting the program for the duration 75028  
of the applicant's participation in the program; 75029

(d) Proficiency in spoken English as demonstrated by passing 75030  
the examination described in section 4731.142 of the Revised Code; 75031

(e) A description from the school or hospital conducting the 75032  
program of the scope of medical or surgical activities permitted 75033  
during the applicant's participation in the program that includes 75034  
all of the following: 75035

(i) The type of practice in which the applicant will be 75036  
involved; 75037

(ii) The type of patient contact that will occur; 75038

(iii) The type of supervision the applicant will experience; 75039

(iv) A list of procedures the applicant will learn; 75040

(v) A list of any patient-based research projects in which 75041



the applicant will be involved; 75042

(vi) Whether the applicant will act as a consultant to a 75043  
person who holds a ~~certificate~~ license to practice medicine and 75044  
surgery or osteopathic medicine and surgery issued under this 75045  
chapter; 75046

(vii) Any other details of the applicant's participation in 75047  
the program. 75048

(f) A statement from the school or hospital conducting the 75049  
program regarding why the applicant needs advanced training and 75050  
the benefits to the applicant's home country of the applicant 75051  
receiving the training. 75052

(2) Evidence satisfactory to the board that the applicant 75053  
meets all of the following requirements: 75054

(a) Has been accepted for participation in a clinical 75055  
professional development program of a medical school or 75056  
osteopathic medical school in this state that is accredited by the 75057  
liaison committee on medical education or the American osteopathic 75058  
association or of a teaching hospital affiliated with such a 75059  
medical school; 75060

(b) Is an international medical graduate who holds a medical 75061  
degree from an educational institution listed in the international 75062  
medical education directory; 75063

(c) Has practiced medicine and surgery or osteopathic 75064  
medicine and surgery for at least five years after completing 75065  
graduate medical education, including postgraduate residency and 75066  
advanced training; 75067

(d) Has credentials that are primary-source verified by the 75068  
educational commission for foreign medical graduates or the 75069  
federation credentials verification service; 75070

(e) Holds a current, unrestricted license to practice 75071

medicine and surgery or osteopathic medicine and surgery issued in 75072  
another country; 75073

(f) Agrees to comply with all state and federal laws 75074  
regarding health, health care, and patient privacy; 75075

(g) Agrees to return to the applicant's home state or country 75076  
at the conclusion of the clinical professional development 75077  
program. 75078

(C) The applicant shall pay a fee of three hundred 75079  
seventy-five dollars. The board shall maintain a register of all 75080  
persons who hold visiting clinical professional development 75081  
certificates. 75082

(D) The holder of a visiting clinical professional 75083  
development certificate may practice medicine and surgery or 75084  
osteopathic medicine and surgery only as part of the clinical 75085  
professional development program in which the certificate holder 75086  
participates. The certificate holder's practice must be under the 75087  
direct supervision of a qualified faculty member of the medical 75088  
school, osteopathic medical school, or teaching hospital 75089  
conducting the program who holds a ~~certificate~~ license to practice 75090  
medicine and surgery or osteopathic medicine and surgery issued 75091  
under this chapter. 75092

The program in which the certificate holder participates 75093  
shall ensure that the certificate holder does not do any of the 75094  
following: 75095

(1) Write orders or prescribe medication; 75096

(2) Bill for services performed; 75097

(3) Occupy a residency or fellowship position approved by the 75098  
accreditation council for graduate medical education; 75099

(4) Attempt to have participation in a clinical professional 75100  
development program pursuant to this section counted toward 75101

meeting the graduate medical education requirements specified in 75102  
section ~~4731.09~~ 4731.09 of the Revised Code. 75103

(E) The board may revoke a certificate issued under this 75104  
section on receiving proof satisfactory to the board that the 75105  
certificate holder has engaged in practice in this state outside 75106  
the scope of the certificate or that there are grounds for action 75107  
against the certificate holder under section 4731.22 of the 75108  
Revised Code. 75109

(F) A visiting clinical professional development certificate 75110  
is valid for the shorter of one year or the duration of the 75111  
program in which the holder is participating. The certificate 75112  
ceases to be valid if the holder resigns or is otherwise 75113  
terminated from the program. The certificate may not be extended. 75114

(G) The program in which a certificate holder participates 75115  
shall obtain from each patient or patient's parent or legal 75116  
guardian written consent to any medical or surgical procedure or 75117  
course of procedures in which the certificate holder participates. 75118

(H) The board may adopt any rules it considers necessary to 75119  
implement this section. The rules shall be adopted in accordance 75120  
with Chapter 119. of the Revised Code. 75121

**Sec. 4731.299.** (A) The state medical board may issue, without 75122  
examination, to an applicant who meets all of the requirements of 75123  
this section an expedited ~~certificate~~ license to practice medicine 75124  
and surgery or osteopathic medicine and surgery by endorsement. 75125  
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(B) An individual who seeks an expedited ~~certificate to~~ 75127  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 75128  
license by endorsement shall file with the board a written 75129  
application on a form prescribed and supplied by the board. The 75130  
application shall include all of the information the board 75131

considers necessary to process it. 75132

(C) To be eligible to receive an expedited ~~certificate~~ 75133  
license by endorsement, an applicant shall do both of the 75134  
following: 75135

(1) Provide evidence satisfactory to the board that the 75136  
applicant meets all of the following requirements: 75137

(a) Has passed one of the following: 75138

(i) Steps one, two, and three of the United States medical 75139  
licensing examination; 75140

(ii) Levels one, two, and three of the comprehensive 75141  
osteopathic medical licensing examination of the United States; 75142

(iii) Any other medical licensing examination recognized by 75143  
the board. 75144

(b) For at least five years immediately preceding the date of 75145  
application, has held a current, unrestricted license to practice 75146  
medicine and surgery or osteopathic medicine and surgery issued by 75147  
the licensing authority of another state or a Canadian province; 75148

(c) For at least two years immediately preceding the date of 75149  
application, has actively practiced medicine and surgery or 75150  
osteopathic medicine and surgery in a clinical setting; 75151

(d) Is in compliance with the medical education and training 75152  
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 75153  
Revised Code. 75154

(2) Certify to the board that all of the following are the 75155  
case: 75156

(a) Not more than two malpractice claims have been filed 75157  
against the applicant within a period of ten years and no 75158  
malpractice claim against the applicant has resulted in total 75159  
payment of more than five hundred thousand dollars. 75160

(b) The applicant does not have a criminal record according 75161  
to the criminal records check required by section ~~4731.081~~ 4731.08 75162  
of the Revised Code. 75163

(c) The applicant does not have a medical condition that 75164  
could affect the applicant's ability to practice according to 75165  
acceptable and prevailing standards of care. 75166

(d) No adverse action has been taken against the applicant by 75167  
a health care institution. 75168

(e) To the applicant's knowledge, no federal agency, medical 75169  
society, medical association, or branch of the United States 75170  
military has investigated or taken action against the applicant. 75171

(f) No professional licensing or regulatory authority has 75172  
filed a complaint against, investigated, or taken action against 75173  
the applicant and the applicant has not withdrawn a professional 75174  
license application. 75175

(g) The applicant has not been suspended or expelled from any 75176  
institution of higher education or school, including a medical 75177  
school. 75178

(D) An applicant for an expedited ~~certificate~~ license by 75179  
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 75180  
Revised Code. 75181

(E) At the time of application, the applicant shall pay to 75182  
the board a fee of one thousand dollars, no part of which shall be 75183  
returned. No application shall be considered filed until the board 75184  
receives the fee. 75185

(F) The secretary and supervising member of the board shall 75186  
review all applications received under this section. 75187

If the secretary and supervising member determine that an 75188  
applicant meets the requirements for an expedited ~~certificate to~~ 75189  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 75190

license by endorsement, the board shall issue the ~~certificate~~ 75191  
license to the applicant. 75192

If the secretary and supervising member determine that an 75193  
applicant does not meet the requirements for an expedited 75194  
~~certificate to practice medicine and surgery or osteopathic~~ 75195  
~~medicine and surgery~~ license by endorsement, the application shall 75196  
be treated as an application under section ~~4731.08~~ 4731.09 of the 75197  
Revised Code. 75198

(G) Each ~~certificate~~ license issued by the board under this 75199  
section shall be signed by the president and secretary of the 75200  
board and attested by the board's seal. 75201

(H) Within sixty days after September 29, 2013, the board 75202  
shall approve acceptable means of demonstrating compliance with 75203  
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 75204  
required by division (C)(1)(d) of this section. 75205

**Sec. 4731.341.** (A) The practice of medicine in all of its 75206  
branches or the treatment of human ailments without the use of 75207  
drugs or medicines and without operative surgery by any person not 75208  
at that time holding a valid and current license or certificate as 75209  
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 75210  
hereby declared to be inimical to the public welfare and to 75211  
constitute a public nuisance. 75212

(B) The attorney general, the prosecuting attorney of any 75213  
county in which the offense was committed or the offender resides, 75214  
the state medical board, or any other person having knowledge of a 75215  
person who either directly or by complicity is in violation of 75216  
division (A) of this section, may on or after January 1, 1969, in 75217  
accord with provisions of the Revised Code governing injunctions, 75218  
maintain an action in the name of the state to enjoin any person 75219  
from engaging either directly or by complicity in the unlawful 75220  
activity by applying for an injunction in the Franklin county 75221

court of common pleas or any other court of competent jurisdiction. 75222  
75223

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 75224  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 75238  
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Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code. 75243  
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75245

**Sec. 4731.36.** (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 75246  
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 75250  
75251

(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient



for the same condition; 75283

(5) A physician or surgeon residing on the border of a 75284  
contiguous state and authorized under the laws thereof to practice 75285  
medicine and surgery therein, whose practice extends within the 75286  
limits of this state. Such practitioner shall not either in person 75287  
or through the use of any communication, including oral, written, 75288  
or electronic communication, open an office or appoint a place to 75289  
see patients or receive calls within the limits of this state. 75290

(6) A board, committee, or corporation engaged in the conduct 75291  
described in division (A) of section 2305.251 of the Revised Code 75292  
when acting within the scope of the functions of the board, 75293  
committee, or corporation; 75294

(7) The conduct of an independent review organization 75295  
accredited by the superintendent of insurance under section 75296  
3922.13 of the Revised Code for the purpose of external reviews 75297  
conducted under Chapter 3922. of the Revised Code. 75298

As used in division (A)(1) of this section, "armed forces of 75299  
the United States" means the army, air force, navy, marine corps, 75300  
coast guard, and any other military service branch that is 75301  
designated by congress as a part of the armed forces of the United 75302  
States. 75303

(B)(1) Subject to division (B)(2) of this section, this 75304  
chapter does not apply to a person who holds a current, 75305  
unrestricted license to practice medicine and surgery or 75306  
osteopathic medicine and surgery in another state when the person, 75307  
pursuant to a written agreement with an athletic team located in 75308  
the state in which the person holds the license, provides medical 75309  
services to any of the following while the team is traveling to or 75310  
from or participating in a sporting event in this state: 75311

(a) A member of the athletic team; 75312

(b) A member of the athletic team's coaching, communications, 75313

equipment, or sports medicine staff; 75314

(c) A member of a band or cheerleading squad accompanying the 75315  
athletic team; 75316

(d) The athletic team's mascot. 75317

(2) In providing medical services pursuant to division (B)(1) 75318  
of this section, the person shall not provide medical services at 75319  
a health care facility, including a hospital, an ambulatory 75320  
surgical facility, or any other facility in which medical care, 75321  
diagnosis, or treatment is provided on an inpatient or outpatient 75322  
basis. 75323

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 75324  
apply to any graduate of a podiatric school or college while 75325  
performing those acts that may be prescribed by or incidental to 75326  
participation in an accredited podiatric internship, residency, or 75327  
fellowship program situated in this state approved by the state 75328  
medical board. 75329

(D) This chapter does not apply to an oriental medicine 75330  
practitioner or acupuncturist who complies with Chapter 4762. of 75331  
the Revised Code. 75332

(E) This chapter does not prohibit the administration of 75333  
drugs by any of the following: 75334

(1) An individual who is licensed or otherwise specifically 75335  
authorized by the Revised Code to administer drugs; 75336

(2) An individual who is not licensed or otherwise 75337  
specifically authorized by the Revised Code to administer drugs, 75338  
but is acting pursuant to the rules for delegation of medical 75339  
tasks adopted under section 4731.053 of the Revised Code; 75340

(3) An individual specifically authorized to administer drugs 75341  
pursuant to a rule adopted under the Revised Code that is in 75342  
effect on April 10, 2001, as long as the rule remains in effect, 75343

specifically authorizing an individual to administer drugs. 75344

(F) The exemptions described in divisions (A)(3), (4), and 75345  
(5) of this section do not apply to a physician or surgeon whose 75346  
~~certificate~~ license to practice issued under this chapter is under 75347  
suspension or has been revoked or permanently revoked by action of 75348  
the state medical board. 75349

**Sec. 4731.41.** (A) No person shall practice medicine and 75350  
surgery, or any of its branches, without the appropriate license 75351  
or certificate from the state medical board to engage in the 75352  
practice. No person shall advertise or claim to the public to be a 75353  
practitioner of medicine and surgery, or any of its branches, 75354  
without a license or certificate from the board. No person shall 75355  
open or conduct an office or other place for such practice without 75356  
a license or certificate from the board. No person shall conduct 75357  
an office in the name of some person who has a license or 75358  
certificate to practice medicine and surgery, or any of its 75359  
branches. No person shall practice medicine and surgery, or any of 75360  
its branches, after the person's license or certificate has been 75361  
revoked, or, if suspended, during the time of such suspension. 75362

A license or certificate signed by the secretary of the board 75363  
to which is affixed the official seal of the board to the effect 75364  
that it appears from the records of the board that no such license 75365  
or certificate to practice medicine and surgery, or any of its 75366  
branches, in this state has been issued to the person specified 75367  
therein, or that a license or certificate to practice, if issued, 75368  
has been revoked or suspended, shall be received as prima-facie 75369  
evidence of the record of the board in any court or before any 75370  
officer of the state. 75371

(B) No license or certificate from the state medical board is 75372  
required by a physician who comes into this state to practice 75373  
medicine at a free-of-charge camp accredited by the SeriousFun 75374

children's network that specializes in providing therapeutic 75375  
recreation, as defined in section 2305.231 of the Revised Code, 75376  
for individuals with chronic illnesses as long as all of the 75377  
following apply: 75378

(1) The physician provides documentation to the medical 75379  
director of the camp that the physician is licensed and in good 75380  
standing to practice medicine in another state; 75381

(2) The physician provides services only at the camp or in 75382  
connection with camp events or camp activities that occur off the 75383  
grounds of the camp; 75384

(3) The physician receives no compensation for the services; 75385

(4) The physician provides those services within this state 75386  
for not more than thirty days per calendar year; 75387

(5) The camp has a medical director who holds an unrestricted 75388  
license to practice medicine issued in accordance with division 75389  
(A) of this section. 75390

**Sec. 4731.43.** No person shall announce or advertise ~~himself~~ 75391  
that person as an osteopathic physician and surgeon, or shall 75392  
practice as such, without a ~~certificate~~ license from the state 75393  
medical board or without complying with all the provisions of law 75394  
relating to such practice, or shall practice after such 75395  
~~certificate~~ license has been revoked, or if suspended, during the 75396  
time of such suspension. 75397

A ~~certificate~~ license certified by the secretary, under the 75398  
official seal of the said board to the effect that it appears from 75399  
the records of the board that no ~~certificate~~ license to practice 75400  
osteopathic medicine and surgery has been issued to any person 75401  
specified therein, or that a ~~certificate~~ license, if issued, has 75402  
been revoked or suspended shall be received as prima-facie 75403  
evidence of the record in any court or before any officer of the 75404

state. 75405

**Sec. 4731.531.** In addition to any other eligibility 75406  
requirement set forth in this chapter, each applicant for a 75407  
~~certificate~~ license to practice podiatric medicine and surgery 75408  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 75409  
The state medical board shall not grant to an applicant a 75410  
~~certificate~~ license to practice podiatric medicine and surgery 75411  
unless the board, in its discretion, decides that the results of 75412  
the criminal records check do not make the applicant ineligible 75413  
for a ~~certificate~~ license issued pursuant to section 4731.56 or 75414  
4731.57 of the Revised Code. 75415

**Sec. 4731.55.** The examinations of applicants for ~~certificates~~ 75416  
licenses to practice podiatric medicine and surgery shall be 75417  
conducted under rules prescribed by the state medical board. An 75418  
applicant who holds the degree of doctor of podiatric medicine 75419  
shall be examined in subjects pertinent to current podiatric 75420  
educational standards. 75421

**Sec. 4731.56.** The state medical board shall issue its 75422  
~~certificate~~ license to practice podiatric medicine and surgery to 75423  
each applicant who passes the examination conducted under section 75424  
4731.55 of the Revised Code and has paid the treasurer of the 75425  
state medical board a ~~certificate~~ license issuance fee of three 75426  
hundred dollars. Each ~~certificate~~ license shall be signed by the 75427  
board's president and secretary and attested by its seal. An 75428  
affirmative vote of not less than six members of the state medical 75429  
board is required for issuance of a ~~certificate~~ license. 75430

A ~~certificate~~ license authorizing the practice of podiatric 75431  
medicine and surgery permits the holder the use of the title 75432  
"physician" or the use of the title "surgeon" when the title is 75433  
qualified by letters or words showing that the holder of the 75434

~~certificate~~ license is a practitioner of podiatric medicine and 75435  
surgery. The ~~certificate~~ license shall be prominently displayed in 75436  
the ~~certificate~~ license holder's office or the place where a major 75437  
portion of the ~~certificate~~ license holder's practice is conducted. 75438

**Sec. 4731.57.** When a podiatrist licensed by the licensing 75439  
authority of another state wishes to remove to this state to 75440  
practice the podiatrist's profession, the state medical board may, 75441  
in its discretion, by an affirmative vote of not less than six of 75442  
its members, issue to the applicant a ~~certificate~~ license to 75443  
practice podiatric medicine and surgery without requiring the 75444  
applicant to submit to examination, provided the applicant meets 75445  
the requirements for entrance set forth in section 4731.53 of the 75446  
Revised Code and pays a fee of three hundred dollars. Application 75447  
shall be made on a form prescribed by the board. 75448

**Sec. 4731.571.** The state medical board may, upon an 75449  
affirmative vote of not less than six members, issue a ~~certificate~~ 75450  
license to practice podiatry by endorsement to an applicant who 75451  
has successfully passed the written examination of a recognized 75452  
national certifying agency in podiatry; provided the written 75453  
examination of the certifying agency was, in the opinion of the 75454  
board, equivalent to its own examination, and provided further 75455  
that the applicant satisfies in all other respects, the 75456  
requirements for a license as set forth in sections 4731.51 to 75457  
4731.60 of the Revised Code. Such application to the board shall 75458  
be accompanied by an application fee of three hundred dollars. 75459

**Sec. 4731.573.** (A) An individual seeking to pursue an 75460  
internship, residency, or clinical fellowship program in podiatric 75461  
medicine and surgery in this state, who does not hold a 75462  
~~certificate~~ license to practice podiatric medicine and surgery 75463  
issued under this chapter, shall apply to the state medical board 75464

for a training certificate. The application shall be made on forms 75465  
that the board shall furnish and shall be accompanied by an 75466  
application fee of seventy-five dollars. 75467

An applicant for a training certificate shall furnish to the 75468  
board all of the following: 75469

(1) Evidence satisfactory to the board that the applicant is 75470  
at least eighteen years of age and is of good moral character; 75471

(2) Evidence satisfactory to the board that the applicant has 75472  
been accepted or appointed to participate in this state in one of 75473  
the following: 75474

(a) An internship or residency program accredited by either 75475  
the council on podiatric medical education or the American 75476  
podiatric medical association; 75477

(b) A clinical fellowship program at an institution with a 75478  
residency program accredited by either the council on podiatric 75479  
medical education or the American podiatric medical association 75480  
that is in a clinical field the same as or related to the clinical 75481  
field of the fellowship program. 75482

(3) Information identifying the beginning and ending dates of 75483  
the period for which the applicant has been accepted or appointed 75484  
to participate in the internship, residency, or clinical 75485  
fellowship program; 75486

(4) Any other information that the board requires. 75487

(B) If no grounds for denying a license or certificate under 75488  
section 4731.22 of the Revised Code apply and the applicant meets 75489  
the requirements of division (A) of this section, the board shall 75490  
issue a training certificate to the applicant. The board shall not 75491  
require an examination as a condition of receiving a training 75492  
certificate. 75493

A training certificate issued pursuant to this section shall 75494

be valid only for the period of one year, but may in the discretion of the board and upon application duly made, be renewed annually for a maximum of five years. The fee for renewal of a training certificate shall be thirty-five dollars.

The board shall maintain a register of all individuals who hold training certificates.

(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise to engage in the practice of podiatric medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the podiatrists responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

**Sec. 4731.60.** No person shall practice podiatric medicine and surgery without a ~~certificate~~ license from the state medical board; no person shall advertise or announce as a practitioner of podiatric medicine and surgery without a ~~certificate~~ license from the board; no person shall open or conduct an office or other



place for such practice without a ~~certificate~~ license from the 75526  
board; no person shall conduct an office in the name of some 75527  
person who has a ~~certificate~~ license to practice podiatric 75528  
medicine and surgery; and no person shall practice podiatric 75529  
medicine and surgery after a ~~certificate~~ license has been revoked, 75530  
or if suspended, during the time of such suspension. 75531

A certificate signed by the secretary to which is affixed the 75532  
official seal of the board to the effect that it appears from the 75533  
records of the board that no such ~~certificate~~ license to practice 75534  
podiatric medicine and surgery, in the state has been issued to 75535  
any such person specified therein, or that a ~~certificate~~ license, 75536  
if issued, has been revoked or suspended, shall be received as 75537  
prima-facie evidence of the record of such board in any court or 75538  
before any officer of this state. 75539

**Sec. 4731.61.** The ~~certificate~~ license of a podiatrist may be 75540  
revoked, limited, or suspended; the holder of a ~~certificate~~ 75541  
license may be placed on probation or reprimanded; or an applicant 75542  
may be refused registration or reinstatement for violations of 75543  
section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code 75544  
by an affirmative vote of not less than six members of the state 75545  
medical board. 75546

This section does not preclude the application to, or limit 75547  
the operation or effect upon, podiatrists of other sections of 75548  
Chapter 4731. of the Revised Code. 75549

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 75550  
Revised Code: 75551

(A)(1) "Clinical laboratory services" means either of the 75552  
following: 75553

(a) Any examination of materials derived from the human body 75554

for the purpose of providing information for the diagnosis, 75555  
prevention, or treatment of any disease or impairment or for the 75556  
assessment of health; 75557

(b) Procedures to determine, measure, or otherwise describe 75558  
the presence or absence of various substances or organisms in the 75559  
body. 75560

(2) "Clinical laboratory services" does not include the mere 75561  
collection or preparation of specimens. 75562

(B) "Designated health services" means any of the following: 75563

(1) Clinical laboratory services; 75564

(2) Home health care services; 75565

(3) Outpatient prescription drugs. 75566

(C) "Fair market value" means the value in arms-length 75567  
transactions, consistent with general market value and: 75568

(1) With respect to rentals or leases, the value of rental 75569  
property for general commercial purposes, not taking into account 75570  
its intended use; 75571

(2) With respect to a lease of space, not adjusted to reflect 75572  
the additional value the prospective lessee or lessor would 75573  
attribute to the proximity or convenience to the lessor if the 75574  
lessor is a potential source of referrals to the lessee. 75575

(D) "Governmental health care program" means any program 75576  
providing health care benefits that is administered by the federal 75577  
government, this state, or a political subdivision of this state, 75578  
including the medicare program, health care coverage for public 75579  
employees, health care benefits administered by the bureau of 75580  
workers' compensation, and the medicaid program. 75581

(E)(1) "Group practice" means a group of two or more holders 75582  
of licenses or certificates under this chapter legally organized 75583  
as a partnership, professional corporation or association, limited 75584

liability company, foundation, nonprofit corporation, faculty 75585  
practice plan, or similar group practice entity, including an 75586  
organization comprised of a nonprofit medical clinic that 75587  
contracts with a professional corporation or association of 75588  
physicians to provide medical services exclusively to patients of 75589  
the clinic in order to comply with section 1701.03 of the Revised 75590  
Code and including a corporation, limited liability company, 75591  
partnership, or professional association described in division (B) 75592  
of section 4731.226 of the Revised Code formed for the purpose of 75593  
providing a combination of the professional services of 75594  
optometrists who are licensed, certificated, or otherwise legally 75595  
authorized to practice optometry under Chapter 4725. of the 75596  
Revised Code, chiropractors who are licensed, certificated, or 75597  
otherwise legally authorized to practice chiropractic or 75598  
acupuncture under Chapter 4734. of the Revised Code, psychologists 75599  
who are licensed, certificated, or otherwise legally authorized to 75600  
practice psychology under Chapter 4732. of the Revised Code, 75601  
registered or licensed practical nurses who are licensed, 75602  
certificated, or otherwise legally authorized to practice nursing 75603  
under Chapter 4723. of the Revised Code, pharmacists who are 75604  
licensed, certificated, or otherwise legally authorized to 75605  
practice pharmacy under Chapter 4729. of the Revised Code, 75606  
physical therapists who are licensed, certificated, or otherwise 75607  
legally authorized to practice physical therapy under sections 75608  
4755.40 to 4755.56 of the Revised Code, occupational therapists 75609  
who are licensed, certificated, or otherwise legally authorized to 75610  
practice occupational therapy under sections 4755.04 to 4755.13 of 75611  
the Revised Code, mechanotherapists who are licensed, 75612  
certificated, or otherwise legally authorized to practice 75613  
mechanotherapy under section 4731.151 of the Revised Code, and 75614  
doctors of medicine and surgery, osteopathic medicine and surgery, 75615  
or podiatric medicine and surgery who are licensed, certificated, 75616  
or otherwise legally authorized for their respective practices 75617

under this chapter, and licensed professional clinical counselors, 75618  
licensed professional counselors, independent social workers, 75619  
social workers, independent marriage and family therapists, or 75620  
marriage and family therapists who are licensed, certificated, or 75621  
otherwise legally authorized for their respective practices under 75622  
Chapter 4757. of the Revised Code to which all of the following 75623  
apply: 75624

(a) Each physician who is a member of the group practice 75625  
provides substantially the full range of services that the 75626  
physician routinely provides, including medical care, 75627  
consultation, diagnosis, or treatment, through the joint use of 75628  
shared office space, facilities, equipment, and personnel. 75629

(b) Substantially all of the services of the members of the 75630  
group are provided through the group and are billed in the name of 75631  
the group and amounts so received are treated as receipts of the 75632  
group. 75633

(c) The overhead expenses of and the income from the practice 75634  
are distributed in accordance with methods previously determined 75635  
by members of the group. 75636

(d) The group practice meets any other requirements that the 75637  
state medical board applies in rules adopted under section 4731.70 75638  
of the Revised Code. 75639

(2) In the case of a faculty practice plan associated with a 75640  
hospital with a medical residency training program in which 75641  
physician members may provide a variety of specialty services and 75642  
provide professional services both within and outside the group, 75643  
as well as perform other tasks such as research, the criteria in 75644  
division (E)(1) of this section apply only with respect to 75645  
services rendered within the faculty practice plan. 75646

(F) "Home health care services" and "immediate family" have 75647  
the same meanings as in the rules adopted under section 4731.70 of 75648

the Revised Code. 75649

(G) "Hospital" has the same meaning as in section 3727.01 of 75650  
the Revised Code. 75651

(H) A "referral" includes both of the following: 75652

(1) A request by a holder of a license or certificate under 75653  
this chapter for an item or service, including a request for a 75654  
consultation with another physician and any test or procedure 75655  
ordered by or to be performed by or under the supervision of the 75656  
other physician; 75657

(2) A request for or establishment of a plan of care by a 75658  
license or certificate holder that includes the provision of 75659  
designated health services. 75660

(I) "Third-party payer" has the same meaning as in section 75661  
3901.38 of the Revised Code. 75662

**Sec. 4731.66.** (A) Except as provided in sections 4731.67 and 75663  
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 75664  
under this chapter to practice medicine and surgery, osteopathic 75665  
medicine and surgery, or podiatric medicine and surgery shall 75666  
refer a patient to a person for a designated health service if the 75667  
~~certificate~~ license holder, or a member of the ~~certificate~~ license 75668  
holder's immediate family, has either of the following financial 75669  
relationships with the person: 75670

(1) An ownership or investment interest in the person whether 75671  
through debt, equity, or other means; 75672

(2) Any compensation arrangement involving any remuneration, 75673  
directly or indirectly, overtly or covertly, in cash or in kind. 75674

(B) No person to which a ~~certificate~~ license holder has 75675  
referred a patient in violation of division (A) of this section 75676  
shall bill the patient, any third-party payer, any governmental 75677  
health care program, or any other person or governmental entity 75678

for the designated health service rendered pursuant to the 75679  
referral. 75680

(C) No person shall knowingly enter into an arrangement or 75681  
scheme, including a cross-referral arrangement, that has a 75682  
principal purpose of assuring referrals by a ~~certificate~~ license 75683  
holder to a particular person that, if the ~~certificate~~ license 75684  
holder directly made referrals to such person, would violate 75685  
division (A) of this section. 75686

**Sec. 4731.67.** Section 4731.66 of the Revised Code does not 75687  
apply to any of the following referrals by the holder of a 75688  
~~certificate~~ license under this chapter: 75689

(A) Referrals for physicians' services that are performed by 75690  
or under the personal supervision of a physician in the same group 75691  
practice as the referring physician; 75692

(B) Referrals for clinical laboratory services by a 75693  
~~certificate~~ license holder specializing in the practice of 75694  
pathology if those services are provided by or under the 75695  
supervision of the pathologist pursuant to a consultation 75696  
requested by another physician; 75697

(C) Referrals for in-office ancillary services to which all 75698  
of the following apply: 75699

(1) The services are furnished by the referring physician, a 75700  
physician in the same group practice as the referring physician, 75701  
or individuals who are employed by the referring physician or the 75702  
group practice and who are supervised by the referring physician 75703  
or a physician in the group practice, and are furnished either: 75704

(a) In a building in which the referring physician, or 75705  
another physician in the same group practice as the referring 75706  
physician, furnishes physicians' services unrelated to the 75707  
furnishing of designated health services; 75708

(b) In another building used by the referring physician's group practice for the centralized provision of the group's designated health services. 75709  
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(2) The services are billed by the physician performing or supervising the services, the physician's group practice, or an entity wholly owned by the group practice. 75712  
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(3) The physician's ownership or investment interest in the services described in this division meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 75715  
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(D) Referrals for in-office ancillary services if the third-party payer is aware of and has agreed in writing to reimburse the services notwithstanding the financial arrangement between the physician and the provider of such ancillary services. 75719  
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75721  
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(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation; 75723  
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(F) Referrals to a hospital for designated health services, if all of the following apply: 75725  
75726

(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section. 75727  
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(2) The referring physician is authorized to perform services at the hospital. 75732  
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(3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital. 75734  
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(G) Referrals to a hospital with which the ~~certificate~~ license holder's or immediate family member's financial relationship does not relate to the provision of designated health 75736  
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services; 75739

(H) Referrals to a laboratory located in a rural area as 75740  
defined in section 1886(d)(2)(D) of the "Social Security Act," 49 75741  
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the 75742  
financial relationship consists of an ownership or investment 75743  
interest described in division (A)(1) of section 4731.66 of the 75744  
Revised Code, and not a compensation arrangement described in 75745  
division (A)(2) of that section; 75746

(I) Any other referrals in which the financial relationship 75747  
between the ~~certificate~~ license holder or immediate family member 75748  
and the person furnishing services has been specified in rules 75749  
adopted by the state medical board under section 4731.70 of the 75750  
Revised Code. 75751

**Sec. 4731.68.** (A) Ownership of investment securities in a 75752  
corporation, including bonds, debentures, notes, other debt 75753  
instruments, or shares, shall not be considered an ownership or 75754  
investment interest described in division (A)(1) of section 75755  
4731.66 of the Revised Code if all of the following apply: 75756

(1) The securities were purchased on terms generally 75757  
available to the public. 75758

(2) The corporation is listed for trading on the New York 75759  
stock exchange or the American stock exchange or is a national 75760  
market system security traded under an automated interdealer 75761  
quotation system operated by the national association of 75762  
securities dealers. 75763

(3) The corporation had, at the end of its most recent fiscal 75764  
year, total assets exceeding one hundred million dollars. 75765

(B) Payments for the rental or lease of office space shall 75766  
not be considered a compensation arrangement described in division 75767  
(A)(2) of section 4731.66 of the Revised Code if all of the 75768



following apply:	75769
(1) There is a written agreement signed by the parties for the rental or lease of the space that does all of the following:	75770 75771
(a) Specifies the space covered by the agreement and dedicated for the use of the lessee;	75772 75773
(b) Provides for a term of rental or lease of at least one year;	75774 75775
(c) Provides for payment on a periodic basis of an amount that is consistent with fair market value;	75776 75777
(d) Provides for an amount of aggregate payments that does not directly or indirectly vary based on the volume or value of any referrals of business between the parties;	75778 75779 75780
(e) Would be commercially reasonable even if no referrals were made between the parties.	75781 75782
(2) In the case of a rental or lease arrangement between a holder of a <del>certificate</del> <u>license</u> under this chapter or member of the <del>certificate</del> <u>license</u> holder's immediate family and another person in which the <del>certificate</del> <u>license</u> holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the <del>certificate</del> <u>license</u> holder or the <del>certificate</del> <u>license</u> holder's group practice has a practice.	75783 75784 75785 75786 75787 75788 75789 75790 75791
(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.	75792 75793 75794
(C) An arrangement between a hospital and a <del>certificate</del> <u>license</u> holder or a member of the <del>certificate</del> <u>license</u> holder's immediate family for the employment of the <del>certificate</del> <u>license</u> holder or family member or for the provision of administrative	75795 75796 75797 75798

services shall not be considered a compensation arrangement 75799  
described in division (A)(2) of section 4731.66 of the Revised 75800  
Code if all of the following apply: 75801

(1) The arrangement is for identifiable services. 75802

(2) The amount of the remuneration under the arrangement is 75803  
consistent with the fair market value of the services and is not 75804  
determined in a manner that directly or indirectly takes into 75805  
account the volume or value of any referrals by the ~~certificate~~ 75806  
license holder. 75807

(3) The remuneration is provided pursuant to an agreement 75808  
that would be commercially reasonable even if the ~~certificate~~ 75809  
license holder made no referrals to the hospital. 75810

(4) The arrangement meets any other requirements that the 75811  
state medical board applies in rules adopted under section 4731.70 75812  
of the Revised Code. 75813

(D) Remuneration by a hospital of a ~~certificate~~ license 75814  
holder to induce the ~~certificate~~ license holder to relocate to the 75815  
geographic area served by the hospital in order to be a member of 75816  
the hospital's medical staff shall not be considered a 75817  
compensation arrangement described in division (A)(2) of section 75818  
4731.66 of the Revised Code if all of the following apply: 75819

(1) The ~~certificate~~ license holder is not required to refer 75820  
patients to the hospital. 75821

(2) The amount of the remuneration is not determined in a 75822  
manner that directly or indirectly takes into account the volume 75823  
or value of any referrals by the ~~certificate~~ license holder to the 75824  
hospital. 75825

(3) The arrangement meets any other requirements that the 75826  
state medical board applies in rules adopted under section 4731.70 75827  
of the Revised Code. 75828

(E) Remuneration of a ~~certificate~~ license holder or member of 75829  
the ~~certificate~~ license holder's immediate family by a person 75830  
other than a hospital shall not be considered a compensation 75831  
arrangement described in division (A)(2) of section 4731.66 of the 75832  
Revised Code if all of the following apply: 75833

(1) The remuneration is for any of the following: 75834

(a) Specific, identifiable services as the medical director 75835  
or a member of a medical advisory board of the person; 75836

(b) Specific, identifiable physicians' services furnished to 75837  
an individual in a hospice if the physicians' services are payable 75838  
by the individual's third-party payer only to the hospice; 75839

(c) Specific, identifiable physicians' services furnished to 75840  
a nonprofit blood center; 75841

(d) Specific, identifiable administrative services other than 75842  
direct patient care services in circumstances specified in rules 75843  
adopted by the state medical board under section 4731.70 of the 75844  
Revised Code. 75845

(2) The amount of the remuneration under the arrangement is 75846  
consistent with the fair market value of the services and is not 75847  
determined in a manner that directly or indirectly takes into 75848  
account the volume or value of any referrals by the ~~certificate~~ 75849  
license holder. 75850

(3) The remuneration is provided pursuant to an agreement 75851  
that would be commercially reasonable even if the ~~certificate~~ 75852  
license holder made no referrals to the person. 75853

(4) The arrangement meets any other requirements that the 75854  
state medical board applies in rules adopted under section 4731.70 75855  
of the Revised Code. 75856

(F) Isolated financial transactions, including a one-time 75857  
sale of property, shall not be considered a compensation 75858

arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the other parties to the transaction.

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(G) Payment of the salary of a ~~certificate~~ license holder by the ~~certificate~~ license holder's group practice shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code.

**Sec. 4731.76.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

**Sec. 4731.82.** (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code, except that it does not include either of the following:

(a) The product of human conception of at least twenty weeks of gestation;

(b) The purposeful termination of a pregnancy, as described 75888  
in section 2919.11 of the Revised Code. 75889

(2) "Physician" means an individual holding a ~~certificate~~ 75890  
license issued under this chapter to practice medicine and surgery 75891  
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 75892

(B) If a woman in the process of experiencing a fetal death 75893  
or with the product of human conception as a result of a fetal 75894  
death presents herself to a physician and is not referred to a 75895  
hospital, the attending physician shall provide the woman with all 75896  
of the following: 75897

(1) A written statement, not longer than one page in length, 75898  
that confirms that the woman was pregnant and that she 75899  
subsequently suffered a miscarriage that resulted in a fetal 75900  
death; 75901

(2) Notice of the right of the woman to apply for a fetal 75902  
death certificate pursuant to section 3705.20 of the Revised Code; 75903

(3) A short, general description of the attending physician's 75904  
procedures for disposing of the product of a fetal death. 75905

The attending physician may present the notice and 75906  
description required by divisions (B)(2) and (B)(3) of this 75907  
section through oral or written means. The physician shall 75908  
document in the woman's medical record that all of the items 75909  
required by this division were provided to the woman and shall 75910  
place in the record a copy of the statement required by division 75911  
(B)(1) of this section. 75912

(C) A physician is immune from civil or criminal liability or 75913  
professional disciplinary action with regard to any action taken 75914  
in good faith compliance with this section. 75915

**Sec. 4731.83.** (A) As used in this section: 75916

(1) "Medication-assisted treatment" has the same meaning as 75917

in section 340.01 of the Revised Code. 75918

(2) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 75919  
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(B) A physician shall comply with section 3715.08 of the Revised Code and rules adopted under section 4731.056 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 75922  
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(C) A physician who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following: 75926  
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75928  
75929

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 75930  
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(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 75934  
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**Sec. 4731.85.** The department of health shall establish a procedure to provide special recognition annually to one or more persons issued a certificate license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who volunteer medical services to medically underserved areas of this state or to charitable shelters or clinics. Any person may nominate a certificate license holder for consideration by the department. The department shall annually submit to newspapers of general circulation and other publications selected by the department a request for nominations. 75938  
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The request shall describe the required form and content of 75948  
nominations and indicate a deadline for submitting nominations. 75949

The department may adopt criteria and guidelines for 75950  
selecting nominees for recognition. The department shall publicize 75951  
the names, professional accomplishments, and service contributions 75952  
of the ~~certificate~~ license holders that it recognizes under this 75953  
section. The department may purchase recognition awards and take 75954  
other actions to honor such volunteers. 75955

**Sec. 4736.01.** As used in this chapter: 75956

(A) "Environmental health science" means the aspect of public 75957  
health science that includes, but is not limited to, the following 75958  
bodies of knowledge: air quality, food quality and protection, 75959  
hazardous and toxic substances, consumer product safety, housing, 75960  
institutional health and safety, community noise control, 75961  
radiation protection, recreational facilities, solid and liquid 75962  
waste management, vector control, drinking water quality, milk 75963  
sanitation, and rabies control. 75964

(B) "Sanitarian" means a person who performs for compensation 75965  
educational, investigational, technical, or administrative duties 75966  
requiring specialized knowledge and skills in the field of 75967  
environmental health science. 75968

(C) "Registered sanitarian" means a person who is registered 75969  
as a sanitarian in accordance with this chapter. 75970

(D) "Sanitarian-in-training" means a person who is registered 75971  
as a sanitarian-in-training in accordance with this chapter. 75972

(E) "Practice of environmental health" means consultation, 75973  
instruction, investigation, inspection, or evaluation by an 75974  
employee of a city health district, a general health district, the 75975  
environmental protection agency, the department of health, or the 75976  
department of agriculture requiring specialized knowledge, 75977

training, and experience in the field of environmental health 75978  
science, with the primary purpose of improving or conducting 75979  
administration or enforcement under any of the following: 75980

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 75981  
3733. of the Revised Code; 75982

(2) Chapter 3734. of the Revised Code as it pertains to solid 75983  
waste; 75984

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 75985  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 75986

(4) Rules adopted under former section 3701.34 of the Revised 75987  
Code pertaining to rabies control or swimming pools; 75988

(5) Rules adopted under section 3701.935 of the Revised Code 75989  
for school health and safety network inspections and rules adopted 75990  
under section 3707.26 of the Revised Code for sanitary 75991  
inspections. 75992

"Practice of environmental health" does not include sampling, 75993  
testing, controlling of vectors, reporting of observations, or 75994  
other duties that do not require application of specialized 75995  
knowledge and skills in environmental health science performed 75996  
under the supervision of a registered sanitarian. 75997

The ~~state board~~ director of ~~sanitarian registration~~ health 75998  
may further define environmental health science in relation to 75999  
specific functions in the practice of environmental health through 76000  
rules adopted by the ~~board~~ director under Chapter 119. of the 76001  
Revised Code. 76002

**Sec. 4736.02.** ~~(A) There is hereby created the state board of~~ 76003  
~~sanitarian registration. The board shall consist~~ advisory board 76004  
consisting of seven members appointed by the director of health or 76005  
~~his designated representative, the director of environmental~~ 76006  
~~protection or his designated representative, and five members~~ 76007



~~appointed by the governor with the advice and consent of the~~ 76008  
~~senate for terms established in accordance with rules adopted by~~ 76009  
~~the director under section 4736.03 of the Revised Code. The~~ 76010  
~~advisory board shall advise the director regarding the~~ 76011  
~~registration of sanitarians-in-training and sanitarians,~~ 76012  
~~continuing education requirements for sanitarians, the~~ 76013  
~~administration of examinations prescribed by section 4736.09 of~~ 76014  
~~the Revised Code, the education criteria required under section~~ 76015  
~~4736.08 of the Revised Code, and any other matters as may be of~~ 76016  
~~assistance to the director in the regulation of sanitarians and~~ 76017  
~~sanitarians-in-training. Each~~ 76018

Each member appointed by the ~~governor~~ director shall be a 76019  
registered sanitarian; ~~however, the initial five members appointed~~ 76020  
~~by the governor shall be persons who meet~~ meets the education and 76021  
experience requirements of section 4736.08 of the Revised Code for 76022  
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 76023  
~~appointed by the governor, at~~ At least one and not more than two 76024  
of the members shall be employees of a general health district; at 76025  
least one and not more than two shall be employees of a city 76026  
health district; and at least one and not more than two shall be 76027  
employed in private industry. Not more than one member may be 76028  
employed by a university and not more than one member may be 76029  
employed by an agency or department of the state. 76030

Within ninety days of the effective date of this ~~section~~ 76031  
amendment, the ~~governor~~ director shall make initial appointments 76032  
to the advisory board. ~~Of the initial appointments, two shall be~~ 76033  
~~for terms ending one year after the effective date of this~~ 76034  
~~section; two shall be for terms ending two years after that~~ 76035  
~~effective date; and one shall be for a term ending three years~~ 76036  
~~after that effective date. Thereafter, terms of office shall be~~ 76037  
~~for three years, each term ending on the same day of the same~~ 76038  
~~month of the year as did the term which it succeeds. Each member~~ 76039

~~shall hold office from the date of his appointment until the end 76040  
of the term for which he was appointed. Any member appointed to 76041  
fill a vacancy occurring prior to the expiration of the term for 76042  
which his the member's predecessor was appointed shall hold office 76043  
for the remainder of such term. Any member shall continue in 76044  
office subsequent to the expiration date of his the member's term 76045  
until his the member's successor takes office, or until a period 76046  
of sixty days has elapsed, whichever occurs first. 76047~~

~~The governor may remove any member of the board for 76048  
malfeasance, misfeasance, or nonfeasance after an adjudication 76049  
hearing in accordance with Chapter 119. of the Revised Code. 76050~~

~~**Sec. 4736.03.** The state board of sanitarian registration 76051  
shall organize within thirty days after its initial members have 76052  
been appointed by the governor. The board shall annually elect a 76053  
chairman and a vice chairman from its members and shall elect a 76054  
secretary to serve at the pleasure of the board. The chairman and 76055  
the secretary may administer oaths. A majority of the board 76056  
constitutes a quorum. Members shall be compensated for their 76057  
necessary expenses incurred in the performance of their official 76058  
duties. 76059~~

~~The ~~board~~ director of health shall adopt and may amend or 76060  
rescind rules in accordance with Chapter 119. of the Revised Code 76061  
governing the administration of the examinations prescribed by 76062  
section 4736.09 of the Revised Code, prescribing the form for 76063  
application, establishing criteria for determining what courses 76064  
may be included toward fulfillment of the science course 76065  
requirements of section 4736.08 of the Revised Code, determining 76066  
the continuing education program requirements of section 4736.11 76067  
of the Revised Code, and for the administration and enforcement of 76068  
this chapter. 76069~~

~~The director shall adopt, in accordance with Chapter 119. of 76070~~

the Revised Code, rules establishing terms of office for members 76071  
of the sanitarian advisory board created in section 4736.02 of the 76072  
Revised Code. 76073

**Sec. 4736.05.** ~~The state board director of sanitarian~~ 76074  
~~registration health shall hold at least one meeting annually to~~ 76075  
review and evaluate applications for registration as sanitarians 76076  
and sanitarians-in-training, conduct examinations, review and 76077  
approve expenses, prepare and approve reports, and transact all 76078  
other business as may be necessary to administer and enforce 76079  
Chapter 4736. of the Revised Code. ~~Special meetings shall be~~ 76080  
~~called by the secretary upon written request of any three members~~ 76081  
~~of the board or upon the written request of ten registered~~ 76082  
~~sanitarians.~~ 76083

**Sec. 4736.06.** ~~(A) All receipts of the state board department~~ 76084  
~~of sanitarian registration health shall be deposited in the state~~ 76085  
treasury to the credit of the ~~occupational licensing and~~ 76086  
~~regulatory general operations fund created in section 3701.83 of~~ 76087  
the Revised Code. 76088

~~All vouchers of the board shall be approved by the~~ 76089  
~~chairperson of the board or secretary, or both, as authorized by~~ 76090  
~~the board.~~ 76091

~~(B) The board may employ such persons as are necessary to~~ 76092  
~~administer and enforce this chapter.~~ 76093

**Sec. 4736.07.** ~~The state board director of sanitarian~~ 76094  
~~registration health shall keep a record of its proceedings and a~~ 76095  
~~record~~ of all applications for registration, which shall include: 76096

(A) The name and address of each applicant; 76097

(B) The name and address of the employer or business 76098  
connection of each applicant; 76099

(C) The date of the application;	76100
(D) The educational and experience qualifications of each applicant;	76101 76102
(E) The date on which the <del>board</del> <u>director</u> reviewed and acted upon each application;	76103 76104
(F) The action taken by the <del>board</del> <u>director</u> on each application;	76105 76106
(G) A serial number of each certificate of registration issued by the <del>board</del> <u>director</u> .	76107 76108
The <del>board</del> <u>director</u> shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.	76109 76110 76111 76112
<b>Sec. 4736.08.</b> An application for registration as a sanitarian shall be made to the <del>state board</del> <u>director</u> of <del>sanitarian registration</del> <u>health</u> on a form prescribed by the <del>board</del> <u>director</u> and accompanied by the application fee prescribed in section 4736.12 of the Revised Code. The <del>board</del> <u>director</u> shall register an applicant if the applicant <del>meets the requirements of section 4736.16 of the Revised Code</del> or is of good moral character, passes an examination conducted by the <del>board</del> <u>director</u> in accordance with section 4736.09 of the Revised Code, and meets the education and experience requirements of division (A), (B), or (C) of this section:	76113 76114 76115 76116 76117 76118 76119 76120 76121 76122 76123
(A) Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the <del>board</del> <u>director</u> ; and completed at least two years of full-time employment as a sanitarian;	76124 76125 76126 76127 76128
(B) Graduated from an accredited college or university with	76129

at least a baccalaureate degree, completed a major in 76130  
environmental health science which included an internship program 76131  
approved by the ~~board~~ director; and completed at least one year of 76132  
full-time employment as a sanitarian; 76133

(C) Graduated from an accredited college or university with a 76134  
degree higher than a baccalaureate degree, including at least 76135  
forty-five quarter units or thirty semester units of science 76136  
courses approved by the ~~board~~ director; and completed at least one 76137  
year of full-time employment as a sanitarian. 76138

**Sec. 4736.09.** Examinations required by section 4736.08 of the 76139  
Revised Code shall be conducted not less than once each calendar 76140  
year at such times and places as the ~~state-board~~ director of 76141  
~~sanitarian-registration~~ health prescribes. Such examinations shall 76142  
be written and shall include applicable subjects in the field of 76143  
environmental health science and such other subjects as the ~~board~~ 76144  
director may prescribe. The examination shall be objective and 76145  
practical. Any examination papers shall not disclose the name of 76146  
the applicant, but shall be identified by a number assigned by the 76147  
~~secretary of the board~~ director. The preparation of the 76148  
examination shall be the responsibility of the ~~board~~ director; 76149  
however, the ~~board~~ director may use material prepared by 76150  
recognized examination agencies. 76151

No person shall be registered if ~~he~~ the person fails to meet 76152  
the minimum grade requirements for the examination specified by 76153  
the ~~board~~ director. An applicant who fails to meet such minimum 76154  
grade requirements in ~~his~~ the applicant's first examination may be 76155  
reexamined at any time and place specified by the ~~board~~ director, 76156  
upon resubmission of ~~his~~ an application and payment of the fee 76157  
prescribed in section 4736.12 of the Revised Code. 76158

**Sec. 4736.10.** Any person who meets the educational 76159

qualifications of division (A), (B), or (C) of section 4736.08 of 76160  
the Revised Code, but does not meet the experience requirement of 76161  
such division may make application to the ~~state board~~ director of 76162  
~~sanitarian registration health~~ on a form prescribed by the ~~board~~ 76163  
director for registration as a sanitarian-in-training. The ~~board~~ 76164  
director shall register such person as a sanitarian-in-training 76165  
upon payment of the fee required by section 4736.12 of the Revised 76166  
Code, if ~~he~~ the person passes any examination which the ~~board~~ 76167  
director may require for registration as a sanitarian-in-training. 76168  
Any such examination shall be conducted in the same manner as the 76169  
examination required for registration as a sanitarian under 76170  
section 4736.09 of the Revised Code. 76171

A sanitarian-in-training shall apply for registration as a 76172  
sanitarian within three years ~~of his~~ after registration as a 76173  
sanitarian-in-training. The ~~board~~ director may extend the 76174  
registration of any sanitarian-in-training who furnishes, in 76175  
writing, sufficient cause for not applying for registration as a 76176  
sanitarian within the three-year period. 76177

**Sec. 4736.11.** The ~~state board~~ director of ~~sanitarian~~ 76178  
~~registration health~~ shall issue a certificate of registration to 76179  
any applicant whom it registers as a sanitarian or a 76180  
sanitarian-in-training. Such certificate shall bear: 76181

(A) The name of the person; 76182

(B) The date of issue; 76183

(C) A serial number, designated by the ~~board~~ director; 76184

(D) The ~~seal of the board and~~ signature of the ~~chairperson of~~ 76185  
~~the board~~ director; 76186

(E) The designation "registered sanitarian" or 76187  
"sanitarian-in-training." 76188

Certificates of registration shall expire annually on the 76189

date fixed by the ~~board~~ director and become invalid on that date 76190  
unless renewed pursuant to this section. All registered 76191  
sanitarians shall be required annually to complete a continuing 76192  
education program in subjects relating to practices of the 76193  
profession as a sanitarian to the end that the utilization and 76194  
application of new techniques, scientific advancements, and 76195  
research findings will assure comprehensive service to the public. 76196  
The ~~board~~ director shall prescribe by rule a continuing education 76197  
program for registered sanitarians to meet this requirement. The 76198  
length of study for this program shall be determined by the ~~board~~ 76199  
director but shall be not less than six nor more than twenty-five 76200  
hours during the calendar year. At least once annually the ~~board~~ 76201  
director shall provide to each registered sanitarian a list of 76202  
courses approved by the ~~board~~ director as satisfying the program 76203  
prescribed by rule. Upon the request of a registered sanitarian, 76204  
the ~~secretary~~ director shall supply a list of applicable courses 76205  
that the ~~board~~ director has approved. A certificate may be renewed 76206  
for a period of one year at any time prior to the date of 76207  
expiration upon payment of the renewal fee prescribed by section 76208  
4736.12 of the Revised Code and upon showing proof of having 76209  
complied with the continuing education requirements of this 76210  
section. The ~~state board of sanitarian registration~~ director may 76211  
waive the continuing education requirement in cases of certified 76212  
illness or disability which prevents the attendance at any 76213  
qualified educational seminars during the twelve months 76214  
immediately preceding the annual certificate of registration 76215  
renewal date. Certificates which expire may be reinstated under 76216  
rules adopted by the ~~board~~ director. 76217

**Sec. 4736.12.** (A) The ~~state board~~ director of ~~sanitarian~~ 76218  
~~registration~~ health shall charge the following fees: 76219

(1) To apply as a sanitarian-in-training, ~~eighty~~ sixty 76220  
dollars; 76221

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~eighty~~ sixty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, ~~including persons meeting the requirements of section 4736.16 of the Revised Code,~~ one hundred ~~sixty~~ twenty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(5) The renewal fee for sanitarians-in-training shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(6) For late application for renewal, an additional ~~seventy-five~~ fifty-six dollars and twenty-five cents.

The ~~board of sanitarian registration~~ director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The ~~board of sanitarian registration~~ director shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the ~~board~~ department of health of conducting the examinations.

(C) The ~~board of sanitarian registration~~ director may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency



approved under rules adopted by the ~~board~~ director pursuant to 76252  
section 4736.11 of the Revised Code and for the annual 76253  
registration renewal of an approved training agency; 76254

(2) Application for the review of continuing education hours 76255  
submitted for the ~~board's~~ director's approval by approved training 76256  
agencies or by registered sanitarians or sanitarians-in-training; 76257

(3) Additional copies of pocket identification cards and wall 76258  
certificates. 76259

**Sec. 4736.13.** The ~~state board~~ director of ~~sanitarian~~ 76260  
~~registration~~ health may deny, refuse to renew, revoke, or suspend 76261  
a certificate of registration in accordance with Chapter 119. of 76262  
the Revised Code for unprofessional conduct, the practice of fraud 76263  
or deceit in obtaining a certificate of registration, dereliction 76264  
of duty, incompetence in the practice of environmental health 76265  
science, or for other good and sufficient cause. 76266

**Sec. 4736.14.** The ~~state board~~ director of ~~sanitarian~~ 76267  
~~registration~~ health may, upon application and proof of valid 76268  
registration, issue a certificate of registration to any person 76269  
who is or has been registered as a sanitarian by any other state, 76270  
if the requirements of that state at the time of such registration 76271  
are determined by the ~~board~~ director to be at least equivalent to 76272  
the requirements of this chapter. 76273

**Sec. 4736.15.** No person shall engage in, or offer to engage 76274  
in, the practice of environmental health without being registered 76275  
in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the 76276  
Revised Code. A sanitarian-in-training may engage in the practice 76277  
of environmental health for a period not to exceed five years, 76278  
provided ~~he~~ the sanitarian-in-training is supervised by a 76279  
registered sanitarian. No person except a registered sanitarian 76280  
shall use the title "registered sanitarian" or the abbreviation 76281

"R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a registered sanitarian. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4736.17.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~state board~~ director of ~~sanitarian registration~~ health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

**Sec. 4736.18.** The ~~state board~~ director of ~~sanitarian registration~~ health shall comply with section 4776.20 of the Revised Code.

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., and 4775. of the Revised Code, means the license renewal procedures specified in ~~this chapter~~ sections 4745.01 to 4745.04 of the Revised Code.

(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(C) "License," as used in this chapter, means a license,

certificate, permit, card, or other authority issued or conferred 76312  
by a licensing agency by authority of which the licensee has or 76313  
claims the privilege to engage in the profession, occupation, or 76314  
occupational activity, or to have control of and operate certain 76315  
specific equipment, machinery, or premises, over which the 76316  
licensing agency has jurisdiction. 76317

(D) "Licensee," as used in this chapter, means either the 76318  
person to whom the license is issued or renewed by a licensing 76319  
agency, or the person, partnership, or corporation at whose 76320  
request the license is issued or renewed. 76321

(E) "Renewal" and "renewed," as used in this chapter and in 76322  
the chapters of the Revised Code specified in division (A) of this 76323  
section, includes the continuing licensing procedure provided in 76324  
Chapter 3748. of the Revised Code and rules adopted under it and 76325  
in sections 1321.05 and 3921.33 of the Revised Code, and as 76326  
applied to those continuing licenses any reference in this chapter 76327  
to the date of expiration of any license shall be construed to 76328  
mean the due date of the annual or other fee for the continuing 76329  
license. 76330

Sec. 4745.05. (A) As used in this section, "licensing agency" 76331  
means any state department, division, board, commission, agency, 76332  
or other state governmental unit that utilizes the internet-based 76333  
electronic licensing system operated by the department of 76334  
administrative services to issue a license, certificate, permit, 76335  
or other authorization under which a licensee may engage in a 76336  
profession, occupation, or occupational activity. 76337

(B) Notwithstanding any contrary provision of the Revised 76338  
Code, a licensing agency shall, by January 1, 2018, incorporate 76339  
both of the following into the agency's license renewal process: 76340

(1) A license shall be valid for at least two years before 76341  
being subject to renewal. 76342

(2) The renewal schedule of a licensing agency shall be staggered so that an approximately equal number of licenses expire, and are subject to renewal, during each year of the duration of the license. 76343  
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(C) When a licensing agency adopts a rule establishing a new renewal expiration date in accordance with this section, the licensing agency may prorate otherwise authorized license fees as appropriate. 76347  
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(D) A licensing agency shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section. 76351  
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(E) This section does not apply to temporary or initial licenses that licensing agency may otherwise be authorized by law to issue. 76353  
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(F) A licensing agency, after having conformed to the requirements of division (B) of this section for a reasonable period of time, may opt-out of conforming to those requirements if conformance did not establish a more uniform funding stream for the agency and has had an adverse effect on both the agency staff and on the community regulated by the agency. 76356  
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**Sec. 4749.031.** (A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is 76362  
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available. 76374

(B) In addition to any other fees charged by the department 76375  
under this chapter, an applicant for a license under section 76376  
4749.03 of the Revised Code, at the time of making an initial or 76377  
renewal application, shall pay any initial or annual fee charged 76378  
by the superintendent pursuant to rules adopted under division 76379  
(~~F~~)(H) of section 109.5721 of the Revised Code. 76380

**Sec. 4751.03.** (A) There is hereby established in the 76381  
department of aging a board of executives of long-term services 76382  
and supports, which board shall be composed of the following 76383  
eleven members: 76384

(1) Four members who are nursing home administrators, owners 76385  
of nursing homes, or officers of corporations owning nursing 76386  
homes, and who shall have an understanding of person-centered 76387  
care, and experience with a range of long-term services and 76388  
supports settings; 76389

(2)(a) Three members who work in long-term services and 76390  
supports settings that are not nursing homes, and who shall have 76391  
an understanding of person-centered care, and experience with a 76392  
range of long-term services and supports settings; 76393

(b) At least one of the members described in division 76394  
(A)(2)(a) of this section shall be a home health administrator, an 76395  
owner of a home health agency, or an officer of a home health 76396  
agency. 76397

(3) One member who is a member of the academic community; 76398

(4) One member who is a consumer of services offered in a 76399  
long-term services and supports setting; 76400

(5) One nonvoting member who is a representative of the 76401  
department of health, designated by the director of health, who is 76402

involved in the nursing home survey and certification process, who shall serve in an advisory capacity only; 76403  
76404

(6) One nonvoting member who is a representative of the 76405  
office of the state long-term care ombudsman, designated by the 76406  
state long-term care ombudsman, who shall serve in an advisory 76407  
capacity only. 76408

All members of the board shall be citizens of the United 76409  
States and residents of this state. No member of the board who is 76410  
appointed under divisions (A)(3) to (6) of this section may have 76411  
or acquire any direct financial interest in a nursing home or 76412  
long-term services and supports settings. 76413

(B) The term of office for each appointed member of the board 76414  
shall be for three years, commencing on the twenty-eighth day of 76415  
May and ending on the twenty-seventh day of May. Each member shall 76416  
serve from the date of appointment until the end of the term for 76417  
which appointed. No member shall serve more than two consecutive 76418  
full terms. 76419

(C) Appointments to the board shall be made by the governor. 76420  
Any member appointed to fill a vacancy occurring prior to the 76421  
expiration of the term for which the member's predecessor was 76422  
appointed shall hold office for the remainder of such term. Any 76423  
appointed member shall continue in office subsequent to the 76424  
expiration date of the member's term until the member's successor 76425  
takes office, or until a period of sixty days has elapsed, 76426  
whichever occurs first. 76427

(D) The governor may remove any member of the board for 76428  
misconduct, incapacity, incompetence, or neglect of duty after the 76429  
member so charged has been served with a written statement of 76430  
charges and has been given an opportunity to be heard. 76431

(E) Each member of the board, except the member designated by 76432  
the director of health and the member designated by the ombudsman, 76433

shall be paid in accordance with section 124.15 of the Revised 76434  
Code and each member shall be reimbursed for the member's actual 76435  
and necessary expenses incurred in the discharge of such duties. 76436

(F) The board shall elect annually from its membership a 76437  
chairperson and a vice-chairperson. 76438

(G) The board shall hold and conduct meetings quarterly and 76439  
at such other times as its business requires. A majority of the 76440  
voting members of the board shall constitute a quorum. The 76441  
affirmative vote of a majority of the voting members of the board 76442  
is necessary for the board to act. 76443

(H) The board shall appoint a secretary who has no financial 76444  
interest in a long-term services and supports setting, and may 76445  
employ and prescribe the powers and duties of such employees and 76446  
consultants as are necessary to carry out this chapter and the 76447  
rules adopted under it. 76448

**Sec. 4751.04.** (A) The board of executives of long-term 76449  
services and supports shall: 76450

(1) Develop, adopt, impose, and enforce regulations 76451  
prescribing standards which must be met by individuals in order to 76452  
receive a license as a nursing home administrator, which standards 76453  
shall be designed to ensure that nursing home administrators are 76454  
of good character and are otherwise suitable, and who, by training 76455  
and experience, are qualified to serve as nursing home 76456  
administrators; 76457

(2) Develop and apply appropriate techniques, including 76458  
examinations and investigations, for determining whether an 76459  
individual meets such standards; 76460

(3) Issue licenses and registrations to individuals 76461  
determined, after application of such techniques, to meet such 76462  
standards, ~~and revoke;~~ 76463

(4) Revoke or suspend licenses or registrations previously 76464  
issued by the board or impose a civil penalty, fine, or any other 76465  
sanction authorized by the board on an individual holding a 76466  
license or registration, in any case where the individual ~~holding~~ 76467  
~~such license or registration~~ is determined to have failed 76468  
substantially to conform to the requirements of such standards; 76469

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 76470  
procedures designed to ensure that individuals holding a temporary 76471  
license, or licensed as nursing home administrators will, during 76472  
any period that they serve as such, comply with Chapter 4751. of 76473  
the Revised Code and the regulations adopted thereunder; 76474

~~(5)~~(6) Receive, investigate, and take appropriate action with 76475  
respect to any charge or complaint filed with the board to the 76476  
effect that any individual licensed as a nursing home 76477  
administrator has failed to comply with Chapter 4751. of the 76478  
Revised Code and the regulations adopted thereunder; 76479

~~(6)~~(7) Take such other actions as may be necessary to enable 76480  
the state to meet the requirements set forth in the "Social 76481  
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 76482  
g; 76483

~~(7)~~(8) Pay all license and registration fees, civil 76484  
penalties, and fines collected under Chapter 4751. of the Revised 76485  
Code into the board of executives of long-term services and 76486  
supports fund created by section 4751.14 of the Revised Code to be 76487  
used in administering and enforcing this chapter and the rules 76488  
adopted under it; 76489

~~(8)~~(9) Administer, or contract with a government or private 76490  
entity to administer, examinations for licensure as a nursing home 76491  
administrator. If the board contracts with a government or private 76492  
entity to administer the examinations, the contract may authorize 76493  
the entity to collect and keep, as all or part of the entity's 76494



compensation under the contract, any fee an applicant for 76495  
licensure pays to take an examination. The entity is not required 76496  
to deposit the fee into the state treasury; 76497

~~(9)~~(10) Enter into a contract with the department of aging as 76498  
required under section 4751.042 of the Revised Code; 76499

~~(10)~~(11) Create opportunities for the education, training, 76500  
and credentialing of nursing home administrators ~~and others,~~ 76501  
persons in leadership positions who practice in long-term services 76502  
and supports settings or who direct the practices of others in 76503  
those settings, and persons interested in serving in those roles. 76504  
In carrying out this function, the board shall do the following: 76505

(a) Identify core competencies and areas of knowledge that 76506  
are appropriate for nursing home administrators, credentialed 76507  
individuals, and others working within the long-term services and 76508  
supports settings system, with an emphasis on all of the 76509  
following: 76510

(i) Leadership; 76511

(ii) Person-centered care; 76512

(iii) Principles of management within both the business and 76513  
regulatory environments; 76514

(iv) An understanding of all post-acute settings, including 76515  
transitions from acute settings and between post-acute settings. 76516

(b) Assist in the development of a strong, competitive market 76517  
in Ohio for training, continuing education, and degree programs in 76518  
long-term services and supports settings administration. 76519

(B) In the administration and enforcement of Chapter 4751. of 76520  
the Revised Code, and the regulations adopted thereunder, the 76521  
board is subject to Chapter 119. of the Revised Code and sections 76522  
4743.01 and 4743.02 of the Revised Code except that a notice of 76523  
appeal of an order of the board adopting, amending, or rescinding 76524

a rule or regulation does not operate as a stay of the effective 76525  
date of such order as provided in section 119.11 of the Revised 76526  
Code. The court, at its discretion, may grant a stay of any 76527  
regulation in its application against the person filing the notice 76528  
of appeal. 76529

Sec. 4751.043. (A) Training and education programs developed 76530  
by the board of executives of long-term services and supports 76531  
pursuant to division (A)(10) of section 4751.04 of the Revised 76532  
Code may be conducted in person or through electronic media. The 76533  
board may establish and charge a fee for the education and 76534  
training programs. 76535

(B) The board may enter into a contract with a government or 76536  
private entity to perform the board's duties under division 76537  
(A)(10) of section 4751.04 of the Revised Code to develop and 76538  
conduct education and training programs. If the board enters into 76539  
such a contract, the contract may authorize the entity to pay any 76540  
or all costs associated with the education or training programs 76541  
and to collect and keep, as all or part of the entity's 76542  
compensation under the contract, any fee an applicant for 76543  
education or training pays to enroll in the education or training 76544  
program. 76545

Sec. 4751.044. The board of executives of long-term services 76546  
and supports shall approve continuing education courses for 76547  
nursing home administrators. The board may establish a fee for 76548  
approval of such courses that is adequate to cover any expense the 76549  
board incurs in the approval process. 76550

Sec. 4751.10. The license or registration, or both, or the 76551  
temporary license of any person practicing or offering to practice 76552  
nursing home administration, shall be revoked or suspended by the 76553  
board of executives of long-term services and supports if such 76554

licensee or temporary licensee: 76555

(A) Is unfit or incompetent by reason of negligence, habits, 76556  
or other causes; 76557

(B) Has willfully or repeatedly violated any of the 76558  
provisions of Chapter 4751. of the Revised Code or the regulations 76559  
adopted thereunder; or willfully or repeatedly acted in a manner 76560  
inconsistent with the health and safety of the patients of the 76561  
nursing home in which the licensee or temporary licensee is the 76562  
administrator; 76563

(C) Is guilty of fraud or deceit in the practice of nursing 76564  
home administration or in the licensee's or temporary licensee's 76565  
admission to such practice; 76566

(D) Has been convicted in a court of competent jurisdiction, 76567  
either within or without this state, of a felony. 76568

~~Proceedings under this section shall be instituted by the 76569  
board or shall be begun by filing with the board charges in 76570  
writing and under oath. 76571~~

**Sec. 4751.14.** There is hereby created in the state treasury 76572  
the board of executives of long-term services and supports fund. 76573  
The fund shall consist of the amounts the board collects under 76574  
this chapter as license and registration fees ~~collected under this~~ 76575  
~~chapter, other fees, civil penalties, and fines.~~ Money in the fund 76576  
shall be used by the board of executives of long-term services and 76577  
supports to administer and enforce this chapter and the rules 76578  
adopted under it. Investment earnings of the fund shall be 76579  
credited to the fund. 76580

**Sec. 4751.99.** Whoever violates section 4751.02 or 4751.09 of 76581  
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 76582  
than five hundred dollars for the first offense; for each 76583  
subsequent offense such person ~~shall~~ may be fined not ~~less than~~ 76584

~~one hundred nor~~ more than five hundred dollars or imprisoned for 76585  
not more than ninety days, or both. 76586

The imposition of fines pursuant to this section does not 76587  
preclude the imposition of any civil penalties or fines authorized 76588  
under section 4751.04 or any other section of the Revised Code. 76589

**Sec. 4765.01.** As used in this chapter: 76590

(A) "First responder" means an individual who holds a 76591  
current, valid certificate issued under section 4765.30 of the 76592  
Revised Code to practice as a first responder. 76593

(B) "Emergency medical technician-basic" or "EMT-basic" means 76594  
an individual who holds a current, valid certificate issued under 76595  
section 4765.30 of the Revised Code to practice as an emergency 76596  
medical technician-basic. 76597

(C) "Emergency medical technician-intermediate" or "EMT-I" 76598  
means an individual who holds a current, valid certificate issued 76599  
under section 4765.30 of the Revised Code to practice as an 76600  
emergency medical technician-intermediate. 76601

(D) "Emergency medical technician-paramedic" or "paramedic" 76602  
means an individual who holds a current, valid certificate issued 76603  
under section 4765.30 of the Revised Code to practice as an 76604  
emergency medical technician-paramedic. 76605

(E) "Ambulance" means any motor vehicle that is used, or is 76606  
intended to be used, for the purpose of responding to emergency 76607  
medical situations, transporting emergency patients, and 76608  
administering emergency medical service to patients before, 76609  
during, or after transportation. 76610

(F) "Cardiac monitoring" means a procedure used for the 76611  
purpose of observing and documenting the rate and rhythm of a 76612  
patient's heart by attaching electrical leads from an 76613  
electrocardiograph monitor to certain points on the patient's body 76614

surface. 76615

(G) "Emergency medical service" means any of the services 76616  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 76617  
the Revised Code that are performed by first responders, emergency 76618  
medical technicians-basic, emergency medical 76619  
technicians-intermediate, and paramedics. "Emergency medical 76620  
service" includes such services performed before or during any 76621  
transport of a patient, including transports between hospitals and 76622  
transports to and from helicopters. 76623

(H) "Emergency medical service organization" means a public 76624  
or private organization using first responders, EMTs-basic, 76625  
EMTs-I, or paramedics, or a combination of first responders, 76626  
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 76627  
services. 76628

(I) "Physician" means an individual who holds a current, 76629  
valid ~~certificate~~ license issued under Chapter 4731. of the 76630  
Revised Code authorizing the practice of medicine and surgery or 76631  
osteopathic medicine and surgery. 76632

(J) "Registered nurse" means an individual who holds a 76633  
current, valid license issued under Chapter 4723. of the Revised 76634  
Code authorizing the practice of nursing as a registered nurse. 76635

(K) "Volunteer" means a person who provides services either 76636  
for no compensation or for compensation that does not exceed the 76637  
actual expenses incurred in providing the services or in training 76638  
to provide the services. 76639

(L) "Emergency medical service personnel" means first 76640  
responders, emergency medical technicians-basic, emergency medical 76641  
technicians-intermediate, emergency medical technicians-paramedic, 76642  
and persons who provide medical direction to such persons. 76643

(M) "Hospital" has the same meaning as in section 3727.01 of 76644  
the Revised Code. 76645

(N) "Trauma" or "traumatic injury" means severe damage to or	76646
destruction of tissue that satisfies both of the following	76647
conditions:	76648
(1) It creates a significant risk of any of the following:	76649
(a) Loss of life;	76650
(b) Loss of a limb;	76651
(c) Significant, permanent disfigurement;	76652
(d) Significant, permanent disability.	76653
(2) It is caused by any of the following:	76654
(a) Blunt or penetrating injury;	76655
(b) Exposure to electromagnetic, chemical, or radioactive	76656
energy;	76657
(c) Drowning, suffocation, or strangulation;	76658
(d) A deficit or excess of heat.	76659
(O) "Trauma victim" or "trauma patient" means a person who	76660
has sustained a traumatic injury.	76661
(P) "Trauma care" means the assessment, diagnosis,	76662
transportation, treatment, or rehabilitation of a trauma victim by	76663
emergency medical service personnel or by a physician, nurse,	76664
physician assistant, respiratory therapist, physical therapist,	76665
chiropractor, occupational therapist, speech-language pathologist,	76666
audiologist, or psychologist licensed to practice as such in this	76667
state or another jurisdiction.	76668
(Q) "Trauma center" means all of the following:	76669
(1) Any hospital that is verified by the American college of	76670
surgeons as an adult or pediatric trauma center;	76671
(2) Any hospital that is operating as an adult or pediatric	76672
trauma center under provisional status pursuant to section	76673

3727.101 of the Revised Code; 76674

(3) Until December 31, 2004, any hospital in this state that 76675  
is designated by the director of health as a level II pediatric 76676  
trauma center under section 3727.081 of the Revised Code; 76677

(4) Any hospital in another state that is licensed or 76678  
designated under the laws of that state as capable of providing 76679  
specialized trauma care appropriate to the medical needs of the 76680  
trauma patient. 76681

(R) "Pediatric" means involving a patient who is less than 76682  
sixteen years of age. 76683

(S) "Adult" means involving a patient who is not a pediatric 76684  
patient. 76685

(T) "Geriatric" means involving a patient who is at least 76686  
seventy years old or exhibits significant anatomical or 76687  
physiological characteristics associated with advanced aging. 76688

(U) "Air medical organization" means an organization that 76689  
provides emergency medical services, or transports emergency 76690  
victims, by means of fixed or rotary wing aircraft. 76691

(V) "Emergency care" and "emergency facility" have the same 76692  
meanings as in section 3727.01 of the Revised Code. 76693

(W) "Stabilize," except as it is used in division (B) of 76694  
section 4765.35 of the Revised Code with respect to the manual 76695  
stabilization of fractures, has the same meaning as in section 76696  
1753.28 of the Revised Code. 76697

(X) "Transfer" has the same meaning as in section 1753.28 of 76698  
the Revised Code. 76699

(Y) "Firefighter" means any member of a fire department as 76700  
defined in section 742.01 of the Revised Code. 76701

(Z) "Volunteer firefighter" has the same meaning as in 76702  
section 146.01 of the Revised Code. 76703

(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.

(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

**Sec. 4765.02.** (A)(1) There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

(2) One member of the board shall be a physician certified by the American board of emergency medicine or the American osteopathic board of emergency medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association. One member shall be



a physician certified by the American board of surgery or the 76735  
American osteopathic board of surgery who is active in the 76736  
practice of trauma surgery and is actively involved with emergency 76737  
medical services. The governor shall appoint this member from 76738  
among three persons nominated by the Ohio chapter of the American 76739  
college of surgeons and three persons nominated by the Ohio 76740  
osteopathic association. One member shall be a physician certified 76741  
by the American academy of pediatrics or American osteopathic 76742  
board of pediatrics who is active in the practice of pediatric 76743  
emergency medicine and actively involved with an emergency medical 76744  
service organization. The governor shall appoint this member from 76745  
among three persons nominated by the Ohio chapter of the American 76746  
academy of pediatrics and three persons nominated by the Ohio 76747  
osteopathic association. One member shall be the administrator of 76748  
a hospital located in this state. The governor shall appoint this 76749  
member from among three persons nominated by OHA: the association 76750  
for hospitals and health systems, three persons nominated by the 76751  
Ohio osteopathic association, and three persons nominated by the 76752  
association of Ohio children's hospitals. One member shall be an 76753  
adult or pediatric trauma program manager or trauma program 76754  
director who is involved in the daily management of a verified 76755  
trauma center. The governor shall appoint this member from among 76756  
three persons nominated by the Ohio nurses association, three 76757  
persons nominated by the Ohio society of trauma nurse leaders, and 76758  
three persons nominated by the Ohio state council of the emergency 76759  
nurses association. One member shall be the chief of a fire 76760  
department that is also an emergency medical service organization 76761  
in which more than fifty per cent of the persons who provide 76762  
emergency medical services are full-time paid employees. The 76763  
governor shall appoint this member from among three persons 76764  
nominated by the Ohio fire chiefs' association. One member shall 76765  
be the chief of a fire department that is also an emergency 76766  
medical service organization in which more than fifty per cent of 76767

the persons who provide emergency medical services are volunteers. 76768  
The governor shall appoint this member from among three persons 76769  
nominated by the Ohio fire chiefs' association. One member shall 76770  
be a person who is certified to teach under section 4765.23 of the 76771  
Revised Code and holds a valid certificate to practice as an EMT, 76772  
AEMT, or paramedic. The governor shall appoint this member from 76773  
among three persons nominated by the Ohio emergency medical 76774  
technician instructors association and the Ohio 76775  
instructor/coordinators' society. One member shall be an EMT, 76776  
AEMT, or paramedic, and one member shall be a paramedic. The 76777  
governor shall appoint these members from among three EMTs or 76778  
AEMTs and three paramedics nominated by the Ohio association of 76779  
professional fire fighters and three EMTs, three AEMTs, and three 76780  
paramedics nominated by the northern Ohio fire fighters. One 76781  
member shall be an EMT, AEMT, or paramedic, and one member shall 76782  
be a paramedic. The governor shall appoint these members from 76783  
among three EMTs or AEMTs and three paramedics nominated by the 76784  
Ohio state firefighter's association. One member shall be a person 76785  
whom the governor shall appoint from among an EMT, AEMT, or a 76786  
paramedic nominated by the Ohio association of emergency medical 76787  
services or the Ohio ambulance and medical transportation 76788  
association. One member shall be an EMT, AEMT, or a paramedic, 76789  
whom the governor shall appoint from among three persons nominated 76790  
by the Ohio ambulance and medical transportation association. One 76791  
member shall be a paramedic, whom the governor shall appoint from 76792  
among three persons nominated by the Ohio ambulance and medical 76793  
transportation association. One member shall be the owner or 76794  
operator of a private emergency medical service organization whom 76795  
the governor shall appoint from among three persons nominated by 76796  
the Ohio ambulance and medical transportation association. One 76797  
member shall be a member of a third-service emergency medical 76798  
service agency or organization whom the governor shall appoint 76799  
from among three persons nominated by the Ohio EMS chiefs 76800

association. One member shall be a provider of mobile intensive 76801  
care unit transportation in this state whom the governor shall 76802  
appoint from among three persons nominated by the Ohio association 76803  
of critical care transport. One member shall be a provider of 76804  
air-medical transportation in this state whom the governor shall 76805  
appoint from among three persons nominated by the Ohio association 76806  
of critical care transport. One member shall be the owner or 76807  
operator of a nonemergency medical service organization in this 76808  
state that provides ambulette services whom the governor shall 76809  
appoint from among three persons nominated by the Ohio ambulance 76810  
and medical transportation association. 76811

The governor may refuse to appoint any of the persons 76812  
nominated by one or more organizations under division (A)(2) of 76813  
this section, except the employee of the department of public 76814  
safety designated by the director of public safety under this 76815  
section to be a member of the board. In that event, the 76816  
organization or organizations shall continue to nominate the 76817  
required number of persons until the governor appoints to the 76818  
board one or more of the persons nominated by the organization or 76819  
organizations. 76820

The director of public safety shall designate an employee of 76821  
the department of public safety to serve as a member of the board 76822  
at the director's pleasure. This member shall serve as a liaison 76823  
between the department and the division of emergency medical 76824  
services in cooperation with the executive director of the board. 76825

(B) Terms of office of all members appointed by the governor 76826  
shall be for three years, each term ending on the same day of the 76827  
same month as did the term it succeeds. Each member shall hold 76828  
office from the date of appointment until the end of the term for 76829  
which the member was appointed. A member shall continue in office 76830  
subsequent to the expiration date of the member's term until the 76831  
member's successor takes office, or until a period of sixty days 76832

has elapsed, whichever occurs first. 76833

Each vacancy shall be filled in the same manner as the 76834  
original appointment. A member appointed to fill a vacancy 76835  
occurring prior to the expiration of the term for which the 76836  
member's predecessor was appointed shall hold office for the 76837  
remainder of the unexpired term. 76838

The term of a member shall expire if the member ceases to 76839  
meet any of the requirements to be appointed as that member. The 76840  
governor may remove any member from office for neglect of duty, 76841  
malfeasance, misfeasance, or nonfeasance, after an adjudication 76842  
hearing held in accordance with Chapter 119. of the Revised Code. 76843

(C) The members of the board shall serve without compensation 76844  
but shall be reimbursed for their actual and necessary expenses 76845  
incurred in carrying out their duties as board members. 76846

(D) The board shall organize by annually selecting a chair 76847  
and vice-chair from among its members. The board may adopt bylaws 76848  
to regulate its affairs. A majority of all members of the board 76849  
shall constitute a quorum. No action shall be taken without the 76850  
concurrence of a majority of all members of the board. The board 76851  
shall meet at least four times annually and at the call of the 76852  
chair. The chair shall call a meeting on the request of the 76853  
executive director or the medical director of the board or on the 76854  
written request of five members. The board shall maintain written 76855  
or electronic records of its meetings. 76856

(E) Upon twenty-four hours' notice from a member of the 76857  
board, the member's employer shall release the member from the 76858  
member's employment duties to attend meetings of the full board. 76859  
Nothing in this division requires the employer of a member of the 76860  
board to compensate the member for time the member is released 76861  
from employment duties under this paragraph, but any civil 76862  
immunity, workers' compensation, disability, or similar coverage 76863

that applies to a member of the board as a result of the member's 76864  
employment shall continue to apply while the member is released 76865  
from employment duties under this paragraph. 76866

**Sec. 4776.01.** As used in this chapter: 76867

(A) "License" means an authorization evidenced by a license, 76868  
certificate, registration, permit, card, or other authority that 76869  
is issued or conferred by a licensing agency to a licensee or to 76870  
an applicant for an initial license by which the licensee or 76871  
initial license applicant has or claims the privilege to engage in 76872  
a profession, occupation, or occupational activity, or, except in 76873  
the case of the state dental board, to have control of and operate 76874  
certain specific equipment, machinery, or premises, over which the 76875  
licensing agency has jurisdiction. 76876

(B) Except as provided in section 4776.20 of the Revised 76877  
Code, "licensee" means the person to whom the license is issued by 76878  
a licensing agency. 76879

(C) Except as provided in section 4776.20 of the Revised 76880  
Code, "licensing agency" means any of the following: 76881

(1) The board authorized by Chapters 4701., 4717., 4725., 76882  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 76883  
4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the 76884  
Revised Code to issue a license to engage in a specific 76885  
profession, occupation, or occupational activity, or to have 76886  
charge of and operate certain ~~specified~~ specific equipment, 76887  
machinery, or premises. 76888

(2) The state dental board, relative to its authority to 76889  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 76890  
4715.27 of the Revised Code; 76891

(3) The department of commerce or state board of pharmacy, 76892  
relative to its authority to issue a license to a person or entity 76893

pursuant to Chapter 3796. of the Revised Code or any rules adopted 76894  
under that chapter. 76895

(D) "Applicant for an initial license" includes persons 76896  
seeking a license for the first time and persons seeking a license 76897  
by reciprocity, endorsement, or similar manner of a license issued 76898  
in another state. 76899

(E) "Applicant for a restored license" includes persons 76900  
seeking restoration of a certificate under section 4730.14, 76901  
4731.281, 4760.06, or 4762.06 of the Revised Code. 76902

(F) "Criminal records check" has the same meaning as in 76903  
section 109.572 of the Revised Code. 76904

**Sec. 4776.02.** (A) An applicant for an initial license or 76905  
restored license from a licensing agency, a person seeking to 76906  
satisfy the requirements to be an employee of a pain management 76907  
clinic as specified in section 4729.552 of the Revised Code, a 76908  
person seeking to satisfy the requirements to be an employee of a 76909  
facility, clinic, or other location that is subject to licensure 76910  
as a category III terminal distributor of dangerous drugs with an 76911  
office-based opioid treatment classification under section 76912  
4729.553 of the Revised Code, or a person seeking employment with 76913  
an entity holding a license issued under Chapter 3796. of the 76914  
Revised Code shall submit a request to the bureau of criminal 76915  
identification and investigation for a criminal records check of 76916  
the applicant or person. The request shall be accompanied by a 76917  
completed copy of the form prescribed under division (C)(1) of 76918  
section 109.572 of the Revised Code, a set of fingerprint 76919  
impressions obtained as described in division (C)(2) of that 76920  
section, and the fee prescribed under division (C)(3) of that 76921  
section. The applicant or person shall ask the superintendent of 76922  
the bureau of criminal identification and investigation in the 76923  
request to obtain from the federal bureau of investigation any 76924

information it has pertaining to the applicant or person. 76925

An applicant or person requesting a criminal records check 76926  
shall provide the bureau of criminal identification and 76927  
investigation with the applicant's or person's name and address 76928  
and, regarding an applicant, with the licensing agency's name and 76929  
address. ~~If the person requesting the criminal records check is a 76930  
person seeking employment with an entity holding a license under 76931  
Chapter 3796. of the Revised Code, the person also shall provide 76932  
the bureau with the name and address of the entity holding the 76933  
license. 76934~~

(B) Upon receipt of the completed form, the set of 76935  
fingerprint impressions, and the fee provided for in division (A) 76936  
of this section, the superintendent of the bureau of criminal 76937  
identification and investigation shall conduct a criminal records 76938  
check of the applicant or person under division (B) of section 76939  
109.572 of the Revised Code. Upon completion of the criminal 76940  
records check, the superintendent shall do whichever of the 76941  
following is applicable: 76942

(1) If the request was submitted by an applicant for an 76943  
initial license or restored license, report the results of the 76944  
criminal records check and any information the federal bureau of 76945  
investigation provides to the licensing agency identified in the 76946  
request for a criminal records check; 76947

(2) If the request was submitted by a person seeking to 76948  
satisfy the requirements to be an employee of a pain management 76949  
clinic or a person seeking to satisfy the requirements to be an 76950  
employee of a facility, clinic, or other location that is subject 76951  
to licensure as a category III terminal distributor of dangerous 76952  
drugs with an office-based opioid treatment classification, do 76953  
both of the following: 76954

(a) Report the results of the criminal records check and any 76955

information the federal bureau of investigation provides to the 76956  
person who submitted the request; 76957

(b) Report the results of the portion of the criminal records 76958  
check performed by the bureau of criminal identification and 76959  
investigation under division (B)(1) of section 109.572 of the 76960  
Revised Code to the employer or potential employer specified in 76961  
the request of the person who submitted the request and send a 76962  
letter to that employer or potential employer regarding the 76963  
information provided by the federal bureau of investigation that 76964  
states whichever of the following is applicable: 76965

(i) That based on that information there is no record of any 76966  
conviction; 76967

(ii) That based on that information the person who submitted 76968  
the request may not meet the criteria that are specified in 76969  
section 4729.552 or 4729.553 of the Revised Code, whichever is 76970  
applicable. 76971

~~(3) If the request was submitted by a person seeking 76972  
employment with an entity holding a license issued under Chapter 76973  
3796. of the Revised Code, report the results of the criminal 76974  
records check, including any information the federal bureau of 76975  
investigation provides as part of the criminal records check, to 76976  
both of the following: 76977~~

~~(a) The person who submitted the request; 76978~~

~~(b) The entity holding a license issued under Chapter 3796. 76979  
of the Revised Code from which the person who submitted the 76980  
request is seeking employment. 76981~~

**Sec. 4776.04.** The results of any criminal records check 76982  
conducted pursuant to a request made under this chapter and any 76983  
report containing those results, including any information the 76984  
federal bureau of investigation provides, are not public records 76985



for purposes of section 149.43 of the Revised Code and shall not 76986  
be made available to any person or for any purpose other than as 76987  
follows: 76988

(A) If the request for the criminal records check was 76989  
submitted by an applicant for an initial license or restored 76990  
license, as follows: 76991

(1) The superintendent of the bureau of criminal 76992  
identification and investigation shall make the results available 76993  
to the licensing agency for use in determining, under the agency's 76994  
authorizing chapter of the Revised Code, whether the applicant who 76995  
is the subject of the criminal records check should be granted a 76996  
license under that chapter. 76997

(2) The licensing agency shall make the results available to 76998  
the applicant who is the subject of the criminal records check. 76999

(B) If the request for the criminal records check was 77000  
submitted by a person seeking to satisfy the requirements to be an 77001  
employee of a pain management clinic as specified in section 77002  
4729.552 of the Revised Code or a person seeking to satisfy the 77003  
requirements to be an employee of a facility, clinic, or other 77004  
location that is subject to licensure as a category III terminal 77005  
distributor of dangerous drugs with an office-based opioid 77006  
treatment classification, the superintendent of the bureau of 77007  
criminal identification and investigation shall make the results 77008  
available in accordance with the following: 77009

(1) The superintendent shall make the results of the criminal 77010  
records check, including any information the federal bureau of 77011  
investigation provides, available to the person who submitted the 77012  
request and is the subject of the criminal records check. 77013

(2) The superintendent shall make the results of the portion 77014  
of the criminal records check performed by the bureau of criminal 77015

identification and investigation under division (B)(1) of section 77016  
109.572 of the Revised Code available to the employer or potential 77017  
employer specified in the request of the person who submitted the 77018  
request and shall send a letter of the type described in division 77019  
(B)(2) of section 4776.02 of the Revised Code to that employer or 77020  
potential employer regarding the information provided by the 77021  
federal bureau of investigation that contains one of the types of 77022  
statements described in that division. 77023

(C) If the request for the criminal records check was 77024  
submitted by an applicant for a trainee license under section 77025  
4776.021 of the Revised Code, as follows: 77026

(1) The superintendent of the bureau of criminal 77027  
identification and investigation shall make the results available 77028  
to the licensing agency or other agency identified in division (B) 77029  
of section 4776.021 of the Revised Code for use in determining, 77030  
under the agency's authorizing chapter of the Revised Code and 77031  
division (D) of section 4776.021 of the Revised Code, whether the 77032  
applicant who is the subject of the criminal records check should 77033  
be granted a trainee license under that chapter and that division. 77034

(2) The licensing agency or other agency identified in 77035  
division (B) of section 4776.021 of the Revised Code shall make 77036  
the results available to the applicant who is the subject of the 77037  
criminal records check. 77038

~~(D) If the request for the criminal records check was 77039  
submitted by a person seeking employment with an entity holding a 77040  
license issued under Chapter 3796. of the Revised Code, the 77041  
superintendent shall make the results available in accordance with 77042  
division (B)(3) of section 4776.02 of the Revised Code. 77043~~

**Sec. 4776.20.** (A) As used in this section: 77044

(1) "Licensing agency" means, in addition to each board 77045

identified in division (C) of section 4776.01 of the Revised Code, 77046  
the board or other government entity authorized to issue a license 77047  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 77048  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 77049  
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 77050  
4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 77051  
"Licensing agency" includes an administrative officer that has 77052  
authority to issue a license. 77053

(2) "Licensee" means, in addition to a licensee as described 77054  
in division (B) of section 4776.01 of the Revised Code, the person 77055  
to whom a license is issued by the board or other government 77056  
entity authorized to issue a license under Chapters 4703., 4707., 77057  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 77058  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 77059  
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 77060  
~~4778.~~ and 4781. of the Revised Code. 77061

(3) "Prosecutor" has the same meaning as in section 2935.01 77062  
of the Revised Code. 77063

(B) On a licensee's conviction of, plea of guilty to, 77064  
judicial finding of guilt of, or judicial finding of guilt 77065  
resulting from a plea of no contest to the offense of trafficking 77066  
in persons in violation of section 2905.32 of the Revised Code, 77067  
the prosecutor in the case shall promptly notify the licensing 77068  
agency of the conviction, plea, or finding and provide the 77069  
licensee's name and residential address. On receipt of this 77070  
notification, the licensing agency shall immediately suspend the 77071  
licensee's license. 77072

(C) If there is a conviction of, plea of guilty to, judicial 77073  
finding of guilt of, or judicial finding of guilt resulting from a 77074  
plea of no contest to the offense of trafficking in persons in 77075  
violation of section 2905.32 of the Revised Code and all or part 77076  
of the violation occurred on the premises of a facility that is 77077

licensed by a licensing agency, the prosecutor in the case shall 77078  
promptly notify the licensing agency of the conviction, plea, or 77079  
finding and provide the facility's name and address and the 77080  
offender's name and residential address. On receipt of this 77081  
notification, the licensing agency shall immediately suspend the 77082  
facility's license. 77083

(D) Notwithstanding any provision of the Revised Code to the 77084  
contrary, the suspension of a license under division (B) or (C) of 77085  
this section shall be implemented by a licensing agency without a 77086  
prior hearing. After the suspension, the licensing agency shall 77087  
give written notice to the subject of the suspension of the right 77088  
to request a hearing under Chapter 119. of the Revised Code. After 77089  
a hearing is held, the licensing agency shall either revoke or 77090  
permanently revoke the ~~license~~ license of the subject of the 77091  
suspension, unless it determines that the license holder has not 77092  
been convicted of, pleaded guilty to, been found guilty of, or 77093  
been found guilty based on a plea of no contest to the offense of 77094  
trafficking in persons in violation of section 2905.32 of the 77095  
Revised Code. 77096

**Sec. 4781.04.** (A) The manufactured homes commission shall 77097  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 77098  
of the following: 77099

(1) Establish uniform standards that govern the installation 77100  
of manufactured housing. ~~Not later than one hundred eighty days~~ 77101  
~~after the secretary of the United States department of housing and~~ 77102  
~~urban development adopts model standards for the installation of~~ 77103  
~~manufactured housing or amends those standards, the commission~~ 77104  
~~shall amend its standards as necessary to be that are consistent~~ 77105  
with, and not less stringent than, the model standards for the 77106  
design and installation of manufactured housing the secretary of 77107  
the United States department of housing and urban development 77108

~~adopts or any manufacturers' standards that the secretary  
determines are equal to or not less stringent than the model  
standards.~~ 77109  
77110  
77111

(2) Govern the inspection of the installation of manufactured 77112  
housing. The rules shall specify that the commission, any building 77113  
department or personnel of any department, or any private third 77114  
party, certified pursuant to section 4781.07 of the Revised Code 77115  
shall conduct all inspections of the installation of manufactured 77116  
housing located in manufactured home parks to determine compliance 77117  
with the uniform installation standards the commission establishes 77118  
pursuant to this section. 77119

(3) Govern the design, construction, installation, approval, 77120  
and inspection of foundations and the base support systems for 77121  
manufactured housing. The rules shall specify that the commission, 77122  
any building department or personnel of any department, or any 77123  
private third party, certified pursuant to section 4781.07 of the 77124  
Revised Code shall conduct all inspections of the installation, 77125  
foundations, and base support systems of manufactured housing 77126  
located in manufactured home parks to determine compliance with 77127  
the uniform installation standards and foundation and base support 77128  
system design the commission establishes pursuant to this section. 77129

(4) Govern the training, experience, and education 77130  
requirements for manufactured housing installers, manufactured 77131  
housing dealers, manufactured housing brokers, and manufactured 77132  
housing salespersons; 77133

(5) Establish a code of ethics for manufactured housing 77134  
installers; 77135

(6) Govern the issuance, revocation, and suspension of 77136  
licenses to manufactured housing installers; 77137

(7) Establish fees for the issuance and renewal of licenses, 77138  
for conducting inspections to determine an applicant's compliance 77139

with this chapter and the rules adopted pursuant to it, and for 77140  
the commission's expenses incurred in implementing this chapter; 77141

(8) Establish conditions under which a licensee may enter 77142  
into contracts to fulfill the licensee's responsibilities; 77143

(9) Govern the investigation of complaints concerning any 77144  
violation of this chapter or the rules adopted pursuant to it or 77145  
complaints involving the conduct of any licensed manufactured 77146  
housing installer or person installing manufactured housing 77147  
without a license, licensed manufactured housing dealer, licensed 77148  
manufactured housing broker, or manufactured housing salesperson; 77149

(10) Establish a dispute resolution program for the timely 77150  
resolution of warranty issues involving new manufactured homes, 77151  
disputes regarding responsibility for the correction or repair of 77152  
defects in manufactured housing, and the installation of 77153  
manufactured housing. The rules shall provide for the timely 77154  
resolution of disputes between manufacturers, manufactured housing 77155  
dealers, and installers regarding the correction or repair of 77156  
defects in manufactured housing that are reported by the purchaser 77157  
of the home during the one-year period beginning on the date of 77158  
installation of the home. The rules also shall provide that 77159  
decisions made regarding the dispute under the program are not 77160  
binding upon the purchaser of the home or the other parties 77161  
involved in the dispute unless the purchaser so agrees in a 77162  
written acknowledgement that the purchaser signs and delivers to 77163  
the program within ten business days after the decision is issued. 77164

(11) Establish the requirements and procedures for the 77165  
certification of building departments and building department 77166  
personnel pursuant to section 4781.07 of the Revised Code; 77167

(12) Establish fees to be charged to building departments and 77168  
building department personnel applying for certification and 77169  
renewal of certification pursuant to section 4781.07 of the 77170

Revised Code;	77171
(13) Develop a policy regarding the maintenance of records	77172
for any inspection authorized or conducted pursuant to this	77173
chapter. Any record maintained under division (A)(13) of this	77174
section shall be a public record under section 149.43 of the	77175
Revised Code.	77176
(14) Carry out any other provision of this chapter.	77177
(B) The manufactured homes commission shall do all of the	77178
following:	77179
(1) Prepare and administer a licensure examination to	77180
determine an applicant's knowledge of manufactured housing	77181
installation and other aspects of installation the commission	77182
determines appropriate;	77183
(2) Select, provide, or procure appropriate examination	77184
questions and answers for the licensure examination and establish	77185
the criteria for successful completion of the examination;	77186
(3) Prepare and distribute any application form this chapter	77187
requires;	77188
(4) Receive applications for licenses and renewal of licenses	77189
and issue licenses to qualified applicants;	77190
(5) Establish procedures for processing, approving, and	77191
disapproving applications for licensure;	77192
(6) Retain records of applications for licensure, including	77193
all application materials submitted and a written record of the	77194
action taken on each application;	77195
(7) Review the design and plans for manufactured housing	77196
installations, foundations, and support systems;	77197
(8) Inspect a sample of homes at a percentage the commission	77198
determines to evaluate the construction and installation of	77199
manufactured housing installations, foundations, and support	77200

systems to determine compliance with the standards the commission 77201  
adopts; 77202

(9) Investigate complaints concerning violations of this 77203  
chapter or the rules adopted pursuant to it, or the conduct of any 77204  
manufactured housing installer, manufactured housing dealer, 77205  
manufactured housing broker, or manufactured housing salesperson; 77206

(10) Determine appropriate disciplinary actions for 77207  
violations of this chapter; 77208

(11) Conduct audits and inquiries of manufactured housing 77209  
installers, manufactured housing dealers, and manufactured housing 77210  
brokers as appropriate for the enforcement of this chapter. The 77211  
commission, or any person the commission employs for the purpose, 77212  
may review and audit the business records of any manufactured 77213  
housing installer, dealer, or broker during normal business hours. 77214

(12) Approve an installation training course, which may be 77215  
offered by the Ohio manufactured homes association or other 77216  
entity; 77217

(13) Perform any function or duty necessary to administer 77218  
this chapter and the rules adopted pursuant to it. 77219

(C) Nothing in this section, or in any rule adopted by the 77220  
manufactured homes commission, shall be construed to limit the 77221  
authority of a board of health to enforce section 3701.344 or 77222  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 77223  
authority of the department of administrative services to lease 77224  
space for the use of a state agency and to group together state 77225  
offices in any city in the state as provided in section 123.01 of 77226  
the Revised Code. 77227

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes 77228  
commission adopts, the commission may certify municipal, township, 77229  
and county building departments and the personnel of those 77230



departments, or any private third party, to exercise the 77231  
commission's enforcement authority, accept and approve plans and 77232  
specifications for foundations, support systems and installations, 77233  
and inspect manufactured housing foundations, support systems, and 77234  
manufactured housing installations. Any certification is effective 77235  
for three years. 77236

(B) Following an investigation and finding of facts that 77237  
support its action, the commission may revoke or suspend 77238  
certification. The commission may initiate an investigation on its 77239  
own motion or the petition of a person affected by the enforcement 77240  
or approval of plans. 77241

(C)(1) If a township, municipal corporation, or county does 77242  
not have a building department that is certified pursuant to this 77243  
section, it may designate by resolution or ordinance another 77244  
building department that has been certified pursuant to this 77245  
section to exercise the commission's enforcement authority, accept 77246  
and approve plans and specifications for foundations, support 77247  
systems and installations, and inspect manufactured housing 77248  
foundations, support systems, and manufactured housing 77249  
installations. The designation is effective upon acceptance by the 77250  
designee. 77251

(2) An owner of a manufactured home or an operator of a 77252  
manufactured home park may request an inspection and obtain an 77253  
approval described in division (C)(1) of this section from any 77254  
building department certified pursuant to this section designated 77255  
by the township, municipal corporation, or county in which the 77256  
owner's manufactured home or operator's manufactured home park is 77257  
located. 77258

**Sec. 4781.121.** (A) The manufactured homes commission, 77259  
pursuant to section 4781.04 of the Revised Code, may investigate 77260

any person who allegedly has committed a violation. If, after an investigation the commission determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the commission shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The commission shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the commission, after the hearing, determines that a violation has occurred, the commission, upon an affirmative vote of five of its members, may impose a fine not exceeding one thousand dollars per violation per day. The commission's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing.

(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in

addition to, and not in lieu of, all penalties and other remedies 77293  
provided in this chapter. Any fines collected pursuant to this 77294  
section shall be used solely to administer and enforce this 77295  
chapter and rules adopted under it. Any fees collected pursuant to 77296  
this section shall be transmitted to the treasurer of state and 77297  
shall be credited to the manufactured homes commission regulatory 77298  
fund created in section 4781.54 of the Revised Code and the rules 77299  
adopted thereunder. The fees shall be used only for the purpose of 77300  
administering and enforcing sections 4781.26 to 4781.35 of the 77301  
Revised Code and the rules adopted thereunder. 77302

(F) As used in this section, "violation" means a violation of 77303  
section 4781.11, 4781.16, ~~or~~ 4781.27, 4781.57, or any rule adopted 77304  
pursuant to section 4781.04, of the Revised Code. 77305

Sec. 4781.281. (A) The manufactured homes commission may 77306  
charge a fee for inspector certification. The fees shall include 77307  
all of the following: 77308

(1) The nonrefundable certification fee for inspectors shall 77309  
not be greater than fifty dollars for each three-year 77310  
certification period. 77311

(2) The nonrefundable certification renewal fee for 77312  
inspectors shall not be greater than fifty dollars. 77313

(3) The nonrefundable late fee for certification renewal 77314  
shall not be greater than twenty-five dollars in addition to the 77315  
renewal fee. 77316

(B) The commission may adopt rules pursuant to Chapter 119. 77317  
of the Revised Code establishing fees less than those described in 77318  
division (A) of this section. 77319

Sec. 4781.56. (A) The manufactured homes commission may 77320  
contract with the board of health of a city or general health 77321  
district to permit the commission to abate and remove, in 77322

accordance with sections 3707.01 to 3707.021 of the Revised Code, 77323  
any abandoned or unoccupied manufactured home, mobile home, or 77324  
recreational vehicle that constitutes a nuisance and that is 77325  
located in a manufactured home park within the board of health's 77326  
jurisdiction. Under the contract, the commission may receive 77327  
complaints of abandoned or unoccupied manufactured homes, mobile 77328  
homes, or recreational vehicles that constitute a nuisance and 77329  
may, by order, compel the park operator to abate and remove the 77330  
nuisance. The park operator shall pay any costs for the removal. 77331

(B) The sheriff, police officer, constable, or bailiff shall 77332  
not be liable pursuant to the abatement or removal of any 77333  
abandoned or unoccupied manufactured home, mobile home, or 77334  
recreational vehicle pursuant to this section. 77335

Sec. 4781.57. The park operator of a manufactured home park 77336  
shall ensure that all manufactured home park buildings, lots, 77337  
streets, walkways, manufactured homes, mobile homes, and other 77338  
facilities located in the manufactured home park shall be 77339  
maintained in a condition satisfactory to the commission at all 77340  
times. 77341

**Sec. 4905.02.** (A) As used in this chapter, "public utility" 77342  
includes every corporation, company, copartnership, person, or 77343  
association, the lessees, trustees, or receivers of the foregoing, 77344  
defined in section 4905.03 of the Revised Code, including any 77345  
public utility that operates its utility not for profit, except 77346  
the following: 77347

(1) An electric light company that operates its utility not 77348  
for profit; 77349

(2) A public utility, other than a telephone company, that is 77350  
owned and operated exclusively by and solely for the utility's 77351  
customers, including any consumer or group of consumers 77352

purchasing, delivering, storing, or transporting, or seeking to 77353  
purchase, deliver, store, or transport, natural gas exclusively by 77354  
and solely for the consumer's or consumers' own intended use as 77355  
the end user or end users and not for profit; 77356

(3) A public utility that is owned or operated by any 77357  
municipal corporation; 77358

(4) A railroad as defined in sections 4907.02 and 4907.03 of 77359  
the Revised Code; 77360

(5) Any provider, including a telephone company, with respect 77361  
to its provision of any of the following: 77362

(a) Advanced services as defined in 47 C.F.R. 51.5; 77363

(b) Broadband service, however defined or classified by the 77364  
federal communications commission; 77365

(c) Information service as defined in the "Telecommunications 77366  
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 77367

(d) Subject to division (A) of section 4927.03 of the Revised 77368  
Code, internet protocol-enabled services as defined in section 77369  
4927.01 of the Revised Code; 77370

(e) Subject to division (A) of section 4927.03 of the Revised 77371  
Code, any telecommunications service as defined in section 4927.01 77372  
of the Revised Code to which both of the following apply: 77373

(i) The service was not commercially available on September 77374  
13, 2010, the effective date of the amendment of this section by 77375  
S.B. 162 of the 128th general assembly. 77376

(ii) The service employs technology that became available for 77377  
commercial use only after September 13, 2010, the effective date 77378  
of the amendment of this section by S.B. 162 of the 128th general 77379  
assembly. 77380

(B)(1) "Public utility" includes a for-hire motor carrier 77381  
even if the carrier is operated in connection with an entity 77382

described in division (A)(1), (2), (4), or (5) of this section. 77383

(2) Division (A) of this section shall not be construed to 77384  
relieve a private motor carrier, operated in connection with an 77385  
entity described in division (A)(1), (2), (4), or (5) of this 77386  
section, from compliance with ~~any~~ either of the following: 77387

(a) Chapter 4923. of the Revised Code; 77388

(b) ~~Hazardous material regulation under section 4921.15 of 77389  
the Revised Code and division (H) of section 4921.19 of the 77390  
Revised Code, or rules adopted thereunder;~~ 77391

~~(c)~~ Rules governing unified carrier registration adopted 77392  
under section 4921.11 of the Revised Code. 77393

**Sec. 4906.01.** As used in Chapter 4906. of the Revised Code: 77394

(A) "Person" means an individual, corporation, business 77395  
trust, association, estate, trust, or partnership or any officer, 77396  
board, commission, department, division, or bureau of the state or 77397  
a political subdivision of the state, or any other entity. 77398

(B)(1) "Major utility facility" means: 77399

(a) Electric generating plant and associated facilities 77400  
designed for, or capable of, operation at a capacity of fifty 77401  
megawatts or more; 77402

(b) An electric transmission line and associated facilities 77403  
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 77404

(c) A gas pipeline that is greater than five hundred feet in 77405  
length, and its associated facilities, is more than nine inches in 77406  
outside diameter and is designed for transporting gas at a maximum 77407  
allowable operating pressure in excess of one hundred twenty-five 77408  
pounds per square inch. 77409

(2) "Major utility facility" does not include any of the 77410  
following: 77411

(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;	77412 77413
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;	77414 77415
(c) Electric distributing lines and associated facilities as defined by the power siting board;	77416 77417
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;	77418 77419 77420
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;	77421 77422 77423
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;	77424 77425
(g) Natural gas liquids finished product pipelines;	77426
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;	77427 77428 77429 77430
(i) Any natural gas liquids fractionation plant;	77431
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;	77432 77433 77434
(k) Any compressor stations used by the following:	77435
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;	77436 77437 77438
(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream	77439 77440

of a natural gas liquids fractionation plant; or 77441

(iii) A production operation as defined in section 1509.01 of 77442  
the Revised Code. 77443

(C) "Commence to construct" means any clearing of land, 77444  
excavation, or other action that would adversely affect the 77445  
natural environment of the site or route of a major utility 77446  
facility, but does not include surveying changes needed for 77447  
temporary use of sites or routes for nonutility purposes, or uses 77448  
in securing geological data, including necessary borings to 77449  
ascertain foundation conditions. 77450

(D) "Certificate" means a certificate of environmental 77451  
compatibility and public need issued by the power siting board 77452  
under section 4906.10 of the Revised Code or a construction 77453  
certificate issued by the board under rules adopted under division 77454  
(E) or (F) of section 4906.03 of the Revised Code. 77455

(E) "Gas" means natural gas, flammable gas, or gas that is 77456  
toxic or corrosive. 77457

(F) "Natural gas liquids finished product pipeline" means a 77458  
pipeline that carries finished product natural gas liquids to the 77459  
inlet of an interstate or intrastate finished product natural gas 77460  
liquid transmission pipeline, rail loading facility, or other 77461  
petrochemical or refinery facility. 77462

(G) "Natural gas liquids fractionation plant" means a 77463  
facility that takes a feed of raw natural gas liquids and produces 77464  
finished product natural gas liquids. 77465

(H) "Raw natural gas" means hydrocarbons that are produced in 77466  
a gaseous state from gas wells and that generally include methane, 77467  
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 77468  
nonanes, and decanes, plus other naturally occurring impurities 77469  
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 77470  
and helium. 77471



(I) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline.

(J) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.

**Sec. 4906.10.** (A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application. ~~The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the~~

~~director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.~~

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility

will comply with all rules and standards adopted under section 77535  
4561.32 of the Revised Code, the board shall consult with the 77536  
office of aviation ~~of the division of multi-modal planning and~~ 77537  
~~programs~~ of the department of transportation under section 77538  
4561.341 of the Revised Code. 77539

(6) That the facility will serve the public interest, 77540  
convenience, and necessity; 77541

(7) In addition to the provisions contained in divisions 77542  
(A)(1) to (6) of this section and rules adopted under those 77543  
divisions, what its impact will be on the viability as 77544  
agricultural land of any land in an existing agricultural district 77545  
established under Chapter 929. of the Revised Code that is located 77546  
within the site and alternative site of the proposed major utility 77547  
facility. Rules adopted to evaluate impact under division (A)(7) 77548  
of this section shall not require the compilation, creation, 77549  
submission, or production of any information, document, or other 77550  
data pertaining to land not located within the site and 77551  
alternative site. 77552

(8) That the facility incorporates maximum feasible water 77553  
conservation practices as determined by the board, considering 77554  
available technology and the nature and economics of the various 77555  
alternatives. 77556

(B) If the board determines that the location of all or a 77557  
part of the proposed facility should be modified, it may condition 77558  
its certificate upon that modification, provided that the 77559  
municipal corporations and counties, and persons residing therein, 77560  
affected by the modification shall have been given reasonable 77561  
notice thereof. 77562

(C) A copy of the decision and any opinion issued therewith 77563  
shall be served upon each party. 77564

**Sec. 4906.13.** (A) As used in this section and sections 77565  
4906.20 and 4906.98 of the Revised Code, "economically significant 77566  
wind farm" means wind turbines and associated facilities with a 77567  
single interconnection to the electrical grid and designed for, or 77568  
capable of, operation at an aggregate capacity of five or more 77569  
megawatts but less than fifty megawatts. The term excludes any 77570  
such wind farm in operation on ~~the effective date of this section~~ 77571  
June 24, 2008. 77572

(B) No public agency or political subdivision of this state 77573  
may require any approval, consent, permit, certificate, or other 77574  
condition for the construction or ~~initial~~ operation of a major 77575  
utility facility or economically significant wind farm authorized 77576  
by a certificate issued pursuant to Chapter 4906. of the Revised 77577  
Code. Nothing herein shall prevent the application of state laws 77578  
for the protection of employees engaged in the construction of 77579  
such facility or wind farm nor of municipal regulations that do 77580  
not pertain to the location or design of, or pollution control and 77581  
abatement standards for, a major utility facility or economically 77582  
significant wind farm for which a certificate has been granted 77583  
under this chapter. 77584

**Sec. 4911.021.** The consumers' counsel shall not operate a 77585  
telephone call center for consumer complaints. ~~Any~~ However, for 77586  
any calls received by the consumers' counsel concerning consumer 77587  
complaints ~~shall be forwarded, the consumers' counsel may assist~~ 77588  
consumers with their complaints or forward the calls to the public 77589  
utilities commission's call center. 77590

**Sec. 4921.01.** As used in this chapter: 77591

(A) "Ambulance" has the same meaning as in section 4766.01 of 77592  
the Revised Code. 77593

(B) "For-hire motor carrier" means a person engaged in the 77594

business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:	77595 77596 77597
(1) The transportation of persons in taxicabs in the usual taxicab service;	77598 77599
(2) The transportation of pupils in school <del>busses</del> <u>buses</u> operating to or from school sessions or school events;	77600 77601
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	77602 77603
(4) The distribution of newspapers;	77604
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by <del>pipe-line</del> <u>pipeline</u> ;	77605 77606 77607
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	77608 77609
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	77610 77611
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	77612 77613 77614 77615
(9) The operation of motor vehicles for contractors on public road work.	77616 77617
"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.	77618 77619 77620 77621 77622
Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with	77623 77624

~~hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with~~ rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.

(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.

(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that state (including a place outside of the United States);

(2) Between two places in a state through another state or a place outside of the United States;

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate

limits of a municipal corporation. 77655

(H) "Ridesharing arrangement" means the transportation of 77656  
persons in a motor vehicle where such transportation is incidental 77657  
to another purpose of a volunteer driver, and includes ridesharing 77658  
arrangements known as carpools, vanpools, and buspools. 77659

(I) "School bus" has the same meaning as in section 4511.01 77660  
of the Revised Code. 77661

(J) "Trailer" means any vehicle without motive power designed 77662  
or used for carrying persons or property and for being drawn by a 77663  
separate motor vehicle, including any vehicle of the trailer type, 77664  
whether designed or used for carrying persons or property wholly 77665  
on its own structure, or so designed or used that a part of its 77666  
own weight or the weight of its load rests upon and is carried by 77667  
such motor vehicle. 77668

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 77669  
this state shall, at the time of the issuance of a certificate of 77670  
public convenience and necessity under section 4921.03 of the 77671  
Revised Code, pay to the public utilities commission, for and on 77672  
behalf of the treasurer of state, the following taxes: 77673

(1) For each motor vehicle used for transporting persons, 77674  
thirty dollars; 77675

(2) For each commercial tractor, as defined in section 77676  
4501.01 of the Revised Code, used for transporting property, 77677  
thirty dollars; 77678

(3) For each other motor vehicle transporting property, 77679  
twenty dollars. 77680

(B) Every for-hire motor carrier operating in this state 77681  
solely in intrastate commerce shall, annually between the first 77682  
day of May and the thirtieth day of June, pay to the commission, 77683  
for and on behalf of the treasurer of state, the following taxes: 77684

(1) For each motor vehicle used for transporting persons,	77685
thirty dollars;	77686
(2) For each commercial tractor, as defined in section	77687
4501.01 of the Revised Code, used for transporting property,	77688
thirty dollars;	77689
(3) For each other motor vehicle transporting property,	77690
twenty dollars.	77691
(C) After a for-hire motor carrier has paid the applicable	77692
taxes under division (A) or (B) of this section and met all	77693
applicable requirements under section 4921.03 or division (C) of	77694
section 4921.13 of the Revised Code, the commission shall issue	77695
the carrier a tax receipt for each motor vehicle for which a tax	77696
has been paid under this section. The carrier shall keep the	77697
appropriate tax receipt in each motor vehicle operated by the	77698
carrier. The carrier shall maintain tax receipt records that	77699
specify to which motor vehicle each tax receipt is assigned.	77700
(D) A trailer used by a for-hire motor carrier shall not be	77701
taxed under this section.	77702
(E) The annual tax levied by division (B) of this section	77703
does not apply in those cases where the commission finds that the	77704
movement of agricultural commodities or foodstuffs produced	77705
therefrom requires a temporary and seasonal use of vehicular	77706
equipment for a period of not more than ninety days. In such	77707
event, the tax on the vehicular equipment shall be twenty-five per	77708
cent of the annual tax levied by division (B) of this section. If	77709
any vehicular equipment is used in excess of the ninety-day	77710
period, the annual tax levied by this section shall be paid.	77711
(F) All taxes levied by division (B) of this section shall be	77712
reckoned as from the beginning of the quarter in which the tax	77713
receipt is issued or as from when the use of equipment under any	77714
existing tax receipt began.	77715



(G) The fees for unified carrier registration pursuant to 77716  
section 4921.11 of the Revised Code shall be identical to those 77717  
established by the unified carrier registration act board as 77718  
approved by the federal motor carrier safety administration for 77719  
each year. 77720

~~(H)(1) The fees for uniform registration and a uniform permit 77721  
as a carrier of hazardous materials pursuant to section 4921.15 of 77722  
the Revised Code shall consist of the following: 77723~~

~~(a) A processing fee of fifty dollars; 77724~~

~~(b) An apportioned per truck registration fee, which shall be 77725  
calculated by multiplying the percentage of a registrant's 77726  
activity in this state times the percentage of the registrant's 77727  
business that is hazardous materials related, times the number of 77728  
vehicles owned or operated by the registrant, times a per truck 77729  
fee determined by order of the commission following public notice 77730  
and an opportunity for comment. 77731~~

~~(i) The percentage of a registrant's activity in this state 77732  
shall be calculated by dividing the number of miles that the 77733  
registrant travels in this state under the international 77734  
registration plan, pursuant to section 4503.61 of the Revised 77735  
Code, by the number of miles that the registrant travels 77736  
nationwide under the international registration plan. Registrants 77737  
that operate solely within this state shall use one hundred per 77738  
cent as their percentage of activity. Registrants that do not 77739  
register their vehicles through the international registration 77740  
plan shall calculate activity in the state in the same manner as 77741  
that required by the international registration plan. 77742~~

~~(ii) The percentage of a registrant's business that is 77743  
hazardous materials related shall be calculated, for 77744  
less than truckload shipments, by dividing the weight of all the 77745  
registrant's hazardous materials shipments by the total weight of 77746~~

~~all shipments in the previous year. The percentage of a 77747  
registrant's business that is hazardous materials related shall be 77748  
calculated, for truckload shipments, by dividing the number of 77749  
shipments for which placarding, marking of the vehicle, or 77750  
manifesting, as appropriate, was required by regulations adopted 77751  
under sections 4 to 6 of the "Hazardous Materials Transportation 77752  
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 77753  
by the total number of the registrant's shipments that transported 77754  
any kind of goods in the previous year. A registrant that 77755  
transports both less than truckload and truckload shipments of 77756  
hazardous materials shall calculate the percentage of business 77757  
that is hazardous materials related on a proportional basis. 77758~~

~~(iii) A registrant may utilize fiscal year, or calendar year, 77759  
or other current company accounting data, or other publicly 77760  
available information, in calculating the percentages required by 77761  
divisions (H)(1)(b)(i) and (ii) of this section. 77762~~

~~(2) The commission, after notice and opportunity for a 77763  
hearing, may assess each carrier a fee for any background 77764  
investigation required for the issuance, for the purpose of 77765  
section 3734.15 of the Revised Code, of a uniform permit as a 77766  
carrier of hazardous wastes and fees related to investigations and 77767  
proceedings for the denial, suspension, or revocation of a uniform 77768  
permit as a carrier of hazardous materials. The fees shall not 77769  
exceed the reasonable costs of the investigations and proceedings. 77770  
The fee for a background investigation for a uniform permit as a 77771  
carrier of hazardous wastes shall be six hundred dollars plus the 77772  
costs of obtaining any necessary information not included in the 77773  
permit application, to be calculated at the rate of thirty dollars 77774  
per hour, not exceeding six hundred dollars, plus any fees payable 77775  
to obtain necessary information. 77776~~

~~(I) The application fee for a certificate for the 77777  
transportation of household goods issued pursuant to sections 77778~~

4921.30 to 4921.38 of the Revised Code shall be based on the 77779  
certificate holder's gross revenue, in the prior year, for the 77780  
intrastate transportation of household goods. ~~The commission shall~~ 77781  
~~establish, by order, ranges of gross revenue and the fee for each~~ 77782  
~~range. The fees shall be set in amounts sufficient to carry out~~ 77783  
~~the purposes of sections 4921.30 to 4921.38 and 4923.99 of the~~ 77784  
~~Revised Code and, to the extent necessary, the commission shall~~ 77785  
~~make changes to the fee structure to ensure that neither over nor~~ 77786  
~~under collection of the fees occurs. The fees shall also take into~~ 77787  
~~consideration the revenue generated from the assessment of~~ 77788  
~~forfeitures under section 4923.99 of the Revised Code regarding~~ 77789  
~~the consumer protection provisions applicable to for-hire motor~~ 77790  
~~carriers engaged in the transportation of household goods.~~ 77791

~~(J)~~(I) The fees and taxes provided under this section shall 77792  
be in addition to taxes, fees, and charges fixed and exacted by 77793  
other sections of the Revised Code, except the assessments 77794  
required by section 4905.10 of the Revised Code, but all fees, 77795  
license fees, annual payments, license taxes, or taxes or other 77796  
money exactions, except the general property tax, assessed, 77797  
charged, fixed, or exacted by local authorities such as municipal 77798  
corporations, townships, counties, or other local boards, or the 77799  
officers of such subdivisions are illegal and, are superseded by 77800  
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 77801  
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 77802  
4921. of the Revised Code, all local ordinances, resolutions, 77803  
bylaws, and rules in force shall cease to be operative as to the 77804  
persons in compliance, except that such local subdivisions may 77805  
make reasonable local police regulations within their respective 77806  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 77807  
Chapter 4921. of the Revised Code. 77808

**Sec. 4921.21.** (A) As used in this section, "adjusted credit 77809  
amount" means the aggregate amount credited to the public 77810

utilities transportation safety fund, less the sum of ~~all~~ both of 77811  
the following: 77812

(1) The fees collected by the public utilities commission, in 77813  
accordance with the unified carrier registration plan under 77814  
section 4921.11 of the Revised Code, that exceed the federal 77815  
certification of revenue for each year of the plan; 77816

~~(2) The fees collected by the commission on behalf of other 77817  
states under division (C) of section 4921.15 of the Revised Code; 77818~~

~~(3) The forfeitures collected by the commission under section 77819  
4923.99 of the Revised Code for violations of rules adopted under 77820  
division (A)(2) of section 4923.04 of the Revised Code. 77821~~

(B)(1) There is hereby created in the state treasury the 77822  
public utilities transportation safety fund. The fees collected in 77823  
accordance with the unified carrier registration plan under 77824  
section 4921.11 of the Revised Code, ~~the fees collected under 77825  
section 4921.15 of the Revised Code,~~ the taxes and fees remitted 77826  
under section 4921.19 of the Revised Code, the forfeitures imposed 77827  
under section 4923.99 of the Revised Code, except as provided in 77828  
division (B)(2) of this section, and the fines collected under 77829  
section 4163.07 of the Revised Code shall be deposited into the 77830  
state treasury to the credit of the public utilities 77831  
transportation safety fund, until the adjusted credit amount in a 77832  
fiscal year is equal to the total amount appropriated from the 77833  
fund for the fiscal year. Once this point of parity is reached, 77834  
any additional fees, taxes, forfeitures, or fines received during 77835  
the fiscal year shall be credited to the general revenue fund, 77836  
except as provided in division (B)(2) of this section, and except 77837  
for ~~both of the following:~~ 77838

~~(a) The fees collected in accordance with the unified carrier 77839  
registration plan under section 4921.11 of the Revised Code, that 77840  
exceed the federal certification of revenue for each year of the 77841~~

plan+ 77842

~~(b) The fees collected on behalf of other states under 77843  
division (C) of section 4921.15 of the Revised Code. 77844~~

(2) The first eight hundred thousand dollars of forfeitures 77845  
collected under section 4923.99 of the Revised Code, for 77846  
violations of rules adopted under division (A)(2) of section 77847  
4923.04 of the Revised Code, during each fiscal year shall be 77848  
credited to the public utilities transportation safety fund. Any 77849  
forfeitures in excess of that amount shall be deposited into the 77850  
general revenue fund. In each fiscal year, the commission shall 77851  
distribute moneys from these forfeitures credited to the public 77852  
utilities transportation safety fund for the purposes of emergency 77853  
response planning and the training of safety, enforcement, and 77854  
emergency services personnel in proper techniques for the 77855  
management of hazardous materials releases that occur during 77856  
transportation or otherwise. For these purposes, fifty per cent of 77857  
all such moneys credited to the public utilities transportation 77858  
safety fund shall be distributed to Cleveland state university, 77859  
forty-five per cent shall be distributed to other educational 77860  
institutions, state agencies, regional planning commissions, and 77861  
political subdivisions, and five per cent shall be retained by the 77862  
commission for the administration of this section and for training 77863  
employees. However, if, in any such period, moneys from these 77864  
forfeitures credited to the public utilities transportation safety 77865  
fund equal an amount less than four hundred thousand dollars, the 77866  
commission shall distribute, to the extent of the aggregate amount 77867  
of those moneys, two hundred thousand dollars to Cleveland state 77868  
university and the remainder to other educational institutions, 77869  
state agencies, regional planning commissions, and political 77870  
subdivisions. 77871

(C) The purpose of the public utilities transportation safety 77872  
fund shall be for defraying all expenses incident to maintaining 77873

the nonrailroad transportation activities of the commission. 77874

(D) There is hereby created in the state treasury the federal 77875  
commercial vehicle transportation systems fund. The fund shall 77876  
consist of money received from the United States department of 77877  
transportation's commercial vehicle intelligent transportation 77878  
systems infrastructure deployment program. The public utilities 77879  
commission shall use the fund to deploy the Ohio commercial 77880  
vehicle information systems networks project and to improve safety 77881  
of motor carrier operations through electronic exchange of data. 77882

(E) There is hereby created in the state treasury the motor 77883  
carrier safety fund. The fund shall consist of money received from 77884  
the United States department of transportation for motor carrier 77885  
safety. The commission shall use the fund to administer the 77886  
state's motor carrier safety assistance program and associated 77887  
grants, including the motor carrier safety assistance program 77888  
basic grant, the incentive grant, the high priority grants, the 77889  
new entrant safety assurance grant, the safety data improvement 77890  
grant, or their equivalents. 77891

(F) If the director of budget and management determines there 77892  
is not sufficient money in the public utilities transportation 77893  
safety fund, the director shall transfer money from the general 77894  
revenue fund to the public utilities transportation safety fund in 77895  
an amount up to the difference between the balance of the public 77896  
utilities transportation safety fund and the appropriations from 77897  
that fund. If the director subsequently determines during the 77898  
fiscal year that the balance of the public utilities 77899  
transportation safety fund exceeds the amount needed to support 77900  
the appropriations from the fund, the director shall transfer the 77901  
excess money, up to the amount of the original transfer, to the 77902  
general revenue fund. 77903

**Sec. 4923.02.** (A) As used in this chapter, "private motor 77904

carrier" does not include a person when engaged in any of the	77905
following in intrastate commerce:	77906
(1) The transportation of persons in taxicabs in the usual	77907
taxicab service;	77908
(2) The transportation of pupils in school busses operating	77909
to or from school sessions or school events;	77910
(3) The transportation of farm supplies to the farm or farm	77911
products from farm to market or to food fabricating plants;	77912
(4) The distribution of newspapers;	77913
(5) The transportation of crude petroleum incidental to	77914
gathering from wells and delivery to destination by pipe line;	77915
(6) The transportation of injured, ill, or deceased persons	77916
by hearse or ambulance;	77917
(7) The transportation of compost (a combination of manure	77918
and sand or shredded bark mulch) or shredded bark mulch;	77919
(8) The transportation of persons in a ridesharing	77920
arrangement when any fee charged each person so transported is in	77921
such amount as to recover only the person's share of the costs of	77922
operating the motor vehicle for such purpose;	77923
(9) The operation of motor vehicles for contractors on public	77924
road work.	77925
(B) The public utilities commission may grant a motor carrier	77926
operating in intrastate commerce a temporary exemption from some	77927
or all of the provisions of this chapter and the rules adopted	77928
under it, when either of the following applies:	77929
(1) The governor of this state has declared an emergency.	77930
(2) The chairperson of the commission or the chairperson's	77931
designee has declared a transportation-specific emergency.	77932

(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.

(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:

(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;

~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~

**Sec. 4923.99.** (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, or rules adopted thereunder, is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person whom the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a driver or motor-vehicle inspection under section 4923.06 of the Revised Code, or discovered during a compliance review under section 4923.07 of the Revised Code, the commission shall, ~~to the extent practicable,~~ not act in a manner



incompatible with the applicable requirements of the United States 77964  
department of transportation, ~~and, to the extent practicable,~~ 77965  
~~shall utilize a system comparable to the recommended civil penalty~~ 77966  
~~procedure adopted by the commercial vehicle safety alliance. In~~ 77967  
~~determining the amount of the forfeiture for a violation~~ 77968  
~~discovered during a compliance review of a motor carrier under~~ 77969  
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 77970  
~~extent practicable, not act in a manner incompatible with the~~ 77971  
~~civil penalty guidelines of the United States department of~~ 77972  
~~transportation.~~ 77973

The attorney general, upon the written request of the 77974  
commission, shall bring a civil action in the court of common 77975  
pleas of Franklin county to collect a forfeiture assessed under 77976  
this section. The commission shall account for the forfeitures 77977  
collected under this section and pay them to the treasurer of 77978  
state under section 4921.21 of the Revised Code. 77979

(2) The attorney general, upon the written request of the 77980  
commission, shall bring an action for injunctive relief in the 77981  
court of common pleas of Franklin county against any person who 77982  
has violated or is violating any order issued by the commission to 77983  
secure compliance with any provision of Chapter 4921. or 4923. of 77984  
the Revised Code. The court of common pleas of Franklin county has 77985  
jurisdiction to and may grant preliminary and permanent injunctive 77986  
relief upon a showing that the person against whom the action is 77987  
brought has violated or is violating any such order. The court 77988  
shall give precedence to such an action over all other cases. 77989

(B) The amount of any forfeiture may be compromised at any 77990  
time prior to collection of the forfeiture. The commission shall 77991  
adopt rules governing the manner in which the amount of a 77992  
forfeiture may be established by agreement prior to the hearing on 77993  
the forfeiture before the commission. 77994

(C) The proceedings of the commission specified in division 77995

(A) of this section are subject to and governed by Chapter 4903. 77996  
of the Revised Code, except as otherwise specifically provided in 77997  
this section. The court of appeals of Franklin county has 77998  
exclusive, original jurisdiction to review, modify, or vacate an 77999  
order of the commission issued to secure compliance with any 78000  
provision of Chapter 4921. or 4923. of the Revised Code. The court 78001  
of appeals shall hear and determine those appeals in the same 78002  
manner, and under the same standards, as the supreme court hears 78003  
and determines appeals under Chapter 4903. of the Revised Code. 78004  
The judgment of the court of appeals is final and conclusive 78005  
unless reversed, vacated, or modified on appeal. Such appeals may 78006  
be taken either by the commission or the person to whom the 78007  
compliance order or forfeiture assessment was issued and shall 78008  
proceed as in the case of appeals in civil actions as provided in 78009  
the rules of appellate procedure and Chapter 2505. of the Revised 78010  
Code. 78011

(D) Section 4903.11 of the Revised Code does not apply to an 78012  
appeal of an order issued to secure compliance with Chapter 4921. 78013  
or 4923. of the Revised Code or an order issued under division 78014  
(A)(1) of this section assessing a forfeiture. Any person to whom 78015  
any such order is issued who wishes to contest a compliance order, 78016  
the fact of the violation, or the amount of the forfeiture shall 78017  
file a notice of appeal, setting forth the order appealed from and 78018  
the errors complained of, within sixty days after the entry of the 78019  
order upon the journal of the commission. The notice of appeal 78020  
shall be served, unless waived, upon the chairperson of the 78021  
commission or, in the event of the chairperson's absence, upon any 78022  
public utilities commissioner, or by leaving a copy at the office 78023  
of the commission at Columbus. An order issued by the commission 78024  
to secure compliance with Chapter 4921. or 4923. of the Revised 78025  
Code or an order issued under division (A)(1) of this section 78026  
assessing a forfeiture shall be reversed, vacated, or modified on 78027  
appeal if, upon consideration of the record, the court is of the 78028

opinion that the order was unlawful or unreasonable. 78029

(E) Only for such violations that constitute violations of 78030  
the "Hazardous Materials Transportation Uniform Safety Act of 78031  
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 78032  
regulations adopted under the act, the commission, in determining 78033  
liability, shall use the same standard of culpability for civil 78034  
forfeitures under this section as that set forth for civil 78035  
penalties under section 12 of the "Hazardous Materials 78036  
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 78037  
U.S.C.A. App. 1809. The commission shall consider the assessment 78038  
considerations for civil penalties specified in regulations 78039  
adopted under the "Hazardous Materials Transportation Act," 88 78040  
Stat. 2156 (1975), 49 U.S.C. 1801. 78041

**Sec. 4927.13.** (A) An incumbent local exchange carrier that is 78042  
an eligible telecommunications carrier under 47 C.F.R. 54.201 78043  
shall implement lifeline service throughout the carrier's 78044  
traditional service area for its eligible residential customers. 78045

(1) Lifeline service shall consist of all of the following: 78046

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 78047  
~~with touch tone service,~~ at a recurring discount to the monthly 78048  
basic local exchange service rate that provides for the maximum 78049  
contribution of federally available assistance; 78050

(b) Not more than once per customer at a single address in a 78051  
twelve-month period, a waiver of all nonrecurring service order 78052  
charges for establishing service; 78053

(c) Free blocking of toll service, 900 service, and 976 78054  
service. 78055

The carrier may offer to lifeline service customers any other 78056  
services and bundles or packages of services at the prevailing 78057  
prices, less the lifeline discount. 78058

(2) The carrier also shall offer special payment arrangements 78059  
to lifeline service customers that have past due bills for 78060  
regulated local service charges, with the initial payment not to 78061  
exceed twenty-five dollars before service is installed, and the 78062  
balance for regulated local service charges to be paid over six, 78063  
equal, monthly payments. Lifeline service customers with past due 78064  
bills for toll service charges shall have toll restricted service 78065  
until the past due toll service charges have been paid or until 78066  
the customer establishes service with another toll service 78067  
provider. 78068

(3)(a) Every incumbent local exchange carrier required to 78069  
implement lifeline service under division (A) of this section 78070  
shall establish an annual marketing budget for promoting lifeline 78071  
service and performing outreach regarding lifeline service. All 78072  
funds allocated to this budget shall be spent for the promotion 78073  
and marketing of lifeline service and outreach regarding lifeline 78074  
service and only for those purposes and not for any administrative 78075  
costs of implementing lifeline service. All activities relating to 78076  
the promotion of, marketing of, and outreach regarding lifeline 78077  
service shall be coordinated through a single advisory board 78078  
composed of staff of the public utilities commission, the office 78079  
of the consumers' counsel, consumer groups representing low-income 78080  
constituents, two representatives from the Ohio association of 78081  
community action agencies, and, except as provided in division 78082  
(A)(3)(b) of this section, every incumbent local exchange carrier 78083  
required to implement lifeline service under division (A) of this 78084  
section. The public utilities commission may review and approve 78085  
decisions of the advisory board in accordance with commission 78086  
rules, including decisions on how the lifeline marketing, 78087  
promotion, and outreach activities are implemented. 78088

(b) Division (A)(3)(a) of this section does not apply to an 78089  
incumbent local exchange carrier with fewer than fifty thousand 78090

access lines. 78091

(4) All other aspects of the carrier's state-specific 78092  
lifeline service shall be consistent with federal requirements. 78093

(B) The rates, terms, and conditions for the carrier's 78094  
lifeline service shall be tariffed in the manner prescribed by 78095  
rule adopted by the public utilities commission. 78096

(C)(1) Eligibility for lifeline service under division (A) of 78097  
this section shall be based on either of the following criteria: 78098

(a) An individual's verifiable participation in any federal 78099  
or state low-income assistance program, specified in rules adopted 78100  
by the commission, that limits assistance based on household 78101  
income; 78102

(b) Other verification that an individual's household income 78103  
is ~~at or below one hundred fifty per cent of the federal poverty~~ 78104  
~~level~~ consistent with the income eligibility threshold in 47 78105  
C.F.R. 409(a)(1). 78106

The public utilities commission shall adopt rules 78107  
establishing requirements for the implementation of automatic 78108  
enrollment of eligible individuals for lifeline assistance. The 78109  
public utilities commission shall work with the appropriate state 78110  
agencies that administer federal or state low-income assistance 78111  
programs and with carriers to negotiate and acquire information 78112  
necessary to verify an individual's eligibility and the data 78113  
necessary to automatically enroll eligible individuals for 78114  
lifeline service. Every incumbent local exchange carrier required 78115  
to implement lifeline service under division (A) of this section 78116  
shall implement automatic enrollment in accordance with the 78117  
applicable rules of the public utilities commission and to the 78118  
extent that appropriate state agencies are able to accommodate the 78119  
automatic enrollment. 78120

(2) The carrier shall provide written notification if the 78121

carrier determines that an individual is not eligible for lifeline 78122  
service and shall provide the individual an additional thirty days 78123  
to prove eligibility. 78124

(3) The carrier shall provide written customer notification 78125  
if a customer's lifeline service is to be terminated due to 78126  
failure to submit acceptable documentation for continued 78127  
eligibility for that assistance and shall provide the customer an 78128  
additional ~~sixty~~ thirty days to submit acceptable documentation of 78129  
continued eligibility or dispute the carrier's findings regarding 78130  
termination of the lifeline service. 78131

(D) An incumbent local exchange carrier required to implement 78132  
lifeline service under division (A) of this section may recover 78133  
from end users of the carrier's telecommunications service other 78134  
than lifeline service customers, by a method approved by the 78135  
public utilities commission, any lifeline service discounts and 78136  
any other lifeline service expenses that the public utilities 78137  
commission prescribes by rule and that are not recovered through 78138  
federal or state funding, except for expenses incurred under 78139  
division (A)(3)(a) of this section. A carrier seeking recovery of 78140  
discounts or expenses shall, in accordance with rules adopted by 78141  
the public utilities commission, apply to the public utilities 78142  
commission for approval of the method of recovery. If the method 78143  
of recovery includes a customer billing surcharge, the public 78144  
utilities commission shall prescribe by rule how the surcharge is 78145  
to be identified on customer bills. 78146

(E) Every incumbent local exchange carrier required to 78147  
implement lifeline service under division (A) of this section 78148  
shall annually file with the public utilities commission a report 78149  
that identifies the number of its customers who receive, at the 78150  
time of the filing of the report, lifeline service. 78151

**Sec. 4928.01.** (A) As used in this chapter: 78152

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility 78185  
that supplies at least retail electric distribution service. 78186

(7) "Electric light company" has the same meaning as in 78187  
section 4905.03 of the Revised Code and includes an electric 78188  
services company, but excludes any self-generator to the extent 78189  
that it consumes electricity it so produces, sells that 78190  
electricity for resale, or obtains electricity from a generating 78191  
facility it hosts on its premises. 78192

(8) "Electric load center" has the same meaning as in section 78193  
4933.81 of the Revised Code. 78194

(9) "Electric services company" means an electric light 78195  
company that is engaged on a for-profit or not-for-profit basis in 78196  
the business of supplying or arranging for the supply of only a 78197  
competitive retail electric service in this state. "Electric 78198  
services company" includes a power marketer, power broker, 78199  
aggregator, or independent power producer but excludes an electric 78200  
cooperative, municipal electric utility, governmental aggregator, 78201  
or billing and collection agent. 78202

(10) "Electric supplier" has the same meaning as in section 78203  
4933.81 of the Revised Code. 78204

(11) "Electric utility" means an electric light company that 78205  
has a certified territory and is engaged on a for-profit basis 78206  
either in the business of supplying a noncompetitive retail 78207  
electric service in this state or in the businesses of supplying 78208  
both a noncompetitive and a competitive retail electric service in 78209  
this state. "Electric utility" excludes a municipal electric 78210  
utility or a billing and collection agent. 78211

(12) "Firm electric service" means electric service other 78212  
than nonfirm electric service. 78213

(13) "Governmental aggregator" means a legislative authority 78214  
of a municipal corporation, a board of township trustees, or a 78215



board of county commissioners acting as an aggregator for the 78216  
provision of a competitive retail electric service under authority 78217  
conferred under section 4928.20 of the Revised Code. 78218

(14) A person acts "knowingly," regardless of the person's 78219  
purpose, when the person is aware that the person's conduct will 78220  
probably cause a certain result or will probably be of a certain 78221  
nature. A person has knowledge of circumstances when the person is 78222  
aware that such circumstances probably exist. 78223

(15) "Level of funding for low-income customer energy 78224  
efficiency programs provided through electric utility rates" means 78225  
the level of funds specifically included in an electric utility's 78226  
rates on October 5, 1999, pursuant to an order of the public 78227  
utilities commission issued under Chapter 4905. or 4909. of the 78228  
Revised Code and in effect on October 4, 1999, for the purpose of 78229  
improving the energy efficiency of housing for the utility's 78230  
low-income customers. The term excludes the level of any such 78231  
funds committed to a specific nonprofit organization or 78232  
organizations pursuant to a stipulation or contract. 78233

(16) "Low-income customer assistance programs" means the 78234  
percentage of income payment plan program, the home energy 78235  
assistance program, the home weatherization assistance program, 78236  
and the targeted energy efficiency and weatherization program. 78237

(17) "Market development period" for an electric utility 78238  
means the period of time beginning on the starting date of 78239  
competitive retail electric service and ending on the applicable 78240  
date for that utility as specified in section 4928.40 of the 78241  
Revised Code, irrespective of whether the utility applies to 78242  
receive transition revenues under this chapter. 78243

(18) "Market power" means the ability to impose on customers 78244  
a sustained price for a product or service above the price that 78245  
would prevail in a competitive market. 78246

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy

resources. "Advanced energy project" also includes any project 78278  
described in division (A), (B), or (C) of section 4928.621 of the 78279  
Revised Code. 78280

(26) "Regulatory assets" means the unamortized net regulatory 78281  
assets that are capitalized or deferred on the regulatory books of 78282  
the electric utility, pursuant to an order or practice of the 78283  
public utilities commission or pursuant to generally accepted 78284  
accounting principles as a result of a prior commission 78285  
rate-making decision, and that would otherwise have been charged 78286  
to expense as incurred or would not have been capitalized or 78287  
otherwise deferred for future regulatory consideration absent 78288  
commission action. "Regulatory assets" includes, but is not 78289  
limited to, all deferred demand-side management costs; all 78290  
deferred percentage of income payment plan arrears; 78291  
post-in-service capitalized charges and assets recognized in 78292  
connection with statement of financial accounting standards no. 78293  
109 (receivables from customers for income taxes); future nuclear 78294  
decommissioning costs and fuel disposal costs as those costs have 78295  
been determined by the commission in the electric utility's most 78296  
recent rate or accounting application proceeding addressing such 78297  
costs; the undepreciated costs of safety and radiation control 78298  
equipment on nuclear generating plants owned or leased by an 78299  
electric utility; and fuel costs currently deferred pursuant to 78300  
the terms of one or more settlement agreements approved by the 78301  
commission. 78302

(27) "Retail electric service" means any service involved in 78303  
supplying or arranging for the supply of electricity to ultimate 78304  
consumers in this state, from the point of generation to the point 78305  
of consumption. For the purposes of this chapter, retail electric 78306  
service includes one or more of the following "service 78307  
components": generation service, aggregation service, power 78308  
marketing service, power brokerage service, transmission service, 78309

distribution service, ancillary service, metering service, and 78310  
billing and collection service. 78311

(28) "Starting date of competitive retail electric service" 78312  
means January 1, 2001. 78313

(29) "Customer-generator" means a user of a net metering 78314  
system. 78315

(30) "Net metering" means measuring the difference in an 78316  
applicable billing period between the electricity supplied by an 78317  
electric service provider and the electricity generated by a 78318  
customer-generator that is fed back to the electric service 78319  
provider. 78320

(31) "Net metering system" means a facility for the 78321  
production of electrical energy that does all of the following: 78322

(a) Uses as its fuel either solar, wind, biomass, landfill 78323  
gas, or hydropower, or uses a microturbine or a fuel cell; 78324

(b) Is located on a customer-generator's premises; 78325

(c) Operates in parallel with the electric utility's 78326  
transmission and distribution facilities; 78327

(d) Is intended primarily to offset part or all of the 78328  
customer-generator's requirements for electricity. 78329

(32) "Self-generator" means an entity in this state that owns 78330  
or hosts on its premises an electric generation facility that 78331  
produces electricity primarily for the owner's consumption and 78332  
that may provide any such excess electricity to another entity, 78333  
whether the facility is installed or operated by the owner or by 78334  
an agent under a contract. 78335

(33) "Rate plan" means the standard service offer in effect 78336  
on the effective date of the amendment of this section by S.B. 221 78337  
of the 127th general assembly, July 31, 2008. 78338

(34) "Advanced energy resource" means any of the following: 78339

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to,

advanced stoker technology, and advanced fluidized bed 78371  
gasification technology, that results in measurable greenhouse gas 78372  
emissions reductions as calculated pursuant to the United States 78373  
environmental protection agency's waste reduction model (WARM); 78374

(g) Demand-side management and any energy efficiency 78375  
improvement; 78376

(h) Any new, retrofitted, refueled, or repowered generating 78377  
facility located in Ohio, including a simple or combined-cycle 78378  
natural gas generating facility or a generating facility that uses 78379  
biomass, coal, modular nuclear, or any other fuel as its input; 78380

(i) Any uprated capacity of an existing electric generating 78381  
facility if the uprated capacity results from the deployment of 78382  
advanced technology. 78383

"Advanced energy resource" does not include a waste energy 78384  
recovery system that is, or has been, included in an energy 78385  
efficiency program of an electric distribution utility pursuant to 78386  
requirements under section 4928.66 of the Revised Code. 78387

(35) "Air contaminant source" has the same meaning as in 78388  
section 3704.01 of the Revised Code. 78389

(36) "Cogeneration technology" means technology that produces 78390  
electricity and useful thermal output simultaneously. 78391

(37)(a) "Renewable energy resource" means any of the 78392  
following: 78393

(i) Solar photovoltaic or solar thermal energy; 78394

(ii) Wind energy; 78395

(iii) Power produced by a hydroelectric facility; 78396

(iv) Power produced by a small hydroelectric facility, which 78397  
is a facility that operates, or is rated to operate, at an 78398  
aggregate capacity of less than six megawatts; 78399

(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

~~(v)~~(vi) Geothermal energy;

~~(vi)~~(vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion;

~~(vii)~~(viii) Biomass energy;

~~(viii)~~(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

~~(ix)~~(x) Biologically derived methane gas;

~~(x)~~(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

~~(xi)~~(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including,

but not limited to, a proton exchange membrane fuel cell, 78430  
phosphoric acid fuel cell, molten carbonate fuel cell, or solid 78431  
oxide fuel cell; wind turbine located in the state's territorial 78432  
waters of Lake Erie; methane gas emitted from an abandoned coal 78433  
mine; waste energy recovery system placed into service or 78434  
retrofitted on or after the effective date of the amendment of 78435  
this section by S.B. 315 of the 129th general assembly, September 78436  
10, 2012, except that a waste energy recovery system described in 78437  
division (A)(38)(b) of this section may be included only if it was 78438  
placed into service between January 1, 2002, and December 31, 78439  
2004; storage facility that will promote the better utilization of 78440  
a renewable energy resource; or distributed generation system used 78441  
by a customer to generate electricity from any such energy. 78442

"Renewable energy resource" does not include a waste energy 78443  
recovery system that is, or was, on or after January 1, 2012, 78444  
included in an energy efficiency program of an electric 78445  
distribution utility pursuant to requirements under section 78446  
4928.66 of the Revised Code. 78447

(b) As used in division (A)(37) of this section, 78448  
"hydroelectric facility" means a hydroelectric generating facility 78449  
that is located at a dam on a river, or on any water discharged to 78450  
a river, that is within or bordering this state or within or 78451  
bordering an adjoining state and meets all of the following 78452  
standards: 78453

(i) The facility provides for river flows that are not 78454  
detrimental for fish, wildlife, and water quality, including 78455  
seasonal flow fluctuations as defined by the applicable licensing 78456  
agency for the facility. 78457

(ii) The facility demonstrates that it complies with the 78458  
water quality standards of this state, which compliance may 78459  
consist of certification under Section 401 of the "Clean Water Act 78460  
of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates 78461



that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(vi) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the

particular agency has jurisdiction over the facility. 78493

(c) The standards in divisions (A)(37)(b)(i) to (viii) of 78494  
this section do not apply to a small hydroelectric facility under 78495  
division (A)(37)(a)(iv) of this section. 78496

(38) "Waste energy recovery system" means either of the 78497  
following: 78498

(a) A facility that generates electricity through the 78499  
conversion of energy from either of the following: 78500

(i) Exhaust heat from engines or manufacturing, industrial, 78501  
commercial, or institutional sites, except for exhaust heat from a 78502  
facility whose primary purpose is the generation of electricity; 78503

(ii) Reduction of pressure in gas pipelines before gas is 78504  
distributed through the pipeline, provided that the conversion of 78505  
energy to electricity is achieved without using additional fossil 78506  
fuels. 78507

(b) A facility at a state institution of higher education as 78508  
defined in section 3345.011 of the Revised Code that recovers 78509  
waste heat from electricity-producing engines or combustion 78510  
turbines and that simultaneously uses the recovered heat to 78511  
produce steam, provided that the facility was placed into service 78512  
between January 1, 2002, and December 31, 2004. 78513

(39) "Smart grid" means capital improvements to an electric 78514  
distribution utility's distribution infrastructure that improve 78515  
reliability, efficiency, resiliency, or reduce energy demand or 78516  
use, including, but not limited to, advanced metering and 78517  
automation of system functions. 78518

(40) "Combined heat and power system" means the coproduction 78519  
of electricity and useful thermal energy from the same fuel source 78520  
designed to achieve thermal-efficiency levels of at least sixty 78521  
per cent, with at least twenty per cent of the system's total 78522

useful energy in the form of thermal energy. 78523

(B) For the purposes of this chapter, a retail electric 78524  
service component shall be deemed a competitive retail electric 78525  
service if the service component is competitive pursuant to a 78526  
declaration by a provision of the Revised Code or pursuant to an 78527  
order of the public utilities commission authorized under division 78528  
(A) of section 4928.04 of the Revised Code. Otherwise, the service 78529  
component shall be deemed a noncompetitive retail electric 78530  
service. 78531

**Sec. 4928.02.** It is the policy of this state to do the 78532  
following throughout this state: 78533

(A) Ensure the availability to consumers of adequate, 78534  
reliable, safe, efficient, nondiscriminatory, and reasonably 78535  
priced retail electric service; 78536

(B) Ensure the availability of unbundled and comparable 78537  
retail electric service that provides consumers with the supplier, 78538  
price, terms, conditions, and quality options they elect to meet 78539  
their respective needs; 78540

(C) Ensure diversity of electricity supplies and suppliers, 78541  
by giving consumers effective choices over the selection of those 78542  
supplies and suppliers and by encouraging the development of 78543  
distributed and small generation facilities; 78544

(D) Encourage innovation and market access for cost-effective 78545  
supply- and demand-side retail electric service including, but not 78546  
limited to, demand-side management, time-differentiated pricing, 78547  
waste energy recovery systems, smart grid programs, and 78548  
implementation of advanced metering infrastructure; 78549

(E) Encourage cost-effective and efficient access to 78550  
information regarding the operation of the transmission and 78551  
distribution systems of electric utilities in order to promote 78552

both effective customer choice of retail electric service and the 78553  
development of performance standards and targets for service 78554  
quality for all consumers, including annual achievement reports 78555  
written in plain language; 78556

(F) Ensure that an electric utility's transmission and 78557  
distribution systems are available to a customer-generator or 78558  
owner of distributed generation, so that the customer-generator or 78559  
owner can market and deliver the electricity it produces; 78560

(G) Recognize the continuing emergence of competitive 78561  
electricity markets through the development and implementation of 78562  
flexible regulatory treatment; 78563

(H) Ensure effective competition in the provision of retail 78564  
electric service by avoiding anticompetitive subsidies flowing 78565  
from a noncompetitive retail electric service to a competitive 78566  
retail electric service or to a product or service other than 78567  
retail electric service, and vice versa, including by prohibiting 78568  
the recovery of any generation-related costs through distribution 78569  
or transmission rates; 78570

(I) Ensure retail electric service consumers protection 78571  
against unreasonable sales practices, market deficiencies, and 78572  
market power; 78573

(J) Provide coherent, transparent means of giving appropriate 78574  
incentives to technologies that can adapt successfully to 78575  
potential environmental mandates; 78576

(K) Encourage implementation of distributed generation across 78577  
customer classes through regular review and updating of 78578  
administrative rules governing critical issues such as, but not 78579  
limited to, interconnection standards, standby charges, and net 78580  
metering; 78581

(L) Protect at-risk populations, including, but not limited 78582  
to, when considering the implementation of any new advanced energy 78583

or renewable energy resource; 78584

(M) Research technological, regulatory, and marketplace 78585  
innovations in the electric distribution system, which may include 78586  
distributed energy resources, such as battery storage; advanced 78587  
metering infrastructure; distribution automation; sensors; 78588  
controls; data exchange and use; and associated electric rate 78589  
design; 78590

(N) Encourage the education of small business owners in this 78591  
state regarding the use of, and encourage the use of, energy 78592  
efficiency programs and alternative energy resources in their 78593  
businesses; 78594

~~(N)~~(O) Facilitate the state's effectiveness in the global 78595  
economy. 78596

In carrying out this policy, the commission shall consider 78597  
rules as they apply to the costs of electric distribution 78598  
infrastructure, including, but not limited to, line extensions, 78599  
for the purpose of development in this state. 78600

**Sec. 4928.64.** (A)(1) As used in this section, "qualifying 78601  
renewable energy resource" means a renewable energy resource, as 78602  
defined in section 4928.01 of the Revised Code that ~~has:~~ 78603

(a) Has a placed-in-service date on or after January 1, 1998, ~~or~~ 78604  
~~or with respect to;~~ 78605

(b) Is any run-of-the-river hydroelectric facility, ~~that has~~ 78606  
an in-service date on or after January 1, 1980; ~~a renewable energy~~ 78607  
~~resource~~ 78608

(c) Is a small hydroelectric facility; 78609

(d) Is created on or after January 1, 1998, by the 78610  
modification or retrofit of any facility placed in service prior 78611  
to January 1, 1998; or 78612

(e) Is a mercantile customer-sited renewable energy resource, 78613  
whether new or existing, that the mercantile customer commits for 78614  
integration into the electric distribution utility's 78615  
demand-response, energy efficiency, or peak demand reduction 78616  
programs as provided under division (A)(2)(c) of section 4928.66 78617  
of the Revised Code, including, but not limited to, any of the 78618  
following: 78619

~~(a)~~(i) A resource that has the effect of improving the 78620  
relationship between real and reactive power; 78621

~~(b)~~(ii) A resource that makes efficient use of waste heat or 78622  
other thermal capabilities owned or controlled by a mercantile 78623  
customer; 78624

~~(c)~~(iii) Storage technology that allows a mercantile customer 78625  
more flexibility to modify its demand or load and usage 78626  
characteristics; 78627

~~(d)~~(iv) Electric generation equipment owned or controlled by 78628  
a mercantile customer that uses a renewable energy resource. 78629

(2) For the purpose of this section and as it considers 78630  
appropriate, the public utilities commission may classify any new 78631  
technology as such a qualifying renewable energy resource. 78632

(B)(1) By 2027 and thereafter, an electric distribution 78633  
utility shall provide from qualifying renewable energy resources, 78634  
including, at its discretion, qualifying renewable energy 78635  
resources obtained pursuant to an electricity supply contract, a 78636  
portion of the electricity supply required for its standard 78637  
service offer under section 4928.141 of the Revised Code, and an 78638  
electric services company shall provide a portion of its 78639  
electricity supply for retail consumers in this state from 78640  
qualifying renewable energy resources, including, at its 78641  
discretion, qualifying renewable energy resources obtained 78642  
pursuant to an electricity supply contract. That portion shall 78643

equal twelve and one-half per cent of the total number of kilowatt 78644  
hours of electricity sold by the subject utility or company to any 78645  
and all retail electric consumers whose electric load centers are 78646  
served by that utility and are located within the utility's 78647  
certified territory or, in the case of an electric services 78648  
company, are served by the company and are located within this 78649  
state. However, nothing in this section precludes a utility or 78650  
company from providing a greater percentage. 78651

(2) The portion required under division (B)(1) of this 78652  
section shall be generated from renewable energy resources, 78653  
including one-half per cent from solar energy resources, in 78654  
accordance with the following benchmarks: 78655

By end of year	Renewable energy resources	Solar energy resources	78656
2009	0.25%	0.004%	78657
2010	0.50%	0.010%	78658
2011	1%	0.030%	78659
2012	1.5%	0.060%	78660
2013	2%	0.090%	78661
2014	2.5%	0.12%	78662
2015	2.5%	0.12%	78663
2016	2.5%	0.12%	78664
2017	3.5%	0.15%	78665
2018	4.5%	0.18%	78666
2019	5.5%	0.22%	78667
2020	6.5%	0.26%	78668
2021	7.5%	0.3%	78669
2022	8.5%	0.34%	78670
2023	9.5%	0.38%	78671
2024	10.5%	0.42%	78672
2025	11.5%	0.46%	78673
2026 and each calendar	12.5%	0.5%.	78674

year thereafter

(3) The qualifying renewable energy resources implemented by 78675  
the utility or company shall be met either: 78676

(a) Through facilities located in this state; or 78677

(b) With resources that can be shown to be deliverable into 78678  
this state. 78679

(C)(1) The commission annually shall review an electric 78680  
distribution utility's or electric services company's compliance 78681  
with the most recent applicable benchmark under division (B)(2) of 78682  
this section and, in the course of that review, shall identify any 78683  
undercompliance or noncompliance of the utility or company that it 78684  
determines is weather-related, related to equipment or resource 78685  
shortages for qualifying renewable energy resources as applicable, 78686  
or is otherwise outside the utility's or company's control. 78687

(2) Subject to the cost cap provisions of division (C)(3) of 78688  
this section, if the commission determines, after notice and 78689  
opportunity for hearing, and based upon its findings in that 78690  
review regarding avoidable undercompliance or noncompliance, but 78691  
subject to division (C)(4) of this section, that the utility or 78692  
company has failed to comply with any such benchmark, the 78693  
commission shall impose a renewable energy compliance payment on 78694  
the utility or company. 78695

(a) The compliance payment pertaining to the solar energy 78696  
resource benchmarks under division (B)(2) of this section shall be 78697  
an amount per megawatt hour of undercompliance or noncompliance in 78698  
the period under review, as follows: 78699

(i) Three hundred dollars for 2014, 2015, and 2016; 78700

(ii) Two hundred fifty dollars for 2017 and 2018; 78701

(iii) Two hundred dollars for 2019 and 2020; 78702

(iv) Similarly reduced every two years thereafter through 78703



2026 by fifty dollars, to a minimum of fifty dollars. 78704

(b) The compliance payment pertaining to the renewable energy 78705  
resource benchmarks under division (B)(2) of this section shall 78706  
equal the number of additional renewable energy credits that the 78707  
electric distribution utility or electric services company would 78708  
have needed to comply with the applicable benchmark in the period 78709  
under review times an amount that shall begin at forty-five 78710  
dollars and shall be adjusted annually by the commission to 78711  
reflect any change in the consumer price index as defined in 78712  
section 101.27 of the Revised Code, but shall not be less than 78713  
forty-five dollars. 78714

(c) The compliance payment shall not be passed through by the 78715  
electric distribution utility or electric services company to 78716  
consumers. The compliance payment shall be remitted to the 78717  
commission, for deposit to the credit of the advanced energy fund 78718  
created under section 4928.61 of the Revised Code. Payment of the 78719  
compliance payment shall be subject to such collection and 78720  
enforcement procedures as apply to the collection of a forfeiture 78721  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 78722

(3) An electric distribution utility or an electric services 78723  
company need not comply with a benchmark under division (B)(2) of 78724  
this section to the extent that its reasonably expected cost of 78725  
that compliance exceeds its reasonably expected cost of otherwise 78726  
producing or acquiring the requisite electricity by three per cent 78727  
or more. The cost of compliance shall be calculated as though any 78728  
exemption from taxes and assessments had not been granted under 78729  
section 5727.75 of the Revised Code. 78730

(4)(a) An electric distribution utility or electric services 78731  
company may request the commission to make a force majeure 78732  
determination pursuant to this division regarding all or part of 78733  
the utility's or company's compliance with any minimum benchmark 78734  
under division (B)(2) of this section during the period of review 78735

occurring pursuant to division (C)(2) of this section. The 78736  
commission may require the electric distribution utility or 78737  
electric services company to make solicitations for renewable 78738  
energy resource credits as part of its default service before the 78739  
utility's or company's request of force majeure under this 78740  
division can be made. 78741

(b) Within ninety days after the filing of a request by an 78742  
electric distribution utility or electric services company under 78743  
division (C)(4)(a) of this section, the commission shall determine 78744  
if qualifying renewable energy resources are reasonably available 78745  
in the marketplace in sufficient quantities for the utility or 78746  
company to comply with the subject minimum benchmark during the 78747  
review period. In making this determination, the commission shall 78748  
consider whether the electric distribution utility or electric 78749  
services company has made a good faith effort to acquire 78750  
sufficient qualifying renewable energy or, as applicable, solar 78751  
energy resources to so comply, including, but not limited to, by 78752  
banking or seeking renewable energy resource credits or by seeking 78753  
the resources through long-term contracts. Additionally, the 78754  
commission shall consider the availability of qualifying renewable 78755  
energy or solar energy resources in this state and other 78756  
jurisdictions in the PJM interconnection regional transmission 78757  
organization, L.L.C., or its successor and the midcontinent 78758  
independent system operator or its successor. 78759

(c) If, pursuant to division (C)(4)(b) of this section, the 78760  
commission determines that qualifying renewable energy or solar 78761  
energy resources are not reasonably available to permit the 78762  
electric distribution utility or electric services company to 78763  
comply, during the period of review, with the subject minimum 78764  
benchmark prescribed under division (B)(2) of this section, the 78765  
commission shall modify that compliance obligation of the utility 78766  
or company as it determines appropriate to accommodate the 78767

finding. Commission modification shall not automatically reduce 78768  
the obligation for the electric distribution utility's or electric 78769  
services company's compliance in subsequent years. If it modifies 78770  
the electric distribution utility or electric services company 78771  
obligation under division (C)(4)(c) of this section, the 78772  
commission may require the utility or company, if sufficient 78773  
renewable energy resource credits exist in the marketplace, to 78774  
acquire additional renewable energy resource credits in subsequent 78775  
years equivalent to the utility's or company's modified obligation 78776  
under division (C)(4)(c) of this section. 78777

(5) The commission shall establish a process to provide for 78778  
at least an annual review of the renewable energy resource market 78779  
in this state and in the service territories of the regional 78780  
transmission organizations that manage transmission systems 78781  
located in this state. The commission shall use the results of 78782  
this study to identify any needed changes to the amount of the 78783  
renewable energy compliance payment specified under divisions 78784  
(C)(2)(a) and (b) of this section. Specifically, the commission 78785  
may increase the amount to ensure that payment of compliance 78786  
payments is not used to achieve compliance with this section in 78787  
lieu of actually acquiring or realizing energy derived from 78788  
qualifying renewable energy resources. However, if the commission 78789  
finds that the amount of the compliance payment should be 78790  
otherwise changed, the commission shall present this finding to 78791  
the general assembly for legislative enactment. 78792

(D) The commission annually shall submit to the general 78793  
assembly in accordance with section 101.68 of the Revised Code a 78794  
report describing all of the following: 78795

(1) The compliance of electric distribution utilities and 78796  
electric services companies with division (B) of this section; 78797

(2) The average annual cost of renewable energy credits 78798  
purchased by utilities and companies for the year covered in the 78799

report; 78800

(3) Any strategy for utility and company compliance or for 78801  
encouraging the use of qualifying renewable energy resources in 78802  
supplying this state's electricity needs in a manner that 78803  
considers available technology, costs, job creation, and economic 78804  
impacts. 78805

The commission shall begin providing the information 78806  
described in division (D)(2) of this section in each report 78807  
submitted after September 10, 2012. The commission shall allow and 78808  
consider public comments on the report prior to its submission to 78809  
the general assembly. Nothing in the report shall be binding on 78810  
any person, including any utility or company for the purpose of 78811  
its compliance with any benchmark under division (B) of this 78812  
section, or the enforcement of that provision under division (C) 78813  
of this section. 78814

(E) All costs incurred by an electric distribution utility in 78815  
complying with the requirements of this section shall be 78816  
bypassable by any consumer that has exercised choice of supplier 78817  
under section 4928.03 of the Revised Code. 78818

Sec. 5101.074. If the department of job and family services 78819  
receives money from a refund or reconciliation related to the 78820  
medicaid program, the department shall transfer the money to the 78821  
department of medicaid for deposit into the refunds and 78822  
reconciliation fund created under section 5162.65 of the Revised 78823  
Code. 78824

**Sec. 5101.09.** (A) When the director of job and family 78825  
services is authorized by the Revised Code to adopt a rule, the 78826  
director shall adopt the rule in accordance with the following: 78827

(1) Chapter 119. of the Revised Code if any of the following 78828  
apply: 78829

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;	78830 78831
(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;	78832 78833 78834 78835
(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.	78836 78837
(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:	78838 78839
(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;	78840 78841 78842 78843 78844 78845
(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.	78846 78847 78848 78849
(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.	78850 78851 78852 78853 78854
(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, a county family services agency, or a <del>workforce development agency</del> <u>local board</u> subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this	78855 78856 78857 78858 78859 78860

division, "~~workforce development agency~~ local board" has the same 78861  
meaning as in section 6301.01 of the Revised Code. 78862

Sec. 5101.105. A county family services agency may have a 78863  
deficit in any special fund of the agency only if both of the 78864  
following conditions are satisfied: 78865

(A) The agency has a request for payment pending with the 78866  
state sufficient to cover the amount of the deficit and there is a 78867  
reasonable likelihood that the payment will be made. 78868

(B) The unspent and unencumbered balance in the county's 78869  
general fund is greater than the aggregate of deficit amounts in 78870  
all of the county's special funds. 78871

**Sec. 5101.16.** (A) As used in this section and sections 78872  
5101.161 and 5101.162 of the Revised Code: 78873

(1) "Disability financial assistance" means the financial 78874  
assistance program established under former Chapter 5115. of the 78875  
Revised Code. 78876

(2) "Supplemental nutrition assistance program" means the 78877  
program administered by the department of job and family services 78878  
pursuant to section 5101.54 of the Revised Code. 78879

(3) "Ohio works first" means the program established by 78880  
Chapter 5107. of the Revised Code. 78881

(4) "Prevention, retention, and contingency" means the 78882  
program established by Chapter 5108. of the Revised Code. 78883

(5) "Public assistance expenditures" means expenditures for 78884  
all of the following: 78885

(a) Ohio works first; 78886

(b) County administration of Ohio works first; 78887

(c) Prevention, retention, and contingency; 78888

(d) County administration of prevention, retention, and contingency;	78889 78890
(e) Disability financial assistance;	78891
(f) County administration of disability financial assistance;	78892
(g) County administration of the supplemental nutrition assistance program;	78893 78894
(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.	78895 78896 78897
<del>(7)</del> (6) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	78898 78899
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	78900 78901 78902 78903 78904 78905
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	78906 78907 78908 78909 78910
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to	78911 78912 78913 78914 78915 78916 78917 78918

the county under division (E) of this section for the state fiscal 78919  
year ending in the previous calendar year; 78920

(3) A percentage of the actual amount of the county share of 78921  
program and administrative expenditures during federal fiscal year 78922  
1994 for assistance and services, other than child care, provided 78923  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 78924  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 78925  
enactment of the "Personal Responsibility and Work Opportunity 78926  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 78927  
and family services shall determine the actual amount of the 78928  
county share from expenditure reports submitted to the United 78929  
States department of health and human services. The percentage 78930  
shall be the percentage established in rules adopted under 78931  
division (F) of this section. 78932

(C)(1) If a county's share of public assistance expenditures 78933  
determined under division (B) of this section for a state fiscal 78934  
year exceeds one hundred five per cent of the county's share for 78935  
those expenditures for the immediately preceding state fiscal 78936  
year, the department of job and family services shall reduce the 78937  
county's share for expenditures under divisions (B)(1) and (2) of 78938  
this section so that the total of the county's share for 78939  
expenditures under division (B) of this section equals one hundred 78940  
five per cent of the county's share of those expenditures for the 78941  
immediately preceding state fiscal year. 78942

(2) A county's share of public assistance expenditures 78943  
determined under division (B) of this section may be increased 78944  
pursuant to section 5101.163 of the Revised Code and a sanction 78945  
under section 5101.24 of the Revised Code. An increase made 78946  
pursuant to section 5101.163 of the Revised Code may cause the 78947  
county's share to exceed the limit established by division (C)(1) 78948  
of this section. 78949

(D)(1) If the per capita tax duplicate of a county is less 78950



than the per capita tax duplicate of the state as a whole and 78951  
division (D)(2) of this section does not apply to the county, the 78952  
percentage to be used for the purpose of division (B)(2) of this 78953  
section is the product of ten multiplied by a fraction of which 78954  
the numerator is the per capita tax duplicate of the county and 78955  
the denominator is the per capita tax duplicate of the state as a 78956  
whole. The department of job and family services shall compute the 78957  
per capita tax duplicate for the state and for each county by 78958  
dividing the tax duplicate for the most recent available year by 78959  
the current estimate of population prepared by the development 78960  
services agency. 78961

(2) If the percentage of families in a county with an annual 78962  
income of less than three thousand dollars is greater than the 78963  
percentage of such families in the state and division (D)(1) of 78964  
this section does not apply to the county, the percentage to be 78965  
used for the purpose of division (B)(2) of this section is the 78966  
product of ten multiplied by a fraction of which the numerator is 78967  
the percentage of families in the state with an annual income of 78968  
less than three thousand dollars a year and the denominator is the 78969  
percentage of such families in the county. The department of job 78970  
and family services shall compute the percentage of families with 78971  
an annual income of less than three thousand dollars for the state 78972  
and for each county by multiplying the most recent estimate of 78973  
such families published by the development services agency, by a 78974  
fraction, the numerator of which is the estimate of average annual 78975  
personal income published by the bureau of economic analysis of 78976  
the United States department of commerce for the year on which the 78977  
census estimate is based and the denominator of which is the most 78978  
recent such estimate published by the bureau. 78979

(3) If the per capita tax duplicate of a county is less than 78980  
the per capita tax duplicate of the state as a whole and the 78981  
percentage of families in the county with an annual income of less 78982

than three thousand dollars is greater than the percentage of such 78983  
families in the state, the percentage to be used for the purpose 78984  
of division (B)(2) of this section shall be determined as follows: 78985

(a) Multiply ten by the fraction determined under division 78986  
(D)(1) of this section; 78987

(b) Multiply the product determined under division (D)(3)(a) 78988  
of this section by the fraction determined under division (D)(2) 78989  
of this section. 78990

(4) The department of job and family services shall 78991  
determine, for each county, the percentage to be used for the 78992  
purpose of division (B)(2) of this section not later than the 78993  
first day of July of the year preceding the state fiscal year for 78994  
which the percentage is used. 78995

(E) The department of job and family services shall credit to 78996  
a county the amount of federal reimbursement the department 78997  
receives from the United States departments of agriculture and 78998  
health and human services for the county's expenditures for 78999  
administration of the supplemental nutrition assistance program 79000  
and medicaid (excluding administrative expenditures for 79001  
transportation services covered by the medicaid program) that the 79002  
department determines are allowable administrative expenditures. 79003

(F)(1) The director of job and family services shall adopt 79004  
rules in accordance with section 111.15 of the Revised Code to 79005  
establish all of the following: 79006

(a) The method the department is to use to change a county's 79007  
share of public assistance expenditures determined under division 79008  
(B) of this section as provided in division (C) of this section; 79009

(b) The allocation methodology and formula the department 79010  
will use to determine the amount of funds to credit to a county 79011  
under this section; 79012

(c) The method the department will use to change the payment 79013  
of the county share of public assistance expenditures from a 79014  
calendar-year basis to a state fiscal year basis; 79015

(d) The percentage to be used for the purpose of division 79016  
(B)(3) of this section, which shall, except as provided in section 79017  
5101.163 of the Revised Code, meet both of the following 79018  
requirements: 79019

(i) The percentage shall not be less than seventy-five per 79020  
cent nor more than eighty-two per cent; 79021

(ii) The percentage shall not exceed the percentage that the 79022  
state's qualified state expenditures is of the state's historic 79023  
state expenditures as those terms are defined in 42 U.S.C. 79024  
609(a)(7). 79025

(e) Other procedures and requirements necessary to implement 79026  
this section. 79027

(2) The director of job and family services may amend the 79028  
rule adopted under division (F)(1)(d) of this section to modify 79029  
the percentage on determination that the amount the general 79030  
assembly appropriates for Title IV-A programs makes the 79031  
modification necessary. The rule shall be adopted and amended as 79032  
if an internal management rule and in consultation with the 79033  
director of budget and management. 79034

**Sec. 5101.17.** In determining the need of any person under 79035  
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 79036  
dollars plus one-half of the excess over eighty-five dollars of 79037  
payments made to or in behalf of any person for or with respect to 79038  
any month under Title I or II of the "Economic Opportunity Act of 79039  
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 79040  
regarded as income or resources. No payments made under such 79041  
titles shall be regarded as income or resources of another 79042

individual except to the extent that they are made available to 79043  
the other individual. No grant made to any family under Title III 79044  
of such act shall be regarded as income or resources in 79045  
determining the need of any member of such family under Chapter 79046  
5107. ~~or 5115.~~ of the Revised Code. 79047

**Sec. 5101.18.** When the director of job and family services 79048  
adopts rules under section 5107.05 of the Revised Code regarding 79049  
income requirements for the Ohio works first program ~~and under~~ 79050  
~~section 5115.03 of the Revised Code regarding income and resource~~ 79051  
~~requirements for the disability financial assistance program,~~ the 79052  
director shall determine what payments shall be regarded or 79053  
disregarded. In making this determination, the director shall 79054  
consider: 79055

(A) The source of the payment; 79056

(B) The amount of the payment; 79057

(C) The purpose for which the payment was made; 79058

(D) Whether regarding the payment as income would be in the 79059  
public interest; 79060

(E) Whether treating the payment as income would be 79061  
detrimental to any of the programs administered in whole or in 79062  
part by the department of job and family services and whether such 79063  
determination would jeopardize the receipt of any federal grant or 79064  
payment by the state or any receipt of aid under Chapter 5107. of 79065  
the Revised Code. 79066

**Sec. 5101.181.** (A) As used in this section and section 79067  
5101.182 of the Revised Code, "public assistance" means any or all 79068  
of the following: 79069

(1) Ohio works first; 79070

(2) Prevention, retention, and contingency; 79071

(3) Disability financial assistance provided prior to 79072  
December 31, 2017, under former Chapter 5115. of the Revised Code; 79073

(4) General assistance provided prior to July 17, 1995, under 79074  
former Chapter 5113. of the Revised Code. 79075

(B) As part of the procedure for the determination of 79076  
overpayment to a recipient of public assistance under Chapter 79077  
5107.7 or 5108., or former Chapter 5115. of the Revised Code, the 79078  
director of job and family services may furnish quarterly the name 79079  
and social security number of each individual who receives public 79080  
assistance to the director of administrative services, the 79081  
administrator of the bureau of workers' compensation, and each of 79082  
the state's retirement boards. Within fourteen days after 79083  
receiving the name and social security number of an individual who 79084  
receives public assistance, the director of administrative 79085  
services, administrator, or board shall inform the auditor of 79086  
state as to whether such individual is receiving wages or 79087  
benefits, the amount of any wages or benefits being received, the 79088  
social security number, and the address of the individual. The 79089  
director of administrative services, administrator, boards, and 79090  
any agent or employee of those officials and boards shall comply 79091  
with the rules of the director of job and family services 79092  
restricting the disclosure of information regarding recipients of 79093  
public assistance. Any person who violates this provision shall 79094  
thereafter be disqualified from acting as an agent or employee or 79095  
in any other capacity under appointment or employment of any state 79096  
board, commission, or agency. 79097

(C) The auditor of state may enter into a reciprocal 79098  
agreement with the director of job and family services or 79099  
comparable officer of any other state for the exchange of names, 79100  
current or most recent addresses, or social security numbers of 79101  
persons receiving public assistance under Title IV-A of the 79102  
"Social Security Act," 42 U.S.C. 601 et seq. 79103

(D) The auditor of state shall retain, for not less than two 79104  
years, at least one copy of all information received under this 79105  
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 79106  
5101.182, and 5505.04 of the Revised Code. 79107

(E) The auditor shall review the information described in 79108  
division (D) of this section to determine whether overpayments 79109  
were made to recipients of public assistance under Chapters 5107.7 79110  
or 5108.7 and former Chapter 5115. of the Revised Code. The 79111  
auditor of state shall initiate action leading to prosecution, 79112  
where warranted, of recipients who received overpayments by 79113  
forwarding the name of each recipient who received overpayment, 79114  
together with other pertinent information, to the director of job 79115  
and family services, the attorney general, and the county director 79116  
of job and family services and county prosecutor of the county 79117  
through which public assistance was received. 79118

(F) The auditor of state and the attorney general or their 79119  
designees may examine any records, whether in computer or printed 79120  
format, in the possession of the director of job and family 79121  
services or any county director of job and family services. They 79122  
shall provide safeguards which restrict access to such records to 79123  
purposes directly connected with an audit or investigation, 79124  
prosecution, or criminal or civil proceeding conducted in 79125  
connection with the administration of the programs and shall 79126  
comply with section 5101.27 of the Revised Code and rules adopted 79127  
by the director of job and family services restricting the 79128  
disclosure of information regarding recipients of public 79129  
assistance. Any person who violates this provision shall 79130  
thereafter be disqualified from acting as an agent or employee or 79131  
in any other capacity under appointment or employment of any state 79132  
board, commission, or agency. 79133

(G) Costs incurred by the auditor of state in carrying out 79134  
the auditor of state's duties under this section shall be borne by 79135

the auditor of state. 79136

**Sec. 5101.184.** (A) The director of job and family services 79137  
shall work with the tax commissioner to collect overpayments of 79138  
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 79139  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 79140  
of state income taxes for taxable year 1992 and thereafter that 79141  
are payable to the recipients of such overpayments. 79142

Any overpayment of assistance, whether obtained by fraud or 79143  
misrepresentation, as the result of an error by the recipient or 79144  
by the agency making the payment, or in any other manner, may be 79145  
collected under this section. Any reduction under section 5747.12 79146  
or 5747.121 of the Revised Code to an income tax refund shall be 79147  
made before a reduction under this section. No reduction shall be 79148  
made under this section if the amount of the refund is less than 79149  
twenty-five dollars after any reduction under section 5747.12 of 79150  
the Revised Code. A reduction under this section shall be made 79151  
before any part of the refund is contributed under section 79152  
5747.113 of the Revised Code, or is credited under section 5747.12 79153  
of the Revised Code against tax due in any subsequent year. 79154

The director and the tax commissioner, by rules adopted in 79155  
accordance with Chapter 119. of the Revised Code, shall establish 79156  
procedures to implement this division. The procedures shall 79157  
provide for notice to a recipient of assistance and an opportunity 79158  
for the recipient to be heard before the recipient's income tax 79159  
refund is reduced. 79160

(B) The director of job and family services may enter into 79161  
agreements with the federal government to collect overpayments of 79162  
assistance from refunds of federal income taxes that are payable 79163  
to recipients of the overpayments. 79164

**Sec. 5101.20.** (A) As used in this section of the Revised 79165

Code: 79166

(1) "Local area" has the same meaning as in section ~~101 of~~ 79167  
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 79168  
~~2801, as amended, and division (A) of section~~ 6301.01 of the 79169  
Revised Code~~+~~. 79170

(2) "Chief elected official" has the same meaning as ~~in~~ 79171  
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 79172  
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 79173  
elected official or officials" as defined in section 6301.01 of 79174  
the Revised Code~~+~~. 79175

(3) "Grantee" means the chief elected officials of a local 79176  
area. 79177

(4) "Local board" has the same meaning as in section 6301.01 79178  
of the Revised Code. 79179

(5) "Planning region" has the same meaning as in section 79180  
6301.01 of the Revised Code. 79181

(B) The director of job and family services shall enter into 79182  
one or more written grant agreements with each local area under 79183  
which ~~financial assistance is~~ allocated funds are awarded for 79184  
workforce development activities included in the agreements. A 79185  
grant agreement shall establish the terms and conditions governing 79186  
the accountability for and use of grants provided by the 79187  
department of job and family services to the grantee for the 79188  
administration of workforce development activities funded under 79189  
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 79190  
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 79191  
U.S.C. 3101 et seq. 79192

(C) The director may award grants to local areas only through 79193  
grant agreements entered into under this section. 79194

(D) In the case of a local area comprised of multiple 79195



political subdivisions, nothing in this section shall preclude the 79196  
chief elected officials of a local area from entering into an 79197  
agreement among themselves to distribute any liability for 79198  
activities of the local area, but such an agreement shall not be 79199  
binding on the department of job and family services. 79200

~~(D)~~(E) The written grant agreement entered into under 79201  
division (B) of this section shall comply with all applicable 79202  
federal and state laws governing workforce development activities 79203  
and related funding. All Each local area is subject to all federal 79204  
conditions and restrictions that apply to the use of ~~grants~~ 79205  
~~received by funds allotted to~~ the department of job and family 79206  
services ~~shall apply to the use of the grants received by the~~ and 79207  
allocated to local areas from the department for workforce 79208  
development activities. 79209

~~(E)~~(F) A written grant agreement entered into under division 79210  
(B) of this section shall: 79211

(1) Identify as parties to the agreement the ~~chief-elected~~ 79212  
~~officials~~ representatives for the local area, including the chief 79213  
elected official or officials, the local board, and the fiscal 79214  
agent; 79215

(2) Provide for the incorporation of the planning region and 79216  
local ~~workforce development~~ plan; 79217

(3) Include the chief elected official's or officials' 79218  
assurance that the local area and any subgrantee or contractor of 79219  
the local area will do all of the following: 79220

(a) Ensure that the ~~financial assistance awarded funds~~ 79221  
allocated under the grant agreement ~~is~~ are used, and the workforce 79222  
development duties included in the agreement are performed, in 79223  
accordance with ~~requirements established by the department or any~~ 79224  
~~of the following:~~ federal ~~or~~ and state law, the state plan for 79225  
receipt of federal financial participation, grant agreements 79226

between the department and a federal agency, ~~or~~ executive orders, ~~and~~ and policies and guidance issued by the department; 79227  
79228

(b) ~~Ensure that the chief elected officials and any~~ 79229  
~~subgrantee or contractor of the local area utilize that the~~ 79230  
implementation and use of a financial management system and other 79231  
accountability mechanisms ~~that~~ meet the requirements of federal 79232  
and state law and are in accordance with the policies and 79233  
procedures that the department establishes; 79234

(c) Require the chief elected officials and any subgrantee or 79235  
contractor of the local area to do both of the following: 79236

(i) Monitor all private and government entities that receive 79237  
~~a payment from financial assistance awarded~~ funds allocated under 79238  
the grant agreement to ensure that ~~each entity uses the payment~~ 79239  
funds are utilized in accordance with ~~requirements for the~~ 79240  
~~workforce development duties included in the~~ all applicable 79241  
federal and state laws, policies, and guidance, and with the terms 79242  
and conditions of the grant agreement; 79243

(ii) Take action to recover ~~payments that are not used in~~ 79244  
~~accordance with the requirements for the workforce development~~ 79245  
~~duties that are included in the~~ funds for expenditures that are 79246  
unallowable under federal or state law or under the terms of the 79247  
grant agreement. 79248

(d) ~~Require the chief elected officials of a local area to~~ 79249  
~~promptly reimburse the department the amount that represents the~~ 79250  
~~amount a local area is responsible for of funds the department~~ 79251  
~~pays to any entity~~ Promptly remit funds to the department that are 79252  
payable to the state or federal government because of an adverse 79253  
audit finding, adverse quality control finding, final disallowance 79254  
of federal financial participation, or other sanction or penalty; 79255

(e) ~~Require chief elected officials of a local area to take~~ 79256  
Take prompt corrective action if the department, auditor of state, 79257

~~federal agency, or other entity authorized by federal or state law~~ 79258  
~~to determine compliance with requirements for a workforce~~ 79259  
~~development duty included in the agreement~~ state or a federal 79260  
agency determines compliance has not been achieved; noncompliance 79261  
with state or federal law. 79262

(4) Provide that the ~~award of financial assistance~~ allocation 79263  
is subject to the availability of federal funds and appropriations 79264  
made by the general assembly; 79265

(5) Provide for annual financial, administrative, or other 79266  
incentive awards, if any, to be provided in accordance with 79267  
section 5101.23 of the Revised Code. 79268

(6) Establish the ~~method of~~ terms and conditions for amending 79269  
or terminating the grant agreement and an expedited process for 79270  
correcting terms or conditions of the agreement that the director 79271  
and the chief elected officials agree are erroneous. 79272

(7) ~~Provide for~~ Permit the department of job and family 79273  
services to ~~award financial assistance~~ allocate funds for the 79274  
workforce development duties included in the agreement in 79275  
accordance with a methodology for determining the amount of the 79276  
award established by rules adopted under division ~~(F)~~(G) of this 79277  
section. 79278

(8) Determine the dates that the grant agreement begins and 79279  
ends. 79280

~~(F)~~(G)(1) The director shall adopt rules in accordance with 79281  
section 111.15 of the Revised Code governing grant agreements. The 79282  
director shall adopt the rules as if they were internal management 79283  
rules. The rules shall establish methodologies to be used to 79284  
determine the amount of ~~financial assistance~~ funds to be awarded 79285  
under the agreements and may do any of the following: 79286

(a) Govern the establishment of consolidated funding 79287  
allocations and other allocations; 79288

(b) Specify allowable uses of ~~financial assistance awarded~~ 79289  
funds allocated under the agreements; 79290

(c) Establish reporting, cash management, audit, and other 79291  
requirements the director determines are necessary to provide 79292  
accountability for the use of ~~financial assistance awarded funds~~ 79293  
allocated under the agreements and determine compliance with 79294  
requirements established by the department or any of the 79295  
following: a federal or state law, state plan for receipt of 79296  
federal financial participation, grant agreement between the 79297  
department and a federal entity, or executive order. 79298

(2) A requirement of a grant agreement established by a rule 79299  
adopted under this division is applicable to a grant agreement 79300  
without having to be restated in the grant agreement. 79301

**Sec. 5101.201.** ~~The~~ As the director of the state agency for 79302  
the implementation of several workforce programs, the director of 79303  
job and family services may enter into agreements with ~~one-stop~~ 79304  
~~operators~~ local boards, as defined in section 6301.01 of the 79305  
Revised Code, and one-stop other OhioMeansJobs center partners for 79306  
the purpose of implementing the requirements of section 121 of the 79307  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 79308  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 79309

**Sec. 5101.214.** The director of job and family services may 79310  
enter into a written agreement with one or more state agencies, as 79311  
defined in section 117.01 of the Revised Code, and state 79312  
universities and colleges to assist in the coordination, 79313  
provision, or enhancement of the family services duties of a 79314  
county family services agency or the workforce development 79315  
activities of a ~~workforce development agency~~ local board, as 79316  
defined in section 6301.01 of the Revised Code. The director also 79317  
may enter into written agreements or contracts with, or issue 79318

grants to, private and government entities under which funds are 79319  
provided for the enhancement or innovation of family services 79320  
duties or workforce development activities on the state or local 79321  
level. 79322

The director may adopt internal management rules in 79323  
accordance with section 111.15 of the Revised Code to implement 79324  
this section. 79325

**Sec. 5101.23.** Subject to the availability of funds, the 79326  
department of job and family services may provide annual 79327  
financial, administrative, or other incentive awards to county 79328  
family services agencies and ~~workforce development agencies~~ local 79329  
areas as defined in section 6301.01 of the Revised Code. A county 79330  
family services agency or ~~workforce development agency~~ local area 79331  
may spend ~~funds provided as a financial~~ an incentive award awarded 79332  
under this section only for the purpose for which the funds are 79333  
appropriated. The department may adopt internal management rules 79334  
in accordance with section 111.15 of the Revised Code to establish 79335  
the amounts of awards, methodology for distributing the awards, 79336  
types of awards, and standards for administration ~~by the~~ 79337  
~~department~~. 79338

There is hereby created in the state treasury the social 79339  
services incentive fund. The director of job and family services 79340  
may request that the director of budget and management transfer 79341  
funds in the Title IV-A reserve fund created under section 5101.82 79342  
of the Revised Code and other funds appropriated for family 79343  
services duties or workforce investment activities into the fund. 79344  
If the director of budget and management determines that the funds 79345  
identified by the director of job and family services are 79346  
available and appropriate for transfer, the director of budget and 79347  
management shall make the transfer. Money in the fund shall be 79348  
used to provide incentive awards under this section. 79349

- Sec. 5101.241.** (A) As used in this section: 79350
- (1) "Local area" and "chief elected official" have the same 79351  
meaning as in section 5101.20 of the Revised Code. 79352
- (2) "Responsible entity" means the chief elected officials of 79353  
a local area. 79354
- (B) The department of job and family services may take action 79355  
under division (C) of this section against the responsible entity, 79356  
regardless of who performs the workforce development activity, if 79357  
the department determines any of the following are the case: 79358
- (1) ~~A requirement~~ An entity has failed to comply with the 79359  
terms and conditions of a grant agreement ~~entered into~~ executed 79360  
between the department and a local area under section 5101.20 of 79361  
the Revised Code ~~that includes the workforce development activity,~~ 79362  
~~including a requirement for grant agreements established by rules~~ 79363  
~~adopted under that section, is not complied with;.~~ 79364
- (2) A performance standard for the workforce development 79365  
activity established by the federal government or the department 79366  
is not met;.
- (3) ~~A~~ An entity has failed to comply with a workforce 79368  
development activity requirement ~~for the workforce development~~ 79369  
~~activity~~ established by the department ~~or any of the following is~~ 79370  
~~not complied with;.~~ a federal or state law, a state plan for 79371  
receipt of federal financial participation, a grant agreement 79372  
between the department and a federal agency, or an executive 79373  
order;.
- (4) The responsible entity is solely or partially 79375  
responsible, as determined by the director of job and family 79376  
services, for an adverse audit finding, adverse quality control 79377  
finding, final disallowance of federal financial participation, or 79378  
other sanction or penalty regarding the workforce development 79379

activity. 79380

(C) The department may take one or more of the following 79381  
actions against the responsible entity when authorized by division 79382  
(B)(1), (2), (3), or (4) of this section: 79383

(1) Require the responsible entity to submit to and comply 79384  
with a corrective action plan, established or approved by the 79385  
department, pursuant to a time schedule specified by the 79386  
department; 79387

(2) Require the responsible entity to do one of the 79388  
following: 79389

(a) Share with the department a final disallowance of federal 79390  
financial participation or other sanction or penalty; 79391

(b) Reimburse the department the amount the department pays 79392  
to the federal government or another entity that represents the 79393  
amount the responsible entity is responsible for of an adverse 79394  
audit finding, adverse quality control finding, final disallowance 79395  
of federal financial participation, or other sanction or penalty 79396  
issued by the federal government, auditor of state, or other 79397  
entity; 79398

(c) Pay the federal government or another entity the amount 79399  
that represents the amount the responsible entity is responsible 79400  
for of an adverse audit finding, adverse quality control finding, 79401  
final disallowance of federal financial participation, or other 79402  
sanction or penalty issued by the federal government, auditor of 79403  
state, or other entity; 79404

(d) Pay the department the amount that represents the amount 79405  
the responsible entity is responsible for of an adverse audit 79406  
finding, adverse quality control finding, or other sanction or 79407  
penalty issued by the department. 79408

(3) Impose a financial or administrative sanction or adverse 79409

audit finding issued by the department against the responsible 79410  
entity, which may be increased with each subsequent action taken 79411  
against the responsible entity; 79412

(4) Perform or contract with a government or private entity 79413  
for the entity to perform the workforce development activity until 79414  
the department is satisfied that the responsible entity ensures 79415  
that the activity will be performed to the department's 79416  
satisfaction. If the department performs or contracts with an 79417  
entity to perform the workforce development activity under 79418  
division (C)(4) of this section, the department may withhold funds 79419  
allocated to or reimbursements due to the responsible entity for 79420  
the activity and use those funds to implement division (C)(4) of 79421  
this section. 79422

(5) Request the attorney general to bring mandamus 79423  
proceedings to compel the responsible entity to take or cease the 79424  
actions listed in division (B) of this section. The attorney 79425  
general shall bring any mandamus proceedings in the Franklin 79426  
county court of appeals at the department's request. 79427

(6) If the department takes action under this division 79428  
because of division (B)(3) of this section, withhold funds 79429  
allocated or reimbursement due to the responsible entity until the 79430  
department determines that the responsible entity is in compliance 79431  
with the requirement. The department shall release the funds when 79432  
the department determines that compliance has been achieved. 79433

(7) Issue a notice of intent to revoke approval of all or 79434  
part of the local plan effected that conflicts with state or 79435  
federal law and effectuate the revocation. 79436

(D) The department shall notify the responsible entity and 79437  
the appropriate county auditor ~~when the department proposes to~~ 79438  
~~take~~ before taking action under division (C) of this section. The 79439  
notice shall be in writing and specify the proposed action ~~the~~ 79440



~~department proposes to take.~~ The department shall send the notice 79441  
by regular United States mail. Except as provided in division (E) 79442  
of this section, the responsible entity may request an 79443  
administrative review of a proposed action in accordance with 79444  
administrative review procedures the department shall establish. 79445  
The administrative review procedures shall comply with all of the 79446  
following: 79447

(1) A request for an administrative review shall state 79448  
specifically all of the following: 79449

(a) The proposed action specified in the notice from the 79450  
department for which the review is requested; 79451

(b) The reason why the responsible entity believes the 79452  
proposed action is inappropriate; 79453

(c) All facts and legal arguments that the responsible entity 79454  
wants the department to consider; 79455

(d) The name of the person who will serve as the responsible 79456  
entity's representative in the review. 79457

(2) If the department's notice specifies more than one 79458  
proposed action and the responsible entity does not specify all of 79459  
the proposed actions in its request pursuant to division (D)(1)(a) 79460  
of this section, the proposed actions not specified in the request 79461  
shall not be subject to administrative review and the parts of the 79462  
notice regarding those proposed actions shall be final and binding 79463  
on the responsible entity. 79464

(3) The responsible entity shall have fifteen calendar days 79465  
after the department mails the notice to the responsible entity to 79466  
send a written request to the department for an administrative 79467  
review. The responsible entity and the department shall attempt to 79468  
resolve informally any dispute and may develop a written 79469  
resolution to the dispute at any time prior to submitting the 79470  
written report described in division (D)(7) of this section to the 79471

director. 79472

(4) In the case of a proposed action under division (C)(2) of 79473  
this section, the responsible entity may not include in its 79474  
request disputes over a finding, final disallowance of federal 79475  
financial participation, or other sanction or penalty issued by 79476  
the federal government, auditor of state, or other entity other 79477  
than the department. 79478

(5) If the responsible entity fails to request an 79479  
administrative review within the required time, the responsible 79480  
entity loses the right to request an administrative review of the 79481  
proposed actions specified in the notice and the notice becomes 79482  
final and binding on the responsible entity. 79483

(6) The director of job and family services shall appoint an 79484  
administrative review panel to conduct the administrative review. 79485  
The review panel shall consist of department employees who are not 79486  
involved in the department's proposal to take action against the 79487  
responsible entity. The review panel shall review the responsible 79488  
entity's request. The review panel may require that the department 79489  
or responsible entity submit additional information and schedule 79490  
and conduct an informal hearing to obtain testimony or additional 79491  
evidence. A review of a proposal to take action under division 79492  
(C)(2) of this section shall be limited solely to the issue of the 79493  
amount the responsible entity shall share with the department, 79494  
reimburse the department, or pay to the federal government, 79495  
department, or other entity under division (C)(2) of this section. 79496  
The review panel is not required to make a stenographic record of 79497  
its hearing or other proceedings. 79498

(7) After finishing an administrative review, an 79499  
administrative review panel appointed under division (D)(6) of 79500  
this section shall submit a written report to the director setting 79501  
forth its findings of fact, conclusions of law, and 79502  
recommendations for action. The director may approve, modify, or 79503

disapprove the recommendations. 79504

(8) The director's approval, modification, or disapproval 79505  
under division (D)(7) of this section shall be final and binding 79506  
on the responsible entity and shall not be subject to further 79507  
review. 79508

(E) The responsible entity is not entitled to an 79509  
administrative review under division (D) of this section for any 79510  
of the following: 79511

(1) An action taken under division (C)(5) or (6) of this 79512  
section; 79513

(2) An action taken under section 5101.242 of the Revised 79514  
Code; 79515

(3) An action taken under division (C)(2) of this section if 79516  
the federal government, auditor of state, or entity other than the 79517  
department has identified the responsible entity as being solely 79518  
or partially responsible for an adverse audit finding, adverse 79519  
quality control finding, final disallowance of federal financial 79520  
participation, or other sanction or penalty; 79521

(4) An adjustment to an allocation, cash draw, advance, or 79522  
reimbursement to the responsible entity's local area that the 79523  
department determines necessary for budgetary reasons; 79524

(5) Withholding of a cash draw or reimbursement due to 79525  
noncompliance with a reporting requirement established in rules 79526  
adopted under section 5101.243 of the Revised Code. 79527

(F) This section does not apply to other actions the 79528  
department takes against the responsible entity pursuant to 79529  
authority granted by another state law unless the other state law 79530  
requires the department to take the action in accordance with this 79531  
section. 79532

(G) The director of job and family services may adopt rules 79533

in accordance with Chapter 119. of the Revised Code as necessary 79534  
to implement this section. 79535

(H) The governor may decertify a local ~~workforce development~~ 79536  
board for any of the following reasons in accordance with 79537  
subsection ~~(e) of section 117 of the "Workforce Investment Act of~~ 79538  
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 79539  
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 79540  
3122: 79541

(1) Fraud or abuse; 79542

(2) Failure to carry out the requirements of the federal 79543  
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 79544  
~~amended, including failure to meet performance standards~~ 79545  
~~established by the federal government for two consecutive years~~ 79546  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 79547  
seq. i 79548

(3) Failure to meet local performance accountability measures 79549  
for the local area for two consecutive program years, as specified 79550  
in subsection (c)(3)(B) of section 107 of the "Workforce 79551  
Innovation and Opportunity Act," 29 U.S.C. 3122. 79552

(I)(1) If the governor finds that access to basic "Workforce 79553  
Investment Act" services is not being provided in a local area, 79554  
the governor may declare an emergency and, in consultation with 79555  
the chief elected officials of the local area affected, arrange 79556  
for provision of these services through an alternative entity 79557  
during the time period in which resolution of the problem 79558  
preventing service delivery in the local area is pending 79559  
determines that there has been a substantial violation of a 79560  
specific provision of the "Workforce Innovation and Opportunity 79561  
Act," 29 U.S.C. 3101 et seq., and that corrective action has not 79562  
been taken, the governor shall take one of the following actions: 79563

(a) Issue a notice of intent to revoke approval of all or 79564

part of a local plan affected by the violation; 79565

(b) Impose a reorganization plan. 79566

(2) A reorganization plan imposed under division (I)(1) of 79567  
this section may include any of the following: 79568

(a) Decertifying the local board involved in the violation; 79569

(b) Prohibiting the use of eligible providers; 79570

(c) Selecting an alternate entity to administer the program 79571  
for the local area involved in the violation; 79572

(d) Merging the local area with one or more other local 79573  
areas; 79574

(e) Making other changes that the governor determines to be 79575  
necessary to secure compliance with the specific provision. An 79576

An action taken by the governor pursuant to this section is 79577  
not subject to appeal under this section may be appealed and shall 79578  
not become effective until the time for appeal has expired or a 79579  
final decision has been issued on the appeal. 79580

**Sec. 5101.26.** As used in this section and in sections 5101.27 79581  
to 5101.30 of the Revised Code: 79582

(A) "County agency" means a county department of job and 79583  
family services or a public children services agency. 79584

(B) "Fugitive felon" means an individual who is fleeing to 79585  
avoid prosecution, or custody or confinement after conviction, 79586  
under the laws of the place from which the individual is fleeing, 79587  
for a crime or an attempt to commit a crime that is a felony under 79588  
the laws of the place from which the individual is fleeing or, in 79589  
the case of New Jersey, a high misdemeanor, regardless of whether 79590  
the individual has departed from the individual's usual place of 79591  
residence. 79592

(C) "Information" means records as defined in section 149.011 79593

of the Revised Code, any other documents in any format, and data 79594  
derived from records and documents that are generated, acquired, 79595  
or maintained by the department of job and family services, a 79596  
county agency, or an entity performing duties on behalf of the 79597  
department or a county agency. 79598

(D) "Law enforcement agency" means the state highway patrol, 79599  
an agency that employs peace officers as defined in section 109.71 79600  
of the Revised Code, the adult parole authority, a county 79601  
department of probation, a prosecuting attorney, the attorney 79602  
general, similar agencies of other states, federal law enforcement 79603  
agencies, and postal inspectors. "Law enforcement agency" includes 79604  
the peace officers and other law enforcement officers employed by 79605  
the agency. 79606

(E) "Public assistance" means financial assistance or social 79607  
services that are provided under a program administered by the 79608  
department of job and family services or a county agency pursuant 79609  
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 79610  
Revised Code or an executive order issued under section 107.17 of 79611  
the Revised Code. "Public assistance" does not mean medical 79612  
assistance provided under a medical assistance program, as defined 79613  
in section 5160.01 of the Revised Code. 79614

(F) "Public assistance recipient" means an applicant for or 79615  
recipient or former recipient of public assistance. 79616

**Sec. 5101.27.** (A) Except as permitted by this section, 79617  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 79618  
rules adopted under section 5101.30 of the Revised Code, or when 79619  
required by federal law, no person or government entity shall 79620  
solicit, disclose, receive, use, or knowingly permit, or 79621  
participate in the use of any information regarding a public 79622  
assistance recipient for any purpose not directly connected with 79623  
the administration of a public assistance program. 79624

(B) To the extent permitted by federal law, the department of 79625  
job and family services and county agencies shall do all of the 79626  
following: 79627

(1) Release information regarding a public assistance 79628  
recipient for purposes directly connected to the administration of 79629  
the program to a government entity responsible for administering 79630  
that public assistance program; 79631

(2) Provide information regarding a public assistance 79632  
recipient to a law enforcement agency for the purpose of any 79633  
investigation, prosecution, or criminal or civil proceeding 79634  
relating to the administration of that public assistance program; 79635

(3) Provide, for purposes directly connected to the 79636  
administration of a program that assists needy individuals with 79637  
the costs of public utility services, information regarding a 79638  
recipient of financial assistance provided under a program 79639  
administered by the department or a county agency pursuant to 79640  
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 79641  
~~5115.07 of the Revised Code~~ to an entity administering the public 79642  
utility services program. 79643

(C) To the extent permitted by federal law and section 79644  
1347.08 of the Revised Code, the department and county agencies 79645  
shall provide access to information regarding a public assistance 79646  
recipient to all of the following: 79647

(1) The recipient; 79648

(2) The authorized representative; 79649

(3) The legal guardian of the recipient; 79650

(4) The attorney of the recipient, if the attorney has 79651  
written authorization that complies with section 5101.272 of the 79652  
Revised Code from the recipient. 79653

(D) To the extent permitted by federal law and subject to 79654

division (E) of this section, the department and county agencies 79655  
may do both of the following: 79656

(1) Release information about a public assistance recipient 79657  
if the recipient gives voluntary, written authorization that 79658  
complies with section 5101.272 of the Revised Code; 79659

(2) Release information regarding a public assistance 79660  
recipient to a state, federal, or federally assisted program that 79661  
provides cash or in-kind assistance or services directly to 79662  
individuals based on need or for the purpose of protecting 79663  
children to a government entity responsible for administering a 79664  
children's protective services program. 79665

(E) Except when the release is required by division (B), (C), 79666  
or (D)(2) of this section, the department or county agency shall 79667  
release the information only in accordance with the authorization. 79668  
The department or county agency shall provide, at no cost, a copy 79669  
of each written authorization to the individual who signed it. 79670

(F) The department of job and family services may adopt rules 79671  
defining "authorized representative" for purposes of division 79672  
(C)(2) of this section. 79673

**Sec. 5101.28.** (A)(1) On request of the department of job and 79674  
family services or a county agency, a law enforcement agency shall 79675  
provide information regarding public assistance recipients to 79676  
enable the department or county agency to determine, for 79677  
eligibility purposes, whether a recipient or a member of a 79678  
recipient's assistance group is a fugitive felon or violating a 79679  
condition of probation, a community control sanction, parole, or a 79680  
post-release control sanction imposed under state or federal law. 79681

(2) A county agency may enter into a written agreement with a 79682  
local law enforcement agency establishing procedures concerning 79683  
access to information and providing for compliance with division 79684



(F) of this section. 79685

(B) To the extent permitted by federal law, the department 79686  
and county agencies shall provide information regarding recipients 79687  
of public assistance under a program administered by the state 79688  
department or a county agency pursuant to Chapter 5107.7 or 5108.7 79689  
~~or 5115.~~ of the Revised Code to law enforcement agencies on 79690  
request for the purposes of investigations, prosecutions, and 79691  
criminal and civil proceedings that are within the scope of the 79692  
law enforcement agencies' official duties. 79693

(C) Information about a public assistance recipient shall be 79694  
exchanged, obtained, or shared only if the department, county 79695  
agency, or law enforcement agency requesting the information gives 79696  
sufficient information to specifically identify the recipient. In 79697  
addition to the recipient's name, identifying information may 79698  
include the recipient's current or last known address, social 79699  
security number, other identifying number, age, gender, physical 79700  
characteristics, any information specified in an agreement entered 79701  
into under division (A) of this section, or any information 79702  
considered appropriate by the department or agency. 79703

(D)(1) The department and its officers and employees are not 79704  
liable in damages in a civil action for any injury, death, or loss 79705  
to person or property that allegedly arises from the release of 79706  
information in accordance with divisions (A), (B), and (C) of this 79707  
section. This section does not affect any immunity or defense that 79708  
the department and its officers and employees may be entitled to 79709  
under another section of the Revised Code or the common law of 79710  
this state, including section 9.86 of the Revised Code. 79711

(2) The county agencies and their employees are not liable in 79712  
damages in a civil action for any injury, death, or loss to person 79713  
or property that allegedly arises from the release of information 79714  
in accordance with divisions (A), (B), and (C) of this section. 79715  
"Employee" has the same meaning as in division (B) of section 79716

2744.01 of the Revised Code. This section does not affect any 79717  
immunity or defense that the county agencies and their employees 79718  
may be entitled to under another section of the Revised Code or 79719  
the common law of this state, including section 2744.02 and 79720  
division (A)(6) of section 2744.03 of the Revised Code. 79721

(E) To the extent permitted by federal law, the department 79722  
and county agencies shall provide access to information to the 79723  
auditor of state acting pursuant to Chapter 117. or sections 79724  
5101.181 and 5101.182 of the Revised Code and to any other 79725  
government entity authorized by federal law to conduct an audit 79726  
of, or similar activity involving, a public assistance program. 79727

(F) The auditor of state shall prepare an annual report on 79728  
the outcome of the agreements required under division (A) of this 79729  
section. The report shall include the number of fugitive felons, 79730  
probation and parole violators, and violators of community control 79731  
sanctions and post-release control sanctions apprehended during 79732  
the immediately preceding year as a result of the exchange of 79733  
information pursuant to that division. The auditor of state shall 79734  
file the report with the governor, the president and minority 79735  
leader of the senate, and the speaker and minority leader of the 79736  
house of representatives. The state department, county agencies, 79737  
and law enforcement agencies shall cooperate with the auditor of 79738  
state's office in gathering the information required under this 79739  
division. 79740

(G) To the extent permitted by federal law, the department of 79741  
job and family services, county departments of job and family 79742  
services, and employees of the departments may report to a public 79743  
children services agency or other appropriate agency information 79744  
on known or suspected physical or mental injury, sexual abuse or 79745  
exploitation, or negligent treatment or maltreatment, of a child 79746  
receiving public assistance, if circumstances indicate that the 79747  
child's health or welfare is threatened. 79748

(H) As used in this section: 79749

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 79750  
79751

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 79752  
79753

**Sec. 5101.32.** (A) The department of job and family services shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division ~~(C)~~(D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration. 79754  
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(B) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code, with a final effective date that is not later than December 31, 2008. 79763  
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**Sec. 5101.33.** (A) As used in this section, "benefits" means any of the following: 79768  
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(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the Revised Code; 79770  
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(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code; 79772  
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(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered; 79774  
79775  
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(4) Any other program, service, or assistance administered by 79777

a person or government entity that the department determines may 79778  
be delivered through the medium of electronic benefit transfer. 79779

(B) The department of job and family services may make any 79780  
payment or delivery of benefits to eligible individuals through 79781  
the medium of electronic benefit transfer by doing all of the 79782  
following: 79783

(1) Contracting with an agent to supply debit cards to the 79784  
department of job and family services for use by such individuals 79785  
in accessing their benefits and to credit such cards 79786  
electronically with the amounts specified by the director of job 79787  
and family services pursuant to law; 79788

(2) Informing such individuals about the use of the 79789  
electronic benefit transfer system and furnishing them with debit 79790  
cards and information that will enable them to access their 79791  
benefits through the system; 79792

(3) Arranging with specific financial institutions or 79793  
vendors, county departments of job and family services, or persons 79794  
or government entities for individuals to have their cards 79795  
credited electronically with the proper amounts at their 79796  
facilities; 79797

(4) Periodically preparing vouchers for the payment of such 79798  
benefits by electronic benefit transfer; 79799

(5) Satisfying any applicable requirements of federal and 79800  
state law. 79801

(C) The department may enter into a written agreement with 79802  
any person or government entity to provide benefits administered 79803  
by that person or entity through the medium of electronic benefit 79804  
transfer. A written agreement may require the person or government 79805  
entity to pay to the department either or both of the following: 79806

(1) A charge that reimburses the department for all costs the 79807

department incurs in having the benefits administered by the 79808  
person or entity provided through the electronic benefit transfer 79809  
system; 79810

(2) A fee for having the benefits provided through the 79811  
electronic benefit transfer system. 79812

(D) The department may designate which counties will 79813  
participate in the medium of electronic benefit transfer, specify 79814  
the date a designated county will begin participation, and specify 79815  
which benefits will be provided through the medium of electronic 79816  
benefit transfer in a designated county. 79817

(E) The department may adopt rules in accordance with Chapter 79818  
119. of the Revised Code for the efficient administration of this 79819  
section. 79820

**Sec. 5101.35.** (A) As used in this section: 79821

(1)(a) "Agency" means the following entities that administer 79822  
a family services program: 79823

(i) The department of job and family services; 79824

(ii) A county department of job and family services; 79825

(iii) A public children services agency; 79826

(iv) A private or government entity administering, in whole 79827  
or in part, a family services program for or on behalf of the 79828  
department of job and family services or a county department of 79829  
job and family services or public children services agency. 79830

(b) If the department of medicaid contracts with the 79831  
department of job and family services to hear appeals authorized 79832  
by section 5160.31 of the Revised Code regarding medical 79833  
assistance programs, "agency" includes the department of medicaid. 79834

(2) "Appellant" means an applicant, participant, former 79835  
participant, recipient, or former recipient of a family services 79836

program who is entitled by federal or state law to a hearing 79837  
regarding a decision or order of the agency that administers the 79838  
program. 79839

(3)(a) "Family services program" means all of the following: 79840

(i) A Title IV-A program as defined in section 5101.80 of the 79841  
Revised Code; 79842

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 79843  
~~5115~~ of the Revised Code; 79844

(iii) Programs that provide assistance under section 79845  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 79846  
Revised Code; 79847

(iv) Title XX social services provided under section 5101.46 79848  
of the Revised Code, other than such services provided by the 79849  
department of mental health and addiction services, the department 79850  
of developmental disabilities, a board of alcohol, drug addiction, 79851  
and mental health services, or a county board of developmental 79852  
disabilities. 79853

(b) If the department of medicaid contracts with the 79854  
department of job and family services to hear appeals authorized 79855  
by section 5160.31 of the Revised Code regarding medical 79856  
assistance programs, "family services program" includes medical 79857  
assistance programs. 79858

(4) "Medical assistance program" has the same meaning as in 79859  
section 5160.01 of the Revised Code. 79860

(B) Except as provided by divisions (G) and (H) of this 79861  
section, an appellant who appeals under federal or state law a 79862  
decision or order of an agency administering a family services 79863  
program shall, at the appellant's request, be granted a state 79864  
hearing by the department of job and family services. This state 79865  
hearing shall be conducted in accordance with rules adopted under 79866

this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the

director's designee issued under division (C) of this section may 79899  
appeal from the decision to the court of common pleas pursuant to 79900  
section 119.12 of the Revised Code. The appeal shall be governed 79901  
by section 119.12 of the Revised Code except that: 79902

(1) The person may appeal to the court of common pleas of the 79903  
county in which the person resides, or to the court of common 79904  
pleas of Franklin county if the person does not reside in this 79905  
state. 79906

(2) The person may apply to the court for designation as an 79907  
indigent and, if the court grants this application, the appellant 79908  
shall not be required to furnish the costs of the appeal. 79909

(3) The appellant shall mail the notice of appeal to the 79910  
department of job and family services and file notice of appeal 79911  
with the court within thirty days after the department mails the 79912  
administrative appeal decision to the appellant. For good cause 79913  
shown, the court may extend the time for mailing and filing notice 79914  
of appeal, but such time shall not exceed six months from the date 79915  
the department mails the administrative appeal decision. Filing 79916  
notice of appeal with the court shall be the only act necessary to 79917  
vest jurisdiction in the court. 79918

(4) The department shall be required to file a transcript of 79919  
the testimony of the state hearing with the court only if the 79920  
court orders the department to file the transcript. The court 79921  
shall make such an order only if it finds that the department and 79922  
the appellant are unable to stipulate to the facts of the case and 79923  
that the transcript is essential to a determination of the appeal. 79924  
The department shall file the transcript not later than thirty 79925  
days after the day such an order is issued. 79926

(F) The department of job and family services shall adopt 79927  
rules in accordance with Chapter 119. of the Revised Code to 79928  
implement this section, including rules governing the following: 79929



(1) State hearings under division (B) of this section. The 79930  
rules shall include provisions regarding notice of eligibility 79931  
termination and the opportunity of an appellant appealing a 79932  
decision or order of a county department of job and family 79933  
services to request a county conference with the county department 79934  
before the state hearing is held. 79935

(2) Administrative appeals under division (C) of this 79936  
section; 79937

(3) Time limits for complying with a decision issued under 79938  
division (B) or (C) of this section; 79939

(4) Sanctions that may be applied against an agency under 79940  
division (D) of this section. 79941

(G) The department of job and family services may adopt rules 79942  
in accordance with Chapter 119. of the Revised Code establishing 79943  
an appeals process for an appellant who appeals a decision or 79944  
order regarding a Title IV-A program identified under division 79945  
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 79946  
Code that is different from the appeals process established by 79947  
this section. The different appeals process may include having a 79948  
state agency that administers the Title IV-A program pursuant to 79949  
an interagency agreement entered into under section 5101.801 of 79950  
the Revised Code administer the appeals process. 79951

(H) If an appellant receiving medicaid through a health 79952  
insuring corporation that holds a certificate of authority under 79953  
Chapter 1751. of the Revised Code is appealing a denial of 79954  
medicaid services based on lack of medical necessity or other 79955  
clinical issues regarding coverage by the health insuring 79956  
corporation, the person hearing the appeal may order an 79957  
independent medical review if that person determines that a review 79958  
is necessary. The review shall be performed by a health care 79959  
professional with appropriate clinical expertise in treating the 79960

recipient's condition or disease. The department shall pay the 79961  
costs associated with the review. 79962

A review ordered under this division shall be part of the 79963  
record of the hearing and shall be given appropriate evidentiary 79964  
consideration by the person hearing the appeal. 79965

(I) The requirements of Chapter 119. of the Revised Code 79966  
apply to a state hearing or administrative appeal under this 79967  
section only to the extent, if any, specifically provided by rules 79968  
adopted under this section. 79969

**Sec. 5101.36.** Any application for public assistance gives a 79970  
right of subrogation to the department of job and family services 79971  
for any workers' compensation benefits payable to a person who is 79972  
subject to a support order, as defined in section 3119.01 of the 79973  
Revised Code, on behalf of the applicant, to the extent of any 79974  
public assistance payments made on the applicant's behalf. If the 79975  
director of job and family services, in consultation with a child 79976  
support enforcement agency and the administrator of the bureau of 79977  
workers' compensation, determines that a person responsible for 79978  
support payments to a recipient of public assistance is receiving 79979  
workers' compensation, the director shall notify the administrator 79980  
of the amount of the benefit to be paid to the department of job 79981  
and family services. 79982

For purposes of this section, "public assistance" means Ohio 79983  
works first provided under Chapter 5107. of the Revised Code; or 79984  
prevention, retention, and contingency benefits and services 79985  
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 79986  
~~financial assistance provided under Chapter 5115. of the Revised~~ 79987  
~~Code.~~ 79988

**Sec. 5101.61.** (A) As used in this section: 79989

(1) "Senior service provider" means any person who provides 79990

care or services to a person who is an adult as defined in 79991  
division (B) of section 5101.60 of the Revised Code. 79992

(2) "Ambulatory health facility" means a nonprofit, public or 79993  
proprietary freestanding organization or a unit of such an agency 79994  
or organization that: 79995

(a) Provides preventive, diagnostic, therapeutic, 79996  
rehabilitative, or palliative items or services furnished to an 79997  
outpatient or ambulatory patient, by or under the direction of a 79998  
physician or dentist in a facility which is not a part of a 79999  
hospital, but which is organized and operated to provide medical 80000  
care to outpatients; 80001

(b) Has health and medical care policies which are developed 80002  
with the advice of, and with the provision of review of such 80003  
policies, an advisory committee of professional personnel, 80004  
including one or more physicians, one or more dentists, if dental 80005  
care is provided, and one or more registered nurses; 80006

(c) Has a medical director, a dental director, if dental care 80007  
is provided, and a nursing director responsible for the execution 80008  
of such policies, and has physicians, dentists, nursing, and 80009  
ancillary staff appropriate to the scope of services provided; 80010

(d) Requires that the health care and medical care of every 80011  
patient be under the supervision of a physician, provides for 80012  
medical care in a case of emergency, has in effect a written 80013  
agreement with one or more hospitals and other centers or clinics, 80014  
and has an established patient referral system to other resources, 80015  
and a utilization review plan and program; 80016

(e) Maintains clinical records on all patients; 80017

(f) Provides nursing services and other therapeutic services 80018  
in accordance with programs and policies, with such services 80019  
supervised by a registered professional nurse, and has a 80020  
registered professional nurse on duty at all times of clinical 80021

operations;	80022
(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;	80023 80024
(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;	80025 80026
(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.	80027 80028 80029 80030 80031 80032 80033
(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.	80034 80035 80036 80037
(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.	80038 80039 80040
(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:	80041 80042
(a) Is primarily engaged in providing home health services;	80043
(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;	80044 80045 80046 80047 80048 80049 80050
(c) Is under the supervision of a duly licensed doctor of	80051

medicine or doctor of osteopathy or a registered professional 80052  
nurse who is responsible for the execution of such home health 80053  
policies; 80054

(d) Maintains comprehensive records on all patients; 80055

(e) Is operated by the state, a political subdivision, or an 80056  
agency of either, or is operated not for profit in this state and 80057  
is licensed or registered, if required, pursuant to law by the 80058  
appropriate department of the state, county, or municipality in 80059  
which it furnishes services; or is operated for profit in this 80060  
state, meets all the requirements specified in divisions (A)(5)(a) 80061  
to (d) of this section, and is certified under Title XVIII of the 80062  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 80063  
amended. 80064

(6) "Home health service" means the following items and 80065  
services, provided, except as provided in division (A)(6)(g) of 80066  
this section, on a visiting basis in a place of residence used as 80067  
the patient's home: 80068

(a) Nursing care provided by or under the supervision of a 80069  
registered professional nurse; 80070

(b) Physical, occupational, or speech therapy ordered by the 80071  
patient's attending physician; 80072

(c) Medical social services performed by or under the 80073  
supervision of a qualified medical or psychiatric social worker 80074  
and under the direction of the patient's attending physician; 80075

(d) Personal health care of the patient performed by aides in 80076  
accordance with the orders of a doctor of medicine or osteopathy 80077  
and under the supervision of a registered professional nurse; 80078

(e) Medical supplies and the use of medical appliances; 80079

(f) Medical services of interns and residents-in-training 80080  
under an approved teaching program of a nonprofit hospital and 80081

under the direction and supervision of the patient's attending physician; 80082  
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(g) Any of the foregoing items and services which: 80084

(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility; 80085  
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(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. 80088  
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(7) "Representative of the office of the state long-term care program" has the same meaning as in section 173.14 of the Revised Code. 80093  
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Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider other than a representative of the office of the state long-term care program, any peace officer, coroner, member of the clergy, any employee of a community mental health facility, and any person engaged in professional counseling, social work, or marriage and family therapy having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, 80096  
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neglect, or exploitation shall immediately report such belief to 80113  
the county department of job and family services. ~~This~~ 80114

This section does not apply to employees of any hospital or 80115  
public hospital as defined in section 5122.01 of the Revised Code. 80116

(B) Any person having reasonable cause to believe that an 80117  
adult has suffered abuse, neglect, or exploitation may report, or 80118  
cause reports to be made of such belief to the department. 80119

This division applies to a representative of the office of 80120  
the state long-term care program only to the extent permitted by 80121  
federal law. 80122

(C) The reports made under this section shall be made orally 80123  
or in writing except that oral reports shall be followed by a 80124  
written report if a written report is requested by the department. 80125  
Written reports shall include: 80126

(1) The name, address, and approximate age of the adult who 80127  
is the subject of the report; 80128

(2) The name and address of the individual responsible for 80129  
the adult's care, if any individual is, and if the individual is 80130  
known; 80131

(3) The nature and extent of the alleged abuse, neglect, or 80132  
exploitation of the adult; 80133

(4) The basis of the reporter's belief that the adult has 80134  
been abused, neglected, or exploited. 80135

(D) Any person with reasonable cause to believe that an adult 80136  
is suffering abuse, neglect, or exploitation who makes a report 80137  
pursuant to this section or who testifies in any administrative or 80138  
judicial proceeding arising from such a report, or any employee of 80139  
the state or any of its subdivisions who is discharging 80140  
responsibilities under section 5101.62 of the Revised Code shall 80141  
be immune from civil or criminal liability on account of such 80142

investigation, report, or testimony, except liability for perjury, 80143  
unless the person has acted in bad faith or with malicious 80144  
purpose. 80145

(E) No employer or any other person with the authority to do 80146  
so shall discharge, demote, transfer, prepare a negative work 80147  
performance evaluation, or reduce benefits, pay, or work 80148  
privileges, or take any other action detrimental to an employee or 80149  
in any way retaliate against an employee as a result of the 80150  
employee's having filed a report under this section. 80151

(F) The written or oral report provided for in this section 80152  
and the investigatory report provided for in section 5101.62 of 80153  
the Revised Code are confidential and are not public records, as 80154  
defined in section 149.43 of the Revised Code. In accordance with 80155  
rules adopted by the department of job and family services, 80156  
information contained in the report shall upon request be made 80157  
available to the adult who is the subject of the report and to 80158  
legal counsel for the adult. 80159

(G) The county department of job and family services shall be 80160  
available to receive the written or oral report provided for in 80161  
this section twenty-four hours a day and seven days a week. 80162

**Sec. 5101.802.** (A) As used in this section: 80163

(1) "Custodian," "guardian," and "minor child" have the same 80164  
meanings as in section 5107.02 of the Revised Code. 80165

(2) "Federal poverty guidelines" has the same meaning as in 80166  
section 5101.46 of the Revised Code. 80167

(3) "Kinship caregiver" has the same meaning as in section 80168  
5101.85 of the Revised Code. 80169

(B) Subject to division (E) of section 5101.801 of the 80170  
Revised Code, there is hereby created the kinship permanency 80171  
incentive program to promote permanency for a minor child in the 80172



legal and physical custody of a kinship caregiver. The program 80173  
shall provide an initial one-time incentive payment to the kinship 80174  
caregiver to defray the costs of initial placement of the minor 80175  
child in the kinship caregiver's home. The program may provide 80176  
additional permanency incentive payments for the minor child at 80177  
six month intervals ~~for a total period not to exceed forty eight~~ 80178  
~~months~~, based on the availability of funds. An eligible caregiver 80179  
may receive a maximum of eight incentive payments per minor child. 80180

(C) A kinship caregiver may participate in the program if all 80181  
of the following requirements are met: 80182

(1) The kinship caregiver applies to a public children 80183  
services agency in accordance with the application process 80184  
established in rules authorized by division (E) of this section; 80185

(2) Not earlier than July 1, 2005, a juvenile court issues an 80186  
order granting legal custody to the kinship caregiver, or a 80187  
probate court grants guardianship to the kinship caregiver, except 80188  
that a temporary court order is not sufficient to meet this 80189  
requirement; 80190

(3) The kinship caregiver is either the minor child's 80191  
custodian or guardian; 80192

(4) The minor child resides with the kinship caregiver 80193  
pursuant to a placement approval process established in rules 80194  
authorized by division (E) of this section; 80195

(5) Excluding any income excluded under rules adopted under 80196  
division (E) of this section, the gross income of the kinship 80197  
caregiver's family, including the minor child, does not exceed 80198  
three hundred per cent of the federal poverty guidelines. 80199

(D) Public children services agencies shall make initial and 80200  
ongoing eligibility determinations for the kinship permanency 80201  
incentive program in accordance with rules authorized by division 80202  
(E) of this section. The director of job and family services shall 80203

supervise public children services agencies' duties under this 80204  
section. 80205

(E) The director of job and family services shall adopt rules 80206  
under division (C) of section 5101.801 of the Revised Code as 80207  
necessary to implement the kinship permanency incentive program. 80208  
The rules shall establish all of the following: 80209

(1) The application process for the program; 80210

(2) The placement approval process through which a minor 80211  
child is placed with a kinship caregiver for the kinship caregiver 80212  
to be eligible for the program; 80213

(3) The initial and ongoing eligibility determination process 80214  
for the program, including the computation of income eligibility; 80215

(4) The amount of the incentive payments provided under the 80216  
program; 80217

(5) The method by which the incentive payments are provided 80218  
to a kinship caregiver. 80219

(F) The amendments made to this section by Am. Sub. H.B. 119 80220  
of the 127th general assembly shall not affect the eligibility of 80221  
any kinship caregiver whose eligibility was established before 80222  
June 30, 2007. 80223

**Sec. 5107.05.** The director of job and family services shall 80224  
adopt rules to implement this chapter. The rules shall be 80225  
consistent with Title IV-A, Title IV-D, federal regulations, state 80226  
law, the Title IV-A state plan submitted to the United States 80227  
secretary of health and human services under section 5101.80 of 80228  
the Revised Code, amendments to the plan, and waivers granted by 80229  
the United States secretary. Rules governing eligibility, program 80230  
participation, and other applicant and participant requirements 80231  
shall be adopted in accordance with Chapter 119. of the Revised 80232  
Code. Rules governing financial and other administrative 80233

requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code;

(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;

(6) For the purpose of section 5107.16 of the Revised Code, both of the following:

(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;

(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.

(7) The department of job and family services providing 80264  
written notice of a sanction under section 5107.161 of the Revised 80265  
Code; 80266

(8) For the purpose of division (B) of section 5107.17 of the 80267  
Revised Code, the circumstances under which the adult member of an 80268  
assistance group or an assistance group's minor head of household 80269  
whose failure or refusal, without good cause, to comply in full 80270  
with a provision of a self-sufficiency contract causes a sanction 80271  
under section 5107.16 of the Revised Code must enter into a new, 80272  
or amend an existing, self-sufficiency contract before the 80273  
assistance group may resume participation in Ohio works first 80274  
following the sanction; 80275

(9) Requirements for the collection and distribution of 80276  
support payments owed participants of Ohio works first pursuant to 80277  
section 5107.20 of the Revised Code; 80278

(10) For the purpose of section 5107.22 of the Revised Code, 80279  
what constitutes cooperating in establishing a minor child's 80280  
paternity or establishing, modifying, or enforcing a child support 80281  
order and good cause for failure or refusal to cooperate; 80282

(11) The requirements governing the LEAP program, including 80283  
the definitions of "equivalent of a high school diploma" and "good 80284  
cause," and the incentives provided under the LEAP program; 80285

(12) If the director implements section 5107.301 of the 80286  
Revised Code, the requirements governing the award provided under 80287  
that section, including the form that the award is to take and 80288  
requirements an individual must satisfy to receive the award; 80289

(13) Circumstances under which a county department of job and 80290  
family services may exempt a minor head of household or adult from 80291  
participating in a work activity or developmental activity for all 80292  
or some of the weekly hours otherwise required by section 5107.43 80293  
of the Revised Code. 80294

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code; 80295  
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(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services; 80298  
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(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code; 80300  
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(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code; 80302  
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(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants. 80306  
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(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. The rules also shall specify the amount of an assistance group's gross earned income that is to be disregarded for the purpose of division (D)(3) of section 5107.10 of the Revised Code. 80309  
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The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29). 80316  
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The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation. 80318  
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(C) The rules may provide that a county department of job and family services is not required to take action under section 80323  
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5107.76 of the Revised Code to recover an erroneous payment under 80325  
circumstances the rules specify. 80326

**Sec. 5107.10.** (A) As used in this section: 80327

(1) "Countable income," "gross earned income," and "gross 80328  
unearned income" have the meanings established in rules adopted 80329  
under section 5107.05 of the Revised Code. 80330

(2) "Federal poverty guidelines" has the same meaning as in 80331  
section 5101.46 of the Revised Code, except that references to a 80332  
person's family in the definition shall be deemed to be references 80333  
to the person's assistance group. 80334

(3) "Gross income" means gross earned income and gross 80335  
unearned income. 80336

(4) "Strike" means continuous concerted action in failing to 80337  
report to duty; willful absence from one's position; or stoppage 80338  
of work in whole from the full, faithful, and proper performance 80339  
of the duties of employment, for the purpose of inducing, 80340  
influencing, or coercing a change in wages, hours, terms, and 80341  
other conditions of employment. "Strike" does not include a 80342  
stoppage of work by employees in good faith because of dangerous 80343  
or unhealthful working conditions at the place of employment that 80344  
are abnormal to the place of employment. 80345

(B) Under the Ohio works first program, an assistance group 80346  
shall receive, except as otherwise provided by this chapter, 80347  
time-limited cash assistance. In the case of an assistance group 80348  
that includes a minor head of household or adult, assistance shall 80349  
be provided in accordance with the self-sufficiency contract 80350  
entered into under section 5107.14 of the Revised Code. 80351

(C)(1) To be eligible to participate in Ohio works first, an 80352  
assistance group must meet all of the following requirements: 80353

~~(1)~~(a) The assistance group, except as provided in division 80354

(E) of this section, must include at least one of the following: 80355

~~(a)~~(i) A minor child who, except as provided in section 80356  
5107.24 of the Revised Code, resides with a parent, or specified 80357  
relative caring for the child, or, to the extent permitted by 80358  
Title IV-A and federal regulations adopted until Title IV-A, 80359  
resides with a guardian or custodian caring for the child; 80360

~~(b)~~(ii) A parent residing with and caring for the parent's 80361  
minor child who receives supplemental security income under Title 80362  
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 80363  
U.S.C.A. 1383, as amended, or federal, state, or local adoption 80364  
assistance; 80365

~~(c)~~(iii) A specified relative residing with and caring for a 80366  
minor child who is related to the specified relative in a manner 80367  
that makes the specified relative a specified relative and 80368  
receives supplemental security income or federal, state, or local 80369  
foster care or adoption assistance; 80370

~~(d)~~(iv) A woman at least six months pregnant. 80371

~~(2)~~(b) The assistance group must meet the income requirements 80372  
established by division (D) of this section. 80373

~~(3)~~(c) No member of the assistance group may be involved in a 80374  
strike. 80375

~~(4)~~(d) The assistance group must satisfy the requirements for 80376  
Ohio works first established by this chapter and section 5101.83 80377  
of the Revised Code. 80378

~~(5)~~(e) The assistance group must meet requirements for Ohio 80379  
works first established by rules adopted under section 5107.05 of 80380  
the Revised Code. 80381

(2) In addition to meeting the requirements specified in 80382  
division (C)(1) of this section, a member of an assistance group 80383  
who is required by section 5116.10 of the Revised Code to 80384

participate in the comprehensive case management and employment 80385  
program must participate in that program to be eligible to 80386  
participate in Ohio works first. 80387

(D)(1) Except as provided in division (D)(4) of this section, 80388  
to determine whether an assistance group is initially eligible to 80389  
participate in Ohio works first, a county department of job and 80390  
family services shall do the following: 80391

(a) Determine whether the assistance group's gross income 80392  
exceeds fifty per cent of the federal poverty guidelines. In 80393  
making this determination, the county department shall disregard 80394  
amounts that federal statutes or regulations and sections 5101.17 80395  
and 5117.10 of the Revised Code require be disregarded. The 80396  
assistance group is ineligible to participate in Ohio works first 80397  
if the assistance group's gross income, less the amounts 80398  
disregarded, exceeds fifty per cent of the federal poverty 80399  
guidelines. 80400

(b) If the assistance group's gross income, less the amounts 80401  
disregarded pursuant to division (D)(1)(a) of this section, does 80402  
not exceed fifty per cent of the federal poverty guidelines, 80403  
determine whether the assistance group's countable income is less 80404  
than the payment standard. The assistance group is ineligible to 80405  
participate in Ohio works first if the assistance group's 80406  
countable income equals or exceeds the payment standard. 80407

(2) For the purpose of determining whether an assistance 80408  
group meets the income requirement established by division 80409  
(D)(1)(a) of this section, the annual revision that the United 80410  
States department of health and human services makes to the 80411  
federal poverty guidelines shall go into effect on the first day 80412  
of July of the year for which the revision is made. 80413

(3) To determine whether an assistance group participating in 80414  
Ohio works first continues to be eligible to participate, a county 80415



department of job and family services shall determine whether the 80416  
assistance group's countable income continues to be less than the 80417  
payment standard. In making this determination, the county 80418  
department shall disregard ~~the first two hundred fifty dollars~~ an 80419  
amount specified in rules adopted under section 5107.05 of the 80420  
Revised Code and fifty per cent of the remainder of the assistance 80421  
group's gross earned income. No amounts shall be disregarded from 80422  
the assistance group's gross unearned income. The assistance group 80423  
ceases to be eligible to participate in Ohio works first if its 80424  
countable income, less the amounts disregarded, equals or exceeds 80425  
the payment standard. 80426

(4) If an assistance group reapplies to participate in Ohio 80427  
works first not more than four months after ceasing to 80428  
participate, a county department of job and family services shall 80429  
use the income requirement established by division (D)(3) of this 80430  
section to determine eligibility for resumed participation rather 80431  
than the income requirement established by division (D)(1) of this 80432  
section. 80433

(E)(1) An assistance group may continue to participate in 80434  
Ohio works first even though a public children services agency 80435  
removes the assistance group's minor children from the assistance 80436  
group's home due to abuse, neglect, or dependency if the agency 80437  
does both of the following: 80438

(a) Notifies the county department of job and family services 80439  
at the time the agency removes the children that it believes the 80440  
children will be able to return to the assistance group within six 80441  
months; 80442

(b) Informs the county department at the end of each of the 80443  
first five months after the agency removes the children that the 80444  
parent, guardian, custodian, or specified relative of the children 80445  
is cooperating with the case plans prepared for the children under 80446  
section 2151.412 of the Revised Code and that the agency is making 80447

reasonable efforts to return the children to the assistance group. 80448

(2) An assistance group may continue to participate in Ohio 80449  
works first pursuant to division (E)(1) of this section for not 80450  
more than six payment months. This division does not affect the 80451  
eligibility of an assistance group that includes a woman at least 80452  
six months pregnant. 80453

**Sec. 5108.01.** As used in this chapter: 80454

(A) "County family services planning committee" means the 80455  
county family services planning committee established under 80456  
section 329.06 of the Revised Code ~~or the board created by~~ 80457  
~~consolidation under division (C) of section 6301.06 of the Revised~~ 80458  
~~Code.~~ 80459

(B) "Prevention, retention, and contingency program" means 80460  
the program established by this chapter and funded in part with 80461  
federal funds provided under Title IV-A. 80462

(C) "Title IV-A" means Title IV-A of the "Social Security 80463  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 80464

**Sec. 5116.01.** As used in this chapter: 80465

(A) "Certificate of high school equivalence" has the same 80466  
meaning as in section 5107.40 of the Revised Code. 80467

(B) "Fiscal biennial period" means a two-year period 80468  
beginning on the first day of July of an odd-numbered year and 80469  
ending on the last day of June of the next odd-numbered year. 80470

(C) "In-school youth" has the same meaning as in section 80471  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 80472  
U.S.C. 3164(a)(1)(C). 80473

(D) "Lead agency" means the local participating agency 80474  
designated under section 5116.22 of the Revised Code to serve for 80475  
a fiscal biennial period, or part thereof, as a county's lead 80476

agency for the purpose of the comprehensive case management and employment program. 80477  
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(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county. 80479  
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(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 80482  
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(G) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 80485  
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(H) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 80487  
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(I) "Prevention, retention, and contingency program" has the same meaning as in section 5108.01 of the Revised Code. 80490  
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(J) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the comprehensive case management and employment program. 80492  
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(K) "TANF block grant" means the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 80497  
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(L) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 80500  
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(M) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 80502  
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(N) "Workforce development agency" means a public or private entity designated or certified by a local workforce development board to coordinate the delivery of workforce services for a 80504  
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county. 80507

(O) "Workforce Innovation and Opportunity Act" means Public 80508  
Law 113-128, 29 U.S.C. 3101 et seq. 80509

(P) "Youth workforce investment activity funds" means funds 80510  
allocated or granted under Title I, Subtitle B, Chapter 2 of the 80511  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 80512  
seq., for youth workforce investment activities. 80513

Sec. 5116.02. There is hereby established the comprehensive 80514  
case management and employment program. The department of job and 80515  
family services shall coordinate and supervise the administration 80516  
of the program to the extent funds are available for this purpose 80517  
under the TANF block grant and the Workforce Innovation and 80518  
Opportunity Act. 80519

Sec. 5116.03. The comprehensive case management and 80520  
employment program is all of the following: 80521

(A) A Title IV-A program for the purpose of division 80522  
(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, 80523  
subject to all statutes applicable to such a program, including 80524  
sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised 80525  
Code; 80526

(B) A workforce development activity and, therefore, subject 80527  
to all statutes applicable to workforce development activities, 80528  
including sections 5101.20, 5101.214, 5101.241, and 5101.243 of 80529  
the Revised Code and Chapter 6301. of the Revised Code; 80530

(C) A family services duty, notwithstanding the second 80531  
sentence of division (A)(1)(b) of section 307.981 of the Revised 80532  
Code, and, therefore, subject to all statutes applicable to family 80533  
services duties, including sections 5101.183, 5101.21, 5101.212, 80534  
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 80535  
5101.243 of the Revised Code. 80536

Sec. 5116.06. (A) The director of job and family services 80537  
shall adopt rules that are necessary to implement the 80538  
comprehensive case management and employment program, including 80539  
rules that do all of the following: 80540

(1) Provide for the program to do both of the following: 80541

(a) Help a work-eligible individual satisfy the work 80542  
requirements of section 407 of the "Social Security Act," 42 80543  
U.S.C. 607; 80544

(b) Help an Ohio works first participant who participates in 80545  
the program do both of the following: 80546

(i) Satisfy other Ohio works first requirements, including 80547  
requirements included in the participant's self-sufficiency 80548  
contract entered into under section 5107.14 of the Revised Code; 80549

(ii) Obtain assistance or services the participant needs 80550  
according to an assessment conducted under section 5107.70 of the 80551  
Revised Code. 80552

(2) For the purpose of section 5116.11 of the Revised Code, 80553  
establish procedures for both of the following: 80554

(a) Assessing the employment and training needs of 80555  
individuals participating in the comprehensive case management and 80556  
employment program; 80557

(b) Creating, reviewing, revising, and terminating individual 80558  
opportunity plans. 80559

(3) For the purpose of section 5116.20 of the Revised Code, 80560  
establish procedures, including procedures regarding timing, for a 80561  
local workforce development board to decide whether to authorize 80562  
the use of its youth workforce investment activity funds for the 80563  
comprehensive case management and employment program; 80564

(4) Establish requirements for the plans required by division 80565

(A)(1) of section 5116.23 of the Revised Code; 80566

(5) For the purpose of division (A)(3) of section 5116.23 of 80567  
the Revised Code, establish procedures for a lead agency to 80568  
partner with the other local participating agency and 80569  
subcontractors. 80570

(B) For the purposes of divisions (C) and (F) of section 80571  
5116.10 of the Revised Code, the rules adopted under this section 80572  
may do either or both of the following: 80573

(1) Specify one or more additional mandatory participation 80574  
groups that are required to participate in the comprehensive case 80575  
management and employment program; 80576

(2) Specify one or more additional voluntary participation 80577  
groups that may volunteer to participate in the program. 80578

(C) The rules adopted under this section shall be consistent 80579  
with all of the following: 80580

(1) The Title IV-A state plan prepared under section 5101.80 80581  
of the Revised Code, amendments to the plan, and any waivers 80582  
regarding the plan granted by the United States secretary of 80583  
health and human services; 80584

(2) The combined state plan authorized by section 103 of the 80585  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, 80586  
amendments to the plan, and any waivers regarding the plan granted 80587  
by the United States secretary of labor. 80588

(D) The rules adopted under division (A)(1)(a) of this 80589  
section may deviate from Chapter 5107. of the Revised Code. 80590

**Sec. 5116.10. (A) Each work-eligible individual shall** 80591  
**participate in the comprehensive case management and employment** 80592  
**program as a condition of participating in Ohio works first if the** 80593  
**individual is at least fourteen but not more than twenty-four** 80594  
**years of age.** 80595

(B) Each individual who is an in-school youth or out-of-school youth shall participate in the comprehensive case management and employment program as a condition of enrollment in workforce development activities funded by the Workforce Innovation and Opportunity Act. 80596  
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(C) Each individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as an additional mandatory participation group shall participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act. 80601  
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(D) Any Ohio works first participant who is not a work-eligible individual may volunteer to participate in the comprehensive case management and employment program if the participant is at least fourteen but not more than twenty-four years of age. 80607  
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(E) Any individual receiving benefits and services under the prevention, retention, and contingency program may volunteer to participate in the comprehensive case management and employment program if the individual is at least fourteen but not more than twenty-four years of age. 80612  
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(F) Any individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as a voluntary participation group may volunteer to participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act. 80617  
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**Sec. 5116.11.** In accordance with rules adopted under section 5116.06 of the Revised Code, a lead agency shall provide for all of the following to occur: 80623  
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(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs; 80626  
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(B) An individual opportunity plan being created for the individual as part of the assessment; 80629  
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(C) The individual opportunity plan being reviewed, revised, and terminated as appropriate. 80631  
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**Sec. 5116.12.** (A) An individual opportunity plan created under section 5116.11 of the Revised Code shall specify which of the following services, if any, an individual participating in the comprehensive case management and employment program needs: 80633  
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(1) Support for the individual to obtain a high school diploma or a certificate of high school equivalence; 80637  
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(2) Job placement; 80639

(3) Job retention support; 80640

(4) Other services that aid the individual in achieving the plan's goals. 80641  
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(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes. 80643  
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**Sec. 5116.20.** In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of the counties the board serves. 80647  
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Sec. 5116.21. If a local workforce development board decides 80654  
under section 5116.20 of the Revised Code not to authorize the use 80655  
of its youth workforce investment activity funds for the 80656  
comprehensive case management and employment program for a fiscal 80657  
biennial period, all of the following shall apply to that fiscal 80658  
biennial period: 80659

(A) The board shall use its youth workforce investment 80660  
activity funds in accordance with Section 129 of the "Workforce 80661  
Innovation and Opportunity Act," 29 U.S.C. 3164. 80662

(B) No TANF block grant funds shall be made available to the 80663  
board or any county the board serves for the comprehensive case 80664  
management and employment program. 80665

(C) The department of job and family services shall use 80666  
available TANF block grant funds to administer, or to contract 80667  
with a government or private entity to administer, the 80668  
comprehensive case management and employment program in the 80669  
counties the board serves. 80670

Sec. 5116.22. (A) If a local workforce development board 80671  
decides under section 5116.20 of the Revised Code to authorize the 80672  
use of its youth workforce investment activity funds for the 80673  
comprehensive case management and employment program for a fiscal 80674  
biennial period, all of the following shall apply to that fiscal 80675  
biennial period: 80676

(1) Before the beginning of the fiscal biennial period, the 80677  
board shall enter into a written agreement with department of job 80678  
and family services that, to the extent permitted by federal law, 80679  
requires the board and the counties the board serves to operate 80680  
the comprehensive case management and employment program in 80681  
accordance with the program's requirements, including the 80682  
requirements established by this chapter, rules adopted under 80683

section 5116.06 of the Revised Code, and any other rules 80684  
applicable to the program. 80685

(2) Before the beginning of the fiscal biennial period, the 80686  
board of county commissioners of each of the counties the local 80687  
workforce development board serves shall designate either of the 80688  
local participating agencies to serve as the county's lead agency 80689  
for the purpose of the comprehensive case management and 80690  
employment program. 80691

(B) After a board of county commissioners designates a local 80692  
participating agency to serve as the county's lead agency for a 80693  
fiscal biennial period, the board may designate the other local 80694  
participating agency to take over as the county's lead agency for 80695  
the remainder of the fiscal biennial period. 80696

(C) A board of county commissioners shall inform the 80697  
department of job and family services of its designation of the 80698  
lead agency under division (A)(2) of this section before the 80699  
beginning of the fiscal biennial period for which the designation 80700  
is made. A board shall notify the department of any redesignation 80701  
of a lead agency under division (B) of this section not later than 80702  
sixty days after the redesignation takes effect. 80703

**Sec. 5116.23.** (A) Each lead agency, in consultation with the 80704  
local workforce development board that serves the same county for 80705  
which the lead agency has been designated to serve as lead agency, 80706  
shall, in accordance with rules adopted under section 5116.06 of 80707  
the Revised Code, do all of the following for the fiscal biennial 80708  
period, or part thereof, for which it is so designated: 80709

(1) Prepare and submit to the department of job and family 80710  
services a plan containing standing procedures for determining and 80711  
maintaining individuals' eligibility to participate in the 80712  
comprehensive case management and employment program; 80713

(2) Administer the program in the county for which it is 80714  
designated to serve as lead agency; 80715

(3) Partner with the other local participating agency and 80716  
subcontractors to do both of the following: 80717

(a) Actively coordinate activities regarding the program with 80718  
the other local participating agency and any subcontractors; 80719

(b) Help both local participating agencies and any 80720  
subcontractors to use their expertise in administering the 80721  
program. 80722

(B) If a board of county commissioners redesignates the lead 80723  
agency under division (B) of section 5116.22 of the Revised Code 80724  
during a fiscal biennial period, the new lead agency shall prepare 80725  
and submit to the department of job and family services a new plan 80726  
under division (A)(1) of this section not later than sixty days 80727  
after the redesignation takes effect. 80728

(C) Each local workforce development board shall ensure that 80729  
the plans prepared under division (A)(1) of this section by the 80730  
lead agencies serving the same counties the board serves are 80731  
included in the board's workforce development plan prepared under 80732  
section 6301.07 of the Revised Code. 80733

**Sec. 5116.24.** A lead agency is responsible for all of the 80734  
funds received for the comprehensive case management and 80735  
employment program by the county for which the lead agency is 80736  
designated to be the lead agency and shall use the funds in a 80737  
manner consistent with federal and state law. The lead agency 80738  
shall coordinate this responsibility with any entity that has been 80739  
designated to serve as a local grant subrecipient or a local 80740  
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 80741  
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 80742

**Sec. 5116.25.** If a lead agency fails to enroll in the 80743

comprehensive case management and employment program an individual 80744  
who is required by section 5116.10 of the Revised Code to 80745  
participate in the program and to take corrective action that the 80746  
department of job and family services requires the lead agency to 80747  
take as a consequence of that failure, the department may take the 80748  
action authorized by division (C)(5) of section 5101.24 of the 80749  
Revised Code, including withholding and spending TANF block grant 80750  
funds. 80751

**Sec. 5117.10.** (A) On or before the fifteenth day of January, 80752  
the director of development services shall pay each applicant 80753  
determined eligible for a payment under divisions (A) and (B) of 80754  
section 5117.07 of the Revised Code one hundred twenty-five 80755  
dollars. 80756

(B) The director may withhold from any payment to which a 80757  
person would otherwise be entitled under division (A) of this 80758  
section any amount that the director determines was erroneously 80759  
received by such person in a preceding year under this or the 80760  
program established under Am. Sub. H.B. 230, as amended by Am. 80761  
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 80762  
523 of the 112th general assembly, provided the director has 80763  
employed all other legal methods reasonably available to obtain 80764  
reimbursement for the erroneous payment or credit prior to the 80765  
commencement of the current program year. 80766

(C) Payments made under this section and credits granted 80767  
under section 5117.09 of the Revised Code shall not be considered 80768  
income for the purpose of determining eligibility or the level of 80769  
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 80770  
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 80771  
supplemental security income payments under Title XVI of the 80772  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 80773  
amended; or any other program under which eligibility or the level 80774

of benefits or assistance is based upon need measured by income. 80775

Sec. 5119.011. (A) Whenever the term "department of mental health," the term "Ohio department of mental health," the term "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of mental health and addiction services. 80776  
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(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services. 80784  
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Sec. 5119.22. The director of mental health and addiction services, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following: 80790  
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(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code. 80795  
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(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities and plans of the department of mental health and addiction 80798  
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services, including the needs of residents of the district 80805  
currently receiving services in state-operated hospitals, and make 80806  
recommendations for needed improvements to boards of alcohol, drug 80807  
addiction, and mental health services; 80808

(C) At the director's discretion, provide to boards of 80809  
alcohol, drug addiction, and mental health services state or 80810  
federal funds, in addition to those allocated under section 80811  
5119.23 of the Revised Code, for special programs or projects the 80812  
director considers necessary but for which local funds are not 80813  
available; 80814

(D) Establish criteria by which each board of alcohol, drug 80815  
addiction, and mental health services reviews and evaluates the 80816  
quality, effectiveness, and efficiency of the facility services, 80817  
addiction services, mental health services, and recovery supports 80818  
for which it contracts under section 340.036 of the Revised Code. 80819  
The criteria shall include requirements ensuring appropriate 80820  
utilization of the services and supports. The department shall 80821  
assess each board's evaluation of the services and supports and 80822  
the compliance of each board with this section, Chapter 340. of 80823  
the Revised Code, and other state or federal law and regulations. 80824  
The department, in cooperation with the board, periodically shall 80825  
review and evaluate the quality, effectiveness, and efficiency of 80826  
the facility services, addiction services, mental health services, 80827  
and recovery supports for which each board contracts under section 80828  
340.036 of the Revised Code and the facilities, addiction 80829  
services, and mental health services that each board operates or 80830  
provides under section 340.037 of the Revised Code. The department 80831  
shall collect information that is necessary to perform these 80832  
functions. 80833

(E) To the extent the director determines necessary and after 80834  
consulting with boards of alcohol, drug addiction, and mental 80835  
health services, community addiction services providers, and 80836

community mental health services providers, develop and operate, 80837  
or contract for the operation of, a community behavioral health 80838  
information system or systems. The department shall specify the 80839  
information that must be provided by the boards and providers for 80840  
inclusion in the system or systems. 80841

Boards of alcohol, drug addiction, and mental health 80842  
services, community addiction services providers, and community 80843  
mental health services providers shall submit information 80844  
requested by the department in the form and manner and in 80845  
accordance with time frames prescribed by the department. 80846  
Information collected by the department may include all of the 80847  
following: 80848

(1) Information on addiction services, mental health 80849  
services, and recovery supports provided; 80850

(2) Financial information regarding expenditures of federal, 80851  
state, or local funds; 80852

(3) Information about persons served. 80853

The department shall not collect any personal information 80854  
from the boards or providers except as required or permitted by 80855  
state or federal law for purposes related to payment, health care 80856  
operations, program and service evaluation, reporting activities, 80857  
research, system administration, and oversight. 80858

(F) In consultation with representatives of boards of 80859  
alcohol, drug addiction, and mental health services and after 80860  
consideration of recommendations made by the medical director 80861  
appointed under section 5119.11 of the Revised Code, establish all 80862  
of the following: 80863

(1) Guidelines, including a timetable, for the boards' 80864  
development and submission of proposed community addiction and 80865  
mental health plans, budgets, and lists of addiction services, 80866  
mental health services, and recovery supports under sections 80867

340.03 and 340.08 of the Revised Code; 80868

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists; 80869  
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(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists; 80872  
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(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval; 80875  
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(5) Procedures for issuing time-limited waivers under division (A)(1) of section 5119.221 of the Revised Code and waivers under division (A)(2) of that section. 80879  
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(G) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. Except as otherwise authorized by a ~~time-limited~~ waiver issued under ~~division (A)(1) of~~ section 5119.221 of the Revised Code, the director shall disapprove a board's proposed budget in whole if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code. 80882  
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Prior to a final decision to disapprove a plan, budget, or list in whole or in part, a representative of the director shall meet with the board and discuss the reason for the action the director proposes to take and any corrective action that should be taken to make the plan, budget, or list acceptable to the director. In addition, the director shall offer technical 80893  
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assistance to the board to assist it to make the plan, budget, or 80899  
list acceptable. The director shall give the board a reasonable 80900  
time in which to revise the plan, budget, or list. The board 80901  
thereafter shall submit a revised plan, budget, or list or a new 80902  
plan, budget, or list. 80903

(H) Approve or disapprove all or part of proposed amendments 80904  
that a board of alcohol, drug addiction, or mental health services 80905  
submits under section 340.03 or 340.08 of the Revised Code to an 80906  
approved community addiction and mental health plan, budget, or 80907  
list of addiction services, mental health services, and recovery 80908  
supports. 80909

If the director disapproves of all or part of any proposed 80910  
amendment, the director shall provide the board an opportunity to 80911  
present its position. The director shall inform the board of the 80912  
reasons for the disapproval and of the criteria that must be met 80913  
before the proposed amendment may be approved. The director shall 80914  
give the board a reasonable time within which to meet the criteria 80915  
and shall offer technical assistance to the board to help it meet 80916  
the criteria. 80917

**Sec. 5119.221.** (A) The director of mental health and 80918  
addiction services, in accordance with procedures established 80919  
under division (F)(5) of section 5119.22 of the Revised Code, may 80920  
do either or both of the following: 80921

(1) Subject to division (B) of this section, issue to a board 80922  
of alcohol, drug addiction, and mental health services a 80923  
time-limited waiver of the requirement of section 340.032 of the 80924  
Revised Code that a community-based continuum of care include all 80925  
of the essential elements specified in that section; 80926

(2) Subject to division (C) of this section, issue to a board 80927  
a waiver of the requirement of section 340.033 of the Revised Code 80928  
that ambulatory detoxification and medication-assisted treatment 80929

be ~~included in~~ made available within the borders of the board's 80930  
service district as part of the array of addiction services and 80931  
recovery supports for all levels of opioid and co-occurring drug 80932  
addiction. 80933

(B) The director may not issue a time-limited waiver under 80934  
division (A)(1) of this section unless the director determines 80935  
that the board seeking the waiver has made reasonable efforts to 80936  
include in the community-based continuum of care the essential 80937  
elements being waived. The waiver shall specify the amount of time 80938  
for which it is issued and which of the essential elements are 80939  
waived. 80940

(C) The director may not issue a waiver under division (A)(2) 80941  
of this section unless the director determines that both of the 80942  
following apply: 80943

(1) Ambulatory detoxification and medication-assisted 80944  
treatment can be made available through one or more contracts 80945  
between the board seeking the waiver and community addiction 80946  
services providers that are located not more than thirty miles 80947  
beyond the borders of the board's service district ~~the board~~ 80948  
~~serves;~~ 80949

(2) The amount of time it takes for residents of the service 80950  
district the board serves to travel to a community addiction 80951  
services provider that provides ambulatory detoxification and 80952  
medication-assisted treatment does not impose a significant 80953  
barrier to successful treatment. 80954

**Sec. 5119.27.** (A) Records or information, other than court 80955  
journal entries or court docket entries, pertaining to the 80956  
identity, diagnosis, or treatment of any person seeking or 80957  
receiving services that are maintained in connection with the 80958  
performance of any drug treatment program or services licensed by, 80959  
or certified by, the director of mental health and addiction 80960

services under this chapter shall be kept confidential, may be 80961  
disclosed only for the purposes and under the circumstances 80962  
expressly authorized under this section, and may not otherwise be 80963  
divulged in any civil, criminal, administrative, or legislative 80964  
proceeding. 80965

(B) When the person, with respect to whom any record or 80966  
information referred to in division (A) of this section is 80967  
maintained, gives consent in the form of a written release signed 80968  
by the person, the content of the record or information may be 80969  
disclosed if the written release conforms to all of the following: 80970

(1) Specifically identifies the person, official, or entity 80971  
to whom the information is to be provided; 80972

(2) Describes with reasonable specificity the record, 80973  
records, or information to be disclosed; and 80974

(3) Describes with reasonable specificity the purposes of the 80975  
disclosure and the intended use of the disclosed information. 80976

(C) A person who is subject to a community control sanction, 80977  
parole, or a post-release control sanction or who is ordered to 80978  
rehabilitation in lieu of conviction, and who has agreed to 80979  
participate in a drug treatment or rehabilitation program as a 80980  
condition of the community control sanction, post-release control 80981  
sanction, parole, or order to rehabilitation, shall be considered 80982  
to have consented to the release of records and information 80983  
relating to the progress of treatment, frequency of treatment, 80984  
adherence to treatment requirements, and probable outcome of 80985  
treatment. Release of information and records under this division 80986  
shall be limited to the court or governmental personnel having the 80987  
responsibility for supervising the person's community control 80988  
sanction, post-release control sanction, parole, or order to 80989  
rehabilitation. A person, described in this division, who refuses 80990  
to allow disclosure may be considered in violation of the 80991

conditions of the person's community control sanction, 80992  
post-release control sanction, parole, or order to rehabilitation. 80993

(D) Disclosure of a person's record may be made without the 80994  
person's consent ~~to~~ in the following circumstances: 80995

(1) To any physician, advanced practice registered nurse, or 80996  
physician assistant who treats the person; 80997

(2) To qualified personnel for the purpose of conducting 80998  
scientific research, management, financial audits, or program 80999  
evaluation, but these personnel may not identify, directly or 81000  
indirectly, any individual person in any report of the research, 81001  
audit, or evaluation, or otherwise disclose a person's identity in 81002  
any manner. 81003

(E) Upon the request of a prosecuting attorney or the 81004  
director of mental health and addiction services, a court of 81005  
competent jurisdiction may order the disclosure of records or 81006  
information referred to in division (A) of this section if the 81007  
court has reason to believe that a treatment program or facility 81008  
is being operated or used in a manner contrary to law. The use of 81009  
any information or record so disclosed shall be limited to the 81010  
prosecution of persons who are or may be charged with any offense 81011  
related to the illegal operation or use of the drug treatment 81012  
program or facility, or to the decision to withdraw the authority 81013  
of a drug treatment program or facility to continue operation. For 81014  
purposes of this division the court shall: 81015

(1) Limit disclosure to those parts of the person's record 81016  
considered essential to fulfill the objective for which the order 81017  
was granted; 81018

(2) Require, where appropriate, that all information be 81019  
disclosed in chambers; 81020

(3) Include any other appropriate measures to keep disclosure 81021  
to a minimum, consistent with the protection of the persons 81022

seeking or receiving services, the physician-patient relationship, 81023  
and the administration of the drug treatment and rehabilitation 81024  
program. 81025

(F) As used in this section: 81026

(1) "Advanced practice registered nurse" has the same meaning 81027  
as in section 4723.01 of the Revised Code. 81028

(2) "Community control sanction" has the same meaning as in 81029  
section 2929.01 of the Revised Code. 81030

~~(2)~~(3) "Physician" means an individual authorized under 81031  
Chapter 4731. of the Revised Code to practice medicine and surgery 81032  
or osteopathic medicine and surgery. 81033

(4) "Physician assistant" means any person who is licensed as 81034  
a physician assistant under Chapter 4730. of the Revised Code. 81035

(5) "Post-release control sanction" has the same meaning as 81036  
in section 2967.01 of the Revised Code. 81037

**Sec. 5119.34.** (A) As used in this section and sections 81038  
5119.341 and 5119.342 of the Revised Code: 81039

(1) "Accommodations" means housing, daily meal preparation, 81040  
laundry, housekeeping, arranging for transportation, social and 81041  
recreational activities, maintenance, security, and other services 81042  
that do not constitute personal care services or skilled nursing 81043  
care. 81044

(2) "ADAMHS board" means a board of alcohol, drug addiction, 81045  
and mental health services. 81046

(3) "Adult" means a person who is eighteen years of age or 81047  
older, other than a person described in division (A)(4) of this 81048  
section who is between eighteen and twenty-one years of age. 81049

(4) "Child" means a person who is under eighteen years of age 81050  
or a person with a mental disability who is under twenty-one years 81051

of age. 81052

(5) "Community mental health services provider" means a 81053  
community mental health services provider as defined in section 81054  
5119.01 of the Revised Code. 81055

(6) "Community mental health services" means any mental 81056  
health services certified by the department pursuant to section 81057  
5119.36 of the Revised Code. 81058

(7) "Operator" means the person or persons, firm, 81059  
partnership, agency, governing body, association, corporation, or 81060  
other entity that is responsible for the administration and 81061  
management of a residential facility and that is the applicant for 81062  
a residential facility license. 81063

(8) "Personal care services" means services including, but 81064  
not limited to, the following: 81065

(a) Assisting residents with activities of daily living; 81066

(b) Assisting residents with self-administration of 81067  
medication in accordance with rules adopted under this section; 81068

(c) Preparing special diets, other than complex therapeutic 81069  
diets, for residents pursuant to the instructions of a physician 81070  
or a licensed dietitian, in accordance with rules adopted under 81071  
this section. 81072

"Personal care services" does not include "skilled nursing 81073  
care" as defined in section 3721.01 of the Revised Code. A 81074  
facility need not provide more than one of the services listed in 81075  
division (A)(8) of this section to be considered to be providing 81076  
personal care services. 81077

(9) "Room and board" means the provision of sleeping and 81078  
living space, meals or meal preparation, laundry services, 81079  
housekeeping services, or any combination thereof. 81080

(10) "Residential state supplement program" means the program 81081

~~administered established~~ under section 5119.41 of the Revised Code 81082  
~~and related provisions of the Administrative Code under which the~~ 81083  
~~state supplements the supplemental security income payments~~ 81084  
~~received by aged, blind, or disabled adults under Title XVI of the~~ 81085  
~~Social Security Act. Residential state supplement payments are~~ 81086  
~~used for the provision of accommodations, supervision, and~~ 81087  
~~personal care services to supplemental security income recipients~~ 81088  
~~the department of mental health and addition services determines~~ 81089  
~~are at risk of needing institutional care.~~ 81090

(11) "Supervision" means any of the following: 81091

(a) Observing a resident to ensure the resident's health, 81092  
safety, and welfare while the resident engages in activities of 81093  
daily living or other activities; 81094

(b) Reminding a resident to perform or complete an activity, 81095  
such as reminding a resident to engage in personal hygiene or 81096  
other self-care activities; 81097

(c) Assisting a resident in making or keeping an appointment. 81098

(12) "Unrelated" means that a resident is not related to the 81099  
owner or operator of a residential facility or to the owner's or 81100  
operator's spouse as a parent, grandparent, child, stepchild, 81101  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 81102  
the child of an aunt or uncle. 81103

(B)(1) A "residential facility" is a publicly or privately 81104  
operated home or facility that falls into one of the following 81105  
categories: 81106

(a) Class one facilities provide accommodations, supervision, 81107  
personal care services, and mental health services for one or more 81108  
unrelated adults with mental illness or one or more unrelated 81109  
children or adolescents with severe emotional disturbances; 81110

(b) Class two facilities provide accommodations, supervision, 81111

and personal care services to any of the following:	81112
(i) One or two unrelated persons with mental illness;	81113
(ii) One or two unrelated adults who are receiving <u>payments</u>	81114
<u>under the residential state supplement <del>payments</del> <u>program</u></u> ;	81115
(iii) Three to sixteen unrelated adults.	81116
(c) Class three facilities provide room and board for five or	81117
more unrelated adults with mental illness.	81118
(2) "Residential facility" does not include any of the	81119
following:	81120
(a) A hospital subject to licensure under section 5119.33 of	81121
the Revised Code or an institution maintained, operated, managed,	81122
and governed by the department of mental health and addiction	81123
services for the hospitalization of mentally ill persons pursuant	81124
to section 5119.14 of the Revised Code;	81125
(b) A residential facility licensed under section 5123.19 of	81126
the Revised Code or otherwise regulated by the department of	81127
developmental disabilities;	81128
(c) An institution or association subject to certification	81129
under section 5103.03 of the Revised Code;	81130
(d) A facility operated by a hospice care program licensed	81131
under section 3712.04 of the Revised Code that is used exclusively	81132
for care of hospice patients;	81133
(e) A nursing home, residential care facility, or home for	81134
the aging as defined in section 3721.02 of the Revised Code;	81135
(f) A facility licensed to provide methadone treatment under	81136
section 5119.391 of the Revised Code;	81137
(g) Any facility that receives funding for operating costs	81138
from the development services agency under any program established	81139
to provide emergency shelter housing or transitional housing for	81140



the homeless; 81141

(h) A terminal care facility for the homeless that has 81142  
entered into an agreement with a hospice care program under 81143  
section 3712.07 of the Revised Code; 81144

(i) A facility approved by the veterans administration under 81145  
section 104(a) of the "Veterans Health Care Amendments of 1983," 81146  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 81147  
the placement and care of veterans; 81148

(j) The residence of a relative or guardian of a person with 81149  
mental illness. 81150

(C) Nothing in division (B) of this section shall be 81151  
construed to permit personal care services to be imposed on a 81152  
resident who is capable of performing the activity in question 81153  
without assistance. 81154

(D) Except in the case of a residential facility described in 81155  
division (B)(1)(a) of this section, members of the staff of a 81156  
residential facility shall not administer medication to the 81157  
facility's residents, but may do any of the following: 81158

(1) Remind a resident when to take medication and watch to 81159  
ensure that the resident follows the directions on the container; 81160

(2) Assist a resident in the self-administration of 81161  
medication by taking the medication from the locked area where it 81162  
is stored, in accordance with rules adopted pursuant to this 81163  
section, and handing it to the resident. If the resident is 81164  
physically unable to open the container, a staff member may open 81165  
the container for the resident. 81166

(3) Assist a physically impaired but mentally alert resident, 81167  
such as a resident with arthritis, cerebral palsy, or Parkinson's 81168  
disease, in removing oral or topical medication from containers 81169  
and in consuming or applying the medication, upon request by or 81170

with the consent of the resident. If a resident is physically 81171  
unable to place a dose of medicine to the resident's mouth without 81172  
spilling it, a staff member may place the dose in a container and 81173  
place the container to the mouth of the resident. 81174

(E)(1) Except as provided in division (E)(2) of this section, 81175  
a person operating or seeking to operate a residential facility 81176  
shall apply for licensure of the facility to the department of 81177  
mental health and addiction services. The application shall be 81178  
submitted by the operator. When applying for the license, the 81179  
applicant shall pay to the department the application fee 81180  
specified in rules adopted under division (L) of this section. The 81181  
fee is nonrefundable. 81182

The department shall send a copy of an application to the 81183  
ADAMHS board serving the county in which the person operates or 81184  
seeks to operate the facility. The ADAMHS board shall review the 81185  
application and provide to the department any information about 81186  
the applicant or the facility that the board would like the 81187  
department to consider in reviewing the application. 81188

(2) A person may not apply for a license to operate a 81189  
residential facility if the person is or has been the owner, 81190  
operator, or manager of a residential facility for which a license 81191  
to operate was revoked or for which renewal of a license was 81192  
refused for any reason other than nonpayment of the license 81193  
renewal fee, unless both of the following conditions are met: 81194

(a) A period of not less than two years has elapsed since the 81195  
date the director of mental health and addiction services issued 81196  
the order revoking or refusing to renew the facility's license. 81197

(b) The director's revocation or refusal to renew the license 81198  
was not based on an act or omission at the facility that violated 81199  
a resident's right to be free from abuse, neglect, or 81200  
exploitation. 81201

(F)(1) The department of mental health and addiction services 81202  
shall inspect and license the operation of residential facilities. 81203  
The department shall consider the past record of the facility and 81204  
the applicant or licensee in arriving at its licensure decision. 81205

The department may issue full, probationary, and interim 81206  
licenses. A full license shall expire up to three years after the 81207  
date of issuance, a probationary license shall expire in a shorter 81208  
period of time as specified in rules adopted by the director of 81209  
mental health and addiction services under division (L) of this 81210  
section, and an interim license shall expire ninety days after the 81211  
date of issuance. A license may be renewed in accordance with 81212  
rules adopted by the director under division (L) of this section. 81213  
The renewal application shall be submitted by the operator. When 81214  
applying for renewal of a license, the applicant shall pay to the 81215  
department the renewal fee specified in rules adopted under 81216  
division (L) of this section. The fee is nonrefundable. 81217

(2) The department may issue an order suspending the 81218  
admission of residents to the facility or refuse to issue or renew 81219  
and may revoke a license if it finds any of the following: 81220

(a) The facility is not in compliance with rules adopted by 81221  
the director pursuant to division (L) of this section; 81222

(b) Any facility operated by the applicant or licensee has 81223  
been cited for a pattern of serious noncompliance or repeated 81224  
violations of statutes or rules during the period of current or 81225  
previous licenses; 81226

(c) The applicant or licensee submits false or misleading 81227  
information as part of a license application, renewal, or 81228  
investigation. 81229

Proceedings initiated to deny applications for full or 81230  
probationary licenses or to revoke such licenses are governed by 81231  
Chapter 119. of the Revised Code. An order issued pursuant to this 81232

division remains in effect during the pendency of those 81233  
proceedings. 81234

(G) The department may issue an interim license to operate a 81235  
residential facility if both of the following conditions are met: 81236

(1) The department determines that the closing of or the need 81237  
to remove residents from another residential facility has created 81238  
an emergency situation requiring immediate removal of residents 81239  
and an insufficient number of licensed beds are available. 81240

(2) The residential facility applying for an interim license 81241  
meets standards established for interim licenses in rules adopted 81242  
by the director under division (L) of this section. 81243

An interim license shall be valid for ninety days and may be 81244  
renewed by the director no more than twice. Proceedings initiated 81245  
to deny applications for or to revoke interim licenses under this 81246  
division are not subject to Chapter 119. of the Revised Code. 81247

(H)(1) The department of mental health and addiction services 81248  
may conduct an inspection of a residential facility as follows: 81249

(a) Prior to issuance of a license for the facility; 81250

(b) Prior to renewal of the license; 81251

(c) To determine whether the facility has completed a plan of 81252  
correction required pursuant to division (H)(2) of this section 81253  
and corrected deficiencies to the satisfaction of the department 81254  
and in compliance with this section and rules adopted pursuant to 81255  
it; 81256

(d) Upon complaint by any individual or agency; 81257

(e) At any time the director considers an inspection to be 81258  
necessary in order to determine whether the facility is in 81259  
compliance with this section and rules adopted pursuant to this 81260  
section. 81261

(2) In conducting inspections the department may conduct an 81262

on-site examination and evaluation of the residential facility and 81263  
its personnel, activities, and services. The department shall have 81264  
access to examine and copy all records, accounts, and any other 81265  
documents relating to the operation of the residential facility, 81266  
including records pertaining to residents, and shall have access 81267  
to the facility in order to conduct interviews with the operator, 81268  
staff, and residents. Following each inspection and review, the 81269  
department shall complete a report listing any deficiencies, and 81270  
including, when appropriate, a time table within which the 81271  
operator shall correct the deficiencies. The department may 81272  
require the operator to submit a plan of correction describing how 81273  
the deficiencies will be corrected. 81274

(I) No person shall do any of the following: 81275

(1) Operate a residential facility unless the facility holds 81276  
a valid license; 81277

(2) Violate any of the conditions of licensure after having 81278  
been granted a license; 81279

(3) Interfere with a state or local official's inspection or 81280  
investigation of a residential facility; 81281

(4) Violate any of the provisions of this section or any 81282  
rules adopted pursuant to this section. 81283

(J) The following may enter a residential facility at any 81284  
time: 81285

(1) Employees designated by the director of mental health and 81286  
addiction services; 81287

(2) Employees of an ADAMHS board under either of the 81288  
following circumstances: 81289

(a) When a resident of the facility is receiving services 81290  
from a community mental health services provider under contract 81291  
with that ADAMHS board or another ADAMHS board; 81292

(b) When authorized by section 340.05 of the Revised Code.	81293
(3) Employees of a community mental health services provider under either of the following circumstances:	81294
(a) When the provider has a person receiving services residing in the facility;	81295
(a) When the provider has a person receiving services residing in the facility;	81296
(a) When the provider has a person receiving services residing in the facility;	81297
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81298
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81299
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are <del>recipients</del> <u>receiving payments</u> under the residential state supplement program.	81300
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The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81305
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The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81308
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81309
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81310
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(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81314
(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	81315
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(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81319
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81320
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81321
(2) Procedures for the issuance, renewal, or revocation of	81322

the licenses of residential facilities;	81323
(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	81324 81325 81326 81327
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	81328 81329
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	81330 81331 81332 81333 81334 81335
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	81336 81337
(7) Measures to be taken by residential facilities relative to residents' medication;	81338 81339
(8) Requirements relating to preparation of special diets;	81340
(9) The maximum number of residents who may be served in a residential facility;	81341 81342
(10) The rights of residents of residential facilities and procedures to protect such rights;	81343 81344
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	81345 81346
(M)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall	81347 81348 81349 81350 81351 81352

disclose the source upon order by a court of competent jurisdiction. 81353  
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(2) Any person who makes a complaint under division (M)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 81355  
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(N)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility. 81361  
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(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents. 81372  
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(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action. 81378  
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(O) The director may fine a person for violating division (I) of this section. The fine shall be five hundred dollars for a 81382  
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first offense; for each subsequent offense, the fine shall be one 81384  
thousand dollars. The director's actions in imposing a fine shall 81385  
be taken in accordance with Chapter 119. of the Revised Code. 81386

**Sec. 5119.363.** The director of mental health and addiction 81387  
services shall adopt rules governing the duties of boards of 81388  
alcohol, drug addiction, and mental health services under section 81389  
340.20 of the Revised Code and the duties of community addiction 81390  
services providers under section 5119.362 of the Revised Code. The 81391  
rules shall authorize the department of mental health and 81392  
addiction services to determine an advanced practice registered 81393  
nurse's, physician assistant's, or physician's compliance with 81394  
section 3715.08 of the Revised Code if such practitioner works for 81395  
a community addiction services provider. The rules shall be 81396  
adopted in accordance with Chapter 119. of the Revised Code. 81397

**Sec. 5119.41.** (A) ~~As used in this section:~~ 81398

~~(1) "Nursing facility" has the same meaning as in section 81399  
5165.01 of the Revised Code. 81400~~

~~(2) "Residential state supplement administrative agency" 81401  
means the department of mental health and addiction services or, 81402  
if the department designates an entity under division (C) of this 81403  
section for a particular area, the designated entity. 81404~~

~~(3) "Residential state supplement program" means the program 81405  
administered pursuant to this section. 81406~~

~~(B) The department of mental health and addiction services 81407  
shall implement the residential state supplement program under 81408  
which the state supplements the amounts received by aged, blind, 81409  
or disabled adults as supplemental security income payments 81410  
received by aged, blind, or disabled adults under Title XVI of the 81411  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 81412  
security benefits or social security disability insurance benefits 81413~~

under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 81414  
Residential state supplement payments shall be used for the 81415  
provision of accommodations, supervision, and personal care 81416  
services to ~~social security~~, recipients of supplemental security 81417  
income payments, social security benefits, and social security 81418  
disability insurance ~~recipients~~ benefits who the department 81419  
determines are at risk of needing institutional care. 81420

~~(C)~~ In implementing the program, the department may designate 81421  
one or more entities to be responsible for providing 81422  
administrative services regarding the program. The department may 81423  
designate an entity ~~to be a residential state supplement~~ 81424  
~~administrative agency under this division~~ either by entering into 81425  
a contract with the entity to ~~serve in that capacity~~ provided the 81426  
services or by otherwise delegating to the entity the 81427  
responsibility to ~~serve in that capacity~~ provide the services. 81428

~~(D) For an individual to~~ (B) To be eligible for residential 81429  
state supplement payments, ~~all of the following must be the case:~~ 81430

~~(1) Except as provided by division (C) of this section, the~~ 81431  
~~individual must reside in one of the following living~~ 81432  
~~arrangements:~~ 81433

~~(a) A residential care facility licensed by the department of~~ 81434  
~~health under Chapter 3721. of the Revised Code or an assisted~~ 81435  
~~living program as defined in section 173.51 of the Revised Code;~~ 81436

~~(b) A class two residential facility licensed by the~~ 81437  
~~department of mental health and addiction services under section~~ 81438  
~~5119.34 of the Revised Code.~~ 81439

~~(2) If a residential state supplement administrative agency~~ 81440  
~~is aware that an individual enrolled in the program has mental~~ 81441  
~~health needs, the agency shall refer the individual for an~~ 81442  
~~assessment pursuant to division (A) of section 340.091 of the~~ 81443  
~~Revised Code.~~ 81444

~~(3) The an individual ~~satisfies~~ must satisfy all eligibility requirements established by rules adopted under ~~division (E)~~ of this section.~~

~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~

~~(E)(C) The director of mental health and addiction services and the medicaid director shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may ~~adopt~~ rules establishing establish standards for adjusting the eligibility requirements concerning the level of impairment ~~a person~~ an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled ~~persons~~

solely on a basis classifying disabilities as physical or mental. 81477  
~~The medicaid director also may adopt rules that establish 81478~~  
~~eligibility standards for aged, blind, or disabled individuals who 81479~~  
~~reside in one of the homes or facilities specified in division 81480~~  
~~(D)(1) of this section but who, because of their income, do not 81481~~  
~~receive supplemental security income payments. The rules may 81482~~  
~~provide that these individuals may include individuals who receive 81483~~  
~~other types of benefits, including, social security payments or 81484~~  
~~social security disability insurance benefits provided under Title 81485~~  
~~II of the "Social Security Act," 42 U.S.C. 401, et seq. 81486~~  
~~Notwithstanding division (B) of this section, such payments may be 81487~~  
~~made if funds are available for them. 81488~~

~~The director of mental health and addiction services may 81489~~  
~~adopt rules establishing the method to be used to determine the 81490~~  
~~amount an eligible individual will receive under the program. The 81491~~  
~~amount the general assembly appropriates for the program may be a 81492~~  
~~factor included in the method that director establishes. 81493~~

~~(F)(D) The county department of job and family services of 81494~~  
~~the county in which an applicant for the residential state 81495~~  
~~supplement program resides or the department of medicaid shall 81496~~  
~~determine whether the applicant meets income and resource 81497~~  
~~requirements for the program. 81498~~

The county department of job and family services or the 81499  
department of medicaid shall notify each individual who is denied 81500  
approval for payments under the program of the individual's right 81501  
to a hearing. On request, the hearing shall be provided in 81502  
accordance with section 5101.35 of the Revised Code. 81503

~~(G)(E) An individual in a licensed or certified living 81504~~  
~~arrangement receiving state supplementation on November 15, 1990, 81505~~  
~~under former section 5101.531 of the Revised Code shall not become 81506~~  
~~ineligible for payments under this ~~section~~ program solely by 81507~~  
~~reason of the individual's living arrangement as long as the 81508~~

individual remains in the living arrangement in which the 81509  
individual resided on November 15, 1990. 81510

~~(H) The county department of job and family services from 81511  
which the person is receiving benefits or the department of 81512  
medicaid shall notify each person denied approval for payments 81513  
under this section of the person's right to a hearing. On request, 81514  
the hearing shall be provided in accordance with section 5101.35 81515  
of the Revised Code. 81516~~

**Sec. 5119.47.** The director of mental health and addiction 81517  
services shall administer the problem casino gambling and 81518  
addictions fund. The director shall use the money in the fund to 81519  
support gambling addiction services, alcohol and drug addiction 81520  
services, other services that relate to gambling addiction and 81521  
substance abuse, and research that relates to gambling addiction 81522  
and substance abuse. Treatment and prevention services supported 81523  
by money in the fund under this section shall be services that are 81524  
certified by the department of mental health and addiction 81525  
services. 81526

The director shall prepare an annual report describing the 81527  
use of the fund for these purposes. The director shall submit the 81528  
report to the Ohio casino control commission, the speaker and 81529  
minority leader of the house of representatives, the president and 81530  
minority leader of the senate, and the governor, ~~and the joint~~ 81531  
~~committee on gaming and wagering.~~ 81532

**Sec. 5119.89.** The director of mental health and addiction 81533  
services shall consult with the superintendent of insurance as 81534  
required by section 3901.90 of the Revised Code to develop 81535  
consumer and payer education on mental health and addiction 81536  
services insurance parity and establish and promote a consumer 81537  
hotline to collect information and help consumers understand and 81538

access their insurance benefits. 81539

The department of mental health and addiction services and 81540  
the department of insurance shall jointly report annually on the 81541  
departments' efforts, which shall include information on consumer 81542  
and payer outreach activities and identification of trends and 81543  
barriers to access and coverage in this state. The departments 81544  
shall submit the report to the general assembly, the joint 81545  
medicaid oversight committee, and the governor, not later than the 81546  
thirtieth day of January of each year. 81547

**Sec. 5120.116.** (A) As used in this section: 81548

(1) "Local confinement" means service of a prison term in a 81549  
facility of a type described in division (C) or (D) of section 81550  
2929.34 of the Revised Code that is required to be served in such 81551  
a facility by division (B)(3)(a) of that section. 81552

(2) "Short-term fifth degree felony inmate" means any 81553  
offender who was sentenced to a short-term fifth degree felony 81554  
prison term in state fiscal year 2017, who served the prison term 81555  
in state confinement, and who, had the offender committed the 81556  
offense on or after the effective date of this section, would have 81557  
been required to serve the term in local confinement. 81558

(3) "Short-term fifth degree felony prison term" means a 81559  
prison term that is twelve months or less that is imposed for a 81560  
felony of the fifth degree. 81561

(4) "State confinement" means service of a prison term in an 81562  
institution under the control of the department of rehabilitation 81563  
and correction. "State confinement" does not include service of a 81564  
prison term in a community-based correctional facility. 81565

(B)(1) Not later than October 1, 2017, the department of 81566  
rehabilitation and correction shall do all of the following: 81567

(a) Determine the total number of short-term fifth degree felony inmates statewide and determine, for each county in the state, the number of short-term fifth degree felony inmates sentenced by the court of common pleas of that county; 81568  
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(b) Calculate the total statewide local confinement exemption, which is equal to fifteen per cent of the total number of short-term fifth degree felony inmates statewide; 81572  
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(c) Calculate, for each county in the state, the county apportioned percentage, which is equal to the number of short-term fifth degree felony inmates sentenced by the court of common pleas of that county divided by the total number of short-term fifth degree felony inmates statewide; 81575  
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(d) Calculate, for each county in the state, the county's local confinement exemption, which is equal to whichever of the following is applicable: 81580  
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(i) Subject to division (B)(1)(d)(ii) of this section, the total statewide local confinement exemption calculated under division (B)(1)(b) of this section multiplied by the county's county apportioned percentage calculated under division (B)(1)(c) of this section; 81583  
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(ii) If the exemption number determined under division (B)(1)(d)(i) of this section would be five or fewer, the county's local confinement exemption shall be five. 81588  
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(e) Notify each county in the state of the county's local confinement exemption and that the county's local confinement exemption applies for each state fiscal year commencing with state fiscal year 2018. 81591  
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(2) In determining and calculating numbers under divisions (B)(1)(b) and (d) of this section, the department shall round up any fraction to the next higher whole number. 81595  
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(C) Upon receipt under division (B)(1)(e) of this section of the notice of its local confinement exemption for state fiscal years commencing with state fiscal year 2018, a county may send offenders sentenced by the court of common pleas of the county to a short-term fifth degree felony prison term to the department of rehabilitation and correction for service of the term in state confinement instead of in local confinement. The local confinement exemption determined by the department under division (B)(1)(d) of this section for a county constitutes the total number of offenders sentenced to a short-term fifth degree felony prison term by the court of common pleas of the county, in each state fiscal year commencing with state fiscal year 2018, that may be confined at any one point in time in state confinement instead of in local confinement. A county may send offenders to the department in a state fiscal year for service of a short-term fifth degree felony prison term in state confinement instead of in local confinement under this division as long as the number of offenders confined from the county at that point in time for such a prison term in such a manner is fewer than the county's local confinement exemption. In no case may a county send offenders to the department in any state fiscal year for service of a short-term fifth degree felony prison term in state confinement instead of local confinement under this division if the number of offenders confined from the county at that point in time for such a term in such a manner equals the number of offenders that corresponds to the county's local confinement exemption. The local confinement exemption determined for a county under division (B)(1)(d) of this section applies only for that county and no part of it may be transferred to or used by any other county.

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**Sec. 5120.117.** (A) As used in this section:

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(1) "Local confinement," "short-term fifth degree felony prison term," and "state confinement" have the same meanings as in

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section 5120.116 of the Revised Code. 81630

(2) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 81631  
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(3) "Desired inmate capacity" of a local correctional facility is the desired inmate capacity of the facility as specified in the memorandum of understanding established under section 5149.38 of the Revised Code by the officials of the county or counties served by courts of common pleas that sentence offenders to the facility for felonies of the fifth degree. 81634  
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(B)(1) A court of common pleas is eligible under this section for an initial local confinement waiver with respect to a particular offender it sentences to a short-term fifth degree felony prison term on or after July 1, 2018, and to the local correctional facility to which the offender will be sent to serve that term in local confinement, if all of the following apply: 81640  
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(a) At the point in time that offender is to commence service of that term, the number of offenders confined from the county for such a term in state confinement equals the number of offenders that corresponds to the county's local confinement exemption determined by the department of rehabilitation and correction under section 5120.116 of the Revised Code. 81646  
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(b) The local correctional facility to which the offender will be sent to serve that term in local confinement notifies the court that, at that point in time, the inmate population of the facility is at or exceeds one hundred ten per cent of its desired inmate capacity of the facility. 81652  
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(c) The court is not operating under a continuing local confinement waiver as specified in division (C)(1) of this section with respect to the local correctional facility described in division (B)(1)(b) of this section. 81657  
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(2)(a) Upon determining that it is eligible for an initial local confinement waiver with respect to a particular offender, as specified in division (B)(1) of this section, a court of common pleas promptly may submit to the department of rehabilitation and correction a request for an initial waiver of local confinement with respect to the offender. The request shall specify that the court has sentenced the offender to a short-term fifth degree felony prison term and that the court is eligible for the initial waiver with respect to the offender under the criteria set forth in division (B)(1) of this section and shall include information supporting that eligibility.

(b) Not later than ten days after receipt of a request from a court of common pleas under division (B)(2)(a) of this section for an initial local confinement waiver with respect to a particular offender, the department shall grant the initial waiver and accept the offender for state confinement.

(C)(1) If a court of common pleas has been granted an initial local confinement waiver under division (B)(2) of this section with respect to a local correctional facility, the waiver remains in effect with respect to that facility, as a continuing local confinement waiver, until the local correctional facility certifies to the department of rehabilitation and correction that the inmate population of the facility has fallen below one hundred ten per cent of the facility's desired inmate capacity and the department notifies the court that the local correctional facility has so certified.

If the inmate population of a local correctional facility that is the subject of a continuing local confinement waiver falls below one hundred ten per cent of the facility's desired inmate capacity, the sheriff, administrator, jailer, or other person responsible for operating the facility, within ten days of the inmate population falling below that number, shall certify to the

department of rehabilitation and correction that the inmate 81693  
population of the facility has so fallen. Upon receipt of a 81694  
certification from a local correctional facility that the inmate 81695  
population of the facility has fallen below one hundred ten per 81696  
cent of the facility's desired inmate capacity, the department 81697  
promptly shall notify the court of common pleas that has been 81698  
granted the waiver with respect to that facility of that fact. 81699  
Upon the court's receipt of the notification from the department, 81700  
the continuing local confinement waiver terminates. If a 81701  
continuing local confinement waiver that was granted to a court of 81702  
common pleas with respect to a local correctional facility has 81703  
terminated under this division, the court may become eligible for 81704  
a new initial local confinement waiver as specified in division 81705  
(B)(1) of this section, and may be granted the new waiver under 81706  
division (B)(2) of this section. 81707

(2) If a court of common pleas is operating under a 81708  
continuing local confinement waiver as specified in division 81709  
(C)(1) of this section with respect to a local correctional 81710  
facility, if the court sentences an offender on or after July 1, 81711  
2018, to a short-term fifth degree felony prison term, and if at 81712  
the point in time that offender is to commence service of that 81713  
term, division (B)(1)(a) of this section applies to the county, 81714  
the court may send the offender to the department of 81715  
rehabilitation and correction for service of the term in state 81716  
confinement instead of in local confinement in the local 81717  
correctional facility. When a court sends an offender to the 81718  
department under authority of this division, the department shall 81719  
accept the offender for state confinement. The court may continue 81720  
sending such offenders to the department for service of their term 81721  
in state confinement instead of in local confinement in the local 81722  
correctional facility under the criteria described in this 81723  
division until the court's continuing local confinement waiver 81724  
with respect to that facility is terminated under division (C)(1) 81725

of this section. 81726

(D) If the department accepts an offender for state 81727  
confinement under division (B)(2) or (C)(2) of this section, the 81728  
department may reduce the amount of the grant money to be provided 81729  
to the county under the targeting community alternatives to prison 81730  
(T-CAP) program by an amount equal to the department's cost of 81731  
confining the offender in state confinement. 81732

**Sec. 5120.22.** (A) The division of business administration 81733  
shall examine the conditions of all buildings, grounds, and other 81734  
property connected with the institutions under the control of the 81735  
department of rehabilitation and correction, the methods of 81736  
bookkeeping and storekeeping, and all matters relating to the 81737  
management of such property. The division shall study and become 81738  
familiar with the advantages and disadvantages of each as to 81739  
location, freight rates, and efficiency of farm and equipment, for 81740  
the purpose of aiding in the determination of the local and 81741  
general requirements both for maintenance and improvements. 81742

(B) The division, with respect to the various types of 81743  
state-owned housing under jurisdiction of the department, shall 81744  
adopt, in accordance with section 111.15 of the Revised Code, 81745  
rules governing maintenance of the housing and its usage by 81746  
department personnel. The rules shall include a procedure for 81747  
determining charges for rent and utilities, which the division 81748  
shall assess against and collect from department personnel using 81749  
the housing. All money collected for rent and utilities pursuant 81750  
to the rules shall be deposited into the property receipts fund, 81751  
which is hereby created in the state treasury. Money in the fund 81752  
shall be used for any expenses necessary to provide housing of 81753  
department employees, including but not limited to expenses for 81754  
the acquisition, construction, operation, maintenance, repair, 81755  
reconstruction, or demolition of land and buildings. 81756

(C) The division may enter into a lease or agreement with a state agency, political subdivision of the state, or private entity to use facilities or other property under the jurisdiction of the department that is not being utilized by the department. All money collected for leasing and services performed in accordance with the lease or agreement shall be deposited into the property receipts fund created under division (B) of this section. Money in the fund shall be used for any expenses resulting from the lease or agreement, including, but not limited to, expenses for services performed, construction, maintenance, repair, reconstruction, or demolition of the facilities or other property.

(D) If, after meeting the expenditure obligations required by divisions (B) and (C) of this section, the division determines that the property receipts fund has excess funds, the division may use money in the fund for services performed, construction, maintenance, repair, reconstruction, or demolition of any other facilities or property owned by the department.

**Sec. 5120.68.** (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information:

(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution;

(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution;

(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration.

(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled.

Sec. 5122.02. (A) Except as provided in division (D) of this 81787  
section, any person who is eighteen years of age or older and who 81788  
is, appears to be, or believes self to be mentally ill may make 81789  
written application for voluntary admission to the chief medical 81790  
officer of a hospital. 81791

(B) Except as provided in division (D) of this section, the 81792  
application also may be made on behalf of a minor by a parent, a 81793  
guardian of the person, or the person with custody of the minor, 81794  
and on behalf of an adult incompetent person by the guardian or 81795  
the person with custody of the incompetent person. 81796

Any person whose admission is applied for under division (A) 81797  
or (B) of this section may be admitted for observation, diagnosis, 81798  
care, or treatment, in any hospital unless the chief clinical 81799  
officer finds that hospitalization is inappropriate, ~~and except~~ 81800  
~~that, in the case of a public hospital, no person shall be~~ 81801  
~~admitted without the authorization of the board of the person's~~ 81802  
~~county of residence. The board of alcohol, drug addiction, and~~ 81803  
~~mental health services that serves the patient's county of~~ 81804  
~~residence may require preauthorization of such admissions.~~ 81805

(C) If a minor or person adjudicated incompetent due to 81806  
mental illness whose voluntary admission is applied for under 81807  
division (B) of this section is admitted, the court shall 81808  
determine, upon petition by private or otherwise appointed 81809  
counsel, a relative, or one acting as next friend, whether the 81810  
admission or continued hospitalization is in the best interest of 81811  
the minor or incompetent. 81812

The chief clinical officer shall discharge any voluntary 81813  
patient who has recovered or whose hospitalization the officer 81814  
determines to be no longer advisable and may discharge any 81815  
voluntary patient who refuses to accept treatment consistent with 81816  
the written treatment plan required by section 5122.27 of the 81817

Revised Code. 81818

(D) A person who is found incompetent to stand trial or not 81819  
guilty by reason of insanity and who is committed pursuant to 81820  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 81821  
Code shall not voluntarily admit the person or be voluntarily 81822  
admitted to a hospital pursuant to this section until after the 81823  
final termination of the commitment, as described in division (J) 81824  
of section 2945.401 of the Revised Code. 81825

**Sec. 5122.03.** A patient admitted under section 5122.02 of the 81826  
Revised Code who requests release in writing, or whose release is 81827  
requested in writing by the patient's counsel, legal guardian, 81828  
parent, spouse, or adult next of kin shall be released forthwith, 81829  
except that when: 81830

(A) The patient was admitted on the patient's own application 81831  
and the request for release is made by a person other than the 81832  
patient, release may be conditional upon the agreement of the 81833  
patient; or 81834

(B) The chief clinical officer of the hospital, within three 81835  
court days from the receipt of the request for release, files or 81836  
causes to be filed with the court of the county where the patient 81837  
is hospitalized or of the county where the patient is a resident, 81838  
an affidavit under section 5122.11 of the Revised Code. Release 81839  
may be postponed until the hearing held under section 5122.141 of 81840  
the Revised Code. A telephone communication within three court 81841  
days from the receipt of the request for release from the chief 81842  
clinical officer to the court, indicating that the required 81843  
affidavit has been mailed, is sufficient compliance with the time 81844  
limit for filing such affidavit. 81845

Unless the patient is released within three days from the 81846  
receipt of the request by the chief clinical officer, the request 81847  
shall serve as a request for an initial hearing under section 81848

5122.141 of the Revised Code. If the court finds that the patient 81849  
is a mentally ill person subject to court order, all provisions of 81850  
this chapter with respect to involuntary hospitalization apply to 81851  
such person. 81852

Judicial proceedings for hospitalization shall not be 81853  
commenced with respect to a voluntary patient except pursuant to 81854  
this section. 81855

Sections 5121.30 to 5121.56 of the Revised Code apply to 81856  
persons received in a hospital operated by the department of 81857  
mental health and addiction services on a voluntary application. 81858

The chief clinical officer of the hospital shall provide 81859  
reasonable means and arrangements for informing patients of their 81860  
rights to release as provided in this section and for assisting 81861  
them in making and presenting requests for release or for a 81862  
hearing under section 5122.141 of the Revised Code. 81863

Before a patient is released from a public hospital, the 81864  
chief clinical officer ~~shall, when possible, may~~ notify the board 81865  
of alcohol, drug addiction, and mental health services that serves 81866  
the patient's county of residence of the patient's pending release 81867  
after the chief clinical officer has informed the patient that the 81868  
board will be so notified. 81869

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 81870  
manner consistent with this chapter and with due process of law. 81871  
The hearings shall be conducted by a judge of the probate court or 81872  
a referee designated by a judge of the probate court and may be 81873  
conducted in or out of the county in which the respondent is held. 81874  
Any referee designated under this division shall be an attorney. 81875

(1) With the consent of the respondent, the following shall 81876  
be made available to counsel for the respondent: 81877

(a) All relevant documents, information, and evidence in the 81878



custody or control of the state or prosecutor; 81879

(b) All relevant documents, information, and evidence in the 81880  
custody or control of the hospital in which the respondent 81881  
currently is held, or in which the respondent has been held 81882  
pursuant to this chapter; 81883

(c) All relevant documents, information, and evidence in the 81884  
custody or control of any hospital, facility, or person not 81885  
included in division (A)(1)(a) or (b) of this section. 81886

(2) The respondent has the right to attend the hearing and to 81887  
be represented by counsel of the respondent's choice. The right to 81888  
attend the hearing may be waived only by the respondent or counsel 81889  
for the respondent after consultation with the respondent. 81890

(3) If the respondent is not represented by counsel, is 81891  
absent from the hearing, and has not validly waived the right to 81892  
counsel, the court shall appoint counsel immediately to represent 81893  
the respondent at the hearing, reserving the right to tax costs of 81894  
appointed counsel to the respondent, unless it is shown that the 81895  
respondent is indigent. If the court appoints counsel, or if the 81896  
court determines that the evidence relevant to the respondent's 81897  
absence does not justify the absence, the court shall continue the 81898  
case. 81899

(4) The respondent shall be informed that the respondent may 81900  
retain counsel and have independent expert evaluation. If the 81901  
respondent is unable to obtain an attorney, the respondent shall 81902  
be represented by court-appointed counsel. If the respondent is 81903  
indigent, court-appointed counsel and independent expert 81904  
evaluation shall be provided as an expense under section 5122.43 81905  
of the Revised Code. 81906

(5) The hearing shall be closed to the public, unless counsel 81907  
for the respondent, with the permission of the respondent, 81908  
requests that the hearing be open to the public. 81909

(6) If the hearing is closed to the public, the court, for 81910  
good cause shown, may admit persons who have a legitimate interest 81911  
in the proceedings. If the respondent, the respondent's counsel, 81912  
or the designee of the director or of the chief clinical officer 81913  
objects to the admission of any person, the court shall hear the 81914  
objection and any opposing argument and shall rule upon the 81915  
admission of the person to the hearing. 81916

(7) The affiant under section 5122.11 of the Revised Code 81917  
shall be subject to subpoena by either party. 81918

(8) The court shall examine the sufficiency of all documents 81919  
filed and shall inform the respondent, if present, and the 81920  
respondent's counsel of the nature and content of the documents 81921  
and the reason for which the respondent is being detained, or for 81922  
which the respondent's placement is being sought. 81923

(9) The court shall receive only reliable, competent, and 81924  
material evidence. 81925

(10) Unless proceedings are initiated pursuant to section 81926  
5120.17 or 5139.08 of the Revised Code, an attorney that the board 81927  
designates shall present the case demonstrating that the 81928  
respondent is a mentally ill person subject to court order. The 81929  
attorney shall offer evidence of the diagnosis, prognosis, record 81930  
of treatment, if any, and less restrictive treatment plans, if 81931  
any. In proceedings pursuant to section 5120.17 or 5139.08 of the 81932  
Revised Code, the attorney general shall designate an attorney who 81933  
shall present the case demonstrating that the respondent is a 81934  
mentally ill person subject to court order. The attorney shall 81935  
offer evidence of the diagnosis, prognosis, record of treatment, 81936  
if any, and less restrictive treatment plans, if any. 81937

(11) The respondent or the respondent's counsel has the right 81938  
to subpoena witnesses and documents and to examine and 81939  
cross-examine witnesses. 81940

- (12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court. 81941  
81942
- (13) On motion of the respondent or the respondent's counsel for good cause shown, or on the court's own motion, the court may order a continuance of the hearing. 81943  
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- (14) If the respondent is represented by counsel and the respondent's counsel requests a transcript and record, or if the respondent is not represented by counsel, the court shall make and maintain a full transcript and record of the proceeding. If the respondent is indigent and the transcript and record is made, a copy shall be provided to the respondent upon request and be treated as an expense under section 5122.43 of the Revised Code. 81946  
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- (15) To the extent not inconsistent with this chapter, the Rules of Civil Procedure are applicable. 81953  
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- (B) Unless, upon completion of the hearing the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to court order, it shall order the respondent's discharge immediately. 81955  
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- (C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to court order, the court shall order the respondent for a period not to exceed ninety days to any of the following: 81959  
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- (1) A hospital operated by the department of mental health and addiction services if the respondent is committed pursuant to section 5139.08 of the Revised Code; 81964  
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- (2) A nonpublic hospital; 81967
- (3) The veterans' administration or other agency of the United States government; 81968  
81969
- (4) A board of alcohol, drug addiction, and mental health 81970

services or services provider the board designates; 81971

(5) Receive private psychiatric care or psychological care 81972  
~~and treatment, as defined in section 1751.84 of the Revised Code;~~ 81973

(6) Any other suitable facility or person consistent with the 81974  
diagnosis, prognosis, and treatment needs of the respondent. A 81975  
jail or other local correctional facility is not a suitable 81976  
facility. 81977

(D) Any order made pursuant to division (C)(2), (3), (5), or 81978  
(6) of this section shall be conditioned upon the receipt by the 81979  
court of consent by the hospital, facility, agency, or person to 81980  
accept the respondent ~~and may include a requirement that a. The~~ 81981  
person or entity described in division (C)(2), (3), (5), or (6) of 81982  
this section may inform the board of alcohol, drug addiction, and 81983  
mental health services or community mental health services 81984  
provider the board designates about the progress of the respondent 81985  
with the treatment plan. 81986

(E) In determining the entity or person to which the 81987  
respondent is to be committed under division (C) of this section, 81988  
the court shall consider the diagnosis, prognosis, preferences of 81989  
the respondent and the projected treatment plan for the respondent 81990  
and shall order the implementation of the least restrictive 81991  
alternative available and consistent with treatment goals. If the 81992  
court determines that the least restrictive alternative available 81993  
that is consistent with treatment goals is inpatient 81994  
hospitalization, the court's order shall so state. 81995

(F) During the ninety-day period the entity or person shall 81996  
examine and treat the respondent. If the respondent is receiving 81997  
treatment in an outpatient setting, or receives treatment in an 81998  
outpatient setting during a subsequent period of continued 81999  
commitment under division (H) of this section, the entity or 82000  
person to whom the respondent is committed shall determine the 82001

appropriate outpatient treatment for the respondent. If, at any 82002  
time prior to the expiration of the ninety-day period, it is 82003  
determined by the entity or person that the respondent's treatment 82004  
needs could be equally well met in an available and appropriate 82005  
less restrictive setting, both of the following apply: 82006

(1) The respondent shall be released from the care of the 82007  
entity or person immediately and shall be referred to the court 82008  
together with a report of the findings and recommendations of the 82009  
entity or person; 82010

(2) The entity or person shall notify the respondent's 82011  
counsel ~~or~~ and, on the request of the appropriate board of 82012  
alcohol, drug addiction, and mental health services, the attorney 82013  
designated by a the board of alcohol, drug addiction, and mental 82014  
health services or, if the respondent was committed to a board or 82015  
a services provider designated by the board, it. The person or 82016  
entity to which the person was placed after commitment shall then 82017  
place the respondent in the least restrictive setting available 82018  
consistent with treatment goals and notify the court and the 82019  
respondent's counsel of the placement. 82020

The court shall dismiss the case or order placement in the 82021  
least restrictive setting. 82022

(G)(1) Except as provided in division (G)(2) of this section, 82023  
any person for whom proceedings for treatment have been commenced 82024  
pursuant to section 5122.11 of the Revised Code, may apply at any 82025  
time for voluntary admission or treatment to the entity or person 82026  
to which the person was ~~committed~~ ordered. Upon admission as a 82027  
voluntary patient, the chief clinical officer of the entity or the 82028  
person immediately shall notify the court, the patient's counsel, 82029  
the attorney of record for the person or entity to which the 82030  
person was committed and, when requested by the board, the 82031  
attorney designated by the board, ~~if the attorney has entered the~~ 82032  
~~proceedings, in writing of that fact, and, upon.~~ On receipt of the 82033

notice, the court shall dismiss the case. 82034

(2) A person who is found incompetent to stand trial or not 82035  
guilty by reason of insanity and who is committed pursuant to 82036  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 82037  
Code shall not voluntarily commit the person pursuant to this 82038  
section until after the final termination of the commitment, as 82039  
described in division (J) of section 2945.401 of the Revised Code. 82040

(H) If, at the end of the first ninety-day period or any 82041  
subsequent period of continued commitment, there has been no 82042  
disposition of the case, ~~(either by discharge or voluntary~~ 82043  
~~admission or treatment)~~, the entity or person shall discharge the 82044  
patient immediately, unless at least ten days pass before the 82045  
expiration of the period the ~~attorney the board designates or the~~ 82046  
~~prosecutor~~ or the attorney of record described in division (G) of 82047  
this section files with the court an application for continued 82048  
commitment. The application of the attorney ~~or the prosecutor~~ on 82049  
record shall include a written report containing the diagnosis, 82050  
prognosis, past treatment, a list of alternative treatment 82051  
settings and plans, and identification of the treatment setting 82052  
that is the least restrictive consistent with treatment needs. The 82053  
attorney ~~the board designates or the~~ prosecutor of record or shall 82054  
file the written report at least three days prior to the full 82055  
hearing. A copy of the application and written report shall be 82056  
provided to the respondent's counsel immediately. 82057

The court shall hold a full hearing on applications for 82058  
continued commitment at the expiration of the first ninety-day 82059  
period and at least every two years after the expiration of the 82060  
first ninety-day period. 82061

Hearings following any application for continued commitment 82062  
are mandatory and may not be waived. 82063

For a respondent who is ordered to receive treatment in an 82064

outpatient setting, if at any time after the first ninety-day 82065  
period the entity or person to whom the respondent was ordered 82066  
determines that the respondent has demonstrated voluntary consent 82067  
for treatment, that entity or person shall immediately notify the 82068  
respondent, the respondent's counsel, the attorney ~~designated by~~ 82069  
~~the board, and~~ of record described in division (G) of this 82070  
section, and the court. The entity or person shall submit to the 82071  
court a report of the findings and recommendations. The court may 82072  
dismiss the case upon review of the facts. 82073

Upon request of a person who is involuntarily committed under 82074  
this section, or the person's counsel, that is made more than one 82075  
hundred eighty days after the person's last full hearing, 82076  
mandatory or requested, the court shall hold a full hearing on the 82077  
person's continued commitment. Upon the application of a person 82078  
involuntarily committed under this section, supported by an 82079  
affidavit of a psychiatrist or licensed clinical psychologist, 82080  
alleging that the person no longer is a mentally ill person 82081  
subject to court order, the court for good cause shown may hold a 82082  
full hearing on the person's continued commitment prior to the 82083  
expiration of one hundred eighty days after the person's last full 82084  
hearing. Section 5122.12 of the Revised Code applies to all 82085  
hearings on continued commitment. 82086

If the court, after a hearing for continued commitment finds 82087  
by clear and convincing evidence that the respondent is a mentally 82088  
ill person subject to court order, the court may order continued 82089  
commitment at places or to persons specified in division (C) of 82090  
this section. 82091

(I) Unless the admission is pursuant to section 5120.17 or 82092  
5139.08 of the Revised Code, the board may request that the chief 82093  
clinical officer of the entity admitting a respondent pursuant to 82094  
a judicial proceeding, within ten working days of the admission, 82095  
shall make a report of the admission to the board of alcohol, drug 82096

addiction, and mental health services serving the respondent's 82097  
county of residence. 82098

(J) A referee appointed by the court may make all orders that 82099  
a judge may make under this section and sections 5122.11 and 82100  
5122.141 of the Revised Code, except an order of contempt of 82101  
court. The orders of a referee take effect immediately. Within 82102  
fourteen days of the making of an order by a referee, a party may 82103  
file written objections to the order with the court. The filed 82104  
objections shall be considered a motion, shall be specific, and 82105  
shall state their grounds with particularity. Within ten days of 82106  
the filing of the objections, a judge of the court shall hold a 82107  
hearing on the objections and may hear and consider any testimony 82108  
or other evidence relating to the respondent's mental condition. 82109  
At the conclusion of the hearing, the judge may ratify, rescind, 82110  
or modify the referee's order. 82111

(K) An order of the court under division (C), (H), or ~~(J)~~(I) 82112  
of this section is a final order. 82113

(L) Before a ~~board, or a services provider the board~~ 82114  
~~designates, may place~~ placing an unconsenting respondent in an 82115  
inpatient setting from a less restrictive placement, the ~~board or~~ 82116  
~~services provider~~ person or entity to which the respondent was 82117  
ordered shall do all of the following: 82118

(1) Determine that the respondent is in immediate need of 82119  
treatment in an inpatient setting because the respondent 82120  
represents a substantial risk of physical harm to the respondent 82121  
or others if allowed to remain in a less restrictive setting; 82122

(2) On the day of placement in the inpatient setting or on 82123  
the next court day, file with the court a motion for transfer to 82124  
an inpatient setting or communicate to the court by telephone that 82125  
the required motion has been mailed; 82126

(3) Ensure that every reasonable and appropriate effort is 82127



made to take the respondent to the inpatient setting in the least 82128  
conspicuous manner possible; 82129

(4) Immediately notify the ~~board's designated~~ attorney ~~and~~ 82130  
the of record described in division (G) of this section and the 82131  
respondent's attorney. 82132

(5) At the request of the board, immediately notify the 82133  
board's designated attorney. 82134

At the respondent's request, the court shall hold a hearing 82135  
on the motion and make a determination pursuant to division (E) of 82136  
this section within five days of the placement. 82137

(M) Before a board, or a services provider the board 82138  
designates, may move a respondent from one residential placement 82139  
to another, the board or services provider shall consult with the 82140  
respondent about the placement. If the respondent objects to the 82141  
placement, the proposed placement and the need for it shall be 82142  
reviewed by a qualified mental health professional who otherwise 82143  
is not involved in the treatment of the respondent. 82144

(N) The entity or person to whom the respondent was ordered 82145  
for treatment in an outpatient setting may submit a report to the 82146  
court indicating that the respondent has either failed to comply 82147  
with the treatment plan or begun to demonstrate signs of 82148  
decompensation that may be grounds for hospitalization. On receipt 82149  
of the report, the court shall promptly schedule a hearing to 82150  
review the case. The court shall conduct the hearing in a manner 82151  
consistent with this chapter and due process of law. The ~~board~~ 82152  
person or entity to which the person was ordered shall receive 82153  
notice of the hearing and ~~the board and entity or person treating~~ 82154  
~~the respondent~~ shall submit a report to the court with a plan for 82155  
appropriate alternative treatment, if any, or recommend that the 82156  
court discontinue the court-ordered treatment. At the request of 82157  
the board, the court shall provide a copy of the notice of hearing 82158

and the subsequent report. The court shall consider available and 82159  
appropriate alternative placements but shall not impose criminal 82160  
sanctions that result in confinement in a jail or other local 82161  
correctional facility based on the respondent's failure to comply 82162  
with the treatment plan. The court may not order the respondent to 82163  
a more restrictive placement unless the criteria specified in 82164  
division (L) of this section are met and may not order the 82165  
respondent to an inpatient setting unless the court determines by 82166  
clear and convincing evidence presented by the ~~board~~ person or 82167  
entity to which the person was ordered that the respondent meets 82168  
the criteria specified in divisions (A) and (B)(1), (2), (3), or 82169  
(4) of section 5122.01 of the Revised Code. 82170

**Sec. 5122.31.** (A) All certificates, applications, records, 82171  
and reports made for the purpose of this chapter and sections 82172  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 82173  
Code, other than court journal entries or court docket entries, 82174  
and directly or indirectly identifying a patient or former patient 82175  
or person whose hospitalization or commitment has been sought 82176  
under this chapter, shall be kept confidential and shall not be 82177  
disclosed by any person except: 82178

(1) If the person identified, or the person's legal guardian, 82179  
if any, or if the person is a minor, the person's parent or legal 82180  
guardian, consents, and if the disclosure is in the best interests 82181  
of the person, as may be determined by the court for judicial 82182  
records and by the chief clinical officer for medical records; 82183

(2) When disclosure is provided for in this chapter or 82184  
Chapters 340. or 5119. of the Revised Code or in accordance with 82185  
other provisions of state or federal law authorizing such 82186  
disclosure; 82187

(3) That hospitals, boards of alcohol, drug addiction, and 82188  
mental health services, and community mental health services 82189

providers may release necessary medical information to insurers 82190  
and other third-party payers, including government entities 82191  
responsible for processing and authorizing payment, to obtain 82192  
payment for goods and services furnished to the patient; 82193

(4) Pursuant to a court order signed by a judge; 82194

(5) That a patient shall be granted access to the patient's 82195  
own psychiatric and medical records, unless access specifically is 82196  
restricted in a patient's treatment plan for clear treatment 82197  
reasons; 82198

(6) That hospitals and other institutions and facilities 82199  
within the department of mental health and addiction services may 82200  
exchange psychiatric records and other pertinent information with 82201  
other hospitals, institutions, and facilities of the department, 82202  
and with community mental health services providers and boards of 82203  
alcohol, drug addiction, and mental health services with which the 82204  
department has a current agreement for patient care or services. 82205  
Records and information that may be released pursuant to this 82206  
division shall be limited to medication history, physical health 82207  
status and history, financial status, summary of course of 82208  
treatment in the hospital, summary of treatment needs, and a 82209  
discharge summary, if any. 82210

(7) That hospitals within the department and other 82211  
institutions and facilities within the department may exchange 82212  
psychiatric records and other pertinent information with payers 82213  
and other providers of treatment, health services, and recovery 82214  
supports if the purpose of the exchange is to facilitate 82215  
continuity of care for a patient or for the emergency treatment of 82216  
an individual; 82217

(8) That a patient's family member who is involved in the 82218  
provision, planning, and monitoring of services to the patient may 82219  
receive medication information, a summary of the patient's 82220

diagnosis and prognosis, and a list of the services and personnel 82221  
available to assist the patient and the patient's family, if the 82222  
patient's treating physician determines that the disclosure would 82223  
be in the best interests of the patient. No such disclosure shall 82224  
be made unless the patient is notified first and receives the 82225  
information and does not object to the disclosure. 82226

(9) That community mental health services providers may 82227  
exchange psychiatric records and certain other information with 82228  
the board of alcohol, drug addiction, and mental health services 82229  
and other services providers in order to provide services to a 82230  
person involuntarily committed to a board. Release of records 82231  
under this division shall be limited to medication history, 82232  
physical health status and history, financial status, summary of 82233  
course of treatment, summary of treatment needs, and discharge 82234  
summary, if any. 82235

(10) That information may be disclosed to the executor or the 82236  
administrator of an estate of a deceased patient when the 82237  
information is necessary to administer the estate; 82238

(11) That records in the possession of the Ohio history 82239  
connection may be released to the closest living relative of a 82240  
deceased patient upon request of that relative; 82241

(12) That records pertaining to the patient's diagnosis, 82242  
course of treatment, treatment needs, and prognosis shall be 82243  
disclosed and released to the appropriate prosecuting attorney if 82244  
the patient was committed pursuant to section 2945.38, 2945.39, 82245  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 82246  
attorney designated by the ~~board~~ person or entity to which the 82247  
person was ordered and, if requested by the board of alcohol, drug 82248  
addiction, and mental health services, to the board for 82249  
proceedings pursuant to involuntary commitment under this 82250  
chapter.; 82251

(13) That a board of alcohol, drug addiction, and mental health services and a probate court may exchange psychiatric records and other pertinent information regarding a patient with each other for the purpose of fulfilling duties under section 340.03 of the Revised Code and Chapter 2101. of the Revised Code, as applicable;

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

~~(14)~~(15) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

**Sec. 5122.32.** (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health and addiction services by the director of mental health and addiction services, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of mental health and addiction services to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services within the department and its hospitals and community setting programs, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its hospitals and community setting programs. "Quality assurance program" includes the central office quality assurance committees, morbidity and mortality review committees, quality assurance programs of community setting programs, quality assurance committees of hospitals operated by the department of mental health and addiction services, and the office of licensure and certification of the department.

(3) "Quality assurance program activities" include collecting

or compiling information and reports required by a quality 82315  
assurance committee, receiving, reviewing, or implementing the 82316  
recommendations made by a quality assurance committee, and 82317  
credentialing, privileging, infection control, tissue review, peer 82318  
review, utilization review including access to patient care 82319  
records, patient care assessment records, and medical and mental 82320  
health records, medical and mental health resource management, 82321  
mortality and morbidity review, and identification and prevention 82322  
of medical or mental health incidents and risks, whether performed 82323  
by a quality assurance committee or by persons who are directed by 82324  
a quality assurance committee. 82325

(4) "Quality assurance records" means the proceedings, 82326  
discussion, records, findings, recommendations, evaluations, 82327  
opinions, minutes, reports, and other documents or actions that 82328  
emanate from quality assurance committees, quality assurance 82329  
programs, or quality assurance program activities. "Quality 82330  
assurance records" does not include aggregate statistical 82331  
information that does not disclose the identity of persons 82332  
receiving or providing medical or mental health services in 82333  
department of mental health and addiction services hospitals or 82334  
community setting programs. 82335

(B)(1) Except as provided in division (E) of this section, 82336  
quality assurance records are confidential and are not public 82337  
records under section 149.43 of the Revised Code, and shall be 82338  
used only in the course of the proper functions of a quality 82339  
assurance program. 82340

(2) Except as provided in division (E) of this section, no 82341  
person who possesses or has access to quality assurance records 82342  
and who knows that the records are quality assurance records shall 82343  
willfully disclose the contents of the records to any person or 82344  
entity. 82345

(C)(1) Except as provided in division (E) of this section, no 82346

quality assurance record shall be subject to discovery, and is not 82347  
admissible in evidence, in any judicial or administrative 82348  
proceeding. 82349

(2) Except as provided in division (E) of this section, no 82350  
member of a quality assurance committee or a person who is 82351  
performing a function that is part of a quality assurance program 82352  
shall be permitted or required to testify in a judicial or 82353  
administrative proceeding with respect to quality assurance 82354  
records or with respect to any finding, recommendation, 82355  
evaluation, opinion, or other action taken by the committee, 82356  
member, or person. 82357

(3) Information, documents, or records otherwise available 82358  
from original sources are not to be construed as being unavailable 82359  
for discovery or admission in evidence in a judicial or 82360  
administrative proceeding merely because they were presented to a 82361  
quality assurance committee. No person testifying before a quality 82362  
assurance committee or person who is a member of a quality 82363  
assurance committee shall be prevented from testifying as to 82364  
matters within the person's knowledge, but the witness cannot be 82365  
asked about the witness' testimony before the quality assurance 82366  
committee or about an opinion formed by the person as a result of 82367  
the quality assurance committee proceedings. 82368

(D)(1) A person who, without malice and in the reasonable 82369  
belief that the information is warranted by the facts known to the 82370  
person, provides information to a person engaged in quality 82371  
assurance program activities is not liable for damages in a civil 82372  
action for injury, death, or loss to person or property to any 82373  
person as a result of providing the information. 82374

(2) A member of a quality assurance committee, a person 82375  
engaged in quality assurance program activities, and an employee 82376  
of the department of mental health and addiction services shall 82377  
not be liable in damages in a civil action for injury, death, or 82378



loss to person or property to any person for any acts, omissions, 82379  
decisions, or other conduct within the scope of the functions of 82380  
the quality assurance program. 82381

(3) Nothing in this section shall relieve any institution or 82382  
individual from liability arising from the treatment of a patient. 82383

(E) Quality assurance records may be disclosed, and testimony 82384  
may be provided concerning quality assurance records, only to the 82385  
following persons or entities: 82386

(1) Persons who are employed or retained by the department of 82387  
mental health and addiction services and who have authority to 82388  
evaluate or implement the recommendations of a state-operated 82389  
hospital, community setting program, or central office quality 82390  
assurance committee; 82391

(2) Public or private agencies or organizations if needed to 82392  
perform a licensing or accreditation function related to 82393  
department of mental health and addiction services hospitals or 82394  
community setting programs, or to perform monitoring of a hospital 82395  
or program of that nature as required by law. 82396

(F) A disclosure of quality assurance records pursuant to 82397  
division (E) of this section does not otherwise waive the 82398  
confidential and privileged status of the disclosed quality 82399  
assurance records. 82400

(G) Nothing in this section shall limit the access of the 82401  
Ohio protection and advocacy system to records or personnel as 82402  
required under section 5123.601 of the Revised Code. Nothing in 82403  
this section shall limit the admissibility of documentary or 82404  
testimonial evidence in an action brought by the Ohio protection 82405  
and advocacy system in its own name or on behalf of a client. 82406

**Sec. 5123.01.** As used in this chapter: 82407

(A) "Chief medical officer" means the licensed physician 82408

appointed by the managing officer of an institution for persons 82409  
with intellectual disabilities with the approval of the director 82410  
of developmental disabilities to provide medical treatment for 82411  
residents of the institution. 82412

(B) "Chief program director" means a person with special 82413  
training and experience in the diagnosis and management of persons 82414  
with developmental disabilities, certified according to division 82415  
(C) of this section in at least one of the designated fields, and 82416  
appointed by the managing officer of an institution for persons 82417  
with intellectual disabilities with the approval of the director 82418  
to provide habilitation and care for residents of the institution. 82419

(C) "Comprehensive evaluation" means a study, including a 82420  
sequence of observations and examinations, of a person leading to 82421  
conclusions and recommendations formulated jointly, with 82422  
dissenting opinions if any, by a group of persons with special 82423  
training and experience in the diagnosis and management of persons 82424  
with developmental disabilities, which group shall include 82425  
individuals who are professionally qualified in the fields of 82426  
medicine, psychology, and social work, together with such other 82427  
specialists as the individual case may require. 82428

(D) "Education" means the process of formal training and 82429  
instruction to facilitate the intellectual and emotional 82430  
development of residents. 82431

(E) "Habilitation" means the process by which the staff of 82432  
the institution assists the resident in acquiring and maintaining 82433  
those life skills that enable the resident to cope more 82434  
effectively with the demands of the resident's own person and of 82435  
the resident's environment and in raising the level of the 82436  
resident's physical, mental, social, and vocational efficiency. 82437  
Habilitation includes but is not limited to programs of formal, 82438  
structured education and training. 82439

(F) "Health officer" means any public health physician, 82440  
public health nurse, or other person authorized or designated by a 82441  
city or general health district. 82442

(G) "Home and community-based services" means medicaid-funded 82443  
home and community-based services specified in division (A)(1) of 82444  
section 5166.20 of the Revised Code provided under the medicaid 82445  
waiver components the department of developmental disabilities 82446  
administers pursuant to section 5166.21 of the Revised Code. 82447  
Except as provided in section 5123.0412 of the Revised Code, home 82448  
and community-based services provided under the medicaid waiver 82449  
component known as the transitions developmental disabilities 82450  
waiver are to be considered to be home and community-based 82451  
services for the purposes of this chapter, and Chapters 5124. and 82452  
5126. of the Revised Code, only to the extent, if any, provided by 82453  
the contract required by section 5166.21 of the Revised Code 82454  
regarding the waiver. 82455

(H) "ICF/IID" has the same meaning as in section 5124.01 of 82456  
the Revised Code. 82457

(I) "Indigent person" means a person who is unable, without 82458  
substantial financial hardship, to provide for the payment of an 82459  
attorney and for other necessary expenses of legal representation, 82460  
including expert testimony. 82461

(J) "Institution" means a public or private facility, or a 82462  
part of a public or private facility, that is licensed by the 82463  
appropriate state department and is equipped to provide 82464  
residential habilitation, care, and treatment for persons with 82465  
intellectual disabilities. 82466

(K) "Licensed physician" means a person who holds a valid 82467  
certificate issued under Chapter 4731. of the Revised Code 82468  
authorizing the person to practice medicine and surgery or 82469  
osteopathic medicine and surgery, or a medical officer of the 82470

government of the United States while in the performance of the 82471  
officer's official duties. 82472

(L) "Managing officer" means a person who is appointed by the 82473  
director of developmental disabilities to be in executive control 82474  
of an institution under the jurisdiction of the department of 82475  
developmental disabilities. 82476

(M) "Medicaid case management services" means case management 82477  
services provided to an individual with a developmental disability 82478  
that the state medicaid plan requires. 82479

(N) "Intellectual disability" means a disability 82480  
characterized by having significantly subaverage general 82481  
intellectual functioning existing concurrently with deficiencies 82482  
in adaptive behavior, manifested during the developmental period. 82483

(O) "Person with an intellectual disability subject to 82484  
institutionalization by court order" means a person eighteen years 82485  
of age or older with at least a moderate level of intellectual 82486  
disability and in relation to whom, because of the person's 82487  
disability, either of the following conditions exists: 82488

(1) The person represents a very substantial risk of physical 82489  
impairment or injury to self as manifested by evidence that the 82490  
person is unable to provide for and is not providing for the 82491  
person's most basic physical needs and that provision for those 82492  
needs is not available in the community; 82493

(2) The person needs and is susceptible to significant 82494  
habilitation in an institution. 82495

(P) "Moderate level of intellectual disability" means the 82496  
condition in which a person, following a comprehensive evaluation, 82497  
is found to have at least moderate deficits in overall 82498  
intellectual functioning, as indicated by a full-scale 82499  
intelligence quotient test score of fifty-five or below, and at 82500  
least moderate deficits in adaptive behavior, as determined in 82501

accordance with the criteria established in the fifth edition of 82502  
the diagnostic and statistical manual of mental disorders 82503  
published by the American psychiatric association. 82504

(Q) "Developmental disability" means a severe, chronic 82505  
disability that is characterized by all of the following: 82506

(1) It is attributable to a mental or physical impairment or 82507  
a combination of mental and physical impairments, other than a 82508  
mental or physical impairment solely caused by mental illness, as 82509  
defined in division (A) of section 5122.01 of the Revised Code. 82510

(2) It is manifested before age twenty-two. 82511

(3) It is likely to continue indefinitely. 82512

(4) It results in one of the following: 82513

(a) In the case of a person under three years of age, at 82514  
least one developmental delay, as defined in rules adopted under 82515  
section 5123.011 of the Revised Code, or a diagnosed physical or 82516  
mental condition that has a high probability of resulting in a 82517  
developmental delay, as defined in those rules; 82518

(b) In the case of a person at least three years of age but 82519  
under six years of age, at least two developmental delays, as 82520  
defined in rules adopted under section 5123.011 of the Revised 82521  
Code; 82522

(c) In the case of a person six years of age or older, a 82523  
substantial functional limitation in at least three of the 82524  
following areas of major life activity, as appropriate for the 82525  
person's age: self-care, receptive and expressive language, 82526  
learning, mobility, self-direction, capacity for independent 82527  
living, and, if the person is at least sixteen years of age, 82528  
capacity for economic self-sufficiency. 82529

(5) It causes the person to need a combination and sequence 82530  
of special, interdisciplinary, or other type of care, treatment, 82531

or provision of services for an extended period of time that is 82532  
individually planned and coordinated for the person. 82533

"Developmental disability" includes intellectual disability. 82534

(R) "State institution" means an institution that is 82535  
tax-supported and under the jurisdiction of the department of 82536  
developmental disabilities. 82537

(S) "Residence" and "legal residence" have the same meaning 82538  
as "legal settlement," which is acquired by residing in Ohio for a 82539  
period of one year without receiving general assistance prior to 82540  
July 17, 1995, under former Chapter 5113. of the Revised Code, 82541  
without receiving financial assistance prior to December 31, 2017, 82542  
under former Chapter 5115. of the Revised Code, or assistance from 82543  
a private agency that maintains records of assistance given. A 82544  
person having a legal settlement in the state shall be considered 82545  
as having legal settlement in the assistance area in which the 82546  
person resides. No adult person coming into this state and having 82547  
a spouse or minor children residing in another state shall obtain 82548  
a legal settlement in this state as long as the spouse or minor 82549  
children are receiving public assistance, care, or support at the 82550  
expense of the other state or its subdivisions. For the purpose of 82551  
determining the legal settlement of a person who is living in a 82552  
public or private institution or in a home subject to licensing by 82553  
the department of job and family services, the department of 82554  
mental health and addiction services, or the department of 82555  
developmental disabilities, the residence of the person shall be 82556  
considered as though the person were residing in the county in 82557  
which the person was living prior to the person's entrance into 82558  
the institution or home. Settlement once acquired shall continue 82559  
until a person has been continuously absent from Ohio for a period 82560  
of one year or has acquired a legal residence in another state. A 82561  
woman who marries a man with legal settlement in any county 82562  
immediately acquires the settlement of her husband. The legal 82563

settlement of a minor is that of the parents, surviving parent, 82564  
sole parent, parent who is designated the residential parent and 82565  
legal custodian by a court, other adult having permanent custody 82566  
awarded by a court, or guardian of the person of the minor, 82567  
provided that: 82568

(1) A minor female who marries shall be considered to have 82569  
the legal settlement of her husband and, in the case of death of 82570  
her husband or divorce, she shall not thereby lose her legal 82571  
settlement obtained by the marriage. 82572

(2) A minor male who marries, establishes a home, and who has 82573  
resided in this state for one year without receiving general 82574  
assistance prior to July 17, 1995, under former Chapter 5113. of 82575  
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 82576  
~~Revised Code,~~ or assistance from a private agency that maintains 82577  
records of assistance given shall be considered to have obtained a 82578  
legal settlement in this state. 82579

(3) The legal settlement of a child under eighteen years of 82580  
age who is in the care or custody of a public or private child 82581  
caring agency shall not change if the legal settlement of the 82582  
parent changes until after the child has been in the home of the 82583  
parent for a period of one year. 82584

No person, adult or minor, may establish a legal settlement 82585  
in this state for the purpose of gaining admission to any state 82586  
institution. 82587

(T)(1) "Resident" means, subject to division (T)(2) of this 82588  
section, a person who is admitted either voluntarily or 82589  
involuntarily to an institution or other facility pursuant to 82590  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 82591  
Code subsequent to a finding of not guilty by reason of insanity 82592  
or incompetence to stand trial or under this chapter who is under 82593  
observation or receiving habilitation and care in an institution. 82594

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(U) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(V) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(W) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(X) "Court" means the probate division of the court of common pleas.

(Y) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code.

**Sec. 5123.033.** The program fee fund is hereby created in the state treasury. All fees collected pursuant to sections 5123.161, 5123.163, 5123.164, and 5123.19 of the Revised Code shall be credited to the fund. Money credited to the fund shall be used solely for the department of developmental disabilities' duties under sections 5123.16 to 5123.1611 and 5123.19 of the Revised Code and to provide continuing education and professional training



to providers of services to individuals with developmental 82625  
disabilities. If the money credited to the fund is inadequate to 82626  
pay all of the department's costs in performing those duties and 82627  
providing the continuing education and professional training, the 82628  
department may use other available funds appropriated to the 82629  
department to pay the remaining costs of performing those duties 82630  
and providing the continuing education and professional training. 82631

**Sec. 5123.162.** (A) ~~The director of developmental disabilities~~ 82632  
~~may conduct surveys of persons and government entities that seek a~~ 82633  
~~supported living certificate to determine whether the persons and~~ 82634  
~~government entities~~ Surveys may be conducted to determine whether 82635  
applicants meet or continue to meet the certification standards 82636  
for a supported living certificate. ~~The director may also conduct~~ 82637  
~~surveys of providers to determine whether the providers continue~~ 82638  
~~to meet the certification standards. The director may assign to a~~ 82639  
~~county board of developmental disabilities the responsibility to~~ 82640  
~~conduct either type of survey.~~ The county board of developmental 82641  
disabilities serving the county in which the applicant is located 82642  
shall conduct the survey unless the county board provides 82643  
supported living, in which case the director of developmental 82644  
disabilities shall conduct the survey. Each survey shall be 82645  
conducted in accordance with rules adopted under section 5123.1611 82646  
of the Revised Code. 82647

(B) Following each survey of a provider, the director or 82648  
county board that conducted the survey shall issue a report 82649  
listing the date of the survey, any citations issued as a result 82650  
of the survey, and the statutes or rules that purportedly have 82651  
been violated and are the bases of the citations. ~~The~~ A county 82652  
board's report shall include actions the county board recommends 82653  
be taken against the provider. A county board shall provide a copy 82654  
of the report to the provider and director. Not later than five 82655

business days after issuing or receiving a report, the director 82656  
shall also do ~~both~~ all of the following: 82657

(1) Specify a date by which the provider may appeal any of 82658  
the citations; 82659

(2) When appropriate, specify a timetable within which the 82660  
provider must submit a plan of correction describing how the 82661  
problems specified in the citations will be corrected and the date 82662  
by which the provider anticipates the problems will be corrected; 82663

(3) If a county board issued the report and recommended that 82664  
the provider's certification be suspended because of problems with 82665  
the quality, appropriateness, or integrated setting of the 82666  
provider's supported living, a substantial risk to the health or 82667  
safety of an individual who receives or would receive supported 82668  
living from the provider, or a major unusual incident involving 82669  
the provider, take the action required by division (A)(2) of 82670  
section 5123.166 of the Revised Code. 82671

(C) If the director initiates a proceeding to revoke a 82672  
provider's certification, the director shall include the report 82673  
required by division (B) of this section with the notice of the 82674  
proposed revocation the director sends to the provider. In this 82675  
circumstance, the provider may not submit a plan of correction. 82676

(D) After a plan of correction is submitted, the director 82677  
shall approve or disapprove the plan. If the plan of correction is 82678  
approved, a copy of the approved plan shall be provided, not later 82679  
than five business days after it is approved, to the county board 82680  
that serves the county in which the provider is located and to any 82681  
person or government entity that requests it and. The approved 82682  
plan also shall be made available on the internet web site 82683  
maintained by the department of developmental disabilities. If the 82684  
plan of correction is not approved and the director initiates a 82685  
proceeding to revoke the provider's certification, a copy of the 82686

survey report shall be provided to the county board that serves 82687  
the county in which the provider is located and any person or 82688  
government entity that requests it ~~and~~. In that case, the survey 82689  
report also shall be made available on the internet web site 82690  
maintained by the department. 82691

(E) In addition to survey reports described in this section, 82692  
all other records associated with surveys conducted under this 82693  
section are public records for the purpose of section 149.43 of 82694  
the Revised Code and shall be made available on the request of any 82695  
person or government entity. 82696

**Sec. 5123.163.** ~~(A)~~ A supported living certificate is valid 82697  
~~for a period of time established in rules adopted under section~~ 82698  
~~5123.1611 of the Revised Code, unless any~~ until one of the 82699  
following ~~occur before the end of that period of time~~ occurs: 82700

~~(A)(1)~~ Except as provided in division (B) of this section and 82701  
division (B) section 5123.164 of the Revised Code, the period of 82702  
time established in rules adopted under section 5123.1611 of the 82703  
Revised Code ends. 82704

(2) The director of developmental disabilities issues an 82705  
order requiring that action be taken against the certificate 82706  
holder under section 5123.166 of the Revised Code. 82707

~~(B)(3)~~ The director issues an order terminating the 82708  
certificate under section 5123.168 of the Revised Code. 82709

~~(C)(4)~~ The certificate holder voluntarily surrenders the 82710  
certificate to the director. 82711

(B)(1) A supported living certificate does not expire 82712  
pursuant to division (A)(1) of this section if both of the 82713  
following are the case on the date the certificate would have 82714  
expired pursuant to that division: 82715

(a) The supported living certificate holder has applied for 82716

renewal in accordance with the process established in rules 82717  
adopted under section 5123.1611 of the Revised Code. 82718

(b) The director has not approved or denied the certificate 82719  
holder's renewal application. 82720

(2) A supported living certificate to which division (B)(1) 82721  
of this section applies expires ninety days after the date the 82722  
certificate would have expired pursuant to division (A)(1) of this 82723  
section, unless either of the following occurs before the end of 82724  
that period of time: 82725

(a) The director approves or denies the certificate holder's 82726  
renewal application. 82727

(b) The certificate ceases to be valid pursuant to division 82728  
(A)(2), (3), or (4) of this section. 82729

(3) The director may delay a certificate's expiration date by 82730  
an additional ninety days if the director determines the 82731  
additional delay is appropriate. 82732

(C) The director may charge a fee of one hundred dollars to a 82733  
supported living certificate holder if both of the following 82734  
apply: 82735

(1) The certificate's expiration date is delayed pursuant to 82736  
division (B) of this section. 82737

(2) The certificate holder submitted an application for 82738  
renewal of the certificate less than forty-five days before the 82739  
certificate would have expired pursuant to division (A)(1) of this 82740  
section. 82741

The director shall deposit all fees collected under this 82742  
section into the program fee fund created under section 5123.033 82743  
of the Revised Code. 82744

**Sec. 5123.164.** (A) Except as provided in sections 5123.166 82745

and 5123.169 of the Revised Code, the director of developmental disabilities shall renew a supported living certificate if the certificate holder follows the renewal process established in rules adopted under section 5123.1611 of the Revised Code, continues to meet the applicable certification standards established in those rules, and pays the renewal fee established in those rules.

(B)(1) The director of developmental disabilities may temporarily restore a provider's supported living certificate that has ceased to be valid pursuant to division (A)(1) of section 5123.163 of the Revised Code if the provider does both of the following after the certificate ceases to be valid:

(a) Submits an application for renewal of the certificate;

(b) Pays the restoration fee established pursuant to division (B)(3)(c) of this section.

(2) A supported living certificate that is temporarily restored pursuant to division (B)(1) of this section is valid for ninety days from the date the certificate is restored, unless one of the following occurs before the end of that period of time:

(a) The director approves or denies the provider's renewal application.

(b) The certificate ceases to be valid pursuant to division (A)(2), (3), or (4) of section 5123.163 of the Revised Code.

(3) The director may do all of the following:

(a) Extend the period of time for which a temporarily restored certificate is valid by an additional ninety days if the director determines the additional extension is appropriate;

(b) Make the temporary restoration of a supported living certificate effective retroactively to the date on which the certificate ceased to be valid pursuant to division (A)(1) of

section 5123.163 of the Revised Code; 82776

(c) Establish a restoration fee of two hundred fifty dollars, 82777  
which shall be deposited into the program fee fund created under 82778  
section 5123.033 of the Revised Code. 82779

(4) If the director, under division (B)(3)(b) of this 82780  
section, makes the temporary restoration of a supported living 82781  
certificate effective retroactively to the date on which the 82782  
certificate ceased to be valid, the certificate holder's authority 82783  
to provide medicaid-funded supported living under the supported 82784  
living certificate is also effective retroactively to the same 82785  
date. 82786

**Sec. 5123.166.** (A)(1) If good cause exists as specified in 82787  
division (B) of this section and determined in accordance with 82788  
procedures established in rules adopted under section 5123.1611 of 82789  
the Revised Code, the director of developmental disabilities may 82790  
issue an adjudication order requiring that one of the following 82791  
actions be taken against a person or government entity seeking or 82792  
holding a supported living certificate: 82793

~~(1)~~(a) Refusal to issue or renew a supported living 82794  
certificate; 82795

~~(2)~~(b) Revocation of a supported living certificate; 82796

~~(3)~~(c) Suspension of a supported living certificate holder's 82797  
authority to do either or both of the following: 82798

~~(a)~~(i) Continue to provide supported living to one or more 82799  
individuals from one or more counties who receive supported living 82800  
from the certificate holder at the time the director takes the 82801  
action; 82802

~~(b)~~(ii) Begin to provide supported living to one or more 82803  
individuals from one or more counties who do not receive supported 82804  
living from the certificate holder at the time the director takes 82805

the action. 82806

(2) The director shall issue an adjudication order requiring that an action specified in division (A)(1)(c) of this section be taken against a provider when the director is required to do so by division (B)(3) of section 5162.162 of the Revised Code. 82807  
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(B) The following constitute good cause for taking action under division (A)(1) of this section against a person or government entity seeking or holding a supported living certificate: 82811  
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(1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section 5123.1611 of the Revised Code; 82815  
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(2) The person or government entity violates section 5123.165 of the Revised Code; 82819  
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(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code; 82821  
82822

(4) Misfeasance; 82823

(5) Malfeasance; 82824

(6) Nonfeasance; 82825

(7) Confirmed abuse or neglect; 82826

(8) Financial irresponsibility; 82827

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity. 82828  
82829  
82830

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code. 82831  
82832  
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(D)(1) The director may issue an order requiring that action 82834

specified in division (A)~~(3)~~(1)(c) of this section be taken before 82835  
a provider is provided notice and an opportunity for a hearing if 82836  
all of the following are the case: 82837

(a) The director determines such action is warranted by the 82838  
provider's failure to continue to meet the applicable 82839  
certification standards; 82840

(b) The director determines that the failure either 82841  
represents a pattern of serious noncompliance or creates a 82842  
substantial risk to the health or safety of an individual who 82843  
receives or would receive supported living from the provider; 82844

(c) If the order will suspend the provider's authority to 82845  
continue to provide supported living to an individual who receives 82846  
supported living from the provider at the time the director issues 82847  
the order, both of the following are the case: 82848

(i) The director makes the individual, or the individual's 82849  
guardian, aware of the director's determination under division 82850  
(D)(1)(b) of this section and the individual or guardian does not 82851  
select another provider. 82852

(ii) A county board of developmental disabilities has filed a 82853  
complaint with a probate court under section 5126.33 of the 82854  
Revised Code that includes facts describing the nature of abuse or 82855  
neglect that the individual has suffered due to the provider's 82856  
actions that are the basis for the director making the 82857  
determination under division (D)(1)(b) of this section and the 82858  
probate court does not issue an order authorizing the county board 82859  
to arrange services for the individual pursuant to an 82860  
individualized service plan developed for the individual under 82861  
section 5126.31 of the Revised Code. 82862

(2) If the director issues an order under division (D)(1) of 82863  
this section, sections 119.091 to 119.13 of the Revised Code and 82864  
all of the following apply: 82865



(a) The director shall send the provider notice of the order 82866  
by registered mail, return receipt requested, not later than 82867  
twenty-four hours after issuing the order and shall include in the 82868  
notice the reasons for the order, the citation to the law or rule 82869  
directly involved, and a statement that the provider will be 82870  
afforded a hearing if the provider requests it within ten days of 82871  
the time of receiving the notice. 82872

(b) If the provider requests a hearing within the required 82873  
time and the provider has provided the director the provider's 82874  
current address, the director shall immediately set, and notify 82875  
the provider of, the date, time, and place for the hearing. 82876

(c) The date of the hearing shall be not later than thirty 82877  
days after the director receives the provider's timely request for 82878  
the hearing. 82879

(d) The hearing shall be conducted in accordance with section 82880  
119.09 of the Revised Code, except for all of the following: 82881

(i) The hearing shall continue uninterrupted until its close, 82882  
except for weekends, legal holidays, and other interruptions the 82883  
provider and director agree to. 82884

(ii) If the director appoints a referee or examiner to 82885  
conduct the hearing, the referee or examiner, not later than ten 82886  
days after the date the referee or examiner receives a transcript 82887  
of the testimony and evidence presented at the hearing or, if the 82888  
referee or examiner does not receive the transcript or no such 82889  
transcript is made, the date that the referee or examiner closes 82890  
the record of the hearing, shall submit to the director a written 82891  
report setting forth the referee or examiner's findings of fact 82892  
and conclusions of law and a recommendation of the action the 82893  
director should take. 82894

(iii) The provider may, not later than five days after the 82895  
date the director, in accordance with section 119.09 of the 82896

Revised Code, sends the provider or the provider's attorney or 82897  
other representative of record a copy of the referee or examiner's 82898  
report and recommendation, file with the director written 82899  
objections to the report and recommendation. 82900

(iv) The director shall approve, modify, or disapprove the 82901  
referee or examiner's report and recommendation not earlier than 82902  
six days, and not later than fifteen days, after the date the 82903  
director, in accordance with section 119.09 of the Revised Code, 82904  
sends a copy of the report and recommendation to the provider or 82905  
the provider's attorney or other representative of record. 82906

(3) The director may lift an order issued under division 82907  
(D)(1) of this section even though a hearing regarding the order 82908  
is occurring or pending if the director determines that the 82909  
provider has taken action eliminating the good cause for issuing 82910  
the order. The hearing shall proceed unless the provider withdraws 82911  
the request for the hearing in a written letter to the director. 82912

(4) The director shall lift an order issued under division 82913  
(D)(1) of this section if both of the following are the case: 82914

(a) The provider provides the director a plan of compliance 82915  
the director determines is acceptable. 82916

(b) The director determines that the provider has implemented 82917  
the plan of compliance correctly. 82918

**Sec. 5123.1611.** (A) The director of developmental 82919  
disabilities shall adopt rules under Chapter 119. of the Revised 82920  
Code establishing all of the following: 82921

~~(A)~~(1) The extent to which a county board of developmental 82922  
disabilities may provide supported living; 82923

~~(B)~~(2) The application process for obtaining a supported 82924  
living certificate under section 5123.161 of the Revised Code; 82925

~~(C)~~(3) The certification standards a person or government 82926

entity must meet to obtain a supported living certificate to 82927  
provide supported living; 82928

~~(D)~~(4) The certification fee for a supported living 82929  
certificate, which shall be deposited into the program fee fund 82930  
created under section 5123.033 of the Revised Code; 82931

~~(E)~~(5) The period of time a supported living certificate is 82932  
valid; 82933

~~(F)~~(6) Procedures for extending the period of time for which 82934  
a supported living certificate is valid under section 5123.163 of 82935  
the Revised Code; 82936

(7) The process for renewing a supported living certificate 82937  
under section 5123.164 of the Revised Code; 82938

~~(G)~~(8) The renewal fee for a supported living certificate, 82939  
which shall be deposited into the program fee fund created under 82940  
section 5123.033 of the Revised Code; 82941

~~(H)~~(9) Procedures for temporarily restoring a supported 82942  
living certificate under section 5123.164 of the Revised Code; 82943

(10) Procedures for conducting surveys under section 5123.162 82944  
of the Revised Code; 82945

~~(I)~~(11) Procedures for determining whether there is good 82946  
cause to take action under division (A)(1) of section 5123.166 of 82947  
the Revised Code against a person or government entity seeking or 82948  
holding a supported living certificate; 82949

~~(J)~~(12) Circumstances under which the director may issue a 82950  
supported living certificate to an applicant or renew an 82951  
applicant's supported living certificate if the applicant is found 82952  
by a criminal records check required by section 5123.169 of the 82953  
Revised Code to have been convicted of, pleaded guilty to, or been 82954  
found eligible for intervention in lieu of conviction for a 82955  
disqualifying offense but meets standards in regard to 82956

rehabilitation set by the director. 82957

(B) The director shall consult with all of the following when 82958  
adopting rules under this section: 82959

(1) Individuals with developmental disabilities; 82960

(2) Family members and other representatives of such 82961  
individuals; 82962

(3) Representatives of county boards of developmental 82963  
disabilities and providers of medicaid-funded supported living. 82964

**Sec. 5123.1612.** (A) This section applies to a situation in 82965  
which all of the following apply: 82966

(1) A supported living certificate holder's certificate 82967  
ceased to be valid for any period of time before the effective 82968  
date of this section for the reason described in division (A)(1) 82969  
of section 5163.163 of the Revised Code; 82970

(2) Before the supported living certificate ceased to be 82971  
valid, the certificate holder submitted an application for renewal 82972  
of the certificate; 82973

(3) The director of developmental disabilities did not 82974  
approve or deny the certificate holder's renewal application 82975  
before the certificate ceased to be valid for the reason described 82976  
in division (A)(1) of section 5163.163 of the Revised Code; 82977

(4) The director approved the renewal application after the 82978  
certificate ceased to be valid for the reason described in 82979  
division (A)(1) of section 5163.163 of the Revised Code; 82980

(5) The certificate holder had the authority to provide 82981  
medicaid-funded supported living on the day the certificate 82982  
renewal became effective. 82983

(B) In the case of a situation described in division (A) of 82984  
this section, the supported living certificate renewal and the 82985

certificate holder's authority to provide medicaid-funded supported living are deemed to have been effective retroactively to the date the certificate ceased to be valid for the reason described in division (A)(1) of section 5123.163 of the Revised Code. 82986  
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**Sec. 5123.377.** (A) As used in this section: 82991

(1) "Adult services" has the same meaning as in section 5126.01 of the Revised Code. 82992  
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(2) "Community adult facility" means a facility in which adult services are provided or a facility associated with the provision of adult services. 82994  
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 82997  
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply: 83005  
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before December 31, 1999.~~ 83012  
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(2) The agreement requires the county board or board of 83015

county commissioners to use the community adult facility for at least forty years. 83016  
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(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following: 83018  
83019  
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(a) A statement of intent to close the facility and the anticipated date of closure; 83021  
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(b) The number of individuals with developmental disabilities served in the facility at the time of application; 83023  
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(c) Identification of alternative providers of services to be offered to those individuals; 83025  
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(d) A commitment and demonstration that those individuals will receive services from the alternative providers; 83027  
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(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following: 83029  
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(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement; 83033  
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(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director. 83036  
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(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(e)(ii) of this section. The director may extend the deadline as many times as the director determines necessary. 83040  
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(C) Agreement terms that may be changed pursuant to division 83045

(B) of this section include terms regarding the length of time the facility must be used as a community adult facility. 83046  
83047

**Sec. 5123.378.** (A) As used in this section: 83048

(1) "Community early childhood facility" means a facility in which early childhood services are provided. 83049  
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(2) "Early childhood services" has the same meaning as in section 5126.01 of the Revised Code. 83051  
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 83053  
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community early childhood facility if all of the following apply: 83061  
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999. 83068  
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(2) The agreement requires the county board or board of county commissioners to use the community early childhood facility for at least fifteen years. 83071  
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(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's 83074  
83075

terms that includes all of the following: 83076

(a) A statement of intent to close the facility and the 83077  
anticipated date of closure; 83078

(b) The number of individuals with developmental disabilities 83079  
served in the facility at the time of application; 83080

(c) A commitment and demonstration that those individuals 83081  
will continue to receive services; 83082

(d) A resolution from the county board or board of county 83083  
commissioners authorizing the application, including a commitment 83084  
that if the facility is sold, the county board or board of county 83085  
commissioners will do either of the following: 83086

(i) Reimburse the department of developmental disabilities 83087  
the proceeds of the sale up to the outstanding balance owed under 83088  
the agreement; 83089

(ii) Use the proceeds of the sale for the acquisition, 83090  
renovation, or accessibility modification of housing for 83091  
individuals with developmental disabilities that complies with the 83092  
requirements established by the director. 83093

(4) The director may establish a deadline by which the county 83094  
board or board of county commissioners shall use the proceeds of a 83095  
sale pursuant to division (B)(3)(d)(ii) of this section. The 83096  
director may extend the deadline as many times as the director 83097  
determines necessary. 83098

(C) Agreement terms that may be changed pursuant to division 83099  
(B) of this section include terms regarding the length of time the 83100  
facility must be used as a community early childhood facility. 83101

**Sec. 5123.38.** (A) Except as provided in division (B) of this 83102  
section, if an individual ~~receiving supported living or home and 83103  
community based services funded by a county board of developmental 83104  
disabilities~~ is committed to a state-operated ICF/IID pursuant to 83105



sections 5123.71 to 5123.76 of the Revised Code, the county board 83106  
of developmental disabilities of the county from which the 83107  
individual was ordered institutionalized is responsible for the 83108  
nonfederal share of medicaid expenditures for the individual's 83109  
care in the state-operated ICF/IID. The department of 83110  
developmental disabilities shall collect the amount of the 83111  
nonfederal share from the county board by either withholding that 83112  
amount from funds the department has otherwise allocated to the 83113  
county board or submitting an invoice for payment of that amount 83114  
to the county board. 83115

(B) Division (A) of this section does not apply under ~~any~~ 83116  
either of the following circumstances: 83117

(1) ~~The county board, not~~ Not later than ninety one hundred 83118  
eighty days after the date of the commitment of ~~a person receiving~~ 83119  
~~supported living~~ an individual, ~~commences funding of supported~~ 83120  
~~living for an individual who resides in a state operated ICF/IID~~ 83121  
~~on the date of the commitment or another eligible individual~~ 83122  
~~designated by the department~~ the county board arranges for the 83123  
provision of alternative services for the individual, and the 83124  
individual is discharged from the ICF/IID. 83125

(2) ~~The county board, not later than ninety days after the~~ 83126  
~~date of the commitment of a person receiving home and~~ 83127  
~~community based services, commences funding of home and~~ 83128  
~~community based services for an individual who resides in a~~ 83129  
~~state operated ICF/IID on the date of the commitment or another~~ 83130  
~~eligible individual designated by the department.~~ 83131

~~(3)~~ The director of developmental disabilities, after 83132  
determining that circumstances warrant granting a waiver in an 83133  
individual's case, grants the county board a waiver that exempts 83134  
the county board from responsibility for the nonfederal share for 83135  
that case. 83136

<b>Sec. 5123.47.</b> (A) As used in this section:	83137
(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.	83138 83139 83140 83141 83142 83143 83144 83145 83146 83147 83148 83149 83150
(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.	83151 83152
(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional.	83153 83154
(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.	83155 83156 83157 83158 83159 83160
(5) "Health care professional" means any of the following:	83161
(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;	83162 83163
(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;	83164 83165
(c) An optometrist who holds a valid license issued under	83166

Chapter 4725. of the Revised Code;	83167
(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	83168 83169
(e) A person who holds a valid <u>license or</u> certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	83170 83171 83172 83173
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	83174 83175
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	83176 83177 83178 83179
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.	83180 83181
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	83182 83183 83184 83185 83186 83187 83188 83189 83190 83191 83192
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:	83193 83194 83195 83196 83197

(1) The family member is the primary supervisor of the care.	83198
(2) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.	83199 83200 83201
(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities.	83202 83203 83204 83205 83206
(4) The health care task is completed in accordance with standard, written instructions.	83207 83208
(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.	83209 83210
(6) The outcome of the health care task is reasonably predictable.	83211 83212
(7) Performance of the health care task requires no complex observation of the individual receiving the care.	83213 83214
(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.	83215 83216
(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home	83217 83218 83219 83220 83221 83222 83223 83224 83225 83226 83227

care worker performs a health care task. 83228

(D) A family member who authorizes an unlicensed in-home care 83229  
worker to administer oral and topical prescribed medications or 83230  
perform other health care tasks retains full responsibility for 83231  
the health and safety of the individual receiving the care and for 83232  
ensuring that the worker provides the care appropriately and 83233  
safely. No entity that funds or monitors the provision of in-home 83234  
care may be held liable for the results of the care provided under 83235  
this section by an unlicensed in-home care worker, including such 83236  
entities as the county board of developmental disabilities and the 83237  
department of developmental disabilities. 83238

An unlicensed in-home care worker who is authorized under 83239  
this section by a family member to provide care to an individual 83240  
may not be held liable for any injury caused in providing the 83241  
care, unless the worker provides the care in a manner that is not 83242  
in accordance with the training and instructions received or the 83243  
worker acts in a manner that constitutes willful or wanton 83244  
misconduct. 83245

(E) A county board of developmental disabilities may evaluate 83246  
the authority granted by a family member under this section to an 83247  
unlicensed in-home care worker at any time it considers necessary 83248  
and shall evaluate the authority on receipt of a complaint. If the 83249  
board determines that a family member has acted in a manner that 83250  
is inappropriate for the health and safety of the individual 83251  
receiving the care, the authorization granted by the family member 83252  
to an unlicensed in-home care worker is void, and the family 83253  
member may not authorize other unlicensed in-home care workers to 83254  
provide the care. In making such a determination, the board shall 83255  
use appropriately licensed health care professionals and shall 83256  
provide the family member an opportunity to file a complaint under 83257  
section 5126.06 of the Revised Code. 83258

**Sec. 5123.60.** (A) As used in this section and section 83259  
5123.601 of the Revised Code, "Ohio protection and advocacy 83260  
system" means the nonprofit entity designated by the governor in 83261  
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 83262  
serve as the state's protection and advocacy system and client 83263  
assistance program. 83264

(B) The Ohio protection and advocacy system shall provide 83265  
both of the following: 83266

(1) Advocacy services for people with disabilities, as 83267  
provided under section 101 of the "Developmental Disabilities 83268  
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 83269  
42 U.S.C. 15001; 83270

(2) A client assistance program, as provided under section 83271  
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 83272  
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 83273  
U.S.C. 732. 83274

(C) The Ohio protection and advocacy system may establish any 83275  
guidelines necessary for its operation. 83276

**Sec. 5126.0221.** (A) As used in this section, "specialized 83277  
services" has the same meaning as in section 5123.081 of the 83278  
Revised Code. 83279

(B) Except as provided in division (C) of section 5126.033 of 83280  
the Revised Code, none of the following individuals may be 83281  
employed by a county board of developmental disabilities: 83282

(1) An employee of an agency contracting with the county 83283  
board; 83284

(2) An immediate family member of an employee of an agency 83285  
contracting with the county board unless the county board adopts a 83286  
resolution authorizing the immediate family member's employment 83287

with the county board or the employment is consistent with a 83288  
policy adopted by the board establishing parameters for such 83289  
employment and the policy is consistent with Chapter 102. and 83290  
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 83291

(3) ~~An individual with an immediate family member who serves~~ 83292  
~~as~~ Except for an individual employed by a county board before 83293  
October 31, 1980, the spouse, son, or daughter of a county 83294  
commissioner of ~~any of the counties~~ county served by the county 83295  
board ~~unless the individual was an employee of the county board~~ 83296  
~~before October 31, 1980;.~~ 83297

(4) An individual who is employed by, has an ownership 83298  
interest in, performs or provides administrative duties for, or is 83299  
a member of the governing board of an entity that provides 83300  
specialized services, regardless of whether the entity contracts 83301  
with the county board to provide specialized services. 83302

**Sec. 5126.042.** (A) As used in this section, "emergency 83303  
~~status" means a status that an individual with developmental~~ 83304  
~~disabilities has when the individual is at risk of substantial~~ 83305  
~~self harm or substantial harm to others if action is not taken~~ 83306  
~~within thirty days. An "emergency status" may include a status~~ 83307  
~~resulting from one or more of the following situations:~~ 83308

~~(1) Loss of present residence for any reason, including legal~~ 83309  
~~action;~~ 83310

~~(2) Loss of present caretaker for any reason, including~~ 83311  
~~serious illness of the caretaker, change in the caretaker's~~ 83312  
~~status, or inability of the caretaker to perform effectively for~~ 83313  
~~the individual;~~ 83314

~~(3) Abuse, neglect, or exploitation of the individual;~~ 83315

~~(4) Health and safety conditions that pose a serious risk to~~ 83316  
~~the individual or others of immediate harm or death;~~ 83317

~~(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker~~ 83318  
~~"Department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to section 5166.21 of the Revised Code.~~ 83319  
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law. 83325  
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(C) If a county board determines that available resources are insufficient to ~~meet the needs of~~ enroll in department of developmental disabilities-administered medicaid waiver components all individuals who ~~request~~ are assessed as needing home and community-based services, it shall establish a waiting list for the services in accordance with rules adopted under this section. 83334  
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~~An individual's date of placement on the waiting list shall be the date a request is made to the board for the individual to receive the home and community-based services. The board shall provide for an individual who has an emergency status to receive priority status on the waiting list. The board shall also provide for an individual to whom any of the following apply to receive priority status on the waiting list in accordance with rules adopted under division (E) of this section:~~

~~(1) The individual is receiving supported living, family support services, or adult services for which no federal financial~~ 83348  
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~~participation is received under the medicaid program;~~ 83350

~~(2) The individual's primary caregiver is at least sixty years of age;~~ 83351  
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~~(3) The individual has intensive needs as determined in accordance with rules adopted under division (E) of this section;~~ 83353  
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~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 83355  
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~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 83357  
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 83359  
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting lists list established under division (C) of this section. The, including rules shall include procedures to be followed to that establish all of the following:~~ 83368  
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~~(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date;~~ 83374  
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~~(2) Procedures by which a county board is to ensure that the~~ 83379

due process rights of individuals placed on the county board's 83380  
waiting lists list are not violated. As part of the rules adopted 83381  
~~under this division, the department shall adopt rules establishing~~ 83382  
~~criteria a county board shall use under division (D) of this~~ 83383  
~~section in determining the order in which individuals with~~ 83384  
~~priority for home and community based services pursuant to~~ 83385  
~~division (C) of this section will be offered the services~~ 83386  
observed; 83387

(3) Criteria a county board is to use to determine all of the 83388  
following: 83389

(a) An individual's eligibility to be placed on the county 83390  
board's waiting list; 83391

(b) The date an individual was assessed as needing home and 83392  
community-based services; 83393

(c) The order in which individuals on the county board's 83394  
waiting list are to be offered enrollment in a department of 83395  
developmental disabilities-administered medicaid waiver component; 83396

(d) The department of developmental disabilities-administered 83397  
medicaid waiver component in which an individual on the county 83398  
board's waiting list is to be offered enrollment. 83399

(4) Grounds for removing an individual from the county 83400  
board's waiting list. 83401

(E) The director shall consult with all of the following when 83402  
adopting rules under division (D) of this section: 83403

(1) Individuals with developmental disabilities; 83404

(2) Associations representing individuals with developmental 83405  
disabilities and the families of such individuals; 83406

(3) Associations representing providers of services to 83407  
individuals with developmental disabilities; 83408

(4) The Ohio association of county boards serving people with 83409

developmental disabilities. 83410

(F) The following shall take precedence over the applicable 83411  
provisions of this section: 83412

(1) Medicaid rules and regulations; 83413

(2) Any specific requirements that may be contained within a 83414  
medicaid state plan amendment or department of 83415  
disabilities-administered medicaid waiver ~~program that a county~~ 83416  
~~board has authority to administer or~~ component with respect to 83417  
which ~~it~~ a county board has authority to provide services, 83418  
programs, or supports. 83419

**Sec. 5126.054.** (A) Each county board of developmental 83420  
disabilities shall, by resolution, develop a three-calendar year 83421  
plan that includes the following three components: 83422

(1) An assessment component that includes all of the 83423  
following: 83424

(a) The number of individuals with developmental disabilities 83425  
residing in the county who need the level of care provided by an 83426  
ICF/IID, may seek home and community-based services, and are ~~given~~ 83427  
~~priority~~ placed on a the county board's waiting list established 83428  
for the services pursuant to section 5126.042 of the Revised Code; 83429  
the service needs of those individuals; and the projected 83430  
annualized cost for services; 83431

(b) The source of funds available to the county board to pay 83432  
the nonfederal share of medicaid expenditures that the county 83433  
board is required by sections 5126.059 and 5126.0510 of the 83434  
Revised Code to pay; 83435

(c) Any other applicable information or conditions that the 83436  
department of developmental disabilities requires as a condition 83437  
of approving the component under section 5123.046 of the Revised 83438  
Code. 83439

(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list ~~priority given to them under~~ established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive;

(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:

(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals ~~who have priority placed on a~~ the county board's waiting list established ~~under~~ for the services pursuant to section 5126.042 of the Revised Code;

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by

division (A)(2) of this section to at least the number of 83471  
individuals specified in that component; 83472

(ii) To use any additional funds the county board receives 83473  
for the services to improve the county board's resource 83474  
capabilities for supporting such services available in the county 83475  
at the time the component is developed and to expand the services 83476  
to accommodate the unmet need for those services in the county; 83477

(iii) To employ or contract with a business manager or enter 83478  
into an agreement with another county board of developmental 83479  
disabilities that employs or contracts with a business manager to 83480  
have the business manager serve both county boards. No 83481  
superintendent of a county board may serve as the county board's 83482  
business manager. 83483

(iv) To employ or contract with a medicaid services manager 83484  
or enter into an agreement with another county board of 83485  
developmental disabilities that employs or contracts with a 83486  
medicaid services manager to have the medicaid services manager 83487  
serve both county boards. No superintendent of a county board may 83488  
serve as the county board's medicaid services manager. 83489

(e) Programmatic and financial accountability measures and 83490  
projected outcomes expected from the implementation of the plan; 83491

(f) Any other applicable information or conditions that the 83492  
department requires as a condition of approving the component 83493  
under section 5123.046 of the Revised Code. 83494

(B) A county board whose plan developed under division (A) of 83495  
this section is approved by the department under section 5123.046 83496  
of the Revised Code shall update and renew the plan in accordance 83497  
with a schedule the department shall develop. 83498

Sec. 5126.48. (A) In accordance with rules adopted under 83499  
division (B) of this section, a county board of developmental 83500

disabilities may establish and operate a quality incentive program 83501  
under which the county board contracts with providers of 83502  
medicaid-funded supported living for the following purposes: 83503

(1) To increase the number of such providers in the county 83504  
the county board serves through recruitment and retention 83505  
processes, including enhanced payment rates; 83506

(2) To improve the quality of medicaid-funded supported 83507  
living available in the county by helping providers comply with 83508  
applicable federal and state requirements and reduce the 83509  
occurrence of major unusual incidents. 83510

(B) The director of developmental disabilities shall adopt 83511  
rules in accordance with Chapter 119. of the Revised Code 83512  
governing quality incentive programs authorized by this section. 83513  
The director shall consult with all of the following when adopting 83514  
the rules: 83515

(1) Individuals with developmental disabilities; 83516

(2) Family members and other representatives of such 83517  
individuals; 83518

(3) Representatives of county boards of developmental 83519  
disabilities and providers of medicaid-funded supported living. 83520

**Sec. 5149.10.** (A)(1) The parole board shall consist of up to 83521  
twelve members, one of whom shall be designated as chairperson by 83522  
the director of the department of rehabilitation and correction 83523  
and who shall continue as chairperson until a successor is 83524  
designated, and any other personnel that are necessary for the 83525  
orderly performance of the duties of the board. In addition to the 83526  
rules authorized by section 5149.02 of the Revised Code, the chief 83527  
of the adult parole authority, subject to the approval of the 83528  
chief of the division of parole and community services and subject 83529  
to this section, shall adopt rules governing the proceedings of 83530

the parole board. The rules shall provide for all of the 83531  
following: 83532

(a) The convening of full board hearings,~~the~~i 83533

(b) The procedures to be followed in full board hearings,~~and~~  
~~general~~i 83534  
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(c) General procedures to be followed in other hearings of 83536  
the board and by the board's hearing officers.~~The rules also~~ 83537  
~~shall require agreement by~~i 83538

(d) A requirement that a majority of all the board members 83539  
must agree to any recommendation of clemency transmitted to the 83540  
governori 83541

(e) For parole hearings, procedures for considering the 83542  
report of the warden of the institution in which the eligible 83543  
prisoner is incarcerated, submitted under section 5120.68 of the 83544  
Revised Code. 83545

(2) When the board members sit as a full board, the 83546  
chairperson shall preside. The chairperson shall also allocate the 83547  
work of the parole board among the board members. The full board 83548  
shall meet at least once each month. In the case of a tie vote on 83549  
the full board, the chief of the adult parole authority shall cast 83550  
the deciding vote. The chairperson may designate a person to serve 83551  
in the chairperson's place. 83552

(3) Except for the chairperson and the member appointed under 83553  
division (B) of this section, a member appointed to the parole 83554  
board on or after ~~the effective date of this amendment~~ September 83555  
30, 2011, shall be appointed to a six-year term. A member 83556  
appointed as described in this division shall hold office from the 83557  
date of appointment until the end of the term for which the member 83558  
was appointed. A member appointed as described in this division is 83559  
eligible for reappointment for another six-year term that may or 83560  
may not be consecutive to the first six-year term. A member 83561

appointed as described in this division is not eligible for 83562  
reappointment after serving two six-year terms whether or not 83563  
served consecutively. Vacancies shall be filled in the same manner 83564  
provided for original appointments. Any member appointed as 83565  
described in this division to fill a vacancy occurring prior to 83566  
the expiration date of the term for which the member's predecessor 83567  
was appointed shall begin that member's first six-year term upon 83568  
appointment, regardless of the time remaining in the term of the 83569  
member's predecessor. A member appointed as described in this 83570  
division shall continue in office subsequent to the expiration 83571  
date of the member's term until the member's successor takes 83572  
office or until a period of sixty days has elapsed, whichever 83573  
occurs first. 83574

(4) Except as otherwise provided in division (B) of this 83575  
section, no person shall be appointed a member of the board who is 83576  
not qualified by education or experience in correctional work, 83577  
including law enforcement, prosecution of offenses, advocating for 83578  
the rights of victims of crime, probation, or parole, in law, in 83579  
social work, or in a combination of the three categories. 83580

(B) The director of rehabilitation and correction, in 83581  
consultation with the governor, shall appoint one member of the 83582  
board, who shall be a person who has been a victim of crime or who 83583  
is a member of a victim's family or who represents an organization 83584  
that advocates for the rights of victims of crime. After 83585  
appointment, this member shall be an unclassified employee of the 83586  
department of rehabilitation and correction. 83587

The initial appointment shall be for a term ending four years 83588  
after July 1, 1996. Thereafter, the term of office of the member 83589  
appointed under this division shall be for four years, with each 83590  
term ending on the same day of the same month as did the term that 83591  
it succeeds. The member shall hold office from the date of 83592  
appointment until the end of the term for which the member was 83593



appointed and may be reappointed. Vacancies shall be filled in the 83594  
manner provided for original appointments. Any member appointed 83595  
under this division to fill a vacancy occurring prior to the 83596  
expiration date of the term for which the member's predecessor was 83597  
appointed shall hold office as a member for the remainder of that 83598  
term. The member appointed under this division shall continue in 83599  
office subsequent to the expiration date of the member's term 83600  
until the member's successor takes office or until a period of 83601  
sixty days has elapsed, whichever occurs first. 83602

The member appointed under this division shall be compensated 83603  
in the same manner as other board members and shall be reimbursed 83604  
for actual and necessary expenses incurred in the performance of 83605  
the member's duties. The member may vote on all cases heard by the 83606  
full board under section 5149.101 of the Revised Code, has such 83607  
duties as are assigned by the chairperson of the board, and shall 83608  
coordinate the member's activities with the office of victims' 83609  
services created under section 5120.60 of the Revised Code. 83610

As used in this division, "crime," "member of the victim's 83611  
family," and "victim" have the meanings given in section 2930.01 83612  
of the Revised Code. 83613

(C) The chairperson shall submit all recommendations for or 83614  
against clemency directly to the governor. 83615

(D) The chairperson shall transmit to the chief of the adult 83616  
parole authority all determinations for or against parole made by 83617  
the board. Parole determinations are final and are not subject to 83618  
review or change by the chief. 83619

(E) In addition to its duties pertaining to parole and 83620  
clemency, if an offender is sentenced to a prison term pursuant to 83621  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 83622  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 83623  
Code, the parole board shall have control over the offender's 83624

service of the prison term during the entire term unless the board 83625  
terminates its control in accordance with section 2971.04 of the 83626  
Revised Code. The parole board may terminate its control over the 83627  
offender's service of the prison term only in accordance with 83628  
section 2971.04 of the Revised Code. 83629

**Sec. 5149.311.** (A) The department of rehabilitation and 83630  
correction shall establish and administer the probation 83631  
improvement grant and the probation incentive grant for common 83632  
pleas, municipal, and county court probation departments and 83633  
community-based correctional facilities that supervise offenders 83634  
sentenced by courts of common pleas ~~or~~, municipal courts, or 83635  
county courts. 83636

(B)(1) The probation improvement grant shall provide funding 83637  
to common pleas, municipal, and county court probation departments 83638  
and community-based correctional facilities to adopt policies and 83639  
practices based on the latest research on how to reduce the number 83640  
of offenders on probation supervision who violate the conditions 83641  
of their supervision. 83642

(2) The department shall adopt rules for the distribution of 83643  
the probation improvement grant, including ~~the~~ both of the 83644  
following: 83645

(a) The formula for the allocation of the subsidy based on 83646  
the number of offenders placed on probation annually in each 83647  
jurisdiction; 83648

(b) The allocation of funds for the purpose of offsetting 83649  
costs incurred by political subdivisions in relation to offenders 83650  
who are prohibited from serving the term of imprisonment in an 83651  
institution under the control of the department of rehabilitation 83652  
and correction pursuant to division (B)(3)(a) of section 2929.34 83653  
of the Revised Code. 83654

(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments and community-based correctional facilities that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked.

(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department or community-based correctional facility eligible for a grant under this section and be based on the difference from ~~fiscal year 2010~~ the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination.

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, common pleas, municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code. Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court or community-based correctional facility must utilize the single

validated risk assessment tool selected by the department of 83687  
rehabilitation and correction under section 5120.114 of the 83688  
Revised Code. 83689

(2) The department may deny a subsidy under this section to 83690  
any applicant if the applicant fails to comply with the terms of 83691  
any agreement entered into pursuant to any of the provisions of 83692  
this section. 83693

(3) The department shall evaluate or provide for the 83694  
evaluation of the policies, practices, and programs the common 83695  
pleas, municipal, or county court probation departments or 83696  
community-based correctional facilities utilize with the programs 83697  
of subsidies established under this section and establish means of 83698  
measuring their effectiveness. 83699

(4) The department shall specify the policies, practices, and 83700  
programs for which common pleas, municipal, or county court 83701  
probation departments or community-based correctional facilities 83702  
may use the program subsidy and shall establish minimum standards 83703  
of quality and efficiency that recipients of the subsidy must 83704  
follow. The department shall give priority to supporting 83705  
evidence-based policies and practices, as defined by the 83706  
department. 83707

**Sec. 5149.36.** Subject to appropriations by the general 83708  
assembly, the department of rehabilitation and correction shall 83709  
award subsidies to eligible municipal corporations, counties, and 83710  
groups of counties pursuant to the subsidy programs described in 83711  
division (A)(1) of section 5149.31 of the Revised Code only in 83712  
accordance with criteria that the department shall specify in 83713  
rules adopted pursuant to Chapter 119. of the Revised Code. The 83714  
criteria shall be designed to provide for subsidy awards only on 83715  
the basis of demonstrated need and the satisfaction of specified 83716  
priorities. The criteria shall ~~be consistent with the following:~~ 83717

~~(A) First require that priority shall be given to the continued funding of existing community corrections programs that satisfy the standards adopted pursuant to division (A)(2) of section 5149.31 of the Revised Code and that are designed to reduce the number of persons committed to state correctional institutions.~~

~~(B) Second priority shall be given to new community corrections programs that are designed to reduce the number of persons committed to state correctional institutions or the number of persons committed to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses.~~

Sec. 5149.38. (A) In each county, subject to division (B) of this section and not later than thirty days after the effective date of this section, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year 2018 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program.

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division

(F)(1) of this section and shall be specified in the memorandum. 83749

(3) Specifies the desired inmate capacity of each local 83750  
correctional facility in the county to which courts of the county 83751  
sentence offenders to serve a prison term or jail term, which is 83752  
the inmate population that would enable the facility to operate in 83753  
the most efficient and effective manner. The sheriff, 83754  
administrator, jailer, or other person responsible for operating 83755  
each such facility shall determine the desired inmate capacity of 83756  
the facility, and the amount so determined shall be the desired 83757  
inmate capacity specified under this division in the memorandum of 83758  
understanding. 83759

(B) Two or more counties may join together to jointly 83760  
establish a memorandum of understanding of the type described in 83761  
division (A) of this section. Not later than thirty days after the 83762  
effective date of this section, a county commissioner from each of 83763  
the affiliating counties representing the county's board of county 83764  
commissioners, the administrative judge of the general division of 83765  
the court of common pleas of each affiliating county, the sheriff 83766  
of each affiliating county, and an official from any municipality 83767  
operating a local correctional facility in the affiliating 83768  
counties to which courts of the counties sentence offenders shall 83769  
agree to, sign, and submit to the department of rehabilitation and 83770  
correction for its approval the memorandum of understanding. The 83771  
memorandum of understanding shall set forth the plans by which, 83772  
and specify the manner in which, the affiliating counties will 83773  
complete the tasks identified in divisions (A)(1) and (2) of this 83774  
section, and shall specify the desired inmate capacity as 83775  
described in division (A)(3) of this section of each local 83776  
correctional facility in the affiliating counties to which courts 83777  
of the affiliating counties sentence offenders to a prison term or 83778  
jail term. 83779

(C) The department of rehabilitation and correction shall 83780

adopt rules establishing standards for approval of memorandums of 83781  
understanding submitted to it under division (A) or (B) of this 83782  
section. The department shall review the memorandums of 83783  
understanding submitted to it and may require the county or 83784  
counties that submit a memorandum to modify the memorandum. The 83785  
director of rehabilitation and correction shall approve 83786  
memorandums of understanding submitted to it under division (A) or 83787  
(B) of this section that the director determines satisfy the 83788  
standards adopted by the department within thirty days after 83789  
receiving each memorandum submitted. For purposes of section 83790  
2929.341 of the Revised Code, if the department does not approve a 83791  
memorandum of understanding within thirty days of its submission, 83792  
the "desired capacity" of a local correctional facility shall be 83793  
considered the capacity of the facility previously determined by 83794  
the department. 83795

(D) Any person responsible for agreeing to, signing, and 83796  
submitting a memorandum of understanding under division (A) or (B) 83797  
of this section may delegate the person's authority to do so to an 83798  
employee of the agency, entity, or office served by the person. 83799

(E) The persons signing a memorandum of understanding under 83800  
division (A) or (B) of this section, or their successors in 83801  
office, may revise the memorandum as they determine necessary. The 83802  
persons shall revise the memorandum whenever the sheriff, 83803  
administrator, jailer, or other person responsible for operating 83804  
any facility covered by the memorandum with respect to its desired 83805  
inmate capacity informs the persons that the sheriff, 83806  
administrator, jailer, or other person has changed the desired 83807  
inmate capacity of the facility. Any revision of the memorandum 83808  
shall be signed by the parties specified in division (A) or (B) of 83809  
this section and submitted to the department of rehabilitation and 83810  
correction for its approval under division (C) of this section 83811  
within thirty days after the beginning of the state fiscal year. 83812

(F)(1) In each county, the sheriff shall determine the per diem costs for correctional facilities in the county specified in division (C) or (D) of section 2929.34 of the Revised Code for the housing of prisoners who serve a term in the facility pursuant to division (B)(3)(a) of that section, as follows: 83813  
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(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017. 83818  
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(b) Commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made. 83826  
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. 83833  
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 83840  
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(G) As used in this section, "local correctional facility" 83844  
means a facility of a type described in division (C) or (D) of 83845  
section 2929.34 of the Revised Code. 83846

Sec. 5153.113. (A)(1) As used in this section, "applicant" 83847  
has the same meaning as in section 5153.111 of the Revised Code, 83848  
and includes an intern applicant or a volunteer applicant. 83849

(2) "Intern applicant" means a trainee seeking practical 83850  
educational and career experience who is under consideration for a 83851  
position with a public children services agency to work, with or 83852  
without monetary gain or compensation, as a person responsible for 83853  
the care, custody, or control of a child; 83854

(3) "Volunteer applicant" means a person who is under 83855  
consideration for a position with a public children services 83856  
agency to perform services within the agency voluntarily, without 83857  
monetary gain or compensation, as a person responsible for the 83858  
care, custody, or control of a child. 83859

(B) Notwithstanding division (I)(1) of section 2151.421, 83860  
section 5153.17, and any other section of the Revised Code 83861  
pertaining to confidentiality, before a public children services 83862  
agency employs an applicant, the executive director of the agency, 83863  
or the executive director's designee within the agency, shall 83864  
review promptly any information the agency determines to be 83865  
relevant for the purpose of evaluating the fitness of the 83866  
applicant, including, but not limited to, the following: 83867

(1) Abuse and neglect reports made pursuant to section 83868  
2151.421 of the Revised Code of which the applicant is the subject 83869  
where it has been determined that abuse or neglect occurred; 83870

(2) The final disposition of investigations of the abuse and 83871  
neglect reports, or if the investigations have not been completed, 83872  
the status of the investigations; 83873

(3) Any underlying documentation concerning the reports. 83874

(C) The information reviewed under division (B) of this section shall not include the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect. 83875  
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(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. 83879  
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**Sec. 5160.052.** The department of medicaid shall collaborate 83882  
with the superintendent of the bureau of criminal identification 83883  
and investigation to develop procedures and formats necessary to 83884  
produce the notices described in division ~~(C)~~(D) of section 83885  
109.5721 of the Revised Code in a format that is acceptable for 83886  
use by the department. The medicaid director may adopt rules under 83887  
section 5160.02 of the Revised Code necessary for such 83888  
collaboration. Any such rules shall be adopted in accordance with 83889  
section 111.15 of the Revised Code as if they were internal 83890  
management rules. 83891

The medicaid director may adopt rules under section 5160.02 83892  
of the Revised Code necessary for utilizing the information 83893  
received pursuant to section 109.5721 of the Revised Code. The 83894  
rules shall be adopted in accordance with Chapter 119. of the 83895  
Revised Code. 83896

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 83897  
in a medical assistance program gives an automatic right of 83898  
recovery to the department of medicaid and a county department of 83899  
job and family services against the liability of a third party for 83900  
the cost of medical assistance paid on behalf of the recipient. 83901  
When an action or claim is brought against a third party by a 83902  
medical assistance recipient, any payment, settlement or 83903

compromise of the action or claim, or any court award or judgment, 83904  
is subject to the recovery right of the department of medicaid or 83905  
county department. Except in the case of a medical assistance 83906  
recipient who receives medical assistance through a medicaid 83907  
managed care organization, the department's or county department's 83908  
claim shall not exceed the amount of medical assistance paid by 83909  
the department or county department on behalf of the recipient. A 83910  
payment, settlement, compromise, judgment, or award that excludes 83911  
the cost of medical assistance paid for by the department or 83912  
county department shall not preclude a department from enforcing 83913  
its rights under this section. 83914

(B)(1) In the case of a medical assistance recipient who 83915  
receives medical assistance through a medicaid managed care 83916  
organization that has a capitation agreement with a provider, the 83917  
amount of the department's or county department's claim shall be 83918  
the amount the medicaid managed care organization would have paid 83919  
in the absence of a capitation agreement. 83920

(2) In the case of a medical assistance recipient who 83921  
receives medical assistance through a medicaid managed care 83922  
organization that does not have a capitation agreement with a 83923  
provider, the amount of the department's or county department's 83924  
claim shall be the amount the medicaid managed care organization 83925  
pays for medical assistance rendered to the recipient, even if 83926  
that amount is more than the amount the department or county 83927  
department pays to the medicaid managed care organization for the 83928  
recipient's medical assistance. 83929

(C) A medical assistance recipient, and the recipient's 83930  
attorney, if any, shall cooperate with the departments. In 83931  
furtherance of this requirement, the medical assistance recipient, 83932  
or the recipient's attorney, if any, shall, not later than thirty 83933  
days after initiating informal recovery activity or filing a legal 83934  
recovery action against a third party, provide written notice of 83935

the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program. 83936  
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(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery. 83939  
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(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the medical assistance recipient and, if there is one, the recipient's attorney, are liable to reimburse the department or county department for the recovery received to the extent of medical assistance payments made by the department or county department. 83943  
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(F) The department or county department shall be permitted to enforce its recovery rights against the third party even though it accepted prior payments in discharge of its rights under this section if, at the time the department or county department received such payments, it was not aware that additional medical expenses had been incurred but had not yet been paid by the department or county department. The third party becomes liable to the department or county department as soon as the third party is notified in writing of the valid claims for recovery under this section. 83955  
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(G)(1) Subject to division (G)(2) of this section, the right of recovery of the department or county department does not apply to that portion of any judgment, award, settlement, or compromise 83965  
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of a claim, to the extent of attorneys' fees, costs, or other 83968  
expenses incurred by a medical assistance recipient in securing 83969  
the judgment, award, settlement, or compromise, or to the extent 83970  
of medical, surgical, and hospital expenses paid by such recipient 83971  
from the recipient's own resources. 83972

(2) Reasonable attorneys' fees, not to exceed one-third of 83973  
the total judgment, award, settlement, or compromise, plus costs 83974  
and other expenses incurred by the medical assistance recipient in 83975  
securing the judgment, award, settlement, or compromise, shall 83976  
first be deducted from the total judgment, award, settlement, or 83977  
compromise. After fees, costs, and other expenses are deducted 83978  
from the total judgment, award, settlement, or compromise, there 83979  
shall be a rebuttable presumption that the department of medicaid 83980  
or county department shall receive no less than one-half of the 83981  
remaining amount, or the actual amount of medical assistance paid, 83982  
whichever is less. A party may rebut the presumption in accordance 83983  
with division (L)(1) or (2) of this section, as applicable. 83984

(H) A right of recovery created by this section may be 83985  
enforced separately or jointly by the department of medicaid or 83986  
county department. To enforce its recovery rights, the department 83987  
or county department may do any of the following: 83988

(1) Intervene or join in any action or proceeding brought by 83989  
the medical assistance recipient or on the recipient's behalf 83990  
against any third party who may be liable for the cost of medical 83991  
assistance paid; 83992

(2) Institute and pursue legal proceedings against any third 83993  
party who may be liable for the cost of medical assistance paid; 83994

(3) Initiate legal proceedings in conjunction with any 83995  
injured, diseased, or disabled medical assistance recipient or the 83996  
recipient's attorney or representative. 83997

(I) A medical assistance recipient shall not assess attorney 83998

fees, costs, or other expenses against the department of medicaid 83999  
or a county department when the department or county department 84000  
enforces its right of recovery created by this section. 84001

(J) The right of recovery given to the department under this 84002  
section includes payments made by a third party under contract 84003  
with a person having a duty to support. 84004

(K) The department of medicaid may assign to a medical 84005  
assistance provider the right of recovery given to the department 84006  
under this section with respect to any claim for which the 84007  
department has notified the provider that the department intends 84008  
to recoup the department's prior payment for the claim. 84009

(L)(1) Prior to any payment to the department or a county 84010  
department pursuant to the department's or county department's 84011  
right of recovery under this section, a party that desires to 84012  
rebut the presumption in division (G) of this section shall submit 84013  
to the department or county department a request for a hearing in 84014  
accordance with the procedure the department establishes in rules 84015  
required by division (O) of this section. The amount sought by the 84016  
department or county department shall be held in escrow or in an 84017  
interest on lawyers' trust account until the hearing examiner 84018  
renders a decision or the case is otherwise concluded. A party 84019  
successfully rebuts the presumption by a showing of clear and 84020  
convincing evidence that a different allocation is warranted. 84021

(2) A medical assistance recipient who has repaid money, on 84022  
or after September 29, 2007, to the department or a county 84023  
department pursuant to the department's or county department's 84024  
right of recovery under this section, section 5160.38 of the 84025  
Revised Code, or former section 5101.58 or 5101.59 of the Revised 84026  
Code may request a hearing to rebut the presumption in division 84027  
(G) of this section. The request shall be made in accordance with 84028  
the procedure the department establishes for this purpose in rules 84029  
required by division (O) of this section. It must be made not 84030

later than one hundred eighty days after ~~the effective date of~~ 84031  
~~this amendment~~ September 29, 2015, or ninety days after the 84032  
payment is made, whichever is later. A party successfully rebuts 84033  
the presumption by a showing of clear and convincing evidence that 84034  
a different allocation is warranted. 84035

(3) With respect to a hearing requested under division (L)(1) 84036  
or (2) of this section, all of the following are the case: 84037

(a) The hearing examiner may consider, but is not bound by 84038  
the allocation of, medical expenses specified in a settlement 84039  
agreement between the medical assistance recipient and the 84040  
relevant third party; 84041

(b) The department or county department may raise affirmative 84042  
defenses during the hearing, including the existence of a prior 84043  
settlement with the medical assistance recipient, the doctrine of 84044  
accord and satisfaction, or the common law principle of res 84045  
judicata; 84046

(c) If the parties agree, live testimony shall not be 84047  
presented at the hearing; 84048

(d) The hearing may be governed by rules adopted under 84049  
section 5160.02 of the Revised Code. If such rules are adopted, 84050  
Chapter 119. of the Revised Code applies to the hearing only to 84051  
the extent specified in those rules; 84052

(e) The hearing examiner's decision is binding on the 84053  
department or county department and the medical assistance 84054  
recipient unless the decision is reversed or modified on appeal to 84055  
the medicaid director as described in division (M) of this 84056  
section. 84057

(M)(1) A medical assistance recipient who disagrees with a 84058  
hearing examiner's decision under division (L) of this section may 84059  
file an administrative appeal with the medicaid director in 84060  
accordance with the procedure the department establishes for this 84061

purpose in rules required by division (O) of this section. A 84062  
hearing is not required during the administrative appeal, but the 84063  
director or the director's designee shall review the hearing 84064  
examiner's decision and any prior relevant administrative action. 84065  
After the review, the director or the director's designee shall 84066  
affirm, modify, remand, or reverse the hearing decision. A 84067  
decision made under this division is final and binding on the 84068  
department or county department and the medical assistance 84069  
recipient unless it is reversed or modified on appeal to a court 84070  
of common pleas as described in division (N) of this section. 84071

(2) An administrative appeal may be governed by rules adopted 84072  
under section 5160.02 of the Revised Code. If such rules are 84073  
adopted, Chapter 119. of the Revised Code applies to an 84074  
administrative appeal only to the extent specified in those rules. 84075

(N) A party to an administrative appeal described in division 84076  
(M) of this section may file an appeal with a court of common 84077  
pleas in accordance with section 119.12 of the Revised Code. 84078

(O) The medicaid director shall adopt rules under section 84079  
5160.02 of the Revised Code as necessary to implement this 84080  
section, including rules establishing procedures a party may use 84081  
to request a hearing under division (L)(1) or (2) of this section 84082  
or an administrative appeal under division (M)(1) of this section. 84083  
The rules shall be adopted in accordance with Chapter 119. of the 84084  
Revised Code. 84085

(P) Divisions (L) to (N) of this section are remedial in 84086  
nature and shall be liberally construed by the courts of this 84087  
state in accordance with section 1.11 of the Revised Code. Those 84088  
divisions specify the sole remedy available to a party who claims 84089  
the department or a county department has received or is to 84090  
receive more money than entitled to receive under this section, 84091  
section 5160.38 of the Revised Code, or former section 5101.58 or 84092  
5101.59 of the Revised Code. 84093



**Sec. 5160.40.** (A) As used in this section, "business day" means any day of the week excluding Saturday, Sunday, and a legal holiday, as defined in section 1.14 of the Revised Code. 84094  
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(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a third party shall do all of the following: 84097  
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(1) Accept the department of medicaid's right of recovery under section 5160.37 of the Revised Code and the assignment of rights to the department that are described in section 5160.38 of the Revised Code; 84099  
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(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than six years after the date of the provision of such medical item or service; 84103  
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(3) Respond to the department's request for payment of a claim described in division (B)(2) of this section not later than ninety business days after receipt of written proof of the claim, either by paying the claim or issuing a written denial to the department; 84107  
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(4) Not charge a fee to do either of the following for a claim described in division ~~(A)~~(B)(2) of this section: 84112  
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(a) Determine whether the claim should be paid; 84114

(b) Process the claim. 84115

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this section; 84116  
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~~(5)~~(6) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following have occurred: 84118  
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(a) The claim was submitted by the department not later than 84124  
six years after the date of the provision of the medical item or 84125  
service. 84126

(b) An action by the department to enforce its right of 84127  
recovery under section 5160.37 of the Revised Code on the claim 84128  
was commenced not later than six years after the department's 84129  
submission of the claim. 84130

~~(6)~~(7) Consider the department's payment of a claim for a 84131  
medical item or service to be the equivalent of the medical 84132  
assistance recipient having obtained prior authorization for the 84133  
item or service from the third party; 84134

~~(7)~~(8) Not deny a claim described in division ~~(A)~~(6)~~(B)~~(7) of 84135  
this section that is submitted by the department solely on the 84136  
basis of the medical assistance recipient's failure to obtain 84137  
prior authorization for the medical item or service. 84138

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 84139  
this section, a third party shall treat a medicaid managed care 84140  
organization as the department for a claim if the individual who 84141  
is the subject of the claim received a medical item or service 84142  
through a medicaid managed care organization and the department 84143  
has assigned its right of recovery for the claim to the medicaid 84144  
managed care organization. Even if the department assigned its 84145  
right of recovery to a medicaid managed care organization, the 84146  
department may, beginning one year from the date the organization 84147  
paid the claim, recoup from a third party an amount that was 84148  
assigned to the organization but not collected. 84149

~~(C)~~(D) If the department of medicaid, as permitted by 84150  
division (K) of section 5160.37 of the Revised Code, assigns to a 84151  
medical assistance provider the department's right of recovery for 84152  
a claim for which it has notified the provider that it intends to 84153  
recoup its prior payment for a claim, a third party shall treat 84154

the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

~~(D)~~(E) The time limitations associated with the requirements in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

**Sec. 5160.401.** (A) A payment made by a third party under division ~~(A)~~(4)~~(B)~~(5) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

(1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;	84186 84187 84188
(2) The date or dates on which the medical item or service was provided;	84189 84190
(3) The amount allegedly overpaid and the amount the third party seeks to recover;	84191 84192
(4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;	84193 84194
(5) The third party's rationale for seeking recovery;	84195
(6) The date the third party made the payment and the method of payment used;	84196 84197
(7) If payment was made by check, the check number;	84198
(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.	84199 84200 84201 84202 84203
(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.	84204 84205 84206 84207 84208 84209 84210 84211
<b>Sec. 5162.021.</b> The medicaid director shall adopt rules under sections 5160.02, 5162.02, <del>5163.03</del> <u>5163.02</u> , <del>5164.04</del> <u>5164.02</u> , <del>5165.05</del> <u>5165.02</u> , 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to	84212 84213 84214 84215

adopt rules regarding medicaid components, or aspects of medicaid 84216  
components, the other state agencies administer pursuant to 84217  
contracts entered into under section 5162.35 of the Revised Code. 84218

When the director of another state agency adopts a rule that 84219  
would increase the medicaid payment rate for a medicaid service 84220  
provided under a medicaid component or aspect of a medicaid 84221  
component that the other state agency administers, the director of 84222  
the other state agency shall comply with section 5164.021 of the 84223  
Revised Code as if that director were the medicaid director. 84224

**Sec. 5162.12.** (A) The medicaid director shall enter into a 84225  
contract with one or more persons to receive and process, on the 84226  
director's behalf, requests for medicaid recipient or claims 84227  
payment data, data from reports of audits conducted under section 84228  
5165.109 of the Revised Code, or extracts or analyses of any of 84229  
the foregoing data made by persons who intend to use the items 84230  
prepared pursuant to the requests for commercial or academic 84231  
purposes. 84232

(B) At a minimum, a contract entered into under this section 84233  
shall do both of the following: 84234

(1) Authorize the contracting person to engage in the 84235  
activities described in division (A) of this section for 84236  
compensation, which must be stated as a percentage of the fees 84237  
paid by persons who are provided the items; 84238

(2) Require the contracting person to charge for an item 84239  
prepared pursuant to a request a fee in an amount equal to one 84240  
hundred two per cent of the cost the department of medicaid incurs 84241  
in making the data used to prepare the item available to the 84242  
contracting person. 84243

(C) Except as required by federal or state law and subject to 84244  
division (E) of this section, both of the following conditions 84245

apply with respect to a request for data described in division (A) 84246  
of this section: 84247

(1) The request shall be made through a person who has 84248  
entered into a contract with the medicaid director under this 84249  
section. 84250

(2) An item prepared pursuant to the request may be provided 84251  
to the department of medicaid and is confidential and not subject 84252  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 84253

(D) The medicaid director shall use fees the director 84254  
receives pursuant to a contract entered into under this section to 84255  
pay obligations specified in contracts entered under this section. 84256  
Any money remaining after the obligations are paid shall be 84257  
deposited in the health ~~care services administration~~ care/medicaid 84258  
support and recoveries fund created under section ~~5162.54~~ 5162.52 84259  
of the Revised Code. 84260

(E) This section does not apply to requests for medicaid 84261  
recipient or claims payment data, data from reports of audits 84262  
conducted under section 5165.109 of the Revised Code, or extracts 84263  
or analyses of any of the foregoing data that are for any of the 84264  
following purposes: 84265

(1) Treatment of medicaid recipients; 84266

(2) Payment of medicaid claims; 84267

(3) Establishment or management of medicaid third party 84268  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 84269  
Code; 84270

(4) Compliance with the terms of an agreement the medicaid 84271  
director enters into for purposes of administering the medicaid 84272  
program; 84273

(5) Compliance with an operating protocol the executive 84274  
director of the office of health transformation or the executive 84275

director's designee adopts under division (D) of section 191.06 of the Revised Code. 84276  
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Sec. 5162.16. A government entity that administers one or more components of the medicaid program and has reasonable cause to believe that an instance of fraud, waste, or abuse has occurred in the medicaid program shall inform the department of medicaid. The department shall collect the information in the medicaid data warehouse system established under section 5162.11 of the Revised Code. 84278  
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~~Sec. 5162.40. (A)(1) Except as provided in division (B) of this section, if~~ If a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002, or administers one or more aspects of such a component, the department of medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section 5162.35 of the Revised Code. 84285  
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~~(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved on or after January 1, 2002, or administers one or more aspects of such a component, the department of medicaid shall retain or collect not less than three and not more than ten per cent of the federal~~ 84300  
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~~financial participation the state agency or political subdivision 84307  
obtains through an approved, administrative claim regarding the 84308  
component or aspect of the component. The percentage the 84309  
department retains or collects shall be specified in a contract 84310  
the department enters into with the state agency or political 84311  
subdivision under section 5162.35 of the Revised Code. 84312~~

(B) All amounts the department retains or collects under this 84313  
section shall be deposited into the health ~~care services~~ 84314  
administration care/medicaid support and recoveries fund created 84315  
under section ~~5162.54~~ 5162.52 of the Revised Code. 84316

**Sec. 5162.41.** The department of medicaid may retain or 84317  
collect a percentage of the federal financial participation 84318  
included in a supplemental medicaid payment to one or more 84319  
medicaid providers owned or operated by a state agency or 84320  
political subdivision that brings the payment to such provider or 84321  
providers to the upper payment limit established by 42 C.F.R. 84322  
447.272. If the department retains or collects a percentage of 84323  
that federal financial participation, the medicaid director shall 84324  
adopt a rule under section 5162.02 of the Revised Code specifying 84325  
the percentage the department is to retain or collect. All amounts 84326  
the department retains or collects under this section shall be 84327  
deposited into the health ~~care services administration~~ 84328  
care/medicaid support and recoveries fund created under section 84329  
~~5162.54~~ 5162.52 of the Revised Code. 84330

**Sec. 5162.52.** (A) The health care/medicaid support and 84331  
recoveries fund is hereby created in the state treasury. All of 84332  
the following shall be credited to the fund: 84333

(1) Except as otherwise provided by statute or as authorized 84334  
by the controlling board, the nonfederal share of all 84335  
medicaid-related revenues, collections, and recoveries; 84336



(2) Federal reimbursement received for payment adjustments made pursuant to the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;	84337 84338 84339 84340 84341 84342
(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement, <del>other than such revenues required to be deposited into the health care services administration fund created under section 5162.54 of the Revised Code;</del>	84343 84344 84345 84346 84347
(4) <del>The first seven hundred fifty thousand dollars</del> <u>money</u> the department <u>of medicaid</u> receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	84348 84349 84350 84351
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;	84352 84353 84354 84355
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	84356 84357 84358 84359
<u>(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;</u>	84360 84361
<u>(8) The application fees charged to providers under section 5164.31 of the Revised Code;</u>	84362 84363
<u>(9) The fines collected under section 5165.1010 of the Revised Code;</u>	84364 84365
<u>(10) Amounts from assessments on hospitals under section</u>	84366

5168.06 of the Revised Code and intergovernmental transfers by 84367  
governmental hospitals under section 5168.07 of the Revised Code 84368  
that are deposited into the fund in accordance with the law. 84369

(B) The department of medicaid shall use money credited to 84370  
the health care/medicaid support and recoveries fund to pay for 84371  
medicaid services and ~~contracts~~ costs associated with the 84372  
administration of the medicaid program. 84373

**Sec. ~~5162.64~~ 5162.63.** (A) There is hereby created in the 84374  
state treasury the medicaid school program administrative fund. 84375

(B) Both of the following shall be deposited into the 84376  
medicaid school program administrative fund: 84377

(1) The federal funds the department of education receives 84378  
for the expenses the department incurs in administering the 84379  
medicaid school component of the medicaid program created under 84380  
section 5162.36 of the Revised Code; 84381

(2) The money the department collects from qualified medicaid 84382  
school providers in the process established in rules authorized by 84383  
section 5162.363 of the Revised Code. 84384

(C) The department of education shall use money in the 84385  
medicaid school program administrative fund for both of the 84386  
following purposes: 84387

(1) Paying for the expenses the department incurs in 84388  
administering the medicaid school component of the medicaid 84389  
program; 84390

(2) Paying a qualified medicaid school provider a refund for 84391  
any overpayment the provider makes to the department under the 84392  
process established in rules authorized by section 5162.363 of the 84393  
Revised Code if the process results in an overpayment. 84394

**Sec. 5162.64.** There is hereby created in the state treasury 84395

the money follows the person enhanced reimbursement fund. 84396

The federal payments made to the state under subsection (e) 84397  
of section 6071 of the "Deficit Reduction Act of 2005," Public Law 84398  
109-171, as amended, shall be deposited into the fund. The 84399  
department of medicaid shall use money deposited into the fund for 84400  
reform activities related to a money follows the person 84401  
demonstration project authorized by the United States secretary of 84402  
health and human services, including the helping Ohioans move, 84403  
expanding (HOME) choice component of the medicaid program operated 84404  
pursuant to section 5164.90 of the Revised Code. 84405

Sec. 5162.65. There is hereby created in the state treasury 84406  
the refunds and reconciliation fund. 84407

Money the department of medicaid receives from a refund or 84408  
reconciliation shall be deposited into the refunds and 84409  
reconciliation fund if the department does not know the 84410  
appropriate fund for the money at the time the department receives 84411  
the money or if the money is to go to another government entity. 84412  
Money transferred from the department of job and family services 84413  
under section 5101.074 of the Revised Code also shall be deposited 84414  
into the refunds and reconciliation fund. 84415

Money in the refunds and reconciliation fund, including money 84416  
transferred from the department of job and family services, shall 84417  
be transferred to the appropriate fund once the appropriate fund 84418  
is identified or shall be transferred to another government 84419  
entity, as appropriate. 84420

Sec. 5162.66. (A) As used in this section, "deficiency" has 84421  
the same meaning as in section 5165.60 of the Revised Code. 84422

The (B) There is hereby created in the state treasury the 84423  
residents protection fund. All of the following shall be deposited 84424

into the fund: 84425

(1) The proceeds of all fines, including interest, collected 84426  
under sections 5165.60 to 5165.89 of the Revised Code ~~shall be~~ 84427  
~~deposited in the state treasury to the credit of the residents~~ 84428  
~~protection fund, which is hereby created. The;~~ 84429

(2) The proceeds of all fines, including interest, collected 84430  
under section 173.42 of the Revised Code ~~shall be deposited in the~~ 84431  
~~state treasury to the credit of the residents protection fund;~~ 84432

(3) The portions of civil money penalties and corresponding 84433  
interest that are dispersed on or after July 1, 2017, to the 84434  
department of medicaid pursuant to 42 C.F.R. 488.845. 84435

Money (C) Subject to 42 C.F.R. 488.845(g)(2), both of the 84436  
following apply to the money in the fund: 84437

(1) It shall be used for ~~the~~ all of the following: 84438

(a) The protection of the health or property of residents of 84439  
nursing facilities in which the department of health finds 84440  
deficiencies, including payment for the costs of relocation of 84441  
residents to other facilities, ~~and~~ maintenance; 84442

(b) Maintenance of operation of a facility pending correction 84443  
of deficiencies or closure, ~~and reimbursement;~~ 84444

(c) Reimbursement of residents for the loss of money managed 84445  
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 84446  
~~in the fund~~ 84447

(2) It may ~~also~~ be used to make payments under section 84448  
5165.78 of the Revised Code. 84449

(D) The fund shall be maintained and administered by the 84450  
department of medicaid under rules developed in consultation with 84451  
the departments of health and aging and adopted under section 84452  
5162.02 of the Revised Code. The rules shall be adopted in 84453  
accordance with Chapter 119. of the Revised Code. 84454

Sec. 5162.70. (A) As used in this section:	84455
(1) "CPI" means the consumer price index for all urban consumers as published by the United States bureau of labor statistics.	84456 84457 84458
(2) "CPI medical inflation rate" means the inflation rate for medical care, or the successor term for medical care, for the midwest region as specified in the CPI.	84459 84460 84461
(3) "JMOC projected medical inflation rate" means the following:	84462 84463
(a) The projected medical inflation rate for a fiscal biennium determined by the actuary with which the joint medicaid oversight committee contracts under section 103.414 of the Revised Code if the committee agrees with the actuary's projected medical inflation rate for that fiscal biennium;	84464 84465 84466 84467 84468
(b) The different projected medical inflation rate for a fiscal biennium determined by the joint medicaid oversight committee under section 103.414 of the Revised Code if the committee disagrees with the projected medical inflation rate determined for that fiscal biennium by the actuary with which the committee contracts under that section.	84469 84470 84471 84472 84473 84474
(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.	84475 84476 84477
(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:	84478 84479
(1) Limit the growth in the per recipient per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:	84480 84481 84482 84483
(a) The average annual increase in the CPI medical inflation	84484

rate for the most recent three-year period for which the necessary	84485
data is available as of the first day of the fiscal biennium,	84486
weighted by the most recent year of the three years;	84487
(b) The JMOC projected medical inflation rate for the fiscal	84488
biennium.	84489
(2) Achieve the limit in the growth of the per recipient per	84490
month cost of the medicaid program under division (B)(1) of this	84491
section by doing all of the following:	84492
(a) Improving the physical and mental health of medicaid	84493
recipients;	84494
(b) Providing for medicaid recipients to receive medicaid	84495
services in the most cost-effective and sustainable manner;	84496
(c) Removing barriers that impede medicaid recipients'	84497
ability to transfer to lower cost, and more appropriate, medicaid	84498
services, including home and community-based services;	84499
(d) Establishing medicaid payment rates that encourage value	84500
over volume and result in medicaid services being provided in the	84501
most efficient and effective manner possible;	84502
(e) Implementing fraud and abuse prevention and cost	84503
avoidance mechanisms to the fullest extent possible;	84504
<del>(f) Integrating in the care management system established</del>	84505
<del>under section 5167.03 of the Revised Code the delivery of physical</del>	84506
<del>health, behavioral health, nursing facility, and home and</del>	84507
<del>community based services covered by medicaid.</del>	84508
(3) Reduce the prevalence of comorbid health conditions	84509
among, and the mortality rates of, medicaid recipients;	84510
(4) Reduce infant mortality rates among medicaid recipients.	84511
(C) The medicaid director shall implement the reforms under	84512
this section in accordance with evidence-based strategies that	84513
include measurable goals.	84514

(D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.

**Sec. 5163.03.** (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group.

(2) ~~State statutes do not address whether the~~ The medicaid program ~~may cover~~ covers the optional eligibility group on the effective date of this amendment.

(D) The medicaid program shall not cover ~~any~~ an optional eligibility group ~~that state~~ to which either of the following applies:

(1) State statutes prohibit the medicaid program from covering the optional eligibility group.

(2) Except as provided in divisions (B) and (C)(1) of this section, the medicaid program does not cover the optional eligibility group on the effective date of this amendment.

**Sec. 5164.01.** As used in this chapter:

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	84544 84545
(B) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).	84546 84547 84548
(C) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	84549 84550
(D) <u>"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.</u>	84551 84552
<u>(E)</u> "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.	84553 84554 84555
<del>(E)</del> <u>(F)</u> "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	84556 84557 84558
<del>(F)</del> <u>(G)</u> "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	84559 84560
<del>(G)</del> <u>(H)</u> "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.	84561 84562
<del>(H)</del> <u>(I)</u> "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	84563 84564
<del>(I)</del> <u>(J)</u> "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.	84565 84566 84567
<del>(J)</del> <u>(K)</u> "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.	84568 84569 84570 84571
<del>(K)</del> <u>(L)</u> "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	84572 84573



~~(L)~~(M) "Medicaid provider" means a person or government 84574  
entity with a valid provider agreement to provide medicaid 84575  
services to medicaid recipients. To the extent appropriate in the 84576  
context, "medicaid provider" includes a person or government 84577  
entity applying for a provider agreement, a former medicaid 84578  
provider, or both. 84579

~~(M)~~(N) "Medicaid services" means either or both of the 84580  
following: 84581

(1) Mandatory services; 84582

(2) Optional services that the medicaid program covers. 84583

~~(N)~~(O) "Nursing facility" has the same meaning as in section 84584  
5165.01 of the Revised Code. 84585

~~(O)~~(P) "Optional services" means the health care services and 84586  
items that may be covered by the medicaid state plan or a federal 84587  
medicaid waiver and for which the medicaid program receives 84588  
federal financial participation. 84589

~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 84590  
440.120. 84591

~~(Q)~~(R) "Provider agreement" means an agreement to which all 84592  
of the following apply: 84593

(1) It is between a medicaid provider and the department of 84594  
medicaid; 84595

(2) It provides for the medicaid provider to provide medicaid 84596  
services to medicaid recipients; 84597

(3) It complies with 42 C.F.R. 431.107(b). 84598

~~(R)~~(S) "State plan home and community-based services" means 84599  
home and community-based services that, as authorized by section 84600  
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 84601  
covered by the medicaid program pursuant to an amendment to the 84602  
medicaid state plan. 84603

(T) "Terminal distributor of dangerous drugs" has the same 84604  
meaning as in section 4729.01 of the Revised Code. 84605

**Sec. 5164.02.** (A) ~~The Subject to section 5164.021 of the~~ 84606  
Revised Code, the medicaid director shall adopt rules as necessary 84607  
to implement this chapter. The rules shall be adopted in 84608  
accordance with Chapter 119. of the Revised Code. 84609

(B) The rules shall establish all of the following: 84610

(1) The amount, duration, and scope of the medicaid services 84611  
covered by the medicaid program; 84612

(2) The medicaid payment amount rate for each medicaid 84613  
service or, in lieu of the ~~payment amount rate~~, the method by 84614  
which the ~~payment amount rate~~ is to be determined for each 84615  
medicaid service; 84616

(3) Procedures for enforcing the rules adopted under this 84617  
section that provide due process protections, including procedures 84618  
for corrective action plans for, and imposing financial and 84619  
administrative sanctions on, persons and government entities that 84620  
violate the rules. 84621

(C) The rules may be different for different medicaid 84622  
services. 84623

(D) The medicaid director is not required to adopt a rule 84624  
establishing the medicaid payment amount rate for a medicaid 84625  
service if the director adopts a rule establishing the method by 84626  
which the ~~payment amount rate~~ is to be determined for the medicaid 84627  
service and makes the ~~payment amount rate~~ available on the 84628  
internet web site maintained by the department of medicaid. 84629

**Sec. 5164.021.** For the purposes of sections 103.417 and 84630  
5164.69 of the Revised Code, the medicaid director may not 84631  
designate an effective date for a rule increasing the medicaid 84632

payment rate for a medicaid service that is earlier than the one 84633  
hundred twenty-first day after the date on which it is filed in 84634  
final form under section 119.04 of the Revised Code. This applies 84635  
to such a rule regardless of whether the rule involves a change to 84636  
the method by which a medicaid payment rate for a medicaid service 84637  
is to be determined or specifies the actual amount of the rate 84638  
increase. 84639

Sec. 5164.10. The medicaid program may cover one or more 84640  
state plan home and community-based services that the department 84641  
of medicaid selects for coverage. A medicaid recipient of any age 84642  
may receive a state plan home and community-based service if the 84643  
recipient has countable income not exceeding two hundred 84644  
twenty-five per cent of the federal poverty line, has a medical 84645  
need for the service, and meets all other eligibility requirements 84646  
for the service specified in rules adopted under section 5164.02 84647  
of the Revised Code. The rules may not require a medicaid 84648  
recipient to undergo a level of care determination to be eligible 84649  
for a state plan home and community-based service. 84650

Sec. 5164.29. Not later than December 31, 2018, the 84651  
department of medicaid shall develop and implement revisions to 84652  
the system by which persons and government entities become and 84653  
remain medicaid providers so that there is a single system of 84654  
records for the system and the persons and government entities do 84655  
not have to submit duplicate data to the state to become or remain 84656  
medicaid providers for any component or aspect of a component of 84657  
the medicaid program, including a component or aspect of a 84658  
component administered by another state agency or political 84659  
subdivision pursuant to a contract entered into under section 84660  
5162.35 of the Revised Code. The departments of aging, 84661  
developmental disabilities, and mental health and addiction 84662  
services shall participate in the development of the revisions and 84663

shall utilize the revised system. 84664

**Sec. 5164.31.** (A) For the purpose of raising funds necessary 84665  
to pay the expenses of implementing the provider screening 84666  
requirements of subpart E of 42 C.F.R. Part 455 and except as 84667  
provided in division (B) of this section, the department of 84668  
medicaid shall collect an application fee from a medicaid provider 84669  
before doing any of the following: 84670

(1) Entering into a provider agreement with a medicaid 84671  
provider that seeks initial enrollment as a provider; 84672

(2) Entering into a provider agreement with a former medicaid 84673  
provider that seeks re-enrollment as a provider; 84674

(3) Revalidating a medicaid provider's continued enrollment 84675  
as a provider. 84676

(B) The department is not to collect an application fee from 84677  
a medicaid provider that is exempt from paying the fee under 42 84678  
C.F.R. 455.460(a). 84679

(C) The application fees shall be deposited into the health 84680  
~~care services administration~~ care/medicaid support and recoveries 84681  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 84682  
Application fees are nonrefundable when collected in accordance 84683  
with 42 C.F.R. 455.460(a). 84684

(D) The medicaid director shall adopt rules under section 84685  
5164.02 of the Revised Code as necessary to implement this 84686  
section, including a rule establishing the amount of the 84687  
application fee to be collected under this section. The amount of 84688  
the application fee shall not be set at an amount that is more 84689  
than necessary to pay for the expenses of implementing the 84690  
provider screening requirements. 84691

**Sec. 5164.34.** (A) As used in this section: 84692

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	84693 84694
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	84695 84696 84697
(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.	84698 84699 84700
(4) "Person subject to the criminal records check requirement" means the following:	84701 84702
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	84703 84704 84705
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	84706 84707 84708 84709 84710 84711 84712
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	84713 84714
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	84715 84716 84717
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	84718 84719
(5) "Responsible entity" means the following:	84720
(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid	84721 84722

or the department's designee; 84723

(b) With respect to a criminal records check required under 84724  
this section for an owner or prospective owner, officer or 84725  
prospective officer, board member or prospective board member, or 84726  
employee or prospective employee of a medicaid provider, the 84727  
provider. 84728

(B) This section does not apply to any of the following: 84729

(1) An individual who is subject to a criminal records check 84730  
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 84731  
~~5164.341~~ of the Revised Code ~~or any~~; 84732

(2) An individual who is subject to a database review or 84733  
criminal records check under section 173.38, 173.381, 3701.881, or 84734  
5164.342 of the Revised Code; 84735

(3) An individual who is an applicant or independent 84736  
provider, both as defined in section 5164.341 of the Revised Code. 84737

(C) The department of medicaid may do any of the following: 84738

(1) Require that any medicaid provider submit to a criminal 84739  
records check as a condition of obtaining or maintaining a 84740  
provider agreement; 84741

(2) Require that any medicaid provider require an owner or 84742  
prospective owner, officer or prospective officer, or board member 84743  
or prospective board member of the provider submit to a criminal 84744  
records check as a condition of being an owner, officer, or board 84745  
member of the provider; 84746

(3) Require that any medicaid provider do the following: 84747

(a) If so required by rules authorized by this section, 84748  
determine pursuant to a database review conducted under division 84749  
(F)(1)(a) of this section whether any employee or prospective 84750  
employee of the provider is included in a database; 84751

(b) Unless the provider is prohibited by division (D)(3)(b) 84752

of this section from employing the employee or prospective 84753  
employee, require the employee or prospective employee to submit 84754  
to a criminal records check as a condition of being an employee of 84755  
the provider. 84756

(D)(1) The department or the department's designee shall deny 84757  
or terminate a medicaid provider's provider agreement if the 84758  
provider is a person subject to the criminal records check 84759  
requirement and either of the following applies: 84760

(a) The provider fails to obtain the criminal records check 84761  
after being given the information specified in division (G)(1) of 84762  
this section. 84763

(b) Except as provided in rules authorized by this section, 84764  
the provider is found by the criminal records check to have been 84765  
convicted of or have pleaded guilty to a disqualifying offense, 84766  
regardless of the date of the conviction or the date of entry of 84767  
the guilty plea. 84768

(2) No medicaid provider shall permit a person to be an 84769  
owner, officer, or board member of the provider if the person is a 84770  
person subject to the criminal records check requirement and 84771  
either of the following applies: 84772

(a) The person fails to obtain the criminal records check 84773  
after being given the information specified in division (G)(1) of 84774  
this section. 84775

(b) Except as provided in rules authorized by this section, 84776  
the person is found by the criminal records check to have been 84777  
convicted of or have pleaded guilty to a disqualifying offense, 84778  
regardless of the date of the conviction or the date of entry of 84779  
the guilty plea. 84780

(3) No medicaid provider shall employ a person if any of the 84781  
following apply: 84782

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 84783  
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84785

(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 84786  
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 84791  
84792

(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 84793  
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 84796  
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84800

(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 84801  
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 84809  
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84811

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section. 84812  
84813



(2) At times designated in rules authorized by this section, 84814  
a medicaid provider that is a person subject to the criminal 84815  
records check requirement shall do the following: 84816

(a) Inform each person specified under division (E)(1)(a) of 84817  
this section that the person is required to submit to a criminal 84818  
records check as a condition of being an owner, officer, or board 84819  
member of the provider; 84820

(b) Inform each person specified under division (E)(1)(b) of 84821  
this section that the person is subject to division (C)(3) of this 84822  
section. 84823

(F)(1) If a medicaid provider is a person subject to the 84824  
criminal records check requirement, the department or the 84825  
department's designee shall require the conduct of a criminal 84826  
records check by the superintendent of the bureau of criminal 84827  
identification and investigation. A medicaid provider shall 84828  
require the conduct of a criminal records check by the 84829  
superintendent with respect to each of the persons specified under 84830  
division (E)(1)(a) of this section. With respect to each employee 84831  
and prospective employee specified under division (E)(1)(b) of 84832  
this section, a medicaid provider shall do the following: 84833

(a) If rules authorized by this section require the provider 84834  
to conduct a database review to determine whether the employee or 84835  
prospective employee is included in a database, conduct the 84836  
database review in accordance with the rules; 84837

(b) Unless the provider is prohibited by division (D)(3)(b) 84838  
of this section from employing the employee or prospective 84839  
employee, require the conduct of a criminal records check of the 84840  
employee or prospective employee by the superintendent. 84841

(2) If a person subject to the criminal records check 84842  
requirement does not present proof of having been a resident of 84843  
this state for the five-year period immediately prior to the date 84844

the criminal records check is requested or provide evidence that 84845  
within that five-year period the superintendent has requested 84846  
information about the person from the federal bureau of 84847  
investigation in a criminal records check, the responsible entity 84848  
shall require the person to request that the superintendent obtain 84849  
information from the federal bureau of investigation as part of 84850  
the criminal records check of the person. Even if the person 84851  
presents proof of having been a resident of this state for the 84852  
five-year period, the responsible entity may require that the 84853  
person request that the superintendent obtain information from the 84854  
federal bureau of investigation and include it in the criminal 84855  
records check of the person. 84856

(G) Criminal records checks required by this section shall be 84857  
obtained as follows: 84858

(1) The responsible entity shall provide each person subject 84859  
to the criminal records check requirement information about 84860  
accessing and completing the form prescribed pursuant to division 84861  
(C)(1) of section 109.572 of the Revised Code and the standard 84862  
impression sheet prescribed pursuant to division (C)(2) of that 84863  
section. 84864

(2) The person subject to the criminal records check 84865  
requirement shall submit the required form and one complete set of 84866  
the person's fingerprint impressions directly to the 84867  
superintendent for purposes of conducting the criminal records 84868  
check using the applicable methods prescribed by division (C) of 84869  
section 109.572 of the Revised Code. The person shall pay all fees 84870  
associated with obtaining the criminal records check. 84871

(3) The superintendent shall conduct the criminal records 84872  
check in accordance with section 109.572 of the Revised Code. The 84873  
person subject to the criminal records check requirement shall 84874  
instruct the superintendent to submit the report of the criminal 84875  
records check directly to the responsible entity. If the 84876

department or the department's designee is not the responsible 84877  
entity, the department or designee may require the responsible 84878  
entity to submit the report to the department or designee. 84879

(H)(1) A medicaid provider may employ conditionally a person 84880  
for whom a criminal records check is required by this section 84881  
prior to obtaining the results of the criminal records check if 84882  
both of the following apply: 84883

(a) The provider is not prohibited by division (D)(3)(b) of 84884  
this section from employing the person. 84885

(b) The person submits a request for the criminal records 84886  
check not later than five business days after the person begins 84887  
conditional employment. 84888

(2) A medicaid provider that employs a person conditionally 84889  
under division (H)(1) of this section shall terminate the person's 84890  
employment if the results of the criminal records check request 84891  
are not obtained within the period ending sixty days after the 84892  
date the request is made. Regardless of when the results of the 84893  
criminal records check are obtained, if the results indicate that 84894  
the person has been convicted of or has pleaded guilty to a 84895  
disqualifying offense, the provider shall terminate the person's 84896  
employment unless circumstances specified in rules authorized by 84897  
this section exist that permit the provider to employ the person 84898  
and the provider chooses to employ the person. 84899

(I) The report of a criminal records check conducted pursuant 84900  
to this section is not a public record for the purposes of section 84901  
149.43 of the Revised Code and shall not be made available to any 84902  
person other than the following: 84903

(1) The person who is the subject of the criminal records 84904  
check or the person's representative; 84905

(2) The medicaid director and the staff of the department who 84906  
are involved in the administration of the medicaid program; 84907

(3) The department's designee;	84908
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	84909 84910 84911
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	84912 84913 84914
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	84915 84916
(a) The denial or termination of a provider agreement;	84917
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	84918 84919
(c) A civil or criminal action regarding the medicaid program.	84920 84921
(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	84922 84923 84924 84925 84926
(1) Designate the categories of persons who are subject to a criminal records check under this section;	84927 84928
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;	84929 84930 84931 84932 84933 84934
(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records	84935 84936 84937

check conducted pursuant to this section to have been convicted of 84938  
or have pleaded guilty to a disqualifying offense; 84939

(4) Specify all of the following: 84940

(a) The circumstances under which a database review must be 84941  
conducted under division (F)(1)(a) of this section to determine 84942  
whether an employee or prospective employee of a medicaid provider 84943  
is included in a database; 84944

(b) The procedures for conducting the database review; 84945

(c) The databases that are to be checked; 84946

(d) The circumstances under which a medicaid provider is 84947  
prohibited from employing a person who is found by the database 84948  
review to be included in a database. 84949

**Sec. 5164.341.** (A) As used in this section: 84950

"Anniversary date" means the later of the effective date of 84951  
the provider agreement relating to the independent provider or 84952  
sixty days after September 26, 2003. 84953

"Applicant" means a person who has applied for a provider 84954  
agreement to provide home and community-based services as an 84955  
independent provider under a home and community-based medicaid 84956  
waiver component administered by the department of medicaid. 84957

"Criminal records check" has the same meaning as in section 84958  
109.572 of the Revised Code. 84959

"Disqualifying offense" means any of the offenses listed or 84960  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 84961  
Revised Code. 84962

"Independent provider" means a person who has a provider 84963  
agreement to provide home and community-based services as an 84964  
independent provider in a home and community-based services 84965  
medicaid waiver component administered by the department of 84966

medicaid. 84967

(B) The department of medicaid or the department's designee 84968  
shall deny an applicant's application for a provider agreement and 84969  
shall terminate an independent provider's provider agreement if 84970  
either of the following applies: 84971

(1) After the applicant or independent provider is given the 84972  
information and notification required by divisions (D)(2)(a) and 84973  
(b) of this section, the applicant or independent provider fails 84974  
to do either of the following: 84975

(a) Access, complete, or forward to the superintendent of the 84976  
bureau of criminal identification and investigation the form 84977  
prescribed pursuant to division (C)(1) of section 109.572 of the 84978  
Revised Code or the standard impression sheet prescribed pursuant 84979  
to division (C)(2) of that section; 84980

(b) Instruct the superintendent to submit the completed 84981  
report of the criminal records check required by this section 84982  
directly to the department or the department's designee. 84983

(2) Except as provided in rules authorized by this section, 84984  
the applicant or independent provider is found by ~~a criminal~~ 84985  
~~records check required by this section~~ either of the following to 84986  
have been convicted of or have pleaded guilty to a disqualifying 84987  
offense, regardless of the date of the conviction or the date of 84988  
entry of the guilty plea; 84989

(a) A criminal records check required by this section; 84990

(b) In the case of an independent provider, a notice provided 84991  
by the bureau of criminal identification and investigation under 84992  
division (D) of section 109.5721 of the Revised Code. 84993

(C)(1) The department or the department's designee shall 84994  
inform each applicant, at the time of initial application for a 84995  
provider agreement, that the applicant is required to provide a 84996

set of the applicant's fingerprint impressions and that a criminal 84997  
records check is required to be conducted as a condition of the 84998  
department's approving the application. 84999

(2) ~~Beginning on September 26, 2003~~ Unless the department 85000  
elects to receive notices about independent providers from the 85001  
bureau of criminal identification and investigation pursuant to 85002  
division (D) of section 109.5721 of the Revised Code, the 85003  
department or the department's designee shall inform each 85004  
independent provider on or before the time of the anniversary date 85005  
of the provider agreement that the independent provider is 85006  
required to provide a set of the independent provider's 85007  
fingerprint impressions and that a criminal records check is 85008  
required to be conducted. 85009

(D)(1) The department or the department's designee shall 85010  
require an applicant to complete a criminal records check prior to 85011  
entering into a provider agreement with the applicant. The 85012  
department or the department's designee shall require an 85013  
independent provider to complete a criminal records check at least 85014  
annually unless the department elects to receive notices about 85015  
independent providers from the bureau of criminal identification 85016  
and investigation pursuant to division (D) of section 109.5721 of 85017  
the Revised Code. If an applicant or independent provider for whom 85018  
a criminal records check is required by this section does not 85019  
present proof of having been a resident of this state for the 85020  
five-year period immediately prior to the date the criminal 85021  
records check is requested or provide evidence that within that 85022  
five-year period the superintendent of the bureau of criminal 85023  
identification and investigation has requested information about 85024  
the applicant or independent provider from the federal bureau of 85025  
investigation in a criminal records check, the department or the 85026  
department's designee shall request that the applicant or 85027  
independent provider obtain through the superintendent a criminal 85028

records request from the federal bureau of investigation as part 85029  
of the criminal records check of the applicant or independent 85030  
provider. Even if an applicant or independent provider for whom a 85031  
criminal records check request is required by this section 85032  
presents proof of having been a resident of this state for the 85033  
five-year period, the department or the department's designee may 85034  
request that the applicant or independent provider obtain 85035  
information through the superintendent from the federal bureau of 85036  
investigation in the criminal records check. 85037

(2) The department or the department's designee shall provide 85038  
the following to each applicant and independent provider for whom 85039  
a criminal records check is required by this section: 85040

(a) Information about accessing, completing, and forwarding 85041  
to the superintendent of the bureau of criminal identification and 85042  
investigation the form prescribed pursuant to division (C)(1) of 85043  
section 109.572 of the Revised Code and the standard impression 85044  
sheet prescribed pursuant to division (C)(2) of that section; 85045

(b) Written notification that the applicant or independent 85046  
provider is to instruct the superintendent to submit the completed 85047  
report of the criminal records check directly to the department or 85048  
the department's designee. 85049

(3) Each applicant and independent provider for whom a 85050  
criminal records check is required by this section shall pay to 85051  
the bureau of criminal identification and investigation the fee 85052  
prescribed pursuant to division (C)(3) of section 109.572 of the 85053  
Revised Code for the criminal records check conducted of the 85054  
applicant or independent provider. 85055

(E) ~~The~~ Neither the report of any criminal records check 85056  
conducted by the bureau of criminal identification and 85057  
investigation in accordance with section 109.572 of the Revised 85058  
Code and pursuant to a request made under this section nor a 85059



notice provided by the bureau under division (D) of section 85060  
109.5721 of the Revised Code is ~~not~~ a public record for the 85061  
purposes of section 149.43 of the Revised Code ~~and~~. Such a report 85062  
or notice shall not be made available to any person other than the 85063  
following: 85064

(1) The person who is the subject of the criminal records 85065  
check or the person's representative; 85066

(2) The medicaid director and the staff of the department who 85067  
are involved in the administration of the medicaid program; 85068

(3) The department's designee; 85069

(4) An individual receiving or deciding whether to receive 85070  
home and community-based services from the person who is the 85071  
subject of the criminal records check or notice from the bureau; 85072

(5) A court, hearing officer, or other necessary individual 85073  
involved in a case dealing with either of the following: 85074

(a) A denial or termination of a provider agreement related 85075  
to the criminal records check or notice from the bureau; 85076

(b) A civil or criminal action regarding the medicaid 85077  
program. 85078

(F) The medicaid director shall adopt rules under section 85079  
5164.02 of the Revised Code to implement this section. The rules 85080  
shall specify circumstances under which the department or the 85081  
department's designee may either approve an applicant's 85082  
application or allow an independent provider to maintain an 85083  
existing provider agreement even though the applicant or 85084  
independent provider is found by ~~a criminal records check required~~ 85085  
~~by this section~~ either of the following to have been convicted of 85086  
or have pleaded guilty to a disqualifying offense: 85087

(1) A criminal records check required by this section; 85088

(2) In the case of an independent provider, a notice provided 85089

by the bureau of criminal identification and investigation under 85090  
division (D) of section 109.5721 of the Revised Code. 85091

**Sec. 5164.342.** (A) As used in this section: 85092

"Applicant" means a person who is under final consideration 85093  
for employment with a waiver agency in a full-time, part-time, or 85094  
temporary position that involves providing home and 85095  
community-based services. 85096

"Community-based long-term care provider" means a provider as 85097  
defined in section 173.39 of the Revised Code. 85098

"Community-based long-term care subcontractor" means a 85099  
subcontractor as defined in section 173.38 of the Revised Code. 85100

"Criminal records check" has the same meaning as in section 85101  
109.572 of the Revised Code. 85102

"Disqualifying offense" means any of the offenses listed or 85103  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 85104  
Revised Code. 85105

"Employee" means a person employed by a waiver agency in a 85106  
full-time, part-time, or temporary position that involves 85107  
providing home and community-based services. 85108

"Waiver agency" means a person or government entity that 85109  
provides home and community-based services under a home and 85110  
community-based services medicaid waiver component administered by 85111  
the department of medicaid, other than such a person or government 85112  
entity that is certified under the medicare program. "Waiver 85113  
agency" does not mean an independent provider as defined in 85114  
section 5164.341 of the Revised Code. 85115

(B) This section does not apply to any individual who is 85116  
subject to a database review or criminal records check under 85117  
section 3701.881 of the Revised Code. If a waiver agency also is a 85118  
community-based long-term care provider or community-based 85119

long-term care subcontractor, the waiver agency may provide for 85120  
applicants and employees to undergo database reviews and criminal 85121  
records checks in accordance with section 173.38 of the Revised 85122  
Code rather than this section. 85123

(C) No waiver agency shall employ an applicant or continue to 85124  
employ an employee in a position that involves providing home and 85125  
community-based services if any of the following apply: 85126

(1) A review of the databases listed in division (E) of this 85127  
section reveals any of the following: 85128

(a) That the applicant or employee is included in one or more 85129  
of the databases listed in divisions (E)(1) to (5) of this 85130  
section; 85131

(b) That there is in the state nurse aide registry 85132  
established under section 3721.32 of the Revised Code a statement 85133  
detailing findings by the director of health that the applicant or 85134  
employee abused, neglected, or abused exploited a long-term care 85135  
facility or residential care facility resident or misappropriated 85136  
property of such a resident; 85137

(c) That the applicant or employee is included in one or more 85138  
of the databases, if any, specified in rules authorized by this 85139  
section and the rules prohibit the waiver agency from employing an 85140  
applicant or continuing to employ an employee included in such a 85141  
database in a position that involves providing home and 85142  
community-based services. 85143

(2) After the applicant or employee is given the information 85144  
and notification required by divisions (F)(2)(a) and (b) of this 85145  
section, the applicant or employee fails to do either of the 85146  
following: 85147

(a) Access, complete, or forward to the superintendent of the 85148  
bureau of criminal identification and investigation the form 85149  
prescribed to division (C)(1) of section 109.572 of the Revised 85150

Code or the standard impression sheet prescribed pursuant to 85151  
division (C)(2) of that section; 85152

(b) Instruct the superintendent to submit the completed 85153  
report of the criminal records check required by this section 85154  
directly to the chief administrator of the waiver agency. 85155

(3) Except as provided in rules authorized by this section, 85156  
the applicant or employee is found by a criminal records check 85157  
required by this section to have been convicted of or have pleaded 85158  
guilty to a disqualifying offense, regardless of the date of the 85159  
conviction or date of entry of the guilty plea. 85160

(D) At the time of each applicant's initial application for 85161  
employment in a position that involves providing home and 85162  
community-based services, the chief administrator of a waiver 85163  
agency shall inform the applicant of both of the following: 85164

(1) That a review of the databases listed in division (E) of 85165  
this section will be conducted to determine whether the waiver 85166  
agency is prohibited by division (C)(1) of this section from 85167  
employing the applicant in the position; 85168

(2) That, unless the database review reveals that the 85169  
applicant may not be employed in the position, a criminal records 85170  
check of the applicant will be conducted and the applicant is 85171  
required to provide a set of the applicant's fingerprint 85172  
impressions as part of the criminal records check. 85173

(E) As a condition of employing any applicant in a position 85174  
that involves providing home and community-based services, the 85175  
chief administrator of a waiver agency shall conduct a database 85176  
review of the applicant in accordance with rules authorized by 85177  
this section. If rules authorized by this section so require, the 85178  
chief administrator of a waiver agency shall conduct a database 85179  
review of an employee in accordance with the rules as a condition 85180  
of continuing to employ the employee in a position that involves 85181

providing home and community-based services. A database review 85182  
shall determine whether the applicant or employee is included in 85183  
any of the following: 85184

(1) The excluded parties list system that is maintained by 85185  
the United States general services administration pursuant to 85186  
subpart 9.4 of the federal acquisition regulation and available at 85187  
the federal web site known as the system for award management; 85188

(2) The list of excluded individuals and entities maintained 85189  
by the office of inspector general in the United States department 85190  
of health and human services pursuant to the "Social Security 85191  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85192

(3) The registry of developmental disabilities employees 85193  
established under section 5123.52 of the Revised Code; 85194

(4) The internet-based sex offender and child-victim offender 85195  
database established under division (A)(11) of section 2950.13 of 85196  
the Revised Code; 85197

(5) The internet-based database of inmates established under 85198  
section 5120.66 of the Revised Code; 85199

(6) The state nurse aide registry established under section 85200  
3721.32 of the Revised Code; 85201

(7) Any other database, if any, specified in rules authorized 85202  
by this section. 85203

(F)(1) As a condition of employing any applicant in a 85204  
position that involves providing home and community-based 85205  
services, the chief administrator of a waiver agency shall require 85206  
the applicant to request that the superintendent of the bureau of 85207  
criminal identification and investigation conduct a criminal 85208  
records check of the applicant. If rules authorized by this 85209  
section so require, the chief administrator of a waiver agency 85210  
shall require an employee to request that the superintendent 85211

conduct a criminal records check of the employee at times 85212  
specified in the rules as a condition of continuing to employ the 85213  
employee in a position that involves providing home and 85214  
community-based services. However, a criminal records check is not 85215  
required for an applicant or employee if the waiver agency is 85216  
prohibited by division (C)(1) of this section from employing the 85217  
applicant or continuing to employ the employee in a position that 85218  
involves providing home and community-based services. If an 85219  
applicant or employee for whom a criminal records check request is 85220  
required by this section does not present proof of having been a 85221  
resident of this state for the five-year period immediately prior 85222  
to the date the criminal records check is requested or provide 85223  
evidence that within that five-year period the superintendent has 85224  
requested information about the applicant or employee from the 85225  
federal bureau of investigation in a criminal records check, the 85226  
chief administrator shall require the applicant or employee to 85227  
request that the superintendent obtain information from the 85228  
federal bureau of investigation as part of the criminal records 85229  
check. Even if an applicant or employee for whom a criminal 85230  
records check request is required by this section presents proof 85231  
of having been a resident of this state for the five-year period, 85232  
the chief administrator may require the applicant or employee to 85233  
request that the superintendent include information from the 85234  
federal bureau of investigation in the criminal records check. 85235

(2) The chief administrator shall provide the following to 85236  
each applicant and employee for whom a criminal records check is 85237  
required by this section: 85238

(a) Information about accessing, completing, and forwarding 85239  
to the superintendent of the bureau of criminal identification and 85240  
investigation the form prescribed pursuant to division (C)(1) of 85241  
section 109.572 of the Revised Code and the standard impression 85242  
sheet prescribed pursuant to division (C)(2) of that section; 85243

(b) Written notification that the applicant or employee is to 85244  
instruct the superintendent to submit the completed report of the 85245  
criminal records check directly to the chief administrator. 85246

(3) A waiver agency shall pay to the bureau of criminal 85247  
identification and investigation the fee prescribed pursuant to 85248  
division (C)(3) of section 109.572 of the Revised Code for any 85249  
criminal records check required by this section. However, a waiver 85250  
agency may require an applicant to pay to the bureau the fee for a 85251  
criminal records check of the applicant. If the waiver agency pays 85252  
the fee for an applicant, it may charge the applicant a fee not 85253  
exceeding the amount the waiver agency pays to the bureau under 85254  
this section if the waiver agency notifies the applicant at the 85255  
time of initial application for employment of the amount of the 85256  
fee and that, unless the fee is paid, the applicant will not be 85257  
considered for employment. 85258

(G)(1) A waiver agency may employ conditionally an applicant 85259  
for whom a criminal records check is required by this section 85260  
prior to obtaining the results of the criminal records check if 85261  
both of the following apply: 85262

(a) The waiver agency is not prohibited by division (C)(1) of 85263  
this section from employing the applicant in a position that 85264  
involves providing home and community-based services. 85265

(b) The chief administrator of the waiver agency requires the 85266  
applicant to request a criminal records check regarding the 85267  
applicant in accordance with division (F)(1) of this section not 85268  
later than five business days after the applicant begins 85269  
conditional employment. 85270

(2) A waiver agency that employs an applicant conditionally 85271  
under division (G)(1) of this section shall terminate the 85272  
applicant's employment if the results of the criminal records 85273  
check, other than the results of any request for information from 85274

the federal bureau of investigation, are not obtained within the 85275  
period ending sixty days after the date the request for the 85276  
criminal records check is made. Regardless of when the results of 85277  
the criminal records check are obtained, if the results indicate 85278  
that the applicant has been convicted of or has pleaded guilty to 85279  
a disqualifying offense, the waiver agency shall terminate the 85280  
applicant's employment unless circumstances specified in rules 85281  
authorized by this section exist that permit the waiver agency to 85282  
employ the applicant and the waiver agency chooses to employ the 85283  
applicant. 85284

(H) The report of any criminal records check conducted 85285  
pursuant to a request made under this section is not a public 85286  
record for the purposes of section 149.43 of the Revised Code and 85287  
shall not be made available to any person other than the 85288  
following: 85289

(1) The applicant or employee who is the subject of the 85290  
criminal records check or the representative of the applicant or 85291  
employee; 85292

(2) The chief administrator of the waiver agency that 85293  
requires the applicant or employee to request the criminal records 85294  
check or the administrator's representative; 85295

(3) The medicaid director and the staff of the department who 85296  
are involved in the administration of the medicaid program; 85297

(4) The director of aging or the director's designee if the 85298  
waiver agency also is a community-based long-term care provider or 85299  
community-based long-term care subcontractor; 85300

(5) An individual receiving or deciding whether to receive 85301  
home and community-based services from the subject of the criminal 85302  
records check; 85303

(6) A court, hearing officer, or other necessary individual 85304  
involved in a case dealing with any of the following: 85305



(a) A denial of employment of the applicant or employee;	85306
(b) Employment or unemployment benefits of the applicant or employee;	85307 85308
(c) A civil or criminal action regarding the medicaid program.	85309 85310
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	85311 85312
(1) The rules may do the following:	85313
(a) Require employees to undergo database reviews and criminal records checks under this section;	85314 85315
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	85316 85317 85318
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	85319 85320 85321
(2) The rules shall specify all of the following:	85322
(a) The procedures for conducting a database review under this section;	85323 85324
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	85325 85326 85327 85328
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	85329 85330 85331 85332 85333
(d) The circumstances under which a waiver agency may employ	85334

an applicant or employee who is found by a criminal records check 85335  
required by this section to have been convicted of or have pleaded 85336  
guilty to a disqualifying offense. 85337

(J) The amendments made by H.B. 487 of the 129th general 85338  
assembly to this section do not preclude the department of 85339  
medicaid from taking action against a person for failure to comply 85340  
with former division (H) of this section as that division existed 85341  
on the day preceding January 1, 2013. 85342

**Sec. 5164.37.** (A) As used in this section: 85343

(1) "Independent provider" has the same meaning as in section 85344  
5164.341 of the Revised Code. 85345

(2) "Noninstitutional medicaid provider" means any person or 85346  
entity with a provider agreement other than a hospital, nursing 85347  
facility, or ICF/IID. 85348

(3) "Owner" means any person having at least five per cent 85349  
ownership in a noninstitutional medicaid provider. 85350

(B) Notwithstanding any provision of this chapter to the 85351  
contrary, the department of medicaid shall take action under this 85352  
section against a noninstitutional medicaid provider or its owner, 85353  
officer, authorized agent, associate, manager, or employee. 85354

(C) Except as provided in division (D) of this section and in 85355  
rules authorized by this section, on receiving notice and a copy 85356  
of an indictment that is issued on or after September 29, 2007, 85357  
and charges a noninstitutional medicaid provider or its owner, 85358  
officer, authorized agent, associate, manager, or employee with 85359  
committing an offense specified in division (E) of this section, 85360  
the department shall suspend the provider agreement held by the 85361  
noninstitutional medicaid provider. Subject to division (D) of 85362  
this section, the department shall also terminate medicaid 85363  
payments to the provider for medicaid services rendered. 85364

The suspension shall continue in effect until the proceedings 85365  
in the criminal case are completed through dismissal of the 85366  
indictment or through conviction, entry of a guilty plea, or 85367  
finding of not guilty. If the department commences a process to 85368  
terminate the suspended provider agreement, the suspension shall 85369  
also continue in effect until the termination process is 85370  
concluded. 85371

When subject to a suspension under this division, a provider, 85372  
owner, officer, authorized agent, associate, manager, or employee 85373  
shall not own or provide medicaid services to any other medicaid 85374  
provider or risk contractor or arrange for, render, or order 85375  
medicaid services for medicaid recipients during the period of 85376  
suspension. During the period of suspension, the provider, owner, 85377  
officer, authorized agent, associate, manager, or employee shall 85378  
not receive direct payments under the medicaid program or indirect 85379  
payments of medicaid funds in the form of salary, shared fees, 85380  
contracts, kickbacks, or rebates from or through any other 85381  
medicaid provider or risk contractor. 85382

(D)(1) The department shall not suspend a provider agreement 85383  
or terminate medicaid payments under division (C) of this section 85384  
if the provider or owner can demonstrate through the submission of 85385  
written evidence that the provider or owner did not directly or 85386  
indirectly sanction the action of its authorized agent, associate, 85387  
manager, or employee that resulted in the indictment. 85388

(2) The termination of medicaid payments applies only to 85389  
payments for medicaid services rendered subsequent to the date on 85390  
which the notice required under division (F) of this section is 85391  
sent. Claims for payment for medicaid services rendered by the 85392  
provider prior to the issuance of the notice may be subject to 85393  
prepayment review procedures whereby the department reviews claims 85394  
to determine whether they are supported by sufficient 85395  
documentation, are in compliance with state and federal statutes 85396

and rules, and are otherwise complete. 85397

(E)(1) In the case of a noninstitutional medicaid provider 85398  
that is not an independent provider, the suspension of a provider 85399  
agreement under division (C) of this section applies when an 85400  
indictment charges a person with committing an act that would be a 85401  
felony or misdemeanor under the laws of this state and the act 85402  
relates to or results from either of the following: 85403

(a) Furnishing or billing for medicaid services under the 85404  
medicaid program; 85405

(b) Participating in the performance of management or 85406  
administrative services relating to furnishing medicaid services 85407  
under the medicaid program. 85408

(2) In the case of a noninstitutional medicaid provider that 85409  
is an independent provider, the suspension of a provider agreement 85410  
under division (C) of this section applies when an indictment 85411  
charges a person with committing an act that would constitute a 85412  
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 85413  
the Revised Code. 85414

(F) Not later than five days after suspending a provider 85415  
agreement under division (C) of this section, the department shall 85416  
send notice of the suspension to the affected provider or owner. 85417  
In providing the notice, the department shall do all of the 85418  
following: 85419

(1) Describe the indictment that was the cause of the 85420  
suspension, without necessarily disclosing specific information 85421  
concerning any ongoing civil or criminal investigation; 85422

(2) State that the suspension will continue in effect until 85423  
the proceedings in the criminal case are completed through 85424  
dismissal of the indictment or through conviction, entry of a 85425  
guilty plea, or finding of not guilty and, if the department 85426  
commences a process to terminate the suspended provider agreement, 85427

until the termination process is concluded; 85428

(3) Inform the provider or owner of the opportunity to submit 85429  
to the department, not later than thirty days after receiving the 85430  
notice, a request for a reconsideration pursuant to division (G) 85431  
of this section. 85432

(G)(1) Pursuant to the procedure specified in division (G)(2) 85433  
of this section, a noninstitutional medicaid provider or owner 85434  
subject to a suspension under this section may request a 85435  
reconsideration. The request shall be made not later than thirty 85436  
days after receipt of the notice provided under division (F) of 85437  
this section. The reconsideration is not subject to an 85438  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 85439

(2) In requesting a reconsideration, the provider or owner 85440  
shall submit written information and documents to the department. 85441  
The information and documents may pertain to any of the following 85442  
issues: 85443

(a) Whether the determination to suspend the provider 85444  
agreement was based on a mistake of fact, other than the validity 85445  
of the indictment; 85446

(b) Whether any offense charged in the indictment resulted 85447  
from an offense specified in division (E) of this section; 85448

(c) Whether the provider or owner can demonstrate that the 85449  
provider or owner did not directly or indirectly sanction the 85450  
action of its authorized agent, associate, manager, or employee 85451  
that resulted in the indictment. 85452

(3) The department shall review the information and documents 85453  
submitted in a request for reconsideration. After the review, the 85454  
suspension may be affirmed, reversed, or modified, in whole or in 85455  
part. The department shall notify the affected provider or owner 85456  
of the results of the review. The review and notification of its 85457  
results shall be completed not later than forty-five days after 85458

receiving the information and documents submitted in a request for 85459  
reconsideration. 85460

(H) Rules adopted under section 5164.02 of the Revised Code 85461  
may specify circumstances under which the department would not 85462  
suspend a provider agreement pursuant to this section. 85463

**Sec. 5164.57.** (A)(1) Except as provided in ~~division~~ divisions 85464  
(A)(2) and (3) of this section, the department of medicaid may 85465  
recover a medicaid payment or portion of a payment made to a 85466  
medicaid provider to which the provider is not entitled if the 85467  
department notifies the provider of the overpayment during the 85468  
five-year period immediately following the end of the state fiscal 85469  
year in which the overpayment was made. 85470

(2) In the case of a hospital medicaid provider, if the 85471  
department determines as a result of a medicare or medicaid cost 85472  
report settlement that the provider received an amount under the 85473  
medicaid program to which the provider is not entitled, the 85474  
department may recover the overpayment if the department notifies 85475  
the provider of the overpayment during the later of the following: 85476

(a) The five-year period immediately following the end of the 85477  
state fiscal year in which the overpayment was made; 85478

(b) The one-year period immediately following the date the 85479  
department receives from the United States centers for medicare 85480  
and medicaid services a completed, audited, medicare cost report 85481  
for the provider that applies to the state fiscal year in which 85482  
the overpayment was made. 85483

(3) In the case of a nursing facility provider or ICF/IID 85484  
provider, if the department determines, from data in the 85485  
possession of the department or another state agency at the time 85486  
the department makes the determination, that the provider received 85487  
an amount under the medicaid program to which the provider is not 85488

entitled, the department may recover the overpayment if the 85489  
department notifies the provider of the overpayment during the 85490  
three-year period immediately following the end of the state 85491  
fiscal year in which the overpayment is made. 85492

(B) Among the overpayments that may be recovered under this 85493  
section are the following: 85494

(1) Payment for a medicaid service, or a day of service, not 85495  
rendered; 85496

(2) Payment for a day of service at a full per diem rate that 85497  
should have been paid at a percentage of the full per diem rate; 85498

(3) Payment for a medicaid service, or day of service, that 85499  
was paid by, or partially paid by, a third party, as defined in 85500  
section 5160.35 of the Revised Code, and the third party's payment 85501  
or partial payment was not offset against the amount paid by the 85502  
medicaid program to reduce or eliminate the amount that was paid 85503  
by the medicaid program; 85504

(4) Payment when a medicaid recipient's responsibility for 85505  
payment was understated and resulted in an overpayment to the 85506  
provider. 85507

(C) The department may recover an overpayment under this 85508  
section prior to or after any of the following: 85509

(1) Adjudication of a final fiscal audit that section 5164.38 85510  
of the Revised Code requires to be conducted in accordance with 85511  
Chapter 119. of the Revised Code; 85512

(2) Adjudication of a finding under any other provision of 85513  
state statutes governing the medicaid program or the rules adopted 85514  
under those statutes; 85515

(3) Expiration of the time to issue a final fiscal audit that 85516  
section 5164.38 of the Revised Code requires to be conducted in 85517  
accordance with Chapter 119. of the Revised Code; 85518

(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

(D)(1) Subject to division (D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

**Sec. 5164.69.** (A) Neither the department of medicaid, nor another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component, may increase the medicaid payment rate for a medicaid service, by rule or otherwise, if any of the following applies:

(1) The department or other state agency fails to submit the proposal to the joint medicaid oversight committee in accordance with section 103.417 of the Revised Code.

(2) The joint medicaid oversight committee votes, not later than the deadline established by section 103.417 of the Revised



Code, to prohibit the implementation of the proposal. 85549

(3) The general assembly, not later than ninety days after that deadline, adopts a concurrent resolution prohibiting the implementation of the proposal. 85550  
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(B) The general assembly's authority to adopt a concurrent resolution prohibiting the implementation of a proposal to increase the medicaid payment rate for a medicaid service applies regardless of whether the joint medicaid oversight committee votes to permit the implementation of the proposal or fails to vote on the proposal before the deadline. 85553  
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(C) This section applies to a proposal to increase the medicaid payment rate for a medicaid service regardless of whether the proposal involves a change to the method by which the rate is to be determined or specifies the actual amount of the rate increase. 85559  
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**Sec. 5164.70.** Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed the following: 85564  
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~~(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. Part 447: 85568  
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~~(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program.~~ 85571  
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85573

**Sec. 5164.752.** In July of every even-numbered year, the department of medicaid shall initiate a confidential survey of the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in this state. The survey shall be used ~~as the basis for establishing~~ when adjusting the medicaid program's 85574  
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dispensing fee for terminal distributors in accordance with 85579  
section 5164.753 of the Revised Code. The survey shall be 85580  
completed and its results published not later than the last day of 85581  
~~October~~ November of the year in which it is conducted. 85582

Each terminal distributor that is a provider of drugs under 85583  
the medicaid program shall participate in the survey. Except as 85584  
necessary to publish the survey's results, a terminal 85585  
distributor's responses to the survey are confidential and not a 85586  
public record under section 149.43 of the Revised Code. 85587

The survey shall be conducted in conformance with the 85588  
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 85589  
shall include operational data and direct prescription expenses, 85590  
professional services and personnel costs, and usual and customary 85591  
overhead expenses of the terminal distributors surveyed. The 85592  
survey shall compute and report the cost of dispensing ~~on a basis~~ 85593  
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 85594  
~~their customers for dispensing drugs.~~ 85595

**Sec. 5164.753.** ~~In December of every even numbered year~~ 85596  
~~Beginning July 1, 2017, the medicaid director shall establish a~~ 85597  
~~dispensing fee, effective the following July, for paid by the~~ 85598  
medicaid program to terminal distributors of dangerous drugs that 85599  
are providers of drugs under the medicaid program is ten dollars 85600  
and forty-nine cents for each prescription that is filled or 85601  
refilled. In establishing By July 1 of every subsequent 85602  
odd-numbered year, the director shall adjust the dispensing fee, 85603  
~~the director shall take into consideration the results of to~~ 85604  
reflect the average cost of dispensing as determined by the survey 85605  
conducted under section 5164.752 of the Revised Code. 85606

**Sec. 5164.78.** (A) The medicaid payment rates for the 85607  
following neonatal and newborn services shall equal seventy-five 85608

<u>per cent of the medicare payment rates for the services in effect</u>	85609
<u>on the date the services are provided to medicaid recipients</u>	85610
<u>eligible for the services:</u>	85611
<u>(1) Initial care for normal newborns;</u>	85612
<u>(2) Subsequent day, hospital care for normal newborns;</u>	85613
<u>(3) Same day, initial history and physical examination and</u>	85614
<u>discharge for normal newborns;</u>	85615
<u>(4) Initial neonatal critical care for children not more than</u>	85616
<u>twenty-eight days old;</u>	85617
<u>(5) Subsequent day, neonatal critical care for children not</u>	85618
<u>more than twenty-eight days old;</u>	85619
<u>(6) Subsequent day, pediatric critical care for children at</u>	85620
<u>least twenty-nine days but less than two years old;</u>	85621
<u>(7) Initial neonatal intensive care;</u>	85622
<u>(8) Subsequent day, neonatal intensive noncritical care for</u>	85623
<u>children weighing less than one thousand five hundred grams;</u>	85624
<u>(9) Subsequent day, neonatal intensive noncritical care for</u>	85625
<u>children weighing at least one thousand five hundred grams but not</u>	85626
<u>more than two thousand five hundred grams;</u>	85627
<u>(10) Subsequent day, neonatal noncritical care for children</u>	85628
<u>weighing more than two thousand five hundred grams but not more</u>	85629
<u>than five thousand grams.</u>	85630
<u>(B) The medicaid payment rates for other medicaid services</u>	85631
<u>selected by the medicaid director shall be less than the amount of</u>	85632
<u>the rates in effect on the effective date of this section so that</u>	85633
<u>the cost of the rates set pursuant to division (A) of this section</u>	85634
<u>do not increase medicaid expenditures. The director may not select</u>	85635
<u>any medicaid service for which the medicaid payment rate is</u>	85636
<u>determined in accordance with state statutes.</u>	85637

**Sec. 5164.90.** (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

~~(B) To the extent funds are available under an MFP demonstration project awarded to the department of medicaid, the~~  
The director of medicaid may operate the helping Ohioans move, expanding (HOME) choice ~~demonstration~~ component of the medicaid program to transition qualifying medicaid recipients ~~who qualify for the demonstration component~~ to community settings. In operating the component, the director may do either or both of the following:

(1) Use the following:

(a) Funds that are awarded to the department of medicaid for an MFP demonstration project and appropriated to the department for this purpose, if such funds are available to the department;

(b) State funds appropriated to the department for this purpose, if no funds are available to the department under an MFP demonstration project.

(2) Integrate the component, or one or more aspects of the component, into a home and community-based services medicaid waiver component.

**Sec. 5165.01.** As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting

operator's debt under the medicaid program or the portion of the 85667  
debt that represents the franchise permit fee the exiting operator 85668  
owes; 85669

(2) The entering operator involved in the change of operator 85670  
with the exiting operator specified in division (A)(1) of this 85671  
section. 85672

(B) "Allowable costs" are a nursing facility's costs that the 85673  
department of medicaid determines are reasonable. Fines paid under 85674  
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 85675  
Code are not allowable costs. 85676

(C) "Ancillary and support costs" means all reasonable costs 85677  
incurred by a nursing facility other than direct care costs, tax 85678  
costs, or capital costs. "Ancillary and support costs" includes, 85679  
but is not limited to, costs of activities, social services, 85680  
pharmacy consultants, habilitation supervisors, qualified 85681  
intellectual disability professionals, program directors, medical 85682  
and habilitation records, program supplies, incontinence supplies, 85683  
food, enterals, dietary supplies and personnel, laundry, 85684  
housekeeping, security, administration, medical equipment, 85685  
utilities, liability insurance, bookkeeping, purchasing 85686  
department, human resources, communications, travel, dues, license 85687  
fees, subscriptions, home office costs not otherwise allocated, 85688  
legal services, accounting services, minor equipment, maintenance 85689  
and repairs, help-wanted advertising, informational advertising, 85690  
start-up costs, organizational expenses, other interest, property 85691  
insurance, employee training and staff development, employee 85692  
benefits, payroll taxes, and workers' compensation premiums or 85693  
costs for self-insurance claims and related costs as specified in 85694  
rules adopted under section 5165.02 of the Revised Code, for 85695  
personnel listed in this division. "Ancillary and support costs" 85696  
also means the cost of equipment, including vehicles, acquired by 85697  
operating lease executed before December 1, 1992, if the costs are 85698

reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992. 85699  
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(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted. 85702  
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(E) "Budget reduction adjustment factor" means the factor specified pursuant to or in section 5165.361 of the Revised Code for a state fiscal year. 85705  
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(F)(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following: 85708  
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(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following: 85710  
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(i) Buildings; 85712

(ii) Building improvements; 85713

(iii) Except as provided in division (C) of this section, equipment; 85714  
85715

(iv) Transportation equipment. 85716

(b) Amortization and interest on land improvements and leasehold improvements; 85717  
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(c) Amortization of financing costs; 85719

(d) Lease and rent of land, buildings, and equipment. 85720

(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice. 85721  
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~~(E)~~(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. 85724  
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~~(F)~~(H) "Case-mix score" means a measure determined under 85727

section 5165.192 of the Revised Code of the relative direct-care 85728  
resources needed to provide care and habilitation to a nursing 85729  
facility resident. 85730

~~(G)~~(I) "Change of operator" means an entering operator 85731  
becoming the operator of a nursing facility in the place of the 85732  
exiting operator. 85733

(1) Actions that constitute a change of operator include the 85734  
following: 85735

(a) A change in an exiting operator's form of legal 85736  
organization, including the formation of a partnership or 85737  
corporation from a sole proprietorship; 85738

(b) A transfer of all the exiting operator's ownership 85739  
interest in the operation of the nursing facility to the entering 85740  
operator, regardless of whether ownership of any or all of the 85741  
real property or personal property associated with the nursing 85742  
facility is also transferred; 85743

(c) A lease of the nursing facility to the entering operator 85744  
or the exiting operator's termination of the exiting operator's 85745  
lease; 85746

(d) If the exiting operator is a partnership, dissolution of 85747  
the partnership; 85748

(e) If the exiting operator is a partnership, a change in 85749  
composition of the partnership unless both of the following apply: 85750

(i) The change in composition does not cause the 85751  
partnership's dissolution under state law. 85752

(ii) The partners agree that the change in composition does 85753  
not constitute a change in operator. 85754

(f) If the operator is a corporation, dissolution of the 85755  
corporation, a merger of the corporation into another corporation 85756  
that is the survivor of the merger, or a consolidation of one or 85757

more other corporations to form a new corporation. 85758

(2) The following, alone, do not constitute a change of operator: 85759  
85760

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions; 85761  
85762  
85763

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator; 85764  
85765  
85766  
85767

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 85768  
85769  
85770  
85771

~~(H)~~(J) "Cost center" means the following: 85772

(1) Ancillary and support costs; 85773

(2) Capital costs; 85774

(3) Direct care costs; 85775

(4) Tax costs. 85776

~~(I)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply: 85777  
85778

(1) It has been measured, fitted, or adapted in consideration of either of the following: 85779  
85780

(a) The body size or disability of the individual who is to use the wheelchair; 85781  
85782

(b) The individual's period of need for, or intended use of, the wheelchair. 85783  
85784

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the 85785  
85786



supplier who assembled the wheelchair, or the manufacturer from 85787  
which the wheelchair was ordered, added or made in accordance with 85788  
the instructions of the physician of the individual who is to use 85789  
the wheelchair. 85790

~~(F)~~(L)(1) "Date of licensure" means the following: 85791

(a) In the case of a nursing facility that was required by 85792  
law to be licensed as a nursing home under Chapter 3721. of the 85793  
Revised Code when it originally began to be operated as a nursing 85794  
home, the date the nursing facility was originally so licensed; 85795

(b) In the case of a nursing facility that was not required 85796  
by law to be licensed as a nursing home when it originally began 85797  
to be operated as a nursing home, the date it first began to be 85798  
operated as a nursing home, regardless of the date the nursing 85799  
facility was first licensed as a nursing home. 85800

(2) If, after a nursing facility's original date of 85801  
licensure, more nursing home beds are added to the nursing 85802  
facility, the nursing facility has a different date of licensure 85803  
for the additional beds. This does not apply, however, to 85804  
additional beds when both of the following apply: 85805

(a) The additional beds are located in a part of the nursing 85806  
facility that was constructed at the same time as the continuing 85807  
beds already located in that part of the nursing facility; 85808

(b) The part of the nursing facility in which the additional 85809  
beds are located was constructed as part of the nursing facility 85810  
at a time when the nursing facility was not required by law to be 85811  
licensed as a nursing home. 85812

(3) The definition of "date of licensure" in this section 85813  
applies in determinations of nursing facilities' medicaid payment 85814  
rates but does not apply in determinations of nursing facilities' 85815  
franchise permit fees. 85816

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs 85817  
as reported on a cost report submitted under section 5165.10 of 85818  
the Revised Code have been subjected to a desk review under 85819  
section 5165.108 of the Revised Code and preliminarily determined 85820  
to be allowable costs. 85821

~~(L)~~(N) "Direct care costs" means all of the following costs 85822  
incurred by a nursing facility: 85823

(1) Costs for registered nurses, licensed practical nurses, 85824  
and nurse aides employed by the nursing facility; 85825

(2) Costs for direct care staff, administrative nursing 85826  
staff, medical directors, respiratory therapists, and except as 85827  
provided in division ~~(L)~~(N)(8) of this section, other persons 85828  
holding degrees qualifying them to provide therapy; 85829

(3) Costs of purchased nursing services; 85830

(4) Costs of quality assurance; 85831

(5) Costs of training and staff development, employee 85832  
benefits, payroll taxes, and workers' compensation premiums or 85833  
costs for self-insurance claims and related costs as specified in 85834  
rules adopted under section 5165.02 of the Revised Code, for 85835  
personnel listed in divisions ~~(L)~~(N)(1), (2), (4), and (8) of this 85836  
section; 85837

(6) Costs of consulting and management fees related to direct 85838  
care; 85839

(7) Allocated direct care home office costs; 85840

(8) Costs of habilitation staff (other than habilitation 85841  
supervisors), medical supplies, emergency oxygen, over-the-counter 85842  
pharmacy products, physical therapists, physical therapy 85843  
assistants, occupational therapists, occupational therapy 85844  
assistants, speech therapists, audiologists, habilitation 85845  
supplies, and universal precautions supplies; 85846

(9) <del>Until January 1, 2014, costs of oxygen, wheelchairs, and resident transportation;</del>	85847
	85848
<del>(10) Beginning January 1, 2014, costs of both of the following:</del>	85849
	85850
<del>(a) Emergency oxygen;</del>	85851
<del>(b) Wheelchairs</del> <u>Costs of wheelchairs</u> other than the following:	85852
	85853
<del>(i)</del> <u>(a)</u> Custom wheelchairs;	85854
<del>(ii)</del> <u>(b)</u> Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	85855
	85856
	85857
<del>(11)</del> <u>(10)</u> Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	85858
	85859
	85860
<del>(M)</del> <u>(O)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	85861
	85862
<del>(N)</del> <u>(P)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	85863
	85864
	85865
<del>(O)</del> <u>(Q)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	85866
	85867
	85868
<del>(P)</del> <u>(R)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	85869
	85870
	85871
<del>(Q)</del> <u>(S)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	85872
	85873
	85874
	85875
	85876

~~(R)~~(T) "Entering operator" means the person or government 85877  
entity that will become the operator of a nursing facility when a 85878  
change of operator occurs or following an involuntary termination. 85879

~~(S)~~(U) "Exiting operator" means any of the following: 85880

(1) An operator that will cease to be the operator of a 85881  
nursing facility on the effective date of a change of operator; 85882

(2) An operator that will cease to be the operator of a 85883  
nursing facility on the effective date of a facility closure; 85884

(3) An operator of a nursing facility that is undergoing or 85885  
has undergone a voluntary withdrawal of participation; 85886

(4) An operator of a nursing facility that is undergoing or 85887  
has undergone an involuntary termination. 85888

~~(T)~~(V)(1) Subject to divisions ~~(T)~~(V)(2) and (3) of this 85889  
section, "facility closure" means either of the following: 85890

(a) Discontinuance of the use of the building, or part of the 85891  
building, that houses the facility as a nursing facility that 85892  
results in the relocation of all of the nursing facility's 85893  
residents; 85894

(b) Conversion of the building, or part of the building, that 85895  
houses a nursing facility to a different use with any necessary 85896  
license or other approval needed for that use being obtained and 85897  
one or more of the nursing facility's residents remaining in the 85898  
building, or part of the building, to receive services under the 85899  
new use. 85900

(2) A facility closure occurs regardless of any of the 85901  
following: 85902

(a) The operator completely or partially replacing the 85903  
nursing facility by constructing a new nursing facility or 85904  
transferring the nursing facility's license to another nursing 85905  
facility; 85906

(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 85907  
85908

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 85909  
85910  
85911  
85912

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 85913  
85914  
85915

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 85916  
85917  
85918  
85919  
85920

~~(U) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.~~ 85921  
85922

~~(V)~~(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 85923  
85924

~~(W)~~(X) "Inpatient days" means both of the following: 85925

(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity; 85926  
85927  
85928

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 85929  
85930

~~(X)~~(Y) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request. 85931  
85932  
85933  
85934

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of 85935  
85936

calculating the nursing facility's medicaid payment rate for 85937  
direct care costs, is placed in either of the two lowest resource 85938  
utilization groups, excluding any resource utilization group that 85939  
is a default group used for residents with incomplete assessment 85940  
data. 85941

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 85942  
facility's expenditures that are necessary and proper to maintain 85943  
an asset in a normally efficient working condition and that do not 85944  
extend the useful life of the asset two years or more. 85945  
"Maintenance and repair expenses" includes but is not limited to 85946  
the costs of ordinary repairs such as painting and wallpapering. 85947

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 85948  
nursing facility's beds that are certified for participation in 85949  
medicaid as nursing facility beds. 85950

~~(BB)~~(CC) "Medicaid days" means both of the following: 85951

(1) All days during which a resident who is a medicaid 85952  
recipient eligible for nursing facility services occupies a bed in 85953  
a nursing facility that is included in the nursing facility's 85954  
medicaid-certified capacity; 85955

(2) Fifty per cent of the days for which payment is made 85956  
under section 5165.34 of the Revised Code. 85957

~~(CC)~~(DD) "Medicare skilled nursing facility market basket 85958  
index" means the index established by the United States secretary 85959  
of health and human services under section 1888(e)(5) of the 85960  
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 85961

(EE)(1) "New nursing facility" means a nursing facility for 85962  
which the provider obtains an initial provider agreement following 85963  
medicaid certification of the nursing facility by the director of 85964  
health, including such a nursing facility that replaces one or 85965  
more nursing facilities for which a provider previously held a 85966  
provider agreement. 85967

(2) "New nursing facility" does not mean a nursing facility 85968  
for which the entering operator seeks a provider agreement 85969  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 85970  
5165.515) section 5165.07 of the Revised Code. 85971

~~(DD)~~(FF) "Nursing facility" has the same meaning as in the 85972  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 85973

~~(EE)~~(GG) "Nursing facility services" has the same meaning as 85974  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 85975

~~(FF)~~(HH) "Nursing home" has the same meaning as in section 85976  
3721.01 of the Revised Code. 85977

~~(GG)~~(II) "Operator" means the person or government entity 85978  
responsible for the daily operating and management decisions for a 85979  
nursing facility. 85980

~~(HH)~~(JJ)(1) "Owner" means any person or government entity 85981  
that has at least five per cent ownership or interest, either 85982  
directly, indirectly, or in any combination, in any of the 85983  
following regarding a nursing facility: 85984

(a) The land on which the nursing facility is located; 85985

(b) The structure in which the nursing facility is located; 85986

(c) Any mortgage, contract for deed, or other obligation 85987  
secured in whole or in part by the land or structure on or in 85988  
which the nursing facility is located; 85989

(d) Any lease or sublease of the land or structure on or in 85990  
which the nursing facility is located. 85991

(2) "Owner" does not mean a holder of a debenture or bond 85992  
related to the nursing facility and purchased at public issue or a 85993  
regulated lender that has made a loan related to the nursing 85994  
facility unless the holder or lender operates the nursing facility 85995  
directly or through a subsidiary. 85996

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 85997

allowable costs in a given cost center in a cost reporting period, 85998  
divided by the nursing facility's inpatient days for that cost 85999  
reporting period. 86000

~~(JJ)~~(LL) "Provider" means an operator with a provider 86001  
agreement. 86002

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 86003  
defined in section 5164.01 of the Revised Code, that is between 86004  
the department of medicaid and the operator of a nursing facility 86005  
for the provision of nursing facility services under the medicaid 86006  
program. 86007

~~(LL)~~(NN) "Purchased nursing services" means services that are 86008  
provided in a nursing facility by registered nurses, licensed 86009  
practical nurses, or nurse aides who are not employees of the 86010  
nursing facility. 86011

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 86012  
that is appropriate and helpful to develop and maintain the 86013  
operation of patient care facilities and activities, including 86014  
normal standby costs, and that does not exceed what a prudent 86015  
buyer pays for a given item or services. Reasonable costs may vary 86016  
from provider to provider and from time to time for the same 86017  
provider. 86018

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 86019  
following using information from cost reports for an applicable 86020  
calendar year that is later than the applicable calendar year used 86021  
for the previous rebasing: 86022

(1) Each peer group's rate for ancillary and support costs as 86023  
determined pursuant to division (C) of section 5165.16 of the 86024  
Revised Code; 86025

(2) Each peer group's rate for capital costs as determined 86026  
pursuant to division (C) of section 5165.17 of the Revised Code; 86027



<u>(3) Each peer group's cost per case-mix unit as determined</u>	86028
<u>pursuant to division (C) of section 5165.19 of the Revised Code;</u>	86029
<u>(4) Each nursing facility's rate for tax costs as determined</u>	86030
<u>pursuant to section 5165.21 of the Revised Code.</u>	86031
<u>(OO) "Related party" means an individual or organization</u>	86032
that, to a significant extent, has common ownership with, is	86033
associated or affiliated with, has control of, or is controlled	86034
by, the provider.	86035
(1) An individual who is a relative of an owner is a related	86036
party.	86037
(2) Common ownership exists when an individual or individuals	86038
possess significant ownership or equity in both the provider and	86039
the other organization. Significant ownership or equity exists	86040
when an individual or individuals possess five per cent ownership	86041
or equity in both the provider and a supplier. Significant	86042
ownership or equity is presumed to exist when an individual or	86043
individuals possess ten per cent ownership or equity in both the	86044
provider and another organization from which the provider	86045
purchases or leases real property.	86046
(3) Control exists when an individual or organization has the	86047
power, directly or indirectly, to significantly influence or	86048
direct the actions or policies of an organization.	86049
(4) An individual or organization that supplies goods or	86050
services to a provider shall not be considered a related party if	86051
all of the following conditions are met:	86052
(a) The supplier is a separate bona fide organization.	86053
(b) A substantial part of the supplier's business activity of	86054
the type carried on with the provider is transacted with others	86055
than the provider and there is an open, competitive market for the	86056
types of goods or services the supplier furnishes.	86057

(c) The types of goods or services are commonly obtained by 86058  
other nursing facilities from outside organizations and are not a 86059  
basic element of patient care ordinarily furnished directly to 86060  
patients by nursing facilities. 86061

(d) The charge to the provider is in line with the charge for 86062  
the goods or services in the open market and no more than the 86063  
charge made under comparable circumstances to others by the 86064  
supplier. 86065

~~(OO)~~(RR) "Relative of owner" means an individual who is 86066  
related to an owner of a nursing facility by one of the following 86067  
relationships: 86068

(1) Spouse; 86069

(2) Natural parent, child, or sibling; 86070

(3) Adopted parent, child, or sibling; 86071

(4) Stepparent, stepchild, stepbrother, or stepsister; 86072

(5) Father-in-law, mother-in-law, son-in-law, 86073  
daughter-in-law, brother-in-law, or sister-in-law; 86074

(6) Grandparent or grandchild; 86075

(7) Foster caregiver, foster child, foster brother, or foster 86076  
sister. 86077

~~(PP)~~(SS) "Residents' rights advocate" has the same meaning as 86078  
in section 3721.10 of the Revised Code. 86079

~~(QQ)~~(TT) "Skilled nursing facility" has the same meaning as 86080  
in the "Social Security Act," section 1819(a), 42 U.S.C. 86081  
1395i-3(a). 86082

~~(RR)~~(UU) "State fiscal year" means the fiscal year of this 86083  
state, as specified in section 9.34 of the Revised Code. 86084

(VV) "Sponsor" has the same meaning as in section 3721.10 of 86085  
the Revised Code. 86086

~~(SS)~~(WW) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

~~(TT)~~(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

~~(UU)~~(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

~~(VV)~~(ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

**Sec. 5165.106.** If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (D) of that section, or files an incomplete or inadequate report for the nursing facility under that section, the department of medicaid shall provide immediate written notice to the provider that the provider agreement for the nursing facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the nursing facility within thirty days. During the thirty-day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the nursing facility's then current per medicaid day payment rate, minus the dollar amount by which nursing facility's per medicaid day payment rates are reduced during state fiscal year 2013 in accordance with division (A)(2) of section 5111.26 of the Revised Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 of the 130th general assembly) as that section existed on the day immediately preceding September 29, 2013. On

the first day of each July, the department shall adjust the amount 86118  
of the reduction in effect during the previous twelve months to 86119  
reflect the rate of inflation during the preceding twelve months, 86120  
as shown in the consumer price index for all items for all urban 86121  
consumers for the north central region, published by the United 86122  
States bureau of labor statistics. 86123

**Sec. 5165.1010.** (A) Subject to division (D) of this section, 86124  
the department of medicaid shall fine the provider of a nursing 86125  
facility if the report of an audit conducted under section 86126  
5165.109 of the Revised Code regarding a cost report for the 86127  
nursing facility includes either of the following: 86128

(1) Adverse findings that exceed three per cent of the total 86129  
amount of medicaid-allowable costs reported in the cost report; 86130

(2) Adverse findings that exceed twenty per cent of 86131  
medicaid-allowable costs for a particular cost center reported in 86132  
the cost report. 86133

(B) A fine issued under this section shall equal the greatest 86134  
of the following: 86135

(1) If the adverse findings exceed three per cent but do not 86136  
exceed ten per cent of the total amount of medicaid-allowable 86137  
costs reported in the cost report, the greater of three per cent 86138  
of those reported costs or ten thousand dollars; 86139

(2) If the adverse findings exceed ten per cent but do not 86140  
exceed twenty per cent of the total amount of medicaid-allowable 86141  
costs reported in the cost report, the greater of six per cent of 86142  
those reported costs or twenty-five thousand dollars; 86143

(3) If the adverse findings exceed twenty per cent of the 86144  
total amount of medicaid-allowable costs reported in the cost 86145  
report, the greater of ten per cent of those reported costs or 86146  
fifty thousand dollars; 86147

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and

support costs determined for the nursing facility under section 5165.16 of the Revised Code;	86178 86179
(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;	86180 86181 86182
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	86183 86184 86185
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	86186 86187 86188
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code;	86189 86190 86191
<del>(6) Sixteen</del> (B) <u>To the sum determined under division (A) of this section, add the following:</u>	86192 86193
(1) <u>For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;</u>	86194 86195
(2) <u>For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:</u>	86196 86197 86198
(a) <u>The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;</u>	86199 86200 86201
(b) <u>The difference between the following:</u>	86202
(i) <u>The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;</u>	86203 86204 86205 86206 86207

(ii) The budget reduction adjustment factor for the state 86208  
fiscal year for which the determination is being made under 86209  
division (B) of this section. 86210

(3) For the first state fiscal year in a group of consecutive 86211  
state fiscal years for which a rebasing is conducted after state 86212  
fiscal year 2020, the amount specified or determined for the 86213  
purpose of division (B) of this section for the immediately 86214  
preceding state fiscal year. 86215

~~(B)~~(C) From the sum determined under division ~~(A)~~(B) of this 86216  
section, subtract one dollar and seventy-nine cents. 86217

~~(C)~~(D) To the difference determined under division ~~(B)~~(C) of 86218  
this section, add the per medicaid day quality payment rate 86219  
determined for the nursing facility under section 5165.25 of the 86220  
Revised Code. 86221

**Sec. 5165.151.** (A) The total per medicaid day payment rate 86222  
determined under section 5165.15 of the Revised Code shall not be 86223  
the initial rate for nursing facility services provided by a new 86224  
nursing facility. Instead, the initial total per medicaid day 86225  
payment rate for nursing facility services provided by a new 86226  
nursing facility shall be determined in the following manner: 86227

(1) The initial rate for ancillary and support costs shall be 86228  
the rate for the new nursing facility's peer group determined 86229  
under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 86230

(2) The initial rate for capital costs shall be the rate for 86231  
the new nursing facility's peer group determined under division 86232  
~~(D)~~(C) of section 5165.17 of the Revised Code; 86233

(3) The initial rate for direct care costs shall be the 86234  
product of the cost per case-mix unit determined under division 86235  
~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing 86236  
facility's peer group and the new nursing facility's case-mix 86237

score determined under division (B) of this section. 86238

(4) The initial rate for tax costs shall be the following: 86239

(a) If the provider of the new nursing facility submits to 86240  
the department of medicaid the nursing facility's projected tax 86241  
costs for the calendar year in which the provider obtains an 86242  
initial provider agreement for the new nursing facility, an amount 86243  
determined by dividing those projected tax costs by the number of 86244  
inpatient days the nursing facility would have for that calendar 86245  
year if its occupancy rate were one hundred per cent; 86246

(b) If division (A)(4)(a) of this section does not apply, the 86247  
median rate for tax costs for the new nursing facility's peer 86248  
group in which the nursing facility is placed under division 86249  
~~(C)~~(B) of section 5165.16 of the Revised Code. 86250

(5) The quality payment shall be the mean quality payment 86251  
rate determined for nursing facilities under section 5165.25 of 86252  
the Revised Code. 86253

(6) Fourteen dollars and sixty-five cents shall be added to 86254  
the sum of the rates and payment specified in divisions (A)(1) to 86255  
(5) of this section. 86256

(B) For the purpose of division (A)(3) of this section, a new 86257  
nursing facility's case-mix score shall be the following: 86258

(1) Unless the new nursing facility replaces an existing 86259  
nursing facility that participated in the medicaid program 86260  
immediately before the new nursing facility begins participating 86261  
in the medicaid program, the median annual average case-mix score 86262  
for the new nursing facility's peer group; 86263

(2) If the nursing facility replaces an existing nursing 86264  
facility that participated in the medicaid program immediately 86265  
before the new nursing facility begins participating in the 86266  
medicaid program, the semiannual case-mix score most recently 86267



determined under section 5165.192 of the Revised Code for the 86268  
replaced nursing facility as adjusted, if necessary, to reflect 86269  
any difference in the number of beds in the replaced and new 86270  
nursing facilities. 86271

(C) Subject to division (D) of this section, the department 86272  
of medicaid shall adjust the rates established under division (A) 86273  
of this section effective the first day of July, to reflect new 86274  
rate calculations for all nursing facilities under this chapter. 86275

(D) If a rate for direct care costs is determined under this 86276  
section for a new nursing facility using the median annual average 86277  
case-mix score for the new nursing facility's peer group, the rate 86278  
shall be redetermined to reflect the new nursing facility's actual 86279  
semiannual average case-mix score determined under section 86280  
5165.192 of the Revised Code after the new nursing facility 86281  
submits its first two quarterly assessment data that qualify for 86282  
use in calculating a case-mix score in accordance with rules 86283  
authorized by section 5165.192 of the Revised Code. If the new 86284  
nursing facility's quarterly submissions do not qualify for use in 86285  
calculating a case-mix score, the department shall continue to use 86286  
the median annual average case-mix score for the new nursing 86287  
facility's peer group in lieu of the new nursing facility's 86288  
semiannual case-mix score until the new nursing facility submits 86289  
two consecutive quarterly assessment data that qualify for use in 86290  
calculating a case-mix score. 86291

**Sec. 5165.153.** (A) The total per medicaid day payment rate 86292  
determined under section 5165.15 of the Revised Code shall not be 86293  
paid for nursing facility services provided by a nursing facility, 86294  
or discrete unit of a nursing facility, designated by the 86295  
department of medicaid as an outlier nursing facility or unit. 86296  
Instead, the provider of a designated outlier nursing facility or 86297  
unit shall be paid each state fiscal year a total per medicaid day 86298

payment rate that the department shall prospectively determine in 86299  
accordance with a methodology established in rules authorized by 86300  
this section. 86301

(B) The department may designate a nursing facility, or 86302  
discrete unit of a nursing facility, as an outlier nursing 86303  
facility or unit if the nursing facility or unit serves residents 86304  
who have either of the following: 86305

(1) Diagnoses or special care needs that require direct care 86306  
resources that are not measured adequately by the resident 86307  
assessment instrument specified in rules authorized by section 86308  
5165.191 of the Revised Code; 86309

(2) Diagnoses or special care needs specified in rules 86310  
authorized by this section as otherwise qualifying for 86311  
consideration under this section. 86312

(C) Notwithstanding any other provision of this chapter 86313  
(except section 5165.156 of the Revised Code), the costs incurred 86314  
by a designated outlier nursing facility or unit shall not be 86315  
considered in establishing medicaid payment rates for other 86316  
nursing facilities or units. 86317

(D) The medicaid director shall adopt rules under section 86318  
5165.02 of the Revised Code as necessary to implement this 86319  
section. 86320

(1)(a) The rules shall do both of the following: 86321

(i) Specify the criteria and procedures the department will 86322  
apply when designating a nursing facility, or discrete unit of a 86323  
nursing facility, as an outlier nursing facility or unit; 86324

(ii) Establish a methodology for prospectively determining 86325  
the total per medicaid day payment rate that will be paid each 86326  
state fiscal year for nursing facility services provided by a 86327  
designated outlier nursing facility or unit. 86328

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of a nursing facility, or discrete unit of a nursing facility, would be paid by a rate determined under section 5165.15 of the Revised Code;

(ii) Specify the minimum number of nursing facility beds that a nursing facility, or discrete unit of a nursing facility, must have to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology to consider the historical costs of providing nursing facility services to the residents of designated outlier nursing facilities and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility 86360  
receive authorization from the department before admitting or 86361  
retaining a resident. 86362

(b) If the director adopts rules authorized by division 86363  
(D)(2)(a)(ii) of this section regarding the authorization of a 86364  
designated outlier nursing facility or unit to admit or retain a 86365  
resident, the rules shall specify the criteria and procedures the 86366  
department will apply when granting that authorization. 86367

**Sec. 5165.154.** (A) To the extent, if any, provided for in 86368  
rules authorized by this section, the total per medicaid day 86369  
payment rate determined under section 5165.15 of the Revised Code 86370  
shall not be paid for nursing facility services that a nursing 86371  
facility not designated as an outlier nursing facility or unit 86372  
provides to a resident who meets the criteria for admission to a 86373  
designated outlier nursing facility or unit, as specified in rules 86374  
authorized by section 5165.153 of the Revised Code. Instead, the 86375  
provider of a nursing facility providing nursing facility services 86376  
to such a resident shall be paid each state fiscal year a total 86377  
per medicaid day payment rate that the department of medicaid 86378  
shall prospectively determine in accordance with a methodology 86379  
established in rules authorized by this section. 86380

(B) The medicaid director may adopt rules under section 86381  
5165.02 of the Revised Code to implement this section. The rules 86382  
may require that a nursing facility receive authorization from the 86383  
department before admitting or retaining a resident who meets the 86384  
criteria for admission to a designated outlier nursing facility or 86385  
unit. If the director adopts such rules, the rules shall specify 86386  
the criteria and procedures the department will apply when 86387  
granting the authorization. 86388

**Sec. 5165.157.** (A) The medicaid director shall establish an 86389

alternative purchasing model for nursing facility services 86390  
provided by designated discrete units of nursing facilities to 86391  
medicaid recipients with specialized health care needs. The 86392  
director shall do all of the following with regard to the model: 86393

(1) Establish criteria that a discrete unit of a nursing 86394  
facility must meet to be designated as a unit that, under the 86395  
alternative purchasing model, may admit and provide nursing 86396  
facility services to medicaid recipients with specialized health 86397  
care needs; 86398

(2) Specify the health care conditions that medicaid 86399  
recipients must have to have specialized health care needs, which 86400  
may include dependency on a ventilator, severe traumatic brain 86401  
injury, the need to be admitted to a long-term acute care hospital 86402  
or rehabilitation hospital if not for nursing facility services, 86403  
and other serious health care conditions; 86404

(3) ~~For each fiscal year, set~~ Determine the total per 86405  
medicaid day payment rate for nursing facility services provided 86406  
by designated discrete units of nursing facilities under the 86407  
alternative purchasing model ~~at either of the following:~~ 86408

~~(a) Sixty per cent of the statewide average of the total per 86409  
medicaid day payment rate for long term acute care hospital 86410  
services as of the first day of the fiscal year;~~ 86411

~~(b) Another amount determined in accordance with an 86412  
alternative a methodology that includes improved health outcomes 86413  
as a factor in determining the payment rate established for each 86414  
such service in rules authorized by section 5165.02 of the Revised 86415  
Code; 86416~~

(4) Require, to the extent the director considers necessary, 86417  
a medicaid recipient to obtain prior authorization for admission 86418  
to a long-term acute care hospital or rehabilitation hospital as a 86419

condition of medicaid payment for long-term acute care hospital or 86420  
rehabilitation hospital services. 86421

(B) The criteria established under division (A)(1) of this 86422  
section shall provide for a discrete unit of a nursing facility to 86423  
be excluded from the alternative purchasing model if the unit is 86424  
paid for nursing facility services in accordance with section 86425  
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 86426  
may require the provider of a nursing facility that has a discrete 86427  
unit designated for participation in the alternative purchasing 86428  
model to report health outcome measurement data to the department 86429  
of medicaid. 86430

(C) A discrete unit of a nursing facility that provides 86431  
nursing facility services to medicaid recipients with specialized 86432  
health care needs under the alternative purchasing model shall be 86433  
paid for those services in accordance with division (A)(3) of this 86434  
section instead of the total per medicaid day payment rate 86435  
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 86436  
of the Revised Code. 86437

**Sec. 5165.16.** (A) ~~As used in this section:~~ 86438

~~(1) "Applicable calendar year" means the following:~~ 86439

~~(a) For the purpose of the department of medicaid's initial 86440  
determination under division (D) of this section of each peer 86441  
group's rate for ancillary and support costs, calendar year 2003;~~ 86442

~~(b) For the purpose of the department's rebasings, the 86443  
calendar year the department selects.~~ 86444

~~(2) "Rebasing" means a redetermination under division (D) of 86445  
this section of each peer group's rate for ancillary and support 86446  
costs using information from cost reports for an applicable 86447  
calendar year that is later than the applicable calendar year used 86448  
for the previous determination of such rates.~~ 86449

~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division ~~(D)~~(C) of this section for the nursing facility's peer group. ~~However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:~~

~~(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three;~~

~~(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four.~~

~~(C)~~(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups-

~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~

~~(a)~~(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

~~(b)~~(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each

nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

~~(e)(3)~~ Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, ~~Allen~~, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

~~(2) Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section except as follows:~~

~~(a) Each nursing facility that has fewer than one hundred beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group three rather than peer group five.~~

~~(b) Each nursing facility that has one hundred or more beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group four rather than peer group six.~~

~~(D)(C)(1)~~ The department shall determine the rate for ancillary and support costs for each peer group established under division ~~(C)(B)~~ of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am.



~~Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:~~ 86512  
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(a) Subject to division ~~(D)~~(C)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent; 86518  
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(b) Subject to division ~~(D)~~(C)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division ~~(D)~~(C)(1)(a) of this section; 86525  
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86527  
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(c) Multiply the rate for ancillary and support costs determined under division ~~(D)~~(C)(1)(a) of this section for the nursing facility identified under division ~~(D)~~(C)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following: 86530  
86531  
86532  
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~~(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;~~ 86538  
86539  
86540  
86541

~~(ii) Effective with the first rebasing and except~~ Except as 86542

provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 86543  
consumer price index for all items for all urban consumers for the 86544  
midwest region, published by the United States bureau of labor 86545  
statistics; 86546

~~(iii)~~(ii) If the United States bureau of labor statistics 86547  
ceases to publish the index specified in division 86548  
~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau 86549  
subsequently publishes that covers urban consumers' prices for 86550  
items for the region that includes this state. 86551

(d) ~~Until the first rebasing occurs, increase~~ For state 86552  
fiscal year 2020 and each state fiscal year thereafter (other than 86553  
the first state fiscal year in a group of consecutive state fiscal 86554  
years for which a rebasing is conducted), adjust the amount 86555  
calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and~~ 86556  
~~eight hundredths per cent~~ using the difference between the 86557  
following: 86558

(i) The medicare skilled nursing facility market basket index 86559  
determined for the federal fiscal year that begins during the 86560  
state fiscal year immediately preceding the state fiscal year for 86561  
which the adjustment is being made under division (C)(1)(d) of 86562  
this section; 86563

(ii) The budget reduction adjustment factor for the state 86564  
fiscal year for which the adjustment is being made under division 86565  
(C)(1)(d) of this section. 86566

(2) For the purpose of determining a nursing facility's 86567  
occupancy rate under division ~~(D)~~(C)(1)(a) of this section, the 86568  
department shall include any beds that the nursing facility 86569  
removes from its medicaid-certified capacity unless the nursing 86570  
facility also removes the beds from its licensed bed capacity. 86571

(3) In making the identification under division ~~(D)~~(C)(1)(b) 86572  
of this section, the department shall exclude both of the 86573

following: 86574

(a) Nursing facilities that participated in the medicaid 86575  
program under the same provider for less than twelve months in the 86576  
applicable calendar year; 86577

(b) Nursing facilities whose ancillary and support costs are 86578  
more than one standard deviation from the mean desk-reviewed, 86579  
actual, allowable, per diem ancillary and support cost for all 86580  
nursing facilities in the nursing facility's peer group for the 86581  
applicable calendar year. 86582

(4) The department shall not redetermine a peer group's rate 86583  
for ancillary and support costs under this division based on 86584  
additional information that it receives after the rate is 86585  
determined. The department shall redetermine a peer group's rate 86586  
for ancillary and support costs only if the department made an 86587  
error in determining the rate based on information available to 86588  
the department at the time of the original determination. 86589

**Sec. 5165.17.** (A) ~~As used in this section:~~ 86590

~~(1) "Applicable calendar year" means the following:~~ 86591

~~(a) For the purpose of the department of medicaid's initial 86592  
determination under division (D) of this section of each peer 86593  
group's rate for capital costs, calendar year 2003;~~ 86594

~~(b) For the purpose of the department's rebasings, the 86595  
calendar year the department selects.~~ 86596

~~(2) "Rebasing" means a redetermination under division (D) of 86597  
this section of each peer group's rate for capital costs using 86598  
information from cost reports for an applicable calendar year that 86599  
is later than the applicable calendar year used for the previous 86600  
determination of such rates.~~ 86601

~~(B)~~ The department of medicaid shall determine each nursing 86602  
facility's per medicaid day payment rate for capital costs. A 86603

nursing facility's rate shall be the rate determined under 86604  
division ~~(D)~~(C) of this section. However, ~~for the period beginning~~ 86605  
~~October 1, 2013, and ending on the first day of the first~~ 86606  
~~rebasings, the rate for a nursing facility located in Mahoning or~~ 86607  
~~Stark county shall be the rate determined for the following:~~ 86608

~~(1) If the nursing facility has fewer than one hundred beds,~~ 86609  
~~the nursing facilities in peer group three;~~ 86610

~~(2) If the nursing facility has one hundred or more beds, the~~ 86611  
~~nursing facilities in peer group four.~~ 86612

~~(C)~~(B) For the purpose of determining nursing facilities' 86613  
rates for capital costs, the department shall establish six peer 86614  
groups. 86615

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 86616  
~~composed as follows:~~ 86617

~~(a)~~ Each nursing facility located in any of the following 86618  
counties shall be placed in peer group one or two: Brown, Butler, 86619  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86620  
located in any of those counties that has fewer than one hundred 86621  
beds shall be placed in peer group one. Each nursing facility 86622  
located in any of those counties that has one hundred or more beds 86623  
shall be placed in peer group two. 86624

~~(b)~~(2) Each nursing facility located in any of the following 86625  
counties shall be placed in peer group three or four: Allen, 86626  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 86627  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 86628  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86629  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86630  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 86631  
nursing facility located in any of those counties that has fewer 86632  
than one hundred beds shall be placed in peer group three. Each 86633  
nursing facility located in any of those counties that has one 86634

hundred or more beds shall be placed in peer group four. 86635

~~(e)~~(3) Each nursing facility located in any of the following 86636  
counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 86637  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86638  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86639  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86640  
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 86641  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 86642  
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 86643  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 86644  
located in any of those counties that has fewer than one hundred 86645  
beds shall be placed in peer group five. Each nursing facility 86646  
located in any of those counties that has one hundred or more beds 86647  
shall be placed in peer group six. 86648

~~(2) Beginning with the first rebasing, the peer groups shall 86649  
be composed as they are under division (C)(1) of this section 86650  
except as follows: 86651~~

~~(a) Each nursing facility that has fewer than one hundred 86652  
beds and is located in Allen, Mahoning, Stark, or Trumbull county 86653  
shall be placed in peer group three rather than peer group five. 86654~~

~~(b) Each nursing facility that has one hundred or more beds 86655  
and is located in Allen, Mahoning, Stark, or Trumbull county shall 86656  
be placed in peer group four rather than peer group six. 86657~~

~~(D)~~(C)(1) The department shall determine the rate for capital 86658  
costs for each peer group established under division ~~(C)~~(B) of 86659  
this section. The department is not required to conduct a rebasing 86660  
more than once every ten years. Except as necessary to implement 86661  
the amendments made to this section by Am. Sub. H.B. 153 and Sub. 86662  
H.B. 303, both of the 129th general assembly, the rate for capital 86663  
costs determined under this division for a peer group shall be 86664  
used for subsequent years until the department conducts a 86665

rebasings. To determine a peer group's rate for capital costs, the department shall do both of the following:

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

~~(b) Until the first rebasing occurs, increase~~ For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)~~(C)(1)(a) of this section ~~by five and eight hundredths per cent~~ using the difference between the following:

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section;

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division ~~(D)~~(C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 86696  
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(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 86699  
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(3) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity. 86703  
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(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 86709  
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~~(E)~~(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse 86716  
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the government agency. 86728

~~(F)~~(E) The capital cost basis of nursing facility assets 86729  
shall be determined in the following manner: 86730

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 86731  
for purposes of calculating the rates to be paid for facilities 86732  
with dates of licensure on or before June 30, 1993, the capital 86733  
cost basis of each asset shall be equal to the desk-reviewed, 86734  
actual, allowable, capital cost basis that is listed on the 86735  
facility's cost report for the calendar year preceding the state 86736  
fiscal year during which the rate will be paid. 86737

(2) For facilities with dates of licensure after June 30, 86738  
1993, the capital cost basis shall be determined in accordance 86739  
with the principles of the medicare program, except as otherwise 86740  
provided in this chapter. 86741

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 86742  
if a provider transfers an interest in a facility to another 86743  
provider after June 30, 1993, there shall be no increase in the 86744  
capital cost basis of the asset if the providers are related 86745  
parties or the provider to which the interest is transferred 86746  
authorizes the provider that transferred the interest to continue 86747  
to operate the facility under a lease, management agreement, or 86748  
other arrangement. If the previous sentence does not prohibit the 86749  
adjustment of the capital cost basis under this division, the 86750  
basis of the asset shall be adjusted by one-half of the change in 86751  
the consumer price index for all items for all urban consumers, as 86752  
published by the United States bureau of labor statistics, during 86753  
the time that the transferor held the asset. 86754

(4) If a provider transfers an interest in a facility to 86755  
another provider who is a related party, the capital cost basis of 86756  
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 86757  
this section if all of the following conditions are met: 86758



- (a) The related party is a relative of owner; 86759
- (b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 86760  
section, the provider making the transfer retains no ownership 86761  
interest in the facility; 86762
- (c) The department determines that the transfer is an arm's 86763  
length transaction pursuant to rules adopted under section 5165.02 86764  
of the Revised Code. The rules shall provide that a transfer is an 86765  
arm's length transaction if all of the following apply: 86766
- (i) Once the transfer goes into effect, the provider that 86767  
made the transfer has no direct or indirect interest in the 86768  
provider that acquires the facility or the facility itself, 86769  
including interest as an owner, officer, director, employee, 86770  
independent contractor, or consultant, but excluding interest as a 86771  
creditor. 86772
- (ii) The provider that made the transfer does not reacquire 86773  
an interest in the facility except through the exercise of a 86774  
creditor's rights in the event of a default. If the provider 86775  
reacquires an interest in the facility in this manner, the 86776  
department shall treat the facility as if the transfer never 86777  
occurred when the department calculates its reimbursement rates 86778  
for capital costs. 86779
- (iii) The transfer satisfies any other criteria specified in 86780  
the rules. 86781
- (d) Except in the case of hardship caused by a catastrophic 86782  
event, as determined by the department, or in the case of a 86783  
provider making the transfer who is at least sixty-five years of 86784  
age, not less than twenty years have elapsed since, for the same 86785  
facility, the capital cost basis was adjusted most recently under 86786  
division ~~(F)~~(E)(4) of this section or actual, allowable capital 86787  
costs was determined most recently under division ~~(G)~~(F)(9) of 86788  
this section. 86789

~~(G)~~(F) As used in this division: 86790

"Imputed interest" means the lesser of the prime rate plus 86791  
two per cent or ten per cent. 86792

"Lease expense" means lease payments in the case of an 86793  
operating lease and depreciation expense and interest expense in 86794  
the case of a capital lease. 86795

"New lease" means a lease, to a different lessee, of a 86796  
nursing facility that previously was operated under a lease. 86797

(1) Subject to division ~~(B)~~(A) of this section, for a lease 86798  
of a facility that was effective on May 27, 1992, the entire lease 86799  
expense is an actual, allowable capital cost during the term of 86800  
the existing lease. The entire lease expense also is an actual, 86801  
allowable capital cost if a lease in existence on May 27, 1992, is 86802  
renewed under either of the following circumstances: 86803

(a) The renewal is pursuant to a renewal option that was in 86804  
existence on May 27, 1992; 86805

(b) The renewal is for the same lease payment amount and 86806  
between the same parties as the lease in existence on May 27, 86807  
1992. 86808

(2) Subject to division ~~(B)~~(A) of this section, for a lease 86809  
of a facility that was in existence but not operated under a lease 86810  
on May 27, 1992, actual, allowable capital costs shall include the 86811  
lesser of the annual lease expense or the annual depreciation 86812  
expense and imputed interest expense that would be calculated at 86813  
the inception of the lease using the lessor's entire historical 86814  
capital asset cost basis, adjusted by one-half of the change in 86815  
the consumer price index for all items for all urban consumers, as 86816  
published by the United States bureau of labor statistics, during 86817  
the time the lessor held each asset until the beginning of the 86818  
lease. 86819

(3) Subject to division ~~(B)~~(A) of this section, for a lease 86820  
of a facility with a date of licensure on or after May 27, 1992, 86821  
that is initially operated under a lease, actual, allowable 86822  
capital costs shall include the annual lease expense if there was 86823  
a substantial commitment of money for construction of the facility 86824  
after December 22, 1992, and before July 1, 1993. If there was not 86825  
a substantial commitment of money after December 22, 1992, and 86826  
before July 1, 1993, actual, allowable capital costs shall include 86827  
the lesser of the annual lease expense or the sum of the 86828  
following: 86829

(a) The annual depreciation expense that would be calculated 86830  
at the inception of the lease using the lessor's entire historical 86831  
capital asset cost basis; 86832

(b) The greater of the lessor's actual annual amortization of 86833  
financing costs and interest expense at the inception of the lease 86834  
or the imputed interest expense calculated at the inception of the 86835  
lease using seventy per cent of the lessor's historical capital 86836  
asset cost basis. 86837

(4) Subject to division ~~(B)~~(A) of this section, for a lease 86838  
of a facility with a date of licensure on or after May 27, 1992, 86839  
that was not initially operated under a lease and has been in 86840  
existence for ten years, actual, allowable capital costs shall 86841  
include the lesser of the annual lease expense or the annual 86842  
depreciation expense and imputed interest expense that would be 86843  
calculated at the inception of the lease using the entire 86844  
historical capital asset cost basis of one-half of the change in 86845  
the consumer price index for all items for all urban consumers, as 86846  
published by the United States bureau of labor statistics, during 86847  
the time the lessor held each asset until the beginning of the 86848  
lease. 86849

(5) Subject to division ~~(B)~~(A) of this section, for a new 86850  
lease of a facility that was operated under a lease on May 27, 86851

1992, actual, allowable capital costs shall include the lesser of 86852  
the annual new lease expense or the annual old lease payment. If 86853  
the old lease was in effect for ten years or longer, the old lease 86854  
payment from the beginning of the old lease shall be adjusted by 86855  
one-half of the change in the consumer price index for all items 86856  
for all urban consumers, as published by the United States bureau 86857  
of labor statistics, from the beginning of the old lease to the 86858  
beginning of the new lease. 86859

(6) Subject to division ~~(B)~~(A) of this section, for a new 86860  
lease of a facility that was not in existence or that was in 86861  
existence but not operated under a lease on May 27, 1992, actual, 86862  
allowable capital costs shall include the lesser of annual new 86863  
lease expense or the annual amount calculated for the old lease 86864  
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 86865  
applicable. If the old lease was in effect for ten years or 86866  
longer, the lessor's historical capital asset cost basis shall be, 86867  
for purposes of calculating the annual amount under division 86868  
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 86869  
of the change in the consumer price index for all items for all 86870  
urban consumers, as published by the United States bureau of labor 86871  
statistics, from the beginning of the old lease to the beginning 86872  
of the new lease. 86873

In the case of a lease under division ~~(G)~~(F)(3) of this 86874  
section of a facility for which a substantial commitment of money 86875  
was made after December 22, 1992, and before July 1, 1993, the old 86876  
lease payment shall be adjusted for the purpose of determining the 86877  
annual amount. 86878

(7) For any revision of a lease described in division 86879  
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 86880  
subsequent lease of a facility operated under such a lease, other 86881  
than execution of a new lease, the portion of actual, allowable 86882  
capital costs attributable to the lease shall be the same as 86883

before the revision or subsequent lease. 86884

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 86885  
if a provider leases an interest in a facility to another provider 86886  
who is a related party or previously operated the facility, the 86887  
related party's or previous operator's actual, allowable capital 86888  
costs shall include the lesser of the annual lease expense or the 86889  
reasonable cost to the lessor. 86890

(9) If a provider leases an interest in a facility to another 86891  
provider who is a related party, regardless of the date of the 86892  
lease, the related party's actual, allowable capital costs shall 86893  
include the annual lease expense, subject to the limitations 86894  
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 86895  
the following conditions are met: 86896

(a) The related party is a relative of owner; 86897

(b) If the lessor retains an ownership interest, it is, 86898  
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 86899  
in only the real property and any improvements on the real 86900  
property; 86901

(c) The department determines that the lease is an arm's 86902  
length transaction pursuant to rules adopted under section 5165.02 86903  
of the Revised Code. The rules shall provide that a lease is an 86904  
arm's length transaction if all of the following apply: 86905

(i) Once the lease goes into effect, the lessor has no direct 86906  
or indirect interest in the lessee or, except as provided in 86907  
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 86908  
including interest as an owner, officer, director, employee, 86909  
independent contractor, or consultant, but excluding interest as a 86910  
lessor. 86911

(ii) The lessor does not reacquire an interest in the 86912  
facility except through the exercise of a lessor's rights in the 86913  
event of a default. If the lessor reacquires an interest in the 86914

facility in this manner, the department shall treat the facility 86915  
as if the lease never occurred when the department calculates its 86916  
reimbursement rates for capital costs. 86917

(iii) The lease satisfies any other criteria specified in the 86918  
rules. 86919

(d) Except in the case of hardship caused by a catastrophic 86920  
event, as determined by the department, or in the case of a lessor 86921  
who is at least sixty-five years of age, not less than twenty 86922  
years have elapsed since, for the same facility, the capital cost 86923  
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 86924  
section or actual, allowable capital costs were determined most 86925  
recently under division ~~(G)~~(F)(9) of this section. 86926

(10) This division does not apply to leases of specific items 86927  
of equipment. 86928

**Sec. 5165.19.** (A) ~~As used in this section:~~ 86929

~~(1) "Applicable calendar year" means the following:~~ 86930

~~(a) For the purpose of the department of medicaid's initial 86931  
determination under division (D) of this section of each peer 86932  
group's cost per case mix unit, calendar year 2003;~~ 86933

~~(b) For the purpose of the department's rebasings, the 86934  
calendar year the department selects.~~ 86935

~~(2) "Rebasing" means a redetermination under division (D) of 86936  
this section of each peer group's cost per case mix unit using 86937  
information from cost reports for an applicable calendar year that 86938  
is later than the applicable calendar year used for the previous 86939  
determination of such costs.~~ 86940

~~(B)~~ Semiannually, the department of medicaid shall determine 86941  
each nursing facility's per medicaid day payment rate for direct 86942  
care costs by multiplying the facility's semiannual case-mix score 86943  
determined under section 5165.192 of the Revised Code by the cost 86944

per case-mix unit determined under division ~~(D)~~(C) of this section 86945  
for the facility's peer group. However, ~~for the period beginning~~ 86946  
~~October 1, 2013, and ending on the first day of the first~~ 86947  
~~rebasings, the rate for a nursing facility located in Mahoning or~~ 86948  
~~Stark county shall be determined semiannually by multiplying the~~ 86949  
~~facility's semiannual case mix score determined under section~~ 86950  
~~5165.192 of the Revised Code by the cost per case mix unit~~ 86951  
~~determined under division (D) of this section for the nursing~~ 86952  
~~facilities in peer group two.~~ 86953

~~(C)~~(B) For the purpose of determining nursing facilities' 86954  
rates for direct care costs, the department shall establish three 86955  
peer groups. 86956

(1) ~~Until the first rebasing occurs, the peer groups shall be~~ 86957  
~~composed as follows:~~ 86958

~~(a)~~ Each nursing facility located in any of the following 86959  
counties shall be placed in peer group one: Brown, Butler, 86960  
Clermont, Clinton, Hamilton, and Warren. 86961

~~(b)~~(2) Each nursing facility located in any of the following 86962  
counties shall be placed in peer group two: Allen, Ashtabula, 86963  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 86964  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 86965  
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86966  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86967  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 86968

~~(c)~~(3) Each nursing facility located in any of the following 86969  
counties shall be placed in peer group three: Adams, ~~Allen~~, 86970  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86971  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86972  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86973  
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 86974  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 86975

Scioto, Shelby, ~~Stark, Trumbull~~, Tuscarawas, Van Wert, Vinton, 86976  
Washington, Wayne, Williams, and Wyandot. 86977

~~(2) Beginning with the first rebasing, the peer groups shall 86978  
be composed as they are under division (C)(1) of this section 86979  
except that each nursing facility located in Allen, Mahoning, 86980  
Stark, or Trumbull county shall be placed in peer group two rather 86981  
than peer group three. 86982~~

~~(D)(C)(1) The department shall determine a cost per case-mix 86983  
unit for each peer group established under division (C)(B) of this 86984  
section. The department is not required to conduct a rebasing more 86985  
than once every ten years. Except as necessary to implement the 86986  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 86987  
303, both of the 129th general assembly, and H.B. 59 of the 130th 86988  
general assembly, the cost per case-mix unit determined under this 86989  
division for a peer group shall be used for subsequent years until 86990  
the department conducts a rebasing. To determine a peer group's 86991  
cost per case-mix unit, the department shall do all of the 86992  
following: 86993~~

(a) Determine the cost per case-mix unit for each nursing 86994  
facility in the peer group for the applicable calendar year by 86995  
dividing each facility's desk-reviewed, actual, allowable, per 86996  
diem direct care costs for the applicable calendar year by the 86997  
facility's annual average case-mix score determined under section 86998  
5165.192 of the Revised Code for the applicable calendar year; 86999

(b) Subject to division ~~(D)(C)~~(2) of this section, identify 87000  
which nursing facility in the peer group is at the twenty-fifth 87001  
percentile of the cost per case-mix units determined under 87002  
division ~~(D)(C)~~(1)(a) of this section; 87003

(c) Calculate the amount that is two per cent above the cost 87004  
per case-mix unit determined under division ~~(D)(C)~~(1)(a) of this 87005  
section for the nursing facility identified under division 87006



~~(D)(C)(1)(b)~~ of this section; 87007

(d) Using the index specified in division ~~(D)(C)(3)~~ of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division ~~(D)(C)(1)(c)~~ of this section; 87008  
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(e) ~~Add the following to the amount calculated under division (D)(1)(d) of this section:~~ 87014  
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~~(i) Until the earlier of January 1, 2014, or when the first rebasing occurs, one dollar and eighty eight cents;~~ 87016  
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~~(ii) Unless the first rebasing occurs before January 1, 2014, beginning January 1, 2014, and until the first rebasing occurs, eighty six cents.~~ 87018  
87019  
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~~(f) Until the first rebasing occurs, increase For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)(C)(1)(e)(d)~~ of this section by five and eight hundredths per cent using the difference between the following: 87021  
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(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section; 87028  
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(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section. 87033  
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87035

(2) In making the identification under division ~~(D)(C)(1)(b)~~ 87036

of this section, the department shall exclude both of the 87037  
following: 87038

(a) Nursing facilities that participated in the medicaid 87039  
program under the same provider for less than twelve months in the 87040  
applicable calendar year; 87041

(b) Nursing facilities whose cost per case-mix unit is more 87042  
than one standard deviation from the mean cost per case-mix unit 87043  
for all nursing facilities in the nursing facility's peer group 87044  
for the applicable calendar year. 87045

(3) The following index shall be used for the purpose of the 87046  
calculation made under division ~~(D)~~(C)(1)(d) of this section: 87047

~~(a) Until the first rebasing occurs, the employment cost 87048  
index for total compensation, health services component, published 87049  
by the United States bureau of labor statistics, as the index 87050  
existed on July 1, 2005;~~ 87051

~~(b) Effective with the first rebasing and except~~ Except as 87052  
provided in division ~~(D)~~(C)(3)~~(e)~~(b) of this section, the 87053  
employment cost index for total compensation, nursing and 87054  
residential care facilities occupational group, published by the 87055  
United States bureau of labor statistics; 87056

~~(e)~~(b) If the United States bureau of labor statistics ceases 87057  
to publish the index specified in division ~~(D)~~(C)(3)~~(b)~~(a) of this 87058  
section, the index the bureau subsequently publishes that covers 87059  
nursing facilities' staff costs. 87060

(4) The department shall not redetermine a peer group's cost 87061  
per case-mix unit under this division based on additional 87062  
information that it receives after the peer group's per case-mix 87063  
unit is determined. The department shall redetermine a peer 87064  
group's cost per case-mix unit only if it made an error in 87065  
determining the peer group's cost per case-mix unit based on 87066  
information available to the department at the time of the 87067

original determination. 87068

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of 87069  
this section and in accordance with the process specified in rules 87070  
authorized by this section, the department of medicaid shall do 87071  
all of the following: 87072

(a) Every quarter, determine the following two case-mix 87073  
scores for each nursing facility: 87074

(i) A quarterly case-mix score that includes each resident 87075  
who is a medicaid recipient and is not a low resource utilization 87076  
resident; 87077

(ii) A quarterly case-mix score that includes each resident 87078  
regardless of payment source. 87079

(b) Every six months, determine a semiannual average case-mix 87080  
score for each nursing facility by using the quarterly case-mix 87081  
scores determined for the nursing facility pursuant to division 87082  
(A)(1)(a)(i) of this section; 87083

(c) After the end of each calendar year, determine an annual 87084  
average case-mix score for each nursing facility by using the 87085  
quarterly case-mix scores determined for the nursing facility 87086  
pursuant to division (A)(1)(a)(ii) of this section. 87087

(2) When determining case-mix scores under division (A)(1) of 87088  
this section, the department shall use all of the following: 87089

(a) Data from a resident assessment instrument specified in 87090  
rules authorized by section 5165.191 of the Revised Code; 87091

(b) Except as provided in rules authorized by this section, 87092  
the case-mix values established by the United States department of 87093  
health and human services; 87094

(c) Except as modified in rules authorized by this section, 87095  
the grouper methodology used on June 30, 1999, by the United 87096

States department of health and human services for prospective 87097  
payment of skilled nursing facilities under the medicare program. 87098

(B)(1) Subject to division (B)(2) of this section, the 87099  
department, for one or more months of a calendar quarter, may 87100  
assign to a nursing facility a case-mix score that is five per 87101  
cent less than the nursing facility's case-mix score for the 87102  
immediately preceding calendar quarter if any of the following 87103  
apply: 87104

(a) The provider does not timely submit complete and accurate 87105  
resident assessment data necessary to determine the nursing 87106  
facility's case-mix score for the calendar quarter; 87107

(b) The nursing facility was subject to an exception review 87108  
under section 5165.193 of the Revised Code for the immediately 87109  
preceding calendar quarter; 87110

(c) The nursing facility was assigned a case-mix score for 87111  
the immediately preceding calendar quarter. 87112

(2) Before assigning a case-mix score to a nursing facility 87113  
due to the submission of incorrect resident assessment data, the 87114  
department shall permit the provider to correct the data. The 87115  
department may assign the case-mix score if the provider fails to 87116  
submit the corrected resident assessment data not later than the 87117  
earlier of the forty-fifth day after the end of the calendar 87118  
quarter to which the data pertains or the deadline for submission 87119  
of such corrections established by regulations adopted by the 87120  
United States department of health and human services under Title 87121  
XVIII and Title XIX. 87122

(3) If, for more than six months in a calendar year, a 87123  
provider is paid a rate determined for a nursing facility using a 87124  
case-mix score assigned to the nursing facility under division 87125  
(B)(1) of this section, the department may assign the nursing 87126  
facility a cost per case-mix unit that is five per cent less than 87127

the nursing facility's actual or assigned cost per case-mix unit 87128  
for the immediately preceding calendar year. The department may 87129  
use the assigned cost per case-mix unit, instead of determining 87130  
the nursing facility's actual cost per case-mix unit in accordance 87131  
with section 5165.19 of the Revised Code, to establish the nursing 87132  
facility's rate for direct care costs for the fiscal year 87133  
immediately following the calendar year for which the cost per 87134  
case-mix unit is assigned. 87135

(4) The department shall take action under division (B)(1), 87136  
(2), or (3) of this section only in accordance with rules 87137  
authorized by this section. The department shall not take an 87138  
action that affects rates for prior payment periods except in 87139  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 87140

(C) The medicaid director shall adopt rules under section 87141  
5165.02 of the Revised Code as necessary to implement this 87142  
section. 87143

(1) The rules shall do all of the following: 87144

(a) Specify the process for determining the semiannual and 87145  
annual average case-mix scores for nursing facilities; 87146

(b) Adjust the case-mix values specified in division 87147  
(A)(2)(b) of this section to reflect changes in relative wage 87148  
differentials that are specific to this state; 87149

(c) Express all of those case-mix values in numeric terms 87150  
that are different from the terms specified by the United States 87151  
department of health and human services but that do not alter the 87152  
relationship of the case-mix values to one another; 87153

(d) Modify the grouper methodology specified in division 87154  
(A)(2)(c) of this section as follows: 87155

(i) Establish a different hierarchy for assigning residents 87156  
to case-mix categories under the methodology; 87157

(ii) ~~Prohibit~~ Allow the use of the index maximizer element of the methodology; 87158  
87159

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 87160  
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(iv) Make other changes the department determines are necessary. 87163  
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(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 87165  
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(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. 87168  
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(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 87174  
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(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group. 87179  
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**Sec. 5165.21.** ~~(A) As used in this section:~~ 87185

~~(1) "Applicable calendar year" means the following:~~ 87186

~~(a) For the purpose of the department of medicaid's initial~~ 87187

~~determination under this section of nursing facilities' rate for 87188  
tax costs, calendar year 2003; 87189~~

~~(b) For the purpose of the department's rebasings, the 87190  
calendar year the department selects. 87191~~

~~(2) "Rebasing" means a redetermination under division (B) of 87192  
this section of each nursing facility's rate for tax costs using 87193  
information from cost reports for an applicable calendar year that 87194  
is later than the applicable calendar year used for the previous 87195  
determination of such rates. 87196~~

~~(B) The department of medicaid shall determine each nursing 87197  
facility's per medicaid day payment rate for tax costs. The 87198  
department is not required to conduct a rebasing more than once 87199  
every ten years. Except as necessary to implement the amendments 87200  
made to this section by Sub. H.B. 303 of the 129th general 87201  
assembly, the rate for tax costs determined under this division 87202  
for a nursing facility shall be used for subsequent years until 87203  
the department conducts a rebasing. To determine a nursing 87204  
facility's rate for tax costs and except as provided in division 87205  
(C) of this section, the department shall do both of the 87206  
following: 87207~~

~~(1)(A) Divide the nursing facility's desk-reviewed, actual, 87208  
allowable tax costs paid for the applicable calendar year by the 87209  
number of inpatient days the nursing facility would have had if 87210  
its occupancy rate had been one hundred per cent during the 87211  
applicable calendar year; 87212~~

~~(2) Until the first rebasing occurs, increase (B) For state 87213  
fiscal year 2020 and each state fiscal year thereafter (other than 87214  
the first state fiscal year in a group of consecutive state fiscal 87215  
years for which a rebasing is conducted), adjust the amount 87216  
calculated under division (B)(1)(A) of this section by five and 87217  
eight hundredths per cent using the difference between the 87218~~

following: 87219

(1) The medicare skilled nursing facility market basket index 87220  
determined for the federal fiscal year that begins during the 87221  
state fiscal year immediately preceding the state fiscal year for 87222  
which the adjustment is being made under division (B) of this 87223  
section; 87224

(2) The budget reduction adjustment factor for the state 87225  
fiscal year for which the adjustment is being made under division 87226  
(B) of this section. 87227

~~(C) If a nursing facility had a credit regarding its real~~ 87228  
~~estate taxes reflected on its cost report for calendar year 2003,~~ 87229  
~~the department shall determine, as follows, its rate for tax costs~~ 87230  
~~for the period beginning on July 1, 2010, and ending on the first~~ 87231  
~~day of the fiscal year for which the department first conducts a~~ 87232  
~~rebasings:~~ 87233

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 87234  
~~allowable tax costs paid for calendar year 2004 by the number of~~ 87235  
~~inpatient days the nursing facility would have had if its~~ 87236  
~~occupancy rate had been one hundred per cent during calendar year~~ 87237  
~~2004;~~ 87238

~~(2) Until the first rebasing occurs, increase the amount~~ 87239  
~~calculated under division (C)(1) of this section by five and eight~~ 87240  
~~hundredths per cent.~~ 87241

**Sec. 5165.23.** (A) Each state fiscal year, the department of 87242  
medicaid shall determine the critical access incentive payment for 87243  
each nursing facility that qualifies as a critical access nursing 87244  
facility. To qualify as a critical access nursing facility for a 87245  
state fiscal year, a nursing facility must meet all of the 87246  
following requirements: 87247

(1) The nursing facility must be located in an area that, on 87248



December 31, 2011, was designated an empowerment zone under the 87249  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 87250

(2) The nursing facility must have an occupancy rate of at 87251  
least eighty-five per cent as of the last day of the calendar year 87252  
immediately preceding the state fiscal year. 87253

(3) The nursing facility must have a medicaid utilization 87254  
rate of at least sixty-five per cent as of the last day of the 87255  
calendar year immediately preceding the state fiscal year. 87256

~~(4) The nursing facility must have been awarded at least five 87257  
points for meeting accountability measures under section 5165.25 87258  
of the Revised Code for the fiscal year and at least one of the 87259  
five points must have been awarded for meeting the accountability 87260  
measures identified in divisions (C)(9), (10), (11), (12), and 87261  
(14) of section 5165.25 of the Revised Code. 87262~~

(B) A critical access nursing facility's critical access 87263  
incentive payment for a state fiscal year shall equal five per 87264  
cent of the portion of the nursing facility's total per medicaid 87265  
day payment rate for the state fiscal year that is the sum of the 87266  
rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of 87267  
section 5165.15 of the Revised Code. 87268

**Sec. 5165.25.** (A) As used in this section: 87269

(1) "Long-stay resident" means an individual who has resided 87270  
in a nursing facility for at least one hundred one days. 87271

(2) "Measurement period" means the following: 87272

(a) For state fiscal year 2017, the period beginning July 1, 87273  
2015, and ending December 31, 2015; 87274

(b) For each subsequent state fiscal year, the calendar year 87275  
immediately preceding the calendar year in which the state fiscal 87276  
year begins. 87277

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 87278  
87279

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident. 87280  
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(B)(1) Using all of the funds made available for a state fiscal year by the rate reductions under division ~~(B)~~(C) of section 5165.15 of the Revised Code, the department of medicaid shall determine a per medicaid day quality payment rate to be paid for that state fiscal year to each nursing facility that meets at least one of the quality indicators specified in division (B)(2) of this section for the measurement period. The largest quality payment rate for a state fiscal year shall be paid to nursing facilities that meet all of the quality indicators for the measurement period. 87282  
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(2) The following are the quality indicators to be used for the purpose of division (B)(1) of this section: 87292  
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(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers ~~and not.~~ 87294  
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(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers. 87297  
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~~(b)~~(c) Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication ~~and not.~~ 87299  
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(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication. 87302  
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~~(c) The number of the nursing facility's residents who had avoidable inpatient hospital admissions did not exceed the target rate.~~ 87305  
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~~(d)~~(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss. 87308  
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(f) The nursing facility's employee retention rate is at least the target rate. 87310  
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~~(e)~~(g) The nursing facility utilized the nursing home version of the preferences for everyday living inventory for all of its residents. 87312  
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(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The amount specified for division ~~(B)(2)(a)~~ of this section may differ from the amount specified for division ~~(B)(2)(b)~~ of this section and the amount specified for ~~short stay residents~~ may differ from the amount specified for ~~long stay residents~~. The department also shall specify the target rate for the purpose of division (B)(2)~~(e)~~(f) of this section ~~and the target rate for the purpose of division (B)(2)(d) of this section.~~ 87315  
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(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be the following: 87326  
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(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately 87337  
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preceding the state fiscal year, the amount determined for the 87339  
nursing facility in accordance with division (B) of this section 87340  
for the state fiscal year; 87341

(2) If the effective date of the change of operator is after 87342  
the first day of October of the calendar year immediately 87343  
preceding the state fiscal year, the mean per medicaid day quality 87344  
payment rate for all nursing facilities for the state fiscal year. 87345

**Sec. 5165.34.** (A) The department of medicaid may make 87346  
medicaid payments to a nursing facility provider under this 87347  
chapter to reserve a bed for a recipient during a temporary 87348  
absence under conditions prescribed by the department, to include 87349  
hospitalization for an acute condition, visits with relatives and 87350  
friends, and participation in therapeutic programs outside the 87351  
facility, when the resident's plan of care provides for such 87352  
absence and federal financial participation for the payments is 87353  
available. 87354

(B) The maximum period for which payments may be made to 87355  
reserve a bed in a nursing facility shall not exceed thirty days 87356  
in a calendar year. 87357

(C) The department shall establish the per medicaid day 87358  
payment rates for reserving beds under this section. In 87359  
establishing the per medicaid day payment rates, the department 87360  
shall set the per medicaid day payment rate at an amount equal to 87361  
the following: 87362

(1) In the case of a nursing facility that had an occupancy 87363  
rate exceeding ninety-five per cent, an amount not exceeding fifty 87364  
per cent of the per medicaid day payment rate the provider would 87365  
be paid if the recipient were not absent from the nursing facility 87366  
that day; 87367

(2) In the case of a nursing facility that had an occupancy 87368

rate not exceeding ninety-five per cent, an amount not exceeding 87369  
eighteen per cent of the per medicaid day payment rate the 87370  
provider would be paid if the recipient were not absent from the 87371  
nursing facility that day. 87372

(D) For the purpose of setting a nursing facility's per 87373  
medicaid day payment rate to reserve a bed for a day during the 87374  
period beginning on ~~the effective date of this amendment~~ September 87375  
29, 2013, and ending December 31, 2013, the department shall 87376  
determine the nursing facility's occupancy rate by using 87377  
information reported on the nursing facility's cost report for 87378  
calendar year 2012. For the purpose of setting a nursing 87379  
facility's per medicaid day payment rate to reserve a bed for 87380  
January 1, 2014, or thereafter, the department shall determine the 87381  
nursing facility's occupancy rate by using information reported on 87382  
the nursing facility's cost report for the calendar year preceding 87383  
the state fiscal year in which the reservation falls. 87384

Sec. 5165.36. The department of medicaid shall conduct a 87385  
rebasings at least once every five state fiscal years. When the 87386  
department conducts a rebasing for a state fiscal year, it shall 87387  
conduct the rebasing for each cost center. 87388

Sec. 5165.361. It is the general assembly's intent to specify 87389  
in statute the factor to be used for state fiscal year 2020 and 87390  
each state fiscal year thereafter (other than the first state 87391  
fiscal year in a group of consecutive state fiscal years for which 87392  
a rebasing is conducted) as the budget reduction adjustment factor 87393  
for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, 87394  
and 5165.21 of the Revised Code. The budget reduction adjustment 87395  
factor to be used for a state fiscal year shall not exceed the 87396  
medicare skilled nursing facility market basket index determined 87397  
for the federal fiscal year that begins during the state fiscal 87398  
year immediately preceding the state fiscal year for which the 87399

budget reduction adjustment factor is being used. If the general 87400  
assembly fails to specify in statute the factor to be used for a 87401  
state fiscal year as the budget reduction adjustment factor, the 87402  
budget reduction adjustment factor shall be zero. 87403

**Sec. 5165.37.** The department of medicaid shall make its best 87404  
efforts each year to calculate nursing facilities' medicaid 87405  
payment rates under this chapter in time to pay the rates by the 87406  
fifteenth day of August of each state fiscal year. If the 87407  
department is unable to calculate the rates so that they can be 87408  
paid by that date, the department shall pay each provider the rate 87409  
calculated for the provider's nursing facilities under this 87410  
chapter at the end of the previous state fiscal year. If the 87411  
department also is unable to calculate the rates to pay the rates 87412  
by the fifteenth day of September and the fifteenth day of 87413  
October, the department shall pay the previous state fiscal year's 87414  
rate to make those payments. The department may increase by five 87415  
per cent the previous state fiscal year's rate paid for any 87416  
nursing facility pursuant to this section at the request of the 87417  
provider. The department shall use rates calculated for the 87418  
current state fiscal year to make the payments due by the 87419  
fifteenth day of November. 87420

If the rate paid to a provider for a nursing facility 87421  
pursuant to this section is lower than the rate calculated for the 87422  
nursing facility for the current state fiscal year, the department 87423  
shall pay the provider the difference between the two rates for 87424  
the number of days for which the provider was paid for the nursing 87425  
facility pursuant to this section. If the rate paid for a nursing 87426  
facility pursuant to this section is higher than the rate 87427  
calculated for it for the current state fiscal year, the provider 87428  
shall refund to the department the difference between the two 87429  
rates for the number of days for which the provider was paid for 87430

the nursing facility pursuant to this section. 87431

**Sec. 5165.41.** (A) The department of medicaid shall 87432  
redetermine a provider's medicaid payment rate for a nursing 87433  
facility using revised information if any of the following results 87434  
in a determination that the provider received a higher medicaid 87435  
payment rate for the nursing facility than the provider was 87436  
entitled to receive: 87437

(1) The provider properly amends a cost report for the 87438  
nursing facility under section 5165.107 of the Revised Code; 87439

(2) The department makes a finding based on an audit under 87440  
section 5165.109 of the Revised Code; 87441

(3) The department makes a finding based on an exception 87442  
review of resident assessment data conducted under section 87443  
5165.193 of the Revised Code after the effective date of the 87444  
nursing facility's rate for direct care costs that is based on the 87445  
resident assessment data; 87446

(4) The department makes a finding based on a post-payment 87447  
review conducted under section 5165.49 of the Revised Code. 87448

(B) The department shall apply the redetermined rate to the 87449  
periods when the provider received the incorrect rate to determine 87450  
the amount of the overpayment. The provider shall refund the 87451  
amount of the overpayment. The department may charge the provider 87452  
the following amount of interest from the time the overpayment was 87453  
made: 87454

(1) If the overpayment resulted from costs reported for 87455  
calendar year 1993, the interest shall be no greater than one and 87456  
one-half times the current average bank prime rate. 87457

(2) If the overpayment resulted from costs reported for a 87458  
subsequent calendar year: 87459

(a) The interest shall be no greater than two times the 87460

current average bank prime rate if the overpayment was no more 87461  
than one per cent of the total medicaid payments to the provider 87462  
for the state fiscal year for which the overpayment was made. 87463

(b) The interest shall be no greater than two and one-half 87464  
times the current average bank prime rate if the overpayment was 87465  
more than one per cent of the total medicaid payments to the 87466  
provider for the state fiscal year for which the overpayment was 87467  
made. 87468

**Sec. 5165.42.** In addition to the other penalties authorized 87469  
by this chapter, the department of medicaid may impose the 87470  
following penalties on a nursing facility provider: 87471

(A) If the provider does not furnish invoices or other 87472  
documentation that the department requests during an audit within 87473  
sixty days after the request, a fine of no more than the greater 87474  
of the following: 87475

(1) One thousand dollars per audit; 87476

(2) Twenty-five per cent of the cumulative amount by which 87477  
the costs for which documentation was not furnished increased the 87478  
total medicaid payments to the provider during the state fiscal 87479  
year for which the costs were used to determine a rate. 87480

(B) If an exiting operator or owner fails to provide notice 87481  
of a facility closure or voluntary withdrawal of participation in 87482  
the medicaid program as required by section 5165.50 of the Revised 87483  
Code, or an exiting operator or owner and entering operator fail 87484  
to provide notice of a change of operator as required by section 87485  
5165.51 of the Revised Code, a fine of not more than the current 87486  
average bank prime rate plus four per cent of the last two monthly 87487  
payments. 87488

**Sec. 5165.52.** (A) On receipt of a written notice under 87489  
section 5165.50 of the Revised Code of a facility closure or 87490



voluntary withdrawal of participation, on receipt of a written 87491  
notice under section 5165.51 of the Revised Code of a change of 87492  
operator, or on the effective date of an involuntary termination, 87493  
the department of medicaid shall estimate the amount of any 87494  
overpayments made under the medicaid program to the exiting 87495  
operator, including overpayments the exiting operator disputes, 87496  
and other actual and potential debts the exiting operator owes or 87497  
may owe to the department and United States centers for medicare 87498  
and medicaid services under the medicaid program, including a 87499  
franchise permit fee. 87500

(B) In estimating the exiting operator's other actual and 87501  
potential debts to the department and the United States centers 87502  
for medicare and medicaid services under the medicaid program, the 87503  
department shall use a debt estimation methodology the medicaid 87504  
director shall establish in rules authorized by section 5165.53 of 87505  
the Revised Code. The methodology shall provide for estimating all 87506  
of the following that the department determines are applicable: 87507

(1) Refunds due the department under section 5165.41 of the 87508  
Revised Code; 87509

(2) Interest owed to the department and United States centers 87510  
for medicare and medicaid services; 87511

(3) Final civil monetary and other penalties for which all 87512  
right of appeal has been exhausted; 87513

(4) Money owed the department and United States centers for 87514  
medicare and medicaid services from any outstanding final fiscal 87515  
audit, including a final fiscal audit for the last state fiscal 87516  
year or portion thereof in which the exiting operator participated 87517  
in the medicaid program; 87518

(5) Other amounts the department determines are applicable. 87519

(C) The department shall provide the exiting operator written 87520

notice of the department's estimate under division (A) of this 87521  
section not later than thirty days after the department receives 87522  
the notice under section 5165.50 of the Revised Code of the 87523  
facility closure or voluntary withdrawal of participation; the 87524  
department receives the notice under section 5165.51 of the 87525  
Revised Code of the change of operator; or the effective date of 87526  
the involuntary termination. The department's written notice shall 87527  
include the basis for the estimate. 87528

**Sec. 5166.01.** As used in this chapter: 87529

"209(b) option" means the option described in section 1902(f) 87530  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 87531  
medicaid program's eligibility requirements for aged, blind, and 87532  
disabled individuals are more restrictive than the eligibility 87533  
requirements for the supplemental security income program. 87534

"Administrative agency" means, with respect to a home and 87535  
community-based services medicaid waiver component, the department 87536  
of medicaid or, if a state agency or political subdivision 87537  
contracts with the department under section 5162.35 of the Revised 87538  
Code to administer the component, that state agency or political 87539  
subdivision. 87540

"Care management system" means the system established under 87541  
section 5167.03 of the Revised Code. 87542

"Dual eligible individual" has the same meaning as in section 87543  
5160.01 of the Revised Code. 87544

"Federal poverty line" has the same meaning as in section 87545  
5162.01 of the Revised Code. 87546

"Home and community-based services medicaid waiver component" 87547  
means a medicaid waiver component under which home and 87548  
community-based services are provided as an alternative to 87549  
hospital services, nursing facility services, or ICF/IID services. 87550

"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 87551  
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 87553  
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 87555  
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 87557  
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 87559  
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 87561  
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 87567  
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 87569  
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 87571  
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code. 87573  
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is 87579  
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considered blind or disabled under section 1614(a)(2) or (3) of 87581  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 87582

"Nursing facility" and "nursing facility services" have the 87583  
same meanings as in section 5165.01 of the Revised Code. 87584

"Ohio home care waiver program" means the home and 87585  
community-based services medicaid waiver component that is known 87586  
as Ohio home care and was created pursuant to section 5166.11 of 87587  
the Revised Code. 87588

~~"Ohio transitions II aging carve out program" means the home 87589  
and community based services medicaid waiver component that is 87590  
known as Ohio transitions II aging carve out and was created 87591  
pursuant to section 5166.11 of the Revised Code. 87592~~

"Provider agreement" has the same meaning as in section 87593  
5164.01 of the Revised Code. 87594

"Residential treatment facility" means a residential facility 87595  
licensed by the department of mental health and addiction services 87596  
under section 5119.34 of the Revised Code, or an institution 87597  
certified by the department of job and family services under 87598  
section 5103.03 of the Revised Code, that serves children and 87599  
either has more than sixteen beds or is part of a campus of 87600  
multiple facilities or institutions that, combined, have a total 87601  
of more than sixteen beds. 87602

"Skilled nursing facility" has the same meaning as in section 87603  
5165.01 of the Revised Code. 87604

"Unified long-term services and support medicaid waiver 87605  
component" means the medicaid waiver component authorized by 87606  
section 5166.14 of the Revised Code. 87607

**Sec. 5166.16.** (A) As used in this section and section 87608  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 87609  
component" means all of the following: 87610

(1) The medicaid-funded component of the PASSPORT program, 87611  
unless it is terminated pursuant to division (C) of section 173.52 87612  
of the Revised Code; 87613

~~(2) The choices program, unless it is terminated pursuant to 87614  
division (B) of section 173.53 of the Revised Code; 87615~~

~~(3) The medicaid-funded component of the assisted living 87616  
program, unless it is terminated pursuant to division (C) of 87617  
section 173.54 of the Revised Code; 87618~~

~~(4)(3) The Ohio home care waiver program, unless it is 87619  
terminated pursuant to section 5166.12 of the Revised Code; 87620~~

~~(5) The Ohio transitions II aging carve out program, unless 87621  
it is terminated pursuant to section 5166.13 of the Revised Code. 87622~~

(B) The medicaid director may create a home and 87623  
community-based services medicaid waiver component as part of the 87624  
integrated care delivery system. If the ICDS medicaid waiver 87625  
component is created, both of the following apply: 87626

(1) The department of medicaid shall administer it; 87627

(2) When it begins to accept enrollments, no ICDS participant 87628  
who is eligible for the ICDS medicaid waiver component shall be 87629  
enrolled in an ODA or MCD medicaid waiver component regardless of 87630  
whether the participant prefers to remain or be enrolled in an ODA 87631  
or MCD medicaid waiver component. 87632

(C) A dual eligible individual who is eligible for an ODA or 87633  
MCD medicaid waiver component may enroll in the component before 87634  
the individual becomes an ICDS participant. The dual eligible 87635  
individual shall disenroll from the ODA or MCD medicaid waiver 87636  
component and enroll in the ICDS medicaid waiver component once 87637  
the individual becomes an ICDS participant and it is possible to 87638  
enroll the individual in the ICDS medicaid waiver component. The 87639  
disenrollment from the ODA or MCD medicaid waiver component and 87640

enrollment into the ICDS medicaid waiver component shall occur 87641  
regardless of whether the individual prefers to remain enrolled in 87642  
the ODA or MCD medicaid waiver component. 87643

(D) An ICDS participant's disenrollment from an ODA or MCD 87644  
medicaid waiver component and enrollment in the ICDS medicaid 87645  
waiver component resulting from division (B)(2) or (C) of this 87646  
section shall be accomplished without a disruption in the 87647  
participant's services under the components. 87648

**Sec. 5166.22.** (A) Subject to division (B) of this section, 87649  
when the department of developmental disabilities allocates 87650  
enrollment numbers to a county board of developmental disabilities 87651  
for home and community-based services specified in division (A)(1) 87652  
of section 5166.20 of the Revised Code and provided under any of 87653  
the medicaid waiver components that the department administers 87654  
under section 5166.21 of the Revised Code, the department shall 87655  
consider all of the following: 87656

(1) The number of individuals with developmental disabilities 87657  
~~who are on a~~ placed on the county board's waiting list ~~the county~~ 87658  
~~board establishes under~~ established for the services pursuant to 87659  
section 5126.042 of the Revised Code ~~for those services and are~~ 87660  
~~given priority on the waiting list;~~ 87661

(2) The implementation component required by division (A)(3) 87662  
of section 5126.054 of the Revised Code of the county board's plan 87663  
approved under section 5123.046 of the Revised Code; 87664

(3) Anything else the department considers necessary to 87665  
enable the county boards board to provide ~~those~~ the services to 87666  
individuals ~~in accordance with the priority requirements for~~ 87667  
placed on the county board's waiting lists list established ~~under~~ 87668  
for the services pursuant to section 5126.042 of the Revised Code 87669  
~~for those services.~~ 87670

(B) Division (A) of this section applies to home and 87671  
community-based services provided under the medicaid waiver 87672  
component known as the transitions developmental disabilities 87673  
waiver only to the extent, if any, provided by the contract 87674  
required by section 5166.21 of the Revised Code regarding the 87675  
component. 87676

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of 87677  
the Revised Code: 87678

(1) "Adult" means an individual at least eighteen years of 87679  
age. 87680

(2) "Appropriate director" means the following: 87681

(a) The medicaid director in the context of ~~all~~ both of the 87682  
following: 87683

(i) The Ohio home care waiver program, unless it is 87684  
terminated pursuant to section 5166.12 of the Revised Code; 87685

(ii) ~~The Ohio transitions II aging carve out program, unless~~ 87686  
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 87687

~~(iii)~~ The integrated care delivery system medicaid waiver 87688  
component authorized by section 5166.16 of the Revised Code. 87689

(b) The director of aging in the context of the 87690  
medicaid-funded component of the PASSPORT program, unless it is 87691  
terminated pursuant to division (C) of section 173.52 of the 87692  
Revised Code. 87693

(3) "Authorized representative" means the following: 87694

(a) In the case of a consumer who is a minor, the consumer's 87695  
parent, custodian, or guardian; 87696

(b) In the case of a consumer who is an adult, an individual 87697  
selected by the consumer pursuant to section 5166.3010 of the 87698  
Revised Code to act on the consumer's behalf for purposes 87699

regarding home care attendant services. 87700

(4) "Authorizing health care professional" means a health 87701  
care professional who, pursuant to section 5166.307 of the Revised 87702  
Code, authorizes a home care attendant to assist a consumer with 87703  
self-administration of medication, nursing tasks, or both. 87704

(5) "Consumer" means an individual to whom all of the 87705  
following apply: 87706

(a) The individual is enrolled in a participating medicaid 87707  
waiver component. 87708

(b) The individual has a medically determinable physical 87709  
impairment to which both of the following apply: 87710

(i) It is expected to last for a continuous period of not 87711  
less than twelve months. 87712

(ii) It causes the individual to require assistance with 87713  
activities of daily living, self-care, and mobility, including 87714  
either assistance with self-administration of medication or the 87715  
performance of nursing tasks, or both. 87716

(c) In the case of an individual who is an adult, the 87717  
individual is mentally alert and is, or has an authorized 87718  
representative who is, capable of selecting, directing the actions 87719  
of, and dismissing a home care attendant. 87720

(d) In the case of an individual who is a minor, the 87721  
individual has an authorized representative who is capable of 87722  
selecting, directing the actions of, and dismissing a home care 87723  
attendant. 87724

(6) "Controlled substance" has the same meaning as in section 87725  
3719.01 of the Revised Code. 87726

(7) "Custodian" has the same meaning as in section 2151.011 87727  
of the Revised Code. 87728

(8) "Gastrostomy tube" means a percutaneously inserted 87729



catheter that terminates in the stomach.	87730
(9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	87731 87732
(10) "Health care professional" means a physician or registered nurse.	87733 87734
(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.	87735 87736 87737 87738
(12) "Home care attendant services" means all of the following as provided by a home care attendant:	87739 87740
(a) Personal care aide services;	87741
(b) Assistance with the self-administration of medication;	87742
(c) Assistance with nursing tasks.	87743
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	87744 87745
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	87746 87747
(15) "Minor" means an individual under eighteen years of age.	87748
(16) "Participating medicaid waiver component" means all of the following:	87749 87750
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	87751 87752 87753
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	87754 87755
(c) <del>The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;</del>	87756 87757

~~(d)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 87758  
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 87760  
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 87763  
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87765  
"Registered nurse" includes an advanced practice registered nurse, 87766  
as defined in section 4723.01 of the Revised Code. 87767

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 87768  
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(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code. 87771  
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Sec. 5166.37. The medicaid director shall establish a medicaid waiver component under which an individual included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), must satisfy at least one of the following requirements to be able to enroll in medicaid as part of the eligibility group: 87775  
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(A) Be at least fifty-five years of age; 87781

(B) Be employed; 87782

(C) Be enrolled in school or an occupational training program; 87783  
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(D) Be participating in an alcohol and drug addiction treatment program; 87785  
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<u>(E) Have intensive health care needs.</u>	87787
<u>Sec. 5166.38. As used in this section, "institution for mental diseases" has the same meaning as in 42 C.F.R. 435.1010.</u>	87788
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87789
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87790
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87791
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87792
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87793
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87794
<b>Sec. 5166.40.</b> (A) As used in sections 5166.40 to 5166.409 of the Revised Code:	87795
	87796
(1) "Adult" means an individual who is at least eighteen years of age.	87797
	87798
(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.	87799
	87800
(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 5166.404 of the Revised Code.	87801
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(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:	87809
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	87811
(a) The amount of contributions to the account;	87812
(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.	87813
	87814
(5) "Eligible employer-sponsored health plan" has the same	87815

meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).

(6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts.

(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.

(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and (c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) and (c)(3).

(9) "Ward of the state" means ~~both of the following:~~ an individual who is a ward, as defined in section 2111.01 of the Revised Code.

(10) "Workforce development activity" and "~~workforce development agency~~ local board" have the same meanings as in section 6301.01 of the Revised Code.

(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each adult medicaid recipient, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program:

(1) On the basis of being included in the category identified by the department of medicaid as covered families and children;

(2) On the basis of being included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

(C) Except as provided in section 5166.406 of the Revised Code, a healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system.

**Sec. 5166.408.** Each county department of job and family services shall offer to refer to a ~~workforce development agency~~ local board each healthy Ohio program participant who resides in the county served by the county department and is either unemployed or employed for less than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the ~~workforce development agency~~ local board. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program.

**Sec. 5167.01.** As used in this chapter:

(A) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(B) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(C) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2).

(D) ~~"Home and community based services medicaid waiver component"~~ "ICDS participant" has the same meaning as in section ~~5166.01~~ 5164.01 of the Revised Code.

(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 87875  
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(G) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 87877  
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(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 87879  
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(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement. 87881  
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(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 87885  
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**Sec. 5167.03.** As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties. 87887  
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~~The department shall designate the Only medicaid recipients who are eligibility groups that are required or permitted to participate in the care management system on the effective date of this amendment shall be required or permitted to participate in the care management system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established under section 5166.40 of the Revised Code shall participate in the ~~care management~~ system.~~ 87890  
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Neither home and community-based services available under a medicaid waiver component nor nursing facility services shall be included in the care management system before January 1, 2021, except that ICDS participants may be required or permitted to 87901  
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obtain such services under the care management system. Medicaid recipients who receive such services may be designated for voluntary or mandatory participation in the care management system in order to receive other health care services included in the system. 87905  
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The department may require or permit participants in the care management system to obtain health care services from providers designated by the department. The department may require or permit participants to obtain health care services through medicaid managed care organizations. 87910  
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**Sec. 5167.04.** ~~(A) Subject to division (B) of this section,~~ 87915  
~~the~~ The department of medicaid shall include alcohol, drug 87916  
addiction, and mental health services covered by medicaid in the 87917  
care management system established under section 5167.03 of the 87918  
Revised Code. 87919

~~(B) All of the following apply to the manner in which division (A) of this section is implemented:~~ 87920  
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~~(1) The department shall begin to include the services in the system not later than January Code. The services shall not be included in the system before July 1, 2018.~~ 87922  
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~~(2) Before January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to review by the joint medicaid oversight committee under division (B) of section 103.42 of the Revised Code. The department may implement the proposal only if the committee approves the proposal.~~ 87925  
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~~(3) On and after January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to monitoring by the committee under division (A) or (C) of section 103.42 of the Revised Code, but~~ 87931  
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~~approval by the committee is no longer required before the~~ 87935  
~~proposal may be implemented.~~ 87936

**Sec. 5167.12.** (A) When contracting under section 5167.10 of 87937  
the Revised Code with a managed care organization that is a health 87938  
insuring corporation, the department of medicaid shall require the 87939  
health insuring corporation to provide coverage of prescribed 87940  
drugs for medicaid recipients enrolled in the health insuring 87941  
corporation. In providing the required coverage, the health 87942  
insuring corporation may use strategies for the management of drug 87943  
utilization, but any such strategies are subject to divisions (B) 87944  
and (E) of this section and the department's approval. 87945

(B) The department shall not permit a health insuring 87946  
corporation to impose a prior authorization requirement in the 87947  
case of a drug to which all of the following apply: 87948

(1) The drug is an antidepressant or antipsychotic. 87949

(2) The drug is administered or dispensed in a standard 87950  
tablet or capsule form, except that in the case of an 87951  
antipsychotic, the drug also may be administered or dispensed in a 87952  
long-acting injectable form. 87953

(3) The drug is prescribed by ~~either~~ any of the following: 87954

(a) A physician ~~whom~~ who is allowed by the health insuring 87955  
corporation, ~~pursuant to division (C) of section 5167.10 of the~~ 87956  
~~Revised Code, has credentialed~~ to provide care as a psychiatrist 87957  
through its credentialing process, as described in division (C) of 87958  
section 5167.10 of the Revised Code; 87959

(b) A psychiatrist who is practicing at a location on behalf 87960  
of a community mental health services provider whose mental health 87961  
services are certified by the department of mental health and 87962  
addiction services under section 5119.36 of the Revised Code; 87963

(c) A certified nurse practitioner, as defined in section 87964



4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code; 87965  
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(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code. 87968  
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(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration. 87972  
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(C) Subject to division (E) of this section, the department shall authorize a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription. 87975  
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(D) The department shall require a health insuring corporation to comply with section 5164.7511 of the Revised Code with respect to medication synchronization. 87981  
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(E) The department shall require a health insuring corporation to comply with section 5164.091 of the Revised Code as if the health insuring corporation were the department. 87984  
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**Sec. 5167.173.** (A) As used in this section: 87987

(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 87988  
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(2) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code. 87991  
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~~(2)~~(3) "Community health worker services" means the services described in section 4723.81 of the Revised Code. 87993  
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~~(3)~~(4) "Public health nurse" means a registered nurse 87995  
employed or contracted by a board of health. 87996

(5) "Qualified community hub" means a central clearinghouse 87997  
for a network of community care coordination agencies ~~and~~ that 87998  
meets all of the following criteria: 87999

(a) Demonstrates to the director of health that it uses an 88000  
evidenced-based, pay-for-performance community care coordination 88001  
model (endorsed by the federal agency for healthcare research and 88002  
quality, the national institutes of health, and the centers for 88003  
medicare and medicaid services or their successors) or uses 88004  
certified community health workers or public health nurses to 88005  
connect at-risk individuals to health, housing, transportation, 88006  
employment, education, and other social services; 88007

(b) ~~Demonstrates~~ Is a board of health or demonstrates to the 88008  
director of health that it has achieved, or is engaged in 88009  
achieving, certification from a national hub certification 88010  
program; 88011

(c) Has a plan, approved by the medicaid director, specifying 88012  
how the board of health or community hub ensures that children 88013  
served by it receive appropriate developmental screenings as 88014  
specified in the publication titled "Bright Futures: Guidelines 88015  
for Health Supervision of Infants, Children, and Adolescents," 88016  
available from the American academy of pediatrics, as well as 88017  
appropriate early and periodic screening, diagnostic, and 88018  
treatment services. 88019

(B) When contracting with a medicaid managed care 88020  
organization that is a health insuring corporation, the department 88021  
of medicaid shall require the organization to provide to a 88022  
medicaid recipient who meets the criteria in division (C) of this 88023  
section, or arrange for the medicaid recipient to receive, both of 88024  
the following services provided by a certified community health 88025

worker or public health nurse, as applicable, who is employed by, 88026  
or works under a contract with, a qualified community hub: 88027

(1) Community health worker services or services provided by 88028  
a public health nurse; 88029

(2) Other services that are not community health worker 88030  
services or services provided by a public health nurse but are 88031  
performed for the purpose of ensuring that the medicaid recipient 88032  
is linked to employment services, housing, educational services, 88033  
social services, or medically necessary physical and behavioral 88034  
health services. 88035

(C) A medicaid recipient qualifies to receive the services 88036  
specified in division (B) of this section if the medicaid 88037  
recipient is pregnant or capable of becoming pregnant, resides in 88038  
a community served by a qualified community hub, has been 88039  
recommended to receive the services by a physician, public health 88040  
nurse, or another licensed health professional specified in rules 88041  
adopted under division (D) of this section, and is enrolled in the 88042  
medicaid managed care organization providing or arranging for the 88043  
services. 88044

(D) The medicaid director shall adopt rules under section 88045  
5167.02 of the Revised Code specifying the licensed health 88046  
professionals, in addition to physicians and public health nurses, 88047  
who may recommend that a medicaid recipient receive the services 88048  
specified in division (B) of this section. 88049

**Sec. 5167.18.** Each contract the department of medicaid enters 88050  
into with a managed care organization under section 5167.10 of the 88051  
Revised Code shall require the managed care organization to comply 88052  
with federal and state efforts to identify fraud, waste, and abuse 88053  
in the medicaid program. 88054

**Sec. 5167.30.** (A)(1) The department of medicaid shall 88055

establish a managed care performance payment program. Under the 88056  
program, the department may provide payments to medicaid managed 88057  
care organizations that meet performance standards established by 88058  
the department. 88059

(2) In establishing performance standards, the department may 88060  
consult any of the following: 88061

(a) Any quality measurements developed under the pediatric 88062  
quality measures program established pursuant to the "Social 88063  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 88064

(b) Any core set of adult health quality measures for 88065  
medicaid eligible adults used for purposes of the "Social Security 88066  
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 88067  
quality used for purposes of the medicaid quality measurement 88068  
program when the program is established under that section of the 88069  
"Social Security Act"; 88070

(c) The most recent healthcare effectiveness data and 88071  
information set and quality measurement tool established by the 88072  
national committee for quality assurance. 88073

(3) The standards that must be met to receive the payments 88074  
may be specified in the contract the department enters into with a 88075  
medicaid managed care organization. 88076

(4) If a medicaid managed care organization meets the 88077  
performance standards established by the department, the 88078  
department shall make one or more performance payments to the 88079  
organization. The amount of each performance payment, the number 88080  
of payments, and the schedule for making the payments shall be 88081  
established by the department. The payments shall be discontinued 88082  
if the department determines that the organization no longer meets 88083  
the performance standards. The department shall not make or 88084  
discontinue payments based on any performance standard that has 88085

been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations. The sum of all withholdings under this division shall not exceed ~~two~~ five per cent of the total of all premium payments made to all medicaid managed care organizations.

Each medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its provider agreement with the department.

When the amount is established and each time the amount is modified thereafter, the department shall certify the amount to the director of budget and management and begin withholding the amount from each premium the department pays to a medicaid managed care organization.

Sec. 5167.34. A medicaid managed care organization, its officers, employees, or other persons associated with the managed care organization are not liable in a civil action for damages or other relief for furnishing information to the department of medicaid regarding potential fraud, waste, or abuse in the medicaid program.

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period 88116  
used by a hospital in reporting costs for purposes of Title XVIII 88117  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 88118

(C) "Disproportionate share hospital" means a hospital that 88119  
meets the definition of a disproportionate share hospital in rules 88120  
adopted under section 5168.02 of the Revised Code. 88121

(D) "Federal poverty line" means the official poverty line 88122  
defined by the United States office of management and budget based 88123  
on the most recent data available from the United States bureau of 88124  
the census and revised by the United States secretary of health 88125  
and human services pursuant to the "Omnibus Budget Reconciliation 88126  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 88127

(E) "Governmental hospital" means a county hospital with more 88128  
than five hundred registered beds or a state-owned and -operated 88129  
hospital with more than five hundred registered beds. 88130

(F)(1) "Hospital" means a nonfederal hospital to which either 88131  
of the following applies: 88132

(a) The hospital is registered under section 3701.07 of the 88133  
Revised Code as a general medical and surgical hospital or a 88134  
pediatric general hospital, and provides inpatient hospital 88135  
services, as defined in 42 C.F.R. 440.10; 88136

(b) The hospital is recognized under the medicare program as 88137  
a cancer hospital and is exempt from the medicare prospective 88138  
payment system. 88139

(2) "Hospital" does not include a hospital operated by a 88140  
health insuring corporation that has been issued a certificate of 88141  
authority under section 1751.05 of the Revised Code or a hospital 88142  
that does not charge patients for services. 88143

(G) "Indigent care pool" means the sum of the following: 88144

(1) The total of assessments to be paid in a program year by 88145

all hospitals under section 5168.06 of the Revised Code, less the 88146  
assessments deposited into the health ~~care services administration~~ 88147  
care/medicaid support and recoveries fund created under section 88148  
~~5162.54~~ 5162.52 of the Revised Code; 88149

(2) The total amount of intergovernmental transfers required 88150  
to be made in the same program year by governmental hospitals 88151  
under section 5168.07 of the Revised Code, less the amount of 88152  
transfers deposited into the health ~~care services administration~~ 88153  
care/medicaid support and recoveries fund created under section 88154  
~~5162.54~~ 5162.52 of the Revised Code; 88155

(3) The total amount of federal matching funds that will be 88156  
made available in the same program year as a result of funds 88157  
distributed by the department of medicaid to hospitals under 88158  
section 5168.09 of the Revised Code. 88159

(H) "Intergovernmental transfer" means any transfer of money 88160  
by a governmental hospital under section 5168.07 of the Revised 88161  
Code. 88162

(I) "Medicaid services" has the same meaning as in section 88163  
5164.01 of the Revised Code. 88164

(J) "Program year" means a period beginning the first day of 88165  
October, or a later date designated in rules adopted under section 88166  
5168.02 of the Revised Code, and ending the thirtieth day of 88167  
September, or an earlier date designated in rules adopted under 88168  
that section. 88169

(K) "Registered beds" means the total number of hospital beds 88170  
registered with the department of health, as reported in the most 88171  
recent "directory of registered hospitals" published by the 88172  
department of health. 88173

(L) "Third-party payer" means any person or government entity 88174  
that may be liable by law or contract to make payment to or on 88175  
behalf of an individual for health care services. "Third-party 88176

payer" does not include a hospital. 88177

(M) "Total facility costs" means the total costs for all 88178  
services rendered to all patients, including the direct, indirect, 88179  
and overhead cost to the hospital of all services, supplies, 88180  
equipment, and capital related to the care of patients, regardless 88181  
of whether patients are enrolled in a health insuring corporation, 88182  
excluding costs associated with providing skilled nursing services 88183  
in distinct-part nursing facility units, as shown on the 88184  
hospital's cost report filed under section 5168.05 of the Revised 88185  
Code. Effective October 1, 1993, if rules adopted under section 88186  
5168.02 of the Revised Code so provide, "total facility costs" may 88187  
exclude costs associated with providing care to recipients of any 88188  
of the governmental programs listed in division (B) of that 88189  
section. 88190

(N) "Uncompensated care" means bad debt and charity care. 88191

**Sec. 5168.02.** (A) The medicaid director shall adopt rules in 88192  
accordance with Chapter 119. of the Revised Code for the purpose 88193  
of administering sections 5168.01 to 5168.14 of the Revised Code, 88194  
including rules that do all of the following: 88195

(1) Define as a "disproportionate share hospital" any 88196  
hospital included under the "Social Security Act," section 88197  
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 88198  
determines appropriate; 88199

(2) Prescribe the form for submission of cost reports under 88200  
section 5168.05 of the Revised Code; 88201

(3) Establish, in accordance with division (A) of section 88202  
5168.06 of the Revised Code, the assessment rate or rates to be 88203  
applied to hospitals under that section; 88204

(4) Establish schedules for hospitals to pay installments on 88205  
their assessments under section 5168.06 of the Revised Code and 88206



for governmental hospitals to pay installments on their 88207  
intergovernmental transfers under section 5168.07 of the Revised 88208  
Code; 88209

(5) Establish procedures to notify hospitals of adjustments 88210  
made under division (B)(2)(b) of section 5168.06 of the Revised 88211  
Code in the amount of installments on their assessment; 88212

(6) Establish procedures to notify hospitals of adjustments 88213  
made under division (D) of section 5168.08 of the Revised Code in 88214  
the total amount of their assessment and to adjust for the 88215  
remainder of the program year the amount of the installments on 88216  
the assessments; 88217

(7) Establish, in accordance with section 5168.09 of the 88218  
Revised Code, the methodology for paying hospitals under that 88219  
section. 88220

The director shall consult with hospitals when adopting the 88221  
rules required by divisions (A)(4) and (5) of this section in 88222  
order to minimize hospitals' cash flow difficulties. 88223

(B) Rules adopted under this section may provide that "total 88224  
facility costs" excludes costs associated with any of the 88225  
following: 88226

(1) Medicaid recipients; 88227

~~(2) Recipients of disability financial assistance provided 88228  
under Chapter 5115. of the Revised Code; 88229~~

~~(3) Recipients of the program for medically handicapped 88230  
children established under section 3701.023 of the Revised Code; 88231~~

~~(4)(3) Medicare beneficiaries; 88232~~

~~(5)(4) Recipients of Title V of the "Social Security Act," 42 88233  
U.S.C. 701 et seq.; 88234~~

~~(6)(5) Any other category of costs deemed appropriate by the 88235  
director in accordance with Title XIX of the "Social Security 88236~~

Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 88237  
title. 88238

**Sec. 5168.06.** (A) For the purpose of distributing funds to 88239  
hospitals under the medicaid program pursuant to sections 5168.01 88240  
to 5168.14 of the Revised Code and depositing funds into the 88241  
health ~~care services administration~~ care/medicaid support and 88242  
recoveries fund created under section ~~5162.54~~ 5162.52 of the 88243  
Revised Code, there is hereby imposed an assessment on all 88244  
hospitals. Each hospital's assessment shall be based on total 88245  
facility costs. All hospitals shall be assessed according to the 88246  
rate or rates established each program year in rules adopted under 88247  
section 5168.02 of the Revised Code. The department shall assess 88248  
all hospitals uniformly and in a manner consistent with federal 88249  
statutes and regulations. During any program year, the department 88250  
shall not assess any hospital more than two per cent of the 88251  
hospital's total facility costs. 88252

The department shall establish an assessment rate or rates 88253  
each program year that will do both of the following: 88254

(1) Yield funds that, when combined with intergovernmental 88255  
transfers and federal matching funds, will produce a program of 88256  
sufficient size to pay a substantial portion of the indigent care 88257  
provided by hospitals; 88258

(2) Yield funds that, when combined with intergovernmental 88259  
transfers and federal matching funds, will produce amounts for 88260  
distribution to disproportionate share hospitals that do not 88261  
exceed, in the aggregate, the limits prescribed by the United 88262  
States health care financing administration under the "Social 88263  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 88264

(B)(1) Except as provided in division (B)(3) of this section, 88265  
each hospital shall pay its assessment in periodic installments in 88266  
accordance with a schedule established in rules adopted under 88267

section 5168.02 of the Revised Code. 88268

(2) The installments shall be equal in amount, unless either 88269  
of the following applies: 88270

(a) The department makes adjustments during a program year 88271  
under division (D) of section 5168.08 of the Revised Code in the 88272  
total amount of hospitals' assessments; 88273

(b) The medicaid director determines that adjustments in the 88274  
amounts of installments are necessary for the administration of 88275  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 88276  
installments will not create cash flow difficulties for hospitals. 88277

(3) The director may adopt rules under section 5168.02 of the 88278  
Revised Code establishing alternate schedules for hospitals to pay 88279  
assessments under this section in order to reduce hospitals' cash 88280  
flow difficulties. 88281

**Sec. 5168.07.** (A) The department of medicaid may require 88282  
governmental hospitals to make intergovernmental transfers each 88283  
program year for the purpose of distributing funds to hospitals 88284  
under the medicaid program pursuant to sections 5168.01 to 5168.14 88285  
of the Revised Code and depositing funds into the health ~~care~~ 88286  
~~services administration~~ care/medicaid support and recoveries fund 88287  
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 88288  
department shall not require transfers in an amount that, when 88289  
combined with hospital assessments paid under section 5168.06 of 88290  
the Revised Code and federal matching funds, produce amounts for 88291  
distribution to disproportionate share hospitals that, in the 88292  
aggregate, exceed limits prescribed by the United States health 88293  
care financing administration under the "Social Security Act," 88294  
section 1923(f), 42 U.S.C. 1396r-4(f). 88295

(B) Before or during each program year, the department shall 88296  
notify each governmental hospital of the amount of the 88297

intergovernmental transfer it is required to make during the 88298  
program year. Each governmental hospital shall make 88299  
intergovernmental transfers as required by the department under 88300  
this section in periodic installments, executed by electronic fund 88301  
transfer, in accordance with a schedule established in rules 88302  
adopted under section 5168.02 of the Revised Code. 88303

**Sec. 5168.09.** The medicaid director shall adopt rules under 88304  
section 5168.02 of the Revised Code establishing a methodology to 88305  
pay hospitals that is sufficient to expend all money in the 88306  
indigent care pool. Under the rules: 88307

(A) The department of medicaid may classify similar hospitals 88308  
into groups and allocate funds for distribution within each group. 88309

(B) The department shall establish a method of allocating 88310  
funds to hospitals, taking into consideration the relative amount 88311  
of indigent care provided by each hospital or group of hospitals. 88312  
The amount to be allocated shall be based on any combination of 88313  
the following indicators of indigent care that the director 88314  
considers appropriate: 88315

(1) Total costs, volume, or proportion of services to 88316  
recipients of the medical assistance program, including recipients 88317  
enrolled in health insuring corporations; 88318

(2) Total costs, volume, or proportion of services to 88319  
low-income patients in addition to medicaid recipients, which may 88320  
include recipients of Title V of the "Social Security Act," 42 88321  
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 88322  
~~assistance provided under Chapter 5115. of the Revised Code;~~ 88323

(3) The amount of uncompensated care provided by the hospital 88324  
or group of hospitals; 88325

(4) Other factors that the director considers to be 88326  
appropriate indicators of indigent care. 88327

(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds. The formula shall be consistent with the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5168.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund created under section 5168.11 of the Revised Code and the portion of the health care - federal fund created under section 5162.50 of the Revised Code that is credited to that fund pursuant to division (B) of section 5168.11 of the Revised Code are insufficient to make the total distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each distribution by the percentage by which the amount and portion are insufficient. The department shall distribute to hospitals any amounts not distributed in the period in which they are due as soon as moneys are available in the funds.

**Sec. 5168.10.** Except for moneys deposited into the health

~~care services administration~~ care/medicaid support and recoveries 88360  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 88361  
the department of medicaid shall not use money paid to the 88362  
department under sections 5168.06 and 5168.07 of the Revised Code 88363  
or money that the department pays to hospitals under section 88364  
5168.09 of the Revised Code to replace any funds appropriated by 88365  
the general assembly for the medicaid program. 88366

**Sec. 5168.11.** (A) Except as provided in section ~~5162.54~~ 88367  
5162.52 of the Revised Code, all payments of assessments by 88368  
hospitals under section 5168.06 of the Revised Code and all 88369  
intergovernmental transfers under section 5168.07 of the Revised 88370  
Code shall be deposited in the state treasury to the credit of the 88371  
hospital care assurance program fund, hereby created. All 88372  
investment earnings of the hospital care assurance program fund 88373  
shall be credited to the fund. The department of medicaid shall 88374  
maintain records that show the amount of money in the hospital 88375  
care assurance program fund at any time that has been paid by each 88376  
hospital and the amount of any investment earnings on that amount. 88377  
All moneys credited to the hospital care assurance program fund 88378  
shall be used solely to make payments to hospitals under division 88379  
(D) of this section and section 5168.09 of the Revised Code. 88380

(B) All federal matching funds received as a result of the 88381  
department distributing funds from the hospital care assurance 88382  
program fund to hospitals under section 5168.09 of the Revised 88383  
Code shall be credited to the health care - federal fund created 88384  
under section 5162.50 of the Revised Code. 88385

(C) All distributions of funds to hospitals under section 88386  
5168.09 of the Revised Code are conditional on: 88387

(1) Expiration of the time for appeals under section 5168.08 88388  
of the Revised Code without the filing of an appeal, or on court 88389  
determinations, in the event of appeals, that the hospital is 88390

entitled to the funds; 88391

(2) The sum of the following being sufficient to distribute 88392  
the funds after the final determination of any appeals: 88393

(a) The available money in the hospital care assurance 88394  
program fund; 88395

(b) The available portion of the money in the health care - 88396  
federal fund that is credited to that fund pursuant to division 88397  
(B) of this section. 88398

(3) The hospital's compliance with section 5168.14 of the 88399  
Revised Code. 88400

(D) If an audit conducted by the department of the amounts of 88401  
payments made and funds received by hospitals under sections 88402  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 88403  
amounts that, due to errors by the department, a hospital should 88404  
not have been required to pay but did pay, should have been 88405  
required to pay but did not pay, should not have received but did 88406  
receive, or should have received but did not receive, the 88407  
department shall: 88408

(1) Make payments to any hospital that the audit reveals paid 88409  
amounts it should not have been required to pay or did not receive 88410  
amounts it should have received; 88411

(2) Take action to recover from a hospital any amounts that 88412  
the audit reveals it should have been required to pay but did not 88413  
pay or that it should not have received but did receive. 88414

Payments made under division (D)(1) of this section shall be 88415  
made from the hospital care assurance program fund. Amounts 88416  
recovered under division (D)(2) of this section shall be deposited 88417  
to the credit of that fund. Any hospital may appeal the amount the 88418  
hospital is to be paid under division (D)(1) or the amount that is 88419  
to be recovered from the hospital under division (D)(2) of this 88420

section to the court of common pleas of Franklin county. 88421

**Sec. 5168.14.** (A) Each hospital that receives funds 88422  
distributed under sections 5168.01 to 5168.14 of the Revised Code 88423  
shall provide, without charge to the individual, basic, medically 88424  
necessary hospital-level services to individuals who are residents 88425  
of this state, are not medicaid recipients, and whose income is at 88426  
or below the federal poverty line. ~~Recipients of disability~~ 88427  
~~financial assistance provided under Chapter 5115. of the Revised~~ 88428  
~~Code qualify for services under this section.~~ The medicaid 88429  
director shall adopt rules under section 5168.02 of the Revised 88430  
Code specifying the hospital services to be provided under this 88431  
section. 88432

(B) Nothing in this section shall be construed to prevent a 88433  
hospital from requiring an individual to apply for the medicaid 88434  
program before the hospital processes an application under this 88435  
section. Hospitals may bill any third-party payer for services 88436  
rendered under this section. Hospitals may bill the medicaid 88437  
program, in accordance with state statutes governing the medicaid 88438  
program and rules adopted under those statutes, for medicaid 88439  
services rendered under this section if the individual becomes a 88440  
medicaid recipient. Hospitals may bill individuals for services 88441  
under this section if all of the following apply: 88442

(1) The hospital has an established post-billing procedure 88443  
for determining the individual's income and canceling the charges 88444  
if the individual is found to qualify for services under this 88445  
section. 88446

(2) The initial bill, and at least the first follow-up bill, 88447  
is accompanied by a written statement that does all of the 88448  
following: 88449

(a) Explains that individuals with income at or below the 88450  
federal poverty line are eligible for services without charge; 88451



(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 88452  
88453

(c) Describes the procedure required by division (C)(1) of this section. 88454  
88455

(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 88456  
88457

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 88458  
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 88463  
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 88467  
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**Sec. 5168.26.** (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 88476  
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(B) The rules adopted under this section may do the following: 88482  
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(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following: 88484  
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88486

(a) A hospital's costs associated with providing care to recipients of any of the following: 88487  
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(i) The medicaid program; 88489

(ii) The medicare program; 88490

~~(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;~~ 88491  
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~~(iv)~~ The program for medically handicapped children established under section 3701.023 of the Revised Code; 88493  
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~~(v)~~(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq. 88495  
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(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program. 88498  
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88500

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals. 88501  
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(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly. 88504  
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Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code: 88511  
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(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code. 88513  
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(B) "Franchise fee" means the fee imposed on health insuring corporations under section 5168.76 of the Revised Code. 88515  
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(C) "Health insuring corporation" means a health insuring corporation, as defined in section 1751.01 of the Revised Code, that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services pursuant to a policy, contract, certificate, or agreement. "Health insuring corporation" does not mean a health insuring corporation that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services, or only specialty health care services, pursuant to a policy, contract, certificate, or agreement. 88517  
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(D) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 88527  
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(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 88535  
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 88537  
88538

(E) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 88539  
88540

(F) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 88541  
88542

(G) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation, except any such month in which either of the following applies: 88543  
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(1) The recipient is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f). 88547  
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(2) The recipient is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 88552  
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88554

(H) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation, except any such month in which either of the following applies: 88555  
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(1) The resident is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f). 88559  
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(2) The resident is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 88564  
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**Sec. 5168.76.** (A) For the purposes specified in section 5168.85 of the Revised Code and subject to sections 5168.82, 5168.83, and 5168.84 of the Revised Code, a franchise fee is hereby imposed each month beginning with July 2017 on each health 88567  
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insuring corporation. 88571

(B) The amount of a health insuring corporation's franchise fee for a month shall be determined as follows: 88572  
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(1) Multiply the number of Ohio medicaid member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (C) of this section; 88574  
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(2) Multiply the number of other Ohio member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (D) of this section; 88578  
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(3) Determine the sum of the products determined under divisions (B)(1) and (2) of this section. 88582  
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(C) The applicable rate or rates to be used in the calculation under division (B)(1) of this section for a health insuring corporation for a month shall depend on the cumulative total number of Ohio medicaid member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the franchise fee is due. 88584  
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The following table shows the applicable rate or rates: 88591

<u>CUMULATIVE TOTAL NUMBER OF OHIO MEDICAID MEMBER MONTHS</u>	<u>APPLICABLE RATE</u>	
<u>For the first 250,000</u>	<u>\$56</u>	88593
<u>For 250,001 to 500,000</u>	<u>\$45</u>	88594
<u>For 500,001 and above</u>	<u>\$26</u>	88595

(D) The applicable rate or rates to be used in the calculation under division (B)(2) of this section for a health insuring corporation for a month shall depend on the cumulative total number of other Ohio member months the health insuring 88596  
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88598  
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corporation had for all of a fiscal year's months that ended 88600  
before the beginning of the month in which the franchise fee is 88601  
due. 88602

The following table shows the applicable rate or rates: 88603

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>	88604
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<u>MEMBER MONTHS</u>		
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<u>For the first 150,000</u>	<u>\$2</u>	88605
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<u>For 150,001 and above</u>	<u>\$1</u>	88606
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Sec. 5168.77. Beginning in August 2017, each health insuring 88608  
corporation shall do both of the following not later than the 88609  
fifth business day of each month: 88610

(A) Inform the department of medicaid of both of the 88611  
following in a manner the department prescribes: 88612

(1) The cumulative total number of Ohio medicaid member 88613  
months the health insuring corporation had for all of a fiscal 88614  
year's months that ended before the beginning of the month in 88615  
which the information is being provided; 88616

(2) The cumulative total number of other Ohio member months 88617  
the health insuring corporation had for all of a fiscal year's 88618  
months that ended before the beginning of the month in which the 88619  
information is being provided. 88620

(B) Pay to the department the amount of its franchise fee for 88621  
the immediately preceding month. 88622

Sec. 5168.78. The department of medicaid may request that a 88623  
health insuring corporation provide the department documentation 88624  
the department needs to verify the health insuring corporation's 88625  
cumulative total number of Ohio medicaid member months and other 88626  
Ohio member months. On receipt of the request, the health insuring 88627  
corporation shall provide the department the requested 88628  
documentation. The department also may review relevant 88629

documentation possessed by other entities for the purpose of 88630  
making such verifications. 88631

Sec. 5168.79. If the department of medicaid determines that 88632  
the amount of the franchise fee that a health insuring corporation 88633  
pays for a month is less than the amount it should have paid, the 88634  
department shall notify the health insuring corporation. Except as 88635  
otherwise provided by the results of a reconsideration conducted 88636  
under section 5168.80 of the Revised Code, the health insuring 88637  
corporation shall pay the amount due. 88638

Sec. 5168.80. A health insuring corporation may request a 88639  
reconsideration of a determination made by the department of 88640  
medicaid under section 5168.79 of the Revised Code. A 88641  
reconsideration may be requested solely on the grounds that the 88642  
department made a material error in making the determination. A 88643  
request for a reconsideration must be received by the department 88644  
not later than fifteen days after the date the department notifies 88645  
the health insuring corporation of the department's determination 88646  
and must include written materials setting forth the basis for the 88647  
reconsideration. If a health insuring corporation requests a 88648  
reconsideration within the time required, the department shall 88649  
reconsider the determination and issue a final decision not later 88650  
than thirty days after the date the department receives the 88651  
request. 88652

Sec. 5168.81. If a health insuring corporation fails to pay 88653  
the full amount of a franchise fee when due, the department of 88654  
medicaid may assess a ten per cent penalty on the amount due for 88655  
each month or fraction thereof that the franchise fee is overdue. 88656

Sec. 5168.82. The franchise fee shall not be imposed on any 88657  
health insuring corporation unless there is in effect a waiver 88658

authorizing the franchise fee issued by the United States 88659  
secretary of health and human services pursuant to section 88660  
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 88661  
1396b(w)(3)(E). 88662

**Sec. 5168.83.** If the total amount of franchise fees imposed 88663  
on all health insuring corporations under section 5168.76 of the 88664  
Revised Code during a fiscal year exceeds the indirect guarantee 88665  
percentage of the net patient revenue for all health insuring 88666  
corporations for that fiscal year and seventy-five per cent or 88667  
more of all health insuring corporations receive enhanced medicaid 88668  
payments or other state payments equal to seventy-five per cent or 88669  
more of their total franchise fees, the department of medicaid 88670  
shall refund the excess amount of the franchise fees to the health 88671  
insuring corporations. 88672

**Sec. 5168.84.** If the United States centers for medicare and 88673  
medicaid services determines that the franchise fee is an 88674  
impermissible health care-related tax under the section 1903(w) of 88675  
the "Social Security Act," 42 U.S.C. 1396b(w), the department of 88676  
medicaid shall do either of the following as appropriate: 88677

(A) Modify the imposition of the franchise fee, including (if 88678  
necessary) the amount of the franchise fee, in a manner needed for 88679  
the United States centers to reverse its determination; 88680

(B) Take all necessary actions to cease the imposition of the 88681  
franchise fee until the determination is reversed. 88682

**Sec. 5168.85.** (A) There is hereby created in the state 88683  
treasury the health insuring corporation franchise fee fund. All 88684  
payments and penalties paid by health insuring corporations under 88685  
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 88686  
be deposited into the fund. Money in the fund shall be used to 88687



make medicaid payments to medicaid providers and medicaid managed 88688  
care organizations. 88689

(B) Any money remaining in the health insuring corporation 88690  
franchise fee fund after payments specified in division (A) of 88691  
this section are made shall be retained in the fund. Any interest 88692  
or other investment proceeds earned on money in the fund shall be 88693  
credited to the fund and used to make medicaid payments in 88694  
accordance with division (A) of this section. 88695

Sec. 5168.86. The medicaid director may adopt rules in 88696  
accordance with Chapter 119. as necessary to implement sections 88697  
5168.75 to 5168.86 of the Revised Code. 88698

**Sec. 5168.99.** (A) The medicaid director shall impose a 88699  
penalty for each day that a hospital fails to report the 88700  
information required under section 5168.05 of the Revised Code on 88701  
or before the dates specified in that section. The amount of the 88702  
penalty shall be established by the director in rules adopted 88703  
under section 5168.02 of the Revised Code. 88704

(B) In addition to any other remedy available to the 88705  
department of medicaid under law to collect unpaid assessments and 88706  
transfers under sections 5168.01 to 5168.14 of the Revised Code, 88707  
the director shall impose a penalty of ten per cent of the amount 88708  
due on any hospital that fails to pay assessments or make 88709  
intergovernmental transfers by the dates required by rules adopted 88710  
under section 5168.02 of the Revised Code. 88711

(C) In addition to any other remedy available to the 88712  
department of medicaid under law to collect unpaid assessments 88713  
imposed under section 5168.21 of the Revised Code, the director 88714  
shall impose a penalty of ten per cent of the amount due on any 88715  
hospital that fails to pay the assessment by the date it is due. 88716

(D) The director shall waive the penalties provided for in 88717  
this section for good cause shown by the hospital. 88718

(E) All penalties imposed under this section shall be 88719  
deposited into the health ~~care administration~~ care/medicaid 88720  
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 88721  
the Revised Code. 88722

**Sec. 5502.01.** (A) The department of public safety shall 88723  
administer and enforce the laws relating to the registration, 88724  
licensing, sale, and operation of motor vehicles and the laws 88725  
pertaining to the licensing of drivers of motor vehicles. 88726

The department shall compile, analyze, and publish statistics 88727  
relative to motor vehicle accidents and the causes of them, 88728  
prepare and conduct educational programs for the purpose of 88729  
promoting safety in the operation of motor vehicles on the 88730  
highways, and conduct research and studies for the purpose of 88731  
promoting safety on the highways of this state. 88732

(B) The department shall administer the laws and rules 88733  
relative to trauma and emergency medical services specified in 88734  
Chapter 4765. of the Revised Code and any laws and rules relative 88735  
to medical transportation services specified in Chapter 4766. of 88736  
the Revised Code. 88737

(C) The department shall administer and enforce the laws 88738  
contained in Chapters 4301. and 4303. of the Revised Code and 88739  
enforce the rules and orders of the liquor control commission 88740  
pertaining to retail liquor permit holders. 88741

(D) The department shall administer the laws governing the 88742  
state emergency management agency and shall enforce all additional 88743  
duties and responsibilities as prescribed in the Revised Code 88744  
related to emergency management services. 88745

(E) The department shall conduct investigations pursuant to 88746

Chapter 5101. of the Revised Code in support of the duty of the 88747  
department of job and family services to administer the 88748  
supplemental nutrition assistance program throughout this state. 88749  
The department of public safety shall conduct investigations 88750  
necessary to protect the state's property rights and interests in 88751  
the supplemental nutrition assistance program. 88752

(F) The department of public safety shall enforce compliance 88753  
with orders and rules of the public utilities commission and 88754  
applicable laws in accordance with Chapters 4905., 4921., and 88755  
4923. of the Revised Code regarding commercial motor vehicle 88756  
transportation safety, economic, and hazardous materials 88757  
requirements. 88758

(G) Notwithstanding Chapter 4117. of the Revised Code, the 88759  
department of public safety may establish requirements for its 88760  
enforcement personnel, including its enforcement agents described 88761  
in section 5502.14 of the Revised Code, that include standards of 88762  
conduct, work rules and procedures, and criteria for eligibility 88763  
as law enforcement personnel. 88764

(H) The department shall administer, maintain, and operate 88765  
the Ohio criminal justice network. The Ohio criminal justice 88766  
network shall be a computer network that supports state and local 88767  
criminal justice activities. The network shall be an electronic 88768  
repository for various data, which may include arrest warrants, 88769  
notices of persons wanted by law enforcement agencies, criminal 88770  
records, prison inmate records, stolen vehicle records, vehicle 88771  
operator's licenses, and vehicle registrations and titles. 88772

(I) The department shall coordinate all homeland security 88773  
activities of all state agencies and shall be a liaison between 88774  
state agencies and local entities for those activities and related 88775  
purposes. 88776

(J) Beginning July 1, 2004, the department shall administer 88777

and enforce the laws relative to private investigators and 88778  
security service providers specified in Chapter 4749. of the 88779  
Revised Code. 88780

(K) The department shall administer criminal justice services 88781  
in accordance with sections 5502.61 to 5502.66 of the Revised 88782  
Code. 88783

(L) The department shall coordinate security measures and 88784  
operations, and may direct the department of administrative 88785  
services and the capitol square review and advisory board to 88786  
implement any security measures and operations the department of 88787  
public safety requires, at the Vern Riffe Center, James A. Rhodes 88788  
state office tower, and the capitol square, as defined under 88789  
section 105.41 of the Revised Code. 88790

**Sec. 5502.13.** The department of public safety shall maintain 88791  
an investigative unit in order to conduct investigations and other 88792  
enforcement activity authorized by Chapters 4301., 4303., 5101., 88793  
5107., and 5108., ~~and 5115.~~ and sections 2903.12, 2903.13, 88794  
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 88795  
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 88796  
of the Revised Code. The director of public safety shall appoint 88797  
the employees of the unit who are necessary, designate the 88798  
activities to be performed by those employees, and prescribe their 88799  
titles and duties. 88800

**Sec. 5502.1321.** (A) There is hereby created the Ohio 88801  
investigative unit contingency fund, which shall be in the custody 88802  
of the treasurer of state but shall not be part of the state 88803  
treasury. All money seized during investigations or other 88804  
enforcement activities of the investigative unit of the department 88805  
of public safety prior to January 1, 2017 shall be deposited into 88806  
the fund. The director of public safety shall transfer money upon 88807

resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code. 88808  
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(B) There is hereby created the Ohio investigative unit custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety on and after January 1, 2017, shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code. 88810  
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**Sec. 5502.68.** (A) There is hereby created in the state treasury the drug law enforcement fund. Ninety-seven per cent of three dollars and fifty cents out of each ten-dollar court cost imposed pursuant to section 2949.094 of the Revised Code shall be credited to the fund. Money in the fund shall be used only in accordance with this section to award grants to counties, municipal corporations, townships, township police districts, and joint police districts to defray the expenses that a drug task force organized in the county, or in the county in which the municipal corporation, township, or district is located, incurs in performing its functions related to the enforcement of the state's drug laws and other state laws related to illegal drug activity. 88819  
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The division of criminal justice services shall administer all money deposited into the drug law enforcement fund and, by rule adopted under Chapter 119. of the Revised Code, shall establish procedures for a county, municipal corporation, township, township police district, or joint police district to apply for money from the fund to defray the expenses that a drug task force organized in the county, or in the county in which the municipal corporation, township, or district is located, incurs in 88831  
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performing its functions related to the enforcement of the state's 88839  
drug laws and other state laws related to illegal drug activity, 88840  
procedures and criteria for determining eligibility of applicants 88841  
to be provided money from the fund, and procedures and criteria 88842  
for determining the amount of money to be provided out of the fund 88843  
to eligible applicants. 88844

(B) The procedures and criteria established under division 88845  
(A) of this section for applying for money from the fund shall 88846  
include, but shall not be limited to, a provision requiring a 88847  
county, municipal corporation, township, township police district, 88848  
or joint police district that applies for money from the fund to 88849  
specify in its application the amount of money desired from the 88850  
fund, provided that the cumulative amount requested in all 88851  
applications submitted for any single drug task force may not 88852  
exceed more than two hundred fifty thousand dollars in any 88853  
calendar year for that task force. 88854

(C) The procedures and criteria established under division 88855  
(A) of this section for determining eligibility of applicants to 88856  
be provided money from the fund and for determining the amount of 88857  
money to be provided out of the fund to eligible applicants shall 88858  
include, but not be limited to, all of the following: 88859

(1) Provisions requiring that, in order to be eligible to be 88860  
provided money from the fund, a drug task force that applies for 88861  
money from the fund must provide evidence that the drug task force 88862  
will receive a local funding match of at least twenty-five per 88863  
cent of the task force's projected operating costs in the period 88864  
of time covered by the grant; 88865

(2) Provisions requiring that money from the fund be 88866  
allocated and provided to drug task forces that apply for money 88867  
from the fund in accordance with the following priorities: 88868

(a) Drug task forces that apply, that are in existence on the 88869

date of the application, and that are determined to be eligible 88870  
applicants, and to which either of the following applies shall be 88871  
given first priority to be provided money from the fund: 88872

(i) Drug task forces that received funding through the 88873  
division of criminal justice services in calendar year 2007; 88874

(ii) Drug task forces in a county that has a population that 88875  
exceeds seven hundred fifty thousand. 88876

(b) If any moneys remain in the fund after all drug task 88877  
forces that apply, that are in existence on the date of the 88878  
application, that are determined to be eligible applicants, and 88879  
that satisfy the criteria set forth in division (C)(2)(a)(i) or 88880  
(ii) of this section are provided money from the fund as described 88881  
in division (C)(2)(a) of this section, the following categories of 88882  
drug task forces that apply and that are determined to be eligible 88883  
applicants shall be given priority to be provided money from the 88884  
fund in the order in which they apply for money from the fund: 88885

(i) Drug task forces that are not in existence on the date of 88886  
the application; 88887

(ii) Drug task forces that are in existence on the date of 88888  
the application but that do not satisfy the criteria set forth in 88889  
division (C)(2)(a)(i) or (ii) of this section. 88890

(D) The procedures and criteria established under division 88891  
(A) of this section for determining the amount of money to be 88892  
provided out of the fund to eligible applicants shall include, but 88893  
shall not be limited to, a provision specifying that the 88894  
cumulative amount provided to any single drug task force may not 88895  
exceed more than two hundred fifty thousand dollars in any 88896  
calendar year. 88897

(E) Any drug task force for which a grant is awarded by the 88898  
division of criminal justice services under this section shall 88899  
comply with all grant requirements established by the division, 88900

including a requirement that the drug task force report its 88901  
activities through the El Paso intelligence center information 88902  
technology systems. 88903

(F) As used in this section, "drug task force" means a drug 88904  
task force organized in any county by the sheriff of the county, 88905  
the prosecuting attorney of the county, the chief of police of the 88906  
organized police department of any municipal corporation or 88907  
township in the county, and the chief of police of the police 88908  
force of any township police district or joint police district in 88909  
the county to perform functions related to the enforcement of 88910  
state drug laws and other state laws related to illegal drug 88911  
activity. 88912

**Sec. 5503.02.** (A) The state highway patrol shall enforce the 88913  
laws of the state relating to the titling, registration, and 88914  
licensing of motor vehicles; enforce on all roads and highways, 88915  
notwithstanding section 4513.39 of the Revised Code, the laws 88916  
relating to the operation and use of vehicles on the highways; 88917  
enforce and prevent the violation of the laws relating to the 88918  
size, weight, and speed of commercial motor vehicles and all laws 88919  
designed for the protection of the highway pavements and 88920  
structures on the highways; investigate and enforce rules and laws 88921  
of the public utilities commission governing the transportation of 88922  
persons and property by motor carriers and report violations of 88923  
such rules and laws to the commission; enforce against any motor 88924  
carrier as defined in section 4923.01 of the Revised Code those 88925  
rules and laws that, if violated, may result in a forfeiture as 88926  
provided in section 4923.99 of the Revised Code; investigate and 88927  
report violations of all laws relating to the collection of excise 88928  
taxes on motor vehicle fuels; and regulate the movement of traffic 88929  
on the roads and highways of the state, notwithstanding section 88930  
4513.39 of the Revised Code. 88931



The patrol, whenever possible, shall determine the identity 88932  
of the persons who are causing or who are responsible for the 88933  
breaking, damaging, or destruction of any improved surfaced 88934  
roadway, structure, sign, marker, guardrail, or other appurtenance 88935  
constructed or maintained by the department of transportation and 88936  
shall arrest the persons who are responsible for the breaking, 88937  
damaging, or destruction and bring them before the proper 88938  
officials for prosecution. 88939

State highway patrol troopers shall investigate and report 88940  
all motor vehicle accidents on all roads and highways outside of 88941  
municipal corporations. The superintendent of the patrol or any 88942  
state highway patrol trooper may arrest, without a warrant, any 88943  
person, who is the driver of or a passenger in any vehicle 88944  
operated or standing on a state highway, whom the superintendent 88945  
or trooper has reasonable cause to believe is guilty of a felony, 88946  
under the same circumstances and with the same power that any 88947  
peace officer may make such an arrest. 88948

The superintendent or any state highway patrol trooper may 88949  
enforce the criminal laws on all state properties and state 88950  
institutions, owned or leased by the state, and, when so ordered 88951  
by the governor in the event of riot, civil disorder, or 88952  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 88953  
Revised Code, arrest offenders against the criminal laws wherever 88954  
they may be found within the state if the violations occurred 88955  
upon, or resulted in injury to person or property on, state 88956  
properties or state institutions, or under the conditions 88957  
described in division (B) of this section. This authority of the 88958  
superintendent and any state highway patrol trooper to enforce the 88959  
criminal laws shall extend to the Lake Erie Correctional 88960  
Institution, to the same extent as if that prison were owned by 88961  
this state. 88962

(B) In the event of riot, civil disorder, or insurrection, or 88963

the reasonable threat of riot, civil disorder, or insurrection, 88964  
and upon request, as provided in this section, of the sheriff of a 88965  
county or the mayor or other chief executive of a municipal 88966  
corporation, the governor may order the state highway patrol to 88967  
enforce the criminal laws within the area threatened by riot, 88968  
civil disorder, or insurrection, as designated by the governor, 88969  
upon finding that law enforcement agencies within the counties 88970  
involved will not be reasonably capable of controlling the riot, 88971  
civil disorder, or insurrection and that additional assistance is 88972  
necessary. In cities in which the sheriff is under contract to 88973  
provide exclusive police services pursuant to section 311.29 of 88974  
the Revised Code, in villages, and in the unincorporated areas of 88975  
the county, the sheriff has exclusive authority to request the use 88976  
of the patrol. In cities in which the sheriff does not exclusively 88977  
provide police services, the mayor, or other chief executive 88978  
performing the duties of mayor, has exclusive authority to request 88979  
the use of the patrol. 88980

The superintendent or any state highway patrol trooper may 88981  
enforce the criminal laws within the area designated by the 88982  
governor during the emergency arising out of the riot, civil 88983  
disorder, or insurrection until released by the governor upon 88984  
consultation with the requesting authority. State highway patrol 88985  
troopers shall never be used as peace officers in connection with 88986  
any strike or labor dispute. 88987

When a request for the use of the patrol is made pursuant to 88988  
this division, the requesting authority shall notify the law 88989  
enforcement authorities in contiguous communities and the sheriff 88990  
of each county within which the threatened area, or any part of 88991  
the threatened area, lies of the request, but the failure to 88992  
notify the authorities or a sheriff shall not affect the validity 88993  
of the request. 88994

(C) Any person who is arrested by the superintendent or a 88995

state highway patrol trooper shall be taken before any court or 88996  
magistrate having jurisdiction of the offense with which the 88997  
person is charged. Any person who is arrested or apprehended 88998  
within the limits of a municipal corporation shall be brought 88999  
before the municipal court or other tribunal of the municipal 89000  
corporation. 89001

(D)(1) State highway patrol troopers have the same right and 89002  
power of search and seizure as other peace officers. 89003

No state official shall command, order, or direct any state 89004  
highway patrol trooper to perform any duty or service that is not 89005  
authorized by law. The powers and duties conferred on the patrol 89006  
are supplementary to, and in no way a limitation on, the powers 89007  
and duties of sheriffs or other peace officers of the state. 89008

(2)(a) A state highway patrol trooper, pursuant to the policy 89009  
established by the superintendent of the state highway patrol 89010  
under division (D)(2)(b) of this section, may render emergency 89011  
assistance to any other peace officer who has arrest authority 89012  
under section 2935.03 of the Revised Code, if both of the 89013  
following apply: 89014

(i) There is a threat of imminent physical danger to the 89015  
peace officer, a threat of physical harm to another person, or any 89016  
other serious emergency situation; 89017

(ii) Either the peace officer requests emergency assistance, 89018  
or it appears that the peace officer is unable to request 89019  
emergency assistance and the circumstances observed by the state 89020  
highway patrol trooper reasonably indicate that emergency 89021  
assistance is appropriate, or the peace officer requests emergency 89022  
assistance and in the request the peace officer specifies a 89023  
particular location and the state highway patrol trooper arrives 89024  
at that location prior to the time that the peace officer arrives 89025  
at that location and the circumstances observed by the state 89026

highway patrol trooper reasonably indicate that emergency 89027  
assistance is appropriate. 89028

(b) The superintendent of the state highway patrol shall 89029  
establish, within sixty days of August 8, 1991, a policy that sets 89030  
forth the manner and procedures by which a state highway patrol 89031  
trooper may render emergency assistance to any other peace officer 89032  
under division (D)(2)(a) of this section. The policy shall include 89033  
a provision that a state highway patrol trooper never be used as a 89034  
peace officer in connection with any strike or labor dispute. 89035

(3)(a) A state highway patrol trooper who renders emergency 89036  
assistance to any other peace officer under the policy established 89037  
by the superintendent pursuant to division (D)(2)(b) of this 89038  
section shall be considered to be performing regular employment 89039  
for the purposes of compensation, pension, indemnity fund rights, 89040  
workers' compensation, and other rights or benefits to which the 89041  
trooper may be entitled as incident to regular employment. 89042

(b) A state highway patrol trooper who renders emergency 89043  
assistance to any other peace officer under the policy established 89044  
by the superintendent pursuant to division (D)(2)(b) of this 89045  
section retains personal immunity from liability as specified in 89046  
section 9.86 of the Revised Code. 89047

(c) A state highway patrol trooper who renders emergency 89048  
assistance under the policy established by the superintendent 89049  
pursuant to division (D)(2)(b) of this section has the same 89050  
authority as the peace officer for or with whom the state highway 89051  
patrol trooper is providing emergency assistance. 89052

(E)(1) Subject to the availability of funds specifically 89053  
appropriated by the general assembly for security detail purposes, 89054  
the state highway patrol shall provide security as follows: 89055

(a) For the governor; 89056

(b) At the direction of the governor, for other officials of 89057

the state government of this state; officials of the state 89058  
governments of other states who are visiting this state; officials 89059  
of the United States government who are visiting this state; 89060  
officials of the governments of foreign countries or their 89061  
political subdivisions who are visiting this state; or other 89062  
officials or dignitaries who are visiting this state, including, 89063  
but not limited to, members of trade missions; 89064

(c) For the capitol square, as defined in section 105.41 of 89065  
the Revised Code, as directed by the department of public safety; 89066

(d) For the Vern Riffe center and the James A. Rhodes state 89067  
office tower, as directed by the department of public safety; 89068

(e) For other state property. 89069

(2) To carry out the security responsibilities of the patrol 89070  
listed in division (E)(1) of this section, the superintendent may 89071  
assign state highway patrol troopers to a separate unit that is 89072  
responsible for security details. The number of troopers assigned 89073  
to particular security details shall be determined by the 89074  
superintendent. 89075

(3) The superintendent and any state highway patrol trooper, 89076  
when providing security pursuant to division (E)(1)(a) or (b) of 89077  
this section, have the same arrest powers as other peace officers 89078  
to apprehend offenders against the criminal laws who endanger or 89079  
threaten the security of any person being protected, no matter 89080  
where the offense occurs. 89081

The superintendent, any state highway patrol trooper, and any 89082  
special police officer designated under section 5503.09 of the 89083  
Revised Code, ~~when~~ if providing security pursuant to division 89084  
(E)(1)(c) of this section, shall enforce any rules governing 89085  
capitol square adopted by the capitol square review and advisory 89086  
board. 89087

(F) The governor may order the state highway patrol to 89088

undertake major criminal investigations that involve state 89089  
property interests. If an investigation undertaken pursuant to 89090  
this division results in either the issuance of a no bill or the 89091  
filing of an indictment, the superintendent shall file a complete 89092  
and accurate report of the investigation with the president of the 89093  
senate, the speaker of the house of representatives, the minority 89094  
leader of the senate, and the minority leader of the house of 89095  
representatives within fifteen days after the issuance of the no 89096  
bill or the filing of an indictment. If the investigation does not 89097  
have as its result any prosecutorial action, the superintendent 89098  
shall, upon reporting this fact to the governor, file a complete 89099  
and accurate report of the investigation with the president of the 89100  
senate, the speaker of the house of representatives, the minority 89101  
leader of the senate, and the minority leader of the house of 89102  
representatives. 89103

(G) The superintendent may purchase or lease real property 89104  
and buildings needed by the patrol, negotiate the sale of real 89105  
property owned by the patrol, rent or lease real property owned or 89106  
leased by the patrol, and make or cause to be made repairs to all 89107  
property owned or under the control of the patrol. Any instrument 89108  
by which real property is acquired pursuant to this division shall 89109  
identify the agency of the state that has the use and benefit of 89110  
the real property as specified in section 5301.012 of the Revised 89111  
Code. 89112

Sections 123.01 and 125.02 of the Revised Code do not limit 89113  
the powers granted to the superintendent by this division. 89114

**Sec. 5515.07.** (A) The director of transportation, in 89115  
accordance with Chapter 119. of the Revised Code, shall adopt 89116  
rules consistent with the safety of the traveling public and 89117  
consistent with the national policy to govern the use and control 89118  
of rest areas within the limits of the right-of-way of interstate 89119

highways and other state highways and in other areas within the 89120  
limits of the right-of-way of interstate highways. 89121

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this 89122  
section or as otherwise authorized by applicable federal law or 89123  
federal regulations, no person shall engage in selling or offering 89124  
for sale or exhibiting for purposes of sale, goods, products, 89125  
merchandise, or services within the bounds of rest areas within 89126  
the limits of the right-of-way of interstate highways and other 89127  
state highways, or in other areas within the limits of the 89128  
right-of-way of interstate highways, unless the director issues a 89129  
permit in accordance with section 5515.01 of the Revised Code. 89130  
Notwithstanding any rules adopted by the director to the contrary 89131  
or any other policy changes proposed by the director, each 89132  
district deputy director of the department of transportation shall 89133  
continue to implement any program allowing organizations to 89134  
dispense free coffee or similar items after obtaining a permit 89135  
that operated within the district prior to January 1, 1997. Each 89136  
district deputy director shall operate such program within the 89137  
district in the same manner as the program was operated prior to 89138  
that date. 89139

~~(C)~~(2) In accordance with rules adopted under division (A) of 89140  
this section, the director may cause vending machines to be placed 89141  
within each rest area that is able to accommodate the machines. 89142  
The vending machines shall dispense food, drink, and other 89143  
appropriate articles. 89144

~~(D)~~ This (3) The prohibition under division (B)(1) of this 89145  
section does not apply to the sale of goods, products, 89146  
merchandise, or services required for the emergency repair of 89147  
motor vehicles or emergency medical treatment, or to the 89148  
department of transportation as provided in section 5515.08 of the 89149  
Revised Code. 89150

(C) The director shall not close any rest area that is 89151

located within the limits of the right-of-way of a scenic byway 89152  
designated under section 5516.05 of the Revised Code. 89153

Sec. 5516.20. A sign may be displayed adjacent to an 89154  
interstate highway system that uses light-emitting diode lighting 89155  
if the sign is located within the boundaries of a tourism 89156  
development district designated by a township under section 503.56 89157  
of the Revised Code or a municipal corporation under section 89158  
715.014 of the Revised Code except to the extent limited or 89159  
prohibited by this chapter, any rule adopted under this chapter, 89160  
or any zoning regulation adopted by a county, municipal 89161  
corporation, or other local zoning authority with jurisdiction. 89162

Sec. 5575.02. After the board of township trustees has 89163  
decided to proceed with a road improvement, it shall advertise for 89164  
bids once, not later than two weeks prior to the date fixed for 89165  
the letting of contracts, in a newspaper of general circulation 89166  
within the township. Such notice shall state that copies of the 89167  
surveys, plans, profiles, cross sections, ~~estimates,~~ and 89168  
specifications for such improvement are on file with the board, 89169  
and the time within which bids will be received. The board may let 89170  
the work as a whole or in convenient sections, as it determines. 89171  
The contract shall be awarded to the lowest and best bidder who 89172  
meets the requirements of section 153.54 of the Revised Code, and 89173  
shall be let upon the basis of lump sum bids, unless the board 89174  
orders that it be let upon the basis of unit price bids, in which 89175  
event it shall be let upon such basis. 89176

The board is not required to provide notice of the project 89177  
cost estimate when advertising for bids under this section. 89178

Sec. 5575.03. No contract for any road improvement shall be 89179  
awarded at a price more than ten per cent in excess of the 89180  
estimated cost. The bids received shall be opened at the time 89181



stated in the notice. If no bids are made that equal one hundred 89182  
ten per cent of the estimate or less, the board of township 89183  
trustees shall either readvertise ~~at~~ based upon the original 89184  
estimate, or request an amended estimate from the county engineer, 89185  
who shall proceed to make such an estimate as provided in section 89186  
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 89187  
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 89188  
The board is not required to provide notice of the estimate or 89189  
amended estimate when readvertising under this section. 89190

No contract shall be awarded for any road improvement without 89191  
the certification as to funding required under section 5705.41 of 89192  
the Revised Code. The board may reject all bids. 89193

**Sec. 5577.081.** (A) Except when transferring unfinished 89194  
aggregate material between facilities that are under the control 89195  
of the same owner or operator that is subject to Chapter 1514. of 89196  
the Revised Code or when unloading or loading finished aggregate 89197  
product within a ten-mile radius of a surface mining operation 89198  
that is permitted and regulated under that chapter, all vehicles 89199  
entering or leaving such an operation that have a gross vehicle 89200  
weight as defined in division (JJ) of section 4501.01 of the 89201  
Revised Code that is in excess of sixty-six thousand pounds shall 89202  
use the specific roads designated pursuant to sections 303.14 and 89203  
303.141 or 519.14 and 519.141 of the Revised Code as the primary 89204  
means of ingress to and egress from the facilities or operation. 89205

(B) The owner or operator of a surface mining operation that 89206  
is permitted under Chapter 1514. of the Revised Code and that is 89207  
subject to the use of specific roads as the primary means of 89208  
ingress to and egress from the operation pursuant to sections 89209  
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 89210  
post a sign in a conspicuous location to inform the drivers of 89211  
trucks entering and leaving the operation of the roads to use as 89212

the primary means of ingress to and egress from the operation. 89213

(C)(1) Whoever violates this section shall receive a written 89214  
warning in such a manner that it becomes a part of the person's 89215  
permanent record that is maintained by the bureau of motor 89216  
vehicles and assists in monitoring violations of this section. 89217

(2) A person who commits a second offense within one year 89218  
after committing the first offense is guilty of a minor 89219  
misdemeanor. 89220

(3) A person who commits a third or subsequent offense within 89221  
one year after committing the first offense is guilty of a 89222  
misdemeanor of the fourth degree. 89223

(D) Fine money that is collected under division (C) of this 89224  
section shall be deposited in the state treasury to the credit of 89225  
the ~~surface~~ mining regulation and safety fund created in section 89226  
~~1514.06~~ 1513.30 of the Revised Code. 89227

**Sec. 5595.03.** (A) A resolution of a board of county 89228  
commissioners undertaking a regional transportation improvement 89229  
project must include a cooperative agreement containing all of the 89230  
following: 89231

(1) A description or analysis of the deficiencies of the 89232  
existing transportation system in the counties participating in 89233  
the project and of projected needs or deficiencies of the system 89234  
in ensuing years under reasonable assumptions about development, 89235  
population trends, and other factors affecting transportation 89236  
infrastructure in the counties; 89237

(2) A comprehensive list of the transportation improvements 89238  
to be completed as part of the project, including a general 89239  
description of each improvement, schedules of the projected 89240  
beginning and end of each improvement, and the estimated cost of 89241  
each improvement; 89242

(3) Directives regarding the operations and reporting requirements of the governing board;	89243 89244
(4) <del>The number of years</del> <u>Subject to division (E) of this section, the period for which</u> the agreement is to be in effect;	89245 89246
(5) Any other terms the board of county commissioners considers necessary or conducive to communicate the intentions of the cooperative agreement and to ensure its effective implementation by the governing board.	89247 89248 89249 89250
(B) A board of county commissioners that intends to undertake a regional transportation improvement project shall hold at least one public hearing on the proposed cooperative agreement before adopting a resolution approving the agreement. The board of county commissioners shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the county. During the thirty-day period before the public hearing, the proposed cooperative agreement shall be made available for public inspection at the offices of each county that will be a party to the agreement.	89251 89252 89253 89254 89255 89256 89257 89258 89259 89260
(C) If the cooperative agreement is approved by each county that will be a party to the agreement, one of the participating counties shall send a copy of the agreement to the director of transportation. The director shall evaluate the agreement and determine if the transportation improvements specified in the agreement are in the best interest of the transportation facilities of this state, as defined in section 5501.01 of the Revised Code. If the director approves the agreement, the director shall send notice of approval to each county that is a party to the agreement. Unless otherwise provided in the cooperative agreement, the agreement is effective immediately upon approval by the director. If the director does not approve the agreement, the director shall send notice of denial to each county that is a party to the agreement. The notice of denial shall include the	89261 89262 89263 89264 89265 89266 89267 89268 89269 89270 89271 89272 89273 89274

reason or reasons for the denial and recommendations for ways in 89275  
which the agreement may be changed to meet the approval of the 89276  
director. If the director does not make a determination within 89277  
ninety days after receiving a cooperative agreement under this 89278  
section, the director is deemed to have approved the agreement 89279  
and, unless otherwise provided in the agreement, the agreement is 89280  
effective immediately. No cooperative agreement is effective 89281  
without actual or constructive approval by the director under this 89282  
section. 89283

(D) The cooperative agreement governing a regional 89284  
transportation improvement project may be amended at any time by 89285  
majority vote of the governing board and of the boards of county 89286  
commissioners of each of the participating counties and with the 89287  
approval of the director of transportation obtained in the same 89288  
manner as approval of the original agreement. 89289

(E) The period for which a cooperative agreement adopted or 89290  
amended under this section is in effect shall not exceed fifteen 89291  
years following the effective date of the original agreement or, 89292  
if the agreement authorizes the governing board to issue 89293  
securities, twenty years following the first issuance of 89294  
securities by the governing board. 89295

**Sec. 5595.06.** (A) The governing board of a regional 89296  
transportation improvement project, pursuant to the cooperative 89297  
agreement, may request and receive pledges of revenue from the 89298  
state, the counties that are parties to the agreement, and any 89299  
political subdivision or taxing unit located within any of those 89300  
counties. Except as provided in division (B) of this section, the 89301  
pledged revenues shall be used solely for the purpose of funding 89302  
the transportation improvements prescribed by the cooperative 89303  
agreement, the debt charges on any securities issued by the 89304  
governing board under section 5595.05 of the Revised Code, and the 89305

expenses of the governing board. The state, the counties, and any 89306  
political subdivision or taxing unit located within such a county 89307  
may pledge revenue to the governing board from any of the 89308  
following sources: 89309

(1) The general revenue fund of the state; 89310

(2) License tax revenue derived from an annual motor vehicle 89311  
license tax imposed pursuant to section 4504.22 of the Revised 89312  
Code; 89313

(3) Payments in lieu of taxes derived under section 5709.42, 89314  
5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 89315  
real property for which such payments are made will benefit from 89316  
the proposed transportation improvements; 89317

(4) Income tax revenue derived from a joint economic 89318  
development district or joint economic development zone 89319  
established pursuant to section 715.69, 715.691, 715.70, 715.71, 89320  
or 715.72 of the Revised Code if the district or zone will benefit 89321  
from the proposed transportation improvements; 89322

(5) Revenue derived from special assessments levied in a 89323  
special improvement district created under Chapter 1710. of the 89324  
Revised Code if the district will benefit from the proposed 89325  
transportation improvements; 89326

(6) Revenue from an income source of a new community district 89327  
established pursuant to section 349.03 of the Revised Code if the 89328  
district will benefit from the proposed transportation 89329  
improvements; 89330

(7) Income tax revenue derived from a tax levied by a 89331  
municipal corporation in accordance with Chapter 718. of the 89332  
Revised Code if the municipal corporation will benefit from the 89333  
proposed transportation improvements and revenue from the tax may 89334  
lawfully be applied to that purpose under the ordinance or 89335

resolution levying the tax; 89336

(8) Sales and use tax revenue derived from a tax levied under 89337  
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 89338  
5741.023 of the Revised Code if the county or transit authority 89339  
will benefit from the proposed transportation improvements and 89340  
revenue from the tax may lawfully be applied to that purpose under 89341  
the resolution levying the tax. 89342

(B) The governing board shall use license tax revenue pledged 89343  
to the project under division (A)(2) of this section for the 89344  
purpose of funding transportation improvements described in the 89345  
cooperative agreement and any other supplemental transportation 89346  
improvements necessary to complete the project. If the board 89347  
intends to use any of the license tax revenue for supplemental 89348  
improvements not described in the agreement, the board, before 89349  
submitting a request for license tax revenue to a board of county 89350  
commissioners under section 4504.22 of the Revised Code, shall 89351  
adopt a resolution allocating the revenue among the improvements 89352  
described in the agreement and such supplemental improvements not 89353  
described in the agreement. The amount used for supplemental 89354  
improvements may not exceed five dollars for each motor vehicle on 89355  
which the motor vehicle license tax is collected. If the motor 89356  
vehicle license tax is approved, the governing board shall 89357  
allocate the revenue only in accordance with the resolution. The 89358  
allocation may not be changed unless a proposition to change the 89359  
allocation is approved by the majority of electors voting on the 89360  
proposition in each county that is a party to the cooperative 89361  
agreement. Such a proposition may be proposed by resolution of the 89362  
governing board certified to the board of county commissioners of 89363  
each county, and, upon receiving such a certified resolution, each 89364  
board of county commissioners shall certify identical resolutions 89365  
to the respective county board of elections for placement on the 89366  
questions and issues ballot at the next succeeding election 89367

occurring at least ninety days after the resolution is certified 89368  
to the board of elections. 89369

(C) Pledges of revenue under division (A) of this section may 89370  
take any form and may be made subject to any terms that are 89371  
mutually agreeable between the revenue contributor and the 89372  
governing board. Pledges may be effectuated through periodic or 89373  
one-time fixed payments, in variable installments based on 89374  
estimated increases in tax revenue attributable to the activities 89375  
of the regional transportation improvement project, or through any 89376  
other means negotiated by the revenue contributor and the 89377  
government board. 89378

As used in this division, "revenue contributor" means the 89379  
state, the counties that are parties to the cooperative agreement, 89380  
or any political subdivision or taxing unit located within any of 89381  
those participating counties, that pledges revenue to a regional 89382  
transportation improvement project under division (A) of this 89383  
section. 89384

**Sec. 5595.13.** ~~Upon completion of the transportation 89385~~  
~~improvements listed in the cooperative agreement, fulfillment of 89386~~  
~~all contractual duties assumed by the governing board, and 89387~~  
~~repayment of all bonds issued by the governing board, the A 89388~~  
regional transportation improvement project and the its governing 89389  
board ~~shall dissolve~~ are dissolved by operation of law on the date 89390  
specified in the cooperative agreement. The governing board shall 89391  
fulfill all contractual duties assumed by the board and repay all 89392  
bonds issued by the board before that date. Upon dissolution of 89393  
the regional transportation improvement project, the boards of 89394  
county commissioners that created the regional transportation 89395  
improvement project shall assume title to all real and personal 89396  
property acquired by the board in the fulfillment of its duties 89397  
under this chapter. The property shall be divided and distributed 89398

in accordance with the cooperative agreement. Unless otherwise 89399  
provided by contract, pledges of revenue to the governing board 89400  
from the state or a political subdivision or taxing unit shall 89401  
terminate by operation of law upon the dissolution of the regional 89402  
transportation improvement project. Unless otherwise provided in 89403  
the cooperative agreement, unencumbered funds held by the 89404  
governing board on the date the regional transportation 89405  
improvement district is dissolved shall be proportionally 89406  
distributed to the state and each political subdivision and taxing 89407  
unit that pledged revenue to the project based on the ratio that 89408  
the amount contributed by the state, political subdivision, or 89409  
taxing unit bears to the total amount contributed by the state and 89410  
all political subdivisions and taxing units over the full duration 89411  
of the project. 89412

Sec. 5703.0510. (A) Notwithstanding any other provision of 89413  
the Revised Code that requires a taxpayer to provide a tax credit 89414  
certificate to the tax commissioner upon the commissioner's 89415  
request, any person claiming a credit against a tax or fee 89416  
administered by the commissioner shall provide a copy of any 89417  
accompanying certificate issued by the director of development 89418  
services or by another state agency, if applicable, demonstrating 89419  
the person's eligibility for the credit claimed. 89420

(B) If the commissioner prescribes a form for the purpose of 89421  
tracking the credits claimed by a person against any tax or fee 89422  
administered by the commissioner, the person shall provide the 89423  
completed form and a copy of any certificate described in division 89424  
(A) of this section on or before the due date of the return, 89425  
report, or schedule for the tax or fee against which the credit is 89426  
claimed. 89427

(C) If a person fails to provide a certificate or form as 89428  
required under this section, the commissioner shall deny the 89429



credit claimed by the person until such certificate or form is 89430  
provided to the commissioner. Any amount denied under this section 89431  
may be assessed in the same manner as the underlying tax or fee. 89432

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 89433  
of this section, no agent of the department of taxation, except in 89434  
the agent's report to the department or when called on to testify 89435  
in any court or proceeding, shall divulge any information acquired 89436  
by the agent as to the transactions, property, or business of any 89437  
person while acting or claiming to act under orders of the 89438  
department. Whoever violates this provision shall thereafter be 89439  
disqualified from acting as an officer or employee or in any other 89440  
capacity under appointment or employment of the department. 89441  
89442

(B)(1) For purposes of an audit pursuant to section 117.15 of 89443  
the Revised Code, or an audit of the department pursuant to 89444  
Chapter 117. of the Revised Code, or an audit, pursuant to that 89445  
chapter, the objective of which is to express an opinion on a 89446  
financial report or statement prepared or issued pursuant to 89447  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 89448  
officers and employees of the auditor of state charged with 89449  
conducting the audit shall have access to and the right to examine 89450  
any state tax returns and state tax return information in the 89451  
possession of the department to the extent that the access and 89452  
examination are necessary for purposes of the audit. Any 89453  
information acquired as the result of that access and examination 89454  
shall not be divulged for any purpose other than as required for 89455  
the audit or unless the officers and employees are required to 89456  
testify in a court or proceeding under compulsion of legal 89457  
process. Whoever violates this provision shall thereafter be 89458  
disqualified from acting as an officer or employee or in any other 89459  
capacity under appointment or employment of the auditor of state. 89460

(2) For purposes of an internal audit pursuant to section 89461  
126.45 of the Revised Code, the officers and employees of the 89462  
office of internal audit in the office of budget and management 89463  
charged with directing the internal audit shall have access to and 89464  
the right to examine any state tax returns and state tax return 89465  
information in the possession of the department to the extent that 89466  
the access and examination are necessary for purposes of the 89467  
internal audit. Any information acquired as the result of that 89468  
access and examination shall not be divulged for any purpose other 89469  
than as required for the internal audit or unless the officers and 89470  
employees are required to testify in a court or proceeding under 89471  
compulsion of legal process. Whoever violates this provision shall 89472  
thereafter be disqualified from acting as an officer or employee 89473  
or in any other capacity under appointment or employment of the 89474  
office of internal audit. 89475

(3) As provided by section 6103(d)(2) of the Internal Revenue 89476  
Code, any federal tax returns or federal tax information that the 89477  
department has acquired from the internal revenue service, through 89478  
federal and state statutory authority, may be disclosed to the 89479  
auditor of state or the office of internal audit solely for 89480  
purposes of an audit of the department. 89481

(4) For purposes of Chapter 3739. of the Revised Code, an 89482  
agent of the department of taxation may share information with the 89483  
division of state fire marshal that the agent finds during the 89484  
course of an investigation. 89485

(C) Division (A) of this section does not prohibit any of the 89486  
following: 89487

(1) Divulging information contained in applications, 89488  
complaints, and related documents filed with the department under 89489  
section 5715.27 of the Revised Code or in applications filed with 89490  
the department under section 5715.39 of the Revised Code; 89491

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	89492 89493 89494
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	89495 89496 89497 89498 89499
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	89500 89501 89502
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	89503 89504 89505
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	89506 89507 89508 89509
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	89510 89511 89512 89513 89514 89515 89516 89517
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	89518 89519
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose	89520 89521 89522

documents so provided, the county auditor shall not disclose such documents;  
documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;

(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary

to verify a lottery sales agent's compliance with section 5747.064 89554  
of the Revised Code. 89555

(16) Disclosing to the development services agency 89556  
information in the possession of the department of taxation that 89557  
is necessary to ensure compliance with the laws of this state 89558  
governing taxation and to verify information reported to the 89559  
development services agency for the purpose of evaluating 89560  
potential tax credits, grants, or loans. Such information shall 89561  
not include information received from the internal revenue service 89562  
the disclosure of which is prohibited by section 6103 of the 89563  
Internal Revenue Code. No officer, employee, or agent of the 89564  
development services agency shall disclose any information 89565  
provided to the development services agency by the department of 89566  
taxation under division (C)(16) of this section except when 89567  
disclosure of the information is necessary for, and made solely 89568  
for the purpose of facilitating, the evaluation of potential tax 89569  
credits, grants, or loans. 89570

(17) Disclosing to the department of insurance information in 89571  
the possession of the department of taxation that is necessary to 89572  
ensure a taxpayer's compliance with the requirements with any tax 89573  
credit administered by the development services agency and claimed 89574  
by the taxpayer against any tax administered by the superintendent 89575  
of insurance. No officer, employee, or agent of the department of 89576  
insurance shall disclose any information provided to the 89577  
department of insurance by the department of taxation under 89578  
division (C)(17) of this section. 89579

(18) Disclosing to the division of liquor control information 89580  
in the possession of the department of taxation that is necessary 89581  
for the division and department to comply with the requirements of 89582  
sections 4303.26 and 4303.271 of the Revised Code. 89583

**Sec. 5703.26.** No person shall knowingly make, present, aid, 89584

or assist in the preparation or presentation of a false or 89585  
fraudulent report, return, schedule, statement, claim, or document 89586  
authorized or required by law to be filed with the department of 89587  
taxation, the treasurer of state, a county auditor, a county 89588  
treasurer, or a county clerk of courts, or knowingly procure, 89589  
counsel, or advise the preparation or presentation of such report, 89590  
return, schedule, statement, claim, or document, or knowingly 89591  
change, alter, or amend, or knowingly procure, counsel, or advise 89592  
such change, alteration, or amendment of the records upon which 89593  
such report, return, schedule, statement, claim, or document is 89594  
based with intent to defraud the state or any of its subdivisions. 89595

If the report, return, schedule, statement, claim, or 89596  
document involves the application for or renewal of a license, 89597  
such acts or conduct may result in the denial or revocation of the 89598  
license. 89599

With respect to such acts or conduct, no conviction shall be 89600  
had under any other section of the Revised Code. 89601

**Sec. 5703.75.** This section applies to any tax, fee, or charge 89602  
payable to the state and administered by the tax commissioner. If 89603  
the total amount of any such tax, fee, or charge shown to be due 89604  
on a return, amended return, or notice does not exceed one dollar, 89605  
the taxpayer or person liable for the tax, fee, or charge shall 89606  
not be required to remit the amount due. If the total amount of a 89607  
~~taxpayer's~~ an overpayment of any such tax, fee, or charge does not 89608  
exceed one dollar, the tax commissioner shall not be required to 89609  
refund the overpayment. 89610

**Sec. 5703.94.** (A) As used in this section: 89611

(1) "Tax or fee" has the same meaning as in section 5703.77 89612  
of the Revised Code. 89613

(2) "Taxpayer" means a person subject to a tax or fee or a 89614

person required to collect or remit a tax or fee. 89615

(3) "Tax official" means the tax commissioner or any employee or agent thereof. 89616  
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(4) "Formal guidance" means a rule adopted by the tax commissioner under section 5703.16 of the Revised Code, an opinion issued by the commissioner under section 5703.53 of the Revised Code, or an advisory opinion or information release issued or reissued by the commissioner. 89618  
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(5) "Assessment" means an assessment issued by the tax commissioner against a taxpayer. 89623  
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(6) "Informal action" means any action undertaken by a tax official to notify a taxpayer that the taxpayer is subject to or required to remit the amount of any tax or fee in excess of the amount already paid or remitted by the taxpayer on the basis of a tax period or date ending before the date such a notification is made. 89625  
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(7) "Authorizing legislation date" means the effective date of an amendment, enactment, or repeal of a section, division, or paragraph of the Revised Code or uncodified law upon which a tax official bases the issuance of an assessment or the undertaking of informal action against a taxpayer. 89631  
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(B) A tax official shall not issue an assessment or undertake any informal action against a taxpayer that would subject to a tax or fee a category of persons, income, receipts, activities, transactions, services, or personal or real property that no tax official had explicitly considered to be subject to the tax or fee in any formal guidance, assessment, or informal action adopted, issued, in effect, or undertaken at any time during the three years after the authorizing legislation date related to that assessment or informal action. 89636  
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(C) Nothing in this section prohibits the tax commissioner 89645

from issuing formal guidance that would subject to any tax or fee 89646  
a category of persons, income, receipts, activities, transactions, 89647  
services, or personal or real property for tax periods or dates 89648  
beginning on or after the date such formal guidance is adopted or 89649  
issued. Division (B) of this section shall not apply to an 89650  
assessment issued or formal guidance undertaken on the basis of 89651  
such formal guidance for tax periods or dates beginning on or 89652  
after the date such formal guidance is adopted or issued. 89653

**Sec. 5705.01.** As used in this chapter: 89654

(A) "Subdivision" means any county; municipal corporation; 89655  
township; township police district; joint police district; 89656  
township fire district; joint fire district; joint ambulance 89657  
district; joint emergency medical services district; fire and 89658  
ambulance district; joint recreation district; township waste 89659  
disposal district; township road district; community college 89660  
district; technical college district; detention facility district; 89661  
a district organized under section 2151.65 of the Revised Code; a 89662  
combined district organized under sections 2152.41 and 2151.65 of 89663  
the Revised Code; a joint-county alcohol, drug addiction, and 89664  
mental health service district; a general health district formed 89665  
under section 3709.10 of the Revised Code; a drainage improvement 89666  
district created under section 6131.52 of the Revised Code; a lake 89667  
facilities authority created under Chapter 353. of the Revised 89668  
Code; a union cemetery district; a county school financing 89669  
district; a city, local, exempted village, cooperative education, 89670  
or joint vocational school district; or a regional student 89671  
education district created under section 3313.83 of the Revised 89672  
Code. 89673

(B) "Municipal corporation" means all municipal corporations, 89674  
including those that have adopted a charter under Article XVIII, 89675  
Ohio Constitution. 89676



(C) "Taxing authority" or "bond issuing authority" means, in 89677  
the case of any county, the board of county commissioners; in the 89678  
case of a municipal corporation, the council or other legislative 89679  
authority of the municipal corporation; in the case of a city, 89680  
local, exempted village, cooperative education, or joint 89681  
vocational school district, the board of education; in the case of 89682  
a community college district, the board of trustees of the 89683  
district; in the case of a technical college district, the board 89684  
of trustees of the district; in the case of a detention facility 89685  
district, a district organized under section 2151.65 of the 89686  
Revised Code, or a combined district organized under sections 89687  
2152.41 and 2151.65 of the Revised Code, the joint board of county 89688  
commissioners of the district; in the case of a township, the 89689  
board of township trustees; in the case of a joint police 89690  
district, the joint police district board; in the case of a joint 89691  
fire district, the board of fire district trustees; in the case of 89692  
a joint recreation district, the joint recreation district board 89693  
of trustees; in the case of a joint-county alcohol, drug 89694  
addiction, and mental health service district, the district's 89695  
board of alcohol, drug addiction, and mental health services; in 89696  
the case of a general health district that is a subdivision under 89697  
this section, the board of health of the district; in the case of 89698  
a joint ambulance district or a fire and ambulance district, the 89699  
board of trustees of the district; in the case of a union cemetery 89700  
district, the legislative authority of the municipal corporation 89701  
and the board of township trustees, acting jointly as described in 89702  
section 759.341 of the Revised Code; in the case of a drainage 89703  
improvement district, the board of county commissioners of the 89704  
county in which the drainage district is located; in the case of a 89705  
lake facilities authority, the board of directors; in the case of 89706  
a joint emergency medical services district, the joint board of 89707  
county commissioners of all counties in which all or any part of 89708  
the district lies; and in the case of a township police district, 89709

a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a regional student education district created under section 3313.83 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the fiscal officer of the subdivision by sections 5705.41 and 5705.44 of the Revised Code; in the case of a school district, the treasurer of the board of education; in the case of a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority; in the case of a township, the township fiscal officer; in the case of a joint police district, the treasurer of the district; in the case of a joint fire district, the clerk of the board of fire district trustees; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; in the case of a fire and ambulance district, the person appointed as fiscal officer pursuant to division (B) of section 505.375 of the Revised Code; in the case of a joint recreation district, the person designated

pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a metropolitan park district for which no treasurer has been appointed pursuant to section 1545.07 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; in the case of a metropolitan park district which has appointed a treasurer pursuant to section 1545.07 of the Revised Code, that treasurer; in the case of a drainage improvement district, the auditor of the county in which the drainage improvement district is located; in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code; in the case of a regional student education district, the fiscal officer appointed pursuant to section 3313.83 of the Revised Code; and in all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants for the expenditure of the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.

(F) "Current operating expenses" and "current expenses" mean the lawful expenditures of a subdivision, except those for permanent improvements, and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of

indebtedness of the subdivision. 89775

(G) "Debt charges" means interest, sinking fund, and 89776  
retirement charges on bonds, notes, or certificates of 89777  
indebtedness. 89778

(H) "Taxing unit" means any subdivision or other governmental 89779  
district having authority to levy taxes on the property in the 89780  
district or issue bonds that constitute a charge against the 89781  
property of the district, including conservancy districts, 89782  
metropolitan park districts, sanitary districts, road districts, 89783  
and other districts. 89784

(I) "District authority" means any board of directors, 89785  
trustees, commissioners, or other officers controlling a district 89786  
institution or activity that derives its income or funds from two 89787  
or more subdivisions, such as the educational service center, the 89788  
trustees of district children's homes, the district board of 89789  
health, a joint-county alcohol, drug addiction, and mental health 89790  
service district's board of alcohol, drug addiction, and mental 89791  
health services, detention facility districts, a joint recreation 89792  
district board of trustees, districts organized under section 89793  
2151.65 of the Revised Code, combined districts organized under 89794  
sections 2152.41 and 2151.65 of the Revised Code, and other such 89795  
boards. 89796

(J) "Tax list" and "tax duplicate" mean the general tax lists 89797  
and duplicates prescribed by sections 319.28 and 319.29 of the 89798  
Revised Code. 89799

(K) "Property" as applied to a tax levy means taxable 89800  
property listed on general tax lists and duplicates. 89801

(L) "Association library district" means a territory, the 89802  
boundaries of which are defined by the state library board 89803  
pursuant to division (I) of section 3375.01 of the Revised Code, 89804  
in which a library association or private corporation maintains a 89805

free public library. 89806

(M) "Library district" means a territory, the boundaries of 89807  
which are defined by the state library board pursuant to section 89808  
3375.01 of the Revised Code, in which the board of trustees of a 89809  
county, municipal corporation, school district, or township public 89810  
library maintains a free public library. 89811

(N) "Qualifying library levy" means either of the following: 89812

(1) A levy for the support of a library association or 89813  
private corporation that has an association library district with 89814  
boundaries that are not identical to those of a subdivision; 89815

(2) A levy proposed under section 5705.23 of the Revised Code 89816  
for the support of the board of trustees of a public library that 89817  
has a library district with boundaries that are not identical to 89818  
those of a subdivision. 89819

(O) "School library district" means a school district in 89820  
which a free public library has been established that is under the 89821  
control and management of a board of library trustees as provided 89822  
in section 3375.15 of the Revised Code. 89823

**Sec. 5705.03.** (A) The taxing authority of each subdivision 89824  
may levy taxes annually, subject to the limitations of sections 89825  
5705.01 to 5705.47 of the Revised Code, on the real and personal 89826  
property within the subdivision for the purpose of paying the 89827  
current operating expenses of the subdivision and acquiring or 89828  
constructing permanent improvements. The taxing authority of each 89829  
subdivision and taxing unit shall, subject to the limitations of 89830  
such sections, levy such taxes annually as are necessary to pay 89831  
the interest and sinking fund on and retire at maturity the bonds, 89832  
notes, and certificates of indebtedness of such subdivision and 89833  
taxing unit, including levies in anticipation of which the 89834  
subdivision or taxing unit has incurred indebtedness. 89835

(B)(1) When a taxing authority determines that it is necessary to levy a tax outside the ten-mill limitation for any purpose authorized by the Revised Code, the taxing authority shall certify to the county auditor a resolution or ordinance requesting that the county auditor certify to the taxing authority the total current tax valuation of the subdivision, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills. The resolution or ordinance shall state ~~the~~ all of the following:

(a) The purpose of the tax, ~~whether;~~

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a replacement of an existing tax, ~~and the~~ or a renewal or replacement of an existing tax with an increase or a decrease;

(c) The section of the Revised Code authorizing submission of the question of the tax;

(d) The term of years of the tax or if the tax is for a continuing period of time;

(e) That the tax is to be levied upon the entire territory of the subdivision or, if authorized by the Revised Code, a description of the portion of the territory of the subdivision in which the tax is to be levied;

(f) The date of the election at which the question of the tax shall appear on the ballot;

(g) That the ballot measure shall be submitted to the entire territory of the subdivision or, if authorized by the Revised Code, a description of the portion of the territory of the subdivision to which the ballot measure shall be submitted;

(h) The tax year in which the tax will first be levied and the calendar year in which the tax will first be collected;

(i) Each such county in which the subdivision has territory. 89866

~~If~~ 89867

If a subdivision is located in more than one county, the 89868  
county auditor shall obtain from the county auditor of each other 89869  
county in which the subdivision is located the current tax 89870  
valuation for the portion of the subdivision in that county. The 89871  
county auditor shall issue the certification to the taxing 89872  
authority within ten days after receiving the taxing authority's 89873  
resolution or ordinance requesting it. 89874

(2) When considering the tangible personal property component 89875  
of the tax valuation of the subdivision, the county auditor shall 89876  
take into account the assessment percentages prescribed in section 89877  
5711.22 of the Revised Code. The tax commissioner may issue rules, 89878  
orders, or instructions directing how the assessment percentages 89879  
must be utilized. 89880

(3) ~~If, upon~~ Upon receiving the certification from the county 89881  
auditor, the taxing authority ~~proceeds~~ may adopt a resolution or 89882  
ordinance stating the rate of the tax levy, expressed in mills for 89883  
each one dollar in tax valuation as estimated by the county 89884  
auditor, and that the taxing authority will proceed with the 89885  
submission of the question of the tax to electors, ~~the.~~ The taxing 89886  
authority shall certify ~~its~~ this resolution or ordinance, 89887  
~~accompanied by~~ a copy of the county auditor's certification, and 89888  
the resolution or ordinance the taxing authority adopted under 89889  
division (B)(1) of this section to the county auditor and to the 89890  
proper county board of elections in the manner and within the time 89891  
prescribed by the section of the Revised Code governing submission 89892  
of the question, ~~and shall include with its certification the rate~~ 89893  
~~of the tax levy, expressed in mills for each one dollar in tax~~ 89894  
~~valuation as estimated by the county auditor.~~ The county board of 89895  
elections shall not submit the question of the tax to electors 89896  
unless a copy of the county auditor's certification accompanies 89897

the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing authority certifies to the board. Before requesting a taxing authority to submit a tax levy, any agency or authority authorized to make that request shall first request the certification from the county auditor provided under this section.

(4) This division is supplemental to, and not in derogation of, any similar requirement governing the certification by the county auditor of the tax valuation of a subdivision or necessary tax rates for the purposes of the submission of the question of a tax in excess of the ten-mill limitation, including sections 133.18 and 5705.195 of the Revised Code.

(C) All taxes levied on property shall be extended on the tax list and duplicate by the county auditor of the county in which the property is located, and shall be collected by the county treasurer of such county in the same manner and under the same laws and rules as are prescribed for the assessment and collection of county taxes. The proceeds of any tax levied by or for any subdivision when received by its fiscal officer shall be deposited in its treasury to the credit of the appropriate fund.

**Sec. 5705.16.** A resolution of the taxing authority of any political subdivision shall be passed by a majority of all the members thereof, declaring the necessity for the transfer of funds authorized by section 5705.15 of the Revised Code, and such taxing authority shall ~~prepare~~ submit to the tax commissioner a petition ~~addressed to the court of common pleas of the county in which the funds are held. The petition shall set forth~~ that includes the name and amount of the fund, the fund to which it is desired to be transferred, a copy of such resolution with a full statement of the proceedings pertaining to its passage, and the reason or necessity for the transfer. ~~A duplicate copy of said petition shall be forwarded to the tax commissioner for the commissioner's~~



~~examination and approval~~ The commissioner shall approve the 89929  
transfer of such funds upon determining each of the following: 89930

(A) The petition states sufficient facts; 89931

(B) That there are good reasons, or that a necessity exists, 89932  
for the transfer; 89933

(C) No injury will result from the transfer of such funds. 89934

If the petition is disapproved by the commissioner, it shall 89935  
be returned within ten days of its receipt to the officers who 89936  
submitted it, with a memorandum of the commissioner's objections, 89937  
and the taxing authority shall not transfer the funds as requested 89938  
by the petition. This disapproval shall not prejudice a later 89939  
application for approval. If the petition is approved by the 89940  
commissioner, it shall be ~~forwarded~~ returned within ten days of 89941  
its receipt to ~~the clerk of the court of common pleas of the~~ 89942  
~~county to whose court of common pleas the petition is addressed,~~ 89943  
~~marked with the approval of the commissioner. If the commissioner~~ 89944  
~~approves the petition, the commissioner shall notify immediately~~ 89945  
~~the officers who submitted the petition, who then may file the~~ 89946  
~~petition in the court to which it is addressed, and the taxing~~ 89947  
authority may transfer the funds as requested by the petition. 89948

~~The petitioner shall give notice of the filing, object, and~~ 89949  
~~prayer of the petition, and of the time when it will be heard. The~~ 89950  
~~notice shall be given by one publication in a newspaper of general~~ 89951  
~~circulation in the territory to be affected by such transfer of~~ 89952  
~~funds. If there is no such newspaper, the notice shall be posted~~ 89953  
~~in ten conspicuous places within the territory for a period of~~ 89954  
~~four weeks.~~ 89955

~~The petition may be heard at the time stated in the notice,~~ 89956  
~~or as soon thereafter as convenient for the court. Any person who~~ 89957  
~~objects to the prayer of such petition shall file the person's~~ 89958  
~~objections in such cause on or before the time fixed in the notice~~ 89959

~~for hearing, and that person shall be entitled to be heard.~~ 89960

~~If, upon hearing, the court finds that the notice has been 89961  
given as required by this section, that the petition states 89962  
sufficient facts, that there are good reasons, or that a necessity 89963  
exists, for the transfer, and that no injury will result 89964  
therefrom, it shall grant the prayer of the petition and order the 89965  
petitioners to make such transfer.~~ 89966

~~A copy of the findings, orders, and judgments of the court 89967  
shall be certified by the clerk and entered on the records of the 89968  
petitioning officers or board, and thereupon the petitioners may 89969  
make the transfer of funds as directed by the court. All costs of 89970  
such proceedings shall be paid by the petitioners, except that if 89971  
objections are filed the court may order such objectors to pay all 89972  
or a portion of the costs.~~ 89973

Sec. 5709.101. Real property satisfying all of the following 89974  
conditions shall be exempt from taxation: 89975

(A) If any part of the property is held out for rent to 89976  
tenants, less than seventy-five per cent of the square footage of 89977  
that part is leased by one or more tenants. 89978

(B) On the tax lien date, it is owned by a municipal 89979  
corporation to which the property was conveyed by a community 89980  
improvement corporation as defined in section 1724.01 of the 89981  
Revised Code. 89982

(C) It was conveyed to that community improvement corporation 89983  
by the United States government or any of its agencies. 89984

(D) It is subject to an agreement under which that municipal 89985  
corporation is required to convey the property to that community 89986  
improvement corporation before the property may be developed. 89987

Sec. 5709.17. The following property shall be exempted from 89988

taxation: 89989

(A) Real estate held or occupied by an association or 89990  
corporation, organized or incorporated under the laws of this 89991  
state relative to soldiers' memorial associations, or monumental 89992  
building associations, ~~or cemetery associations or corporations,~~ 89993  
~~which and that,~~ in the opinion of the trustees, directors, or 89994  
managers thereof, is necessary and proper to carry out the object 89995  
intended for such association or corporation; 89996

(B) Real estate and tangible personal property held or 89997  
occupied by a veterans' organization that qualifies for exemption 89998  
from taxation under section 501(c)(19) or 501(c)(23) of the 89999  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 90000  
amended, and is incorporated under the laws of this state or the 90001  
United States, except real estate held by such an organization for 90002  
the production of rental income in excess of thirty-six thousand 90003  
dollars in a tax year, before accounting for any cost or expense 90004  
incurred in the production of such income. For the purposes of 90005  
this division, rental income includes only income arising directly 90006  
from renting the real estate to others for consideration. 90007

(C) Tangible personal property held by a corporation 90008  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 90009  
section 501(c)(3) of the Internal Revenue Code, and exempt from 90010  
taxation under section 501(a) of the Internal Revenue Code shall 90011  
be exempt from taxation if it is property obtained as described in 90012  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 90013

(D) Real estate held or occupied by a fraternal organization 90014  
and used primarily for meetings of and the administration of the 90015  
fraternal organization or for providing, on a not-for-profit 90016  
basis, educational or health services, except real estate held by 90017  
such an organization for the production of rental income in excess 90018  
of thirty-six thousand dollars in a tax year before accounting for 90019

any cost or expense incurred in the production of such income. As 90020  
used in this division, "rental income" has the same meaning as in 90021  
division (B) of this section, and "fraternal organization" means a 90022  
domestic fraternal society, order, or association operating under 90023  
the lodge, council, or grange system that qualifies for exemption 90024  
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 90025  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 90026  
as amended; that provides financial support for charitable 90027  
purposes, as defined in division (B)(12) of section 5739.02 of the 90028  
Revised Code; and that operates under a state governing body that 90029  
has been operating in this state for at least eighty-five years. 90030

**Sec. 5709.212.** (A) With every application for an exempt 90031  
facility certificate filed pursuant to section 5709.21 of the 90032  
Revised Code, the applicant shall pay a fee equal to one-half of 90033  
one per cent of the total exempt facility project cost, not to 90034  
exceed two thousand dollars. ~~One half of the fee received with~~ 90035  
~~applications for exempt facility certificates shall be credited to~~ 90036  
~~the exempt facility administrative fund, which is hereby created~~ 90037  
~~in the state treasury, for appropriation to the department of~~ 90038  
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 90039  
~~the Revised Code.~~ If the director of environmental protection is 90040  
required to provide the opinion for an application, ~~one half of~~ 90041  
the fee shall be credited to the non-Title V clean air fund 90042  
created in section 3704.035 of the Revised Code for use in 90043  
administering section 5709.211 of the Revised Code, unless the 90044  
application is for an industrial water pollution control facility. 90045  
If the application is for an industrial water pollution control 90046  
facility, ~~one half of~~ the fee shall be credited to the surface 90047  
water protection fund created in section 6111.038 of the Revised 90048  
Code for use in administering section 5709.211 of the Revised 90049  
Code. If the director of development is required to provide the 90050  
opinion for an application, ~~one half of~~ the fee for each exempt 90051

facility application shall be credited to the exempt facility 90052  
inspection fund, which is hereby created in the state treasury, 90053  
for appropriation to the ~~department of~~ development services agency 90054  
for use in administering section 5709.211 of the Revised Code. 90055

An applicant is not entitled to any tax exemption under 90056  
section 5709.25 of the Revised Code until the fee required by this 90057  
section is paid. The fee required by this section is not 90058  
refundable, and is due with the application for an exempt facility 90059  
certificate even if an exempt facility certificate ultimately is 90060  
not issued or is withdrawn. Any application submitted without 90061  
payment of the fee shall be deemed incomplete until the fee is 90062  
paid. 90063

(B) The application fee imposed under division (A) of this 90064  
section for a jointly owned facility shall be equal to one-half of 90065  
one per cent of the total exempt facility project cost, not to 90066  
exceed two thousand dollars for each facility that is the subject 90067  
of the application. 90068

**Sec. 5709.45.** (A) As used in sections 5709.45 to 5709.47 of 90069  
the Revised Code: 90070

(1) "Downtown redevelopment district" or "district" means an 90071  
area not more than ten acres enclosed by a continuous boundary in 90072  
which at least one historic building is being, or will be, 90073  
rehabilitated. 90074

(2) "Historic building" and "rehabilitation" have the same 90075  
meanings as in section 149.311 of the Revised Code. 90076

(3) "Public infrastructure improvement" has the same meaning 90077  
as in section 5709.40 of the Revised Code. 90078

(4) "Improvement" means the increase in the assessed value of 90079  
real property that would first appear on the tax list after the 90080  
effective date of an ordinance adopted under this section were it 90081

not for the exemption granted by the ordinance. 90082

(5) "Innovation district" means an area located entirely 90083  
within a downtown redevelopment district, enclosed by a continuous 90084  
boundary, and equipped with a high-speed broadband network capable 90085  
of download speeds of at least one hundred gigabits per second. 90086

(6) "Qualified business" means a business primarily engaged, 90087  
or primarily organized to engage, in a trade or business that 90088  
involves research and development, technology transfer, 90089  
bio-technology, information technology, or the application of new 90090  
technology developed through research and development or acquired 90091  
through technology transfer. 90092

(7) "Information technology" means the branch of technology 90093  
devoted to the study and application of data and the processing 90094  
thereof; the automatic acquisition, storage, manipulation or 90095  
transformation, management, movement, control, display, switching, 90096  
interchange, transmission or reception of data, and the 90097  
development or use of hardware, software, firmware, and procedures 90098  
associated with this processing. "Information technology" includes 90099  
matters concerned with the furtherance of computer science and 90100  
technology, design, development, installation, and implementation 90101  
of information systems and applications that in turn will be 90102  
licensed or sold to a specific target market. "Information 90103  
technology" does not include the creation of a distribution method 90104  
for existing products and services. 90105

(8) "Research and development" means designing, creating, or 90106  
formulating new or enhanced products, equipment, or processes, and 90107  
conducting scientific or technological inquiry and experimentation 90108  
in the physical sciences with the goal of increasing scientific 90109  
knowledge that may reveal the bases for new or enhanced products, 90110  
equipment, or processes. 90111

(9) "Technology transfer" means the transfer of technology 90112

from one sector of the economy to another, including the transfer 90113  
of military technology to civilian applications, civilian 90114  
technology to military applications, or technology from public or 90115  
private research laboratories to military or civilian 90116  
applications. 90117

(B) For the purposes of promoting rehabilitation of historic 90118  
buildings, creating jobs, and encouraging economic development in 90119  
commercial and mixed-use commercial and residential areas, and for 90120  
the purpose of funding transportation improvements that will 90121  
benefit such areas, the legislative authority of a municipal 90122  
corporation may adopt an ordinance creating a downtown 90123  
redevelopment district and declaring improvements to parcels 90124  
within the district to be a public purpose and exempt from 90125  
taxation. Downtown redevelopment districts shall not be created in 90126  
areas used exclusively for residential purposes and shall not be 90127  
utilized for development or redevelopment of residential areas. 90128

The ordinance shall specify all of the following: 90129

(1) The boundary of the district; 90130

(2) The county treasurer's permanent parcel number associated 90131  
with each parcel included in the district; 90132

(3) The parcel or parcels within the district that include a 90133  
historic building that is being or will be rehabilitated; 90134

(4) The proposed life of the district; 90135

(5) An economic development plan for the district that 90136  
includes all of the following: 90137

(a) A statement describing the principal purposes and goals 90138  
to be served by creating the district; 90139

(b) An explanation of how the municipal corporation will 90140  
collaborate with businesses and property owners within the 90141  
district to develop strategies for achieving such purposes and 90142

goals; 90143

(c) A plan for using the service payments provided for in 90144  
section 5709.46 of the Revised Code to promote economic 90145  
development and job creation within the district. 90146

Not more than seventy per cent of improvements to parcels 90147  
within a downtown redevelopment district may be exempted from 90148  
taxation under this section. A district may not include a parcel 90149  
that is exempted from taxation under this section or section 90150  
5709.40 or 5709.41 of the Revised Code on the effective date of 90151  
the ordinance. Except as provided in division (F) of this section, 90152  
the life of a downtown redevelopment district shall not exceed ten 90153  
years. 90154

A municipal corporation may adopt more than one ordinance 90155  
under division (B) of this section. A single such ordinance may 90156  
create more than one downtown redevelopment district. 90157

(C) For the purposes of attracting and facilitating growth of 90158  
qualified businesses and supporting the economic development 90159  
efforts of business incubators and accelerators, the legislative 90160  
authority of a municipal corporation may designate an innovation 90161  
district within a proposed or existing downtown redevelopment 90162  
district. The life of the innovation district shall be identical 90163  
to the downtown redevelopment district in which the innovation 90164  
district is located. In addition to the requirements in division 90165  
(B) of this section, an ordinance creating a downtown 90166  
redemption district that includes an innovation district shall 90167  
specify all of the following: 90168

(1) The boundary of the innovation district; 90169

(2) The permanent parcel number associated with each parcel 90170  
included in the innovation district; 90171

(3) An economic development plan for the innovation district 90172  
that meets the criteria prescribed by division (B)(5) of this 90173



section. 90174

(D) At least thirty days before adopting an ordinance under 90175  
division (B) of this section, the legislative authority of the 90176  
municipal corporation shall conduct a public hearing on the 90177  
proposed ordinance and the accompanying economic development plan. 90178  
At least thirty days before the public hearing, the legislative 90179  
authority shall give notice of the public hearing and the proposed 90180  
ordinance by first class mail to every real property owner whose 90181  
property is located within the boundaries of the proposed district 90182  
that is the subject of the proposed ordinance. 90183

(E) Revenue derived from downtown redevelopment district 90184  
service payments may be used by the municipal corporation for any 90185  
of the following purposes: 90186

(1) To finance or support loans, deferred loans, or grants to 90187  
owners of historic buildings within the downtown redevelopment 90188  
district. Such loans or grants shall be awarded upon the condition 90189  
that the loan or grant amount may be used by the owner only to 90190  
rehabilitate the historic building. A municipal corporation that 90191  
awards a loan or grant under this division shall develop a plan 90192  
for tracking the loan or grant recipient's use of the loan or 90193  
grant and monitoring the progress of the recipient's 90194  
rehabilitation project. 90195

(2) To make contributions to a special improvement district 90196  
for use under section 1710.14 of the Revised Code, to a community 90197  
improvement corporation for use under section 1724.12 of the 90198  
Revised Code, or to a nonprofit corporation, as defined in section 90199  
1702.01 of the Revised Code, the primary purpose of which is 90200  
redeveloping historic buildings and historic districts for use by 90201  
the corporation to rehabilitate a historic building within the 90202  
downtown redevelopment district or to otherwise promote or enhance 90203  
the district. Amounts contributed under division (E)(2) of this 90204  
section shall not exceed the property tax revenue that would have 90205

been generated by twenty per cent of the assessed value of the 90206  
exempted improvements within the downtown redevelopment district. 90207

(3) To finance or support loans to owners of one or more 90208  
buildings located within the district that do not qualify as 90209  
historic buildings. Such loans shall be awarded upon the condition 90210  
that the loan amount may be used by the owner only to make repairs 90211  
and improvements to the building or buildings. A municipal 90212  
corporation that awards a loan under this division shall develop a 90213  
plan for tracking the loan recipient's use of the loan and 90214  
monitoring the progress of the recipient's repairs or 90215  
improvements. 90216

(4) To finance public infrastructure improvements within the 90217  
downtown redevelopment district. If revenue generated by the 90218  
downtown redevelopment district will be used to finance public 90219  
infrastructure improvements, the economic development plan 90220  
described by division (B)(5) of this section shall identify 90221  
specific projects that are being or will be undertaken within the 90222  
district and describe how such infrastructure improvements will 90223  
accommodate additional demands on the existing infrastructure 90224  
within the district. A municipal corporation shall not use service 90225  
payments derived from a downtown redevelopment district to repair 90226  
or replace police or fire equipment. 90227

(5) To finance or support loans, deferred loans, or grants to 90228  
qualified businesses or to incubators and accelerators that 90229  
provide services and capital to qualified businesses within an 90230  
innovation district. Such loans or grants shall be awarded upon 90231  
the condition that the loan or grant shall be used by the 90232  
recipient to start or develop one or more qualified businesses 90233  
within the innovation district. A municipal corporation that 90234  
awards a loan or grant under this division shall develop a plan 90235  
for tracking the loan or grant recipient's use of the loan or 90236  
grant and monitoring the establishment and growth of the qualified 90237

business. 90238

(F) Notwithstanding division (B) of this section, 90239  
improvements to parcels located within a downtown redevelopment 90240  
district may be exempted from taxation under this section for up 90241  
to thirty years if either of the following apply: 90242

(1) The ordinance creating the redevelopment district 90243  
specifies that payments in lieu of taxes shall be paid to the 90244  
city, local, or exempted village, and joint vocational school 90245  
district or districts in which the redevelopment district is 90246  
located in the amount of the taxes that would have been payable to 90247  
the school district or districts if the improvements had not been 90248  
exempted from taxation. 90249

(2) The municipal corporation creating the district obtains 90250  
the approval under division (G) of this section of the board of 90251  
education of each city, local, and exempted village school 90252  
district within which the district will be located. 90253

(G)(1) The legislative authority of a municipal corporation 90254  
seeking the approval of a school district for the purpose of 90255  
division (G)(2) of this section shall send notice of the proposed 90256  
ordinance to the school district not later than forty-five 90257  
business days before it intends to adopt the ordinance. The notice 90258  
shall include a copy of the proposed ordinance and shall indicate 90259  
the date on which the legislative authority intends to adopt the 90260  
ordinance. The board of education of the school district, by 90261  
resolution adopted by a majority of the board, may do any of the 90262  
following: 90263

(a) Approve the exemption for the number of years specified 90264  
in the proposed ordinance; 90265

(b) Disapprove the exemption for the number of years in 90266  
excess of ten; 90267

(c) Approve the exemption on the condition that the 90268

legislative authority and the board negotiate an agreement 90269  
providing for compensation to the school district equal in value 90270  
to a percentage of the amount of taxes exempted in the eleventh 90271  
and subsequent years of the exemption period or other mutually 90272  
agreeable compensation. If an agreement is negotiated under this 90273  
division, the legislative authority shall compensate all joint 90274  
vocational school districts within which the downtown 90275  
redevelopment district is located at the same rate and under the 90276  
same terms received by the city, local, or exempted village school 90277  
district. 90278

(2) The board of education shall certify a resolution adopted 90279  
under division (G)(1) of this section to the legislative authority 90280  
of the municipal corporation not later than fourteen days before 90281  
the date the legislative authority intends to adopt the ordinance 90282  
as indicated in the notice. If the board of education approves the 90283  
ordinance or negotiates a mutually acceptable compensation 90284  
agreement with the legislative authority, the legislative 90285  
authority may enact the ordinance in its current form. If the 90286  
board disapproves of the ordinance and fails to negotiate a 90287  
mutually acceptable compensation agreement with the legislative 90288  
authority, the legislative authority may exempt improvements to 90289  
parcels within the downtown redevelopment district for not more 90290  
than ten years. If the board fails to certify a resolution to the 90291  
legislative authority within the time prescribed by this division, 90292  
the legislative authority may adopt the ordinance and may exempt 90293  
improvements to parcels within the downtown redevelopment district 90294  
for the period of time specified in the notice delivered to the 90295  
board of education. The legislative authority may adopt the 90296  
ordinance at any time after the board of education certifies its 90297  
resolution approving the exemption to the legislative authority 90298  
or, if the board approves the exemption on the condition that a 90299  
mutually acceptable compensation agreement be negotiated, at any 90300  
time after the compensation agreement is agreed to by the board 90301

and the legislative authority. 90302

(3) If a board of education has adopted a resolution waiving 90303  
its right to approve exemptions from taxation under this section 90304  
and the resolution remains in effect, approval of exemptions by 90305  
the board is not required under division (G) of this section. If a 90306  
board of education has adopted a resolution allowing a legislative 90307  
authority to deliver the notice required under division (G)(1) of 90308  
this section fewer than forty-five business days before the 90309  
legislative authority's adoption of the ordinance, the legislative 90310  
authority shall deliver the notice to the board not later than the 90311  
number of days before such adoption as prescribed by the board in 90312  
its resolution. If a board of education adopts a resolution 90313  
waiving its right to approve agreements or shortening the 90314  
notification period, the board shall certify a copy of the 90315  
resolution to the legislative authority. If the board of education 90316  
rescinds such a resolution, it shall certify notice of the 90317  
rescission to the legislative authority. 90318

(4) If the legislative authority is not required by division 90319  
(G) of this section to notify the board of education of the 90320  
legislative authority's intent to create a downtown redevelopment 90321  
district, the legislative authority shall comply with the notice 90322  
requirements imposed under section 5709.83 of the Revised Code, 90323  
unless the board has adopted a resolution under that section 90324  
waiving its right to receive such a notice. 90325

(H) Service payments in lieu of taxes that are attributable 90326  
to any amount by which the effective tax rate of either a renewal 90327  
levy with an increase or a replacement levy exceeds the effective 90328  
tax rate of the levy renewed or replaced, or that are attributable 90329  
to an additional levy, for a levy authorized by the voters for any 90330  
of the following purposes on or after January 1, 2006, and which 90331  
are provided pursuant to an ordinance creating a downtown 90332  
redevelopment district under division (B) of this section shall be 90333

distributed to the appropriate taxing authority as required under 90334  
division (C) of section 5709.46 of the Revised Code in an amount 90335  
equal to the amount of taxes from that additional levy or from the 90336  
increase in the effective tax rate of such renewal or replacement 90337  
levy that would have been payable to that taxing authority from 90338  
the following levies were it not for the exemption authorized 90339  
under division (B) of this section: 90340

(1) A tax levied under division (L) of section 5705.19 or 90341  
section 5705.191 of the Revised Code for community mental 90342  
retardation and developmental disabilities programs and services 90343  
pursuant to Chapter 5126. of the Revised Code; 90344

(2) A tax levied under division (Y) of section 5705.19 of the 90345  
Revised Code for providing or maintaining senior citizens services 90346  
or facilities; 90347

(3) A tax levied under section 5705.22 of the Revised Code 90348  
for county hospitals; 90349

(4) A tax levied by a joint-county district or by a county 90350  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 90351  
for alcohol, drug addiction, and mental health services or 90352  
facilities; 90353

(5) A tax levied under section 5705.23 of the Revised Code 90354  
for library purposes; 90355

(6) A tax levied under section 5705.24 of the Revised Code 90356  
for the support of children services and the placement and care of 90357  
children; 90358

(7) A tax levied under division (Z) of section 5705.19 of the 90359  
Revised Code for the provision and maintenance of zoological park 90360  
services and facilities under section 307.76 of the Revised Code; 90361

(8) A tax levied under section 511.27 or division (H) of 90362  
section 5705.19 of the Revised Code for the support of township 90363

park districts; 90364

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 90365  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 90369  
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 90371  
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 90375  
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(I) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the ordinance or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. 90377  
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Except as otherwise provided in this division, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the downtown redevelopment district expires, whichever occurs first. The 90391  
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exemption of an improvement within a downtown redevelopment 90395  
district may end on a later date, as specified in the ordinance, 90396  
if the legislative authority and the board of education of the 90397  
city, local, or exempted village school district within which the 90398  
parcel or district is located have entered into a compensation 90399  
agreement under section 5709.82 of the Revised Code with respect 90400  
to the improvement, and the board of education has approved the 90401  
term of the exemption under division (G) of this section, but in 90402  
no case shall the improvement be exempted from taxation for more 90403  
than thirty years. Exemptions shall be claimed and allowed in the 90404  
same manner as in the case of other real property exemptions. If 90405  
an exemption status changes during a year, the procedure for the 90406  
apportionment of the taxes for that year is the same as in the 90407  
case of other changes in tax exemption status during the year. 90408

(J) Additional municipal financing of the projects and 90409  
services described in division (E) of this section may be provided 90410  
by any methods that the municipal corporation may otherwise use 90411  
for financing such projects and services. If the municipal 90412  
corporation issues bonds or notes to finance such projects and 90413  
services and pledges money from the municipal downtown 90414  
redevelopment district fund to pay the interest on and principal 90415  
of the bonds or notes, the bonds or notes are not subject to 90416  
Chapter 133. of the Revised Code. 90417

(K) The municipal corporation, not later than fifteen days 90418  
after the adoption of an ordinance under this section, shall 90419  
submit to the director of development services a copy of the 90420  
ordinance. On or before the thirty-first day of March of each 90421  
year, the municipal corporation shall submit a status report to 90422  
the director of development services. The report shall indicate, 90423  
in the manner prescribed by the director, the progress of the 90424  
projects and services during each year that an exemption remains 90425  
in effect, including a summary of the receipts from service 90426



payments in lieu of taxes; expenditures of money from the funds 90427  
created under section 5709.47 of the Revised Code; a description 90428  
of the projects and services financed with such expenditures; and 90429  
a quantitative summary of changes in employment and private 90430  
investment resulting from each project and service. 90431

(L) Nothing in this section shall be construed to prohibit a 90432  
legislative authority from declaring to be a public purpose 90433  
improvements with respect to more than one parcel. 90434

(M)(1) The owner of real property located in a downtown 90435  
redevelopment district may enter into an agreement with the 90436  
municipal corporation that created the district to impose a 90437  
redevelopment charge on the property to cover all or part of the 90438  
cost of services, facilities, and improvements provided within the 90439  
district under division (E) of this section. The agreement shall 90440  
include the following: 90441

(a) The amount of the redevelopment charge. The redevelopment 90442  
charge may be a fixed dollar amount or an amount determined on the 90443  
basis of the assessed valuation of the property or all or part of 90444  
the profits, gross receipts, or other revenues of a business 90445  
operating on the property, including rentals received from leases 90446  
of the property. If the property is leased to one or more tenants, 90447  
the redevelopment charge may be itemized as part of the lease 90448  
rate. 90449

(b) The termination date of the redevelopment charge. The 90450  
redevelopment charge shall not be charged after the expiration or 90451  
termination of the downtown redevelopment district. 90452

(c) The terms by which the municipal corporation shall 90453  
collect the redevelopment charge. 90454

(d) The purposes for which the redevelopment charge may be 90455  
used by the municipal corporation. The redevelopment charge shall 90456  
be used only for those purposes described by division (E) of this 90457

section. The agreement may specify any or all of such purposes. 90458

(2) Redevelopment charges collected by a municipal 90459  
corporation under division (M) of this section shall be deposited 90460  
to the municipal downtown redevelopment district fund created 90461  
under section 5709.47 of the Revised Code. 90462

(3) An agreement by a property owner under division (M) of 90463  
this section is hereby deemed to be a covenant running with the 90464  
land. The covenant is fully binding on behalf of and enforceable 90465  
by the municipal corporation against any person acquiring an 90466  
interest in the land and all of that person's successors and 90467  
assigns. 90468

(4) No purchase agreement for real estate or any interest in 90469  
real estate upon which a redevelopment charge is levied shall be 90470  
enforceable by the seller or binding upon the purchaser unless the 90471  
purchase agreement specifically refers to the redevelopment 90472  
charge. If a conveyance of such real estate or interest in such 90473  
real estate is made pursuant to a purchase agreement that does not 90474  
make such reference, the redevelopment charge shall continue to be 90475  
a covenant running with the land fully binding on behalf of and 90476  
enforceable by the municipal corporation against the person 90477  
accepting the conveyance pursuant to the purchase agreement. 90478

(5) If a redevelopment charge is not paid when due, the 90479  
overdue amount shall be collected according to the terms of the 90480  
agreement. If the agreement does not specify a procedure for 90481  
collecting overdue redevelopment charges, the municipal 90482  
corporation may certify the charge to the county auditor. The 90483  
county auditor shall enter the unpaid charge on the tax list and 90484  
duplicate of real property opposite the parcel against which it is 90485  
charged and certify the charge to the county treasurer. The unpaid 90486  
redevelopment charge is a lien on property against which it is 90487  
charged from the date the charge is entered on the tax list, and 90488  
shall be collected in the manner provided for the collection of 90489

real property taxes. Once the charge is collected, it shall be 90490  
paid immediately to the municipal corporation. 90491

Sec. 5709.48. (A) As used in this section, "regional 90492  
transportation improvement project" has the same meaning as in 90493  
section 5595.01 of the Revised Code. 90494

(B) For the purposes described in division (A) of section 90495  
5595.06 of the Revised Code, the boards of county commissioners of 90496  
one or more counties that are participants in a regional 90497  
transportation improvement project may, by resolution, create a 90498  
transportation financing district and declare improvements to 90499  
parcels within the district to be a public purpose and exempt from 90500  
taxation. 90501

(C) A transportation financing district may include territory 90502  
in more than one county as long as each such county is a party to 90503  
the resolution creating the district and a participant in the 90504  
regional transportation improvement project funded by the 90505  
district. A district shall not include areas used exclusively for 90506  
residential purposes. A district shall not include any parcel that 90507  
is or has been exempted from taxation under this section or 90508  
section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the 90509  
Revised Code. Counties may designate parcels within the boundaries 90510  
of a district that are not included in the district. Counties may 90511  
designate noncontiguous parcels located outside the boundaries of 90512  
the district that are included in the district. 90513

Counties may adopt more than one resolution under division 90514  
(B) of this section. A single such resolution may create more than 90515  
one transportation financing district. 90516

(D) A resolution creating a transportation financing district 90517  
shall specify all of the following: 90518

(1) A description of the territory included in the district; 90519

(2) The county treasurer's permanent parcel number associated with each parcel included in the district; 90520  
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(3) The percentage of improvements to be exempted from taxation and the duration of the exemption, which shall not exceed the remaining number of years the cooperative agreement for the regional transportation improvement district, described under section 5595.03 of the Revised Code, is in effect; 90522  
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(4) A plan for the district that describes the principal purposes and goals to be served by the district and explains how the use of service payments provided for by section 5709.49 of the Revised Code will economically benefit owners of property within the district. 90527  
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(E)(1) Before adopting a resolution under division (B) of this section, the board or boards of county commissioners of the participating counties shall notify and obtain the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district. A subdivision or taxing unit's approval or disapproval of the proposed district shall be in the form of an ordinance or resolution. The board or boards may negotiate an agreement with a subdivision or taxing unit providing for compensation equal in value to a percentage of the amount of taxes exempted or some other mutually agreeable compensation. 90532  
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(2) A subdivision or taxing unit may adopt an ordinance or resolution waiving its right to approve or receive notice of transportation financing districts proposed under this section. If a subdivision or taxing unit has adopted such an ordinance or resolution, the terms of that ordinance or resolution supersede the requirements of division (E)(1) of this section. One or more boards of county commissioners may negotiate an agreement with a subdivision or taxing unit providing for some mutually agreeable compensation in exchange for the subdivision or taxing unit 90543  
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adopting such an ordinance or resolution. If a subdivision or 90552  
taxing unit has adopted such an ordinance or resolution, it shall 90553  
certify a copy to the board of county commissioners of the county 90554  
or counties in which the subdivision or taxing unit is located. If 90555  
the subdivision or taxing unit rescinds such an ordinance or 90556  
resolution, it shall certify notice of the rescission to the same 90557  
board or boards. 90558

(F) After notifying and obtaining the approval of each 90559  
subdivision and taxing unit that levies a property tax within the 90560  
territory of the proposed transportation financing district as 90561  
required under division (E) of this section, the boards of county 90562  
commissioners of the participating counties shall notify and 90563  
obtain the approval of every real property owner whose property is 90564  
included in the proposed district. 90565

(G)(1) If the resolution creating the transportation 90566  
financing district is approved by the board of county 90567  
commissioners of each county in which the district is located, one 90568  
of the counties shall send a copy of the resolution and 90569  
documentation sufficient to prove that the requirements of 90570  
divisions (E) and (F) of this section have been met to the 90571  
director of development services. The director shall evaluate the 90572  
resolution and documentation to determine if the counties have 90573  
fully complied with the requirements of this section. If the 90574  
director approves the resolution, the director shall send notice 90575  
of approval to each county that is a party to the resolution. If 90576  
the director does not approve the resolution, the director shall 90577  
send notice of denial to each county that is a party to the 90578  
resolution. The notice of denial shall include the reason or 90579  
reasons for the denial. If the director does not make a 90580  
determination within ninety days after receiving a resolution 90581  
under this section, the director is deemed to have approved the 90582  
resolution. No resolution creating a transportation financing 90583

district is effective without actual or constructive approval by 90584  
the director under this section. 90585

(2) An exemption from taxation granted under this section 90586  
commences with the tax year specified in the resolution so long as 90587  
the year specified in the resolution commences after the effective 90588  
date of the resolution. If the resolution specifies a year 90589  
commencing before the effective date of the resolution or 90590  
specifies no year whatsoever, the exemption commences with the tax 90591  
year in which an exempted improvement first appears on the tax 90592  
list and that commences after the effective date of the 90593  
resolution. In lieu of stating a specific year, the resolution may 90594  
provide that the exemption commences in the tax year in which the 90595  
value of an improvement exceeds a specified amount or in which the 90596  
construction of one or more improvements is completed, provided 90597  
that such tax year commences after the effective date of the 90598  
resolution. 90599

(3) Except as otherwise provided in this division, the 90600  
exemption ends on the date specified in the resolution as the date 90601  
the improvement ceases to be a public purpose or the regional 90602  
transportation improvement project funded by the service payments 90603  
dissolves under section 5595.13 of the Revised Code, whichever 90604  
occurs first. Exemptions shall be claimed and allowed in the same 90605  
manner as in the case of other real property exemptions. If an 90606  
exemption status changes during a year, the procedure for the 90607  
apportionment of the taxes for that year is the same as in the 90608  
case of other changes in tax exemption status during the year. 90609

(H) Service payments in lieu of taxes that are attributable 90610  
to any amount by which the effective tax rate of either a renewal 90611  
levy with an increase or a replacement levy exceeds the effective 90612  
tax rate of the levy renewed or replaced, or that are attributable 90613  
to an additional levy, for a levy authorized by the voters for any 90614  
of the following purposes on or after January 1, 2006, and which 90615

are provided pursuant to a resolution creating a transportation 90616  
financing district under this section shall be distributed to the 90617  
appropriate taxing authority as required under division (C) of 90618  
section 5709.49 of the Revised Code in an amount equal to the 90619  
amount of taxes from that additional levy or from the increase in 90620  
the effective tax rate of such renewal or replacement levy that 90621  
would have been payable to that taxing authority from the 90622  
following levies were it not for the exemption authorized under 90623  
this section: 90624

(1) A tax levied under division (L) of section 5705.19 or 90625  
section 5705.191 of the Revised Code for community mental 90626  
retardation and developmental disabilities programs and services 90627  
pursuant to Chapter 5126. of the Revised Code; 90628

(2) A tax levied under division (Y) of section 5705.19 of the 90629  
Revised Code for providing or maintaining senior citizens services 90630  
or facilities; 90631

(3) A tax levied under section 5705.22 of the Revised Code 90632  
for county hospitals; 90633

(4) A tax levied by a joint-county district or by a county 90634  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 90635  
for alcohol, drug addiction, and mental health services or 90636  
facilities; 90637

(5) A tax levied under section 5705.23 of the Revised Code 90638  
for library purposes; 90639

(6) A tax levied under section 5705.24 of the Revised Code 90640  
for the support of children services and the placement and care of 90641  
children; 90642

(7) A tax levied under division (Z) of section 5705.19 of the 90643  
Revised Code for the provision and maintenance of zoological park 90644  
services and facilities under section 307.76 of the Revised Code; 90645

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 90646  
90647  
90648

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 90649  
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90651  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 90653  
90654

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 90655  
90656  
90657  
90658

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 90659  
90660

(I) The resolution creating a transportation financing district may be amended at any time by majority vote of the boards of county commissioners of each county in which the district is located and with the approval of the director of development services obtained in the same manner as approval of the original resolution. 90661  
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**Sec. 5709.49.** (A) A county that has declared an improvement to be a public purpose under section 5709.48 of the Revised Code shall require the owner of any structure located on the parcel to make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payment of real property taxes. Each such payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the improvement if it were not exempt from taxation. If any reduction 90667  
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in the levies otherwise applicable to such exempt property is made 90676  
by the county budget commission under section 5705.31 of the 90677  
Revised Code, the amount of the service payment in lieu of taxes 90678  
shall be calculated as if such reduction in levies had not been 90679  
made. 90680

(B) Moneys collected as service payments in lieu of taxes 90681  
from a parcel shall be distributed at the same time and in the 90682  
same manner as real property tax payments. However, subject to 90683  
division (C) of this section or section 5709.913 of the Revised 90684  
Code, the entire amount so collected shall be distributed to the 90685  
county in which the parcel is located. If a resolution adopted 90686  
under section 5709.48 of the Revised Code specifies that service 90687  
payments shall be paid to another subdivision or taxing unit in 90688  
which the parcel is located, the county treasurer shall distribute 90689  
the portion of the service payments to that subdivision or taxing 90690  
unit in an amount equal to the property tax payments the 90691  
subdivision or taxing unit would have received from the portion of 90692  
the parcel's improvement exempted from taxation had the 90693  
improvement not been exempted, or some other amount as directed in 90694  
the resolution. The treasurer shall maintain a record of the 90695  
service payments in lieu of taxes made from property in each 90696  
transportation financing district. 90697

(C) If annual service payments in lieu of taxes are required 90698  
under this section, the county treasurer shall distribute to the 90699  
appropriate taxing authorities the portion of the service payments 90700  
that represent payments required under division (H) of section 90701  
5709.48 of the Revised Code. 90702

(D) Nothing in this section or section 5709.48 of the Revised 90703  
Code affects the taxes levied against that portion of the value of 90704  
any parcel of property that is not exempt from taxation. 90705

Sec. 5709.50. (A) A county that grants a tax exemption under 90706  
section 5709.48 of the Revised Code shall establish a regional 90707  
transportation improvement project fund into which shall be 90708  
deposited service payments in lieu of taxes distributed to the 90709  
county under section 5709.49 of the Revised Code. Money in the 90710  
regional transportation improvement project fund shall be used to 90711  
compensate subdivisions and taxing units within which exempted 90712  
parcels are located pursuant to agreements entered into by the 90713  
county under division (E) of section 5709.48 of the Revised Code. 90714  
The remainder shall be dispensed to the governing board of the 90715  
regional transportation improvement project and used for the 90716  
purposes described in the resolution creating the transportation 90717  
financing district. 90718

(B) Any incidental surplus remaining in the regional 90719  
transportation improvement project fund or an account of that fund 90720  
upon dissolution of the fund or account shall be transferred to 90721  
the general fund of the county. 90722

Sec. 5709.62. (A) In any municipal corporation that is 90723  
defined by the United States office of management and budget as a 90724  
principal city of a metropolitan statistical area, the legislative 90725  
authority of the municipal corporation may designate one or more 90726  
areas within its municipal corporation as proposed enterprise 90727  
zones. Upon designating an area, the legislative authority shall 90728  
petition the director of development services for certification of 90729  
the area as having the characteristics set forth in division 90730  
(A)(1) of section 5709.61 of the Revised Code as amended by 90731  
Substitute Senate Bill No. 19 of the 120th general assembly. 90732  
Except as otherwise provided in division (E) of this section, on 90733  
and after July 1, 1994, legislative authorities shall not enter 90734  
into agreements under this section unless the legislative 90735  
authority has petitioned the director and the director has 90736

certified the zone under this section as amended by that act; 90737  
however, all agreements entered into under this section as it 90738  
existed prior to July 1, 1994, and the incentives granted under 90739  
those agreements shall remain in effect for the period agreed to 90740  
under those agreements. Within sixty days after receiving such a 90741  
petition, the director shall determine whether the area has the 90742  
characteristics set forth in division (A)(1) of section 5709.61 of 90743  
the Revised Code, and shall forward the findings to the 90744  
legislative authority of the municipal corporation. If the 90745  
director certifies the area as having those characteristics, and 90746  
thereby certifies it as a zone, the legislative authority may 90747  
enter into an agreement with an enterprise under division (C) of 90748  
this section. 90749

(B) Any enterprise that wishes to enter into an agreement 90750  
with a municipal corporation under division (C) of this section 90751  
shall submit a proposal to the legislative authority of the 90752  
municipal corporation on a form prescribed by the director of 90753  
development services, together with the application fee 90754  
established under section 5709.68 of the Revised Code. The form 90755  
shall require the following information: 90756

(1) An estimate of the number of new employees whom the 90757  
enterprise intends to hire, or of the number of employees whom the 90758  
enterprise intends to retain, within the zone at a facility that 90759  
is a project site, and an estimate of the amount of payroll of the 90760  
enterprise attributable to these employees; 90761

(2) An estimate of the amount to be invested by the 90762  
enterprise to establish, expand, renovate, or occupy a facility, 90763  
including investment in new buildings, additions or improvements 90764  
to existing buildings, machinery, equipment, furniture, fixtures, 90765  
and inventory; 90766

(3) A listing of the enterprise's current investment, if any, 90767  
in a facility as of the date of the proposal's submission. 90768

The enterprise shall review and update the listings required 90769  
under this division to reflect material changes, and any agreement 90770  
entered into under division (C) of this section shall set forth 90771  
final estimates and listings as of the time the agreement is 90772  
entered into. The legislative authority may, on a separate form 90773  
and at any time, require any additional information necessary to 90774  
determine whether an enterprise is in compliance with an agreement 90775  
and to collect the information required to be reported under 90776  
section 5709.68 of the Revised Code. 90777

(C) Upon receipt and investigation of a proposal under 90778  
division (B) of this section, if the legislative authority finds 90779  
that the enterprise submitting the proposal is qualified by 90780  
financial responsibility and business experience to create and 90781  
preserve employment opportunities in the zone and improve the 90782  
economic climate of the municipal corporation, the legislative 90783  
authority, ~~on or before October 15, 2017,~~ may do one of the 90784  
following: 90785

(1) Enter into an agreement with the enterprise under which 90786  
the enterprise agrees to establish, expand, renovate, or occupy a 90787  
facility and hire new employees, or preserve employment 90788  
opportunities for existing employees, in return for one or more of 90789  
the following incentives: 90790

(a) Exemption for a specified number of years, not to exceed 90791  
fifteen, of a specified portion, up to seventy-five per cent, of 90792  
the assessed value of tangible personal property first used in 90793  
business at the project site as a result of the agreement. If an 90794  
exemption for inventory is specifically granted in the agreement 90795  
pursuant to this division, the exemption applies to inventory 90796  
required to be listed pursuant to sections 5711.15 and 5711.16 of 90797  
the Revised Code, except that, in the instance of an expansion or 90798  
other situations in which an enterprise was in business at the 90799  
facility prior to the establishment of the zone, the inventory 90800

that is exempt is that amount or value of inventory in excess of 90801  
the amount or value of inventory required to be listed in the 90802  
personal property tax return of the enterprise in the return for 90803  
the tax year in which the agreement is entered into. 90804

(b) Exemption for a specified number of years, not to exceed 90805  
fifteen, of a specified portion, up to seventy-five per cent, of 90806  
the increase in the assessed valuation of real property 90807  
constituting the project site subsequent to formal approval of the 90808  
agreement by the legislative authority; 90809

(c) Provision for a specified number of years, not to exceed 90810  
fifteen, of any optional services or assistance that the municipal 90811  
corporation is authorized to provide with regard to the project 90812  
site. 90813

(2) Enter into an agreement under which the enterprise agrees 90814  
to remediate an environmentally contaminated facility, to spend an 90815  
amount equal to at least two hundred fifty per cent of the true 90816  
value in money of the real property of the facility prior to 90817  
remediation as determined for the purposes of property taxation to 90818  
establish, expand, renovate, or occupy the remediated facility, 90819  
and to hire new employees or preserve employment opportunities for 90820  
existing employees at the remediated facility, in return for one 90821  
or more of the following incentives: 90822

(a) Exemption for a specified number of years, not to exceed 90823  
fifteen, of a specified portion, not to exceed fifty per cent, of 90824  
the assessed valuation of the real property of the facility prior 90825  
to remediation; 90826

(b) Exemption for a specified number of years, not to exceed 90827  
fifteen, of a specified portion, not to exceed one hundred per 90828  
cent, of the increase in the assessed valuation of the real 90829  
property of the facility during or after remediation; 90830

(c) The incentive under division (C)(1)(a) of this section, 90831

except that the percentage of the assessed value of such property 90832  
exempted from taxation shall not exceed one hundred per cent; 90833

(d) The incentive under division (C)(1)(c) of this section. 90834

(3) Enter into an agreement with an enterprise that plans to 90835  
purchase and operate a large manufacturing facility that has 90836  
ceased operation or announced its intention to cease operation, in 90837  
return for exemption for a specified number of years, not to 90838  
exceed fifteen, of a specified portion, up to one hundred per 90839  
cent, of the assessed value of tangible personal property used in 90840  
business at the project site as a result of the agreement, or of 90841  
the assessed valuation of real property constituting the project 90842  
site, or both. 90843

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 90844  
section, the portion of the assessed value of tangible personal 90845  
property or of the increase in the assessed valuation of real 90846  
property exempted from taxation under those divisions may exceed 90847  
seventy-five per cent in any year for which that portion is 90848  
exempted if the average percentage exempted for all years in which 90849  
the agreement is in effect does not exceed sixty per cent, or if 90850  
the board of education of the city, local, or exempted village 90851  
school district within the territory of which the property is or 90852  
will be located approves a percentage in excess of seventy-five 90853  
per cent. 90854

(2) Notwithstanding any provision of the Revised Code to the 90855  
contrary, the exemptions described in divisions (C)(1)(a), (b), 90856  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 90857  
be for up to fifteen years if the board of education of the city, 90858  
local, or exempted village school district within the territory of 90859  
which the property is or will be located approves a number of 90860  
years in excess of ten. 90861

(3) For the purpose of obtaining the approval of a city, 90862

local, or exempted village school district under division (D)(1) 90863  
or (2) of this section, the legislative authority shall deliver to 90864  
the board of education a notice not later than forty-five days 90865  
prior to approving the agreement, excluding Saturdays, Sundays, 90866  
and legal holidays as defined in section 1.14 of the Revised Code. 90867  
The notice shall state the percentage to be exempted, an estimate 90868  
of the true value of the property to be exempted, and the number 90869  
of years the property is to be exempted. The board of education, 90870  
by resolution adopted by a majority of the board, shall approve or 90871  
disapprove the agreement and certify a copy of the resolution to 90872  
the legislative authority not later than fourteen days prior to 90873  
the date stipulated by the legislative authority as the date upon 90874  
which approval of the agreement is to be formally considered by 90875  
the legislative authority. The board of education may include in 90876  
the resolution conditions under which the board would approve the 90877  
agreement, including the execution of an agreement to compensate 90878  
the school district under division (B) of section 5709.82 of the 90879  
Revised Code. The legislative authority may approve the agreement 90880  
at any time after the board of education certifies its resolution 90881  
approving the agreement to the legislative authority, or, if the 90882  
board approves the agreement conditionally, at any time after the 90883  
conditions are agreed to by the board and the legislative 90884  
authority. 90885

If a board of education has adopted a resolution waiving its 90886  
right to approve agreements and the resolution remains in effect, 90887  
approval of an agreement by the board is not required under this 90888  
division. If a board of education has adopted a resolution 90889  
allowing a legislative authority to deliver the notice required 90890  
under this division fewer than forty-five business days prior to 90891  
the legislative authority's approval of the agreement, the 90892  
legislative authority shall deliver the notice to the board not 90893  
later than the number of days prior to such approval as prescribed 90894  
by the board in its resolution. If a board of education adopts a 90895

resolution waiving its right to approve agreements or shortening 90896  
the notification period, the board shall certify a copy of the 90897  
resolution to the legislative authority. If the board of education 90898  
rescinds such a resolution, it shall certify notice of the 90899  
rescission to the legislative authority. 90900

(4) The legislative authority shall comply with section 90901  
5709.83 of the Revised Code unless the board of education has 90902  
adopted a resolution under that section waiving its right to 90903  
receive such notice. 90904

(E) This division applies to zones certified by the director 90905  
of development services under this section prior to July 22, 1994. 90906

~~On or before October 15, 2017, the~~ The legislative authority 90907  
that designated a zone to which this division applies may enter 90908  
into an agreement with an enterprise if the legislative authority 90909  
finds that the enterprise satisfies one of the criteria described 90910  
in divisions (E)(1) to (5) of this section: 90911

(1) The enterprise currently has no operations in this state 90912  
and, subject to approval of the agreement, intends to establish 90913  
operations in the zone; 90914

(2) The enterprise currently has operations in this state 90915  
and, subject to approval of the agreement, intends to establish 90916  
operations at a new location in the zone that would not result in 90917  
a reduction in the number of employee positions at any of the 90918  
enterprise's other locations in this state; 90919

(3) The enterprise, subject to approval of the agreement, 90920  
intends to relocate operations, currently located in another 90921  
state, to the zone; 90922

(4) The enterprise, subject to approval of the agreement, 90923  
intends to expand operations at an existing site in the zone that 90924  
the enterprise currently operates; 90925



(5) The enterprise, subject to approval of the agreement, 90926  
intends to relocate operations, currently located in this state, 90927  
to the zone, and the director of development services has issued a 90928  
waiver for the enterprise under division (B) of section 5709.633 90929  
of the Revised Code. 90930

The agreement shall require the enterprise to agree to 90931  
establish, expand, renovate, or occupy a facility in the zone and 90932  
hire new employees, or preserve employment opportunities for 90933  
existing employees, in return for one or more of the incentives 90934  
described in division (C) of this section. 90935

(F) All agreements entered into under this section shall be 90936  
in the form prescribed under section 5709.631 of the Revised Code. 90937  
After an agreement is entered into under this section, if the 90938  
legislative authority revokes its designation of a zone, or if the 90939  
director of development services revokes a zone's certification, 90940  
any entitlements granted under the agreement shall continue for 90941  
the number of years specified in the agreement. 90942

(G) Except as otherwise provided in this division, an 90943  
agreement entered into under this section shall require that the 90944  
enterprise pay an annual fee equal to the greater of one per cent 90945  
of the dollar value of incentives offered under the agreement or 90946  
five hundred dollars; provided, however, that if the value of the 90947  
incentives exceeds two hundred fifty thousand dollars, the fee 90948  
shall not exceed two thousand five hundred dollars. The fee shall 90949  
be payable to the legislative authority once per year for each 90950  
year the agreement is effective on the days and in the form 90951  
specified in the agreement. Fees paid shall be deposited in a 90952  
special fund created for such purpose by the legislative authority 90953  
and shall be used by the legislative authority exclusively for the 90954  
purpose of complying with section 5709.68 of the Revised Code and 90955  
by the tax incentive review council created under section 5709.85 90956  
of the Revised Code exclusively for the purposes of performing the 90957

duties prescribed under that section. The legislative authority 90958  
may waive or reduce the amount of the fee charged against an 90959  
enterprise, but such a waiver or reduction does not affect the 90960  
obligations of the legislative authority or the tax incentive 90961  
review council to comply with section 5709.68 or 5709.85 of the 90962  
Revised Code. 90963

(H) When an agreement is entered into pursuant to this 90964  
section, the legislative authority authorizing the agreement shall 90965  
forward a copy of the agreement to the director of development 90966  
services and to the tax commissioner within fifteen days after the 90967  
agreement is entered into. If any agreement includes terms not 90968  
provided for in section 5709.631 of the Revised Code affecting the 90969  
revenue of a city, local, or exempted village school district or 90970  
causing revenue to be forgone by the district, including any 90971  
compensation to be paid to the school district pursuant to section 90972  
5709.82 of the Revised Code, those terms also shall be forwarded 90973  
in writing to the director of development services along with the 90974  
copy of the agreement forwarded under this division. 90975

(I) After an agreement is entered into, the enterprise shall 90976  
file with each personal property tax return required to be filed, 90977  
or annual report required to be filed under section 5727.08 of the 90978  
Revised Code, while the agreement is in effect, an informational 90979  
return, on a form prescribed by the tax commissioner for that 90980  
purpose, setting forth separately the property, and related costs 90981  
and values, exempted from taxation under the agreement. 90982

(J) Enterprises may agree to give preference to residents of 90983  
the zone within which the agreement applies relative to residents 90984  
of this state who do not reside in the zone when hiring new 90985  
employees under the agreement. 90986

(K) An agreement entered into under this section may include 90987  
a provision requiring the enterprise to create one or more 90988  
temporary internship positions for students enrolled in a course 90989

of study at a school or other educational institution in the 90990  
vicinity, and to create a scholarship or provide another form of 90991  
educational financial assistance for students holding such a 90992  
position in exchange for the student's commitment to work for the 90993  
enterprise at the completion of the internship. 90994

(L) The tax commissioner's authority in determining the 90995  
accuracy of any exemption granted by an agreement entered into 90996  
under this section is limited to divisions (C)(1)(a) and (b), 90997  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 90998  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 90999  
and, as authorized by law, to enforcing any modification to, or 91000  
revocation of, that agreement by the legislative authority of a 91001  
municipal corporation or the director of development services. 91002

**Sec. 5709.63.** (A) With the consent of the legislative 91003  
authority of each affected municipal corporation or of a board of 91004  
township trustees, a board of county commissioners may, in the 91005  
manner set forth in section 5709.62 of the Revised Code, designate 91006  
one or more areas in one or more municipal corporations or in 91007  
unincorporated areas of the county as proposed enterprise zones. A 91008  
board of county commissioners may designate no more than one area 91009  
within a township, or within adjacent townships, as a proposed 91010  
enterprise zone. The board shall petition the director of 91011  
development services for certification of the area as having the 91012  
characteristics set forth in division (A)(1) or (2) of section 91013  
5709.61 of the Revised Code as amended by Substitute Senate Bill 91014  
No. 19 of the 120th general assembly. Except as otherwise provided 91015  
in division (D) of this section, on and after July 1, 1994, boards 91016  
of county commissioners shall not enter into agreements under this 91017  
section unless the board has petitioned the director and the 91018  
director has certified the zone under this section as amended by 91019  
that act; however, all agreements entered into under this section 91020  
as it existed prior to July 1, 1994, and the incentives granted 91021

under those agreements shall remain in effect for the period 91022  
agreed to under those agreements. The director shall make the 91023  
determination in the manner provided under section 5709.62 of the 91024  
Revised Code. 91025

Any enterprise wishing to enter into an agreement with the 91026  
board under division (B) or (D) of this section shall submit a 91027  
proposal to the board on the form and accompanied by the 91028  
application fee prescribed under division (B) of section 5709.62 91029  
of the Revised Code. The enterprise shall review and update the 91030  
estimates and listings required by the form in the manner required 91031  
under that division. The board may, on a separate form and at any 91032  
time, require any additional information necessary to determine 91033  
whether an enterprise is in compliance with an agreement and to 91034  
collect the information required to be reported under section 91035  
5709.68 of the Revised Code. 91036

(B) If the board of county commissioners finds that an 91037  
enterprise submitting a proposal is qualified by financial 91038  
responsibility and business experience to create and preserve 91039  
employment opportunities in the zone and to improve the economic 91040  
climate of the municipal corporation or municipal corporations or 91041  
the unincorporated areas in which the zone is located and to which 91042  
the proposal applies, the board, ~~on or before October 15, 2017,~~ 91043  
~~and~~ with the consent of the legislative authority of each affected 91044  
municipal corporation or of the board of township trustees, may do 91045  
either of the following: 91046

(1) Enter into an agreement with the enterprise under which 91047  
the enterprise agrees to establish, expand, renovate, or occupy a 91048  
facility in the zone and hire new employees, or preserve 91049  
employment opportunities for existing employees, in return for the 91050  
following incentives: 91051

(a) When the facility is located in a municipal corporation, 91052  
the board may enter into an agreement for one or more of the 91053

incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has

ceased operation or has announced its intention to cease 91085  
operation, in return for exemption for a specified number of 91086  
years, not to exceed fifteen, of a specified portion, up to one 91087  
hundred per cent, of tangible personal property used in business 91088  
at the project site as a result of the agreement, or of real 91089  
property constituting the project site, or both. 91090

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 91091  
this section, the portion of the assessed value of tangible 91092  
personal property or of the increase in the assessed valuation of 91093  
real property exempted from taxation under those divisions may 91094  
exceed sixty per cent in any year for which that portion is 91095  
exempted if the average percentage exempted for all years in which 91096  
the agreement is in effect does not exceed fifty per cent, or if 91097  
the board of education of the city, local, or exempted village 91098  
school district within the territory of which the property is or 91099  
will be located approves a percentage in excess of sixty per cent. 91100

(b) Notwithstanding any provision of the Revised Code to the 91101  
contrary, the exemptions described in divisions (B)(1)(b)(i), 91102  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 91103  
fifteen years if the board of education of the city, local, or 91104  
exempted village school district within the territory of which the 91105  
property is or will be located approves a number of years in 91106  
excess of ten. 91107

(c) For the purpose of obtaining the approval of a city, 91108  
local, or exempted village school district under division 91109  
(C)(1)(a) or (b) of this section, the board of county 91110  
commissioners shall deliver to the board of education a notice not 91111  
later than forty-five days prior to approving the agreement, 91112  
excluding Saturdays, Sundays, and legal holidays as defined in 91113  
section 1.14 of the Revised Code. The notice shall state the 91114  
percentage to be exempted, an estimate of the true value of the 91115  
property to be exempted, and the number of years the property is 91116

to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the board of county commissioners not later than fourteen days prior to the date stipulated by the board of county commissioners as the date upon which approval of the agreement is to be formally considered by the board of county commissioners. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The board of county commissioners may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the board of county commissioners, or, if the board of education approves the agreement conditionally, at any time after the conditions are agreed to by the board of education and the board of county commissioners.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board

of county commissioners. 91150

(2) The board of county commissioners shall comply with 91151  
section 5709.83 of the Revised Code unless the board of education 91152  
has adopted a resolution under that section waiving its right to 91153  
receive such notice. 91154

(D) This division applies to zones certified by the director 91155  
of development services under this section prior to July 22, 1994. 91156

~~On or before October 15, 2017, and with~~ With the consent of 91157  
the legislative authority of each affected municipal corporation 91158  
or board of township trustees of each affected township, the board 91159  
of county commissioners that designated a zone to which this 91160  
division applies may enter into an agreement with an enterprise if 91161  
the board finds that the enterprise satisfies one of the criteria 91162  
described in divisions (D)(1) to (5) of this section: 91163

(1) The enterprise currently has no operations in this state 91164  
and, subject to approval of the agreement, intends to establish 91165  
operations in the zone; 91166

(2) The enterprise currently has operations in this state 91167  
and, subject to approval of the agreement, intends to establish 91168  
operations at a new location in the zone that would not result in 91169  
a reduction in the number of employee positions at any of the 91170  
enterprise's other locations in this state; 91171

(3) The enterprise, subject to approval of the agreement, 91172  
intends to relocate operations, currently located in another 91173  
state, to the zone; 91174

(4) The enterprise, subject to approval of the agreement, 91175  
intends to expand operations at an existing site in the zone that 91176  
the enterprise currently operates; 91177

(5) The enterprise, subject to approval of the agreement, 91178  
intends to relocate operations, currently located in this state, 91179



to the zone, and the director of development services has issued a 91180  
waiver for the enterprise under division (B) of section 5709.633 91181  
of the Revised Code. 91182

The agreement shall require the enterprise to agree to 91183  
establish, expand, renovate, or occupy a facility in the zone and 91184  
hire new employees, or preserve employment opportunities for 91185  
existing employees, in return for one or more of the incentives 91186  
described in division (B) of this section. 91187

(E) All agreements entered into under this section shall be 91188  
in the form prescribed under section 5709.631 of the Revised Code. 91189  
After an agreement under this section is entered into, if the 91190  
board of county commissioners revokes its designation of a zone, 91191  
or if the director of development services revokes a zone's 91192  
certification, any entitlements granted under the agreement shall 91193  
continue for the number of years specified in the agreement. 91194

(F) Except as otherwise provided in this division, an 91195  
agreement entered into under this section shall require that the 91196  
enterprise pay an annual fee equal to the greater of one per cent 91197  
of the dollar value of incentives offered under the agreement or 91198  
five hundred dollars; provided, however, that if the value of the 91199  
incentives exceeds two hundred fifty thousand dollars, the fee 91200  
shall not exceed two thousand five hundred dollars. The fee shall 91201  
be payable to the board of county commissioners once per year for 91202  
each year the agreement is effective on the days and in the form 91203  
specified in the agreement. Fees paid shall be deposited in a 91204  
special fund created for such purpose by the board and shall be 91205  
used by the board exclusively for the purpose of complying with 91206  
section 5709.68 of the Revised Code and by the tax incentive 91207  
review council created under section 5709.85 of the Revised Code 91208  
exclusively for the purposes of performing the duties prescribed 91209  
under that section. The board may waive or reduce the amount of 91210  
the fee charged against an enterprise, but such waiver or 91211

reduction does not affect the obligations of the board or the tax 91212  
incentive review council to comply with section 5709.68 or 5709.85 91213  
of the Revised Code, respectively. 91214

(G) With the approval of the legislative authority of a 91215  
municipal corporation or the board of township trustees of a 91216  
township in which a zone is designated under division (A) of this 91217  
section, the board of county commissioners may delegate to that 91218  
legislative authority or board any powers and duties of the board 91219  
of county commissioners to negotiate and administer agreements 91220  
with regard to that zone under this section. 91221

(H) When an agreement is entered into pursuant to this 91222  
section, the board of county commissioners authorizing the 91223  
agreement or the legislative authority or board of township 91224  
trustees that negotiates and administers the agreement shall 91225  
forward a copy of the agreement to the director of development 91226  
services and to the tax commissioner within fifteen days after the 91227  
agreement is entered into. If any agreement includes terms not 91228  
provided for in section 5709.631 of the Revised Code affecting the 91229  
revenue of a city, local, or exempted village school district or 91230  
causing revenue to be foregone by the district, including any 91231  
compensation to be paid to the school district pursuant to section 91232  
5709.82 of the Revised Code, those terms also shall be forwarded 91233  
in writing to the director of development services along with the 91234  
copy of the agreement forwarded under this division. 91235

(I) After an agreement is entered into, the enterprise shall 91236  
file with each personal property tax return required to be filed, 91237  
or annual report that is required to be filed under section 91238  
5727.08 of the Revised Code, while the agreement is in effect, an 91239  
informational return, on a form prescribed by the tax commissioner 91240  
for that purpose, setting forth separately the property, and 91241  
related costs and values, exempted from taxation under the 91242  
agreement. 91243

(J) Enterprises may agree to give preference to residents of 91244  
the zone within which the agreement applies relative to residents 91245  
of this state who do not reside in the zone when hiring new 91246  
employees under the agreement. 91247

(K) An agreement entered into under this section may include 91248  
a provision requiring the enterprise to create one or more 91249  
temporary internship positions for students enrolled in a course 91250  
of study at a school or other educational institution in the 91251  
vicinity, and to create a scholarship or provide another form of 91252  
educational financial assistance for students holding such a 91253  
position in exchange for the student's commitment to work for the 91254  
enterprise at the completion of the internship. 91255

(L) The tax commissioner's authority in determining the 91256  
accuracy of any exemption granted by an agreement entered into 91257  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 91258  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 91259  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 91260  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 91261  
(10) of section 5709.631 of the Revised Code and, as authorized by 91262  
law, to enforcing any modification to, or revocation of, that 91263  
agreement by the board of county commissioners or the director of 91264  
development services or, if the board's powers and duties are 91265  
delegated under division (G) of this section, by the legislative 91266  
authority of a municipal corporation or board of township 91267  
trustees. 91268

**Sec. 5709.632.** (A)(1) The legislative authority of a 91269  
municipal corporation defined by the United States office of 91270  
management and budget as a principal city of a metropolitan 91271  
statistical area may, in the manner set forth in section 5709.62 91272  
of the Revised Code, designate one or more areas in the municipal 91273  
corporation as a proposed enterprise zone. 91274

(2) With the consent of the legislative authority of each 91275  
affected municipal corporation or of a board of township trustees, 91276  
a board of county commissioners may, in the manner set forth in 91277  
section 5709.62 of the Revised Code, designate one or more areas 91278  
in one or more municipal corporations or in unincorporated areas 91279  
of the county as proposed urban jobs and enterprise zones, except 91280  
that a board of county commissioners may designate no more than 91281  
one area within a township, or within adjacent townships, as a 91282  
proposed urban jobs and enterprise zone. 91283

(3) The legislative authority or board of county 91284  
commissioners may petition the director of development services 91285  
for certification of the area as having the characteristics set 91286  
forth in division (A)(3) of section 5709.61 of the Revised Code. 91287  
Within sixty days after receiving such a petition, the director 91288  
shall determine whether the area has the characteristics set forth 91289  
in that division and forward the findings to the legislative 91290  
authority or board of county commissioners. If the director 91291  
certifies the area as having those characteristics and thereby 91292  
certifies it as a zone, the legislative authority or board may 91293  
enter into agreements with enterprises under division (B) of this 91294  
section. Any enterprise wishing to enter into an agreement with a 91295  
legislative authority or board of county commissioners under this 91296  
section and satisfying one of the criteria described in divisions 91297  
(B)(1) to (5) of this section shall submit a proposal to the 91298  
legislative authority or board on the form prescribed under 91299  
division (B) of section 5709.62 of the Revised Code and shall 91300  
review and update the estimates and listings required by the form 91301  
in the manner required under that division. The legislative 91302  
authority or board may, on a separate form and at any time, 91303  
require any additional information necessary to determine whether 91304  
an enterprise is in compliance with an agreement and to collect 91305  
the information required to be reported under section 5709.68 of 91306  
the Revised Code. 91307

(B) Prior to entering into an agreement with an enterprise, 91308  
the legislative authority or board of county commissioners shall 91309  
determine whether the enterprise submitting the proposal is 91310  
qualified by financial responsibility and business experience to 91311  
create and preserve employment opportunities in the zone and to 91312  
improve the economic climate of the municipal corporation or 91313  
municipal corporations or the unincorporated areas in which the 91314  
zone is located and to which the proposal applies, and whether the 91315  
enterprise satisfies one of the following criteria: 91316

(1) The enterprise currently has no operations in this state 91317  
and, subject to approval of the agreement, intends to establish 91318  
operations in the zone; 91319

(2) The enterprise currently has operations in this state 91320  
and, subject to approval of the agreement, intends to establish 91321  
operations at a new location in the zone that would not result in 91322  
a reduction in the number of employee positions at any of the 91323  
enterprise's other locations in this state; 91324

(3) The enterprise, subject to approval of the agreement, 91325  
intends to relocate operations, currently located in another 91326  
state, to the zone; 91327

(4) The enterprise, subject to approval of the agreement, 91328  
intends to expand operations at an existing site in the zone that 91329  
the enterprise currently operates; 91330

(5) The enterprise, subject to approval of the agreement, 91331  
intends to relocate operations, currently located in this state, 91332  
to the zone, and the director of development services has issued a 91333  
waiver for the enterprise under division (B) of section 5709.633 91334  
of the Revised Code. 91335

(C) If the legislative authority or board determines that the 91336  
enterprise is so qualified and satisfies one of the criteria 91337  
described in divisions (B)(1) to (5) of this section, the 91338

legislative authority or board may, after complying with section 91339  
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 91340  
and, in the case of a board of commissioners, with the consent of 91341  
the legislative authority of each affected municipal corporation 91342  
or of the board of township trustees, enter into an agreement with 91343  
the enterprise under which the enterprise agrees to establish, 91344  
expand, renovate, or occupy a facility in the zone and hire new 91345  
employees, or preserve employment opportunities for existing 91346  
employees, in return for the following incentives: 91347

(1) When the facility is located in a municipal corporation, 91348  
a legislative authority or board of commissioners may enter into 91349  
an agreement for one or more of the incentives provided in 91350  
division (C) of section 5709.62 of the Revised Code, subject to 91351  
division (D) of that section; 91352

(2) When the facility is located in an unincorporated area, a 91353  
board of commissioners may enter into an agreement for one or more 91354  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 91355  
(B)(3) of section 5709.63 of the Revised Code, subject to division 91356  
(C) of that section. 91357

(D) All agreements entered into under this section shall be 91358  
in the form prescribed under section 5709.631 of the Revised Code. 91359  
After an agreement under this section is entered into, if the 91360  
legislative authority or board of county commissioners revokes its 91361  
designation of the zone, or if the director of development 91362  
services revokes the zone's certification, any entitlements 91363  
granted under the agreement shall continue for the number of years 91364  
specified in the agreement. 91365

(E) Except as otherwise provided in this division, an 91366  
agreement entered into under this section shall require that the 91367  
enterprise pay an annual fee equal to the greater of one per cent 91368  
of the dollar value of incentives offered under the agreement or 91369  
five hundred dollars; provided, however, that if the value of the 91370

incentives exceeds two hundred fifty thousand dollars, the fee 91371  
shall not exceed two thousand five hundred dollars. The fee shall 91372  
be payable to the legislative authority or board of commissioners 91373  
once per year for each year the agreement is effective on the days 91374  
and in the form specified in the agreement. Fees paid shall be 91375  
deposited in a special fund created for such purpose by the 91376  
legislative authority or board and shall be used by the 91377  
legislative authority or board exclusively for the purpose of 91378  
complying with section 5709.68 of the Revised Code and by the tax 91379  
incentive review council created under section 5709.85 of the 91380  
Revised Code exclusively for the purposes of performing the duties 91381  
prescribed under that section. The legislative authority or board 91382  
may waive or reduce the amount of the fee charged against an 91383  
enterprise, but such waiver or reduction does not affect the 91384  
obligations of the legislative authority or board or the tax 91385  
incentive review council to comply with section 5709.68 or 5709.85 91386  
of the Revised Code, respectively. 91387

(F) With the approval of the legislative authority of a 91388  
municipal corporation or the board of township trustees of a 91389  
township in which a zone is designated under division (A)(2) of 91390  
this section, the board of county commissioners may delegate to 91391  
that legislative authority or board any powers and duties of the 91392  
board to negotiate and administer agreements with regard to that 91393  
zone under this section. 91394

(G) When an agreement is entered into pursuant to this 91395  
section, the legislative authority or board of commissioners 91396  
authorizing the agreement shall forward a copy of the agreement to 91397  
the director of development services and to the tax commissioner 91398  
within fifteen days after the agreement is entered into. If any 91399  
agreement includes terms not provided for in section 5709.631 of 91400  
the Revised Code affecting the revenue of a city, local, or 91401  
exempted village school district or causing revenue to be forgone 91402

by the district, including any compensation to be paid to the 91403  
school district pursuant to section 5709.82 of the Revised Code, 91404  
those terms also shall be forwarded in writing to the director of 91405  
development services along with the copy of the agreement 91406  
forwarded under this division. 91407

(H) After an agreement is entered into, the enterprise shall 91408  
file with each personal property tax return required to be filed 91409  
while the agreement is in effect, an informational return, on a 91410  
form prescribed by the tax commissioner for that purpose, setting 91411  
forth separately the property, and related costs and values, 91412  
exempted from taxation under the agreement. 91413

(I) An agreement entered into under this section may include 91414  
a provision requiring the enterprise to create one or more 91415  
temporary internship positions for students enrolled in a course 91416  
of study at a school or other educational institution in the 91417  
vicinity, and to create a scholarship or provide another form of 91418  
educational financial assistance for students holding such a 91419  
position in exchange for the student's commitment to work for the 91420  
enterprise at the completion of the internship. 91421

**Sec. 5709.64.** (A) If an enterprise has been granted an 91422  
incentive for the current calendar year under an agreement entered 91423  
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 91424  
Code, it may apply, on or before the thirtieth day of April of 91425  
that year, to the director of development, on a form prescribed by 91426  
the director, for a tax incentive qualification certificate. The 91427  
enterprise qualifies for an initial certificate if, on or before 91428  
the last day of the calendar year immediately preceding that in 91429  
which application is made, it satisfies all of the following 91430  
requirements: 91431

(1) The enterprise has established, expanded, renovated, or 91432  
occupied a facility pursuant to the agreement under section 91433



5709.62, 5709.63, or 5709.632 of the Revised Code. 91434

(2) The enterprise has hired new employees to fill nonretail 91435  
positions at the facility, at least twenty-five per cent of whom 91436  
at the time they were employed were at least one of the following: 91437

(a) Unemployed persons who had resided at least six months in 91438  
the county in which the enterprise's project site is located; 91439

(b) JPTA eligible employees who had resided at least six 91440  
months in the county in which the enterprise's project site is 91441  
located; 91442

(c) Participants of the Ohio works first program under 91443  
Chapter 5107. of the Revised Code or the prevention, retention, 91444  
and contingency program under Chapter 5108. of the Revised Code or 91445  
recipients of general assistance under former Chapter 5113. of the 91446  
Revised Code, financial assistance under former Chapter 5115. of 91447  
the Revised Code, or unemployment compensation benefits who had 91448  
resided at least six months in the county in which the 91449  
enterprise's project site is located; 91450

(d) ~~Handicapped persons~~ Eligible individuals with 91451  
disabilities, as defined under division (A) of section 3304.11 of 91452  
the Revised Code, who had resided at least six months in the 91453  
county in which the enterprise's project site is located; 91454

(e) Residents for at least one year of a zone located in the 91455  
county in which the enterprise's project site is located. 91456

The director of development shall, by rule, establish 91457  
criteria for determining what constitutes a nonretail position at 91458  
a facility. 91459

(3) The average number of positions attributable to the 91460  
enterprise in the municipal corporation during the calendar year 91461  
immediately preceding the calendar year in which application is 91462  
made exceeds the maximum number of positions attributable to the 91463

enterprise in the municipal corporation during the calendar year 91464  
immediately preceding the first year the enterprise satisfies the 91465  
requirements set forth in divisions (A)(1) and (2) of this 91466  
section. If the enterprise is engaged in a business which, because 91467  
of its seasonal nature, customarily enables the enterprise to 91468  
operate at full capacity only during regularly recurring periods 91469  
of the year, the average number of positions attributable to the 91470  
enterprise in the municipal corporation during each period of the 91471  
calendar year immediately preceding the calendar year in which 91472  
application is made must exceed only the maximum number of 91473  
positions attributable to the enterprise in each corresponding 91474  
period of the calendar year immediately preceding the first year 91475  
the enterprise satisfies the requirements of divisions (A)(1) and 91476  
(2) of this section. The director of development shall, by rule, 91477  
prescribe methods for determining whether an enterprise is engaged 91478  
in a seasonal business and for determining the length of the 91479  
corresponding periods to be compared. 91480

(4) The enterprise has not closed or reduced employment at 91481  
any place of business in the state for the primary purpose of 91482  
establishing, expanding, renovating, or occupying a facility. The 91483  
legislative authority of any municipal corporation or the board of 91484  
county commissioners of any county that concludes that an 91485  
enterprise has closed or reduced employment at a place of business 91486  
in that municipal corporation or county for the primary purpose of 91487  
establishing, expanding, renovating, or occupying a facility in a 91488  
zone may appeal to the director to determine whether the 91489  
enterprise has done so. Upon receiving such an appeal, the 91490  
director shall investigate the allegations and make such a 91491  
determination before issuing an initial or renewal tax incentive 91492  
qualification certificate under this section. 91493

Within sixty days after receiving an application under this 91494  
division, the director shall review, investigate, and verify the 91495

application and determine whether the enterprise qualifies for a 91496  
certificate. The application shall include an affidavit executed 91497  
by the applicant verifying that the enterprise satisfies the 91498  
requirements of division (A)(2) of this section, and shall contain 91499  
such information and documents as the director requires, by rule, 91500  
to ascertain whether the enterprise qualifies for a certificate. 91501  
If the director finds the enterprise qualified, the director shall 91502  
issue a tax incentive qualification certificate, which shall bear 91503  
as its date of issuance the thirtieth day of June of the year of 91504  
application, and shall state that the applicant is entitled to 91505  
receive, for the taxable year that includes the certificate's date 91506  
of issuance, the tax incentives provided under section 5709.65 of 91507  
the Revised Code with regard to the facility to which the 91508  
certificate applies. If an enterprise is issued an initial 91509  
certificate, it may apply, on or before the thirtieth day of April 91510  
of each succeeding calendar year for which it has been granted an 91511  
incentive under an agreement entered pursuant to section 5709.62, 91512  
5709.63, or 5709.632 of the Revised Code, for a renewal 91513  
certificate. Subsequent to its initial certification, the 91514  
enterprise qualifies for up to three successive renewal 91515  
certificates if, on or before the last day of the calendar year 91516  
immediately preceding that in which the application is made, it 91517  
satisfies all the requirements of divisions (A)(1) to (4) of this 91518  
section, and neither the zone's designation nor the zone's 91519  
certification has been revoked prior to the fifteenth day of June 91520  
of the year in which the application is made. The application 91521  
shall include an affidavit executed by the applicant verifying 91522  
that the enterprise satisfies the requirements of division (A)(2) 91523  
of this section. An enterprise with ten or more supervisory 91524  
personnel at the facility to which a certificate applies qualifies 91525  
for any subsequent renewal certificates only if it meets all of 91526  
the foregoing requirements and, in addition, at least ten per cent 91527  
of those supervisory personnel are employees who, when first hired 91528

by the enterprise, satisfied at least one of the criteria 91529  
specified in divisions (A)(2)(a) to (e) of this section. If the 91530  
enterprise qualifies, a renewal certificate shall be issued 91531  
bearing as its date of issuance the thirtieth day of June of the 91532  
year of application. The director shall send copies of the initial 91533  
certificate, and each renewal certificate, by certified mail, to 91534  
the enterprise, the tax commissioner, the board of county 91535  
commissioners, and the chief executive of the municipal 91536  
corporation in which the facility to which the certificate applies 91537  
is located. 91538

(B) If the director determines that an enterprise is not 91539  
qualified for an initial or renewal tax incentive qualification 91540  
certificate, the director shall send notice of this determination, 91541  
specifying the reasons for it, by certified mail, to the 91542  
applicant, the tax commissioner, the board of county 91543  
commissioners, and the chief executive of the municipal 91544  
corporation in which the facility to which the certificate would 91545  
have applied is located. Within thirty days after receiving such a 91546  
notice, an enterprise may request, in writing, a hearing before 91547  
the director for the purpose of reviewing the application and the 91548  
reasons for the determination. Within sixty days after receiving a 91549  
request for a hearing, the director shall afford one and, within 91550  
thirty days after the hearing, shall issue a redetermination of 91551  
the enterprise's qualification for a certificate. If the 91552  
enterprise is found to be qualified, the director shall proceed in 91553  
the manner provided under division (A) of this section. If the 91554  
enterprise is found to be unqualified, the director shall send 91555  
notice of this finding, by certified mail, to the applicant, the 91556  
tax commissioner, the board of county commissioners, and the chief 91557  
executive of the municipal corporation in which the facility to 91558  
which the certificate would have applied is located. The 91559  
director's redetermination that an enterprise is unqualified may 91560  
be appealed to the board of tax appeals in the manner provided 91561

under section 5717.02 of the Revised Code. 91562

**Sec. 5709.68.** (A) On or before the thirty-first day of March 91563  
each year, a municipal corporation or county that has entered into 91564  
an agreement with an enterprise under section 5709.62, 5709.63, or 91565  
5709.632 of the Revised Code shall submit to the director of 91566  
development services and the board of education of each school 91567  
district of which a municipal corporation or township to which 91568  
such an agreement applies is a part a report on all of those 91569  
agreements in effect during the preceding calendar year. The 91570  
report shall include all of the following information: 91571

(1) The designation, assigned by the director of development 91572  
services, of each urban jobs and enterprise zone within the 91573  
municipal corporation or county, the date each zone was certified, 91574  
the name of each municipal corporation or township within each 91575  
zone, and the total population of each zone according to the most 91576  
recent data available; 91577

(2) The number of enterprises that are subject to those 91578  
agreements and the number of full-time employees subject to those 91579  
agreements within each zone, each according to the most recent 91580  
data available and identified and categorized by the appropriate 91581  
standard industrial code, and the rate of unemployment in the 91582  
municipal corporation or county in which the zone is located for 91583  
each year since each zone was certified; 91584

(3) The number of agreements approved and executed during the 91585  
calendar year for which the report is submitted, the total number 91586  
of agreements in effect on the thirty-first day of December of the 91587  
preceding calendar year, the number of agreements that expired 91588  
during the calendar year for which the report is submitted, and 91589  
the number of agreements scheduled to expire during the calendar 91590  
year in which the report is submitted. For each agreement that 91591  
expired during the calendar year for which the report is 91592

submitted, the municipal corporation or county shall include the 91593  
amount of taxes exempted and the estimated dollar value of any 91594  
other incentives provided under the agreement. 91595

(4) The number of agreements receiving compliance reviews by 91596  
the tax incentive review council in the municipal corporation or 91597  
county during the calendar year for which the report is submitted, 91598  
including all of the following information: 91599

(a) The number of agreements the terms of which an enterprise 91600  
has complied with, indicating separately for each agreement the 91601  
value of the real and personal property exempted pursuant to the 91602  
agreement and a comparison of the stipulated and actual schedules 91603  
for hiring new employees, for retaining existing employees, for 91604  
the amount of payroll of the enterprise attributable to these 91605  
employees, and for investing in establishing, expanding, 91606  
renovating, or occupying a facility; 91607

(b) The number of agreements the terms of which an enterprise 91608  
has failed to comply with, indicating separately for each 91609  
agreement the value of the real and personal property exempted 91610  
pursuant to the agreement and a comparison of the stipulated and 91611  
actual schedules for hiring new employees, for retaining existing 91612  
employees, for the amount of payroll of the enterprise 91613  
attributable to these employees, and for investing in 91614  
establishing, expanding, renovating, or occupying a facility; 91615

(c) The number of agreements about which the tax incentive 91616  
review council made recommendations to the legislative authority 91617  
of the municipal corporation or county, and the number of those 91618  
recommendations that have not been followed; 91619

(d) The number of agreements rescinded during the calendar 91620  
year for which the report is submitted. 91621

(5) The number of enterprises that are subject to agreements 91622  
that expanded within each zone, including the number of new 91623

employees hired and existing employees retained by each 91624  
enterprise, and the number of new enterprises that are subject to 91625  
agreements and that established within each zone, including the 91626  
number of new employees hired by each enterprise; 91627

(6)(a) The number of enterprises that are subject to 91628  
agreements and that closed or reduced employment at any place of 91629  
business within the state for the primary purpose of establishing, 91630  
expanding, renovating, or occupying a facility, indicating 91631  
separately for each enterprise the political subdivision in which 91632  
the enterprise closed or reduced employment at a place of business 91633  
and the number of full-time employees transferred and retained by 91634  
each such place of business; 91635

(b) The number of enterprises that are subject to agreements 91636  
and that closed or reduced employment at any place of business 91637  
outside the state for the primary purpose of establishing, 91638  
expanding, renovating, or occupying a facility. 91639

(7) For each agreement in effect during any part of the 91640  
preceding year, the number of employees employed by the enterprise 91641  
at the project site immediately prior to formal approval of the 91642  
agreement, the number of employees employed by the enterprise at 91643  
the project site on the thirty-first day of December of the 91644  
preceding year, the payroll of the enterprise for the preceding 91645  
year, the amount of taxes paid on tangible personal property 91646  
situated at the project site and the amount of those taxes that 91647  
were not paid because of the exemption granted under the 91648  
agreement, and the amount of taxes paid on real property 91649  
constituting the project site and the amount of those taxes that 91650  
were not paid because of the exemption granted under the 91651  
agreement. If an agreement was entered into under section 5709.632 91652  
of the Revised Code with an enterprise described in division 91653  
(B)(2) of that section, the report shall include the number of 91654  
employee positions at all of the enterprise's locations in this 91655

state. If an agreement is conditioned on a waiver issued under 91656  
division (B) of section 5709.633 of the Revised Code on the basis 91657  
of the circumstance described in division (B)(3)(a) or (b) of that 91658  
section, the report shall include the number of employees at the 91659  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 91660  
section, respectively. 91661

(B) Upon the failure of a municipal corporation or county to 91662  
comply with division (A) of this section: 91663

(1) Beginning on the first day of April of the calendar year 91664  
in which the municipal corporation or county fails to comply with 91665  
that division, the municipal corporation or county shall not enter 91666  
into any agreements with an enterprise under section 5709.62, 91667  
5709.63, or 5709.632 of the Revised Code until the municipal 91668  
corporation or county has complied with division (A) of this 91669  
section. 91670

(2) On the first day of each ensuing calendar month until the 91671  
municipal corporation or county complies with division (A) of this 91672  
section, the director of development services shall either order 91673  
the proper county auditor to deduct from the next succeeding 91674  
payment of taxes to the municipal corporation or county under 91675  
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 91676  
amount equal to one thousand dollars for each calendar month the 91677  
municipal corporation or county fails to comply with that 91678  
division, or order the county auditor to deduct that amount from 91679  
the next succeeding payment to the municipal corporation or county 91680  
from the undivided local government fund under section 5747.51 of 91681  
the Revised Code. At the time such a payment is made, the county 91682  
auditor shall comply with the director's order by issuing a 91683  
warrant, drawn on the fund from which the money would have been 91684  
paid, to the director of development services, who shall deposit 91685  
the warrant into the state enterprise zone program administration 91686  
fund created in division (C) of this section. 91687



(C) The director, by rule, shall establish the state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing the amount of the fee, the director shall consider the state's cost of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section. The director may change the amount of the fee at the times and in the increments the director considers necessary. Any municipal corporation or county that receives an application shall collect the application fee and remit the fee for deposit in the state treasury to the credit of the ~~business assistance tax incentives operating~~ fund created in section 122.174 of the Revised Code.

(D) On or before the thirtieth day of June each year, the director of development services shall certify to the tax commissioner the information described under division (A)(7) of this section, derived from the reports submitted to the director under this section.

On the basis of the information certified under this division, the tax commissioner annually shall submit a report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the ways and means committees of the respective houses of the general assembly, indicating for each enterprise zone the amount of state and local taxes that were not required to be paid because of exemptions granted under agreements entered into under section 5709.62, 5709.63, or 5709.632 of the Revised Code and the amount of additional taxes paid from the payroll of new employees.

**Sec. 5709.73.** (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding 91719  
Saturday, Sunday, and a legal holiday as defined in section 1.14 91720  
of the Revised Code. 91721

(2) "Further improvements" or "improvements" means the 91722  
increase in the assessed value of real property that would first 91723  
appear on the tax list and duplicate of real and public utility 91724  
property after the effective date of a resolution adopted under 91725  
this section were it not for the exemption granted by that 91726  
resolution. For purposes of division (B) of this section, 91727  
"improvements" do not include any property used or to be used for 91728  
residential purposes. For this purpose, "property that is used or 91729  
to be used for residential purposes" means property that, as 91730  
improved, is used or to be used for purposes that would cause the 91731  
tax commissioner to classify the property as residential property 91732  
in accordance with rules adopted by the commissioner under section 91733  
5713.041 of the Revised Code. 91734

(3) "Housing renovation" means a project carried out for 91735  
residential purposes. 91736

(4) "Incentive district" has the same meaning as in section 91737  
5709.40 of the Revised Code, except that a blighted area is in the 91738  
unincorporated area of a township. 91739

(5) "Overlay" has the same meaning as in section 5709.40 of 91740  
the Revised Code, except that the overlay is delineated by the 91741  
board of township trustees. 91742

(6) "Project" and "public infrastructure improvement" have 91743  
the same meanings as in section 5709.40 of the Revised Code. 91744

(B) A board of township trustees may, by unanimous vote, 91745  
adopt a resolution that declares to be a public purpose any public 91746  
infrastructure improvements made that are necessary for the 91747  
development of certain parcels of land located in the 91748  
unincorporated area of the township. Except with the approval 91749

under division (D) of this section of the board of education of 91750  
each city, local, or exempted village school district within which 91751  
the improvements are located, the resolution may exempt from real 91752  
property taxation not more than seventy-five per cent of further 91753  
improvements to a parcel of land that directly benefits from the 91754  
public infrastructure improvements, for a period of not more than 91755  
ten years. The resolution shall specify the percentage of the 91756  
further improvements to be exempted and the life of the exemption. 91757

(C)(1) A board of township trustees may adopt, by unanimous 91758  
vote, a resolution creating an incentive district and declaring 91759  
improvements to parcels within the district to be a public purpose 91760  
and, except as provided in division (C)(2) of this section, exempt 91761  
from taxation as provided in this section, but no board of 91762  
township trustees of a township that has a population that exceeds 91763  
twenty-five thousand, as shown by the most recent federal 91764  
decennial census, shall adopt a resolution that creates an 91765  
incentive district if the sum of the taxable value of real 91766  
property in the proposed district for the preceding tax year and 91767  
the taxable value of all real property in the township that would 91768  
have been taxable in the preceding year were it not for the fact 91769  
that the property was in an existing incentive district and 91770  
therefore exempt from taxation exceeds twenty-five per cent of the 91771  
taxable value of real property in the township for the preceding 91772  
tax year. The district shall be located within the unincorporated 91773  
area of the township and shall not include any territory that is 91774  
included within a district created under division (B) of section 91775  
5709.78 of the Revised Code. The resolution shall delineate the 91776  
boundary of the proposed district and specifically identify each 91777  
parcel within the district. A proposed district may not include 91778  
any parcel that is or has been exempted from taxation under 91779  
division (B) of this section or that is or has been within another 91780  
district created under this division. A resolution may create more 91781  
than one such district, and more than one resolution may be 91782

adopted under division (C)(1) of this section. 91783

(2)(a) Not later than thirty days prior to adopting a 91784  
resolution under division (C)(1) of this section, if the township 91785  
intends to apply for exemptions from taxation under section 91786  
5709.911 of the Revised Code on behalf of owners of real property 91787  
located within the proposed incentive district, the board shall 91788  
conduct a public hearing on the proposed resolution. Not later 91789  
than thirty days prior to the public hearing, the board shall give 91790  
notice of the public hearing and the proposed resolution by first 91791  
class mail to every real property owner whose property is located 91792  
within the boundaries of the proposed incentive district that is 91793  
the subject of the proposed resolution. The notice shall include a 91794  
map of the proposed incentive district on which the board of 91795  
township trustees shall have delineated an overlay. The notice 91796  
shall inform the property owner of the owner's right to exclude 91797  
the owner's property from the incentive district if both of the 91798  
following conditions are met: 91799

(i) The owner's entire parcel of property will not be located 91800  
within the overlay. 91801

(ii) The owner has submitted a statement to the board of 91802  
county commissioners of the county in which the parcel is located 91803  
indicating the owner's intent to seek a tax exemption for 91804  
improvements to the owner's parcel under division (A) or (B) of 91805  
section 5709.78 of the Revised Code within the next five years. 91806

When both of the preceding conditions are met, the owner may 91807  
exclude the owner's property from the incentive district by 91808  
submitting a written response in accordance with division 91809  
(C)(2)(b) of this section. The notice also shall include 91810  
information detailing the required contents of the response, the 91811  
address to which the response may be mailed, and the deadline for 91812  
submitting the response. 91813

(b) Any owner of real property located within the boundaries 91814  
of an incentive district proposed under division (C)(1) of this 91815  
section who meets the conditions specified in divisions 91816  
(C)(2)(a)(i) and (ii) of this section may exclude the property 91817  
from the proposed incentive district by submitting a written 91818  
response to the board not later than forty-five days after the 91819  
postmark date on the notice required under division (C)(2)(a) of 91820  
this section. The response shall include a copy of the statement 91821  
submitted under division (C)(2)(a)(ii) of this section. The 91822  
response shall be sent by first class mail or delivered in person 91823  
at a public hearing held by the board under division (C)(2)(a) of 91824  
this section. The response shall conform to any content 91825  
requirements that may be established by the board and included in 91826  
the notice provided under division (C)(2)(a) of this section. In 91827  
the response, property owners may identify a parcel by street 91828  
address, by the manner in which it is identified in the 91829  
resolution, or by other means allowing the identity of the parcel 91830  
to be ascertained. 91831

(c) Before adopting a resolution under division (C)(1) of 91832  
this section, the board shall amend the resolution to exclude any 91833  
parcel for which a written response has been submitted under 91834  
division (C)(2)(b) of this section. A township shall not apply for 91835  
exemptions from taxation under section 5709.911 of the Revised 91836  
Code for any such parcel, and service payments may not be required 91837  
from the owner of the parcel. Improvements to a parcel excluded 91838  
from an incentive district under this division may be exempted 91839  
from taxation under division (B) of this section pursuant to a 91840  
resolution adopted under that division or under any other section 91841  
of the Revised Code under which the parcel qualifies. 91842

(3)(a) A resolution adopted under division (C)(1) of this 91843  
section shall specify the life of the incentive district and the 91844  
percentage of the improvements to be exempted, shall designate the 91845

public infrastructure improvements made, to be made, or in the 91846  
process of being made, that benefit or serve, or, once made, will 91847  
benefit or serve parcels in the district. The resolution also 91848  
shall identify one or more specific projects being, or to be, 91849  
undertaken in the district that place additional demand on the 91850  
public infrastructure improvements designated in the resolution. 91851  
The project identified may, but need not be, the project under 91852  
division (C)(3)(b) of this section that places real property in 91853  
use for commercial or industrial purposes. 91854

A resolution adopted under division (C)(1) of this section on 91855  
or after March 30, 2006, shall not designate police or fire 91856  
equipment as public infrastructure improvements, and no service 91857  
payment provided for in section 5709.74 of the Revised Code and 91858  
received by the township under the resolution shall be used for 91859  
police or fire equipment. 91860

(b) A resolution adopted under division (C)(1) of this 91861  
section may authorize the use of service payments provided for in 91862  
section 5709.74 of the Revised Code for the purpose of housing 91863  
renovations within the incentive district, provided that the 91864  
resolution also designates public infrastructure improvements that 91865  
benefit or serve the district, and that a project within the 91866  
district places real property in use for commercial or industrial 91867  
purposes. Service payments may be used to finance or support 91868  
loans, deferred loans, and grants to persons for the purpose of 91869  
housing renovations within the district. The resolution shall 91870  
designate the parcels within the district that are eligible for 91871  
housing renovations. The resolution shall state separately the 91872  
amount or the percentages of the expected aggregate service 91873  
payments that are designated for each public infrastructure 91874  
improvement and for the purpose of housing renovations. 91875

(4) Except with the approval of the board of education of 91876  
each city, local, or exempted village school district within the 91877

territory of which the incentive district is or will be located, 91878  
and subject to division (E) of this section, the life of an 91879  
incentive district shall not exceed ten years, and the percentage 91880  
of improvements to be exempted shall not exceed seventy-five per 91881  
cent. With approval of the board of education, the life of a 91882  
district may be not more than thirty years, and the percentage of 91883  
improvements to be exempted may be not more than one hundred per 91884  
cent. The approval of a board of education shall be obtained in 91885  
the manner provided in division (D) of this section. 91886

(D) Improvements with respect to a parcel may be exempted 91887  
from taxation under division (B) of this section, and improvements 91888  
to parcels within an incentive district may be exempted from 91889  
taxation under division (C) of this section, for up to ten years 91890  
or, with the approval of the board of education of the city, 91891  
local, or exempted village school district within which the parcel 91892  
or district is located, for up to thirty years. The percentage of 91893  
the improvements exempted from taxation may, with such approval, 91894  
exceed seventy-five per cent, but shall not exceed one hundred per 91895  
cent. Not later than forty-five business days prior to adopting a 91896  
resolution under this section declaring improvements to be a 91897  
public purpose that is subject to approval by a board of education 91898  
under this division, the board of township trustees shall deliver 91899  
to the board of education a notice stating its intent to adopt a 91900  
resolution making that declaration. The notice regarding 91901  
improvements with respect to a parcel under division (B) of this 91902  
section shall identify the parcels for which improvements are to 91903  
be exempted from taxation, provide an estimate of the true value 91904  
in money of the improvements, specify the period for which the 91905  
improvements would be exempted from taxation and the percentage of 91906  
the improvements that would be exempted, and indicate the date on 91907  
which the board of township trustees intends to adopt the 91908  
resolution. The notice regarding improvements made under division 91909  
(C) of this section to parcels within an incentive district shall 91910

delineate the boundaries of the district, specifically identify 91911  
each parcel within the district, identify each anticipated 91912  
improvement in the district, provide an estimate of the true value 91913  
in money of each such improvement, specify the life of the 91914  
district and the percentage of improvements that would be 91915  
exempted, and indicate the date on which the board of township 91916  
trustees intends to adopt the resolution. The board of education, 91917  
by resolution adopted by a majority of the board, may approve the 91918  
exemption for the period or for the exemption percentage specified 91919  
in the notice; may disapprove the exemption for the number of 91920  
years in excess of ten, may disapprove the exemption for the 91921  
percentage of the improvements to be exempted in excess of 91922  
seventy-five per cent, or both; or may approve the exemption on 91923  
the condition that the board of township trustees and the board of 91924  
education negotiate an agreement providing for compensation to the 91925  
school district equal in value to a percentage of the amount of 91926  
taxes exempted in the eleventh and subsequent years of the 91927  
exemption period or, in the case of exemption percentages in 91928  
excess of seventy-five per cent, compensation equal in value to a 91929  
percentage of the taxes that would be payable on the portion of 91930  
the improvements in excess of seventy-five per cent were that 91931  
portion to be subject to taxation, or other mutually agreeable 91932  
compensation. 91933

The board of education shall certify its resolution to the 91934  
board of township trustees not later than fourteen days prior to 91935  
the date the board of township trustees intends to adopt the 91936  
resolution as indicated in the notice. If the board of education 91937  
and the board of township trustees negotiate a mutually acceptable 91938  
compensation agreement, the resolution may declare the 91939  
improvements a public purpose for the number of years specified in 91940  
the resolution or, in the case of exemption percentages in excess 91941  
of seventy-five per cent, for the exemption percentage specified 91942  
in the resolution. In either case, if the board of education and 91943



the board of township trustees fail to negotiate a mutually 91944  
acceptable compensation agreement, the resolution may declare the 91945  
improvements a public purpose for not more than ten years, and 91946  
shall not exempt more than seventy-five per cent of the 91947  
improvements from taxation. If the board of education fails to 91948  
certify a resolution to the board of township trustees within the 91949  
time prescribed by this section, the board of township trustees 91950  
thereupon may adopt the resolution and may declare the 91951  
improvements a public purpose for up to thirty years or, in the 91952  
case of exemption percentages proposed in excess of seventy-five 91953  
per cent, for the exemption percentage specified in the 91954  
resolution. The board of township trustees may adopt the 91955  
resolution at any time after the board of education certifies its 91956  
resolution approving the exemption to the board of township 91957  
trustees, or, if the board of education approves the exemption on 91958  
the condition that a mutually acceptable compensation agreement be 91959  
negotiated, at any time after the compensation agreement is agreed 91960  
to by the board of education and the board of township trustees. 91961  
If a mutually acceptable compensation agreement is negotiated 91962  
between the board of township trustees and the board of education, 91963  
including agreements for payments in lieu of taxes under section 91964  
5709.74 of the Revised Code, the board of township trustees shall 91965  
compensate the joint vocational school district within which the 91966  
parcel or district is located at the same rate and under the same 91967  
terms received by the city, local, or exempted village school 91968  
district. 91969

If a board of education has adopted a resolution waiving its 91970  
right to approve exemptions from taxation under this section and 91971  
the resolution remains in effect, approval of such exemptions by 91972  
the board of education is not required under division (D) of this 91973  
section. If a board of education has adopted a resolution allowing 91974  
a board of township trustees to deliver the notice required under 91975  
division (D) of this section fewer than forty-five business days 91976

prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the

improvements would be exempted from taxation, specify the 92009  
percentage of the improvements that would be exempted from 92010  
taxation, and indicate the date on which the board of township 92011  
trustees intends to adopt the resolution. 92012

(2) The board of county commissioners, by resolution adopted 92013  
by a majority of the board, may object to the exemption for the 92014  
number of years in excess of ten, may object to the exemption for 92015  
the percentage of the improvement to be exempted in excess of 92016  
seventy-five per cent, or both. If the board of county 92017  
commissioners objects, the board may negotiate a mutually 92018  
acceptable compensation agreement with the board of township 92019  
trustees. In no case shall the compensation provided to the board 92020  
of county commissioners exceed the property taxes foregone due to 92021  
the exemption. If the board of county commissioners objects, and 92022  
the board of county commissioners and board of township trustees 92023  
fail to negotiate a mutually acceptable compensation agreement, 92024  
the resolution adopted under division (C)(1) of this section shall 92025  
provide to the board of county commissioners compensation in the 92026  
eleventh and subsequent years of the exemption period equal in 92027  
value to not more than fifty per cent of the taxes that would be 92028  
payable to the county or, if the board of county commissioner's 92029  
objection includes an objection to an exemption percentage in 92030  
excess of seventy-five per cent, compensation equal in value to 92031  
not more than fifty per cent of the taxes that would be payable to 92032  
the county, on the portion of the improvement in excess of 92033  
seventy-five per cent, were that portion to be subject to 92034  
taxation. The board of county commissioners shall certify its 92035  
resolution to the board of township trustees not later than thirty 92036  
days after receipt of the notice. 92037

(3) If the board of county commissioners does not object or 92038  
fails to certify its resolution objecting to an exemption within 92039  
thirty days after receipt of the notice, the board of township 92040

trustees may adopt its resolution, and no compensation shall be 92041  
provided to the board of county commissioners. If the board of 92042  
county commissioners timely certifies its resolution objecting to 92043  
the trustees' resolution, the board of township trustees may adopt 92044  
its resolution at any time after a mutually acceptable 92045  
compensation agreement is agreed to by the board of county 92046  
commissioners and the board of township trustees, or, if no 92047  
compensation agreement is negotiated, at any time after the board 92048  
of township trustees agrees in the proposed resolution to provide 92049  
compensation to the board of county commissioners of fifty per 92050  
cent of the taxes that would be payable to the county in the 92051  
eleventh and subsequent years of the exemption period or on the 92052  
portion of the improvement in excess of seventy-five per cent, 92053  
were that portion to be subject to taxation. 92054

(F) Service payments in lieu of taxes that are attributable 92055  
to any amount by which the effective tax rate of either a renewal 92056  
levy with an increase or a replacement levy exceeds the effective 92057  
tax rate of the levy renewed or replaced, or that are attributable 92058  
to an additional levy, for a levy authorized by the voters for any 92059  
of the following purposes on or after January 1, 2006, and which 92060  
are provided pursuant to a resolution creating an incentive 92061  
district under division (C)(1) of this section that is adopted on 92062  
or after January 1, 2006, shall be distributed to the appropriate 92063  
taxing authority as required under division (C) of section 5709.74 92064  
of the Revised Code in an amount equal to the amount of taxes from 92065  
that additional levy or from the increase in the effective tax 92066  
rate of such renewal or replacement levy that would have been 92067  
payable to that taxing authority from the following levies were it 92068  
not for the exemption authorized under division (C) of this 92069  
section: 92070

(1) A tax levied under division (L) of section 5705.19 or 92071  
section 5705.191 or 5705.222 of the Revised Code for community 92072

developmental disabilities programs and services pursuant to	92073
Chapter 5126. of the Revised Code;	92074
(2) A tax levied under division (Y) of section 5705.19 of the	92075
Revised Code for providing or maintaining senior citizens services	92076
or facilities;	92077
(3) A tax levied under section 5705.22 of the Revised Code	92078
for county hospitals;	92079
(4) A tax levied by a joint-county district or by a county	92080
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	92081
for alcohol, drug addiction, and mental health services or	92082
families;	92083
(5) A tax levied under section 5705.23 of the Revised Code	92084
for library purposes;	92085
(6) A tax levied under section 5705.24 of the Revised Code	92086
for the support of children services and the placement and care of	92087
children;	92088
(7) A tax levied under division (Z) of section 5705.19 of the	92089
Revised Code for the provision and maintenance of zoological park	92090
services and facilities under section 307.76 of the Revised Code;	92091
(8) A tax levied under section 511.27 or division (H) of	92092
section 5705.19 of the Revised Code for the support of township	92093
park districts;	92094
(9) A tax levied under division (A), (F), or (H) of section	92095
5705.19 of the Revised Code for parks and recreational purposes of	92096
a joint recreation district organized pursuant to division (B) of	92097
section 755.14 of the Revised Code;	92098
(10) A tax levied under section 1545.20 or 1545.21 of the	92099
Revised Code for park district purposes;	92100
(11) A tax levied under section 5705.191 of the Revised Code	92101
for the purpose of making appropriations for public assistance;	92102

human or social services; public relief; public welfare; public 92103  
health and hospitalization; and support of general hospitals; 92104

(12) A tax levied under section 3709.29 of the Revised Code 92105  
for a general health district program. 92106

(G) An exemption from taxation granted under this section 92107  
commences with the tax year specified in the resolution so long as 92108  
the year specified in the resolution commences after the effective 92109  
date of the resolution. If the resolution specifies a year 92110  
commencing before the effective date of the resolution or 92111  
specifies no year whatsoever, the exemption commences with the tax 92112  
year in which an exempted improvement first appears on the tax 92113  
list and duplicate of real and public utility property and that 92114  
commences after the effective date of the resolution. In lieu of 92115  
stating a specific year, the resolution may provide that the 92116  
exemption commences in the tax year in which the value of an 92117  
improvement exceeds a specified amount or in which the 92118  
construction of one or more improvements is completed, provided 92119  
that such tax year commences after the effective date of the 92120  
resolution. With respect to the exemption of improvements to 92121  
parcels under division (B) of this section, the resolution may 92122  
allow for the exemption to commence in different tax years on a 92123  
parcel-by-parcel basis, with a separate exemption term specified 92124  
for each parcel. 92125

Except as otherwise provided in this division, the exemption 92126  
ends on the date specified in the resolution as the date the 92127  
improvement ceases to be a public purpose or the incentive 92128  
district expires, or ends on the date on which the public 92129  
infrastructure improvements and housing renovations are paid in 92130  
full from the township public improvement tax increment equivalent 92131  
fund established under section 5709.75 of the Revised Code, 92132  
whichever occurs first. The exemption of an improvement with 92133  
respect to a parcel or within an incentive district may end on a 92134

later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the 92168  
adoption of a resolution under this section, shall submit to the 92169  
director of development services a copy of the resolution. On or 92170  
before the thirty-first day of March of each year, the township 92171  
shall submit a status report to the director of development 92172  
services. The report shall indicate, in the manner prescribed by 92173  
the director, the progress of the project during each year that 92174  
the exemption remains in effect, including a summary of the 92175  
receipts from service payments in lieu of taxes; expenditures of 92176  
money from the fund created under section 5709.75 of the Revised 92177  
Code; a description of the public infrastructure improvements and 92178  
housing renovations financed with the expenditures; and a 92179  
quantitative summary of changes in private investment resulting 92180  
from each project. 92181

(J) Nothing in this section shall be construed to prohibit a 92182  
board of township trustees from declaring to be a public purpose 92183  
improvements with respect to more than one parcel. 92184

If a parcel is located in a new community district in which 92185  
the new community authority imposes a community development charge 92186  
on the basis of rentals received from leases of real property as 92187  
described in division (L)(2) of section 349.01 of the Revised 92188  
Code, the parcel may not be exempted from taxation under this 92189  
section. 92190

(K) A board of township trustees that adopted a resolution 92191  
under this section prior to July 21, 1994, may amend that 92192  
resolution to include any additional public infrastructure 92193  
improvement. A board of township trustees that seeks by the 92194  
amendment to utilize money from its township public improvement 92195  
tax increment equivalent fund for land acquisition in aid of 92196  
industry, commerce, distribution, or research, demolition on 92197  
private property, or stormwater and flood remediation projects may 92198  
do so provided that the board currently is a party to a 92199



hold-harmless agreement with the board of education of the city, 92200  
local, or exempted village school district within the territory of 92201  
which are located the parcels that are subject to an exemption. 92202  
For the purposes of this division, a "hold-harmless agreement" 92203  
means an agreement under which the board of township trustees 92204  
agrees to compensate the school district for one hundred per cent 92205  
of the tax revenue that the school district would have received 92206  
from further improvements to parcels designated in the resolution 92207  
were it not for the exemption granted by the resolution. 92208

(L) Notwithstanding the limitation prescribed by division (D) 92209  
of this section on the number of years that improvements to a 92210  
parcel or parcels may be exempted from taxation, a board of 92211  
trustees of a township with a population of fifteen thousand or 92212  
more may amend a resolution originally adopted under this section 92213  
before December 31, 1994, to extend the exemption of improvements 92214  
to the parcel or parcels included in such resolution for an 92215  
additional period not to exceed fifteen years. The amendment shall 92216  
not increase the percentage of improvements to the parcel or 92217  
parcels exempted from taxation. The Before adopting an amendment 92218  
authorized under this division, the board of township trustees 92219  
shall obtain the approval of each board of education of the city, 92220  
local, or exempted village school district within which the 92221  
exempted parcels are located in the manner required under division 92222  
(D) of this section, except that (1) the board of education may 92223  
approve the exemption on the condition that the board of township 92224  
trustees and the board of education negotiate an agreement 92225  
providing for compensation to the school district equal in value 92226  
to the amount of taxes the district forgoes in each year the 92227  
exemption is extended pursuant to this division or any other 92228  
mutually agreeable compensation and (2) if the board of education 92229  
fails to certify a resolution approving the amendment to the board 92230  
of township trustees within the time prescribed by division (D) of 92231  
this section, the board of township trustees shall not adopt the 92232

amendment authorized under this division. 92233

No approval under this division shall be required from a 92234  
board of education that has adopted a resolution waiving its right 92235  
to approve exemptions from taxation pursuant to division (D) of 92236  
this section. If the board of education has adopted such a 92237  
resolution, the board of township trustees shall comply with the 92238  
notice requirements imposed under section 5709.83 of the Revised 92239  
Code before taking formal action to adopt an amendment authorized 92240  
under this division unless the board of education has adopted a 92241  
resolution under that section waiving its right to receive the 92242  
notice. ~~The~~ Not later than fourteen days before adopting an 92243  
amendment authorized under this division, the board of township 92244  
trustees shall deliver ~~an identical~~ a notice identical to a notice 92245  
required under section 5709.83 of the Revised Code to the board of 92246  
county commissioners of each county in which the exempted parcels 92247  
are located. 92248

**Sec. 5709.92.** (A) As used in this section: 92249

(1) "School district" means a city, local, or exempted 92250  
village school district. 92251

(2) "Joint vocational school district" means a joint 92252  
vocational school district created under section 3311.16 of the 92253  
Revised Code, and includes a cooperative education school district 92254  
created under section 3311.52 or 3311.521 of the Revised Code and 92255  
a county school financing district created under section 3311.50 92256  
of the Revised Code. 92257

(3) "Total resources" means the sum of the amounts described 92258  
in divisions (A)(3)(a) to (g) of this section less any reduction 92259  
required under division (C)~~(3)~~(4)(a) of this section. 92260

(a) The state education aid for fiscal year 2015; 92261

(b) The sum of the payments received in fiscal year 2015 for 92262

current expense levy losses under division (C)(3) of section 92263  
5727.85 and division (C)(12) of section 5751.21 of the Revised 92264  
Code, as they existed at that time, excluding the portion of such 92265  
payments attributable to levies for joint vocational school 92266  
district purposes; 92267

(c) The sum of fixed-sum levy loss payments received by the 92268  
school district in fiscal year 2015 under division (F)(1) of 92269  
section 5727.85 and division (E)(1) of section 5751.21 of the 92270  
Revised Code, as they existed at that time, for fixed-sum levies 92271  
charged and payable for a purpose other than paying debt charges; 92272

(d) The district's taxes charged and payable against all 92273  
property on the tax list of real and public utility property for 92274  
current expense purposes for tax year 2014, including taxes 92275  
charged and payable from emergency levies charged and payable 92276  
under sections 5705.194 to 5705.197 of the Revised Code, excluding 92277  
taxes levied for joint vocational school district purposes or 92278  
levied under section 5705.23 of the Revised Code; 92279

(e) The amount certified for fiscal year 2015 under division 92280  
(A)(2) of section 3317.08 of the Revised Code; 92281

(f) Distributions received during calendar year 2014 from 92282  
taxes levied under section 718.09 of the Revised Code; 92283

(g) Distributions received during fiscal year 2015 from the 92284  
gross casino revenue county student fund. 92285

(4)(a) "State education aid" for a school district means the 92286  
sum of state amounts computed for the district under sections 92287  
3317.022 and 3317.0212 of the Revised Code after any amounts are 92288  
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 92289  
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 92290  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 92291

(b) "State education aid" for a joint vocational district 92292  
means the amount computed for the district under section 3317.16 92293

of the Revised Code after any amounts are added or subtracted 92294  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 92295  
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 92296  
DISTRICTS." 92297

(5) "Taxes charged and payable" means taxes charged and 92298  
payable after the reduction required by section 319.301 of the 92299  
Revised Code but before the reductions required by sections 92300  
319.302 and 323.152 of the Revised Code. 92301

(6) "Capacity quintile" means the capacity measure quintiles 92302  
determined under division (B) of this section. 92303

(7) "Threshold per cent" means the following: 92304

(a) For a school district in the lowest capacity quintile, 92305  
one per cent for fiscal year 2016 and two per cent for fiscal year 92306  
2017. 92307

(b) For a school district in the second lowest capacity 92308  
quintile, one and one-fourth per cent for fiscal year 2016 and two 92309  
and one-half per cent for fiscal year 2017. 92310

(c) For a school district in the third lowest capacity 92311  
quintile, one and one-half per cent for fiscal year 2016 and three 92312  
per cent for fiscal year 2017. 92313

(d) For a school district in the second highest capacity 92314  
quintile, one and three-fourths per cent for fiscal year 2016 and 92315  
three and one-half per cent for fiscal year 2017. 92316

(e) For a school district in the highest capacity quintile, 92317  
two per cent for fiscal year 2016 and four per cent for fiscal 92318  
year 2017. 92319

(f) For a joint vocational school district, two per cent for 92320  
fiscal year 2016 and four per cent for fiscal year 2017. 92321

(8) "Current expense allocation" means the sum of the 92322  
payments received by a school district or joint vocational school 92323

district in fiscal year 2015 for current expense levy losses under 92324  
division (C)(3) of section 5727.85 and division (C)(12) of section 92325  
5751.21 of the Revised Code as they existed at that time, less any 92326  
reduction required under division (C)~~(3)~~(4)(b) of this section. 92327

(9) "Non-current expense allocation" means the sum of the 92328  
payments received by a school district or joint vocational school 92329  
district in fiscal year 2015 for levy losses under division 92330  
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 92331  
5751.21 of the Revised Code, as they existed at that time, and 92332  
levy losses in fiscal year 2015 under division (H) of section 92333  
5727.84 of the Revised Code as that section existed at that time 92334  
attributable to levies for and payments received for losses on 92335  
levies intended to generate money for maintenance of classroom 92336  
facilities. 92337

(10) "Operating TPP fixed-sum levy losses" means the sum of 92338  
payments received by a school district in fiscal year 2015 for 92339  
levy losses under division (E) of section 5751.21 of the Revised 92340  
Code, excluding levy losses for debt purposes. 92341

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 92342  
of payments received by the school district in fiscal year 2015 92343  
for levy losses under division (H) of section 5727.84 of the 92344  
Revised Code, excluding levy losses for debt purposes. 92345

(12) "TPP fixed-sum debt levy losses" means the sum of 92346  
payments received by a school district in fiscal year 2015 for 92347  
levy losses under division (E) of section 5751.21 of the Revised 92348  
Code for debt purposes. 92349

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 92350  
payments received by the school district in fiscal year 2015 for 92351  
levy losses under division (H) of section 5727.84 of the Revised 92352  
Code for debt purposes. 92353

(14) "Qualifying levies" means qualifying levies described in 92354

section 5751.20 of the Revised Code as that section was in effect 92355  
before July 1, 2015. 92356

(15) "Total taxable value" has the same meaning as in section 92357  
3317.02 of the Revised Code. 92358

(B) The department of education shall rank all school 92359  
districts in the order of districts' capacity measures determined 92360  
under former section 3317.018 of the Revised Code from lowest to 92361  
highest, and divide such ranking into quintiles, with the first 92362  
quintile containing the twenty per cent of school districts having 92363  
the lowest capacity measure and the fifth quintile containing the 92364  
twenty per cent of school districts having the highest capacity 92365  
measure. This calculation and ranking shall be performed once, in 92366  
fiscal year 2016. 92367

(C)(1) In fiscal year 2016, payments shall be made to school 92368  
districts and joint vocational school districts equal to the sum 92369  
of the amounts described in divisions (C)(1)(a) or (b) and 92370  
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 92371  
made to school districts and joint vocational school districts 92372  
equal to the amount described in division (C)(1)(a) or (b) of this 92373  
section. 92374

(a) If the ratio of the current expense allocation to total 92375  
resources is equal to or less than the district's threshold per 92376  
cent, zero; 92377

(b) If the ratio of the current expense allocation to total 92378  
resources is greater than the district's threshold per cent, the 92379  
difference between the current expense allocation and the product 92380  
of the threshold percentage and total resources; 92381

(c) For fiscal year 2016, the product of the non-current 92382  
expense allocation multiplied by fifty per cent. 92383

(2) In fiscal ~~year~~ years 2018 and ~~subsequent fiscal years~~ 92384  
2019, payments shall be made to school districts and joint 92385

vocational school districts equal to the difference obtained by 92386  
subtracting the amount described in division (C)(2)(b) of this 92387  
section from the amount described in division (C)(2)(a) of this 92388  
section, provided that such amount is greater than zero. 92389

(a) The sum of the payments received by the district under 92390  
division (C)(1)(b) or (C)(2) of this section for the immediately 92391  
preceding fiscal year; 92392

(b) One-sixteenth of one per cent of the average of the total 92393  
taxable value of the district for tax years 2014, 2015, and 2016. 92394

(3) In fiscal year 2020 and subsequent fiscal years, payments 92395  
shall be made to school districts and joint vocational school 92396  
districts equal to the difference obtained by subtracting the 92397  
amount described in division (C)(3)(b) of this section from the 92398  
amount described in division (C)(3)(a) of this section, provided 92399  
that such amount is greater than zero. 92400

(a) The sum of the payments received by the district under 92401  
division (C)(2) or (3) of this section for the immediately 92402  
preceding fiscal year; 92403

(b) One-fourth of one-tenth of one per cent of the average of 92404  
the total taxable value of the district for tax years 2016, 2017, 92405  
and 2018. 92406

(4)(a) "Total resources" used to compute payments under 92407  
division (C)(1) of this section shall be reduced to the extent 92408  
that payments distributed in fiscal year 2015 were attributable to 92409  
levies no longer charged and payable for tax year 2014. 92410

(b) "Current expense allocation" used to compute payments 92411  
under division (C)(1) of this section shall be reduced to the 92412  
extent that the payments distributed in fiscal year 2015 were 92413  
attributable to levies no longer charged and payable for tax year 92414  
2014. 92415

~~(4)~~(5) The department of education shall report to each 92416  
school district and joint vocational school district the 92417  
apportionment of the payments under division (C)(1) of this 92418  
section among the district's funds based on qualifying levies. 92419

(D)(1) Payments in the following amounts shall be made to 92420  
school districts and joint vocational school districts in tax 92421  
years 2016 through 2021: 92422

(a) In tax year 2016, the sum of the district's operating TPP 92423  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 92424

(b) In tax year 2017, the sum of the district's operating TPP 92425  
fixed-sum levy losses and eighty per cent of operating S.B. 3 92426  
fixed-sum levy losses. 92427

(c) In tax year 2018, the sum of eighty per cent of the 92428  
district's operating TPP fixed-sum levy losses and sixty per cent 92429  
of its operating S.B. 3 fixed-sum levy losses. 92430

(d) In tax year 2019, the sum of sixty per cent of the 92431  
district's operating TPP fixed-sum levy losses and forty per cent 92432  
of its operating S.B. 3 fixed-sum levy losses. 92433

(e) In tax year 2020, the sum of forty per cent of the 92434  
district's operating TPP fixed-sum levy losses and twenty per cent 92435  
of its operating S.B. 3 fixed-sum levy losses. 92436

(f) In tax year 2021, twenty per cent of the district's 92437  
operating TPP fixed-sum levy losses. 92438

No payment shall be made under division (D)(1) of this 92439  
section after tax year 2021. 92440

(2) Amounts are payable under division (D) of this section 92441  
for fixed-sum levy losses only to the extent of such losses for 92442  
qualifying levies that remain in effect for the current tax year. 92443  
For this purpose, a qualifying levy levied under section 5705.194 92444  
or 5705.213 of the Revised Code remains in effect for the current 92445



tax year only if a tax levied under either of those sections is 92446  
charged and payable for the current tax year for an annual sum at 92447  
least equal to the annual sum levied by the board of education for 92448  
tax year 2004 under those sections less the amount of the payment 92449  
under this division. 92450

(E)(1) For fixed-sum levies for debt purposes, payments shall 92451  
be made to school districts and joint vocational school districts 92452  
equal to one hundred per cent of the district's fixed-sum levy 92453  
loss determined under division (E) of section 5751.20 and division 92454  
(H) of section 5727.84 of the Revised Code as in effect before 92455  
July 1, 2015, and paid in tax year 2014. No payment shall be made 92456  
for qualifying levies that are no longer charged and payable. 92457

(2) Beginning in 2016, by the thirty-first day of January of 92458  
each year, the tax commissioner shall review the calculation of 92459  
fixed-sum levy loss for debt purposes determined under division 92460  
(E) of section 5751.20 and division (H) of section 5727.84 of the 92461  
Revised Code as in effect before July 1, 2015. If the commissioner 92462  
determines that a fixed-sum levy that had been scheduled to be 92463  
reimbursed in the current year is no longer charged and payable, a 92464  
revised calculation for that year and all subsequent years shall 92465  
be made. 92466

(F)(1) For taxes levied within the ten-mill limitation for 92467  
debt purposes in tax year 1998 in the case of electric company tax 92468  
value losses, and in tax year 1999 in the case of natural gas 92469  
company tax value losses, payments shall be made to school 92470  
districts and joint vocational school districts equal to one 92471  
hundred per cent of the loss computed under division (D) of 92472  
section 5727.85 of the Revised Code as in effect before July 1, 92473  
2015, as if the tax were a fixed-rate levy, but those payments 92474  
shall extend through fiscal year 2016. 92475

(2) For taxes levied within the ten-mill limitation for debt 92476  
purposes in tax year 2005, payments shall be made to school 92477

districts and joint vocational school districts equal to one 92478  
hundred per cent of the loss computed under division (D) of 92479  
section 5751.21 of the Revised Code as in effect before July 1, 92480  
2015, as if the tax were a fixed-rate levy, but those payments 92481  
shall extend through fiscal year 2018. 92482

(G) If all the territory of a school district or joint 92483  
vocational school district is merged with another district, or if 92484  
a part of the territory of a school district or joint vocational 92485  
school district is transferred to an existing or newly created 92486  
district, the department of education, in consultation with the 92487  
tax commissioner, shall adjust the payments made under this 92488  
section as follows: 92489

(1) For a merger of two or more districts, fixed-sum levy 92490  
losses, total resources, current expense allocation, and 92491  
non-current expense allocation of the successor district shall be 92492  
the sum of such items for each of the districts involved in the 92493  
merger. 92494

(2) If property is transferred from one district to a 92495  
previously existing district, the amount of the total resources, 92496  
current expense allocation, and non-current expense allocation 92497  
that shall be transferred to the recipient district shall be an 92498  
amount equal to the total resources, current expense allocation, 92499  
and non-current expense allocation of the transferor district 92500  
times a fraction, the numerator of which is the number of pupils 92501  
being transferred to the recipient district, measured, in the case 92502  
of a school district, by formula ADM as defined in section 3317.02 92503  
of the Revised Code or, in the case of a joint vocational school 92504  
district, by formula ADM as defined for a joint vocational school 92505  
district in that section, and the denominator of which is the 92506  
formula ADM of the transferor district. 92507

(3) After December 31, 2010, if property is transferred from 92508  
one or more districts to a district that is newly created out of 92509

the transferred property, the newly created district shall be 92510  
deemed not to have any total resources, current expense 92511  
allocation, total allocation, or non-current expense allocation. 92512

(4) If the recipient district under division (G)(2) of this 92513  
section or the newly created district under division (G)(3) of 92514  
this section is assuming debt from one or more of the districts 92515  
from which the property was transferred and any of the districts 92516  
losing the property had fixed-sum levy losses, the department of 92517  
education, in consultation with the tax commissioner, shall make 92518  
an equitable division of the reimbursements for those losses. 92519

(H) The payments required by divisions (C), (D), (E), and (F) 92520  
of this section shall be distributed periodically to each school 92521  
and joint vocational school district by the department of 92522  
education unless otherwise provided for. Except as provided in 92523  
division (D) of this section, if a levy that is a qualifying levy 92524  
is not charged and payable in any year after 2014, payments to the 92525  
school district or joint vocational school district shall be 92526  
reduced to the extent that the payments distributed in fiscal year 92527  
2015 were attributable to the levy loss of that levy. 92528

**Sec. 5713.051.** (A) As used in this section: 92529

(1) "Oil" means all grades of crude oil. 92530

(2) "Gas" means all forms of natural gas. 92531

(3) "Well" means an oil or gas well or an oil and gas well. 92532

(4) "M.C.F." means one thousand cubic feet. 92533

(5) "Commonly metered wells" means two or more wells that 92534  
share the same meter. 92535

(6) "Total production" means the total amount of oil, 92536  
measured in barrels, and the total amount of gas, measured in 92537  
M.C.F., of all oil and gas actually produced and sold from a 92538  
single well that is developed and producing on the tax lien date. 92539

For commonly metered wells, "total production" means the total amount of oil, measured in barrels, and the total amount of gas, measured in M.C.F., of all oil and gas actually produced and sold from the commonly metered wells divided by the number of the commonly metered wells.

(7) "Flush production" means total production from a single well during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce. For commonly metered wells, "flush production" means total production during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce from all wells with flush production divided by the number of those wells.

(8) "Production through secondary recovery methods" means total production from a single well where mechanically induced pressure, such as air, nitrogen, carbon dioxide, or water pressure, is used to stimulate and maintain production in the oil and gas reservoir, exclusive of any flush production. For commonly metered wells, "production through secondary recovery methods" means total production from all wells with production through secondary recovery methods divided by the number of ~~the~~ those wells.

(9) "Stabilized production" means total production reduced, if applicable, by the greater of forty-two and one-half per cent of flush production or fifty per cent of production through secondary recovery methods.

(10) "Average daily production" means stabilized production divided by three hundred sixty-five, provided the well was in production at the beginning of the calendar year. If the well was not in production at the beginning of the calendar year, "average daily production" means stabilized production divided by the number of days beginning with the day the well went into

production in the calendar year and ending with the thirty-first 92572  
day of December. 92573

(11) "Gross price" means the unweighted average price per 92574  
barrel of oil or the average price per M.C.F. of gas produced from 92575  
Ohio wells and first sold during the five-year period ending with 92576  
the calendar year immediately preceding the tax lien date, as 92577  
reported by the department of natural resources. 92578

(12) "Average annual decline rate" means the amount of yearly 92579  
decline in oil and gas production of a well after flush production 92580  
has ended. For the purposes of this section, the average annual 92581  
decline rate is thirteen per cent. 92582

(13) "Gross revenue" means the gross revenue from a well 92583  
during a ten-year discount period with production assumed to be 92584  
one barrel of oil or one M.C.F. of gas during the first year of 92585  
production and declining at the annual average annual decline rate 92586  
during the remaining nine years of the ten-year discount period, 92587  
as follows: 92588

(a) First year: one barrel or one M.C.F. multiplied by gross 92589  
price; 92590

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 92591  
gross price; 92592

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 92593  
gross price; 92594

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 92595  
gross price; 92596

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 92597  
gross price; 92598

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by 92599  
gross price; 92600

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by 92601

gross price;	92602
(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;	92603 92604
(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;	92605 92606
(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.	92607 92608
(14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.	92609 92610 92611 92612
(15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue.	92613 92614 92615 92616
(16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.	92617 92618 92619 92620
(17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year discount period assuming the net income stream projected for each year of the ten-year discount period is received at the half-year point. For the purposes of this section, the discount rate equals thirteen per cent plus the rate per annum prescribed by division (B) of section 5703.47 of the Revised Code and determined by the tax commissioner in October of the calendar year immediately preceding the tax lien date.	92621 92622 92623 92624 92625 92626 92627 92628 92629
(B) The true value in money of oil reserves constituting real property on tax lien dates January 1, 2007, and thereafter with	92630 92631

respect to a developed and producing well that has not been the 92632  
subject of a recent arm's length sale, exclusive of personal 92633  
property necessary to recover the oil, shall be determined under 92634  
division (B)(1) or (2) of this section. 92635

(1) For ~~wells~~ oil reserves for which average daily production 92636  
of oil from a well is one barrel or more in the calendar year 92637  
preceding the tax lien date, the true value in money equals the 92638  
average daily production of oil from the well multiplied by the 92639  
net present value of one barrel of oil, where: 92640

(a) Net present value of one barrel of oil = 365 x the sum of 92641  
[net income for each year of the discount period x discount rate 92642  
factor for that year] for all years in the discount period; and 92643

(b) Net income for a year of the discount period = gross 92644  
revenue for that year minus the sum of the following for that 92645  
year: average royalty expense, average operating expense, and 92646  
average capital recovery expense. 92647

(2) For ~~wells~~ oil reserves for which average daily production 92648  
of oil from a well is less than one barrel in the calendar year 92649  
preceding the tax lien date, the true value in money equals the 92650  
average daily production of the well, if any, in the calendar year 92651  
preceding the tax lien date multiplied by sixty per cent of the 92652  
net present value of one barrel of oil as computed under division 92653  
(B)(1) of this section. 92654

(C) The true value in money of gas reserves constituting real 92655  
property on tax lien dates January 1, 2007, and thereafter with 92656  
respect to a developed and producing well that has not been the 92657  
subject of a recent arm's length sale, exclusive of personal 92658  
property necessary to recover the gas, shall be determined under 92659  
division (C)(1) or (2) of this section. 92660

(1) For ~~wells~~ gas reserves for which average daily production 92661  
of gas from a well is eight M.C.F. or more in the calendar year 92662

preceding the tax lien date, the true value in money equals the 92663  
average daily production of gas from the well multiplied by the 92664  
net present value of one M.C.F. of gas, where: 92665

(a) Net present value of one M.C.F. of gas = 365 x the sum of 92666  
[net income for each year of the discount period x discount rate 92667  
factor for that year] for all years in the discount period; and 92668

(b) Net income for a year of the discount period = gross 92669  
revenue for that year minus the sum of the following for that 92670  
year: average royalty expense, average operating expense, and 92671  
average capital recovery expense. 92672

(2) For ~~wells~~ gas reserves for which average daily production 92673  
of gas from a well is less than eight M.C.F. in the calendar year 92674  
preceding the tax lien date, the true value in money equals the 92675  
average daily production of the well, if any, in the calendar year 92676  
preceding the tax lien date multiplied by fifty per cent of the 92677  
net present value of one M.C.F. as computed under division (C)(1) 92678  
of this section. 92679

(D) No method other than the method described in this section 92680  
shall be used to determine the true value in money of oil or gas 92681  
reserves for property tax purposes. 92682

**Sec. 5713.31.** At any time after the first Monday in January 92683  
and prior to the first Monday in March of any year, an owner of 92684  
agricultural land may file an application with the county auditor 92685  
of the county in which such land is located, requesting the 92686  
auditor to value the land for real property tax purposes at the 92687  
current value such land has for agricultural use, in accordance 92688  
with section 5715.01 of the Revised Code and the rules adopted by 92689  
the commissioner for the valuation of such land. An owner's first 92690  
application with respect to the owner's land shall be in the form 92691  
of an initial application. Each application filed in ensuing 92692  
consecutive years after the initial application by that owner 92693



shall be in the form of a renewal application. The commissioner 92694  
shall prescribe the form of the initial and the renewal 92695  
application, but the renewal application shall require no more 92696  
information than is necessary to establish the applicant's 92697  
continued eligibility to have the applicant's land valued for 92698  
agricultural use, for all lots, parcels, or tracts of land, or 92699  
portions thereof, within a county, that have been valued at the 92700  
current value of such land for agricultural use in the preceding 92701  
tax year. If, on the first day of January of the tax year, any 92702  
portion of the applicant's agricultural land is used for a 92703  
conservation practice or devoted to a land retirement or 92704  
conservation program under an agreement with an agency of the 92705  
federal government, the applicant shall so indicate on the initial 92706  
or renewal application. 92707

On or before the second Tuesday after the first Monday in 92708  
March, the auditor shall determine whether the current owner of 92709  
any lot, parcel, or tract of land or portion thereof contained in 92710  
the preceding tax year's agricultural land tax list failed to file 92711  
an initial or renewal application, as appropriate, for the current 92712  
tax year with respect to such lot, parcel, or tract or portion 92713  
thereof. The auditor shall forthwith notify, by certified mail, 92714  
each owner who failed to file an application that unless 92715  
application is filed with the auditor prior to the first Monday of 92716  
April of the current year, the land will be valued for real 92717  
property tax purposes in the current tax year at its true value in 92718  
money and that the recoupment required by sections 5713.34 and 92719  
5713.35 of the Revised Code will be placed on the current year's 92720  
tax list and duplicate for collection. 92721

Each initial application shall be accompanied by a fee of 92722  
twenty-five dollars. Application fees shall be paid into the 92723  
county treasury to the credit of the real estate assessment fund 92724  
created under section 325.31 of the Revised Code. 92725

Upon receipt of an application and payment of the required fee the auditor shall determine whether the information contained therein is correct and the application complete.

If the auditor determines the information is incorrect or the application is incomplete, the auditor shall return the application to the applicant by certified mail with an enumeration of the items which are incorrect or incomplete. An applicant may file an amended application, without charge, within fifteen days of the receipt of the returned application.

If the auditor determines the application or amended application is complete and the information therein is correct, the auditor shall, prior to the first Monday in August, view or cause to be viewed the land described in the application and determine whether the land is land devoted exclusively to agricultural use.

If the auditor determines, which determination shall be made as of the first Monday of August, annually, that the land is land devoted exclusively to agricultural use, the auditor shall appraise it for real property tax purposes in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of land devoted exclusively to agricultural use and such appraised value shall be the value used by the auditor in determining the taxable value of such land for the current tax year under section 5713.03 of the Revised Code and as shown on the general tax list compiled under section 319.28 of the Revised Code.

The auditor shall enter on the real property record required under section 5713.03 of the Revised Code for the tract, lot, or parcel of land so appraised, in addition to the other information required to be recorded thereon, its value as land devoted exclusively to agricultural use based on the values determined by the commissioner for each soil type present in the tract, lot, or

parcel. Subject to division (A)(1) of section 5713.34 of the 92758  
Revised Code, tracts, lots, or parcels of land or portions thereof 92759  
used for a conservation practice or devoted to a land retirement 92760  
or conservation program under an agreement with an agency of the 92761  
federal government on the first day of January of the tax year 92762  
shall be valued at the lowest valued of all soil types listed in 92763  
the commissioner's annual publication of the per-acre agricultural 92764  
use values for each soil type in the state. 92765

**Sec. 5713.33.** (A) The county auditor shall make and maintain 92766  
an "agricultural land tax list," on forms prescribed by the tax 92767  
commissioner, listing each tract, lot or parcel of land which has 92768  
been valued for tax purposes as land devoted exclusively to 92769  
agricultural use under section 5713.31 of the Revised Code, 92770  
showing: 92771

~~(A)~~(1) The name of the owner; 92772

~~(B)~~(2) A description of the land; 92773

~~(C)~~(3) The current agricultural use value and taxable value 92774  
of the land as land devoted exclusively to agricultural use, as 92775  
provided by section 5713.31 of the Revised Code; 92776

~~(D)~~(4) The true value, and taxable value, of the land as 92777  
determined in accordance with Section 2, Article XII, of the Ohio 92778  
Constitution; 92779

~~(E)~~(5) The dollar amount of real property taxes levied 92780  
against such land under section 319.30 of the Revised Code for the 92781  
current tax year; 92782

~~(F)~~(6) The dollar amount of real property taxes which would 92783  
have been levied against such land for the current tax year under 92784  
section 319.30 of the Revised Code if it had been valued for tax 92785  
purposes in accordance with Section 2, Article XII, of the Ohio 92786  
Constitution; 92787

~~(G)(7)~~ The dollar difference between the amounts shown in 92788  
divisions ~~(E)(A)(5)~~ and ~~(F)(6)~~ of this section. 92789

(B) Annually, upon determining the sums to be levied upon 92790  
each tract and lot of real property under section 319.30 of the 92791  
Revised Code, the county auditor shall enter upon the 92792  
"agricultural land tax list" for each tract, lot or parcel of land 92793  
valued under section 5713.31 of the Revised Code for the current 92794  
tax year the appropriate figures for the current tax year, as 92795  
required by this section. 92796

(C) Annually, the tax commissioner shall publish a report 92797  
composed of the information described in divisions (A)(1) to (7) 92798  
of this section for all agricultural land in the state. The report 92799  
shall be compiled in such a manner that the information can be 92800  
indexed and sorted by county and by school district. 92801

**Sec. 5713.34.** (A)(1) Upon the conversion of all or any 92802  
portion of a tract, lot, or parcel of land devoted exclusively to 92803  
agricultural use a portion of the tax savings upon such converted 92804  
land shall be recouped as provided for by Section 36, Article II, 92805  
Ohio Constitution by levying a charge on such land in an amount 92806  
equal to the amount of the tax savings on the converted land 92807  
during the three tax years immediately preceding the year in which 92808  
the conversion occurs. If the auditor discovers that agricultural 92809  
land valued at the lowest valued soil type, pursuant to section 92810  
5713.31 of the Revised Code, because of its use for a conservation 92811  
practice or devotion to a land retirement or conservation program 92812  
ceases to be used or devoted to such purposes sooner than 92813  
thirty-six months after the initial certification, the auditor 92814  
shall levy a charge on such agricultural land in an amount equal 92815  
to the reduction in taxes resulting from the land's valuation at 92816  
the lowest valued soil type, rather than valuation at its actual 92817  
soil type, in all preceding years the land was so valued, not to 92818

exceed the most recent three years. The charge charges levied 92819  
under this section shall constitute a lien of the state upon such 92820  
converted land as of the first day of January of the tax year in 92821  
which the charge is levied and shall continue until discharged as 92822  
provided by law. 92823

(2) Upon the conversion of an adequately described portion of 92824  
a tract, lot, or parcel of land, the county auditor shall divide 92825  
any numbered permanent parcel into economic units and value each 92826  
unit individually for the purpose of levying the charge under 92827  
division (A)(1) of this section against only the converted 92828  
portion. 92829

(3) A charge shall not be levied under this section for the 92830  
conversion of a portion of a tract, lot, or parcel of land devoted 92831  
exclusively to agricultural use if the conversion is incident to 92832  
the construction or installation of an energy facility, as defined 92833  
in section 5727.01 of the Revised Code, and if the remaining 92834  
portion of the tract, lot, or parcel continues to be devoted 92835  
exclusively to agricultural use. 92836

(B) Except as otherwise provided in division (C) or (D) of 92837  
this section, a public entity that acquires by any means and 92838  
converts land devoted exclusively to agricultural use and a 92839  
private entity granted the power of eminent domain that acquires 92840  
by any means and converts land devoted exclusively to agricultural 92841  
use shall pay the charge levied by division (A) of this section 92842  
and shall not, directly or indirectly, transfer the charge to the 92843  
person from whom the land is acquired. A person injured by a 92844  
violation of this division may recover, in a civil action, any 92845  
damages resulting from the violation. 92846

(C) The charge levied by division (A)(1) of this section does 92847  
not apply to the conversion of land acquired by a public entity by 92848  
means other than eminent domain and thereafter used exclusively 92849  
for a public purpose that leaves the land principally undeveloped 92850

when either of the following conditions applies: 92851

(1) In the case of land so acquired and converted by a park 92852  
district created under Chapter 1545. of the Revised Code, the land 92853  
is located within the boundaries of the park district. 92854

(2) In the case of land so acquired and converted by a public 92855  
entity other than a park district created under Chapter 1545. of 92856  
the Revised Code, the land is located within the boundaries of any 92857  
city, local, exempted village, or joint vocational school district 92858  
that is wholly or partially located within the boundaries of the 92859  
public entity that so acquired and converted the land. 92860

If all or any portion of a tract, lot, or parcel of such land 92861  
is later developed or otherwise converted to a purpose other than 92862  
one of the purposes enumerated under division (E)(1) of this 92863  
section, the charge levied by division (A)(1) of this section 92864  
shall be levied against such developed or converted land as 92865  
otherwise required by that division. 92866

The county auditor of the county in which the land is located 92867  
shall determine annually whether all or any portion of a tract, 92868  
lot, or parcel of land formerly converted to a purpose enumerated 92869  
under division (E)(1) of this section has been developed in such a 92870  
way or converted to such a purpose as to require the charge levied 92871  
by division (A)(1) of this section to be levied against the land 92872  
so developed or converted. 92873

(D) Division (B) of this section does not apply to a public 92874  
entity that acquires by means other than eminent domain and 92875  
converts land devoted exclusively to agricultural use to use for 92876  
public, active or passive, outdoor education, recreation, or 92877  
similar open space uses when either of the following conditions 92878  
applies: 92879

(1) In the case of land so acquired and converted by a park 92880  
district created under Chapter 1545. of the Revised Code, the land 92881

is located outside the boundaries of the park district. 92882

(2) In the case of land so acquired and converted by a public 92883  
entity other than a park district created under Chapter 1545. of 92884  
the Revised Code, the land is located outside the boundaries of 92885  
any city, local, exempted village, or joint vocational school 92886  
district that is wholly or partially located within the boundaries 92887  
of the public entity that so acquired and converted the land. 92888

(E) As used in divisions (C) and (D) of this section: 92889

(1) "Principally undeveloped" means a parcel of real property 92890  
that is used for public, active or passive, outdoor education, 92891  
recreation, or similar open space uses and contains only the 92892  
structures, roadways, and other facilities that are necessary for 92893  
such uses. 92894

(2) "Public entity" means any political subdivision of this 92895  
state or any agency or instrumentality of a political subdivision. 92896

**Sec. 5715.01.** (A) The tax commissioner shall direct and 92897  
supervise the assessment for taxation of all real property. The 92898  
commissioner shall adopt, prescribe, and promulgate rules for the 92899  
determination of true value and taxable value of real property by 92900  
uniform rule for such values and for the determination of the 92901  
current agricultural use value of land devoted exclusively to 92902  
agricultural use. ~~The~~ 92903

~~(1) The uniform rules shall prescribe methods of determining 92904  
the true value and taxable value of real property and shall also 92905  
prescribe the method for determining the current agricultural use 92906  
value of land devoted exclusively to agricultural use, which 92907  
method shall reflect standard and modern appraisal techniques that 92908  
take into consideration: the productivity of the soil under normal 92909  
management practices; the average price patterns of the crops and 92910  
products produced to determine the income potential to be 92911~~

~~capitalized; the market value of the land for agricultural use; and other pertinent factors.~~ The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax commissioner shall not include in the value of the minerals or rights to minerals the value of any tangible personal property used in the recovery of those minerals.

(2) The uniform rules shall prescribe the method for determining the current agricultural use value of land devoted exclusively to agricultural use, which method shall reflect standard and modern appraisal techniques that take into consideration the productivity of the soil under normal management practices, typical cropping and land use patterns, the average price patterns of the crops and products produced and the typical production costs to determine the net income potential to be capitalized, and other pertinent factors.

In determining the agricultural land capitalization rate to be applied to the net income potential from agricultural use, the commissioner shall use standard and modern appraisal techniques. To calculate the capitalization rate for any year, the commissioner shall do both of the following:

(a) Use an equity yield rate equal to the greater of (i) the average of the total rates of return on farm equity for the twenty-five most recent years for which those rates have been calculated and published by the United States department of agriculture economic research service or another published source or (ii) the loan interest rate the commissioner uses for that year



to calculate the capitalization rate; 92944

(b) Assume that the holding period for agricultural land is 92945  
twenty-five years for the purpose of computing buildup of equity 92946  
or appreciation with respect to that land. 92947

The commissioner shall add to the overall capitalization rate 92948  
a tax additur. The sum of the overall capitalization rate and the 92949  
tax additur shall represent as nearly as possible the rate of 92950  
return a prudent investor would expect from an average or typical 92951  
farm in this state considering only agricultural factors. 92952

The commissioner shall annually determine and announce the 92953  
overall capitalization rate, tax additur, agricultural land 92954  
capitalization rate, and the individual components used in 92955  
computing such amounts in a determination, finding, computation, 92956  
or order of the commissioner published simultaneously with the 92957  
commissioner's annual publication of the per-acre agricultural use 92958  
values for each soil type. 92959

(3) Notwithstanding any other provision of this chapter and 92960  
Chapter 5713. of the Revised Code, the current agricultural use 92961  
value of land devoted exclusively to agricultural use shall equal 92962  
the following amounts for the years specified: 92963

(a) In counties that undergo a reappraisal or triennial 92964  
update in 2017, the current agricultural use value of the land for 92965  
each of the 2017, 2018, and 2019 tax years shall equal the sum of 92966  
the following amounts: 92967

(i) The current agricultural use value of the land for that 92968  
tax year, as determined under this section and section 5713.31 of 92969  
the Revised Code, and rules adopted pursuant those sections, 92970  
without regard to the adjustment under division (A)(3)(a)(ii) of 92971  
this section; 92972

(ii) One-half of the amount, if any, by which the value of 92973  
the land for the 2016 tax year, as determined under this section, 92974

section 5713.31 of the Revised Code, and the rules adopted 92975  
pursuant those sections and issued by the tax commissioner for 92976  
counties undergoing a reappraisal or triennial update in the 2016 92977  
tax year, exceeds the value determined under division (A)(3)(a)(i) 92978  
of this section. 92979

(b) In counties that undergo a reappraisal or triennial 92980  
update in 2018, the current agricultural use value of the land for 92981  
each of the 2018, 2019, and 2020 tax years shall equal the sum of 92982  
the following amounts: 92983

(i) The current agricultural use value of the land for that 92984  
tax year, as determined under this section and section 5713.31 of 92985  
the Revised Code, and rules adopted pursuant those sections, 92986  
without regard to the adjustment under division (A)(3)(b)(ii) of 92987  
this section; 92988

(ii) One-half of the amount, if any, by which the value of 92989  
the land for the 2017 tax year, as determined under this section, 92990  
section 5713.31 of the Revised Code, and the rules adopted 92991  
pursuant those sections and issued by the tax commissioner for 92992  
counties undergoing a reappraisal or triennial update in the 2017 92993  
tax year, exceeds the value determined under division (A)(3)(b)(i) 92994  
of this section. 92995

(c) In counties that undergo a reappraisal or triennial 92996  
update in 2019, the current agricultural use value of the land for 92997  
each of the 2019, 2020, and 2021 tax years shall equal the sum of 92998  
the following amounts: 92999

(i) The current agricultural use value of the land for that 93000  
tax year, as determined under this section and section 5713.31 of 93001  
the Revised Code, and rules adopted pursuant those sections, 93002  
without regard to the adjustment under division (A)(3)(c)(ii) of 93003  
this section; 93004

(ii) One-half of the amount, if any, by which the value of 93005

the land for the 2018 tax year, as determined under this section, 93006  
section 5713.31 of the Revised Code, and the rules adopted 93007  
pursuant those sections and issued by the tax commissioner for 93008  
counties undergoing a reappraisal or triennial update in the 2018 93009  
tax year, exceeds the value determined under division (A)(3)(c)(i) 93010  
of this section. 93011

(B) The taxable value shall be that per cent of true value in 93012  
money, or current agricultural use value in the case of land 93013  
valued in accordance with section 5713.31 of the Revised Code, the 93014  
commissioner by rule establishes, but it shall not exceed 93015  
thirty-five per cent. The uniform rules shall also prescribe 93016  
methods of making the appraisals set forth in section 5713.03 of 93017  
the Revised Code. The taxable value of each tract, lot, or parcel 93018  
of real property and improvements thereon, determined in 93019  
accordance with the uniform rules and methods prescribed thereby, 93020  
shall be the taxable value of the tract, lot, or parcel for all 93021  
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 93022  
5717.01 to 5717.06 of the Revised Code. County auditors shall, 93023  
under the direction and supervision of the commissioner, be the 93024  
chief assessing officers of their respective counties, and shall 93025  
list and value the real property within their respective counties 93026  
for taxation in accordance with this section and sections 5713.03 93027  
and 5713.31 of the Revised Code and with such rules of the 93028  
commissioner. There shall also be a board in each county, known as 93029  
the county board of revision, which shall hear complaints and 93030  
revise assessments of real property for taxation. 93031

(C) The commissioner shall neither adopt nor enforce any rule 93032  
that requires true value for any tax year to be any value other 93033  
than the true value in money on the tax lien date of such tax year 93034  
or that requires taxable value to be obtained in any way other 93035  
than by reducing the true value, or in the case of land valued in 93036  
accordance with section 5713.31 of the Revised Code, its current 93037

agricultural use value, by a specified, uniform percentage. 93038

**Sec. 5715.19.** (A) As used in this section, "member" has the 93039  
same meaning as in section 1705.01 of the Revised Code. 93040

(1) Subject to division (A)(2) of this section, a complaint 93041  
against any of the following determinations for the current tax 93042  
year shall be filed with the county auditor on or before the 93043  
thirty-first day of March of the ensuing tax year or the date of 93044  
closing of the collection for the first half of real and public 93045  
utility property taxes for the current tax year, whichever is 93046  
later: 93047

(a) Any classification made under section 5713.041 of the 93048  
Revised Code; 93049

(b) Any determination made under section 5713.32 or 5713.35 93050  
of the Revised Code; 93051

(c) Any recoupment charge levied under section 5713.35 of the 93052  
Revised Code; 93053

(d) The determination of the total valuation or assessment of 93054  
any parcel that appears on the tax list, except parcels assessed 93055  
by the tax commissioner pursuant to section 5727.06 of the Revised 93056  
Code; 93057

(e) The determination of the total valuation of any parcel 93058  
that appears on the agricultural land tax list, except parcels 93059  
assessed by the tax commissioner pursuant to section 5727.06 of 93060  
the Revised Code; 93061

(f) Any determination made under division (A) of section 93062  
319.302 of the Revised Code. 93063

If such a complaint is filed by mail or certified mail, the 93064  
date of the United States postmark placed on the envelope or 93065  
sender's receipt by the postal service shall be treated as the 93066  
date of filing. A private meter postmark on an envelope is not a 93067

valid postmark for purposes of establishing the filing date. 93068

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; if the person is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person; if the person is a trust, a trustee of the trust; the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with the auditor.

(2) As used in division (A)(2) of this section, "interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year

until the tax year in which that section applies again. 93100

No person, board, or officer shall file a complaint against 93101  
the valuation or assessment of any parcel that appears on the tax 93102  
list if it filed a complaint against the valuation or assessment 93103  
of that parcel for any prior tax year in the same interim period, 93104  
unless the person, board, or officer alleges that the valuation or 93105  
assessment should be changed due to one or more of the following 93106  
circumstances that occurred after the tax lien date for the tax 93107  
year for which the prior complaint was filed and that the 93108  
circumstances were not taken into consideration with respect to 93109  
the prior complaint: 93110

(a) The property was sold in an arm's length transaction, as 93111  
described in section 5713.03 of the Revised Code; 93112

(b) The property lost value due to some casualty; 93113

(c) Substantial improvement was added to the property; 93114

(d) An increase or decrease of at least fifteen per cent in 93115  
the property's occupancy has had a substantial economic impact on 93116  
the property. 93117

(3) If a county board of revision, the board of tax appeals, 93118  
or any court dismisses a complaint filed under this section or 93119  
section 5715.13 of the Revised Code for the reason that the act of 93120  
filing the complaint was the unauthorized practice of law or the 93121  
person filing the complaint was engaged in the unauthorized 93122  
practice of law, the party affected by a decrease in valuation or 93123  
the party's agent, or the person owning taxable real property in 93124  
the county or in a taxing district with territory in the county, 93125  
may refile the complaint, notwithstanding division (A)(2) of this 93126  
section. 93127

(4) Notwithstanding division (A)(2) of this section, a 93128  
person, board, or officer may file a complaint against the 93129  
valuation or assessment of any parcel that appears on the tax list 93130

if it filed a complaint against the valuation or assessment of 93131  
that parcel for any prior tax year in the same interim period if 93132  
the person, board, or officer withdrew the complaint before the 93133  
complaint was heard by the board. 93134

(B) Within thirty days after the last date such complaints 93135  
may be filed, the auditor shall give notice of each complaint in 93136  
which the stated amount of overvaluation, undervaluation, 93137  
discriminatory valuation, illegal valuation, or incorrect 93138  
determination is at least seventeen thousand five hundred dollars 93139  
to each property owner whose property is the subject of the 93140  
complaint, if the complaint was not filed by the owner or the 93141  
owner's spouse, and to each board of education whose school 93142  
district may be affected by the complaint. Within thirty days 93143  
after receiving such notice, a board of education; a property 93144  
owner; the owner's spouse; an individual who is retained by such 93145  
an owner and who holds a designation from a professional 93146  
assessment organization, such as the institute for professionals 93147  
in taxation, the national council of property taxation, or the 93148  
international association of assessing officers; a public 93149  
accountant who holds a permit under section 4701.10 of the Revised 93150  
Code, a general or residential real estate appraiser licensed or 93151  
certified under Chapter 4763. of the Revised Code, or a real 93152  
estate broker licensed under Chapter 4735. of the Revised Code, 93153  
who is retained by such a person; or, if the property owner is a 93154  
firm, company, association, partnership, limited liability 93155  
company, corporation, or trust, an officer, a salaried employee, a 93156  
partner, a member, or trustee of that property owner, may file a 93157  
complaint in support of or objecting to the amount of alleged 93158  
overvaluation, undervaluation, discriminatory valuation, illegal 93159  
valuation, or incorrect determination stated in a previously filed 93160  
complaint or objecting to the current valuation. Upon the filing 93161  
of a complaint under this division, the board of education or the 93162  
property owner shall be made a party to the action. 93163

(C) Each board of revision shall notify any complainant and 93164  
also the property owner, if the property owner's address is known, 93165  
when a complaint is filed by one other than the property owner, by 93166  
certified mail, not less than ten days prior to the hearing, of 93167  
the time and place the same will be heard. ~~The~~ Except as otherwise 93168  
provided in this division, the board of revision shall hear and 93169  
render its decision on a complaint within ninety business days 93170  
after the filing thereof with the board or, except that if a 93171  
complaint is filed within thirty days after receiving notice from 93172  
the auditor as provided in division (B) of this section, ~~the board~~ 93173  
~~shall hear and render its decision~~ within ninety business days 93174  
after such filing. The boards of revision of the ten most populous 93175  
counties in the state shall have ninety business days in addition 93176  
to the time otherwise permitted under this division to render a 93177  
decision on a complaint. For the purpose of computing the time 93178  
within which a board of revision is required to render a decision 93179  
on a complaint under this division, "business day" means a day of 93180  
the week excluding Saturday, Sunday, and a legal holiday as 93181  
defined under section 1.14 of the Revised Code. 93182

(D) The determination of any such complaint shall relate back 93183  
to the date when the lien for taxes or recoupment charges for the 93184  
current year attached or the date as of which liability for such 93185  
year was determined. Liability for taxes and recoupment charges 93186  
for such year and each succeeding year until the complaint is 93187  
finally determined and for any penalty and interest for nonpayment 93188  
thereof within the time required by law shall be based upon the 93189  
determination, valuation, or assessment as finally determined. 93190  
Each complaint shall state the amount of overvaluation, 93191  
undervaluation, discriminatory valuation, illegal valuation, or 93192  
incorrect classification or determination upon which the complaint 93193  
is based. The treasurer shall accept any amount tendered as taxes 93194  
or recoupment charge upon property concerning which a complaint is 93195  
then pending, computed upon the claimed valuation as set forth in 93196



the complaint. If a complaint filed under this section for the 93197  
current year is not determined by the board within the time 93198  
prescribed for such determination, the complaint and any 93199  
proceedings in relation thereto shall be continued by the board as 93200  
a valid complaint for any ensuing year until such complaint is 93201  
finally determined by the board or upon any appeal from a decision 93202  
of the board. In such case, the original complaint shall continue 93203  
in effect without further filing by the original taxpayer, the 93204  
original taxpayer's assignee, or any other person or entity 93205  
authorized to file a complaint under this section. 93206

(E) If a taxpayer files a complaint as to the classification, 93207  
valuation, assessment, or any determination affecting the 93208  
taxpayer's own property and tenders less than the full amount of 93209  
taxes or recoupment charges as finally determined, an interest 93210  
charge shall accrue as follows: 93211

(1) If the amount finally determined is less than the amount 93212  
billed but more than the amount tendered, the taxpayer shall pay 93213  
interest at the rate per annum prescribed by section 5703.47 of 93214  
the Revised Code, computed from the date that the taxes were due 93215  
on the difference between the amount finally determined and the 93216  
amount tendered. This interest charge shall be in lieu of any 93217  
penalty or interest charge under section 323.121 of the Revised 93218  
Code unless the taxpayer failed to file a complaint and tender an 93219  
amount as taxes or recoupment charges within the time required by 93220  
this section, in which case section 323.121 of the Revised Code 93221  
applies. 93222

(2) If the amount of taxes finally determined is equal to or 93223  
greater than the amount billed and more than the amount tendered, 93224  
the taxpayer shall pay interest at the rate prescribed by section 93225  
5703.47 of the Revised Code from the date the taxes were due on 93226  
the difference between the amount finally determined and the 93227  
amount tendered, such interest to be in lieu of any interest 93228

charge but in addition to any penalty prescribed by section 93229  
323.121 of the Revised Code. 93230

(F) Upon request of a complainant, the tax commissioner shall 93231  
determine the common level of assessment of real property in the 93232  
county for the year stated in the request that is not valued under 93233  
section 5713.31 of the Revised Code, which common level of 93234  
assessment shall be expressed as a percentage of true value and 93235  
the common level of assessment of lands valued under such section, 93236  
which common level of assessment shall also be expressed as a 93237  
percentage of the current agricultural use value of such lands. 93238  
Such determination shall be made on the basis of the most recent 93239  
available sales ratio studies of the commissioner and such other 93240  
factual data as the commissioner deems pertinent. 93241

(G) A complainant shall provide to the board of revision all 93242  
information or evidence within the complainant's knowledge or 93243  
possession that affects the real property that is the subject of 93244  
the complaint. A complainant who fails to provide such information 93245  
or evidence is precluded from introducing it on appeal to the 93246  
board of tax appeals or the court of common pleas, except that the 93247  
board of tax appeals or court may admit and consider the evidence 93248  
if the complainant shows good cause for the complainant's failure 93249  
to provide the information or evidence to the board of revision. 93250

(H) In case of the pendency of any proceeding in court based 93251  
upon an alleged excessive, discriminatory, or illegal valuation or 93252  
incorrect classification or determination, the taxpayer may tender 93253  
to the treasurer an amount as taxes upon property computed upon 93254  
the claimed valuation as set forth in the complaint to the court. 93255  
The treasurer may accept the tender. If the tender is not 93256  
accepted, no penalty shall be assessed because of the nonpayment 93257  
of the full taxes assessed. 93258

**Sec. 5715.20.** (A) Whenever a county board of revision renders 93259

a decision on a complaint filed under section 5715.19 of the Revised Code or on an application for remission under section 5715.39 of the Revised Code, it shall certify its action by certified mail to the person in whose name the property is listed or sought to be listed and ~~to the complainant~~, if the complainant or applicant is not the person in whose name the property is listed or sought to be listed, to the complainant or applicant. A person's time to file an appeal under section 5717.01 of the Revised Code commences with the mailing of notice of the decision to that person as provided in this section. The tax commissioner's time to file an appeal under section 5717.01 of the Revised Code commences with the last mailing to a person required to be mailed notice of the decision as provided in this division.

(B) The tax commissioner may order the county auditor to send to the commissioner the decisions of the board of revision rendered on complaints filed under section 5715.19 of the Revised Code or on applications for remission filed under section 5715.39 of the Revised Code in the manner and for the time period that the commissioner prescribes. Nothing in this division extends the commissioner's time to file an appeal under section 5717.01 of the Revised Code.

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application

for exemption is any of the following, the application shall be 93291  
filed with the county auditor of the county in which the property 93292  
is listed for taxation: 93293

(a) A public road or highway; 93294

(b) Property belonging to the federal government of the 93295  
United States; 93296

(c) Additions or other improvements to an existing building 93297  
or structure that belongs to the state or a political subdivision, 93298  
as defined in section 5713.081 of the Revised Code, and that is 93299  
exempted from taxation as property used exclusively for a public 93300  
purpose; 93301

~~(d) Property of the boards of trustees and of the housing 93302  
commissions of the state universities, the northeastern Ohio 93303  
universities college of medicine, and of the state to be exempted 93304  
under section 3345.17 of the Revised Code. 93305~~

(B) The board of education of any school district may request 93306  
the tax commissioner or county auditor to provide it with 93307  
notification of applications for exemption from taxation for 93308  
property located within that district. If so requested, the 93309  
commissioner or auditor shall send to the board on a monthly basis 93310  
reports that contain sufficient information to enable the board to 93311  
identify each property that is the subject of an exemption 93312  
application, including, but not limited to, the name of the 93313  
property owner or applicant, the address of the property, and the 93314  
auditor's parcel number. The commissioner or auditor shall mail 93315  
the reports by the fifteenth day of the month following the end of 93316  
the month in which the commissioner or auditor receives the 93317  
applications for exemption. 93318

(C) A board of education that has requested notification 93319  
under division (B) of this section may, with respect to any 93320  
application for exemption of property located in the district and 93321

included in the commissioner's or auditor's most recent report 93322  
provided under that division, file a statement with the 93323  
commissioner or auditor and with the applicant indicating its 93324  
intent to submit evidence and participate in any hearing on the 93325  
application. The statements shall be filed prior to the first day 93326  
of the third month following the end of the month in which that 93327  
application was docketed by the commissioner or auditor. A 93328  
statement filed in compliance with this division entitles the 93329  
district to submit evidence and to participate in any hearing on 93330  
the property and makes the district a party for purposes of 93331  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 93332  
the commissioner's or auditor's decision to the board of tax 93333  
appeals. 93334

(D) The commissioner or auditor shall not hold a hearing on 93335  
or grant or deny an application for exemption of property in a 93336  
school district whose board of education has requested 93337  
notification under division (B) of this section until the end of 93338  
the period within which the board may submit a statement with 93339  
respect to that application under division (C) of this section. 93340  
The commissioner or auditor may act upon an application at any 93341  
time prior to that date upon receipt of a written waiver from each 93342  
such board of education, or, in the case of exemptions authorized 93343  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 93344  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 93345  
of the Revised Code, upon the request of the property owner. 93346  
Failure of a board of education to receive the report required in 93347  
division (B) of this section shall not void an action of the 93348  
commissioner or auditor with respect to any application. The 93349  
commissioner or auditor may extend the time for filing a statement 93350  
under division (C) of this section. 93351

(E) A complaint may also be filed with the commissioner or 93352  
auditor by any person, board, or officer authorized by section 93353

5715.19 of the Revised Code to file complaints with the county 93354  
board of revision against the continued exemption of any property 93355  
granted exemption by the commissioner or auditor under this 93356  
section. 93357

(F) An application for exemption and a complaint against 93358  
exemption shall be filed prior to the thirty-first day of December 93359  
of the tax year for which exemption is requested or for which the 93360  
liability of the property to taxation in that year is requested. 93361  
The commissioner or auditor shall consider such application or 93362  
complaint in accordance with procedures established by the 93363  
commissioner, determine whether the property is subject to 93364  
taxation or exempt therefrom, and, if the commissioner makes the 93365  
determination, certify the determination to the auditor. Upon 93366  
making the determination or receiving the commissioner's 93367  
determination, the auditor shall correct the tax list and 93368  
duplicate accordingly. If a tax certificate has been sold under 93369  
section 5721.32 or 5721.33 of the Revised Code with respect to 93370  
property for which an exemption has been requested, the tax 93371  
commissioner or auditor shall also certify the findings to the 93372  
county treasurer of the county in which the property is located. 93373

(G) Applications and complaints, and documents of any kind 93374  
related to applications and complaints, filed with the tax 93375  
commissioner or county auditor under this section are public 93376  
records within the meaning of section 149.43 of the Revised Code. 93377

(H) If the commissioner or auditor determines that the use of 93378  
property or other facts relevant to the taxability of property 93379  
that is the subject of an application for exemption or a complaint 93380  
under this section has changed while the application or complaint 93381  
was pending, the commissioner or auditor may make the 93382  
determination under division (F) of this section separately for 93383  
each tax year beginning with the year in which the application or 93384  
complaint was filed or the year for which remission of taxes under 93385

division (C) of section 5713.08 of the Revised Code was requested, 93386  
and including each subsequent tax year during which the 93387  
application or complaint is pending before the commissioner or 93388  
auditor. 93389

**Sec. 5715.39.** (A) The tax commissioner may remit real 93390  
property taxes, manufactured home taxes, penalties, and interest 93391  
found by the commissioner to have been illegally assessed. The 93392  
commissioner also may remit any penalty charged against any real 93393  
property or manufactured or mobile home that was the subject of an 93394  
application for exemption from taxation under section 5715.27 of 93395  
the Revised Code if the commissioner determines that the applicant 93396  
requested such exemption in good faith. The commissioner shall 93397  
include notice of the remission in the commissioner's 93398  
certification to the county auditor required under that section. 93399

(B) The county auditor, upon consultation with the county 93400  
treasurer, shall remit a penalty for late payment of any real 93401  
property taxes or manufactured home taxes when: 93402

(1) The taxpayer could not make timely payment of the tax 93403  
because of the negligence or error of the county auditor or county 93404  
treasurer in the performance of a statutory duty relating to the 93405  
levy or collection of such tax. 93406

(2) In cases other than those described in division (B)(1) of 93407  
this section, and except as provided in division (B)(5) of this 93408  
section, the taxpayer failed to receive a tax bill or a correct 93409  
tax bill, and the taxpayer made a good faith effort to obtain such 93410  
bill within thirty days after the last day for payment of the tax. 93411

(3) The tax was not timely paid because of the death or 93412  
serious injury of the taxpayer, or the taxpayer's confinement in a 93413  
hospital within sixty days preceding the last day for payment of 93414  
the tax if, in any case, the tax was subsequently paid within 93415  
sixty days after the last day for payment of such tax. 93416

(4) The taxpayer demonstrates that the full payment was 93417  
properly deposited in the mail in sufficient time for the envelope 93418  
to be postmarked by the United States postal service on or before 93419  
the last day for payment of such tax. A private meter postmark on 93420  
an envelope is not a valid postmark for purposes of establishing 93421  
the date of payment of such tax. 93422

(5) With respect to the first payment due after a taxpayer 93423  
fully satisfies a mortgage against a parcel of real property, the 93424  
mortgagee failed to notify the treasurer of the satisfaction of 93425  
the mortgage, and the tax bill was not sent to the taxpayer. 93426

(C) If the auditor determines that remission is not required 93427  
under division (B) of this section, the auditor shall present the 93428  
application to the board of revision. The board of revision shall 93429  
review the auditor's determination and remit a penalty for late 93430  
payment of any real property taxes or manufactured homes taxes if, 93431  
~~in cases other than those described in division~~ the board 93432  
determines that any of divisions (B)(1) to (5) of this section, 93433  
applies or if it determines that the taxpayer's failure to make 93434  
timely payment of the tax is due to reasonable cause and not 93435  
willful neglect. 93436

(D) ~~The taxpayer, upon application within sixty days after~~ 93437  
~~the mailing of the county auditor's or board of revision's~~ 93438  
~~decision, may request the tax commissioner to review the denial of~~ 93439  
~~the remission of a penalty by the auditor or board. The~~ 93440  
~~application may be filed in person or by certified mail. If the~~ 93441  
~~application is filed by certified mail, the date of the United~~ 93442  
~~States postmark placed on the sender's receipt by the postal~~ 93443  
~~service shall be treated as the date of filing. The commissioner~~ 93444  
~~shall consider the application, determine whether the penalty~~ 93445  
~~should be remitted, and certify the determination to the taxpayer,~~ 93446  
~~to the county treasurer, and to the county auditor, who shall~~ 93447  
~~correct the tax list and duplicate accordingly.~~ The commissioner 93448



may issue orders and instructions for the uniform implementation 93449  
of this section by all county boards of revision, county auditors, 93450  
and county treasurers, and such orders and instructions shall be 93451  
followed by such officers and boards. 93452

(E) This section shall not provide to the taxpayer any remedy 93453  
with respect to any matter that the taxpayer may be authorized to 93454  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 93455  
the Revised Code. 93456

~~(F) Applications for remission, and documents of any kind 93457  
related to those applications, filed with the tax commissioner 93458  
under this section are public records within the meaning of 93459  
section 149.43 of the Revised Code unless otherwise excepted under 93460  
that section. 93461~~

Sec. 5717.07. If the county auditor, tax commissioner, or any 93462  
board, legislative authority, or public official appeals a 93463  
decision of a county board of revision to the board of tax 93464  
appeals, or appeals a decision of the board of tax appeals, a 93465  
court of common pleas, or a court of appeals pursuant to this 93466  
chapter regarding a decision by a county board of revision, and if 93467  
the owner of the property that is the subject of the appeal is a 93468  
party to the appeal and prevails in the proceeding, the county 93469  
auditor, tax commissioner, board, legislative authority, or public 93470  
official that appealed the decision shall pay the reasonable 93471  
attorney's fees and court costs incurred by the property owner 93472  
with respect to that appeal proceeding. If more than one such 93473  
party appealed the determination, the attorney's fees and court 93474  
costs shall be divided equally among those political subdivisions. 93475

**Sec. 5725.33.** (A) Except as otherwise provided in this 93476  
section, terms used in this section have the same meaning as 93477  
section 45D of the Internal Revenue Code, any related proposed, 93478

temporary, or final regulations promulgated under the Internal 93479  
Revenue Code, any rules or guidance of the internal revenue 93480  
service or the United States department of the treasury, and any 93481  
related rules or guidance issued by the community development 93482  
financial institutions fund of the United States department of the 93483  
treasury, as such law, regulations, rules, and guidance exist on 93484  
October 16, 2009. 93485

As used in this section: 93486

(1) "Adjusted purchase price" means the amount paid for the 93487  
portion of a qualified equity investment approved or certified by 93488  
the director of development services for a qualified community 93489  
development entity in accordance with rules adopted under division 93490  
(E) of this section. 93491

(2) "Applicable percentage" means zero per cent for each of 93492  
the first two credit allowance dates, seven per cent for the third 93493  
credit allowance date, and eight per cent for the four following 93494  
credit allowance dates. 93495

(3) "Credit allowance date" means the date, on or after 93496  
January 1, 2010, a qualified equity investment is made and each of 93497  
the six anniversary dates thereafter. For qualified equity 93498  
investments made after October 16, 2009, but before January 1, 93499  
2010, the initial credit allowance date is January 1, 2010, and 93500  
each of the six anniversary dates thereafter is on the first day 93501  
of January of each year. 93502

(4) "Qualified community development entity" includes only 93503  
entities: 93504

(a) That have entered into an allocation agreement with the 93505  
community development financial institutions fund of the United 93506  
States department of the treasury with respect to credits 93507  
authorized by section 45D of the Internal Revenue Code; 93508

(b) Whose service area includes any portion of this state; 93509  
and 93510

(c) That will designate an equity investment in such entities 93511  
as a qualified equity investment for purposes of both section 45D 93512  
of the Internal Revenue Code and this section. 93513

(5) "Qualified equity investment" is limited to an equity 93514  
investment in a qualified community development entity that: 93515

(a) Is acquired after October 16, 2009, at its original 93516  
issuance solely in exchange for cash; 93517

(b) Has at least eighty-five per cent of its cash purchase 93518  
price used by the qualified community development entity to make 93519  
qualified low-income community investments in qualified active 93520  
low-income community businesses in this state, provided that in 93521  
the seventh year after a qualified equity investment is made, only 93522  
seventy-five per cent of such cash purchase price must be used by 93523  
the qualified community development entity to make qualified 93524  
low-income community investments in those businesses; and 93525

(c) Is designated by the issuer as a qualified equity 93526  
investment. 93527

"Qualified equity investment" includes any equity investment 93528  
that would, but for division (A)(5)(a) of this section, be a 93529  
qualified equity investment in the hands of the taxpayer if such 93530  
investment was a qualified equity investment in the hands of a 93531  
prior holder. 93532

(B) There is hereby allowed a nonrefundable credit against 93533  
the tax imposed by section 5725.18 of the Revised Code for an 93534  
insurance company holding a qualified equity investment on the 93535  
credit allowance date occurring in the calendar year for which the 93536  
tax is due. The credit shall equal the applicable percentage of 93537  
the adjusted purchase price, subject to divisions (B)(1) and (2) 93538  
of this section: 93539

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment in this state within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income community investments in each qualified active low-income community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control.

The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance 93572  
company waives its rights under section 5725.222 of the Revised 93573  
Code with respect to the time limitation for the assessment of 93574  
taxes as it relates to credits claimed that later become subject 93575  
to recapture under division (E) of this section. 93576

~~(C) The amount of qualified equity investments on the basis 93577  
of which credits may be claimed under this section and sections 93578  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 93579  
the amount, estimated by the director of development, that would 93580  
cause the total amount of credits allowed each fiscal year to 93581  
exceed ten million dollars, computed without regard to the 93582  
potential for taxpayers to carry tax credits forward to later 93583  
years~~ The aggregate amount of credit allocations made by the 93584  
director of development services under this section and sections 93585  
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 93586  
shall not exceed ten million dollars. 93587

(D) If any amount of the federal tax credit allowed for a 93588  
qualified equity investment for which a credit was received under 93589  
this section is recaptured under section 45D of the Internal 93590  
Revenue Code, or if the director of development services 93591  
determines that an investment for which a tax credit is claimed 93592  
under this section is not a qualified equity investment or that 93593  
the proceeds of an investment for which a tax credit is claimed 93594  
under this section are used to make qualified low-income community 93595  
investments other than in a qualified active low-income community 93596  
business in this state, all or a portion of the credit received on 93597  
account of that investment shall be paid by the insurance company 93598  
that received the credit to the superintendent of insurance. The 93599  
amount to be recovered shall be determined by the director of 93600  
development services pursuant to rules adopted under division (E) 93601  
of this section. The director shall certify any amount due under 93602  
this division to the superintendent of insurance, and the 93603

superintendent shall notify the treasurer of state of the amount 93604  
due. Upon notification, the treasurer shall invoice the insurance 93605  
company for the amount due. The amount due is payable not later 93606  
than thirty days after the date the treasurer invoices the 93607  
insurance company. The amount due shall be considered to be tax 93608  
due under section 5725.18 of the Revised Code, and may be 93609  
collected by assessment without regard to the time limitations 93610  
imposed under section 5725.222 of the Revised Code for the 93611  
assessment of taxes by the superintendent. All amounts collected 93612  
under this division shall be credited as revenue from the tax 93613  
levied under section 5725.18 of the Revised Code. 93614

(E) The tax credits authorized under this section and 93615  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 93616  
be administered by the development services agency. The director 93617  
of development services, in consultation with the tax commissioner 93618  
and the superintendent of insurance, pursuant to Chapter 119. of 93619  
the Revised Code, shall adopt rules for the administration of this 93620  
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 93621  
Code. The rules shall provide for determining the recovery of 93622  
credits under division (D) of this section and under sections 93623  
5726.54, 5729.16, and 5733.58 of the Revised Code, including 93624  
prorating the amount of the credit to be recovered on any 93625  
reasonable basis, the manner in which credits may be allocated 93626  
among claimants, and the amount of any application or other fees 93627  
to be charged in connection with a recovery. 93628

(F) ~~There is hereby created in the state treasury the new~~ 93629  
~~markets tax credit operating fund.~~ The director of development 93630  
services is authorized to charge reasonable application and other 93631  
fees in connection with the administration of tax credits 93632  
authorized by this section and sections 5726.54, 5729.16, and 93633  
5733.58 of the Revised Code. Any such fees collected shall be 93634  
credited to the tax incentives operating fund created in section 93635

~~122.174 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5726.54, 5729.16, and 5733.58 of the Revised Code.~~

(G) Tax credits earned or allocated to a pass-through entity, as that term is defined in section 5733.04 of the Revised Code, under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised Code may be allocated to persons having a direct or indirect ownership interest in the pass-through entity for such persons' direct use in accordance with the provisions of any mutual agreement between such persons.

**Sec. 5727.26.** (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of the penalty.

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the company assessed to the ~~treasurer of state~~ commissioner. The petition shall indicate the

objections of the company assessed, but additional objections may 93667  
be raised in writing if received by the commissioner prior to the 93668  
date shown on the final determination. 93669

If a petition for reassessment has been properly filed, the 93670  
commissioner shall proceed under section 5703.60 of the Revised 93671  
Code. 93672

(C) After an assessment becomes final, if any portion of the 93673  
assessment, including accrued interest, remains unpaid, a 93674  
certified copy of the tax commissioner's entry making the 93675  
assessment final may be filed in the office of the clerk of the 93676  
court of common pleas in the county in which the natural gas 93677  
company's or combined company's principal place of business is 93678  
located, or in the office of the clerk of court of common pleas of 93679  
Franklin county. 93680

Immediately on the filing of the entry, the clerk shall enter 93681  
judgment for the state against the company assessed in the amount 93682  
shown on the entry. The judgment may be filed by the clerk in a 93683  
loose-leaf book entitled, "special judgments for the public 93684  
utility excise tax on natural gas and combined companies," and 93685  
shall have the same effect as other judgments. Execution shall 93686  
issue upon the judgment at the request of the tax commissioner, 93687  
and all laws applicable to sales on execution shall apply to sales 93688  
made under the judgment. 93689

If the assessment is not paid in its entirety within sixty 93690  
days after the day the assessment was issued, the portion of the 93691  
assessment consisting of tax due shall bear interest at the rate 93692  
per annum prescribed by section 5703.47 of the Revised Code from 93693  
the day the tax commissioner issues the assessment until it is 93694  
paid or until it is certified to the attorney general for 93695  
collection under section 131.02 of the Revised Code, whichever 93696  
comes first. If the unpaid portion of the assessment is certified 93697  
to the attorney general for collection, the entire unpaid portion 93698



of the assessment shall bear interest at the rate per annum 93699  
prescribed by section 5703.47 of the Revised Code from the date of 93700  
certification until the date it is paid in its entirety. Interest 93701  
shall be paid in the same manner as the tax and may be collected 93702  
by the issuance of an assessment under this section. 93703

(D) If the tax commissioner believes that collection of the 93704  
tax will be jeopardized unless proceedings to collect or secure 93705  
collection of the tax are instituted without delay, the 93706  
commissioner may issue a jeopardy assessment against the company 93707  
liable for the tax. Immediately upon the issuance of the jeopardy 93708  
assessment, the commissioner shall file an entry with the clerk of 93709  
the court of common pleas in the manner prescribed by division (C) 93710  
of this section. Notice of the jeopardy assessment shall be served 93711  
on the company assessed or the company's authorized agent in the 93712  
manner provided in section 5703.37 of the Revised Code within five 93713  
days of the filing of the entry with the clerk. The total amount 93714  
assessed is immediately due and payable, unless the company 93715  
assessed files a petition for reassessment in accordance with 93716  
division (B) of this section and provides security in a form 93717  
satisfactory to the commissioner and in an amount sufficient to 93718  
satisfy the unpaid balance of the assessment. Full or partial 93719  
payment of the assessment does not prejudice the commissioner's 93720  
consideration of the petition for reassessment. 93721

(E) The tax commissioner shall immediately forward to the 93722  
treasurer of state all amounts that the tax commissioner receives 93723  
under this section, and such amounts shall be considered revenue 93724  
arising from the tax imposed by section 5727.24 of the Revised 93725  
Code. 93726

(F) No assessment shall be made or issued against a natural 93727  
gas company or combined company for the tax imposed by section 93728  
5727.24 of the Revised Code more than four years after the return 93729  
date for the period in which the tax was reported, or more than 93730

four years after the return for the period was filed, whichever is 93731  
later. 93732

**Sec. 5727.28.** (A) The ~~treasurer of state~~ tax commissioner 93733  
shall refund to a natural gas company or combined company subject 93734  
to the tax imposed by section 5727.24 of the Revised Code, the 93735  
amount of tax paid illegally or erroneously, or paid on an illegal 93736  
or erroneous assessment. Applications for a refund shall be filed 93737  
with the tax commissioner, on a form prescribed by the 93738  
commissioner, within four years of the illegal or erroneous 93739  
payment of the tax. 93740

On the filing of the application, the commissioner shall 93741  
determine the amount of refund to which the applicant is entitled. 93742  
If the amount is not less than that claimed, the commissioner 93743  
shall ~~certify the amount to~~ notify the director of budget and 93744  
management and ~~treasurer of state for payment~~ issue the refund 93745  
from the tax refund fund under section 5703.052 of the Revised 93746  
Code. If the amount is less than that claimed, the commissioner 93747  
shall proceed in accordance with section 5703.70 of the Revised 93748  
Code. 93749

If the application for refund is for taxes paid on an illegal 93750  
or erroneous assessment, the commissioner shall include in the 93751  
certified amount interest calculated at the rate per annum 93752  
prescribed by section 5703.47 of the Revised Code from the date of 93753  
overpayment to the date of the commissioner's certification. 93754

(B) If a natural gas company or combined company entitled to 93755  
a refund of taxes under this section, or section 5703.70 of the 93756  
Revised Code, is indebted to the state for any tax or fee 93757  
administered by the tax commissioner that is paid to the state, or 93758  
any charge, penalty, or interest arising from such a tax or fee, 93759  
the amount refundable may be applied in satisfaction of that debt. 93760  
If the amount refundable is less than the amount of the debt, it 93761

may be applied in partial satisfaction of the debt. If the amount 93762  
refundable is greater than the amount of the debt, the amount 93763  
remaining after satisfaction of the debt shall be refunded. 93764

(C) In lieu of granting a refund under division (A) or (B) of 93765  
this section, the tax commissioner may allow a natural gas company 93766  
or combined company to claim a credit of the amount of the tax 93767  
refund on the return for the period during which the tax became 93768  
refundable. The commissioner may require the company to submit 93769  
information to support a claim for a credit under this division, 93770  
and the commissioner may disallow the credit if the information is 93771  
not provided. 93772

**Sec. 5727.31.** (A) Each public utility subject to the excise 93773  
tax imposed by section 5727.30 of the Revised Code, annually, on 93774  
or before the first day of August, shall file with the tax 93775  
commissioner a statement in such form as the commissioner 93776  
prescribes and shall pay any amount due. 93777

(B)(1) Annually, on or before the fifteenth day of October of 93778  
the current year, each public utility whose estimated excise taxes 93779  
for the current year as based upon the statement required to be 93780  
filed in that year by division (A) of this section are one 93781  
thousand dollars or more shall file with the ~~treasurer of state~~ 93782  
commissioner a report, in such form as the ~~tax~~ commissioner 93783  
prescribes, showing the amount of excise tax estimated to be 93784  
charged or levied pursuant to law for the current year upon the 93785  
basis of such annual statement, and shall remit a portion of the 93786  
estimated excise taxes shown to be due by the report. The portion 93787  
of the estimated excise taxes due at the time the report is filed 93788  
shall be one-third of its total excise taxes estimated to be 93789  
charged or levied for the current year based upon the annual 93790  
statement filed under division (A) of this section. 93791

(2) Annually, on or before the first day of March and June, 93792

each public utility whose excise taxes as based upon its last 93793  
preceding annual statement filed under division (A) of this 93794  
section prior to the first day of January were one thousand 93795  
dollars or more shall file with the ~~treasurer of state~~ 93796  
commissioner a report, in such form as the ~~tax~~ commissioner 93797  
prescribes, showing the amount of excise tax charged or levied 93798  
pursuant to law upon the basis of such annual statement, and shall 93799  
remit a portion of the excise taxes shown to be due by each such 93800  
report. The portion of the excise taxes due at the time each such 93801  
report is filed shall be one-third of its total excise taxes so 93802  
charged or levied based upon such annual statement. 93803

(C) Any public utility subject to the excise taxes imposed by 93804  
section 5727.30 of the Revised Code whose tax as certified under 93805  
section 5727.38 of the Revised Code in a year equals or exceeds 93806  
the amount specified for that year in section 5727.311 of the 93807  
Revised Code shall make the payments required under this section 93808  
in the second ensuing and each succeeding year in the manner 93809  
prescribed by section 5727.311 of the Revised Code, except as 93810  
otherwise prescribed by that section. 93811

(D)(1) For purposes of this section, a report required to be 93812  
filed under division (B) of this section is considered filed when 93813  
it is received by the ~~treasurer of state~~ tax commissioner. 93814

(2) For purposes of this section and sections 5727.311 and 93815  
5727.42 of the Revised Code, remittance of an excise tax required 93816  
to be made under this section is considered to be made when the 93817  
remittance is received by the treasurer of state or tax 93818  
commissioner, or when credited to an account designated by the 93819  
treasurer of state for the receipt of tax remittances. 93820

**Sec. 5727.311.** (A) Any public utility subject to an excise 93821  
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 93822  
~~certified by the tax commissioner under section 5727.38 of the~~ 93823

~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 93824  
each payment required under division (B) of section 5727.31 of the 93825  
Revised Code for the second ensuing and each succeeding year by 93826  
electronic funds transfer as prescribed by division (C) of this 93827  
section. 93828

If the tax ~~certified by the tax commissioner~~ in each of two 93829  
consecutive years is less than fifty thousand dollars, the public 93830  
utility is relieved of the requirement to remit taxes by 93831  
electronic funds transfer for the year that next follows the 93832  
second of the consecutive years in which the tax certified is less 93833  
than fifty thousand dollars, and is relieved of that requirement 93834  
for each succeeding year unless the tax ~~certified~~ in a subsequent 93835  
year equals or exceeds fifty thousand dollars. 93836

(B) The tax commissioner shall notify each public utility 93837  
required by this section or section 5727.25 of the Revised Code to 93838  
remit taxes by electronic funds transfer of the public utility's 93839  
obligation to do so, and shall maintain an updated list of those 93840  
public utilities, ~~and shall timely certify the list and any~~ 93841  
~~additions thereto or deletions therefrom to the treasurer of~~ 93842  
~~state~~. Failure by the tax commissioner to notify a public utility 93843  
subject to this section to remit taxes by electronic funds 93844  
transfer does not relieve the public utility of its obligation to 93845  
remit taxes by electronic funds transfer. 93846

(C) Public utilities required by this section or section 93847  
5727.25 of the Revised Code to remit periodic payments by 93848  
electronic funds transfer shall remit such payments to the 93849  
treasurer of state in the manner prescribed by rules adopted by 93850  
the treasurer of state under section 113.061 of the Revised Code. 93851  
The payment of public utility excise taxes by electronic funds 93852  
transfer does not affect a public utility's obligation to file the 93853  
annual statement and periodic reports in the manner and at the 93854  
times prescribed by section 5727.31 of the Revised Code. 93855

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer may apply to the ~~treasurer of state~~ tax commissioner in the manner prescribed by the ~~treasurer of state~~ commissioner to be excused from that requirement. The ~~treasurer of state~~ commissioner may excuse the public utility from remittance by electronic funds transfer for good cause shown for the period of time requested by the public utility or for a portion of that period. The ~~treasurer of state~~ commissioner shall notify the ~~tax commissioner and the~~ public utility of the ~~treasurer of state's~~ commissioner's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the ~~treasurer of state~~ tax commissioner determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the ~~treasurer of state~~ commissioner may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid by electronic funds transfer, but not to exceed five thousand dollars. Any additional charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public

utility remits by some means other than electronic funds transfer. 93888

**Sec. 5727.38.** On or before the first Monday of November, 93889  
annually, the tax commissioner ~~shall~~ may assess an excise tax 93890  
against ~~each~~ a public utility subject to the excise tax under 93891  
section 5727.30 of the Revised Code. The tax shall be computed by 93892  
multiplying the taxable gross receipts as determined by the 93893  
commissioner under section 5727.33 of the Revised Code by six and 93894  
three-fourths per cent in the case of pipe-line companies, and 93895  
four and three-fourths per cent in the case of all other 93896  
companies. The minimum tax for any such company for owning 93897  
property or doing business in this state shall be fifty dollars. 93898  
The assessment shall be ~~certified~~ mailed to the taxpayer ~~and~~ 93899  
~~treasurer of state.~~ 93900

**Sec. 5727.42.** (A) The treasurer of state shall ~~maintain a~~ 93901  
~~list of all taxes levied and payments made pursuant to the annual~~ 93902  
notify the tax commissioner of any payment of the excise tax 93903  
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 93904  
state commissioner shall collect and the taxpayer shall pay all 93905  
taxes and any penalties thereon. Payments of the tax may be made 93906  
by mail, in person, by electronic funds transfer if required to do 93907  
so by section 5727.311 of the Revised Code, or by any other means 93908  
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 93909  
~~of state~~ commissioner may adopt rules concerning the methods and 93910  
timeliness of payment. 93911

(B) Each tax ~~bill~~ assessment issued pursuant to this section 93912  
shall separately reflect the taxes and any penalty due, ~~due date,~~ 93913  
and any other information considered necessary. ~~The last day on~~ 93914  
~~which payment may be made without penalty shall be at least twenty~~ 93915  
~~but not more than thirty days from the date of mailing the tax~~ 93916  
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 93917  
assessment to the taxpayer, and the mailing of it shall be 93918

prima-facie evidence of receipt thereof by the taxpayer. 93919

(C) The ~~treasurer of state~~ commissioner shall refund taxes 93920  
levied and payments made for the tax imposed by section 5727.30 of 93921  
the Revised Code as provided in this section, but no refund shall 93922  
be made to a taxpayer having a delinquent claim certified pursuant 93923  
to this section that remains unpaid. The ~~treasurer of state~~ 93924  
commissioner may consult the attorney general regarding such 93925  
claims. 93926

(D) ~~Within twenty days after receipt of~~ After receiving any 93927  
excise tax ~~assessment certified to the treasurer of state~~ annual 93928  
statement for the tax imposed by section 5727.30 of the Revised 93929  
Code, the ~~treasurer of state~~ commissioner shall: 93930

(1) Ascertain the difference between the total taxes ~~shown on~~ 93931  
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 93932  
~~exclusive of any penalties thereon, previously~~ made for that year. 93933

(2) If the difference is a deficiency, the ~~treasurer of state~~ 93934  
commissioner shall issue a ~~tax bill~~ an assessment. 93935

(3) If the difference is an excess, the ~~treasurer of state~~ 93936  
commissioner shall ~~certify the name of the taxpayer and the amount~~ 93937  
~~to be refunded to~~ notify the director of budget and management ~~for~~ 93938  
~~payment and issue a refund of that amount~~ to the taxpayer. If the 93939  
amount of the refund is less than that claimed by the taxpayer, 93940  
the taxpayer, within sixty days of the issuance of the refund, may 93941  
provide to the commissioner additional information to support the 93942  
claim or may request a hearing. Upon receiving such information or 93943  
request within that time, the commissioner shall follow the same 93944  
procedures set forth in divisions (C) and (D) of section 5703.70 93945  
of the Revised Code for the determination of refund applications. 93946

If the taxpayer has a deficiency for one tax year and an 93947  
excess for another tax year, or any combination thereof for more 93948  
than two years, the ~~treasurer of state~~ commissioner may determine 93949



the net result and, depending on such result, proceed to ~~mail a~~ 93950  
~~tax bill issue an assessment~~ or certify a refund. 93951

(E) If a taxpayer fails to pay ~~all~~ the amount of taxes ~~on or~~ 93952  
~~before the due date shown on the tax bill~~ required to be paid, or 93953  
fails to make an estimated payment on or before the due date 93954  
prescribed in division (B) of section 5727.31 of the Revised Code, 93955  
~~but makes payment within ten calendar days of such date, the~~ 93956  
~~treasurer of state shall add a penalty equal to five per cent of~~ 93957  
~~the amount that should have been timely paid. If payment is not~~ 93958  
~~made within ten days of such date, the treasurer of state shall~~ 93959  
~~add a penalty equal to fifteen per cent of the amount that should~~ 93960  
~~have been timely paid. The treasurer of state shall prepare a~~ 93961  
~~delinquent claim for each tax bill on which penalties were added~~ 93962  
~~and certify such claims to the attorney general and tax~~ 93963  
~~commissioner. The~~ the commissioner shall impose a penalty in the 93964  
amount of fifteen per cent of the unpaid amount, and the 93965  
commissioner shall issue an assessment for the unpaid amount and 93966  
penalty. Unless a timely petition for reassessment is filed under 93967  
section 5727.47 of the Revised Code, the attorney general shall 93968  
proceed to collect the delinquent taxes and penalties thereon in 93969  
the manner prescribed by law and notify the ~~treasurer of state and~~ 93970  
~~tax~~ commissioner of all collections. 93971

**Sec. 5727.47.** (A) Notice of each assessment certified or 93972  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 93973  
shall be mailed to the public utility, and its mailing shall be 93974  
prima-facie evidence of its receipt by the public utility to which 93975  
it is addressed. With the notice, the tax commissioner shall 93976  
provide instructions on how to petition for reassessment and 93977  
request a hearing on the petition. If a public utility objects to 93978  
any such an assessment ~~certified to it pursuant to such sections,~~ 93979  
it may file with the commissioner, either personally or by 93980  
certified mail, within sixty days after the mailing of the notice 93981

of assessment a written petition for reassessment signed by the 93982  
utility's authorized agent having knowledge of the facts. The date 93983  
the commissioner receives the petition shall be considered the 93984  
date of filing. The petition shall indicate the utility's 93985  
objections, but additional objections may be raised in writing if 93986  
received by the commissioner prior to the date shown on the final 93987  
determination. 93988

In the case of a petition seeking a reduction in taxable 93989  
value filed with respect to an assessment ~~issued~~ certified under 93990  
section 5727.23 of the Revised Code, the petitioner shall state in 93991  
the petition the total amount of reduction in taxable value sought 93992  
by the petitioner. If the petitioner objects to the percentage of 93993  
true value at which taxable property is assessed by the 93994  
commissioner, the petitioner shall state in the petition the total 93995  
amount of reduction in taxable value sought both with and without 93996  
regard to the objection pertaining to the percentage of true value 93997  
at which its taxable property is assessed. If a petitioner objects 93998  
to the commissioner's apportionment of the taxable value of the 93999  
petitioner's taxable property, the petitioner shall distinctly 94000  
state in the petition that the petitioner objects to the 94001  
commissioner's apportionment, and, within forty-five days after 94002  
filing the petition for reassessment, shall submit the 94003  
petitioner's proposed apportionment of the taxable value of its 94004  
taxable property among taxing districts. If a petitioner that 94005  
objects to the commissioner's apportionment fails to state its 94006  
objections to that apportionment in its petition for reassessment 94007  
or fails to submit its proposed apportionment within forty-five 94008  
days after filing the petition for reassessment, the commissioner 94009  
shall dismiss the petitioner's objection to the commissioner's 94010  
apportionment, and the taxable value of the petitioner's taxable 94011  
property, subject to any adjustment to taxable value pursuant to 94012  
the petition or appeal, shall be apportioned in the manner used by 94013  
the commissioner in the preliminary or amended preliminary 94014

assessment ~~issued~~ certified under section 5727.23 of the Revised Code. 94015  
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If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of the failure by certified mail. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought. 94017  
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(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court. 94034  
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(2) If a public utility properly and timely files a petition for reassessment regarding an assessment ~~issued~~ certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 94043  
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section: 94047

(a) If the petitioner does not object to the commissioner's 94048  
apportionment of the taxable value of the petitioner's taxable 94049  
property, the petitioner is not required to pay the part of the 94050  
tax otherwise due on the taxable value that the petitioner seeks 94051  
to have reduced, subject to division (B)(2)(c) of this section. 94052

(b) If the petitioner objects to the commissioner's 94053  
apportionment of the taxable value of the petitioner's taxable 94054  
property, the petitioner is not required to pay the tax otherwise 94055  
due on the part of the taxable value apportioned to any taxing 94056  
district that the petitioner objects to, subject to division 94057  
(B)(2)(c) of this section. If, pursuant to division (A) of this 94058  
section, the petitioner has, in a proper and timely manner, 94059  
apportioned taxable value to a taxing district to which the 94060  
commissioner did not apportion the petitioner's taxable value, the 94061  
petitioner shall pay the tax due on the taxable value that the 94062  
petitioner has apportioned to the taxing district, subject to 94063  
division (B)(2)(c) of this section. 94064

(c) If a petitioner objects to the percentage of true value 94065  
at which taxable property is assessed by the commissioner, the 94066  
petitioner shall pay the tax due on the basis of the percentage of 94067  
true value at which the public utility's taxable property is 94068  
assessed by the commissioner. In any case, the petitioner's 94069  
payment of tax shall not be less than the amount of tax due based 94070  
on the taxable value reflected on the last appeal notice issued by 94071  
the commissioner under division (C) of this section. Until the 94072  
county auditor receives notification under division (E) of this 94073  
section and proceeds under section 5727.471 of the Revised Code to 94074  
issue any refund that is found to be due, the county auditor shall 94075  
not issue a refund for any increase in the reduction in taxable 94076  
value that is sought by a petitioner later than forty-five days 94077  
after the petitioner files the original petition as required under 94078

division (A) of this section. 94079

(3) Any part of the tax that, under division (B)(2)(a) or (b) 94080  
of this section, is not paid shall be collected upon receipt of 94081  
the notification as provided in section 5727.471 of the Revised 94082  
Code with interest thereon computed in the same manner as interest 94083  
is computed under division (E) of section 5715.19 of the Revised 94084  
Code, subject to any correction of the assessment by the 94085  
commissioner under division (E) of this section or the final 94086  
judgment of the board of tax appeals or a court to which the 94087  
board's final judgment is appealed. The penalty imposed under 94088  
section 323.121 of the Revised Code shall apply only to the unpaid 94089  
portion of the tax if the petitioner's tax payment is less than 94090  
the amount of tax due based on the taxable value reflected on the 94091  
last appeal notice issued by the commissioner under division (C) 94092  
of this section. 94093

(C) Upon receipt of a properly filed petition for 94094  
reassessment with respect to an assessment certified under section 94095  
5727.23 of the Revised Code, the tax commissioner shall notify the 94096  
treasurer of state or the auditor of each county to which the 94097  
assessment objected to has been certified. In the case of a 94098  
petition with respect to an assessment ~~issued~~ certified under 94099  
section 5727.23 of the Revised Code, the commissioner shall issue 94100  
an appeal notice within thirty days after receiving the amount of 94101  
the taxable value reduction and apportionment changes sought by 94102  
the petitioner in the original petition or in any additional 94103  
objections properly and timely raised by the petitioner. The 94104  
appeal notice shall indicate the amount of the reduction in 94105  
taxable value sought in the petition or in the additional 94106  
objections and the extent to which the reduction in taxable value 94107  
and any change in apportionment requested by the petitioner would 94108  
affect the commissioner's apportionment of the taxable value among 94109  
taxing districts in the county as shown in the assessment. If a 94110

petitioner is seeking a reduction in taxable value on the basis of 94111  
a lower percentage of true value than the percentage at which the 94112  
commissioner assessed the petitioner's taxable property, the 94113  
appeal notice shall indicate the reduction in taxable value sought 94114  
by the petitioner without regard to the reduction sought on the 94115  
basis of the lower percentage and shall indicate that the 94116  
petitioner is required to pay tax on the reduced taxable value 94117  
determined without regard to the reduction sought on the basis of 94118  
a lower percentage of true value, as provided under division 94119  
(B)(2)(c) of this section. The appeal notice shall include a 94120  
statement that the reduced taxable value and the apportionment 94121  
indicated in the notice are not final and are subject to 94122  
adjustment by the commissioner or by the board of tax appeals or a 94123  
court on appeal. If the commissioner finds an error in the appeal 94124  
notice, the commissioner may amend the notice, but the notice is 94125  
only for informational and tax payment purposes; the notice is not 94126  
subject to appeal by any person. The commissioner also shall mail 94127  
a copy of the appeal notice to the petitioner. Upon the request of 94128  
a taxing authority, the county auditor may disclose to the taxing 94129  
authority the extent to which a reduction in taxable value sought 94130  
by a petitioner would affect the apportionment of taxable value to 94131  
the taxing district or districts under the taxing authority's 94132  
jurisdiction, but such a disclosure does not constitute a notice 94133  
required by law to be given for the purpose of section 5717.02 of 94134  
the Revised Code. 94135

(D) If the petitioner requests a hearing on the petition, the 94136  
tax commissioner shall assign a time and place for the hearing on 94137  
the petition and notify the petitioner of such time and place, but 94138  
the commissioner may continue the hearing from time to time as 94139  
necessary. 94140

(E) The tax commissioner may make corrections to the 94141  
assessment as the commissioner finds proper. The commissioner 94142

shall serve a copy of the commissioner's final determination on 94143  
the petitioner in the manner provided in section 5703.37 of the 94144  
Revised Code. The commissioner's decision in the matter shall be 94145  
final, subject to appeal under section 5717.02 of the Revised 94146  
Code. ~~The~~ With respect to a final determination issued for an 94147  
assessment certified under section 5727.23 of the Revised Code, 94148  
the commissioner also shall transmit a copy of the final 94149  
determination to the ~~treasurer of state or~~ applicable county 94150  
auditor. In the absence of any further appeal, or when a decision 94151  
of the board of tax appeals or of any court to which the decision 94152  
has been appealed becomes final, the commissioner shall notify the 94153  
public utility and, as appropriate, ~~the treasurer of state who~~ 94154  
shall proceed under section 5727.42 of the Revised Code, or notify 94155  
the applicable county auditor, who shall proceed under section 94156  
5727.471 of the Revised Code. 94157

The notification made under this division is not subject to 94158  
further appeal. 94159

(F) On appeal, no adjustment shall be made in the tax 94160  
commissioner's assessment ~~issued~~ certified under section 5727.23 94161  
of the Revised Code that reduces the taxable value of a 94162  
petitioner's taxable property by an amount that exceeds the 94163  
reduction sought by the petitioner in its petition for 94164  
reassessment or in any additional objections properly and timely 94165  
raised after the petition is filed with the commissioner. 94166

**Sec. 5727.48.** The tax commissioner, on application by a 94167  
public utility, may extend to the public utility a further 94168  
specified time, not to exceed ~~sixty~~ thirty days, within which to 94169  
file any report or statement required by this chapter to be filed 94170  
with the commissioner, except reports required by sections 5727.24 94171  
to 5727.29 of the Revised Code. A public utility must file such an 94172  
application, in writing, with the commissioner on or before the 94173

date that the report or statement is otherwise required to be 94174  
filed. 94175

**Sec. 5727.53.** The taxes, fees, and penalties provided by this 94176  
chapter that are remitted to the treasurer of state may be 94177  
recovered by an action brought in the name of the state in the 94178  
court of common pleas of Franklin county, or of any county in 94179  
which such public utility is doing business, or in which the line 94180  
of any railroad company is located, and such court of common pleas 94181  
shall have jurisdiction of the action regardless of the amount 94182  
involved. The attorney general, on request of the tax 94183  
commissioner, shall institute such action in the court of common 94184  
pleas of Franklin county or of any of such counties the 94185  
commissioner directs. ~~In any such action it shall be sufficient to~~ 94186  
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 94187  
~~charged on the delinquent duplicate of the treasurer of state, and~~ 94188  
~~that the same has been unpaid for a period of thirty days after~~ 94189  
~~having been placed thereon.~~ Sums recovered in any such action 94190  
shall be paid into the state treasury in the same manner as the 94191  
tax. 94192

**Sec. 5727.60.** If a person fails to file a report within the 94193  
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 94194  
including any extensions of time granted by the tax commissioner, 94195  
a penalty of fifty dollars per month, not to exceed five hundred 94196  
dollars, may be imposed for each month or fraction of a month 94197  
elapsing between the due date of the report, including any 94198  
extensions, and the date the report was filed. The penalty under 94199  
this section for failing to file a report required by section 94200  
5727.08 of the Revised Code shall be paid into the state general 94201  
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 94202  
~~notice of the penalty is mailed to the person who failed to timely~~ 94203  
~~file the report, the tax commissioner shall certify the penalty as~~ 94204



~~a claim to the attorney general for collection.~~ The penalty under 94205  
this section for failing to file the report required by section 94206  
5727.31 of the Revised Code shall be deposited into the state 94207  
treasury in the same manner as the tax, and the commissioner may 94208  
collect the penalty by assessment pursuant to section 5727.38 of 94209  
the Revised Code. The tax commissioner may abate this penalty in 94210  
full or in part. 94211

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the 94212  
Revised Code: 94213

(A) "Electric distribution company" means either of the 94214  
following: 94215

(1) A person who distributes electricity through a meter of 94216  
an end user in this state or to an unmetered location in this 94217  
state; 94218

(2) The end user of electricity in this state, if the end 94219  
user obtains electricity that is not distributed or transmitted to 94220  
the end user by an electric distribution company that is required 94221  
to remit the tax imposed by section 5727.81 of the Revised Code. 94222

"Electric distribution company" does not include an end user 94223  
of electricity in this state who self-generates electricity that 94224  
is used directly by that end user on the same site that the 94225  
electricity is generated or a person that donates all of the 94226  
electricity the person generates to a political subdivision of the 94227  
state. Division (A)(2) of this section shall not apply to a 94228  
political subdivision in this state that is the end user of 94229  
electricity that is donated to the political subdivision. 94230

(B) "Kilowatt hour" means one thousand watt hours of 94231  
electricity. 94232

(C) For an electric distribution company, "meter of an end 94233  
user in this state" means the last meter used to measure the 94234

kilowatt hours distributed by an electric distribution company to 94235  
a location in this state, or the last meter located outside of 94236  
this state that is used to measure the kilowatt hours consumed at 94237  
a location in this state. 94238

(D) "Person" has the same meaning as in section 5701.01 of 94239  
the Revised Code, but also includes a political subdivision of the 94240  
state. 94241

(E) "Municipal electric utility" means a municipal 94242  
corporation that owns or operates a system for the distribution of 94243  
electricity. 94244

(F) "Qualified end user" means an end user of electricity 94245  
that satisfies either of the following criteria: 94246

(1) The end user uses more than three million kilowatt hours 94247  
of electricity at one manufacturing location in this state for a 94248  
calendar day for use in a qualifying manufacturing process. 94249

(2) The end user uses electricity distributed by an electric 94250  
distribution company other than a municipal electric utility or a 94251  
rural electric company at a manufacturing location in this state 94252  
for use in a chlor-alkali manufacturing process. 94253

(G) "Qualified regeneration" means a process to convert 94254  
electricity to a form of stored energy by means such as using 94255  
electricity to compress air for storage or to pump water to an 94256  
elevated storage reservoir, if such stored energy is subsequently 94257  
used to generate electricity for sale to others primarily during 94258  
periods when there is peak demand for electricity. 94259

(H) "Qualified regeneration meter" means the last meter used 94260  
to measure electricity used in a qualified regeneration process. 94261

(I) "Qualifying manufacturing process" means ~~the performance 94262  
of an electrochemical reaction in which electrons from direct 94263  
current electricity remain a part of the product being 94264~~

~~manufactured~~ an electrochemical manufacturing process or a 94265  
chlor-alkali manufacturing process. 94266

(J) "Self-assessing purchaser" means a purchaser that meets 94267  
all the requirements of, and pays the excise tax in accordance 94268  
with, division (C) of section 5727.81 of the Revised Code. 94269

(K) "Natural gas distribution company" means a natural gas 94270  
company or a combined company, as defined in section 5727.01 of 94271  
the Revised Code, that is subject to the excise tax imposed by 94272  
section 5727.24 of the Revised Code and that distributes natural 94273  
gas through a meter of an end user in this state or to an 94274  
unmetered location in this state. 94275

(L) "MCF" means one thousand cubic feet. 94276

(M) For a natural gas distribution company, "meter of an end 94277  
user in this state" means the last meter used to measure the MCF 94278  
of natural gas distributed by a natural gas distribution company 94279  
to a location in this state, or the last meter located outside of 94280  
this state that is used to measure the natural gas consumed at a 94281  
location in this state. 94282

(N) "Flex customer" means an industrial or a commercial 94283  
facility that has consumed more than one billion cubic feet of 94284  
natural gas a year at a single location during any of the previous 94285  
five years, or an industrial or a commercial end user of natural 94286  
gas that purchases natural gas distribution services from a 94287  
natural gas distribution company at discounted rates or charges 94288  
established in any of the following: 94289

(1) A special arrangement subject to review and regulation by 94290  
the public utilities commission under section 4905.31 of the 94291  
Revised Code; 94292

(2) A special arrangement with a natural gas distribution 94293  
company pursuant to a municipal ordinance; 94294

(3) A variable rate schedule that permits rates to vary 94295  
between defined amounts, provided that the schedule is on file 94296  
with the public utilities commission. 94297

An end user that meets this definition on January 1, 2000, or 94298  
thereafter is a "flex customer" for purposes of determining the 94299  
rate of taxation under division (D) of section 5727.811 of the 94300  
Revised Code. 94301

(O) "Electrochemical manufacturing process" means the 94302  
performance of an electrochemical reaction in which electrons from 94303  
direct current electricity remain a part of the product being 94304  
manufactured. "Electrochemical manufacturing process" does not 94305  
include a chlor-alkali manufacturing process. 94306

(P) "Chlor-alkali manufacturing process" means a process that 94307  
uses electricity to produce chlorine and other chemicals through 94308  
the electrolysis of a salt solution. 94309

**Sec. 5727.81.** (A) For the purpose of raising revenue to fund 94310  
the needs of this state and its local governments, an excise tax 94311  
is hereby levied and imposed on an electric distribution company 94312  
for all electricity distributed by such company at the following 94313  
rates per kilowatt hour of electricity distributed in a thirty-day 94314  
period by the company through a meter of an end user in this 94315  
state: 94316

KILOWATT HOURS DISTRIBUTED	RATE PER	94317
TO AN END USER	KILOWATT HOUR	94318
For the first 2,000	\$.00465	94319
For the next 2,001 to 15,000	\$.00419	94320
For 15,001 and above	\$.00363	94321

If no meter is used to measure the kilowatt hours of 94322  
electricity distributed by the company, the rates shall apply to 94323  
the estimated kilowatt hours of electricity distributed to an 94324  
unmetered location in this state. 94325

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

- (1) The electricity is distributed by the company through a meter of an end user in this state; 94357  
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- (2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 94359  
94360  
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- (3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 94362  
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- (C)(1) As used in division (C) of this section: 94366
- (a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 94367  
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- (b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 94373  
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- (c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 94378  
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- (2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve 94380  
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months as estimated by the tax commissioner. The tax commissioner 94388  
shall make such an estimate upon the written request by an 94389  
applicant for registration as a self-assessing purchaser under 94390  
this division. For the meter reading period including July 1, 94391  
2008, through the meter reading period including December 31, 94392  
2010, such a purchaser may elect to self-assess the excise tax 94393  
imposed by this section at the rate of \$.00075 per kilowatt hour 94394  
on the first five hundred four million kilowatt hours distributed 94395  
to that meter or location during the registration year, and a 94396  
percentage of the total price of all electricity distributed to 94397  
that meter or location equal to three and one-half per cent. For 94398  
the meter reading period including January 1, 2011, and 94399  
thereafter, such a purchaser may elect to self-assess the excise 94400  
tax imposed by this section at the rate of \$.00257 per kilowatt 94401  
hour for the first five hundred million kilowatt hours, and 94402  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 94403  
five hundred million kilowatt hours, distributed to that meter or 94404  
location during the registration year. 94405

A qualified end user that receives electricity through a 94406  
meter of an end user in this state or through more than one meter 94407  
at a single location in this state and that consumes, over the 94408  
course of the previous calendar year, more than forty-five million 94409  
kilowatt hours in other than its qualifying manufacturing process, 94410  
may elect to self-assess the tax as allowed by this division with 94411  
respect to the electricity used in other than its qualifying 94412  
manufacturing process. 94413

Payment of the tax shall be made directly to the tax 94414  
commissioner in accordance with divisions (A)(4) and (5) of 94415  
section 5727.82 of the Revised Code, or the treasurer of state in 94416  
accordance with section 5727.83 of the Revised Code. If the 94417  
electric distribution company serving the self-assessing purchaser 94418  
is a municipal electric utility and the purchaser is within the 94419

municipal corporation's corporate limits, payment shall be made to 94420  
such municipal corporation's general fund and reports shall be 94421  
filed in accordance with divisions (A)(4) and (5) of section 94422  
5727.82 of the Revised Code, except that "municipal corporation" 94423  
shall be substituted for "treasurer of state" and "tax 94424  
commissioner." A self-assessing purchaser that pays the excise tax 94425  
as provided in this division shall not be required to pay the tax 94426  
to the electric distribution company from which its electricity is 94427  
distributed. If a self-assessing purchaser's receipt of 94428  
electricity is not subject to the tax as measured under this 94429  
division, the tax on the receipt of such electricity shall be 94430  
measured and paid as provided in division (A) of this section. 94431

(3) In the case of the acquisition of a package, unless the 94432  
elements of the package are separately stated isolating the total 94433  
price of electricity from the price of the remaining elements of 94434  
the package, the tax imposed under this section applies to the 94435  
entire price of the package. If the elements of the package are 94436  
separately stated, the tax imposed under this section applies to 94437  
the total price of the electricity. 94438

(4) Any electric supplier that sells electricity as part of a 94439  
package shall separately state to the purchaser the total price of 94440  
the electricity and, upon request by the tax commissioner, the 94441  
total price of each of the other elements of the package. 94442

(5) The tax commissioner may adopt rules relating to the 94443  
computation of the total price of electricity with respect to 94444  
self-assessing purchasers, which may include rules to establish 94445  
the total price of electricity purchased as part of a package. 94446

(6) An annual application for registration as a 94447  
self-assessing purchaser shall be made for each qualifying meter 94448  
or location on a form prescribed by the tax commissioner. The 94449  
registration year begins on the first day of May and ends on the 94450  
following thirtieth day of April. Persons may apply after the 94451



first day of May for the remainder of the registration year. In 94452  
the case of an applicant applying on the basis of an estimated 94453  
consumption of forty-five million kilowatt hours over the course 94454  
of the succeeding twelve months, the applicant shall provide such 94455  
information as the tax commissioner considers to be necessary to 94456  
estimate such consumption. At the time of making the application 94457  
and by the first day of May of each year, a self-assessing 94458  
purchaser shall pay a fee of five hundred dollars to the tax 94459  
commissioner, or to the treasurer of state as provided in section 94460  
5727.83 of the Revised Code, for each qualifying meter or 94461  
location. The tax commissioner shall immediately pay to the 94462  
treasurer of state all amounts that the tax commissioner receives 94463  
under this section. The treasurer of state shall deposit such 94464  
amounts into the kilowatt hour excise tax administration fund, 94465  
which is hereby created in the state treasury. Money in the fund 94466  
shall be used to defray the tax commissioner's cost in 94467  
administering the tax owed under section 5727.81 of the Revised 94468  
Code by self-assessing purchasers. After the application is 94469  
approved by the tax commissioner, the registration shall remain in 94470  
effect for the current registration year, or until canceled by the 94471  
registrant upon written notification to the commissioner of the 94472  
election to pay the tax in accordance with division (A) of this 94473  
section, or until canceled by the tax commissioner for not paying 94474  
the tax or fee under division (C) of this section or for not 94475  
meeting the qualifications in division (C)(2) of this section. The 94476  
tax commissioner shall give written notice to the electric 94477  
distribution company from which electricity is delivered to a 94478  
self-assessing purchaser of the purchaser's self-assessing status, 94479  
and the electric distribution company is relieved of the 94480  
obligation to pay the tax imposed by division (A) of this section 94481  
for electricity distributed to that self-assessing purchaser until 94482  
it is notified by the tax commissioner that the self-assessing 94483  
purchaser's registration is canceled. Within fifteen days of 94484

notification of the canceled registration, the electric 94485  
distribution company shall be responsible for payment of the tax 94486  
imposed by division (A) of this section on electricity distributed 94487  
to a purchaser that is no longer registered as a self-assessing 94488  
purchaser. A self-assessing purchaser with a canceled registration 94489  
must file a report and remit the tax imposed by division (A) of 94490  
this section on all electricity it receives for any measurement 94491  
period prior to the tax being reported and paid by the electric 94492  
distribution company. A self-assessing purchaser whose 94493  
registration is canceled by the tax commissioner is not eligible 94494  
to register as a self-assessing purchaser for two years after the 94495  
registration is canceled. 94496

(7) If the tax commissioner cancels the self-assessing 94497  
registration of a purchaser registered on the basis of its 94498  
estimated consumption because the purchaser does not consume at 94499  
least forty-five million kilowatt hours of electricity over the 94500  
course of the twelve-month period for which the estimate was made, 94501  
the tax commissioner shall assess and collect from the purchaser 94502  
the difference between (a) the amount of tax that would have been 94503  
payable under division (A) of this section on the electricity 94504  
distributed to the purchaser during that period and (b) the amount 94505  
of tax paid by the purchaser on such electricity pursuant to 94506  
division (C)(2) of this section. The assessment shall be paid 94507  
within sixty days after the tax commissioner issues it, regardless 94508  
of whether the purchaser files a petition for reassessment under 94509  
section 5727.89 of the Revised Code covering that period. If the 94510  
purchaser does not pay the assessment within the time prescribed, 94511  
the amount assessed is subject to the additional charge and the 94512  
interest prescribed by divisions (B) and (C) of section 5727.82 of 94513  
the Revised Code, and is subject to assessment under section 94514  
5727.89 of the Revised Code. If the purchaser is a qualified end 94515  
user, division (C)(7) of this section applies only to electricity 94516  
it consumes in other than its qualifying manufacturing process. 94517

(D) The tax imposed by this section does not apply to the 94518  
distribution of any kilowatt hours of electricity to the federal 94519  
government, to an end user located at a federal facility that uses 94520  
electricity for the enrichment of uranium, to a qualified 94521  
regeneration meter, or to an end user for any day the end user is 94522  
a qualified end user. The exemption under this division for a 94523  
qualified end user only applies to the manufacturing location 94524  
where the qualified end user uses electricity distributed by an 94525  
electric distribution company other than a municipal electric 94526  
utility or a rural electric company in a chlor-alkali 94527  
manufacturing process, or where the qualified end user uses more 94528  
than three million kilowatt hours per day in a ~~qualifying~~ an 94529  
electrochemical manufacturing process. 94530

(E) All revenue arising from the tax imposed by this section 94531  
shall be credited to the general revenue fund except as provided 94532  
by division (C) of this section and section 5727.82 of the Revised 94533  
Code. 94534

**Sec. 5731.46.** The county treasurer shall keep an account 94535  
showing the amount of all taxes and interest received by ~~him~~ the 94536  
treasurer under Chapter 5731. of the Revised Code. On the 94537  
twenty-fifth day of February ~~and the twentieth day of August~~ of 94538  
each year ~~he,~~ the treasurer shall settle with the county auditor 94539  
for all such taxes and interest so received ~~at the time of making~~ 94540  
~~such settlement,~~ in the preceding calendar year and not included 94541  
in any ~~preceding~~ prior settlement, showing for what estate, by 94542  
whom, and when paid. At each such settlement the auditor shall 94543  
allow to the treasurer and ~~himself~~ to the auditor, on the money so 94544  
collected and accounted for by ~~him~~ the auditor, their respective 94545  
fees, ~~at the percentages allowed by law~~ under section 319.54 or 94546  
321.27 of the Revised Code. The correctness thereof, together with 94547  
a statement of the fees allowed at such settlement, and the fees 94548  
and expenses allowed to the officers ~~under such chapter~~ shall be 94549

certified by the auditor. 94550

**Sec. 5731.49.** At each ~~semiannual~~ annual settlement provided 94551  
for by section 5731.46 of the Revised Code, the county auditor 94552  
shall certify to the county auditor of any other county in which 94553  
is located in whole or in part any municipal corporation or 94554  
township to which any of the taxes collected under this chapter 94555  
and not previously accounted for, is due, a statement of the 94556  
amount of such taxes due to each corporation or township in such 94557  
county entitled to share in the distribution thereof. The amount 94558  
due upon such settlement to each such municipal corporation or 94559  
township, and to each municipal corporation and township in the 94560  
county in which the taxes are collected, shall be paid upon the 94561  
warrant of the county auditor to the county treasurer or other 94562  
proper officer of such municipal corporation or township. The 94563  
amount of any refund chargeable against any such municipal 94564  
corporation or township at the time of making such settlement, 94565  
shall be adjusted in determining the amount due to such municipal 94566  
corporation or township at such settlement; provided that if the 94567  
municipal corporation or township against which such refund is 94568  
chargeable is not entitled to share in the fund to be distributed 94569  
at such settlement, the auditor shall draw a warrant for the 94570  
amount in favor of the treasurer payable from any undivided 94571  
general taxes in the possession of such treasurer, unless such 94572  
municipal corporation or township is located in another county, in 94573  
which event the auditor shall issue a certificate for such amount 94574  
to the auditor of the proper county, who shall draw a like warrant 94575  
therefor payable from any undivided general taxes in the 94576  
possession of the treasurer of such county. In either case at the 94577  
next semiannual settlement of such undivided general taxes, the 94578  
amount of such warrant shall be deducted from the distribution of 94579  
taxes of such municipal corporation or township and charged 94580  
against the proceeds of levies for the general fund of such 94581

municipal corporation or township, and a similar deduction shall 94582  
be made at each next semiannual settlement of such undivided 94583  
general taxes until such warrant has been satisfied in full. 94584

If it is discovered that an amount of taxes collected under 94585  
this chapter has been paid in error to a township or municipal 94586  
corporation to which the taxes are not due under this chapter, the 94587  
township or municipal corporation to which the amount was 94588  
erroneously paid, when repaying that amount to any subdivision to 94589  
which the taxes were due, shall not be required to pay interest on 94590  
that amount. 94591

**Sec. 5735.02.** (A) A motor fuel dealer shall not receive, use, 94592  
sell, or distribute any motor fuel or engage in business within 94593  
this state unless the motor fuel dealer holds an unrevoked license 94594  
issued by the tax commissioner to engage in such business. 94595

(B) To procure a motor fuel dealer's license, every motor 94596  
fuel dealer shall file with the commissioner an application 94597  
verified under oath by the applicant and in such form as the 94598  
commissioner prescribes, setting forth, in addition to such other 94599  
information required by the commissioner, the following: 94600

(1) The name under which the motor fuel dealer will transact 94601  
business within the state; 94602

(2) The location, including street number address, of its 94603  
principal office or place of business within this state; 94604

(3) The name and address of the owner, or the names and 94605  
addresses of the partners if such motor fuel dealer is a 94606  
partnership, or the names and addresses of the principal officers 94607  
if such motor fuel dealer is a corporation or an association; 94608

(4) If such motor fuel dealer is a corporation organized 94609  
under the laws of another state, territory, or country, a 94610  
certified copy of the certificate or license issued by the Ohio 94611

secretary of state showing that such corporation is authorized to 94612  
transact business in this state; 94613

(5) An agreement that the motor fuel dealer will assume the 94614  
liability and will pay the tax on any shipment of motor fuel made 94615  
into the state from any other state or foreign country and sold or 94616  
caused to be sold by such motor fuel dealer for delivery to a 94617  
person in this state who is not the holder of an unrevoked motor 94618  
fuel dealer's license. 94619

(C)(1) Except as provided in division (C)(2) of this section, 94620  
an application for a license shall be accompanied by a bond, of 94621  
the character stipulated and in the amount provided for in section 94622  
5735.03 of the Revised Code, which shall be filed with the 94623  
commissioner. 94624

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 94625  
the requirements set forth in division (C)(1) of this section and 94626  
section 5735.03 of the Revised Code if the motor fuel dealer only 94627  
sells or distributes motor fuel upon which the motor fuel taxes 94628  
imposed under this chapter have been paid or are not required to 94629  
be paid by the motor fuel dealer. 94630

(D) If any application for a license to transact business as 94631  
a motor fuel dealer in the state is filed by any person who has 94632  
had any license previously canceled for cause by the tax 94633  
commissioner; if the commissioner believes that such application 94634  
is not filed in good faith or that such application is filed as a 94635  
subterfuge by some person for the real person in interest who has 94636  
previously had any license canceled for cause by the tax 94637  
commissioner; ~~or~~ if the person has violated any provision of this 94638  
chapter; or if the person has failed to file any returns, submit 94639  
any information, or pay any outstanding taxes, charges, or fees as 94640  
required for any tax, charge, or fee administered by the 94641  
commissioner, to the extent the commissioner is aware of such 94642  
failure at the time of the application, then the tax commissioner, 94643

after a hearing, of which the applicant shall be given five days' 94644  
notice in writing and at which said applicant shall have the right 94645  
to appear in person or by counsel and present testimony, may 94646  
refuse to issue to such person a license to transact business as a 94647  
motor fuel dealer in the state. 94648

(E) When the application in proper form has been accepted for 94649  
filing, and the bond accepted and approved, the commissioner shall 94650  
issue to such motor fuel dealer a license to transact business as 94651  
a motor fuel dealer in the state, subject to cancellation of such 94652  
license as provided by law. 94653

(F) No person shall make a false or fraudulent statement on 94654  
the application required by this section. 94655

**Sec. 5735.50.** (A) As used in this section: 94656

(1) "Rate of federal motor fuel tax" means the rate of tax 94657  
levied under section 4081 of the Internal Revenue Code on one 94658  
gallon of gasoline other than aviation gasoline or one gallon of 94659  
diesel fuel, as those terms are defined in section 4083 of the 94660  
Internal Revenue Code. 94661

(2) "Rate of state motor fuel tax" means the aggregate rate 94662  
of tax levied under sections 5735.05, 5735.25, 5735.29, and 94663  
5735.30 of the Revised Code on one gallon of gasoline or one 94664  
gallon of diesel fuel. 94665

(3) "Adjustment date" means the effective date of the 94666  
enactment of this section or a date on which a change in the rate 94667  
of federal or state motor fuel tax takes effect. 94668

(4) "Fuel tax sticker" means a sticker described in division 94669  
(B)(1) of this section. 94670

(5) "Retail pump" means a pump situated at a retail service 94671  
station through which gasoline or diesel fuel is pumped directly 94672  
into motor vehicle fuel tanks for consumption. 94673

(6) "Municipal sealer" means a sealer of weights and measures appointed under section 733.63 of the Revised Code. 94674  
94675

(B)(1) The director of agriculture shall, within sixty days after an adjustment date, design and cause to be produced a sticker that displays, in readable font, the following information: 94676  
94677  
94678  
94679

(a) The rate of federal and state motor fuel tax as of the adjustment date. The information required by division (B)(1)(a) of this section shall be categorized and arranged on the sticker as such information is categorized and arranged on the following table: 94680  
94681  
94682  
94683  
94684

	<u>GASOLINE</u>	<u>DIESEL FUEL</u>	
<u>FEDERAL TAX</u>	<u>[Rate of federal motor fuel tax on gasoline other than aviation gasoline]</u>	<u>[Rate of federal fuel tax on diesel fuel]</u>	94685 94686
<u>STATE TAX</u>	<u>[Rate of state motor fuel tax on gasoline]</u>	<u>[Rate of state motor fuel tax on diesel fuel]</u>	94687
<u>TOTAL TAX</u>	<u>[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]</u>	<u>[sum of the rate of state motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]</u>	94688

Each of the three columns in the table described in division (B)(1)(a) of this section shall be separated by a vertical line and each of the four rows shall be separated by a horizontal line. The table shall be enclosed within lines forming a box such that "federal tax," "state tax," "total tax," and the corresponding gasoline and diesel rates appear as individual cells within a grid pattern. 94689  
94690  
94691  
94692  
94693  
94694  
94695

(b) A representation of the great seal of the state as 94696



described in section 5.10 of the Revised Code without regard to 94697  
the minimum dimensions prescribed by that section; 94698

(c) At the bottom of the sticker and in a font smaller than 94699  
that used to display the information described in division 94700  
(B)(1)(a) of this section, a statement that reads as follows: 94701  
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 94702  
O.R.C. 5735.50." 94703

(2) A fuel tax sticker shall not display any information 94704  
other than the information required under divisions (B)(1)(a) to 94705  
(c) of this section, and shall not display the name of any public 94706  
official, state employee, or state agency. No color shall be 94707  
displayed on the sticker other than red, white, or blue. The width 94708  
and length of a fuel tax sticker shall not be less than three and 94709  
one-half inches and shall not exceed four and one-half inches. 94710

(3) The director shall, within sixty days after an adjustment 94711  
date, distribute fuel tax stickers to each county auditor or 94712  
municipal sealer in the number requested by the auditor or sealer 94713  
under division (C)(1) of this section. The director shall not 94714  
charge a county auditor, municipal sealer, or any person for the 94715  
creation or delivery of a fuel tax sticker under this section. 94716

(C)(1) Within fifteen days after an adjustment date, the 94717  
director of agriculture shall notify each county auditor and 94718  
municipal sealer that the director is designing and causing to be 94719  
produced fuel tax stickers as required under division (B)(1) of 94720  
this section. Within fifteen days after receipt of such a notice, 94721  
a county auditor or municipal sealer shall notify the director of 94722  
the number of fuel tax stickers the auditor or sealer requires to 94723  
perform the auditor's or sealer's duties under division (C)(2) of 94724  
this section. 94725

(2) Each county auditor or municipal sealer or an employee 94726  
thereof shall affix fuel tax stickers received from the director 94727

of agriculture on each retail pump the auditor or sealer is 94728  
required to inspect under the authority of section 1327.52 of the 94729  
Revised Code. Each sticker shall be affixed on or before the 94730  
earlier of fourteen months following an adjustment date or the 94731  
date the auditor or sealer or an employee thereof arrives on the 94732  
premises of a retail service station for the purposes of carrying 94733  
out a required inspection or other official business, including 94734  
the performance of the auditor's or sealer's duties under section 94735  
1327.52 of the Revised Code. A sticker shall be displayed in a 94736  
clear and prominent manner and shall be affixed on each face of a 94737  
retail pump on which a meter measuring the volume of gasoline or 94738  
diesel fuel dispensed is located. A sticker shall not be affixed 94739  
in a manner that obstructs or obscures any other sticker or notice 94740  
required to be displayed pursuant to federal, state, or local law. 94741  
A county auditor or municipal sealer or employee thereof shall 94742  
replace any fuel tax sticker that is no longer readable or is no 94743  
longer affixed as required under division (C)(2) of this section 94744  
or that has been affixed on a retail pump for more than three 94745  
consecutive years. 94746

(D) A county auditor or municipal sealer may notify the 94747  
director of agriculture at any time if the auditor or sealer 94748  
requires additional fuel tax stickers to perform the auditor's or 94749  
sealer's duties under this section. Upon receiving such a request, 94750  
the director shall distribute the number of fuel tax stickers so 94751  
requested to the auditor or sealer. 94752

(E) Nothing in this section makes the owner or operator of a 94753  
retail service station liable for affixing or maintaining a fuel 94754  
tax sticker. 94755

**Sec. 5736.06.** (A) No person subject to the tax imposed by 94756  
section 5736.02 of the Revised Code shall distribute, import, or 94757  
cause the importation of motor fuel for consumption in this state 94758

without holding a supplier's license issued by the tax commissioner to engage in such activities. 94759  
94760

(B)(1) ~~A person~~ Within thirty days after first becoming 94761  
subject to the tax imposed by section 5736.02 of the Revised Code 94762  
~~shall, on or before March 1, 2014, or within thirty days of first~~ 94763  
~~becoming subject to the tax imposed by this chapter, whichever is~~ 94764  
~~earlier, a person shall~~ apply to the tax commissioner for a 94765  
supplier's license on the form prescribed by the commissioner. 94766

(2) Each person issued a supplier's license under division 94767  
(B)(1) of this section shall apply to renew the license on or 94768  
before the first day of March of each year. 94769

(3) Each license issued or renewed under division (B)(1) or 94770  
(2) of this section shall be valid from the first day of March 94771  
through the last day of February or, in the case of a new license 94772  
issued after the first day of March, the date of issuance through 94773  
the last day of February. 94774

(4) With each license application submitted under division 94775  
(B)(1) or (2) of this section, the applicant shall pay an 94776  
application fee equal to one of the following amounts: 94777

(a) If the applicant solely imports or causes the importation 94778  
of motor fuel for sale, exchange, or transfer by the person in 94779  
this state, three hundred dollars; 94780

(b) If the applicant engages in activities in addition to 94781  
those described in division (B)~~(3)~~(4)(a) of this section, one 94782  
thousand dollars. 94783

If an applicant timely submits an application under division 94784  
(B)(1) of this section on or after the first day of September of 94785  
any year, the fee that would apply to the applicant under division 94786  
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 94787

~~(4)~~(5) The failure to apply to the commissioner for a 94788

supplier's license does not relieve a person from the requirement 94789  
to file returns and pay the tax imposed by this chapter. 94790

(C) The tax commissioner may refuse to issue a license to any 94791  
applicant under this section in the following circumstances: 94792

(1) The applicant has previously had any license canceled for 94793  
cause by the commissioner. 94794

(2) The commissioner believes that the application is not 94795  
filed in good faith or is filed as a subterfuge in an attempt to 94796  
procure a license for another person. 94797

(3) The applicant has violated any provision of this chapter. 94798

(D) If the tax commissioner refuses to issue a license to an 94799  
applicant under this section, the applicant is entitled to a 94800  
refund of the application fee in accordance with section 5736.08 94801  
of the Revised Code. All application fees collected under this 94802  
section shall be deposited into the petroleum activity tax 94803  
administration fund created in section 5736.13 of the Revised 94804  
Code. 94805

(E) No person shall make a false or fraudulent statement on 94806  
an application required by this section. 94807

**Sec. 5739.01.** As used in this chapter: 94808

(A) "Person" includes individuals, receivers, assignees, 94809  
trustees in bankruptcy, estates, firms, partnerships, 94810  
associations, joint-stock companies, joint ventures, clubs, 94811  
societies, corporations, the state and its political subdivisions, 94812  
and combinations of individuals of any form. 94813

(B) "Sale" and "selling" include all of the following 94814  
transactions for a consideration in any manner, whether absolutely 94815  
or conditionally, whether for a price or rental, in money or by 94816  
exchange, and by any means whatsoever: 94817

(1) All transactions by which title or possession, or both,	94818
of tangible personal property, is or is to be transferred, or a	94819
license to use or consume tangible personal property is or is to	94820
be granted;	94821
(2) All transactions by which lodging by a hotel is or is to	94822
be furnished to transient guests;	94823
(3) All transactions by which:	94824
(a) An item of tangible personal property is or is to be	94825
repaired, except property, the purchase of which would not be	94826
subject to the tax imposed by section 5739.02 of the Revised Code;	94827
(b) An item of tangible personal property is or is to be	94828
installed, except property, the purchase of which would not be	94829
subject to the tax imposed by section 5739.02 of the Revised Code	94830
or property that is or is to be incorporated into and will become	94831
a part of a production, transmission, transportation, or	94832
distribution system for the delivery of a public utility service;	94833
(c) The service of washing, cleaning, waxing, polishing, or	94834
painting a motor vehicle is or is to be furnished;	94835
(d) Until August 1, 2003, industrial laundry cleaning	94836
services are or are to be provided and, on and after August 1,	94837
2003, laundry and dry cleaning services are or are to be provided;	94838
(e) Automatic data processing, computer services, <u>electronic</u>	94839
<u>publishing services</u> , or electronic information services are or are	94840
to be provided for use in business when the true object of the	94841
transaction is the receipt by the consumer of automatic data	94842
processing, computer services, <u>electronic publishing services</u> , or	94843
electronic information services <del>rather than the receipt of</del>	94844
<del>personal or professional services to which. When provided in</del>	94845
<del>conjunction with one or more other services, the receipt by a</del>	94846
<del>consumer of</del> automatic data processing, computer services,	94847
<u>electronic publishing services</u> , or electronic information services	94848

~~are incidental or supplemental~~ is not the true object of the 94849  
transaction when the automatic data processing, computer service, 94850  
electronic publishing service, or electronic information service 94851  
is provided primarily for the delivery, receipt, or use of the 94852  
other service or services. Notwithstanding any other provision of 94853  
this chapter, ~~such transactions~~ sales of automatic data 94854  
processing, computer services, electronic publishing services, or 94855  
electronic information services that occur between members of an 94856  
affiliated group are not sales. An "affiliated group" means two or 94857  
more persons related in such a way that one person owns or 94858  
controls the business operation of another member of the group. In 94859  
the case of corporations with stock, one corporation owns or 94860  
controls another if it owns more than fifty per cent of the other 94861  
corporation's common stock with voting rights. 94862

(f) Telecommunications service, including prepaid calling 94863  
service, prepaid wireless calling service, or ancillary service, 94864  
is or is to be provided, but not including coin-operated telephone 94865  
service; 94866

(g) Landscaping and lawn care service is or is to be 94867  
provided; 94868

(h) Private investigation and security service is or is to be 94869  
provided; 94870

(i) Information services or tangible personal property is 94871  
provided or ordered by means of a nine hundred telephone call; 94872

(j) Building maintenance and janitorial service is or is to 94873  
be provided; 94874

(k) Employment service is or is to be provided; 94875

(l) Employment placement service is or is to be provided; 94876

(m) Exterminating service is or is to be provided; 94877

(n) Physical fitness facility service is or is to be 94878

provided; 94879

(o) Recreation and sports club service is or is to be 94880  
provided; 94881

(p) On and after August 1, 2003, satellite broadcasting 94882  
service is or is to be provided; 94883

(q) On and after August 1, 2003, personal care service is or 94884  
is to be provided to an individual. As used in this division, 94885  
"personal care service" includes skin care, the application of 94886  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 94887  
piercing, tanning, massage, and other similar services. "Personal 94888  
care service" does not include a service provided by or on the 94889  
order of a licensed physician or licensed chiropractor, or the 94890  
cutting, coloring, or styling of an individual's hair. 94891

(r) On and after August 1, 2003, the transportation of 94892  
persons by motor vehicle or aircraft is or is to be provided, when 94893  
the transportation is entirely within this state, except for 94894  
transportation provided by an ambulance service, by a transit bus, 94895  
as defined in section 5735.01 of the Revised Code, and 94896  
transportation provided by a citizen of the United States holding 94897  
a certificate of public convenience and necessity issued under 49 94898  
U.S.C. 41102; 94899

(s) On and after August 1, 2003, motor vehicle towing service 94900  
is or is to be provided. As used in this division, "motor vehicle 94901  
towing service" means the towing or conveyance of a wrecked, 94902  
disabled, or illegally parked motor vehicle. 94903

(t) On and after August 1, 2003, snow removal service is or 94904  
is to be provided. As used in this division, "snow removal 94905  
service" means the removal of snow by any mechanized means, but 94906  
does not include the providing of such service by a person that 94907  
has less than five thousand dollars in sales of such service 94908  
during the calendar year. 94909

~~(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(c) of this section, are not sales.~~

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture.



The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor

vehicle insurance and the amount the consumer owes to a person 94973  
holding title to or a lien on the consumer's motor vehicle in the 94974  
event the consumer's motor vehicle suffers a total loss under the 94975  
terms of the motor vehicle insurance policy or is stolen and not 94976  
recovered, if the protection and its price are included in the 94977  
purchase or lease agreement; 94978

(11)(a) Except as provided in division (B)(11)(b) of this 94979  
section, on and after October 1, 2009, all transactions by which 94980  
health care services are paid for, reimbursed, provided, 94981  
delivered, arranged for, or otherwise made available by a medicaid 94982  
health insuring corporation pursuant to the corporation's contract 94983  
with the state. 94984

(b) If the centers for medicare and medicaid services of the 94985  
United States department of health and human services determines 94986  
that the taxation of transactions described in division (B)(11)(a) 94987  
of this section constitutes an impermissible health care-related 94988  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 94989  
1396b(w), and regulations adopted thereunder, the medicaid 94990  
director shall notify the tax commissioner of that determination. 94991  
Beginning with the first day of the month following that 94992  
notification, the transactions described in division (B)(11)(a) of 94993  
this section are not sales for the purposes of this chapter or 94994  
Chapter 5741. of the Revised Code. The tax commissioner shall 94995  
order that the collection of taxes under sections 5739.02, 94996  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 94997  
5741.023 of the Revised Code shall cease for transactions 94998  
occurring on or after that date. 94999

(12) All transactions by which a specified digital product is 95000  
provided for permanent use or less than permanent use, regardless 95001  
of whether continued payment is required. 95002

Except as provided in this section, "sale" and "selling" do 95003  
not include transfers of interest in leased property where the 95004

original lessee and the terms of the original lease agreement 95005  
remain unchanged, or professional, insurance, or personal service 95006  
transactions that involve the transfer of tangible personal 95007  
property as an inconsequential element, for which no separate 95008  
charges are made. 95009

(C) "Vendor" means the person providing the service or by 95010  
whom the transfer effected or license given by a sale is or is to 95011  
be made or given and, for sales described in division (B)(3)(i) of 95012  
this section, the telecommunications service vendor that provides 95013  
the nine hundred telephone service; if two or more persons are 95014  
engaged in business at the same place of business under a single 95015  
trade name in which all collections on account of sales by each 95016  
are made, such persons shall constitute a single vendor. 95017

Physicians, dentists, hospitals, and veterinarians who are 95018  
engaged in selling tangible personal property as received from 95019  
others, such as ~~eyeglasses~~, mouthwashes, dentifrices, or similar 95020  
articles, are vendors. Before July 1, 2019, such tangible personal 95021  
property includes eyeglasses and similar articles. Veterinarians 95022  
who are engaged in transferring to others for a consideration 95023  
drugs, the dispensing of which does not require an order of a 95024  
licensed veterinarian or physician under federal law, are vendors. 95025

(D)(1) "Consumer" means the person for whom the service is 95026  
provided, to whom the transfer effected or license given by a sale 95027  
is or is to be made or given, to whom the service described in 95028  
division (B)(3)(f) or (i) of this section is charged, or to whom 95029  
the admission is granted. 95030

(2) Physicians, dentists, hospitals, and blood banks operated 95031  
by nonprofit institutions and persons licensed to practice 95032  
veterinary medicine, surgery, and dentistry are consumers of all 95033  
tangible personal property and services purchased by them in 95034  
connection with the practice of medicine, dentistry, the rendition 95035  
of hospital or blood bank service, or the practice of veterinary 95036

medicine, surgery, and dentistry. In addition to being consumers 95037  
of drugs administered by them or by their assistants according to 95038  
their direction, veterinarians also are consumers of drugs that 95039  
under federal law may be dispensed only by or upon the order of a 95040  
licensed veterinarian or physician, when transferred by them to 95041  
others for a consideration to provide treatment to animals as 95042  
directed by the veterinarian. 95043

(3) A person who performs a facility management, or similar 95044  
service contract for a contractee is a consumer of all tangible 95045  
personal property and services purchased for use in connection 95046  
with the performance of such contract, regardless of whether title 95047  
to any such property vests in the contractee. The purchase of such 95048  
property and services is not subject to the exception for resale 95049  
under division (E)~~(1)~~ of this section. 95050

(4)(a) In the case of a person who purchases printed matter 95051  
for the purpose of distributing it or having it distributed to the 95052  
public or to a designated segment of the public, free of charge, 95053  
that person is the consumer of that printed matter, and the 95054  
purchase of that printed matter for that purpose is a sale. 95055

(b) In the case of a person who produces, rather than 95056  
purchases, printed matter for the purpose of distributing it or 95057  
having it distributed to the public or to a designated segment of 95058  
the public, free of charge, that person is the consumer of all 95059  
tangible personal property and services purchased for use or 95060  
consumption in the production of that printed matter. That person 95061  
is not entitled to claim exemption under division (B)(42)(f) of 95062  
section 5739.02 of the Revised Code for any material incorporated 95063  
into the printed matter or any equipment, supplies, or services 95064  
primarily used to produce the printed matter. 95065

(c) The distribution of printed matter to the public or to a 95066  
designated segment of the public, free of charge, is not a sale to 95067  
the members of the public to whom the printed matter is 95068

distributed or to any persons who purchase space in the printed 95069  
matter for advertising or other purposes. 95070

(5) A person who makes sales of any of the services listed in 95071  
division (B)(3) of this section is the consumer of any tangible 95072  
personal property used in performing the service. The purchase of 95073  
that property is not subject to the resale exception under 95074  
division (E)~~(1)~~ of this section. 95075

(6) A person who engages in highway transportation for hire 95076  
is the consumer of all packaging materials purchased by that 95077  
person and used in performing the service, except for packaging 95078  
materials sold by such person in a transaction separate from the 95079  
service. 95080

(7) In the case of a transaction for health care services 95081  
under division (B)(11) of this section, a medicaid health insuring 95082  
corporation is the consumer of such services. The purchase of such 95083  
services by a medicaid health insuring corporation is not subject 95084  
to the exception for resale under division (E)~~(1)~~ of this section 95085  
or to the exemptions provided under divisions (B)(12), (18), (19), 95086  
and (22) of section 5739.02 of the Revised Code. 95087

(E) "Retail sale" and "sales at retail" include all sales, 95088  
except those in which the purpose of the consumer is to resell the 95089  
thing transferred or benefit of the service provided, by a person 95090  
engaging in business, in the form in which the same is, or is to 95091  
be, received by the person. 95092

(F) "Business" includes any activity engaged in by any person 95093  
with the object of gain, benefit, or advantage, either direct or 95094  
indirect. "Business" does not include the activity of a person in 95095  
managing and investing the person's own funds. 95096

(G) "Engaging in business" means commencing, conducting, or 95097  
continuing in business, and liquidating a business when the 95098  
liquidator thereof holds itself out to the public as conducting 95099

such business. Making a casual sale is not engaging in business. 95100

(H)(1)(a) "Price," except as provided in divisions (H)(2), 95101  
(3), and (4) of this section, means the total amount of 95102  
consideration, including cash, credit, property, and services, for 95103  
which tangible personal property or services are sold, leased, or 95104  
rented, valued in money, whether received in money or otherwise, 95105  
without any deduction for any of the following: 95106

(i) The vendor's cost of the property sold; 95107

(ii) The cost of materials used, labor or service costs, 95108  
interest, losses, all costs of transportation to the vendor, all 95109  
taxes imposed on the vendor, including the tax imposed under 95110  
Chapter 5751. of the Revised Code, and any other expense of the 95111  
vendor; 95112

(iii) Charges by the vendor for any services necessary to 95113  
complete the sale; 95114

(iv) On and after August 1, 2003, delivery charges. As used 95115  
in this division, "delivery charges" means charges by the vendor 95116  
for preparation and delivery to a location designated by the 95117  
consumer of tangible personal property or a service, including 95118  
transportation, shipping, postage, handling, crating, and packing. 95119

(v) Installation charges; 95120

(vi) Credit for any trade-in. 95121

(b) "Price" includes consideration received by the vendor 95122  
from a third party, if the vendor actually receives the 95123  
consideration from a party other than the consumer, and the 95124  
consideration is directly related to a price reduction or discount 95125  
on the sale; the vendor has an obligation to pass the price 95126  
reduction or discount through to the consumer; the amount of the 95127  
consideration attributable to the sale is fixed and determinable 95128  
by the vendor at the time of the sale of the item to the consumer; 95129

and one of the following criteria is met: 95130

(i) The consumer presents a coupon, certificate, or other 95131  
document to the vendor to claim a price reduction or discount 95132  
where the coupon, certificate, or document is authorized, 95133  
distributed, or granted by a third party with the understanding 95134  
that the third party will reimburse any vendor to whom the coupon, 95135  
certificate, or document is presented; 95136

(ii) The consumer identifies the consumer's self to the 95137  
seller as a member of a group or organization entitled to a price 95138  
reduction or discount. A preferred customer card that is available 95139  
to any patron does not constitute membership in such a group or 95140  
organization. 95141

(iii) The price reduction or discount is identified as a 95142  
third party price reduction or discount on the invoice received by 95143  
the consumer, or on a coupon, certificate, or other document 95144  
presented by the consumer. 95145

(c) "Price" does not include any of the following: 95146

(i) Discounts, including cash, term, or coupons that are not 95147  
reimbursed by a third party that are allowed by a vendor and taken 95148  
by a consumer on a sale; 95149

(ii) Interest, financing, and carrying charges from credit 95150  
extended on the sale of tangible personal property or services, if 95151  
the amount is separately stated on the invoice, bill of sale, or 95152  
similar document given to the purchaser; 95153

(iii) Any taxes legally imposed directly on the consumer that 95154  
are separately stated on the invoice, bill of sale, or similar 95155  
document given to the consumer. For the purpose of this division, 95156  
the tax imposed under Chapter 5751. of the Revised Code is not a 95157  
tax directly on the consumer, even if the tax or a portion thereof 95158  
is separately stated. 95159

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.



(4) In the case of transactions for health care services 95192  
under division (B)(11) of this section, "price" means the amount 95193  
of managed care premiums received each month by a medicaid health 95194  
insuring corporation. 95195

(I) "Receipts" means the total amount of the prices of the 95196  
sales of vendors, provided that the dollar value of gift cards 95197  
distributed pursuant to an awards, loyalty, or promotional 95198  
program, and cash discounts allowed and taken on sales at the time 95199  
they are consummated are not included, minus any amount deducted 95200  
as a bad debt pursuant to section 5739.121 of the Revised Code. 95201  
"Receipts" does not include the sale price of property returned or 95202  
services rejected by consumers when the full sale price and tax 95203  
are refunded either in cash or by credit. 95204

(J) "Place of business" means any location at which a person 95205  
engages in business. 95206

(K) "Premises" includes any real property or portion thereof 95207  
upon which any person engages in selling tangible personal 95208  
property at retail or making retail sales and also includes any 95209  
real property or portion thereof designated for, or devoted to, 95210  
use in conjunction with the business engaged in by such person. 95211

(L) "Casual sale" means a sale of an item of tangible 95212  
personal property that was obtained by the person making the sale, 95213  
through purchase or otherwise, for the person's own use and was 95214  
previously subject to any state's taxing jurisdiction on its sale 95215  
or use, and includes such items acquired for the seller's use that 95216  
are sold by an auctioneer employed directly by the person for such 95217  
purpose, provided the location of such sales is not the 95218  
auctioneer's permanent place of business. As used in this 95219  
division, "permanent place of business" includes any location 95220  
where such auctioneer has conducted more than two auctions during 95221  
the year. 95222

(M) "Hotel" means every establishment kept, used, maintained, 95223  
advertised, or held out to the public to be a place where sleeping 95224  
accommodations are offered to guests, in which five or more rooms 95225  
are used for the accommodation of such guests, whether the rooms 95226  
are in one or several structures, except as otherwise provided in 95227  
division (G) of section 5739.09 of the Revised Code. 95228

(N) "Transient guests" means persons occupying a room or 95229  
rooms for sleeping accommodations for less than thirty consecutive 95230  
days. 95231

(O) "Making retail sales" means the effecting of transactions 95232  
wherein one party is obligated to pay the price and the other 95233  
party is obligated to provide a service or to transfer title to or 95234  
possession of the item sold. "Making retail sales" does not 95235  
include the preliminary acts of promoting or soliciting the retail 95236  
sales, other than the distribution of printed matter which 95237  
displays or describes and prices the item offered for sale, nor 95238  
does it include delivery of a predetermined quantity of tangible 95239  
personal property or transportation of property or personnel to or 95240  
from a place where a service is performed. 95241

(P) "Used directly in the rendition of a public utility 95242  
service" means that property that is to be incorporated into and 95243  
will become a part of the consumer's production, transmission, 95244  
transportation, or distribution system and that retains its 95245  
classification as tangible personal property after such 95246  
incorporation; fuel or power used in the production, transmission, 95247  
transportation, or distribution system; and tangible personal 95248  
property used in the repair and maintenance of the production, 95249  
transmission, transportation, or distribution system, including 95250  
only such motor vehicles as are specially designed and equipped 95251  
for such use. Tangible personal property and services used 95252  
primarily in providing highway transportation for hire are not 95253  
used directly in the rendition of a public utility service. In 95254

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United

States census bureau. 95286

(V) "Legislative authority" means, with respect to a regional 95287  
transit authority, the board of trustees thereof, and with respect 95288  
to a county that is a transit authority, the board of county 95289  
commissioners. 95290

(W) "Territory of the transit authority" means all of the 95291  
area included within the territorial boundaries of a transit 95292  
authority as they from time to time exist. Such territorial 95293  
boundaries must at all times include all the area of a single 95294  
county or all the area of the most populous county that is a part 95295  
of such transit authority. County population shall be measured by 95296  
the most recent census taken by the United States census bureau. 95297

(X) "Providing a service" means providing or furnishing 95298  
anything described in division (B)(3) of this section for 95299  
consideration. 95300

(Y)(1)(a) "Automatic data processing" means processing of 95301  
others' data, including keypunching or similar data entry services 95302  
together with verification thereof, or providing access to 95303  
computer equipment for the purpose of processing data. 95304

(b) "Computer services" means providing services consisting 95305  
of specifying computer hardware configurations and evaluating 95306  
technical processing characteristics, computer programming, and 95307  
training of computer programmers and operators, provided in 95308  
conjunction with and to support the sale, lease, or operation of 95309  
taxable computer equipment or systems. 95310

(c) "Electronic information services" means providing access 95311  
to computer equipment by means of telecommunications equipment for 95312  
the purpose of either of the following: 95313

(i) Examining or acquiring data stored in or accessible to 95314  
the computer equipment; 95315

(ii) Placing data into the computer equipment to be retrieved 95316  
by designated recipients with access to the computer equipment. 95317

For transactions occurring on or after the effective date of 95318  
the amendment of this section by H.B. 157 of the 127th general 95319  
assembly, December 21, 2007, "electronic information services" 95320  
does not include electronic publishing as defined in division 95321  
(LLL) of this section. 95322

(d) "Electronic publishing" and "electronic publishing 95323  
services" means providing access to one or more of the following 95324  
primarily for business customers, including the federal government 95325  
or a state government or a political subdivision thereof, to 95326  
conduct research: news; business, financial, legal, consumer, or 95327  
credit materials; editorials, columns, reader commentary, or 95328  
features; photos or images; archival or research material; legal 95329  
notices, identity verification, or public records; scientific, 95330  
educational, instructional, technical, professional, trade, or 95331  
other literary materials; or other similar information which has 95332  
been gathered and made available by the provider to the consumer 95333  
in an electronic format. Providing electronic publishing services 95334  
includes the functions necessary for the acquisition, formatting, 95335  
editing, storage, and dissemination of data or information that is 95336  
the subject of a sale. 95337

(e) "Automatic data processing, computer services, electronic 95338  
publishing services, or electronic information services" shall not 95339  
include personal or professional services. 95340

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 95341  
this section, "personal and professional services" means all 95342  
services other than automatic data processing, computer services, 95343  
electronic publishing services, or electronic information 95344  
services, including but not limited to: 95345

(a) Accounting and legal services such as advice on tax 95346

matters, asset management, budgetary matters, quality control, 95347  
information security, and auditing and any other situation where 95348  
the service provider receives data or information and studies, 95349  
alters, analyzes, interprets, or adjusts such material; 95350

(b) Analyzing business policies and procedures; 95351

(c) Identifying management information needs; 95352

(d) Feasibility studies, including economic and technical 95353  
analysis of existing or potential computer hardware or software 95354  
needs and alternatives; 95355

(e) Designing policies, procedures, and custom software for 95356  
collecting business information, and determining how data should 95357  
be summarized, sequenced, formatted, processed, controlled, and 95358  
reported so that it will be meaningful to management; 95359

(f) Developing policies and procedures that document how 95360  
business events and transactions are to be authorized, executed, 95361  
and controlled; 95362

(g) Testing of business procedures; 95363

(h) Training personnel in business procedure applications; 95364

(i) Providing credit information to users of such information 95365  
by a consumer reporting agency, as defined in the "Fair Credit 95366  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 95367  
as hereafter amended, including but not limited to gathering, 95368  
organizing, analyzing, recording, and furnishing such information 95369  
by any oral, written, graphic, or electronic medium; 95370

(j) Providing debt collection services by any oral, written, 95371  
graphic, or electronic means; 95372

(k) Providing digital advertising services. 95373

The services listed in divisions (Y)(2)(a) to (k) of this 95374  
section are not automatic data processing ~~or~~ computer services, 95375  
electronic publishing services, or electronic information 95376

services. 95377

(Z) "Highway transportation for hire" means the 95378  
transportation of personal property belonging to others for 95379  
consideration by any of the following: 95380

(1) The holder of a permit or certificate issued by this 95381  
state or the United States authorizing the holder to engage in 95382  
transportation of personal property belonging to others for 95383  
consideration over or on highways, roadways, streets, or any 95384  
similar public thoroughfare; 95385

(2) A person who engages in the transportation of personal 95386  
property belonging to others for consideration over or on 95387  
highways, roadways, streets, or any similar public thoroughfare 95388  
but who could not have engaged in such transportation on December 95389  
11, 1985, unless the person was the holder of a permit or 95390  
certificate of the types described in division (Z)(1) of this 95391  
section; 95392

(3) A person who leases a motor vehicle to and operates it 95393  
for a person described by division (Z)(1) or (2) of this section. 95394

(AA)(1) "Telecommunications service" means the electronic 95395  
transmission, conveyance, or routing of voice, data, audio, video, 95396  
or any other information or signals to a point, or between or 95397  
among points. "Telecommunications service" includes such 95398  
transmission, conveyance, or routing in which computer processing 95399  
applications are used to act on the form, code, or protocol of the 95400  
content for purposes of transmission, conveyance, or routing 95401  
without regard to whether the service is referred to as voice-over 95402  
internet protocol service or is classified by the federal 95403  
communications commission as enhanced or value-added. 95404  
"Telecommunications service" does not include any of the 95405  
following: 95406

(a) Data processing and information services that allow data 95407

to be generated, acquired, stored, processed, or retrieved and 95408  
delivered by an electronic transmission to a consumer where the 95409  
consumer's primary purpose for the underlying transaction is the 95410  
processed data or information; 95411

(b) Installation or maintenance of wiring or equipment on a 95412  
customer's premises; 95413

(c) Tangible personal property; 95414

(d) Advertising, including directory advertising; 95415

(e) Billing and collection services provided to third 95416  
parties; 95417

(f) Internet access service; 95418

(g) Radio and television audio and video programming 95419  
services, regardless of the medium, including the furnishing of 95420  
transmission, conveyance, and routing of such services by the 95421  
programming service provider. Radio and television audio and video 95422  
programming services include, but are not limited to, cable 95423  
service, as defined in 47 U.S.C. 522(6), and audio and video 95424  
programming services delivered by commercial mobile radio service 95425  
providers, as defined in 47 C.F.R. 20.3; 95426

(h) Ancillary service; 95427

(i) Digital products delivered electronically, including 95428  
software, music, video, reading materials, or ring tones. 95429

(2) "Ancillary service" means a service that is associated 95430  
with or incidental to the provision of telecommunications service, 95431  
including conference bridging service, detailed telecommunications 95432  
billing service, directory assistance, vertical service, and voice 95433  
mail service. As used in this division: 95434

(a) "Conference bridging service" means an ancillary service 95435  
that links two or more participants of an audio or video 95436  
conference call, including providing a telephone number. 95437



"Conference bridging service" does not include telecommunications services used to reach the conference bridge. 95438  
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(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement. 95440  
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(c) "Directory assistance" means an ancillary service of providing telephone number or address information. 95443  
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(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service. 95445  
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 95450  
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 95455  
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of 95464  
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which the number declines with use in a known amount. 95469

(5) "Prepaid wireless calling service" means a 95470  
telecommunications service that provides the right to utilize 95471  
mobile telecommunications service as well as other 95472  
non-telecommunications services, including the download of digital 95473  
products delivered electronically, and content and ancillary 95474  
services, that must be paid for in advance and that is sold in 95475  
predetermined units or dollars of which the number declines with 95476  
use in a known amount. 95477

(6) "Value-added non-voice data service" means a 95478  
telecommunications service in which computer processing 95479  
applications are used to act on the form, content, code, or 95480  
protocol of the information or data primarily for a purpose other 95481  
than transmission, conveyance, or routing. 95482

(7) "Coin-operated telephone service" means a 95483  
telecommunications service paid for by inserting money into a 95484  
telephone accepting direct deposits of money to operate. 95485

(8) "Customer" has the same meaning as in section 5739.034 of 95486  
the Revised Code. 95487

(BB) "Laundry and dry cleaning services" means removing soil 95488  
or dirt from towels, linens, articles of clothing, or other fabric 95489  
items that belong to others and supplying towels, linens, articles 95490  
of clothing, or other fabric items. "Laundry and dry cleaning 95491  
services" does not include the provision of self-service 95492  
facilities for use by consumers to remove soil or dirt from 95493  
towels, linens, articles of clothing, or other fabric items. 95494

(CC) "Magazines distributed as controlled circulation 95495  
publications" means magazines containing at least twenty-four 95496  
pages, at least twenty-five per cent editorial content, issued at 95497  
regular intervals four or more times a year, and circulated 95498  
without charge to the recipient, provided that such magazines are 95499

not owned or controlled by individuals or business concerns which 95500  
conduct such publications as an auxiliary to, and essentially for 95501  
the advancement of the main business or calling of, those who own 95502  
or control them. 95503

(DD) "Landscaping and lawn care service" means the services 95504  
of planting, seeding, sodding, removing, cutting, trimming, 95505  
pruning, mulching, aerating, applying chemicals, watering, 95506  
fertilizing, and providing similar services to establish, promote, 95507  
or control the growth of trees, shrubs, flowers, grass, ground 95508  
cover, and other flora, or otherwise maintaining a lawn or 95509  
landscape grown or maintained by the owner for ornamentation or 95510  
other nonagricultural purpose. However, "landscaping and lawn care 95511  
service" does not include the providing of such services by a 95512  
person who has less than five thousand dollars in sales of such 95513  
services during the calendar year. 95514

(EE) "Private investigation and security service" means the 95515  
performance of any activity for which the provider of such service 95516  
is required to be licensed pursuant to Chapter 4749. of the 95517  
Revised Code, or would be required to be so licensed in performing 95518  
such services in this state, and also includes the services of 95519  
conducting polygraph examinations and of monitoring or overseeing 95520  
the activities on or in, or the condition of, the consumer's home, 95521  
business, or other facility by means of electronic or similar 95522  
monitoring devices. "Private investigation and security service" 95523  
does not include special duty services provided by off-duty police 95524  
officers, deputy sheriffs, and other peace officers regularly 95525  
employed by the state or a political subdivision. 95526

(FF) "Information services" means providing conversation, 95527  
giving consultation or advice, playing or making a voice or other 95528  
recording, making or keeping a record of the number of callers, 95529  
and any other service provided to a consumer by means of a nine 95530  
hundred telephone call, except when the nine hundred telephone 95531

call is the means by which the consumer makes a contribution to a 95532  
recognized charity. 95533

(GG) "Research and development" means designing, creating, or 95534  
formulating new or enhanced products, equipment, or manufacturing 95535  
processes, and also means conducting scientific or technological 95536  
inquiry and experimentation in the physical sciences with the goal 95537  
of increasing scientific knowledge which may reveal the bases for 95538  
new or enhanced products, equipment, or manufacturing processes. 95539

(HH) "Qualified research and development equipment" means 95540  
capitalized tangible personal property, and leased personal 95541  
property that would be capitalized if purchased, used by a person 95542  
primarily to perform research and development. Tangible personal 95543  
property primarily used in testing, as defined in division (A)(4) 95544  
of section 5739.011 of the Revised Code, or used for recording or 95545  
storing test results, is not qualified research and development 95546  
equipment unless such property is primarily used by the consumer 95547  
in testing the product, equipment, or manufacturing process being 95548  
created, designed, or formulated by the consumer in the research 95549  
and development activity or in recording or storing such test 95550  
results. 95551

(II) "Building maintenance and janitorial service" means 95552  
cleaning the interior or exterior of a building and any tangible 95553  
personal property located therein or thereon, including any 95554  
services incidental to such cleaning for which no separate charge 95555  
is made. However, "building maintenance and janitorial service" 95556  
does not include the providing of such service by a person who has 95557  
less than five thousand dollars in sales of such service during 95558  
the calendar year. As used in this division, "cleaning" does not 95559  
include sanitation services necessary for an establishment 95560  
described in 21 U.S.C. 608 to comply with rules and regulations 95561  
adopted pursuant to that section. 95562

(JJ) "Employment service" means providing or supplying 95563

personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so provided or supplied receive their wages, salary, or other compensation from the provider or supplier of the employment service or from a third party that provided or supplied the personnel to the provider or supplier. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all 95594  
transactions by which a membership is granted, maintained, or 95595  
renewed, including initiation fees, membership dues, renewal fees, 95596  
monthly minimum fees, and other similar fees and dues, by a 95597  
physical fitness facility such as an athletic club, health spa, or 95598  
gymnasium, which entitles the member to use the facility for 95599  
physical exercise. 95600

(NN) "Recreation and sports club service" means all 95601  
transactions by which a membership is granted, maintained, or 95602  
renewed, including initiation fees, membership dues, renewal fees, 95603  
monthly minimum fees, and other similar fees and dues, by a 95604  
recreation and sports club, which entitles the member to use the 95605  
facilities of the organization. "Recreation and sports club" means 95606  
an organization that has ownership of, or controls or leases on a 95607  
continuing, long-term basis, the facilities used by its members 95608  
and includes an aviation club, gun or shooting club, yacht club, 95609  
card club, swimming club, tennis club, golf club, country club, 95610  
riding club, amateur sports club, or similar organization. 95611

(OO) "Livestock" means farm animals commonly raised for food, 95612  
food production, or other agricultural purposes, including, but 95613  
not limited to, cattle, sheep, goats, swine, poultry, and captive 95614  
deer. "Livestock" does not include invertebrates, amphibians, 95615  
reptiles, domestic pets, animals for use in laboratories or for 95616  
exhibition, or other animals not commonly raised for food or food 95617  
production. 95618

(PP) "Livestock structure" means a building or structure used 95619  
exclusively for the housing, raising, feeding, or sheltering of 95620  
livestock, and includes feed storage or handling structures and 95621  
structures for livestock waste handling. 95622

(QQ) "Horticulture" means the growing, cultivation, and 95623  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 95624  
and nursery stock. As used in this division, "nursery stock" has 95625

the same meaning as in section 927.51 of the Revised Code. 95626

(RR) "Horticulture structure" means a building or structure 95627  
used exclusively for the commercial growing, raising, or 95628  
overwintering of horticultural products, and includes the area 95629  
used for stocking, storing, and packing horticultural products 95630  
when done in conjunction with the production of those products. 95631

(SS) "Newspaper" means an unbound publication bearing a title 95632  
or name that is regularly published, at least as frequently as 95633  
biweekly, and distributed from a fixed place of business to the 95634  
public in a specific geographic area, and that contains a 95635  
substantial amount of news matter of international, national, or 95636  
local events of interest to the general public. 95637

(TT) "Professional racing team" means a person that employs 95638  
at least twenty full-time employees for the purpose of conducting 95639  
a motor vehicle racing business for profit. The person must 95640  
conduct the business with the purpose of racing one or more motor 95641  
racing vehicles in at least ten competitive professional racing 95642  
events each year that comprise all or part of a motor racing 95643  
series sanctioned by one or more motor racing sanctioning 95644  
organizations. A "motor racing vehicle" means a vehicle for which 95645  
the chassis, engine, and parts are designed exclusively for motor 95646  
racing, and does not include a stock or production model vehicle 95647  
that may be modified for use in racing. For the purposes of this 95648  
division: 95649

(1) A "competitive professional racing event" is a motor 95650  
vehicle racing event sanctioned by one or more motor racing 95651  
sanctioning organizations, at which aggregate cash prizes in 95652  
excess of eight hundred thousand dollars are awarded to the 95653  
competitors. 95654

(2) "Full-time employee" means an individual who is employed 95655  
for consideration for thirty-five or more hours a week, or who 95656

renders any other standard of service generally accepted by custom 95657  
or specified by contract as full-time employment. 95658

(UU)(1) "Lease" or "rental" means any transfer of the 95659  
possession or control of tangible personal property for a fixed or 95660  
indefinite term, for consideration. "Lease" or "rental" includes 95661  
future options to purchase or extend, and agreements described in 95662  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 95663  
the amount of consideration may be increased or decreased by 95664  
reference to the amount realized upon the sale or disposition of 95665  
the property. "Lease" or "rental" does not include: 95666

(a) A transfer of possession or control of tangible personal 95667  
property under a security agreement or a deferred payment plan 95668  
that requires the transfer of title upon completion of the 95669  
required payments; 95670

(b) A transfer of possession or control of tangible personal 95671  
property under an agreement that requires the transfer of title 95672  
upon completion of required payments and payment of an option 95673  
price that does not exceed the greater of one hundred dollars or 95674  
one per cent of the total required payments; 95675

(c) Providing tangible personal property along with an 95676  
operator for a fixed or indefinite period of time, if the operator 95677  
is necessary for the property to perform as designed. For purposes 95678  
of this division, the operator must do more than maintain, 95679  
inspect, or set up the tangible personal property. 95680

(2) "Lease" and "rental," as defined in division (UU) of this 95681  
section, shall not apply to leases or rentals that exist before 95682  
June 26, 2003. 95683

(3) "Lease" and "rental" have the same meaning as in division 95684  
(UU)(1) of this section regardless of whether a transaction is 95685  
characterized as a lease or rental under generally accepted 95686  
accounting principles, the Internal Revenue Code, Title XIII of 95687



the Revised Code, or other federal, state, or local laws. 95688

(VV) "Mobile telecommunications service" has the same meaning 95689  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 95690  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 95691  
on and after August 1, 2003, includes related fees and ancillary 95692  
services, including universal service fees, detailed billing 95693  
service, directory assistance, service initiation, voice mail 95694  
service, and vertical services, such as caller ID and three-way 95695  
calling. 95696

(WW) "Certified service provider" has the same meaning as in 95697  
section 5740.01 of the Revised Code. 95698

(XX) "Satellite broadcasting service" means the distribution 95699  
or broadcasting of programming or services by satellite directly 95700  
to the subscriber's receiving equipment without the use of ground 95701  
receiving or distribution equipment, except the subscriber's 95702  
receiving equipment or equipment used in the uplink process to the 95703  
satellite, and includes all service and rental charges, premium 95704  
channels or other special services, installation and repair 95705  
service charges, and any other charges having any connection with 95706  
the provision of the satellite broadcasting service. 95707

(YY) "Tangible personal property" means personal property 95708  
that can be seen, weighed, measured, felt, or touched, or that is 95709  
in any other manner perceptible to the senses. For purposes of 95710  
this chapter and Chapter 5741. of the Revised Code, "tangible 95711  
personal property" includes motor vehicles, electricity, water, 95712  
gas, steam, and prewritten computer software. 95713

(ZZ) ~~"Direct mail" means printed material delivered or 95714  
distributed by United States mail or other delivery service to a 95715  
mass audience or to addressees on a mailing list provided by the 95716  
consumer or at the direction of the consumer when the cost of the 95717  
items are not billed directly to the recipients. "Direct mail" 95718~~

~~includes tangible personal property supplied directly or~~ 95719  
~~indirectly by the consumer to the direct mail vendor for inclusion~~ 95720  
~~in the package containing the printed material. "Direct mail" does~~ 95721  
~~not include multiple items of printed material delivered to a~~ 95722  
~~single address~~ "Municipal gas utility" means a municipal 95723  
corporation that owns or operates a system for the distribution of 95724  
natural gas. 95725

(AAA) "Computer" means an electronic device that accepts 95726  
information in digital or similar form and manipulates it for a 95727  
result based on a sequence of instructions. 95728

(BBB) "Computer software" means a set of coded instructions 95729  
designed to cause a computer or automatic data processing 95730  
equipment to perform a task. 95731

(CCC) "Delivered electronically" means delivery of computer 95732  
software from the seller to the purchaser by means other than 95733  
tangible storage media. 95734

(DDD) "Prewritten computer software" means computer software, 95735  
including prewritten upgrades, that is not designed and developed 95736  
by the author or other creator to the specifications of a specific 95737  
purchaser. The combining of two or more prewritten computer 95738  
software programs or prewritten portions thereof does not cause 95739  
the combination to be other than prewritten computer software. 95740  
"Prewritten computer software" includes software designed and 95741  
developed by the author or other creator to the specifications of 95742  
a specific purchaser when it is sold to a person other than the 95743  
purchaser. If a person modifies or enhances computer software of 95744  
which the person is not the author or creator, the person shall be 95745  
deemed to be the author or creator only of such person's 95746  
modifications or enhancements. Prewritten computer software or a 95747  
prewritten portion thereof that is modified or enhanced to any 95748  
degree, where such modification or enhancement is designed and 95749  
developed to the specifications of a specific purchaser, remains 95750

prewritten computer software; provided, however, that where there 95751  
is a reasonable, separately stated charge or an invoice or other 95752  
statement of the price given to the purchaser for the modification 95753  
or enhancement, the modification or enhancement shall not 95754  
constitute prewritten computer software. 95755

(EEE)(1) "Food" means substances, whether in liquid, 95756  
concentrated, solid, frozen, dried, or dehydrated form, that are 95757  
sold for ingestion or chewing by humans and are consumed for their 95758  
taste or nutritional value. "Food" does not include alcoholic 95759  
beverages, dietary supplements, soft drinks, or tobacco. 95760

(2) As used in division (EEE)(1) of this section: 95761

(a) "Alcoholic beverages" means beverages that are suitable 95762  
for human consumption and contain one-half of one per cent or more 95763  
of alcohol by volume. 95764

(b) "Dietary supplements" means any product, other than 95765  
tobacco, that is intended to supplement the diet and that is 95766  
intended for ingestion in tablet, capsule, powder, softgel, 95767  
gelcap, or liquid form, or, if not intended for ingestion in such 95768  
a form, is not represented as conventional food for use as a sole 95769  
item of a meal or of the diet; that is required to be labeled as a 95770  
dietary supplement, identifiable by the "supplement facts" box 95771  
found on the label, as required by 21 C.F.R. 101.36; and that 95772  
contains one or more of the following dietary ingredients: 95773

(i) A vitamin; 95774

(ii) A mineral; 95775

(iii) An herb or other botanical; 95776

(iv) An amino acid; 95777

(v) A dietary substance for use by humans to supplement the 95778  
diet by increasing the total dietary intake; 95779

(vi) A concentrate, metabolite, constituent, extract, or 95780

combination of any ingredient described in divisions 95781  
(EEE)(2)(b)(i) to (v) of this section. 95782

(c) "Soft drinks" means nonalcoholic beverages that contain 95783  
natural or artificial sweeteners. "Soft drinks" does not include 95784  
beverages that contain milk or milk products, soy, rice, or 95785  
similar milk substitutes, or that contains greater than fifty per 95786  
cent vegetable or fruit juice by volume. 95787

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 95788  
tobacco, or any other item that contains tobacco. 95789

(FFF) "Drug" means a compound, substance, or preparation, and 95790  
any component of a compound, substance, or preparation, other than 95791  
food, dietary supplements, or alcoholic beverages that is 95792  
recognized in the official United States pharmacopoeia, official 95793  
homeopathic pharmacopoeia of the United States, or official 95794  
national formulary, and supplements to them; is intended for use 95795  
in the diagnosis, cure, mitigation, treatment, or prevention of 95796  
disease; or is intended to affect the structure or any function of 95797  
the body. 95798

(GGG) "Prescription" means an order, formula, or recipe 95799  
issued in any form of oral, written, electronic, or other means of 95800  
transmission by a duly licensed practitioner authorized by the 95801  
laws of this state to issue a prescription. 95802

(HHH) "Durable medical equipment" means equipment, including 95803  
repair and replacement parts for such equipment, that can 95804  
withstand repeated use, is primarily and customarily used to serve 95805  
a medical purpose, generally is not useful to a person in the 95806  
absence of illness or injury, and is not worn in or on the body. 95807  
"Durable medical equipment" does not include mobility enhancing 95808  
equipment. 95809

(III) "Mobility enhancing equipment" means equipment, 95810  
including repair and replacement parts for such equipment, that is 95811

primarily and customarily used to provide or increase the ability 95812  
to move from one place to another and is appropriate for use 95813  
either in a home or a motor vehicle, that is not generally used by 95814  
persons with normal mobility, and that does not include any motor 95815  
vehicle or equipment on a motor vehicle normally provided by a 95816  
motor vehicle manufacturer. "Mobility enhancing equipment" does 95817  
not include durable medical equipment. 95818

(JJJ) "Prosthetic device" means a replacement, corrective, or 95819  
supportive device, including repair and replacement parts for the 95820  
device, worn on or in the human body to artificially replace a 95821  
missing portion of the body, prevent or correct physical deformity 95822  
or malfunction, or support a weak or deformed portion of the body. 95823  
As used in this division, "prosthetic device" does not include 95824  
corrective eyeglasses, contact lenses, or dental prosthesis. 95825

(KKK)(1) "Fractional aircraft ownership program" means a 95826  
program in which persons within an affiliated group sell and 95827  
manage fractional ownership program aircraft, provided that at 95828  
least one hundred airworthy aircraft are operated in the program 95829  
and the program meets all of the following criteria: 95830

(a) Management services are provided by at least one program 95831  
manager within an affiliated group on behalf of the fractional 95832  
owners. 95833

(b) Each program aircraft is owned or possessed by at least 95834  
one fractional owner. 95835

(c) Each fractional owner owns or possesses at least a 95836  
one-sixteenth interest in at least one fixed-wing program 95837  
aircraft. 95838

(d) A dry-lease aircraft interchange arrangement is in effect 95839  
among all of the fractional owners. 95840

(e) Multi-year program agreements are in effect regarding the 95841  
fractional ownership, management services, and dry-lease aircraft 95842

interchange arrangement aspects of the program. 95843

(2) As used in division (KKK)(1) of this section: 95844

(a) "Affiliated group" has the same meaning as in division 95845  
(B)(3)(e) of this section. 95846

(b) "Fractional owner" means a person that owns or possesses 95847  
at least a one-sixteenth interest in a program aircraft and has 95848  
entered into the agreements described in division (KKK)(1)(e) of 95849  
this section. 95850

(c) "Fractional ownership program aircraft" or "program 95851  
aircraft" means a turbojet aircraft that is owned or possessed by 95852  
a fractional owner and that has been included in a dry-lease 95853  
aircraft interchange arrangement and agreement under divisions 95854  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 95855  
manager owns or possesses primarily for use in a fractional 95856  
aircraft ownership program. 95857

(d) "Management services" means administrative and aviation 95858  
support services furnished under a fractional aircraft ownership 95859  
program in accordance with a management services agreement under 95860  
division (KKK)(1)(e) of this section, and offered by the program 95861  
manager to the fractional owners, including, at a minimum, the 95862  
establishment and implementation of safety guidelines; the 95863  
coordination of the scheduling of the program aircraft and crews; 95864  
program aircraft maintenance; program aircraft insurance; crew 95865  
training for crews employed, furnished, or contracted by the 95866  
program manager or the fractional owner; the satisfaction of 95867  
record-keeping requirements; and the development and use of an 95868  
operations manual and a maintenance manual for the fractional 95869  
aircraft ownership program. 95870

(e) "Program manager" means the person that offers management 95871  
services to fractional owners pursuant to a management services 95872  
agreement under division (KKK)(1)(e) of this section. 95873

(LLL) ~~"Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.~~ 95874  
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~~(MMM)~~ "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of ~~job and family services~~ medicaid pursuant to section ~~5111.17~~ 5167.10 of the Revised Code. 95889  
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~~(NNN)~~(MMM) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state. 95894  
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~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes. 95899  
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~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services. 95902  
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~~(QQQ)~~(PPP) "Specified digital product" means an 95906  
electronically transferred digital audiovisual work, digital audio 95907  
work, or digital book. 95908

As used in division ~~(QQQ)~~(PPP) of this section: 95909

(1) "Digital audiovisual work" means a series of related 95910  
images that, when shown in succession, impart an impression of 95911  
motion, together with accompanying sounds, if any. 95912

(2) "Digital audio work" means a work that results from the 95913  
fixation of a series of musical, spoken, or other sounds, 95914  
including digitized sound files that are downloaded onto a device 95915  
and that may be used to alert the customer with respect to a 95916  
communication. 95917

(3) "Digital book" means a work that is generally recognized 95918  
in the ordinary and usual sense as a book. 95919

(4) "Electronically transferred" means obtained by the 95920  
purchaser by means other than tangible storage media. 95921

~~(RRR)~~(QQQ) "Digital advertising services" means providing 95922  
access, by means of telecommunications equipment, to computer 95923  
equipment that is used to enter, upload, download, review, 95924  
manipulate, store, add, or delete data for the purpose of 95925  
electronically displaying, delivering, placing, or transferring 95926  
promotional advertisements to potential customers about products 95927  
or services or about industry or business brands. 95928

~~(SSS) "Municipal gas utility" means a municipal corporation 95929  
that owns or operates a system for the distribution of natural 95930  
gas. 95931~~

**Sec. 5739.02.** For the purpose of providing revenue with which 95932  
to meet the needs of the state, for the use of the general revenue 95933  
fund of the state, for the purpose of securing a thorough and 95934  
efficient system of common schools throughout the state, for the 95935



purpose of affording revenues, in addition to those from general 95936  
property taxes, permitted under constitutional limitations, and 95937  
from other sources, for the support of local governmental 95938  
functions, and for the purpose of reimbursing the state for the 95939  
expense of administering this chapter, an excise tax is hereby 95940  
levied on each retail sale made in this state. 95941

(A)(1) The tax shall be collected as provided in section 95942  
5739.025 of the Revised Code. The rate of the tax shall be five 95943  
and three-fourths per cent. The tax applies and is collectible 95944  
when the sale is made, regardless of the time when the price is 95945  
paid or delivered. 95946

(2) In the case of the lease or rental, with a fixed term of 95947  
more than thirty days or an indefinite term with a minimum period 95948  
of more than thirty days, of any motor vehicles designed by the 95949  
manufacturer to carry a load of not more than one ton, watercraft, 95950  
outboard motor, or aircraft, or of any tangible personal property, 95951  
other than motor vehicles designed by the manufacturer to carry a 95952  
load of more than one ton, to be used by the lessee or renter 95953  
primarily for business purposes, the tax shall be collected by the 95954  
vendor at the time the lease or rental is consummated and shall be 95955  
calculated by the vendor on the basis of the total amount to be 95956  
paid by the lessee or renter under the lease agreement. If the 95957  
total amount of the consideration for the lease or rental includes 95958  
amounts that are not calculated at the time the lease or rental is 95959  
executed, the tax shall be calculated and collected by the vendor 95960  
at the time such amounts are billed to the lessee or renter. In 95961  
the case of an open-end lease or rental, the tax shall be 95962  
calculated by the vendor on the basis of the total amount to be 95963  
paid during the initial fixed term of the lease or rental, and for 95964  
each subsequent renewal period as it comes due. As used in this 95965  
division, "motor vehicle" has the same meaning as in section 95966  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 95967

unit attached to the watercraft. 95968

A lease with a renewal clause and a termination penalty or 95969  
similar provision that applies if the renewal clause is not 95970  
exercised is presumed to be a sham transaction. In such a case, 95971  
the tax shall be calculated and paid on the basis of the entire 95972  
length of the lease period, including any renewal periods, until 95973  
the termination penalty or similar provision no longer applies. 95974  
The taxpayer shall bear the burden, by a preponderance of the 95975  
evidence, that the transaction or series of transactions is not a 95976  
sham transaction. 95977

(3) Except as provided in division (A)(2) of this section, in 95978  
the case of a sale, the price of which consists in whole or in 95979  
part of the lease or rental of tangible personal property, the tax 95980  
shall be measured by the installments of that lease or rental. 95981

(4) In the case of a sale of a physical fitness facility 95982  
service or recreation and sports club service, the price of which 95983  
consists in whole or in part of a membership for the receipt of 95984  
the benefit of the service, the tax applicable to the sale shall 95985  
be measured by the installments thereof. 95986

(B) The tax does not apply to the following: 95987

(1) Sales to the state or any of its political subdivisions, 95988  
or to any other state or its political subdivisions if the laws of 95989  
that state exempt from taxation sales made to this state and its 95990  
political subdivisions; 95991

(2) Sales of food for human consumption off the premises 95992  
where sold; 95993

(3) Sales of food sold to students only in a cafeteria, 95994  
dormitory, fraternity, or sorority maintained in a private, 95995  
public, or parochial school, college, or university; 95996

(4) Sales of newspapers and sales or transfers of magazines 95997

distributed as controlled circulation publications; 95998

(5) The furnishing, preparing, or serving of meals without 95999  
charge by an employer to an employee provided the employer records 96000  
the meals as part compensation for services performed or work 96001  
done; 96002

(6) Sales of motor fuel upon receipt, use, distribution, or 96003  
sale of which in this state a tax is imposed by the law of this 96004  
state, but this exemption shall not apply to the sale of motor 96005  
fuel on which a refund of the tax is allowable under division (A) 96006  
of section 5735.14 of the Revised Code; and the tax commissioner 96007  
may deduct the amount of tax levied by this section applicable to 96008  
the price of motor fuel when granting a refund of motor fuel tax 96009  
pursuant to division (A) of section 5735.14 of the Revised Code 96010  
and shall cause the amount deducted to be paid into the general 96011  
revenue fund of this state; 96012

(7) Sales of natural gas by a natural gas company or 96013  
municipal gas utility, of water by a water-works company, or of 96014  
steam by a heating company, if in each case the thing sold is 96015  
delivered to consumers through pipes or conduits, and all sales of 96016  
communications services by a telegraph company, all terms as 96017  
defined in section 5727.01 of the Revised Code, and sales of 96018  
electricity delivered through wires; 96019

(8) Casual sales by a person, or auctioneer employed directly 96020  
by the person to conduct such sales, except as to such sales of 96021  
motor vehicles, watercraft or outboard motors required to be 96022  
titled under section 1548.06 of the Revised Code, watercraft 96023  
documented with the United States coast guard, snowmobiles, and 96024  
all-purpose vehicles as defined in section 4519.01 of the Revised 96025  
Code; 96026

(9)(a) Sales of services or tangible personal property, other 96027  
than motor vehicles, mobile homes, and manufactured homes, by 96028

churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 96093  
organization engaged in carrying on research in, or the 96094  
dissemination of, scientific and technological knowledge and 96095  
information primarily for the public. 96096

Nothing in this division shall be deemed to exempt sales to 96097  
any organization for use in the operation or carrying on of a 96098  
trade or business, or sales to a home for the aged for use in the 96099  
operation of independent living facilities as defined in division 96100  
(A) of section 5709.12 of the Revised Code. 96101

(13) Building and construction materials and services sold to 96102  
construction contractors for incorporation into a structure or 96103  
improvement to real property under a construction contract with 96104  
this state or a political subdivision of this state, or with the 96105  
United States government or any of its agencies; building and 96106  
construction materials and services sold to construction 96107  
contractors for incorporation into a structure or improvement to 96108  
real property that are accepted for ownership by this state or any 96109  
of its political subdivisions, or by the United States government 96110  
or any of its agencies at the time of completion of the structures 96111  
or improvements; building and construction materials sold to 96112  
construction contractors for incorporation into a horticulture 96113  
structure or livestock structure for a person engaged in the 96114  
business of horticulture or producing livestock; building 96115  
materials and services sold to a construction contractor for 96116  
incorporation into a house of public worship or religious 96117  
education, or a building used exclusively for charitable purposes 96118  
under a construction contract with an organization whose purpose 96119  
is as described in division (B)(12) of this section; building 96120  
materials and services sold to a construction contractor for 96121  
incorporation into a building under a construction contract with 96122  
an organization exempt from taxation under section 501(c)(3) of 96123  
the Internal Revenue Code of 1986 when the building is to be used 96124

exclusively for the organization's exempt purposes; building and 96125  
construction materials sold for incorporation into the original 96126  
construction of a sports facility under section 307.696 of the 96127  
Revised Code; building and construction materials and services 96128  
sold to a construction contractor for incorporation into real 96129  
property outside this state if such materials and services, when 96130  
sold to a construction contractor in the state in which the real 96131  
property is located for incorporation into real property in that 96132  
state, would be exempt from a tax on sales levied by that state; 96133  
building and construction materials for incorporation into a 96134  
transportation facility pursuant to a public-private agreement 96135  
entered into under sections 5501.70 to 5501.83 of the Revised 96136  
Code; and, until one calendar year after the construction of a 96137  
convention center that qualifies for property tax exemption under 96138  
section 5709.084 of the Revised Code is completed, building and 96139  
construction materials and services sold to a construction 96140  
contractor for incorporation into the real property comprising 96141  
that convention center; 96142

(14) Sales of ships or vessels or rail rolling stock used or 96143  
to be used principally in interstate or foreign commerce, and 96144  
repairs, alterations, fuel, and lubricants for such ships or 96145  
vessels or rail rolling stock; 96146

(15) Sales to persons primarily engaged in any of the 96147  
activities mentioned in division (B)(42)(a), (g), or (h) of this 96148  
section, to persons engaged in making retail sales, or to persons 96149  
who purchase for sale from a manufacturer tangible personal 96150  
property that was produced by the manufacturer in accordance with 96151  
specific designs provided by the purchaser, of packages, including 96152  
material, labels, and parts for packages, and of machinery, 96153  
equipment, and material for use primarily in packaging tangible 96154  
personal property produced for sale, including any machinery, 96155  
equipment, and supplies used to make labels or packages, to 96156

prepare packages or products for labeling, or to label packages or 96157  
products, by or on the order of the person doing the packaging, or 96158  
sold at retail. "Packages" includes bags, baskets, cartons, 96159  
crates, boxes, cans, bottles, bindings, wrappings, and other 96160  
similar devices and containers, but does not include motor 96161  
vehicles or bulk tanks, trailers, or similar devices attached to 96162  
motor vehicles. "Packaging" means placing in a package. Division 96163  
(B)(15) of this section does not apply to persons engaged in 96164  
highway transportation for hire. 96165

(16) Sales of food to persons using supplemental nutrition 96166  
assistance program benefits to purchase the food. As used in this 96167  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 96168  
federal regulations adopted pursuant to the Food and Nutrition Act 96169  
of 2008. 96170

(17) Sales to persons engaged in farming, agriculture, 96171  
horticulture, or floriculture, of tangible personal property for 96172  
use or consumption primarily in the production by farming, 96173  
agriculture, horticulture, or floriculture of other tangible 96174  
personal property for use or consumption primarily in the 96175  
production of tangible personal property for sale by farming, 96176  
agriculture, horticulture, or floriculture; or material and parts 96177  
for incorporation into any such tangible personal property for use 96178  
or consumption in production; and of tangible personal property 96179  
for such use or consumption in the conditioning or holding of 96180  
products produced by and for such use, consumption, or sale by 96181  
persons engaged in farming, agriculture, horticulture, or 96182  
floriculture, except where such property is incorporated into real 96183  
property; 96184

(18) Sales of drugs for a human being that may be dispensed 96185  
only pursuant to a prescription; insulin as recognized in the 96186  
official United States pharmacopoeia; urine and blood testing 96187  
materials when used by diabetics or persons with hypoglycemia to 96188



test for glucose or acetone; hypodermic syringes and needles when 96189  
used by diabetics for insulin injections; epoetin alfa when 96190  
purchased for use in the treatment of persons with medical 96191  
disease; hospital beds when purchased by hospitals, nursing homes, 96192  
or other medical facilities; and medical oxygen and medical 96193  
oxygen-dispensing equipment when purchased by hospitals, nursing 96194  
homes, or other medical facilities; 96195

(19) Sales of prosthetic devices, durable medical equipment 96196  
for home use, or mobility enhancing equipment, when made pursuant 96197  
to a prescription and when such devices or equipment are for use 96198  
by a human being. 96199

(20) Sales of emergency and fire protection vehicles and 96200  
equipment to nonprofit organizations for use solely in providing 96201  
fire protection and emergency services, including trauma care and 96202  
emergency medical services, for political subdivisions of the 96203  
state; 96204

(21) Sales of tangible personal property manufactured in this 96205  
state, if sold by the manufacturer in this state to a retailer for 96206  
use in the retail business of the retailer outside of this state 96207  
and if possession is taken from the manufacturer by the purchaser 96208  
within this state for the sole purpose of immediately removing the 96209  
same from this state in a vehicle owned by the purchaser; 96210

(22) Sales of services provided by the state or any of its 96211  
political subdivisions, agencies, instrumentalities, institutions, 96212  
or authorities, or by governmental entities of the state or any of 96213  
its political subdivisions, agencies, instrumentalities, 96214  
institutions, or authorities; 96215

(23) Sales of motor vehicles to nonresidents of this state 96216  
under the circumstances described in division (B) of section 96217  
5739.029 of the Revised Code; 96218

(24) Sales to persons engaged in the preparation of eggs for 96219

sale of tangible personal property used or consumed directly in 96220  
such preparation, including such tangible personal property used 96221  
for cleaning, sanitizing, preserving, grading, sorting, and 96222  
classifying by size; packages, including material and parts for 96223  
packages, and machinery, equipment, and material for use in 96224  
packaging eggs for sale; and handling and transportation equipment 96225  
and parts therefor, except motor vehicles licensed to operate on 96226  
public highways, used in intraplant or interplant transfers or 96227  
shipment of eggs in the process of preparation for sale, when the 96228  
plant or plants within or between which such transfers or 96229  
shipments occur are operated by the same person. "Packages" 96230  
includes containers, cases, baskets, flats, fillers, filler flats, 96231  
cartons, closure materials, labels, and labeling materials, and 96232  
"packaging" means placing therein. 96233

(25)(a) Sales of water to a consumer for residential use; 96234

(b) Sales of water by a nonprofit corporation engaged 96235  
exclusively in the treatment, distribution, and sale of water to 96236  
consumers, if such water is delivered to consumers through pipes 96237  
or tubing. 96238

(26) Fees charged for inspection or reinspection of motor 96239  
vehicles under section 3704.14 of the Revised Code; 96240

(27) Sales to persons licensed to conduct a food service 96241  
operation pursuant to section 3717.43 of the Revised Code, of 96242  
tangible personal property primarily used directly for the 96243  
following: 96244

(a) To prepare food for human consumption for sale; 96245

(b) To preserve food that has been or will be prepared for 96246  
human consumption for sale by the food service operator, not 96247  
including tangible personal property used to display food for 96248  
selection by the consumer; 96249

(c) To clean tangible personal property used to prepare or 96250

serve food for human consumption for sale.	96251
(28) Sales of animals by nonprofit animal adoption services	96252
or county humane societies;	96253
(29) Sales of services to a corporation described in division	96254
(A) of section 5709.72 of the Revised Code, and sales of tangible	96255
personal property that qualifies for exemption from taxation under	96256
section 5709.72 of the Revised Code;	96257
(30) Sales and installation of agricultural land tile, as	96258
defined in division (B)(5)(a) of section 5739.01 of the Revised	96259
Code;	96260
(31) Sales and erection or installation of portable grain	96261
bins, as defined in division (B)(5)(b) of section 5739.01 of the	96262
Revised Code;	96263
(32) The sale, lease, repair, and maintenance of, parts for,	96264
or items attached to or incorporated in, motor vehicles that are	96265
primarily used for transporting tangible personal property	96266
belonging to others by a person engaged in highway transportation	96267
for hire, except for packages and packaging used for the	96268
transportation of tangible personal property;	96269
(33) Sales to the state headquarters of any veterans'	96270
organization in this state that is either incorporated and issued	96271
a charter by the congress of the United States or is recognized by	96272
the United States veterans administration, for use by the	96273
headquarters;	96274
(34) Sales to a telecommunications service vendor, mobile	96275
telecommunications service vendor, or satellite broadcasting	96276
service vendor of tangible personal property and services used	96277
directly and primarily in transmitting, receiving, switching, or	96278
recording any interactive, one- or two-way electromagnetic	96279
communications, including voice, image, data, and information,	96280
through the use of any medium, including, but not limited to,	96281

poles, wires, cables, switching equipment, computers, and record 96282  
storage devices and media, and component parts for the tangible 96283  
personal property. The exemption provided in this division shall 96284  
be in lieu of all other exemptions under division (B)(42)(a) or 96285  
(n) of this section to which the vendor may otherwise be entitled, 96286  
based upon the use of the thing purchased in providing the 96287  
telecommunications, mobile telecommunications, or satellite 96288  
broadcasting service. 96289

(35)(a) Sales where the purpose of the consumer is to use or 96290  
consume the things transferred in making retail sales and 96291  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 96292  
certificates, or other advertising material that prices and 96293  
describes tangible personal property offered for retail sale. 96294

(b) Sales to direct marketing vendors of preliminary 96295  
materials such as photographs, artwork, and typesetting that will 96296  
be used in printing advertising material; and of printed matter 96297  
that offers free merchandise or chances to win sweepstake prizes 96298  
and that is mailed to potential customers with advertising 96299  
material described in division (B)(35)(a) of this section; 96300

(c) Sales of equipment such as telephones, computers, 96301  
facsimile machines, and similar tangible personal property 96302  
primarily used to accept orders for direct marketing retail sales. 96303

(d) Sales of automatic food vending machines that preserve 96304  
food with a shelf life of forty-five days or less by refrigeration 96305  
and dispense it to the consumer. 96306

For purposes of division (B)(35) of this section, "direct 96307  
marketing" means the method of selling where consumers order 96308  
tangible personal property by United States mail, delivery 96309  
service, or telecommunication and the vendor delivers or ships the 96310  
tangible personal property sold to the consumer from a warehouse, 96311  
catalogue distribution center, or similar fulfillment facility by 96312

means of the United States mail, delivery service, or common carrier.	96313 96314
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	96315 96316 96317
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	96318 96319 96320 96321 96322
(38) Sales to a professional racing team of any of the following:	96323 96324
(a) Motor racing vehicles;	96325
(b) Repair services for motor racing vehicles;	96326
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	96327 96328 96329 96330 96331 96332 96333 96334
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	96335 96336 96337
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission,	96338 96339 96340 96341 96342

or distribution system and that retains its classification as 96343  
tangible personal property after incorporation; fuel or power used 96344  
in the production, transmission, or distribution of electricity; 96345  
energy conversion equipment as defined in section 5727.01 of the 96346  
Revised Code; and tangible personal property and services used in 96347  
the repair and maintenance of the production, transmission, or 96348  
distribution system, including only those motor vehicles as are 96349  
specially designed and equipped for such use. The exemption 96350  
provided in this division shall be in lieu of all other exemptions 96351  
in division (B)(42)(a) or (n) of this section to which a provider 96352  
of electricity may otherwise be entitled based on the use of the 96353  
tangible personal property or service purchased in generating, 96354  
transmitting, or distributing electricity. 96355

(41) Sales to a person providing services under division 96356  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 96357  
personal property and services used directly and primarily in 96358  
providing taxable services under that section. 96359

(42) Sales where the purpose of the purchaser is to do any of 96360  
the following: 96361

(a) To incorporate the thing transferred as a material or a 96362  
part into tangible personal property to be produced for sale by 96363  
manufacturing, assembling, processing, or refining; or to use or 96364  
consume the thing transferred directly in producing tangible 96365  
personal property for sale by mining, including, without 96366  
limitation, the extraction from the earth of all substances that 96367  
are classed geologically as minerals, production of crude oil and 96368  
natural gas, or directly in the rendition of a public utility 96369  
service, except that the sales tax levied by this section shall be 96370  
collected upon all meals, drinks, and food for human consumption 96371  
sold when transporting persons. Persons engaged in rendering 96372  
services in the exploration for, and production of, crude oil and 96373  
natural gas for others are deemed engaged directly in the 96374

exploration for, and production of, crude oil and natural gas.	96375
This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	96376 96377 96378
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	96379 96380
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	96381 96382
(d) To use or consume the thing directly in commercial fishing;	96383 96384
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	96385 96386 96387 96388
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	96389 96390 96391 96392 96393
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	96394 96395 96396
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	96397 96398 96399 96400 96401 96402
(i) To use the thing transferred as qualified research and development equipment;	96403 96404

(j) To use or consume the thing transferred primarily in 96405  
storing, transporting, mailing, or otherwise handling purchased 96406  
sales inventory in a warehouse, distribution center, or similar 96407  
facility when the inventory is primarily distributed outside this 96408  
state to retail stores of the person who owns or controls the 96409  
warehouse, distribution center, or similar facility, to retail 96410  
stores of an affiliated group of which that person is a member, or 96411  
by means of direct marketing. This division does not apply to 96412  
motor vehicles registered for operation on the public highways. As 96413  
used in this division, "affiliated group" has the same meaning as 96414  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 96415  
"direct marketing" has the same meaning as in division (B)(35) of 96416  
this section. 96417

(k) To use or consume the thing transferred to fulfill a 96418  
contractual obligation incurred by a warrantor pursuant to a 96419  
warranty provided as a part of the price of the tangible personal 96420  
property sold or by a vendor of a warranty, maintenance or service 96421  
contract, or similar agreement the provision of which is defined 96422  
as a sale under division (B)(7) of section 5739.01 of the Revised 96423  
Code; 96424

(l) To use or consume the thing transferred in the production 96425  
of a newspaper for distribution to the public; 96426

(m) To use tangible personal property to perform a service 96427  
listed in division (B)(3) of section 5739.01 of the Revised Code, 96428  
if the property is or is to be permanently transferred to the 96429  
consumer of the service as an integral part of the performance of 96430  
the service; 96431

(n) To use or consume the thing transferred primarily in 96432  
producing tangible personal property for sale by farming, 96433  
agriculture, horticulture, or floriculture. Persons engaged in 96434  
rendering farming, agriculture, horticulture, or floriculture 96435  
services for others are deemed engaged primarily in farming, 96436



agriculture, horticulture, or floriculture. This paragraph does 96437  
not exempt from "retail sale" or "sales at retail" the sale of 96438  
tangible personal property that is to be incorporated into a 96439  
structure or improvement to real property. 96440

(o) To use or consume the thing transferred in acquiring, 96441  
formatting, editing, storing, and disseminating data or 96442  
information by electronic publishing; 96443

(p) To provide the thing transferred to the owner or lessee 96444  
of a motor vehicle that is being repaired or serviced, if the 96445  
thing transferred is a rented motor vehicle and the purchaser is 96446  
reimbursed for the cost of the rented motor vehicle by a 96447  
manufacturer, warrantor, or provider of a maintenance, service, or 96448  
other similar contract or agreement, with respect to the motor 96449  
vehicle that is being repaired or serviced. 96450

As used in division (B)(42) of this section, "thing" includes 96451  
all transactions included in divisions (B)(3)(a), (b), and (e) of 96452  
section 5739.01 of the Revised Code. 96453

(43) Sales conducted through a coin operated device that 96454  
activates vacuum equipment or equipment that dispenses water, 96455  
whether or not in combination with soap or other cleaning agents 96456  
or wax, to the consumer for the consumer's use on the premises in 96457  
washing, cleaning, or waxing a motor vehicle, provided no other 96458  
personal property or personal service is provided as part of the 96459  
transaction. 96460

(44) Sales of replacement and modification parts for engines, 96461  
airframes, instruments, and interiors in, and paint for, aircraft 96462  
used primarily in a fractional aircraft ownership program, and 96463  
sales of services for the repair, modification, and maintenance of 96464  
such aircraft, and machinery, equipment, and supplies primarily 96465  
used to provide those services. 96466

(45) Sales of telecommunications service that is used 96467

directly and primarily to perform the functions of a call center. 96468  
As used in this division, "call center" means any physical 96469  
location where telephone calls are placed or received in high 96470  
volume for the purpose of making sales, marketing, customer 96471  
service, technical support, or other specialized business 96472  
activity, and that employs at least fifty individuals that engage 96473  
in call center activities on a full-time basis, or sufficient 96474  
individuals to fill fifty full-time equivalent positions. 96475

(46) Sales by a telecommunications service vendor of 900 96476  
service to a subscriber. This division does not apply to 96477  
information services, as defined in division (FF) of section 96478  
5739.01 of the Revised Code. 96479

(47) Sales of value-added non-voice data service. This 96480  
division does not apply to any similar service that is not 96481  
otherwise a telecommunications service. 96482

(48)(a) Sales of machinery, equipment, and software to a 96483  
qualified direct selling entity for use in a warehouse or 96484  
distribution center primarily for storing, transporting, or 96485  
otherwise handling inventory that is held for sale to independent 96486  
salespersons who operate as direct sellers and that is held 96487  
primarily for distribution outside this state; 96488

(b) As used in division (B)(48)(a) of this section: 96489

(i) "Direct seller" means a person selling consumer products 96490  
to individuals for personal or household use and not from a fixed 96491  
retail location, including selling such product at in-home product 96492  
demonstrations, parties, and other one-on-one selling. 96493

(ii) "Qualified direct selling entity" means an entity 96494  
selling to direct sellers at the time the entity enters into a tax 96495  
credit agreement with the tax credit authority pursuant to section 96496  
122.17 of the Revised Code, provided that the agreement was 96497  
entered into on or after January 1, 2007. Neither contingencies 96498

relevant to the granting of, nor later developments with respect 96499  
to, the tax credit shall impair the status of the qualified direct 96500  
selling entity under division (B)(48) of this section after 96501  
execution of the tax credit agreement by the tax credit authority. 96502

(c) Division (B)(48) of this section is limited to machinery, 96503  
equipment, and software first stored, used, or consumed in this 96504  
state within the period commencing June 24, 2008, and ending on 96505  
the date that is five years after that date. 96506

(49) Sales of materials, parts, equipment, or engines used in 96507  
the repair or maintenance of aircraft or avionics systems of such 96508  
aircraft, and sales of repair, remodeling, replacement, or 96509  
maintenance services in this state performed on aircraft or on an 96510  
aircraft's avionics, engine, or component materials or parts. As 96511  
used in division (B)(49) of this section, "aircraft" means 96512  
aircraft of more than six thousand pounds maximum certified 96513  
takeoff weight or used exclusively in general aviation. 96514

(50) Sales of full flight simulators that are used for pilot 96515  
or flight-crew training, sales of repair or replacement parts or 96516  
components, and sales of repair or maintenance services for such 96517  
full flight simulators. "Full flight simulator" means a replica of 96518  
a specific type, or make, model, and series of aircraft cockpit. 96519  
It includes the assemblage of equipment and computer programs 96520  
necessary to represent aircraft operations in ground and flight 96521  
conditions, a visual system providing an out-of-the-cockpit view, 96522  
and a system that provides cues at least equivalent to those of a 96523  
three-degree-of-freedom motion system, and has the full range of 96524  
capabilities of the systems installed in the device as described 96525  
in appendices A and B of part 60 of chapter 1 of title 14 of the 96526  
Code of Federal Regulations. 96527

(51) Any transfer or lease of tangible personal property 96528  
between the state and JobsOhio in accordance with section 4313.02 96529  
of the Revised Code. 96530

(52)(a) Sales to a qualifying corporation. 96531

(b) As used in division (B)(52) of this section: 96532

(i) "Qualifying corporation" means a nonprofit corporation 96533  
organized in this state that leases from an eligible county land, 96534  
buildings, structures, fixtures, and improvements to the land that 96535  
are part of or used in a public recreational facility used by a 96536  
major league professional athletic team or a class A to class AAA 96537  
minor league affiliate of a major league professional athletic 96538  
team for a significant portion of the team's home schedule, 96539  
provided the following apply: 96540

(I) The facility is leased from the eligible county pursuant 96541  
to a lease that requires substantially all of the revenue from the 96542  
operation of the business or activity conducted by the nonprofit 96543  
corporation at the facility in excess of operating costs, capital 96544  
expenditures, and reserves to be paid to the eligible county at 96545  
least once per calendar year. 96546

(II) Upon dissolution and liquidation of the nonprofit 96547  
corporation, all of its net assets are distributable to the board 96548  
of commissioners of the eligible county from which the corporation 96549  
leases the facility. 96550

(ii) "Eligible county" has the same meaning as in section 96551  
307.695 of the Revised Code. 96552

(53) Sales to or by a cable service provider, video service 96553  
provider, or radio or television broadcast station regulated by 96554  
the federal government of cable service or programming, video 96555  
service or programming, audio service or programming, or 96556  
electronically transferred digital audiovisual or audio work. As 96557  
used in division (B)(53) of this section, "cable service" and 96558  
"cable service provider" have the same meanings as in section 96559  
1332.01 of the Revised Code, and "video service," "video service 96560  
provider," and "video programming" have the same meanings as in 96561

section 1332.21 of the Revised Code. 96562

(54) Sales of investment metal bullion and investment coins. 96563  
"Investment metal bullion" means any bullion described in section 96564  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 96565  
that bullion is in the physical possession of a trustee. 96566  
"Investment coin" means any coin composed primarily of gold, 96567  
silver, platinum, or palladium. 96568

(55)(a) On and after July 1, 2019, sales of optical aids or 96569  
components thereof by a vendor licensed under Chapter 4725. or 96570  
4731. of the Revised Code or otherwise authorized to dispense 96571  
optical aids or components under the laws of another state, 96572  
country, or province. 96573

(b) As used in division (B)(55) of this section: 96574

(i) "Optical aid" means eyeglasses, contact lenses, or other 96575  
instruments or devices that may aid or correct human vision and 96576  
that have been prescribed by a physician or optometrist licensed 96577  
by any state, country, or province. 96578

(ii) "Eyeglasses" includes lenses and frames into which 96579  
lenses have been installed if the lenses have been prescribed by a 96580  
physician or optometrist licensed by any state, country, or 96581  
province. 96582

(56) Sales of a specified digital product electronically 96583  
transferred for use in or for delivery through use of a machine 96584  
that accepts direct cash payments or direct payments by a 96585  
financial transaction device to operate and that operates 96586  
primarily for the purpose of providing entertainment or amusement, 96587  
such as a juke box, music machine, arcade game, or other similar 96588  
machine. As used in division (B)(56) of this section, "financial 96589  
transaction device" has the same meaning as in section 113.40 of 96590  
the Revised Code. 96591

(C) For the purpose of the proper administration of this 96592

chapter, and to prevent the evasion of the tax, it is presumed 96593  
that all sales made in this state are subject to the tax until the 96594  
contrary is established. 96595

(D) The levy of this tax on retail sales of recreation and 96596  
sports club service shall not prevent a municipal corporation from 96597  
levying any tax on recreation and sports club dues or on any 96598  
income generated by recreation and sports club dues. 96599

(E) The tax collected by the vendor from the consumer under 96600  
this chapter is not part of the price, but is a tax collection for 96601  
the benefit of the state, and of counties levying an additional 96602  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 96603  
Code and of transit authorities levying an additional sales tax 96604  
pursuant to section 5739.023 of the Revised Code. Except for the 96605  
discount authorized under section 5739.12 of the Revised Code and 96606  
the effects of any rounding pursuant to section 5703.055 of the 96607  
Revised Code, no person other than the state or such a county or 96608  
transit authority shall derive any benefit from the collection or 96609  
payment of the tax levied by this section or section 5739.021, 96610  
5739.023, or 5739.026 of the Revised Code. 96611

**Sec. 5739.021.** (A) For the purpose of providing additional 96612  
general revenues for the county ~~or~~, supporting criminal and 96613  
administrative justice services in the county, funding a regional 96614  
transportation improvement project under section 5595.06 of the 96615  
Revised Code, or ~~both~~ any combination of the foregoing, and to pay 96616  
the expenses of administering such levy, any county may levy a tax 96617  
at the rate of not more than one per cent at any multiple of 96618  
~~one-fourth~~ one-twentieth of one per cent upon every retail sale 96619  
made in the county, except sales of watercraft and outboard motors 96620  
required to be titled pursuant to Chapter 1548. of the Revised 96621  
Code and sales of motor vehicles, and may increase the rate of an 96622  
existing tax to not more than one per cent at any multiple of 96623

~~one-fourth~~ one-twentieth of one per cent. 96624

The tax shall be levied and the rate increased pursuant to a 96625  
resolution of the board of county commissioners. The resolution 96626  
shall state the purpose for which the tax is to be levied and the 96627  
number of years for which the tax is to be levied, or that it is 96628  
for a continuing period of time. If the tax is to be levied for 96629  
the purpose of providing additional general revenues and for the 96630  
purpose of supporting criminal and administrative justice 96631  
services, the resolution shall state the rate or amount of the tax 96632  
to be apportioned to each such purpose. The rate or amount may be 96633  
different for each year the tax is to be levied, but the rates or 96634  
amounts actually apportioned each year shall not be different from 96635  
that stated in the resolution for that year. If the resolution is 96636  
adopted as an emergency measure necessary for the immediate 96637  
preservation of the public peace, health, or safety, it must 96638  
receive an affirmative vote of all of the members of the board of 96639  
county commissioners and shall state the reasons for such 96640  
necessity. The board shall deliver a certified copy of the 96641  
resolution to the tax commissioner, not later than the sixty-fifth 96642  
day prior to the date on which the tax is to become effective, 96643  
which shall be the first day of the calendar quarter. 96644

Prior to the adoption of any resolution under this section, 96645  
the board of county commissioners shall conduct two public 96646  
hearings on the resolution, the second hearing to be not less than 96647  
three nor more than ten days after the first. Notice of the date, 96648  
time, and place of the hearings shall be given by publication in a 96649  
newspaper of general circulation in the county, or as provided in 96650  
section 7.16 of the Revised Code, once a week on the same day of 96651  
the week for two consecutive weeks, the second publication being 96652  
not less than ten nor more than thirty days prior to the first 96653  
hearing. 96654

Except as provided in division (B)(3) of this section, the 96655

resolution shall be subject to a referendum as provided in 96656  
sections 305.31 to 305.41 of the Revised Code. 96657

If a petition for a referendum is filed, the county auditor 96658  
with whom the petition was filed shall, within five days, notify 96659  
the board of county commissioners and the tax commissioner of the 96660  
filing of the petition by certified mail. If the board of 96661  
elections with which the petition was filed declares the petition 96662  
invalid, the board of elections, within five days, shall notify 96663  
the board of county commissioners and the tax commissioner of that 96664  
declaration by certified mail. If the petition is declared to be 96665  
invalid, the effective date of the tax or increased rate of tax 96666  
levied by this section shall be the first day of a calendar 96667  
quarter following the expiration of sixty-five days from the date 96668  
the commissioner receives notice from the board of elections that 96669  
the petition is invalid. 96670

(B)(1) A resolution that is not adopted as an emergency 96671  
measure may direct the board of elections to submit the question 96672  
of levying the tax or increasing the rate of tax to the electors 96673  
of the county at a special election held on the date specified by 96674  
the board of county commissioners in the resolution, provided that 96675  
the election occurs not less than ninety days after a certified 96676  
copy of such resolution is transmitted to the board of elections 96677  
and the election is not held in February or August of any year. 96678  
Upon transmission of the resolution to the board of elections, the 96679  
board of county commissioners shall notify the tax commissioner in 96680  
writing of the levy question to be submitted to the electors. No 96681  
resolution adopted under this division shall go into effect unless 96682  
approved by a majority of those voting upon it, and, except as 96683  
provided in division (B)(3) of this section, shall become 96684  
effective on the first day of a calendar quarter following the 96685  
expiration of sixty-five days from the date the tax commissioner 96686  
receives notice from the board of elections of the affirmative 96687



vote. 96688

(2) A resolution that is adopted as an emergency measure 96689  
shall go into effect as provided in division (A) of this section, 96690  
but may direct the board of elections to submit the question of 96691  
repealing the tax or increase in the rate of the tax to the 96692  
electors of the county at the next general election in the county 96693  
occurring not less than ninety days after a certified copy of the 96694  
resolution is transmitted to the board of elections. Upon 96695  
transmission of the resolution to the board of elections, the 96696  
board of county commissioners shall notify the tax commissioner in 96697  
writing of the levy question to be submitted to the electors. The 96698  
ballot question shall be the same as that prescribed in section 96699  
5739.022 of the Revised Code. The board of elections shall notify 96700  
the board of county commissioners and the tax commissioner of the 96701  
result of the election immediately after the result has been 96702  
declared. If a majority of the qualified electors voting on the 96703  
question of repealing the tax or increase in the rate of the tax 96704  
vote for repeal of the tax or repeal of the increase, the board of 96705  
county commissioners, on the first day of a calendar quarter 96706  
following the expiration of sixty-five days after the date the 96707  
board and tax commissioner receive notice of the result of the 96708  
election, shall, in the case of a repeal of the tax, cease to levy 96709  
the tax, or, in the case of a repeal of an increase in the rate of 96710  
the tax, cease to levy the increased rate and levy the tax at the 96711  
rate at which it was imposed immediately prior to the increase in 96712  
rate. 96713

(3) If a vendor makes a sale in this state by printed catalog 96714  
and the consumer computed the tax on the sale based on local rates 96715  
published in the catalog, any tax levied or repealed or rate 96716  
changed under this section shall not apply to such a sale until 96717  
the first day of a calendar quarter following the expiration of 96718  
one hundred twenty days from the date of notice by the tax 96719

commissioner pursuant to division (H) of this section. 96720

(C) If a resolution is rejected at a referendum or if a 96721  
resolution adopted after January 1, 1982, as an emergency measure 96722  
is repealed by the electors pursuant to division (B)(2) of this 96723  
section or section 5739.022 of the Revised Code, then for one year 96724  
after the date of the election at which the resolution was 96725  
rejected or repealed the board of county commissioners may not 96726  
adopt any resolution authorized by this section as an emergency 96727  
measure. 96728

(D) The board of county commissioners, at any time while a 96729  
tax levied under this section is in effect, may by resolution 96730  
reduce the rate at which the tax is levied to a lower rate 96731  
authorized by this section. Any reduction in the rate at which the 96732  
tax is levied shall be made effective on the first day of a 96733  
calendar quarter next following the sixty-fifth day after a 96734  
certified copy of the resolution is delivered to the tax 96735  
commissioner. 96736

(E) The tax on every retail sale subject to a tax levied 96737  
pursuant to this section shall be in addition to the tax levied by 96738  
section 5739.02 of the Revised Code and any tax levied pursuant to 96739  
section 5739.023 or 5739.026 of the Revised Code. 96740

A county that levies a tax pursuant to this section shall 96741  
levy a tax at the same rate pursuant to section 5741.021 of the 96742  
Revised Code. 96743

The additional tax levied by the county shall be collected 96744  
pursuant to section 5739.025 of the Revised Code. If the 96745  
additional tax or some portion thereof is levied for the purpose 96746  
of criminal and administrative justice services, the revenue from 96747  
the tax, or the amount or rate apportioned to that purpose, shall 96748  
be credited to a special fund created in the county treasury for 96749  
receipt of that revenue. 96750

Any tax levied pursuant to this section is subject to the 96751  
exemptions provided in section 5739.02 of the Revised Code and in 96752  
addition shall not be applicable to sales not within the taxing 96753  
power of a county under the Constitution of the United States or 96754  
the Ohio Constitution. 96755

(F) For purposes of this section, a copy of a resolution is 96756  
"certified" when it contains a written statement attesting that 96757  
the copy is a true and exact reproduction of the original 96758  
resolution. 96759

(G) If a board of commissioners intends to adopt a resolution 96760  
to levy a tax in whole or in part for the purpose of criminal and 96761  
administrative justice services, the board shall prepare and make 96762  
available at the first public hearing at which the resolution is 96763  
considered a statement containing the following information: 96764

(1) For each of the two preceding fiscal years, the amount of 96765  
expenditures made by the county from the county general fund for 96766  
the purpose of criminal and administrative justice services; 96767

(2) For the fiscal year in which the resolution is adopted, 96768  
the board's estimate of the amount of expenditures to be made by 96769  
the county from the county general fund for the purpose of 96770  
criminal and administrative justice services; 96771

(3) For each of the two fiscal years after the fiscal year in 96772  
which the resolution is adopted, the board's preliminary plan for 96773  
expenditures to be made from the county general fund for the 96774  
purpose of criminal and administrative justice services, both 96775  
under the assumption that the tax will be imposed for that purpose 96776  
and under the assumption that the tax would not be imposed for 96777  
that purpose, and for expenditures to be made from the special 96778  
fund created under division (E) of this section under the 96779  
assumption that the tax will be imposed for that purpose. 96780

The board shall prepare the statement and the preliminary 96781

plan using the best information available to the board at the time 96782  
the statement is prepared. Neither the statement nor the 96783  
preliminary plan shall be used as a basis to challenge the 96784  
validity of the tax in any court of competent jurisdiction, nor 96785  
shall the statement or preliminary plan limit the authority of the 96786  
board to appropriate, pursuant to section 5705.38 of the Revised 96787  
Code, an amount different from that specified in the preliminary 96788  
plan. 96789

(H) Upon receipt from a board of county commissioners of a 96790  
certified copy of a resolution required by division (A) or (D) of 96791  
this section, or from the board of elections of a notice of the 96792  
results of an election required by division (A) or (B)(1) or (2) 96793  
of this section, the tax commissioner shall provide notice of a 96794  
tax rate change in a manner that is reasonably accessible to all 96795  
affected vendors. The commissioner shall provide this notice at 96796  
least sixty days prior to the effective date of the rate change. 96797  
The commissioner, by rule, may establish the method by which 96798  
notice will be provided. 96799

(I) As used in this section, "criminal and administrative 96800  
justice services" means the exercise by the county sheriff of all 96801  
powers and duties vested in that office by law; the exercise by 96802  
the county prosecuting attorney of all powers and duties vested in 96803  
that office by law; the exercise by any court in the county of all 96804  
powers and duties vested in that court; the exercise by the clerk 96805  
of the court of common pleas, any clerk of a municipal court 96806  
having jurisdiction throughout the county, or the clerk of any 96807  
county court of all powers and duties vested in the clerk by law 96808  
except, in the case of the clerk of the court of common pleas, the 96809  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 96810  
or 4505. of the Revised Code; the exercise by the county coroner 96811  
of all powers and duties vested in that office by law; making 96812  
payments to any other public agency or a private, nonprofit 96813

agency, the purposes of which in the county include the diversion, 96814  
adjudication, detention, or rehabilitation of criminals or 96815  
juvenile offenders; the operation and maintenance of any detention 96816  
facility, as defined in section 2921.01 of the Revised Code; and 96817  
the construction, acquisition, equipping, or repair of such a 96818  
detention facility, including the payment of any debt charges 96819  
incurred in the issuance of securities pursuant to Chapter 133. of 96820  
the Revised Code for the purpose of constructing, acquiring, 96821  
equipping, or repairing such a facility. 96822

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 96823  
general revenues for a transit authority or funding a regional 96824  
transportation improvement project under section 5595.06 of the 96825  
Revised Code, or both, and ~~paying to pay~~ the expenses of 96826  
administering such levy, any transit authority as defined in 96827  
division (U) of section 5739.01 of the Revised Code may levy a tax 96828  
upon every retail sale made in the territory of the transit 96829  
authority, except sales of watercraft and outboard motors required 96830  
to be titled pursuant to Chapter 1548. of the Revised Code and 96831  
sales of motor vehicles, at a rate of not more than one and 96832  
one-half per cent at any multiple of ~~one-fourth~~ one-twentieth of 96833  
one per cent and may increase the existing rate of tax to not more 96834  
than one and one-half per cent at any multiple of ~~one-fourth~~ 96835  
one-twentieth of one per cent. The tax shall be levied and the 96836  
rate increased pursuant to a resolution of the legislative 96837  
authority of the transit authority and a certified copy of the 96838  
resolution shall be delivered by the fiscal officer to the board 96839  
of elections as provided in section 3505.071 of the Revised Code 96840  
and to the tax commissioner. The resolution shall specify the 96841  
number of years for which the tax is to be in effect or that the 96842  
tax is for a continuing period of time, and the date of the 96843  
election on the question of the tax pursuant to section 306.70 of 96844  
the Revised Code. The board of elections shall certify the results 96845

of the election to the transit authority and tax commissioner. 96846

(2) Except as provided in division (C) of this section, the 96847  
tax levied by the resolution shall become effective on the first 96848  
day of a calendar quarter next following the sixty-fifth day 96849  
following the date the tax commissioner receives from the board of 96850  
elections the certification of the results of the election on the 96851  
question of the tax. 96852

(B) The legislative authority may, at any time while the tax 96853  
is in effect, by resolution fix the rate of the tax at any rate 96854  
authorized by this section and not in excess of that approved by 96855  
the voters pursuant to section 306.70 of the Revised Code. Except 96856  
as provided in division (C) of this section, any change in the 96857  
rate of the tax shall be made effective on the first day of a 96858  
calendar quarter next following the sixty-fifth day following the 96859  
date the tax commissioner receives the certification of the 96860  
resolution; provided, that in any case where bonds, or notes in 96861  
anticipation of bonds, of a regional transit authority have been 96862  
issued under section 306.40 of the Revised Code without a vote of 96863  
the electors while the tax proposed to be reduced was in effect, 96864  
the board of trustees of the regional transit authority shall 96865  
continue to levy and collect under authority of the original 96866  
election authorizing the tax a rate of tax that the board of 96867  
trustees reasonably estimates will produce an amount in that year 96868  
equal to the amount of principal of and interest on those bonds as 96869  
is payable in that year. 96870

(C) Upon receipt from the board of elections of the 96871  
certification of the results of the election required by division 96872  
(A) of this section, or from the legislative authority of the 96873  
certification of a resolution under division (B) of this section, 96874  
the tax commissioner shall provide notice of a tax rate change in 96875  
a manner that is reasonably accessible to all affected vendors. 96876  
The commissioner shall provide this notice at least sixty days 96877

prior to the effective date of the rate change. The commissioner, 96878  
by rule, may establish the method by which notice will be 96879  
provided. 96880

(D) If a vendor makes a sale in this state by printed catalog 96881  
and the consumer computed the tax on the sale based on local rates 96882  
published in the catalog, any tax levied or rate changed under 96883  
this section shall not apply to such a sale until the first day of 96884  
a calendar quarter following the expiration of one hundred twenty 96885  
days from the date of notice by the tax commissioner pursuant to 96886  
division (C) of this section. 96887

(E) The tax on every retail sale subject to a tax levied 96888  
pursuant to this section is in addition to the tax levied by 96889  
section 5739.02 of the Revised Code and any tax levied pursuant to 96890  
section 5739.021 or 5739.026 of the Revised Code. 96891

(F) The additional tax levied by the transit authority shall 96892  
be collected pursuant to section 5739.025 of the Revised Code. 96893

(G) Any tax levied pursuant to this section is subject to the 96894  
exemptions provided in section 5739.02 of the Revised Code and in 96895  
addition shall not be applicable to sales not within the taxing 96896  
power of a transit authority under the constitution of the United 96897  
States or the constitution of this state. 96898

(H) The rate of a tax levied under this section is subject to 96899  
reduction under section 5739.028 of the Revised Code, if a ballot 96900  
question is approved by voters pursuant to that section. 96901

~~Sec. 5739.025. As used in this section, "local tax" means a 96902  
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 96903  
5741.021, 5741.022, or 5741.023 of the Revised Code. 96904~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 96905  
Revised Code shall be collected as follows: 96906~~

~~(1) On and after July 1, 2003, and on or before June 30, 96907~~

~~2005, in accordance with the following schedule:~~ 96908

<del>If the price</del>		<del>The amount of</del>	96909
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	96910
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	96911
<del>.16</del>	<del>.16</del>	<del>1¢</del>	96912
<del>.17</del>	<del>.33</del>	<del>2¢</del>	96913
<del>.34</del>	<del>.50</del>	<del>3¢</del>	96914
<del>.51</del>	<del>.66</del>	<del>4¢</del>	96915
<del>.67</del>	<del>.83</del>	<del>5¢</del>	96916
<del>.84</del>	<del>1.00</del>	<del>6¢</del>	96917

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~ 96918  
96919  
96920  
96921  
96922  
96923  
96924  
96925

~~(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:~~ 96926  
96927

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	96928
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	96929
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	96930
<del>.16</del>	<del>.18</del>	<del>1¢</del>	96931
<del>.19</del>	<del>.36</del>	<del>2¢</del>	96932
<del>.37</del>	<del>.54</del>	<del>3¢</del>	96933
<del>.55</del>	<del>.72</del>	<del>4¢</del>	96934
<del>.73</del>	<del>.90</del>	<del>5¢</del>	96935
<del>.91</del>	<del>1.09</del>	<del>6¢</del>	96936
<del>1.10</del>	<del>1.27</del>	<del>7¢</del>	96937
<del>1.28</del>	<del>1.46</del>	<del>8¢</del>	96938
<del>1.47</del>	<del>1.64</del>	<del>9¢</del>	96939



<del>1.65</del>	<del>1.82</del>	<del>10¢</del>	96940
<del>1.83</del>	<del>2.00</del>	<del>11¢</del>	96941

~~If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the combined rate of state and local tax is six and one-fourth per cent:~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	96959
<del>.16</del>	<del>.16</del>	<del>1¢</del>	96960
<del>.17</del>	<del>.32</del>	<del>2¢</del>	96961
<del>.33</del>	<del>.48</del>	<del>3¢</del>	96962
<del>.49</del>	<del>.64</del>	<del>4¢</del>	96963
<del>.65</del>	<del>.80</del>	<del>5¢</del>	96964
<del>.81</del>	<del>.96</del>	<del>6¢</del>	96965
<del>.97</del>	<del>1.12</del>	<del>7¢</del>	96966
<del>1.13</del>	<del>1.28</del>	<del>8¢</del>	96967
<del>1.29</del>	<del>1.44</del>	<del>9¢</del>	96968
<del>1.45</del>	<del>1.60</del>	<del>10¢</del>	96969
<del>1.61</del>	<del>1.76</del>	<del>11¢</del>	96970
<del>1.77</del>	<del>1.92</del>	<del>12¢</del>	96971

<del>1.93</del>	<del>2.08</del>	<del>13¢</del>	96972
<del>2.09</del>	<del>2.24</del>	<del>14¢</del>	96973
<del>2.25</del>	<del>2.40</del>	<del>15¢</del>	96974
<del>2.41</del>	<del>2.56</del>	<del>16¢</del>	96975
<del>2.57</del>	<del>2.72</del>	<del>17¢</del>	96976
<del>2.73</del>	<del>2.88</del>	<del>18¢</del>	96977
<del>2.89</del>	<del>3.04</del>	<del>19¢</del>	96978
<del>3.05</del>	<del>3.20</del>	<del>20¢</del>	96979
<del>3.21</del>	<del>3.36</del>	<del>21¢</del>	96980
<del>3.37</del>	<del>3.52</del>	<del>22¢</del>	96981
<del>3.53</del>	<del>3.68</del>	<del>23¢</del>	96982
<del>3.69</del>	<del>3.84</del>	<del>24¢</del>	96983
<del>3.85</del>	<del>4.00</del>	<del>25¢</del>	96984

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

<del>If the price</del>		<del>The amount of</del>	96996
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	96997
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	96998
<del>.16</del>	<del>.30</del>	<del>2¢</del>	96999
<del>.31</del>	<del>.46</del>	<del>3¢</del>	97000
<del>.47</del>	<del>.61</del>	<del>4¢</del>	97001
<del>.62</del>	<del>.76</del>	<del>5¢</del>	97002
<del>.77</del>	<del>.92</del>	<del>6¢</del>	97003

<del>.93</del>	<del>1.07</del>	<del>7¢</del>	97004
<del>1.08</del>	<del>1.23</del>	<del>8¢</del>	97005
<del>1.24</del>	<del>1.38</del>	<del>9¢</del>	97006
<del>1.39</del>	<del>1.53</del>	<del>10¢</del>	97007
<del>1.54</del>	<del>1.69</del>	<del>11¢</del>	97008
<del>1.70</del>	<del>1.84</del>	<del>12¢</del>	97009
<del>1.85</del>	<del>2.00</del>	<del>13¢</del>	97010

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of state and local tax is six and three fourths per cent:~~

<del>If the price</del>		<del>The amount of</del>	97021
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	97022
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97023
<del>.16</del>	<del>.29</del>	<del>2¢</del>	97024
<del>.30</del>	<del>.44</del>	<del>3¢</del>	97025
<del>.45</del>	<del>.59</del>	<del>4¢</del>	97026
<del>.60</del>	<del>.74</del>	<del>5¢</del>	97027
<del>.75</del>	<del>.88</del>	<del>6¢</del>	97028
<del>.89</del>	<del>1.03</del>	<del>7¢</del>	97029
<del>1.04</del>	<del>1.18</del>	<del>8¢</del>	97030
<del>1.19</del>	<del>1.33</del>	<del>9¢</del>	97031
<del>1.34</del>	<del>1.48</del>	<del>10¢</del>	97032
<del>1.49</del>	<del>1.62</del>	<del>11¢</del>	97033
<del>1.63</del>	<del>1.77</del>	<del>12¢</del>	97034
<del>1.78</del>	<del>1.92</del>	<del>13¢</del>	97035

1.93	2.07	14¢	97036
2.08	2.22	15¢	97037
2.23	2.37	16¢	97038
2.38	2.51	17¢	97039
2.52	2.66	18¢	97040
2.67	2.81	19¢	97041
2.82	2.96	20¢	97042
2.97	3.11	21¢	97043
3.12	3.25	22¢	97044
3.26	3.40	23¢	97045
3.41	3.55	24¢	97046
3.56	3.70	25¢	97047
3.71	3.85	26¢	97048
3.86	4.00	27¢	97049

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	97064
<del>is at least</del>	<del>the tax is</del>		97065
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97066
<del>.16</del>	<del>.28</del>	<del>2¢</del>	97067

<del>.29</del>	<del>.42</del>	<del>3¢</del>	97068
<del>.43</del>	<del>.57</del>	<del>4¢</del>	97069
<del>.58</del>	<del>.71</del>	<del>5¢</del>	97070
<del>.72</del>	<del>.85</del>	<del>6¢</del>	97071
<del>.86</del>	<del>1.00</del>	<del>7¢</del>	97072

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of state and local tax is seven and one fourth per cent:~~

<del>If the price</del>		<del>The amount of</del>	97083
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	97084
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97085
<del>.16</del>	<del>.27</del>	<del>2¢</del>	97086
<del>.28</del>	<del>.41</del>	<del>3¢</del>	97087
<del>.42</del>	<del>.55</del>	<del>4¢</del>	97088
<del>.56</del>	<del>.68</del>	<del>5¢</del>	97089
<del>.69</del>	<del>.82</del>	<del>6¢</del>	97090
<del>.83</del>	<del>.96</del>	<del>7¢</del>	97091
<del>.97</del>	<del>1.10</del>	<del>8¢</del>	97092
<del>1.11</del>	<del>1.24</del>	<del>9¢</del>	97093
<del>1.25</del>	<del>1.37</del>	<del>10¢</del>	97094
<del>1.38</del>	<del>1.51</del>	<del>11¢</del>	97095
<del>1.52</del>	<del>1.65</del>	<del>12¢</del>	97096
<del>1.66</del>	<del>1.79</del>	<del>13¢</del>	97097
<del>1.80</del>	<del>1.93</del>	<del>14¢</del>	97098
<del>1.94</del>	<del>2.06</del>	<del>15¢</del>	97099

2.07	2.20	16¢	97100
2.21	2.34	17¢	97101
2.35	2.48	18¢	97102
2.49	2.62	19¢	97103
2.63	2.75	20¢	97104
2.76	2.89	21¢	97105
2.90	3.03	22¢	97106
3.04	3.17	23¢	97107
3.18	3.31	24¢	97108
3.32	3.44	25¢	97109
3.45	3.58	26¢	97110
3.59	3.72	27¢	97111
3.73	3.86	28¢	97112
3.87	4.00	29¢	97113

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

<del>If the price</del>		<del>The amount of</del>	97128
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	97129
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97130
<del>.16</del>	<del>.26</del>	<del>2¢</del>	97131

<del>.27</del>	<del>.40</del>	<del>3¢</del>	97132
<del>.41</del>	<del>.53</del>	<del>4¢</del>	97133
<del>.54</del>	<del>.65</del>	<del>5¢</del>	97134
<del>.66</del>	<del>.80</del>	<del>6¢</del>	97135
<del>.81</del>	<del>.93</del>	<del>7¢</del>	97136
<del>.94</del>	<del>1.06</del>	<del>8¢</del>	97137
<del>1.07</del>	<del>1.20</del>	<del>9¢</del>	97138
<del>1.21</del>	<del>1.33</del>	<del>10¢</del>	97139
<del>1.34</del>	<del>1.46</del>	<del>11¢</del>	97140
<del>1.47</del>	<del>1.60</del>	<del>12¢</del>	97141
<del>1.61</del>	<del>1.73</del>	<del>13¢</del>	97142
<del>1.74</del>	<del>1.86</del>	<del>14¢</del>	97143
<del>1.87</del>	<del>2.00</del>	<del>15¢</del>	97144

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

<del>If the price</del>		<del>The amount of</del>	97155
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	97156
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97157
<del>.16</del>	<del>.25</del>	<del>2¢</del>	97158
<del>.26</del>	<del>.38</del>	<del>3¢</del>	97159
<del>.39</del>	<del>.51</del>	<del>4¢</del>	97160
<del>.52</del>	<del>.64</del>	<del>5¢</del>	97161
<del>.65</del>	<del>.77</del>	<del>6¢</del>	97162
<del>.78</del>	<del>.90</del>	<del>7¢</del>	97163

<del>.91</del>	1.03	8¢	97164
1.04	1.16	9¢	97165
<del>1.17</del>	1.29	10¢	97166
1.30	1.41	11¢	97167
<del>1.42</del>	1.54	12¢	97168
1.55	1.67	13¢	97169
<del>1.68</del>	1.80	14¢	97170
1.81	1.93	15¢	97171
<del>1.94</del>	2.06	16¢	97172
2.07	2.19	17¢	97173
<del>2.20</del>	2.32	18¢	97174
2.33	2.45	19¢	97175
<del>2.46</del>	2.58	20¢	97176
2.59	2.70	21¢	97177
<del>2.71</del>	2.83	22¢	97178
2.84	2.96	23¢	97179
<del>2.97</del>	3.09	24¢	97180
3.10	3.22	25¢	97181
<del>3.23</del>	3.35	26¢	97182
3.36	3.48	27¢	97183
<del>3.49</del>	3.61	28¢	97184
3.62	3.74	29¢	97185
<del>3.75</del>	3.87	30¢	97186
3.88	4.00	31¢	97187

~~If the price exceeds four dollars, the tax is thirty one~~ 97188  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97189  
~~multiple thereof by not more than twelve cents, the amount of tax~~ 97190  
~~is thirty one cents for each four dollars plus one cent. If the~~ 97191  
~~price exceeds four dollars or a multiple thereof by more than~~ 97192  
~~twelve cents but by not more than twenty five cents, the amount of~~ 97193  
~~tax is thirty one cents for each four dollars plus two cents. If~~ 97194  
~~the price exceeds four dollars or a multiple thereof by more than~~ 97195  
~~twenty five cents, the amount of tax is thirty one cents for each~~ 97196



~~four dollars plus the amount of tax for prices twenty six cents 97197  
through three dollars and ninety nine cents in accordance with the 97198  
schedule above. 97199~~

~~(8) When the combined rate of state and local tax is eight 97200  
per cent. 97201~~

~~If the price The amount of 97202~~

~~is at least But not more than the tax is 97203~~

~~\$ .01 \$ .15 No tax 97204~~

~~.16 .25 2¢ 97205~~

~~.26 .37 3¢ 97206~~

~~.38 .50 4¢ 97207~~

~~.51 .62 5¢ 97208~~

~~.63 .75 6¢ 97209~~

~~.76 .87 7¢ 97210~~

~~.88 1.00 8¢ 97211~~

~~If the price exceeds one dollar, the tax is eight cents on 97212~~

~~each one dollar. If the price exceeds one dollar or a multiple 97213~~

~~thereof by not more than twelve cents, the amount of tax is eight 97214~~

~~cents for each one dollar plus one cent. If the price exceeds one 97215~~

~~dollar or a multiple thereof by more than twelve cents but not 97216~~

~~more than twenty five cents, the amount of tax is eight cents for 97217~~

~~each one dollar plus two cents. If the price exceeds one dollar or 97218~~

~~a multiple thereof by more than twenty five cents, the amount of 97219~~

~~tax is eight cents for each one dollar plus the amount of tax for 97220~~

~~prices twenty six cents through ninety nine cents in accordance 97221~~

~~with the schedule above. 97222~~

~~(9) When the combined rate of state and local tax is eight 97223~~

~~and one fourth per cent. 97224~~

~~If the price The amount of 97225~~

~~is at least But not more than the tax is 97226~~

~~\$ .01 \$ .15 No tax 97227~~

~~.16 .24 2¢ 97228~~

<del>.25</del>	<del>.36</del>	<del>3¢</del>	97229
<del>.37</del>	<del>.48</del>	<del>4¢</del>	97230
<del>.49</del>	<del>.60</del>	<del>5¢</del>	97231
<del>.61</del>	<del>.72</del>	<del>6¢</del>	97232
<del>.73</del>	<del>.84</del>	<del>7¢</del>	97233
<del>.85</del>	<del>.96</del>	<del>8¢</del>	97234
<del>.97</del>	<del>1.09</del>	<del>9¢</del>	97235
<del>1.10</del>	<del>1.21</del>	<del>10¢</del>	97236
<del>1.22</del>	<del>1.33</del>	<del>11¢</del>	97237
<del>1.34</del>	<del>1.45</del>	<del>12¢</del>	97238
<del>1.46</del>	<del>1.57</del>	<del>13¢</del>	97239
<del>1.58</del>	<del>1.69</del>	<del>14¢</del>	97240
<del>1.70</del>	<del>1.81</del>	<del>15¢</del>	97241
<del>1.82</del>	<del>1.93</del>	<del>16¢</del>	97242
<del>1.94</del>	<del>2.06</del>	<del>17¢</del>	97243
<del>2.07</del>	<del>2.18</del>	<del>18¢</del>	97244
<del>2.19</del>	<del>2.30</del>	<del>19¢</del>	97245
<del>2.31</del>	<del>2.42</del>	<del>20¢</del>	97246
<del>2.43</del>	<del>2.54</del>	<del>21¢</del>	97247
<del>2.55</del>	<del>2.66</del>	<del>22¢</del>	97248
<del>2.67</del>	<del>2.78</del>	<del>23¢</del>	97249
<del>2.79</del>	<del>2.90</del>	<del>24¢</del>	97250
<del>2.91</del>	<del>3.03</del>	<del>25¢</del>	97251
<del>3.04</del>	<del>3.15</del>	<del>26¢</del>	97252
<del>3.16</del>	<del>3.27</del>	<del>27¢</del>	97253
<del>3.28</del>	<del>3.39</del>	<del>28¢</del>	97254
<del>3.40</del>	<del>3.51</del>	<del>29¢</del>	97255
<del>3.52</del>	<del>3.63</del>	<del>30¢</del>	97256
<del>3.64</del>	<del>3.75</del>	<del>31¢</del>	97257
<del>3.76</del>	<del>3.87</del>	<del>32¢</del>	97258
<del>3.88</del>	<del>4.00</del>	<del>33¢</del>	97259

~~If the price exceeds four dollars, the tax is thirty three~~ 97260  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97261

~~multiple thereof by not more than eleven cents, the amount of tax 97262  
is thirty three cents for each four dollars plus one cent. If the 97263  
price exceeds four dollars or a multiple thereof by more than 97264  
eleven cents but by not more than twenty four cents, the amount of 97265  
tax is thirty three cents for each four dollars plus two cents. If 97266  
the price exceeds four dollars or a multiple thereof by more than 97267  
twenty four cents, the amount of tax is thirty three cents for 97268  
each four dollars plus the amount of tax for prices twenty six 97269  
cents through three dollars and ninety nine cents in accordance 97270  
with the schedule above. 97271~~

~~(10) When the combined rate of state and local tax is eight 97272  
and one half per cent: 97273~~

<del>If the price</del>	<del>But not more than</del>	<del>The amount of</del>	
<del>is at least</del>		<del>the tax is</del>	
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97274
<del>.16</del>	<del>.23</del>	<del>2¢</del>	97275
<del>.24</del>	<del>.35</del>	<del>3¢</del>	97276
<del>.36</del>	<del>.47</del>	<del>4¢</del>	97277
<del>.48</del>	<del>.58</del>	<del>5¢</del>	97278
<del>.59</del>	<del>.70</del>	<del>6¢</del>	97279
<del>.71</del>	<del>.82</del>	<del>7¢</del>	97280
<del>.83</del>	<del>.94</del>	<del>8¢</del>	97281
<del>.95</del>	<del>1.05</del>	<del>9¢</del>	97282
<del>1.06</del>	<del>1.17</del>	<del>10¢</del>	97283
<del>1.18</del>	<del>1.29</del>	<del>11¢</del>	97284
<del>1.30</del>	<del>1.41</del>	<del>12¢</del>	97285
<del>1.42</del>	<del>1.52</del>	<del>13¢</del>	97286
<del>1.53</del>	<del>1.64</del>	<del>14¢</del>	97287
<del>1.65</del>	<del>1.76</del>	<del>15¢</del>	97288
<del>1.77</del>	<del>1.88</del>	<del>16¢</del>	97289
<del>1.89</del>	<del>2.00</del>	<del>17¢</del>	97290

~~If the price exceeds two dollars, the tax is seventeen cents 97293~~

on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but by not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus the amount of tax for prices twenty four cents through one dollar and ninety nine cents in accordance with the schedule above.

(11) When the combined rate of state and local tax is eight and three fourths per cent:

is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	97309
.16	.22	2¢	97310
.23	.34	3¢	97311
.35	.45	4¢	97312
.46	.57	5¢	97313
.58	.68	6¢	97314
.69	.80	7¢	97315
.81	.91	8¢	97316
.92	1.02	9¢	97317
1.03	1.14	10¢	97318
1.15	1.25	11¢	97319
1.26	1.37	12¢	97320
1.38	1.48	13¢	97321
1.49	1.60	14¢	97322
1.61	1.71	15¢	97323
1.72	1.82	16¢	97324
1.83	1.94	17¢	97325

1.95	2.05	18¢	97326
2.06	2.17	19¢	97327
2.18	2.28	20¢	97328
2.29	2.40	21¢	97329
2.41	2.51	22¢	97330
2.52	2.62	23¢	97331
2.63	2.74	24¢	97332
2.75	2.85	25¢	97333
2.86	2.97	26¢	97334
2.98	3.08	27¢	97335
3.09	3.20	28¢	97336
3.21	3.31	29¢	97337
3.32	3.42	30¢	97338
3.43	3.54	31¢	97339
3.55	3.65	32¢	97340
3.66	3.77	33¢	97341
3.78	3.88	34¢	97342
3.89	4.00	35¢	97343

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

<del>If the price</del>		<del>The amount of</del>	97358
<del>is at least</del>	<del>But not more than</del>	<del>the tax is</del>	97359
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97360
<del>.16</del>	<del>.22</del>	<del>2¢</del>	97361
<del>.23</del>	<del>.33</del>	<del>3¢</del>	97362
<del>.34</del>	<del>.44</del>	<del>4¢</del>	97363
<del>.45</del>	<del>.55</del>	<del>5¢</del>	97364
<del>.56</del>	<del>.66</del>	<del>6¢</del>	97365
<del>.67</del>	<del>.77</del>	<del>7¢</del>	97366
<del>.78</del>	<del>.88</del>	<del>8¢</del>	97367
<del>.89</del>	<del>1.00</del>	<del>9¢</del>	97368

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97385
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97386
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97387
<del>.16</del>	<del>.17</del>	<del>1¢</del>	97388

.18	.34	2¢	97390
.35	.52	3¢	97391
.53	.69	4¢	97392
.70	.86	5¢	97393
.87	1.04	6¢	97394
1.05	1.21	7¢	97395
1.22	1.39	8¢	97396
1.40	1.56	9¢	97397
1.57	1.73	10¢	97398
1.74	1.91	11¢	97399
1.92	2.08	12¢	97400
2.09	2.26	13¢	97401
2.27	2.43	14¢	97402
2.44	2.60	15¢	97403
2.61	2.78	16¢	97404
2.79	2.95	17¢	97405
2.96	3.13	18¢	97406
3.14	3.30	19¢	97407
3.31	3.47	20¢	97408
3.48	3.65	21¢	97409
3.66	3.82	22¢	97410
3.83	4.00	23¢	97411

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of local tax is one half per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97422
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97423
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97424
<del>.16</del>	<del>.17</del>	<del>1¢</del>	97425
<del>.18</del>	<del>.34</del>	<del>2¢</del>	97426
<del>.35</del>	<del>.50</del>	<del>3¢</del>	97427
<del>.51</del>	<del>.67</del>	<del>4¢</del>	97428
<del>.68</del>	<del>.83</del>	<del>5¢</del>	97429
<del>.84</del>	<del>1.00</del>	<del>6¢</del>	97430
<del>If the price exceeds one dollar, the tax is six cents on each</del>			97431
<del>one dollar. If the price exceeds one dollar or a multiple thereof</del>			97432
<del>by not more than seventeen cents, the amount of tax is six cents</del>			97433
<del>for each one dollar plus one cent. If the price exceeds one dollar</del>			97434
<del>or a multiple thereof by more than seventeen cents, the amount of</del>			97435
<del>tax is six cents for each one dollar plus the amount of tax for</del>			97436
<del>prices eighteen cents through ninety nine cents in accordance with</del>			97437
<del>the schedule above.</del>			97438
<del>(3) When the combined rate of local tax is three fourths per</del>			97439
<del>cent.</del>			97440
<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97441
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97442
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97443
<del>.16</del>	<del>.16</del>	<del>1¢</del>	97444
<del>.17</del>	<del>.32</del>	<del>2¢</del>	97445
<del>.33</del>	<del>.48</del>	<del>3¢</del>	97446
<del>.49</del>	<del>.64</del>	<del>4¢</del>	97447
<del>.65</del>	<del>.80</del>	<del>5¢</del>	97448
<del>.81</del>	<del>.96</del>	<del>6¢</del>	97449
<del>.97</del>	<del>1.12</del>	<del>7¢</del>	97450
<del>1.13</del>	<del>1.28</del>	<del>8¢</del>	97451
<del>1.29</del>	<del>1.44</del>	<del>9¢</del>	97452
<del>1.45</del>	<del>1.60</del>	<del>10¢</del>	97453



<del>1.61</del>	<del>1.76</del>	<del>11¢</del>	97454
<del>1.77</del>	<del>1.92</del>	<del>12¢</del>	97455
<del>1.93</del>	<del>2.08</del>	<del>13¢</del>	97456
<del>2.09</del>	<del>2.24</del>	<del>14¢</del>	97457
<del>2.25</del>	<del>2.40</del>	<del>15¢</del>	97458
<del>2.41</del>	<del>2.56</del>	<del>16¢</del>	97459
<del>2.57</del>	<del>2.72</del>	<del>17¢</del>	97460
<del>2.73</del>	<del>2.88</del>	<del>18¢</del>	97461
<del>2.89</del>	<del>3.04</del>	<del>19¢</del>	97462
<del>3.05</del>	<del>3.20</del>	<del>20¢</del>	97463
<del>3.21</del>	<del>3.36</del>	<del>21¢</del>	97464
<del>3.37</del>	<del>3.52</del>	<del>22¢</del>	97465
<del>3.53</del>	<del>3.68</del>	<del>23¢</del>	97466
<del>3.69</del>	<del>3.84</del>	<del>24¢</del>	97467
<del>3.85</del>	<del>4.00</del>	<del>25¢</del>	97468

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of local tax is one per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97479
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97480
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97481
<del>.16</del>	<del>.30</del>	<del>2¢</del>	97482
<del>.31</del>	<del>.46</del>	<del>3¢</del>	97483
<del>.47</del>	<del>.61</del>	<del>4¢</del>	97484
<del>.62</del>	<del>.76</del>	<del>5¢</del>	97485

<del>.77</del>	<del>.92</del>	<del>6¢</del>	97486
<del>.93</del>	<del>1.07</del>	<del>7¢</del>	97487
<del>1.08</del>	<del>1.23</del>	<del>8¢</del>	97488
<del>1.24</del>	<del>1.38</del>	<del>9¢</del>	97489
<del>1.39</del>	<del>1.53</del>	<del>10¢</del>	97490
<del>1.54</del>	<del>1.69</del>	<del>11¢</del>	97491
<del>1.70</del>	<del>1.84</del>	<del>12¢</del>	97492
<del>1.85</del>	<del>2.00</del>	<del>13¢</del>	97493

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97504
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97505
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97506
<del>.16</del>	<del>.29</del>	<del>2¢</del>	97507
<del>.30</del>	<del>.44</del>	<del>3¢</del>	97508
<del>.45</del>	<del>.59</del>	<del>4¢</del>	97509
<del>.60</del>	<del>.74</del>	<del>5¢</del>	97510
<del>.75</del>	<del>.88</del>	<del>6¢</del>	97511
<del>.89</del>	<del>1.03</del>	<del>7¢</del>	97512
<del>1.04</del>	<del>1.18</del>	<del>8¢</del>	97513
<del>1.19</del>	<del>1.33</del>	<del>9¢</del>	97514
<del>1.34</del>	<del>1.48</del>	<del>10¢</del>	97515
<del>1.49</del>	<del>1.62</del>	<del>11¢</del>	97516
<del>1.63</del>	<del>1.77</del>	<del>12¢</del>	97517

<del>1.78</del>	<del>1.92</del>	<del>13¢</del>	97518
<del>1.93</del>	<del>2.07</del>	<del>14¢</del>	97519
<del>2.08</del>	<del>2.22</del>	<del>15¢</del>	97520
<del>2.23</del>	<del>2.37</del>	<del>16¢</del>	97521
<del>2.38</del>	<del>2.51</del>	<del>17¢</del>	97522
<del>2.52</del>	<del>2.66</del>	<del>18¢</del>	97523
<del>2.67</del>	<del>2.81</del>	<del>19¢</del>	97524
<del>2.82</del>	<del>2.96</del>	<del>20¢</del>	97525
<del>2.97</del>	<del>3.11</del>	<del>21¢</del>	97526
<del>3.12</del>	<del>3.25</del>	<del>22¢</del>	97527
<del>3.26</del>	<del>3.40</del>	<del>23¢</del>	97528
<del>3.41</del>	<del>3.55</del>	<del>24¢</del>	97529
<del>3.56</del>	<del>3.70</del>	<del>25¢</del>	97530
<del>3.71</del>	<del>3.85</del>	<del>26¢</del>	97531
<del>3.86</del>	<del>4.00</del>	<del>27¢</del>	97532

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97547
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97548
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97549

<del>.16</del>	<del>.28</del>	<del>2¢</del>	97550
<del>.29</del>	<del>.42</del>	<del>3¢</del>	97551
<del>.43</del>	<del>.57</del>	<del>4¢</del>	97552
<del>.58</del>	<del>.71</del>	<del>5¢</del>	97553
<del>.72</del>	<del>.85</del>	<del>6¢</del>	97554
<del>.86</del>	<del>1.00</del>	<del>7¢</del>	97555

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three fourths per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97566
<del>.16</del>	<del>.27</del>	<del>2¢</del>	97569
<del>.28</del>	<del>.41</del>	<del>3¢</del>	97570
<del>.42</del>	<del>.55</del>	<del>4¢</del>	97571
<del>.56</del>	<del>.68</del>	<del>5¢</del>	97572
<del>.69</del>	<del>.82</del>	<del>6¢</del>	97573
<del>.83</del>	<del>.96</del>	<del>7¢</del>	97574
<del>.97</del>	<del>1.10</del>	<del>8¢</del>	97575
<del>1.11</del>	<del>1.24</del>	<del>9¢</del>	97576
<del>1.25</del>	<del>1.37</del>	<del>10¢</del>	97577
<del>1.38</del>	<del>1.51</del>	<del>11¢</del>	97578
<del>1.52</del>	<del>1.65</del>	<del>12¢</del>	97579
<del>1.66</del>	<del>1.79</del>	<del>13¢</del>	97580
<del>1.80</del>	<del>1.93</del>	<del>14¢</del>	97581

1.94	2.06	15¢	97582
2.07	2.20	16¢	97583
2.21	2.34	17¢	97584
2.35	2.48	18¢	97585
2.49	2.62	19¢	97586
2.63	2.75	20¢	97587
2.76	2.89	21¢	97588
2.90	3.03	22¢	97589
3.04	3.17	23¢	97590
3.18	3.31	24¢	97591
3.32	3.44	25¢	97592
3.45	3.58	26¢	97593
3.59	3.72	27¢	97594
3.73	3.86	28¢	97595
3.87	4.00	29¢	97596

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of local tax is two per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97609
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97610
<del>\$ .01</del>	<del>\$ .15</del>	<del>No tax</del>	97611
<del>.16</del>	<del>.26</del>	<del>2¢</del>	97612

<del>.27</del>	<del>.40</del>	<del>3¢</del>	97614
<del>.41</del>	<del>.53</del>	<del>4¢</del>	97615
<del>.54</del>	<del>.65</del>	<del>5¢</del>	97616
<del>.66</del>	<del>.80</del>	<del>6¢</del>	97617
<del>.81</del>	<del>.93</del>	<del>7¢</del>	97618
<del>.94</del>	<del>1.06</del>	<del>8¢</del>	97619
<del>1.07</del>	<del>1.20</del>	<del>9¢</del>	97620
<del>1.21</del>	<del>1.33</del>	<del>10¢</del>	97621
<del>1.34</del>	<del>1.46</del>	<del>11¢</del>	97622
<del>1.47</del>	<del>1.60</del>	<del>12¢</del>	97623
<del>1.61</del>	<del>1.73</del>	<del>13¢</del>	97624
<del>1.74</del>	<del>1.86</del>	<del>14¢</del>	97625
<del>1.87</del>	<del>2.00</del>	<del>15¢</del>	97626

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97637
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97638
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97639
<del>.16</del>	<del>.25</del>	<del>2¢</del>	97640
<del>.26</del>	<del>.38</del>	<del>3¢</del>	97641
<del>.39</del>	<del>.51</del>	<del>4¢</del>	97642
<del>.52</del>	<del>.64</del>	<del>5¢</del>	97643
<del>.65</del>	<del>.77</del>	<del>6¢</del>	97644
<del>.78</del>	<del>.90</del>	<del>7¢</del>	97645

<del>.91</del>	<del>1.03</del>	<del>8¢</del>	97646
<del>1.04</del>	<del>1.16</del>	<del>9¢</del>	97647
<del>1.17</del>	<del>1.29</del>	<del>10¢</del>	97648
<del>1.30</del>	<del>1.41</del>	<del>11¢</del>	97649
<del>1.42</del>	<del>1.54</del>	<del>12¢</del>	97650
<del>1.55</del>	<del>1.67</del>	<del>13¢</del>	97651
<del>1.68</del>	<del>1.80</del>	<del>14¢</del>	97652
<del>1.81</del>	<del>1.93</del>	<del>15¢</del>	97653
<del>1.94</del>	<del>2.06</del>	<del>16¢</del>	97654
<del>2.07</del>	<del>2.19</del>	<del>17¢</del>	97655
<del>2.20</del>	<del>2.32</del>	<del>18¢</del>	97656
<del>2.33</del>	<del>2.45</del>	<del>19¢</del>	97657
<del>2.46</del>	<del>2.58</del>	<del>20¢</del>	97658
<del>2.59</del>	<del>2.70</del>	<del>21¢</del>	97659
<del>2.71</del>	<del>2.83</del>	<del>22¢</del>	97660
<del>2.84</del>	<del>2.96</del>	<del>23¢</del>	97661
<del>2.97</del>	<del>3.09</del>	<del>24¢</del>	97662
<del>3.10</del>	<del>3.22</del>	<del>25¢</del>	97663
<del>3.23</del>	<del>3.35</del>	<del>26¢</del>	97664
<del>3.36</del>	<del>3.48</del>	<del>27¢</del>	97665
<del>3.49</del>	<del>3.61</del>	<del>28¢</del>	97666
<del>3.62</del>	<del>3.74</del>	<del>29¢</del>	97667
<del>3.75</del>	<del>3.87</del>	<del>30¢</del>	97668
<del>3.88</del>	<del>4.00</del>	<del>31¢</del>	97669

~~If the price exceeds four dollars, the tax is thirty one~~ 97670  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97671  
~~multiple thereof by not more than twelve cents, the amount of tax~~ 97672  
~~is thirty one cents for each four dollars plus one cent. If the~~ 97673  
~~price exceeds four dollars or a multiple thereof by more than~~ 97674  
~~twelve cents but not more than twenty five cents, the amount of~~ 97675  
~~tax is thirty one cents for each four dollars plus two cents. If~~ 97676  
~~the price exceeds four dollars or a multiple thereof by more than~~ 97677  
~~twenty five cents, the amount of tax is thirty one cents for each~~ 97678

~~four dollars plus the amount of tax for prices twenty six cents 97679  
through three dollars and ninety nine cents in accordance with the 97680  
schedule above. 97681~~

~~(10) When the combined rate of local tax is two and one half 97682  
per cent: 97683~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97684
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97685
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97686
<del>.16</del>	<del>.25</del>	<del>2¢</del>	97687
<del>.26</del>	<del>.37</del>	<del>3¢</del>	97688
<del>.38</del>	<del>.50</del>	<del>4¢</del>	97689
<del>.51</del>	<del>.62</del>	<del>5¢</del>	97690
<del>.63</del>	<del>.75</del>	<del>6¢</del>	97691
<del>.76</del>	<del>.87</del>	<del>7¢</del>	97692
<del>.88</del>	<del>1.00</del>	<del>8¢</del>	97693

~~If the price exceeds one dollar, the tax is eight cents on 97694  
each one dollar. If the price exceeds one dollar or a multiple 97695  
thereof by not more than twelve cents, the amount of tax is eight 97696  
cents for each one dollar plus one cent. If the price exceeds one 97697  
dollar or a multiple thereof by more than twelve cents but not 97698  
more than twenty five cents, the amount of tax is eight cents for 97699  
each one dollar plus two cents. If the price exceeds one dollar or 97700  
a multiple thereof by more than twenty five cents, the amount of 97701  
tax is eight cents for each one dollar plus the amount of tax for 97702  
prices twenty six cents through ninety nine cents in accordance 97703  
with the schedule above. 97704~~

~~(11) When the combined rate of local tax is two and 97705  
three fourths per cent: 97706~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	97707
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	97708
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97709
<del>.16</del>	<del>.24</del>	<del>2¢</del>	97710



<del>.25</del>	<del>.36</del>	<del>3¢</del>	97711
<del>.37</del>	<del>.48</del>	<del>4¢</del>	97712
<del>.49</del>	<del>.60</del>	<del>5¢</del>	97713
<del>.61</del>	<del>.72</del>	<del>6¢</del>	97714
<del>.73</del>	<del>.84</del>	<del>7¢</del>	97715
<del>.85</del>	<del>.96</del>	<del>8¢</del>	97716
<del>.97</del>	<del>1.09</del>	<del>9¢</del>	97717
<del>1.10</del>	<del>1.21</del>	<del>10¢</del>	97718
<del>1.22</del>	<del>1.33</del>	<del>11¢</del>	97719
<del>1.34</del>	<del>1.45</del>	<del>12¢</del>	97720
<del>1.46</del>	<del>1.57</del>	<del>13¢</del>	97721
<del>1.58</del>	<del>1.69</del>	<del>14¢</del>	97722
<del>1.70</del>	<del>1.81</del>	<del>15¢</del>	97723
<del>1.82</del>	<del>1.93</del>	<del>16¢</del>	97724
<del>1.94</del>	<del>2.06</del>	<del>17¢</del>	97725
<del>2.07</del>	<del>2.18</del>	<del>18¢</del>	97726
<del>2.19</del>	<del>2.30</del>	<del>19¢</del>	97727
<del>2.31</del>	<del>2.42</del>	<del>20¢</del>	97728
<del>2.43</del>	<del>2.54</del>	<del>21¢</del>	97729
<del>2.55</del>	<del>2.66</del>	<del>22¢</del>	97730
<del>2.67</del>	<del>2.78</del>	<del>23¢</del>	97731
<del>2.79</del>	<del>2.90</del>	<del>24¢</del>	97732
<del>2.91</del>	<del>3.03</del>	<del>25¢</del>	97733
<del>3.04</del>	<del>3.15</del>	<del>26¢</del>	97734
<del>3.16</del>	<del>3.27</del>	<del>27¢</del>	97735
<del>3.28</del>	<del>3.39</del>	<del>28¢</del>	97736
<del>3.40</del>	<del>3.51</del>	<del>29¢</del>	97737
<del>3.52</del>	<del>3.63</del>	<del>30¢</del>	97738
<del>3.64</del>	<del>3.75</del>	<del>31¢</del>	97739
<del>3.76</del>	<del>3.87</del>	<del>32¢</del>	97740
<del>3.88</del>	<del>4.00</del>	<del>33¢</del>	97741
<del>If the price exceeds four dollars, the tax is thirty three</del>			97742
<del>cents on each four dollars. If the price exceeds four dollars or a</del>			97743

~~multiple thereof by not more than eleven cents, the amount of tax 97744  
is thirty three cents for each four dollars plus one cent. If the 97745  
price exceeds four dollars or a multiple thereof by more than 97746  
eleven cents but not more than twenty four cents, the amount of 97747  
tax is thirty three cents for each four dollars plus two cents. If 97748  
the price exceeds four dollars or a multiple thereof by more than 97749  
twenty four cents, the amount of tax is thirty three cents for 97750  
each four dollars plus the amount of tax for prices twenty six 97751  
cents through three dollars and ninety nine cents in accordance 97752  
with the schedule above. 97753~~

~~(12) When the combined rate of local tax is three per cent: 97754~~

<del>If the price</del>	<del>But not</del>	<del>The amount</del>	
<del>is at least</del>	<del>more than</del>	<del>of the tax is</del>	
<del>\$.01</del>	<del>\$.15</del>	<del>No tax</del>	97757
<del>.16</del>	<del>.23</del>	<del>2¢</del>	97758
<del>.24</del>	<del>.35</del>	<del>3¢</del>	97759
<del>.36</del>	<del>.47</del>	<del>4¢</del>	97760
<del>.48</del>	<del>.58</del>	<del>5¢</del>	97761
<del>.59</del>	<del>.70</del>	<del>6¢</del>	97762
<del>.71</del>	<del>.82</del>	<del>7¢</del>	97763
<del>.83</del>	<del>.94</del>	<del>8¢</del>	97764
<del>.95</del>	<del>1.05</del>	<del>9¢</del>	97765
<del>1.06</del>	<del>1.17</del>	<del>10¢</del>	97766
<del>1.18</del>	<del>1.29</del>	<del>11¢</del>	97767
<del>1.30</del>	<del>1.41</del>	<del>12¢</del>	97768
<del>1.42</del>	<del>1.52</del>	<del>13¢</del>	97769
<del>1.53</del>	<del>1.64</del>	<del>14¢</del>	97770
<del>1.65</del>	<del>1.76</del>	<del>15¢</del>	97771
<del>1.77</del>	<del>1.88</del>	<del>16¢</del>	97772
<del>1.89</del>	<del>2.00</del>	<del>17¢</del>	97773

~~If the price exceeds two dollars, the tax is seventeen cents 97774  
on each two dollars. If the price exceeds two dollars or a 97775~~

~~multiple thereof by not more than eleven cents, the amount of tax 97776  
is seventeen cents for each two dollars plus one cent. If the 97777  
price exceeds two dollars or a multiple thereof by more than 97778  
eleven cents but not more than twenty three cents, the amount of 97779  
tax is seventeen cents for each two dollars plus two cents. If the 97780  
price exceeds two dollars or a multiple thereof by more than 97781  
twenty three cents, the amount of tax is seventeen cents for each 97782  
two dollars plus the amount of tax for prices twenty four cents 97783  
through one dollar and ninety nine cents in accordance with the 97784  
schedule above. 97785~~

~~(D) In lieu of collecting the tax pursuant to the schedules 97786  
set forth in divisions (A), (B), and (C) of this section, a vendor 97787  
may compute the tax on each sale as follows: 97788~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 97789~~

~~(2) On sales in excess of fifteen cents, multiply the price 97790  
by the aggregate rate of taxes in effect under sections 5739.02 97791  
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 97792  
5741.022, and 5741.023 of the Revised Code. The computation shall 97793  
be carried out to six decimal places. If the result is a 97794  
fractional amount of a cent, the calculated tax shall be increased 97795  
to the next highest cent and that amount shall be collected by the 97796  
vendor. 97797~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 97798  
compute the tax on each sale by multiplying the price by the 97799  
aggregate rate of taxes in effect under sections 5739.02 and 97800  
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 97801  
5741.022, and 5741.023 of the Revised Code. The computation shall 97802  
be carried out to three decimal places. If the result is a 97803  
fractional amount of a cent, the calculated tax shall be rounded 97804  
to a whole cent using a method that rounds up to the next cent 97805  
whenever the third decimal place is greater than four. A vendor 97806  
may elect to compute the tax due on a transaction on an item or an 97807~~

invoice basis. 97808

~~(F)~~(B) In auditing a vendor, the tax commissioner shall 97809  
consider the method prescribed by this section that was used by 97810  
the vendor in determining and collecting the tax due under this 97811  
chapter on taxable transactions. If the vendor correctly collects 97812  
and remits the tax due under this chapter in accordance with the 97813  
~~schedules in divisions (A), (B), and (C) of this section or in~~ 97814  
~~accordance with the~~ computation prescribed in division ~~(D) or (E)~~ 97815  
(A) of this section, the commissioner shall not assess any 97816  
additional tax on those transactions. 97817

~~(G)~~(C)(1) With respect to a sale of a fractional ownership 97818  
program aircraft used primarily in a fractional aircraft ownership 97819  
program, including all accessories attached to such aircraft, the 97820  
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 97821  
of this section, provided that the tax commissioner shall modify 97822  
those calculations so that the maximum tax on each program 97823  
aircraft is eight hundred dollars. In the case of a sale of a 97824  
fractional interest that is less than one hundred per cent of the 97825  
program aircraft, the tax charged on the transaction shall be 97826  
eight hundred dollars multiplied by a fraction, the numerator of 97827  
which is the percentage of ownership or possession in the aircraft 97828  
being purchased in the transaction, and the denominator of which 97829  
is one hundred per cent. 97830

(2) Notwithstanding any other provision of law to the 97831  
contrary, the tax calculated under division ~~(G)~~(C)(1) of this 97832  
section and paid with respect to the sale of a fractional 97833  
ownership program aircraft used primarily in a fractional aircraft 97834  
ownership program shall be credited to the general revenue fund. 97835

**Sec. 5739.026.** (A) A board of county commissioners may levy a 97836  
tax ~~of one fourth or one half of one per cent~~ on every retail sale 97837  
in the county, except sales of watercraft and outboard motors 97838

required to be titled pursuant to Chapter 1548. of the Revised 97839  
Code and sales of motor vehicles, at a rate of not more than 97840  
one-half of one per cent at any multiple of one-twentieth of one 97841  
per cent and may increase an existing rate of ~~one-fourth of one~~ 97842  
~~per cent~~ tax to not more than one-half of one per cent at any 97843  
multiple of one-twentieth of one per cent, to pay the expenses of 97844  
administering the tax and, except as provided in division (A)(6) 97845  
of this section, for any one or more of the following purposes 97846  
provided that the aggregate levy for all such purposes does not 97847  
exceed one-half of one per cent: 97848

(1) To provide additional revenues for the payment of bonds 97849  
or notes issued in anticipation of bonds issued by a convention 97850  
facilities authority established by the board of county 97851  
commissioners under Chapter 351. of the Revised Code and to 97852  
provide additional operating revenues for the convention 97853  
facilities authority; 97854

(2) To provide additional revenues for a transit authority 97855  
operating in the county; 97856

(3) To provide additional revenue for the county's general 97857  
fund; 97858

(4) To provide additional revenue for permanent improvements 97859  
~~within the county~~ to be distributed by the community improvements 97860  
board in accordance with section 307.283 and to pay principal, 97861  
interest, and premium on bonds issued under section 307.284 of the 97862  
Revised Code; 97863

(5) To provide additional revenue for the acquisition, 97864  
construction, equipping, or repair of any specific permanent 97865  
improvement or any class or group of permanent improvements, which 97866  
improvement or class or group of improvements shall be enumerated 97867  
in the resolution required by division (D) of this section, and to 97868  
pay principal, interest, premium, and other costs associated with 97869

the issuance of bonds or notes in anticipation of bonds issued 97870  
pursuant to Chapter 133. of the Revised Code for the acquisition, 97871  
construction, equipping, or repair of the specific permanent 97872  
improvement or class or group of permanent improvements; 97873

(6) To provide revenue for the implementation and operation 97874  
of a 9-1-1 system in the county. If the tax is levied or the rate 97875  
increased exclusively for such purpose, the tax shall not be 97876  
levied or the rate increased for more than five years. At the end 97877  
of the last year the tax is levied or the rate increased, any 97878  
balance remaining in the special fund established for such purpose 97879  
shall remain in that fund and be used exclusively for such purpose 97880  
until the fund is completely expended, and, notwithstanding 97881  
section 5705.16 of the Revised Code, the board of county 97882  
commissioners shall not petition for the transfer of money from 97883  
such special fund, and the tax commissioner shall not approve such 97884  
a petition. 97885

If the tax is levied or the rate increased for such purpose 97886  
for more than five years, the board of county commissioners also 97887  
shall levy the tax or increase the rate of the tax for one or more 97888  
of the purposes described in divisions (A)(1) to (5) of this 97889  
section and shall prescribe the method for allocating the revenues 97890  
from the tax each year in the manner required by division (C) of 97891  
this section. 97892

(7) To provide additional revenue for the operation or 97893  
maintenance of a detention facility, as that term is defined under 97894  
division (F) of section 2921.01 of the Revised Code; 97895

(8) To provide revenue to finance the construction or 97896  
renovation of a sports facility, but only if the tax is levied for 97897  
that purpose in the manner prescribed by section 5739.028 of the 97898  
Revised Code. 97899

As used in division (A)(8) of this section: 97900

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 97901  
97902

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 97903  
97904

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 97905  
97906  
97907  
97908  
97909  
97910

(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 97911  
97912

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 97913  
97914  
97915  
97916

(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 97917  
97918  
97919

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 97920  
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97922  
97923  
97924

The rate of tax shall be a multiple of ~~one-fourth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a 97925  
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multiple of ~~one-fourth~~ one-twentieth of one per cent. The tax 97932  
shall be levied and the rate increased pursuant to a resolution 97933  
adopted by a majority of the members of the board. The board shall 97934  
deliver a certified copy of the resolution to the tax 97935  
commissioner, not later than the sixty-fifth day prior to the date 97936  
on which the tax is to become effective, which shall be the first 97937  
day of a calendar quarter. 97938

Prior to the adoption of any resolution to levy the tax or to 97939  
increase the rate of tax exclusively for the purpose set forth in 97940  
division (A)(3) of this section, the board of county commissioners 97941  
shall conduct two public hearings on the resolution, the second 97942  
hearing to be no fewer than three nor more than ten days after the 97943  
first. Notice of the date, time, and place of the hearings shall 97944  
be given by publication in a newspaper of general circulation in 97945  
the county, or as provided in section 7.16 of the Revised Code, 97946  
once a week on the same day of the week for two consecutive weeks. 97947  
The second publication shall be no fewer than ten nor more than 97948  
thirty days prior to the first hearing. Except as provided in 97949  
division (E) of this section, the resolution shall be subject to a 97950  
referendum as provided in sections 305.31 to 305.41 of the Revised 97951  
Code. If the resolution is adopted as an emergency measure 97952  
necessary for the immediate preservation of the public peace, 97953  
health, or safety, it must receive an affirmative vote of all of 97954  
the members of the board of county commissioners and shall state 97955  
the reasons for the necessity. 97956

If the tax is for more than one of the purposes set forth in 97957  
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 97958  
or is exclusively for one of the purposes set forth in division 97959  
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 97960  
section, the resolution shall not go into effect unless it is 97961  
approved by a majority of the electors voting on the question of 97962  
the tax. 97963



(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and (12) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate 98028  
of tax shall state the rate of the tax or the rate of the 98029  
increase; the purpose or purposes for which it is to be levied; 98030  
the number of years for which it is to be levied or that it is for 98031  
a continuing period of time; the allocation method required by 98032  
division (C) of this section; and if required to be submitted to 98033  
the electors of the county under division (A) of this section, the 98034  
date of the election at which the proposal shall be submitted to 98035  
the electors of the county, which shall be not less than ninety 98036  
days after the certification of a copy of the resolution to the 98037  
board of elections and, if the tax is to be levied exclusively for 98038  
the purpose set forth in division (A)(3) of this section, shall 98039  
not occur in August of any year. Upon certification of the 98040  
resolution to the board of elections, the board of county 98041  
commissioners shall notify the tax commissioner in writing of the 98042  
levy question to be submitted to the electors. If approved by a 98043  
majority of the electors, the tax shall become effective on the 98044  
first day of a calendar quarter next following the sixty-fifth day 98045  
following the date the board of county commissioners and tax 98046  
commissioner receive from the board of elections the certification 98047  
of the results of the election, except as provided in division (E) 98048  
of this section. 98049

(2)(a) A resolution specifying that the tax is to be used 98050  
exclusively for the purpose set forth in division (A)(3) of this 98051  
section that is not adopted as an emergency measure may direct the 98052  
board of elections to submit the question of levying the tax or 98053  
increasing the rate of the tax to the electors of the county at a 98054  
special election held on the date specified by the board of county 98055  
commissioners in the resolution, provided that the election occurs 98056  
not less than ninety days after the resolution is certified to the 98057  
board of elections and the election is not held in August of any 98058  
year. Upon certification of the resolution to the board of 98059  
elections, the board of county commissioners shall notify the tax 98060

commissioner in writing of the levy question to be submitted to 98061  
the electors. No resolution adopted under division (D)(2)(a) of 98062  
this section shall go into effect unless approved by a majority of 98063  
those voting upon it and, except as provided in division (E) of 98064  
this section, not until the first day of a calendar quarter 98065  
following the expiration of sixty-five days from the date the tax 98066  
commissioner receives notice from the board of elections of the 98067  
affirmative vote. 98068

(b) A resolution specifying that the tax is to be used 98069  
exclusively for the purpose set forth in division (A)(3) of this 98070  
section that is adopted as an emergency measure shall become 98071  
effective as provided in division (A) of this section, but may 98072  
direct the board of elections to submit the question of repealing 98073  
the tax or increase in the rate of the tax to the electors of the 98074  
county at the next general election in the county occurring not 98075  
less than ninety days after the resolution is certified to the 98076  
board of elections. Upon certification of the resolution to the 98077  
board of elections, the board of county commissioners shall notify 98078  
the tax commissioner in writing of the levy question to be 98079  
submitted to the electors. The ballot question shall be the same 98080  
as that prescribed in section 5739.022 of the Revised Code. The 98081  
board of elections shall notify the board of county commissioners 98082  
and the tax commissioner of the result of the election immediately 98083  
after the result has been declared. If a majority of the qualified 98084  
electors voting on the question of repealing the tax or increase 98085  
in the rate of the tax vote for repeal of the tax or repeal of the 98086  
increase, the board of county commissioners, on the first day of a 98087  
calendar quarter following the expiration of sixty-five days after 98088  
the date the board and tax commissioner received notice of the 98089  
result of the election, shall, in the case of a repeal of the tax, 98090  
cease to levy the tax, or, in the case of a repeal of an increase 98091  
in the rate of the tax, cease to levy the increased rate and levy 98092  
the tax at the rate at which it was imposed immediately prior to 98093

the increase in rate. 98094

(c) A board of county commissioners, by resolution, may 98095  
reduce the rate of a tax levied exclusively for the purpose set 98096  
forth in division (A)(3) of this section to a lower rate 98097  
authorized by this section. Any such reduction shall be made 98098  
effective on the first day of the calendar quarter next following 98099  
the sixty-fifth day after the tax commissioner receives a 98100  
certified copy of the resolution from the board. 98101

(E) If a vendor makes a sale in this state by printed catalog 98102  
and the consumer computed the tax on the sale based on local rates 98103  
published in the catalog, any tax levied or repealed or rate 98104  
changed under this section shall not apply to such a sale until 98105  
the first day of a calendar quarter following the expiration of 98106  
one hundred twenty days from the date of notice by the tax 98107  
commissioner pursuant to division (G) of this section. 98108

(F) The tax levied pursuant to this section shall be in 98109  
addition to the tax levied by section 5739.02 of the Revised Code 98110  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 98111  
Revised Code. 98112

A county that levies a tax pursuant to this section shall 98113  
levy a tax at the same rate pursuant to section 5741.023 of the 98114  
Revised Code. 98115

The additional tax levied by the county shall be collected 98116  
pursuant to section 5739.025 of the Revised Code. 98117

Any tax levied pursuant to this section is subject to the 98118  
exemptions provided in section 5739.02 of the Revised Code and in 98119  
addition shall not be applicable to sales not within the taxing 98120  
power of a county under the Constitution of the United States or 98121  
the Ohio Constitution. 98122

(G) Upon receipt from a board of county commissioners of a 98123  
certified copy of a resolution required by division (A) of this 98124

section, or from the board of elections a notice of the results of 98125  
an election required by division (D)(1), (2)(a), (b), or (c) of 98126  
this section, the tax commissioner shall provide notice of a tax 98127  
rate change in a manner that is reasonably accessible to all 98128  
affected vendors. The commissioner shall provide this notice at 98129  
least sixty days prior to the effective date of the rate change. 98130  
The commissioner, by rule, may establish the method by which 98131  
notice will be provided. 98132

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 98133  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 98134  
the sum of the taxes imposed pursuant to those sections at the 98135  
sourcing location of the sale as determined under this section or, 98136  
if applicable, under division (C) of section 5739.031 or section 98137  
5739.034 of the Revised Code. This section applies only to a 98138  
vendor's or seller's obligation to collect and remit sales taxes 98139  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 98140  
Revised Code or use taxes under section 5741.02, 5741.021, 98141  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 98142  
section does not apply in determining the jurisdiction for which 98143  
sellers are required to collect the use tax under section 5741.05 98144  
of the Revised Code. This section does not affect the obligation 98145  
of a consumer to remit use taxes on the storage, use, or other 98146  
consumption of tangible personal property or on the benefit 98147  
realized of any service provided, to the jurisdiction of that 98148  
storage, use, or consumption, or benefit realized. 98149

(B)(1) Beginning January 1, 2010, retail sales, excluding the 98150  
lease or rental, of tangible personal property or digital goods 98151  
shall be sourced to the location where the vendor receives an 98152  
order for the sale of such property or goods if: 98153

(a) The vendor receives the order in this state and the 98154  
consumer receives the property or goods in this state; 98155

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this section; and

(c) The record-keeping system used by the vendor to calculate the tax imposed captures the location where the order is received at the time the order is received.

(2) A consumer has no additional liability to this state under this chapter or Chapter 5741. of the Revised Code for tax, penalty, or interest on a sale for which the consumer remits tax to the vendor in the amount invoiced by the vendor if the invoice amount is calculated at either the rate applicable to the location where the consumer receives the property or digital good or at the rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or

digital good is shipped shall not be used to determine the 98188  
location where the order is received by the vendor. 98189

(4) For the purposes of division (B) of this section, if 98190  
services subject to taxation under this chapter or Chapter 5741. 98191  
of the Revised Code are sold with tangible personal property or 98192  
digital goods pursuant to a single contract or in the same 98193  
transaction, the services are billed on the same billing statement 98194  
or invoice, and, because of the application of division (B) of 98195  
this section, the transaction would be sourced to more than one 98196  
jurisdiction, the situs of the transaction shall be the location 98197  
where the order is received by or on behalf of the vendor. 98198

(C) Except for sales, other than leases, of titled motor 98199  
vehicles, titled watercraft, or titled outboard motors as provided 98200  
in section 5741.05 of the Revised Code, or as otherwise provided 98201  
in this section and section 5739.034 of the Revised Code, all 98202  
sales shall be sourced as follows: 98203

(1) If the consumer or a donee designated by the consumer 98204  
receives tangible personal property or a service at a vendor's 98205  
place of business, the sale shall be sourced to that place of 98206  
business. 98207

(2) When the tangible personal property or service is not 98208  
received at a vendor's place of business, the sale shall be 98209  
sourced to the location known to the vendor where the consumer or 98210  
the donee designated by the consumer receives the tangible 98211  
personal property or service, including the location indicated by 98212  
instructions for delivery to the consumer or the consumer's donee. 98213

(3) If divisions (C)(1) and (2) of this section do not apply, 98214  
the sale shall be sourced to the location indicated by an address 98215  
for the consumer that is available from the vendor's business 98216  
records that are maintained in the ordinary course of the vendor's 98217  
business, when use of that address does not constitute bad faith. 98218



(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad

faith, the vendor is relieved of any further obligation to collect 98283  
tax on any transaction where the vendor has collected tax pursuant 98284  
to the information certified by the business consumer. 98285

(3) When the vendor knows that the digital good, computer 98286  
software, or service will be concurrently available for use in 98287  
more than one jurisdiction, and the business consumer does not 98288  
have a direct pay permit and does not provide to the vendor an 98289  
exemption certificate claiming multiple points of use as required 98290  
in division (D)(1) of this section, or certification pursuant to 98291  
division (D)(2) of this section, the vendor shall collect and 98292  
remit the tax based on division (C) of this section. 98293

(4) Nothing in this section shall limit a person's obligation 98294  
for sales or use tax to any state in which a digital good, 98295  
computer software, or service is concurrently available for use, 98296  
nor limit a person's ability under local, state, or federal law, 98297  
to claim a credit for sales or use taxes legally due and paid to 98298  
other jurisdictions. 98299

(E) A person who holds a direct payment permit issued under 98300  
section 5739.031 of the Revised Code is not required to deliver an 98301  
exemption certificate claiming multiple points of use to a vendor. 98302  
But such permit holder shall comply with division (D)(2) of this 98303  
section in apportioning the tax due on a digital good, computer 98304  
software, or a service for use in business that will be 98305  
concurrently available for use in more than one taxing 98306  
jurisdiction. 98307

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 98308  
section, the consumer of advertising and promotional direct mail 98309  
or other direct mail that is not a holder of a direct payment 98310  
permit ~~shall~~ may provide to the vendor in conjunction with the 98311  
sale ~~either an a fully completed~~ exemption certificate claiming 98312  
direct mail prescribed by the tax commissioner, or, if the direct 98313  
mail is advertising and promotional direct mail, information to 98314

show the jurisdictions to which ~~the~~ that direct mail is delivered 98315  
to recipients. 98316

~~(2)~~ Upon (b) In the absence of bad faith, upon receipt of 98317  
such an exemption certificate, the vendor is relieved of all 98318  
obligations to collect, pay, or remit the applicable tax and the 98319  
consumer is obligated to pay that tax on a direct pay basis. An 98320  
exemption certificate claiming direct mail shall remain in effect 98321  
for all future sales of direct mail by the vendor to the consumer 98322  
until it is revoked in writing. 98323

~~(3)~~ (c) Upon receipt of information from the consumer showing 98324  
the jurisdictions to which ~~the~~ advertising and promotional direct 98325  
mail is delivered to recipients, the vendor shall collect the tax 98326  
according to the delivery information provided by the consumer. In 98327  
the absence of bad faith, the vendor is relieved of any further 98328  
obligation to collect tax on any transaction where the vendor has 98329  
collected tax pursuant to the delivery information provided by the 98330  
consumer. 98331

~~(4)~~ (d) If the consumer of advertising and promotional direct 98332  
mail or other direct mail does not have a direct payment permit 98333  
and does not provide the vendor with either an exemption 98334  
certificate claiming direct mail or, if applicable, delivery 98335  
information as required by division (F)(1)(a) of this section, the 98336  
vendor shall collect the tax according to division (C)(5) of this 98337  
section in the case of advertising and promotional direct mail or 98338  
division (C)(3) of this section in the case of other direct mail. 98339  
Nothing in division (F)~~(4)~~(1)~~(d)~~ of this section shall limit a 98340  
consumer's obligation to pay sales or use tax to any state to 98341  
which the direct mail is delivered. 98342

~~(5)~~ (e) If a consumer of advertising and promotional direct 98343  
mail or other direct mail provides the vendor with documentation 98344  
of direct payment authority, the consumer shall not be required to 98345  
provide an exemption certificate claiming direct mail or, if 98346

applicable, delivery information to the vendor. 98347

(2) As used in division (F) of this section: 98348

(a) "Direct mail" means printed material delivered or 98349  
distributed by United States mail or other delivery service to a 98350  
mass audience or to addressees on a mailing list provided by the 98351  
consumer or at the direction of the consumer when the cost of the 98352  
items are not billed directly to the recipients. "Direct mail" 98353  
includes tangible personal property supplied directly or 98354  
indirectly by the consumer to the direct mail vendor for inclusion 98355  
in the package containing the printed material. "Direct mail" does 98356  
not include multiple items of printed material delivered to a 98357  
single address. 98358

(b) "Advertising and promotional direct mail" means direct 98359  
mail, the primary purpose of which is to attract public attention 98360  
to a product, person, business, or organization, or to attempt to 98361  
sell, popularize, or secure financial support for a product, 98362  
person, business, or organization. As used in division (F)(2)(b) 98363  
of this section, "product" means tangible personal property, 98364  
whether transferred electronically or otherwise, or a service. 98365

(c) "Other direct mail" means direct mail that is not 98366  
advertising and promotional direct mail, regardless of whether 98367  
advertising and promotional direct mail is included in the same 98368  
mailing. "Other direct mail" includes all of the following: 98369

(i) Transactional direct mail that contains personal 98370  
information specific to the addressee, including invoices, bills, 98371  
statements of account, and payroll advices; 98372

(ii) Any legally required mailings, including privacy 98373  
notices, tax reports, and stockholder reports; 98374

(iii) Other nonpromotional direct mail delivered to existing 98375  
or former shareholders, customers, employees, or agents, including 98376  
newsletter and informational pieces. 98377

<u>"Other direct mail" does not include the development of</u>	98378
<u>billing information or the provision of any data processing</u>	98379
<u>service that is more than incidental.</u>	98380
(G) If the vendor provides lodging to transient guests as	98381
specified in division (B)(2) of section 5739.01 of the Revised	98382
Code, the sale shall be sourced to the location where the lodging	98383
is located.	98384
(H)(1) As used in this division and division (I) of this	98385
section, "transportation equipment" means any of the following:	98386
(a) Locomotives and railcars that are utilized for the	98387
carriage of persons or property in interstate commerce.	98388
(b) Trucks and truck-tractors with a gross vehicle weight	98389
rating of greater than ten thousand pounds, trailers,	98390
semi-trailers, or passenger buses that are registered through the	98391
international registration plan and are operated under authority	98392
of a carrier authorized and certificated by the United States	98393
department of transportation or another federal authority to	98394
engage in the carriage of persons or property in interstate	98395
commerce.	98396
(c) Aircraft that are operated by air carriers authorized and	98397
certificated by the United States department of transportation or	98398
another federal authority to engage in the carriage of persons or	98399
property in interstate or foreign commerce.	98400
(d) Containers designed for use on and component parts	98401
attached to or secured on the items set forth in division	98402
(H)(1)(a), (b), or (c) of this section.	98403
(2) A sale, lease, or rental of transportation equipment	98404
shall be sourced pursuant to division (C) of this section.	98405
(I)(1) A lease or rental of tangible personal property that	98406
does not require recurring periodic payments shall be sourced	98407

pursuant to division (C) of this section. 98408

(2) A lease or rental of tangible personal property that 98409  
requires recurring periodic payments shall be sourced as follows: 98410

(a) In the case of a motor vehicle, other than a motor 98411  
vehicle that is transportation equipment, or an aircraft, other 98412  
than an aircraft that is transportation equipment, such lease or 98413  
rental shall be sourced as follows: 98414

(i) An accelerated tax payment on a lease or rental taxed 98415  
pursuant to division (A)(2) of section 5739.02 of the Revised Code 98416  
shall be sourced to the primary property location at the time the 98417  
lease or rental is consummated. Any subsequent taxable charges on 98418  
the lease or rental shall be sourced to the primary property 98419  
location for the period in which the charges are incurred. 98420

(ii) For a lease or rental taxed pursuant to division (A)(3) 98421  
of section 5739.02 of the Revised Code, each lease or rental 98422  
installment shall be sourced to the primary property location for 98423  
the period covered by the installment. 98424

(b) In the case of a lease or rental of all other tangible 98425  
personal property, other than transportation equipment, such lease 98426  
or rental shall be sourced as follows: 98427

(i) An accelerated tax payment on a lease or rental that is 98428  
taxed pursuant to division (A)(2) of section 5739.02 of the 98429  
Revised Code shall be sourced pursuant to division (C) of this 98430  
section at the time the lease or rental is consummated. Any 98431  
subsequent taxable charges on the lease or rental shall be sourced 98432  
to the primary property location for the period in which the 98433  
charges are incurred. 98434

(ii) For a lease or rental that is taxed pursuant to division 98435  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 98436  
or rental installment shall be sourced pursuant to division (C) of 98437  
this section. Each subsequent installment shall be sourced to the 98438

primary property location for the period covered by the 98439  
installment. 98440

(3) As used in division (I) of this section, "primary 98441  
property location" means an address for tangible personal property 98442  
provided by the lessee or renter that is available to the lessor 98443  
or owner from its records maintained in the ordinary course of 98444  
business, when use of that address does not constitute bad faith. 98445

(J) If the vendor provides a service specified in division 98446  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 98447  
sale is the location of the enrollee for whom a medicaid health 98448  
insurance corporation receives managed care premiums. Such sales 98449  
shall be sourced to the locations of the enrollees in the same 98450  
proportion as the managed care premiums received by the medicaid 98451  
health insuring corporation on behalf of enrollees located in a 98452  
particular taxing jurisdiction in Ohio as compared to all managed 98453  
care premiums received by the medicaid health insuring 98454  
corporation. 98455

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 98456  
resolution adopted by a majority of the members of the board, levy 98457  
an excise tax not to exceed three per cent on transactions by 98458  
which lodging by a hotel is or is to be furnished to transient 98459  
guests. The board shall establish all regulations necessary to 98460  
provide for the administration and allocation of the tax. The 98461  
regulations may prescribe the time for payment of the tax, and may 98462  
provide for the imposition of a penalty or interest, or both, for 98463  
late payments, provided that the penalty does not exceed ten per 98464  
cent of the amount of tax due, and the rate at which interest 98465  
accrues does not exceed the rate per annum prescribed pursuant to 98466  
section 5703.47 of the Revised Code. Except as provided in 98467  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), 98468  
(11), and (12) of this section, the regulations shall provide, 98469



after deducting the real and actual costs of administering the 98470  
tax, for the return to each municipal corporation or township that 98471  
does not levy an excise tax on the transactions, a uniform 98472  
percentage of the tax collected in the municipal corporation or in 98473  
the unincorporated portion of the township from each transaction, 98474  
not to exceed thirty-three and one-third per cent. The remainder 98475  
of the revenue arising from the tax shall be deposited in a 98476  
separate fund and shall be spent solely to make contributions to 98477  
the convention and visitors' bureau operating within the county, 98478  
including a pledge and contribution of any portion of the 98479  
remainder pursuant to an agreement authorized by section 307.678 98480  
or 307.695 of the Revised Code, provided that if the board of 98481  
county commissioners of an eligible county as defined in section 98482  
307.678 or 307.695 of the Revised Code adopts a resolution 98483  
amending a resolution levying a tax under this division to provide 98484  
that revenue from the tax shall be used by the board as described 98485  
in either division (D) of section 307.678 or division (H) of 98486  
section 307.695 of the Revised Code, the remainder of the revenue 98487  
shall be used as described in the resolution making that 98488  
amendment. Except as provided in division (A)(2), (3), (4), (5), 98489  
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 98490  
and after May 10, 1994, a board of county commissioners may not 98491  
levy an excise tax pursuant to this division in any municipal 98492  
corporation or township located wholly or partly within the county 98493  
that has in effect an ordinance or resolution levying an excise 98494  
tax pursuant to division (B) of this section. The board of a 98495  
county that has levied a tax under division (C) of this section 98496  
may, by resolution adopted within ninety days after July 15, 1985, 98497  
by a majority of the members of the board, amend the resolution 98498  
levying a tax under this division to provide for a portion of that 98499  
tax to be pledged and contributed in accordance with an agreement 98500  
entered into under section 307.695 of the Revised Code. A tax, any 98501  
revenue from which is pledged pursuant to such an agreement, shall 98502

remain in effect at the rate at which it is imposed for the 98503  
duration of the period for which the revenue from the tax has been 98504  
so pledged. 98505

The board of county commissioners of an eligible county as 98506  
defined in section 307.695 of the Revised Code may, by resolution 98507  
adopted by a majority of the members of the board, amend a 98508  
resolution levying a tax under this division to provide that the 98509  
revenue from the tax shall be used by the board as described in 98510  
division (H) of section 307.695 of the Revised Code, in which case 98511  
the tax shall remain in effect at the rate at which it was imposed 98512  
for the duration of any agreement entered into by the board under 98513  
section 307.695 of the Revised Code, the duration during which any 98514  
securities issued by the board under that section are outstanding, 98515  
or the duration of the period during which the board owns a 98516  
project as defined in section 307.695 of the Revised Code, 98517  
whichever duration is longest. 98518

The board of county commissioners of an eligible county as 98519  
defined in section 307.678 of the Revised Code may, by resolution, 98520  
amend a resolution levying a tax under this division to provide 98521  
that revenue from the tax, not to exceed five hundred thousand 98522  
dollars each year, may be used as described in division ~~(D)~~(E) of 98523  
section 307.678 of the Revised Code. 98524

Notwithstanding division (A)(1) of this section, the board of 98525  
county commissioners of a county described in division (A)(8)(a) 98526  
of this section may, by resolution, amend a resolution levying a 98527  
tax under this division to provide that all or a portion of the 98528  
revenue from the tax, including any revenue otherwise required to 98529  
be returned to townships or municipal corporations under this 98530  
division, may be used or pledged for the payment of debt service 98531  
on securities issued to pay the costs of constructing, operating, 98532  
and maintaining sports facilities described in division (A)(8)(b) 98533  
of this section. 98534

The board of county commissioners of a county described in 98535  
division (A)(9) of this section may, by resolution, amend a 98536  
resolution levying a tax under this division to provide that all 98537  
or a portion of the revenue from the tax may be used for the 98538  
purposes described in section 307.679 of the Revised Code. 98539

(2) A board of county commissioners that levies an excise tax 98540  
under division (A)(1) of this section on June 30, 1997, at a rate 98541  
of three per cent, and that has pledged revenue from the tax to an 98542  
agreement entered into under section 307.695 of the Revised Code 98543  
or, in the case of the board of county commissioners of an 98544  
eligible county as defined in section 307.695 of the Revised Code, 98545  
has amended a resolution levying a tax under division (C) of this 98546  
section to provide that proceeds from the tax shall be used by the 98547  
board as described in division (H) of section 307.695 of the 98548  
Revised Code, may, at any time by a resolution adopted by a 98549  
majority of the members of the board, amend the resolution levying 98550  
a tax under division (A)(1) of this section to provide for an 98551  
increase in the rate of that tax up to seven per cent on each 98552  
transaction; to provide that revenue from the increase in the rate 98553  
shall be used as described in division (H) of section 307.695 of 98554  
the Revised Code or be spent solely to make contributions to the 98555  
convention and visitors' bureau operating within the county to be 98556  
used specifically for promotion, advertising, and marketing of the 98557  
region in which the county is located; and to provide that the 98558  
rate in excess of the three per cent levied under division (A)(1) 98559  
of this section shall remain in effect at the rate at which it is 98560  
imposed for the duration of the period during which any agreement 98561  
is in effect that was entered into under section 307.695 of the 98562  
Revised Code by the board of county commissioners levying a tax 98563  
under division (A)(1) of this section, the duration of the period 98564  
during which any securities issued by the board under division (I) 98565  
of section 307.695 of the Revised Code are outstanding, or the 98566  
duration of the period during which the board owns a project as 98567

defined in section 307.695 of the Revised Code, whichever duration 98568  
is longest. The amendment also shall provide that no portion of 98569  
that revenue need be returned to townships or municipal 98570  
corporations as would otherwise be required under division (A)(1) 98571  
of this section. 98572

(3) A board of county commissioners that levies a tax under 98573  
division (A)(1) of this section on March 18, 1999, at a rate of 98574  
three per cent may, by resolution adopted not later than 98575  
forty-five days after March 18, 1999, amend the resolution levying 98576  
the tax to provide for all of the following: 98577

(a) That the rate of the tax shall be increased by not more 98578  
than an additional four per cent on each transaction; 98579

(b) That all of the revenue from the increase in the rate 98580  
shall be pledged and contributed to a convention facilities 98581  
authority established by the board of county commissioners under 98582  
Chapter 351. of the Revised Code on or before November 15, 1998, 98583  
and used to pay costs of constructing, maintaining, operating, and 98584  
promoting a facility in the county, including paying bonds, or 98585  
notes issued in anticipation of bonds, as provided by that 98586  
chapter; 98587

(c) That no portion of the revenue arising from the increase 98588  
in rate need be returned to municipal corporations or townships as 98589  
otherwise required under division (A)(1) of this section; 98590

(d) That the increase in rate shall not be subject to 98591  
diminution by initiative or referendum or by law while any bonds, 98592  
or notes in anticipation of bonds, issued by the authority under 98593  
Chapter 351. of the Revised Code to which the revenue is pledged, 98594  
remain outstanding in accordance with their terms, unless 98595  
provision is made by law or by the board of county commissioners 98596  
for an adequate substitute therefor that is satisfactory to the 98597  
trustee if a trust agreement secures the bonds. 98598

Division (A)(3) of this section does not apply to the board 98599  
of county commissioners of any county in which a convention center 98600  
or facility exists or is being constructed on November 15, 1998, 98601  
or of any county in which a convention facilities authority levies 98602  
a tax pursuant to section 351.021 of the Revised Code on that 98603  
date. 98604

As used in division (A)(3) of this section, "cost" and 98605  
"facility" have the same meanings as in section 351.01 of the 98606  
Revised Code, and "convention center" has the same meaning as in 98607  
section 307.695 of the Revised Code. 98608

(4)(a) A board of county commissioners that levies a tax 98609  
under division (A)(1) of this section on June 30, 2002, at a rate 98610  
of three per cent may, by resolution adopted not later than 98611  
September 30, 2002, amend the resolution levying the tax to 98612  
provide for all of the following: 98613

(i) That the rate of the tax shall be increased by not more 98614  
than an additional three and one-half per cent on each 98615  
transaction; 98616

(ii) That all of the revenue from the increase in rate shall 98617  
be pledged and contributed to a convention facilities authority 98618  
established by the board of county commissioners under Chapter 98619  
351. of the Revised Code on or before May 15, 2002, and be used to 98620  
pay costs of constructing, expanding, maintaining, operating, or 98621  
promoting a convention center in the county, including paying 98622  
bonds, or notes issued in anticipation of bonds, as provided by 98623  
that chapter; 98624

(iii) That no portion of the revenue arising from the 98625  
increase in rate need be returned to municipal corporations or 98626  
townships as otherwise required under division (A)(1) of this 98627  
section; 98628

(iv) That the increase in rate shall not be subject to 98629

diminution by initiative or referendum or by law while any bonds, 98630  
or notes in anticipation of bonds, issued by the authority under 98631  
Chapter 351. of the Revised Code to which the revenue is pledged, 98632  
remain outstanding in accordance with their terms, unless 98633  
provision is made by law or by the board of county commissioners 98634  
for an adequate substitute therefor that is satisfactory to the 98635  
trustee if a trust agreement secures the bonds. 98636

(b) Any board of county commissioners that, pursuant to 98637  
division (A)(4)(a) of this section, has amended a resolution 98638  
levying the tax authorized by division (A)(1) of this section may 98639  
further amend the resolution to provide that the revenue referred 98640  
to in division (A)(4)(a)(ii) of this section shall be pledged and 98641  
contributed both to a convention facilities authority to pay the 98642  
costs of constructing, expanding, maintaining, or operating one or 98643  
more convention centers in the county, including paying bonds, or 98644  
notes issued in anticipation of bonds, as provided in Chapter 351. 98645  
of the Revised Code, and to a convention and visitors' bureau to 98646  
pay the costs of promoting one or more convention centers in the 98647  
county. 98648

(c) Any board of county commissioners that, pursuant to 98649  
division (A)(4)(a) of this section, has amended a resolution 98650  
levying the tax authorized by division (A)(1) of this section 98651  
shall amend the resolution on or before January 1, 2018, to 98652  
provide all of the following: 98653

(i) On or before the last day of March of each year, 98654  
beginning in 2019, the county shall determine the amount by which 98655  
the revenue from the increase in rate collected in the preceding 98656  
calendar year exceeds six million dollars and, to the extent that 98657  
the excess amount is unexpended and unencumbered on the effective 98658  
date of the amendment of this section by H.B. 49 of the 132nd 98659  
general assembly, distribute it among the municipal corporations 98660  
and townships located in the county as provided in division 98661

(A)(4)(c)(ii) of this section; 98662

(ii) The payment to each such municipal corporation or township shall equal the excess amount multiplied by the proportion of the revenue collected in the preceding year attributable to transactions by which lodging by a hotel located in that municipal corporation or the unincorporated portion of the township is or is to be furnished to transient guests; 98663  
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(iii) Payments received by a municipal corporation or township under division (A)(4)(c)(ii) of this section shall be used solely for the purpose of promoting travel and tourism in the municipal corporation or township and funding travel and tourism-related projects; 98669  
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(iv) Beginning in 2018, the county shall not spend or encumber more than six million dollars in revenue collected in any calendar year from the increase in rate for purposes other than those described in division (A)(4)(c) of this section. 98674  
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(d) As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code. 98678  
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(5)(a) As used in division (A)(5) of this section: 98682

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 98683  
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(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard. 98685  
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the



resolution shall provide that all of the revenue from the increase 98724  
in rate, after deducting the real and actual costs of 98725  
administering the tax, shall be used to pay the costs of 98726  
improving, expanding, equipping, financing, or operating a 98727  
convention center by a convention and visitors' bureau in the 98728  
county. The increase in rate shall remain in effect for the period 98729  
specified in the resolution, not to exceed ten years, and may be 98730  
extended for an additional period of time not to exceed ten years 98731  
thereafter by a resolution adopted by a majority of the members of 98732  
the board. The increase in rate shall be subject to the 98733  
regulations adopted under division (A)(1) of this section, except 98734  
that the resolution may provide that no portion of the revenue 98735  
from the increase in the rate shall be returned to townships or 98736  
municipal corporations as would otherwise be required under that 98737  
division. 98738

(7) Division (A)(7) of this section applies only to a county 98739  
with a population greater than sixty-five thousand and less than 98740  
seventy thousand according to the most recent federal decennial 98741  
census and in which, on December 31, 2006, an excise tax is levied 98742  
under division (A)(1) of this section at a rate not less than and 98743  
not greater than three per cent, and in which the most recent 98744  
increase in the rate of that tax was enacted or took effect in 98745  
November 1984. 98746

The board of county commissioners of a county to which this 98747  
division applies, by resolution adopted by a majority of the 98748  
members of the board, may increase the rate of the tax by not more 98749  
than one per cent on transactions by which lodging by a hotel is 98750  
or is to be furnished to transient guests. The increase in rate 98751  
shall be for the purpose of paying expenses deemed necessary by 98752  
the convention and visitors' bureau operating in the county to 98753  
promote travel and tourism. The increase in rate shall remain in 98754  
effect for the period specified in the resolution, not to exceed 98755

twenty years, provided that the increase in rate may not continue 98756  
beyond the time when the purpose for which the increase is levied 98757  
ceases to exist. If revenue from the increase in rate is pledged 98758  
to the payment of debt charges on securities, the increase in rate 98759  
is not subject to diminution by initiative or referendum or by law 98760  
for so long as the securities are outstanding, unless provision is 98761  
made by law or by the board of county commissioners for an 98762  
adequate substitute for that revenue that is satisfactory to the 98763  
trustee if a trust agreement secures payment of the debt charges. 98764  
The increase in rate shall be subject to the regulations adopted 98765  
under division (A)(1) of this section, except that the resolution 98766  
may provide that no portion of the revenue from the increase in 98767  
the rate shall be returned to townships or municipal corporations 98768  
as would otherwise be required under division (A)(1) of this 98769  
section. A resolution adopted under division (A)(7) of this 98770  
section is subject to referendum under sections 305.31 to 305.99 98771  
of the Revised Code. 98772

(8)(a) Division (A)(8) of this section applies only to a 98773  
county satisfying all of the following: 98774

(i) The population of the county is greater than one hundred 98775  
seventy-five thousand and less than two hundred twenty-five 98776  
thousand according to the most recent federal decennial census. 98777

(ii) An amusement park with an average yearly attendance in 98778  
excess of two million guests is located in the county. 98779

(iii) On December 31, 2014, an excise tax was levied in the 98780  
county under division (A)(1) of this section at a rate of three 98781  
per cent. 98782

(b) The board of county commissioners of a county to which 98783  
this division applies, by resolution adopted by a majority of the 98784  
members of the board, may increase the rate of the tax by not more 98785  
than one per cent on transactions by which lodging by a hotel is 98786

or is to be furnished to transient guests. The increase in rate 98787  
shall be ~~for the purpose of paying~~ used to pay the costs of 98788  
constructing and maintaining ~~county-owned~~ facilities owned by the 98789  
county or by a port authority created under Chapter 4582. of the 98790  
Revised Code, and designed to host sporting events and ~~paying~~ 98791  
expenses deemed necessary by the convention and visitors' bureau 98792  
operating in the county to promote travel and tourism with 98793  
reference to the sports facilities, and to pay or pledged to the 98794  
payment of debt service on securities issued to pay the costs of 98795  
constructing, operating, and maintaining the sports facilities. 98796  
The increase in rate shall remain in effect for the period 98797  
specified in the resolution. If revenue from the increase in rate 98798  
is pledged to the payment of debt charges on securities, the 98799  
increase in rate is not subject to diminution by initiative or 98800  
referendum or by law for so long as the securities are 98801  
outstanding, unless provision is made by law or by the board of 98802  
county commissioners for an adequate substitute for that revenue 98803  
that is satisfactory to the trustee if a trust agreement secures 98804  
payment of the debt charges. The increase in rate shall be subject 98805  
to the regulations adopted under division (A)(1) of this section, 98806  
except that the resolution may provide that no portion of the 98807  
revenue from the increase in the rate shall be returned to 98808  
townships or municipal corporations as would otherwise be required 98809  
under division (A)(1) of this section. 98810

(9) The board of county commissioners of a county with a 98811  
population greater than seventy-five thousand and less than 98812  
seventy-eight thousand, by resolution adopted by a majority of the 98813  
members of the board not later than October 15, 2015, may increase 98814  
the rate of the tax by not more than one per cent on transactions 98815  
by which lodging by a hotel is or is to be furnished to transient 98816  
guests. The increase in rate shall be for the purposes described 98817  
in section 307.679 of the Revised Code or for the promotion of 98818  
travel and tourism in the county, including travel and tourism to 98819

sports facilities. The increase in rate shall remain in effect for 98820  
the period specified in the resolution and as necessary to fulfill 98821  
the county's obligations under a cooperative agreement entered 98822  
into under section 307.679 of the Revised Code. If the resolution 98823  
is adopted by the board before ~~the effective date of the enactment~~ 98824  
~~of this division~~ September 29, 2015, but after that enactment 98825  
becomes law, the increase in rate shall become effective beginning 98826  
on ~~the effective date of the enactment of this division~~ September 98827  
29, 2015. If revenue from the increase in rate is pledged to the 98828  
payment of debt charges on securities, or to substitute for other 98829  
revenues pledged to the payment of such debt, the increase in rate 98830  
is not subject to diminution by initiative or referendum or by law 98831  
for so long as the securities are outstanding, unless provision is 98832  
made by law or by the board of county commissioners for an 98833  
adequate substitute for that revenue that is satisfactory to the 98834  
trustee if a trust agreement secures payment of the debt charges. 98835  
The increase in rate shall be subject to the regulations adopted 98836  
under division (A)(1) of this section, except that no portion of 98837  
the revenue from the increase in the rate shall be returned to 98838  
townships or municipal corporations as would otherwise be required 98839  
under division (A)(1) of this section. 98840

(10) Division (A)(10) of this section applies only to 98841  
counties satisfying either of the following: 98842

(a) A county that, on July 1, 2015, does not levy an excise 98843  
tax under division (A)(1) of this section and that has a 98844  
population of at least thirty-nine thousand but not more than 98845  
forty thousand according to the 2010 federal decennial census; 98846

(b) A county that, on July 1, 2015, levies an excise tax 98847  
under division (A)(1) of this section at a rate of three per cent 98848  
and that has a population of at least seventy-one thousand but not 98849  
more than seventy-five thousand according to 2010 federal 98850  
decennial census. 98851

The board of county commissioners of a county to which 98852  
division (A)(10) of this section applies, by resolution adopted by 98853  
a majority of the members of the board, may levy an excise tax at 98854  
a rate not to exceed three per cent on transactions by which 98855  
lodging by a hotel is or is to be furnished to transient guests 98856  
for the purpose of acquiring, constructing, equipping, or 98857  
repairing permanent improvements, as defined in section 133.01 of 98858  
the Revised Code. If the board does not levy a tax under division 98859  
(A)(1) of this section, the board shall establish regulations 98860  
necessary to provide for the administration of the tax, which may 98861  
prescribe the time for payment of the tax and the imposition of 98862  
penalty or interest subject to the limitations on penalty and 98863  
interest provided in division (A)(1) of this section. No portion 98864  
of the revenue shall be returned to townships or municipal 98865  
corporations in the county unless otherwise provided by resolution 98866  
of the board. The tax shall apply throughout the territory of the 98867  
county, including in any township or municipal corporation levying 98868  
an excise tax under division (B) of this section or division (A) 98869  
of section 5739.08 of the Revised Code. The levy of the tax is 98870  
subject to referendum as provided under section 305.31 of the 98871  
Revised Code. 98872

The tax shall remain in effect for the period specified in 98873  
the resolution. If revenue from the increase in rate is pledged to 98874  
the payment of debt charges on securities, the increase in rate is 98875  
not subject to diminution by initiative or referendum or by law 98876  
for so long as the securities are outstanding unless provision is 98877  
made by law or by the board for an adequate substitute for that 98878  
revenue that is satisfactory to the trustee if a trust agreement 98879  
secures payment of the debt charges. 98880

(11) The board of county commissioners of an eligible county, 98881  
as defined in section 307.678 of the Revised Code, that levies an 98882  
excise tax under division (A)(1) of this section on July 1, 2017, 98883

at a rate of three per cent may, by resolution adopted by a 98884  
majority of the members of the board, amend the resolution levying 98885  
the tax to increase the rate of the tax by not more than an 98886  
additional three per cent on each transaction. No portion of the 98887  
revenue shall be returned to townships or municipal corporations 98888  
in the county unless otherwise provided by resolution of the 98889  
board. Otherwise, the revenue from the increase in the rate shall 98890  
be distributed and used in the same manner described under 98891  
division (A)(1) of this section. The increase in rate shall remain 98892  
in effect for the period specified in the resolution. If revenue 98893  
from the increase in rate is pledged to the payment of debt 98894  
charges on securities, the increase in rate is not subject to 98895  
diminution by initiative or referendum or by law for so long as 98896  
the securities are outstanding unless provision is made by law or 98897  
by the board for an adequate substitute for that revenue that is 98898  
satisfactory to the trustee if a trust agreement secures payment 98899  
of the debt charges. 98900

(12) Division (A)(12) of this section applies only to a 98901  
county that has a population greater than one hundred ninety 98902  
thousand and less than two hundred thousand according to the 2010 98903  
federal decennial census and that levies an excise tax under 98904  
division (A)(1) of this section at a rate of three per cent. 98905

The board of county commissioners of a county to which this 98906  
division applies, by resolution adopted by a majority of the 98907  
members of the board, may increase the rate of the tax by not more 98908  
than one per cent on transactions by which lodging by a hotel is 98909  
or is to be furnished to transient guests. Revenue from the 98910  
increase in rate shall be used for the purposes of paying the 98911  
costs of constructing and maintaining sports and recreation 98912  
facilities in the county and paying expenses considered necessary 98913  
by the convention and visitors' bureau operating in the county to 98914  
promote travel and tourism with respect to those sports and 98915

recreation facilities. The tax shall remain in effect for the 98916  
period specified in the resolution. If revenue from the increase 98917  
in rate is pledged to the payment of debt charges on securities, 98918  
the increase in rate is not subject to diminution by initiative or 98919  
referendum or by law for so long as the securities are 98920  
outstanding, unless a provision is made by law or by the board of 98921  
county commissioners for an adequate substitute for that revenue 98922  
that is satisfactory to the trustee if a trust agreement secures 98923  
payment of the debt charges. The increase in rate shall be subject 98924  
to the regulations adopted under division (A)(1) of this section, 98925  
except that the resolution may provide that no portion of the 98926  
revenue from the increase in the rate shall be returned to 98927  
townships or municipal corporations as would otherwise be required 98928  
under division (A)(1) of this section. 98929

(B)(1) The legislative authority of a municipal corporation 98930  
or the board of trustees of a township that is not wholly or 98931  
partly located in a county that has in effect a resolution levying 98932  
an excise tax pursuant to division (A)(1) of this section may, by 98933  
ordinance or resolution, levy an excise tax not to exceed three 98934  
per cent on transactions by which lodging by a hotel is or is to 98935  
be furnished to transient guests. The legislative authority of the 98936  
municipal corporation or the board of trustees of the township 98937  
shall deposit at least fifty per cent of the revenue from the tax 98938  
levied pursuant to this division into a separate fund, which shall 98939  
be spent solely to make contributions to convention and visitors' 98940  
bureaus operating within the county in which the municipal 98941  
corporation or township is wholly or partly located, and the 98942  
balance of that revenue shall be deposited in the general fund. 98943  
The municipal corporation or township shall establish all 98944  
regulations necessary to provide for the administration and 98945  
allocation of the tax. The regulations may prescribe the time for 98946  
payment of the tax, and may provide for the imposition of a 98947  
penalty or interest, or both, for late payments, provided that the 98948

penalty does not exceed ten per cent of the amount of tax due, and 98949  
the rate at which interest accrues does not exceed the rate per 98950  
annum prescribed pursuant to section 5703.47 of the Revised Code. 98951  
The levy of a tax under this division is in addition to any tax 98952  
imposed on the same transaction by a municipal corporation or a 98953  
township as authorized by division (A) of section 5739.08 of the 98954  
Revised Code. 98955

(2)(a) The legislative authority of the most populous 98956  
municipal corporation located wholly or partly in a county in 98957  
which the board of county commissioners has levied a tax under 98958  
division (A)(4) of this section may amend, on or before September 98959  
30, 2002, that municipal corporation's ordinance or resolution 98960  
that levies an excise tax on transactions by which lodging by a 98961  
hotel is or is to be furnished to transient guests, to provide for 98962  
all of the following: 98963

(i) That the rate of the tax shall be increased by not more 98964  
than an additional one per cent on each transaction; 98965

(ii) That all of the revenue from the increase in rate shall 98966  
be pledged and contributed to a convention facilities authority 98967  
established by the board of county commissioners under Chapter 98968  
351. of the Revised Code on or before May 15, 2002, and be used to 98969  
pay costs of constructing, expanding, maintaining, operating, or 98970  
promoting a convention center in the county, including paying 98971  
bonds, or notes issued in anticipation of bonds, as provided by 98972  
that chapter; 98973

(iii) That the increase in rate shall not be subject to 98974  
diminution by initiative or referendum or by law while any bonds, 98975  
or notes in anticipation of bonds, issued by the authority under 98976  
Chapter 351. of the Revised Code to which the revenue is pledged, 98977  
remain outstanding in accordance with their terms, unless 98978  
provision is made by law, by the board of county commissioners, or 98979  
by the legislative authority, for an adequate substitute therefor 98980



that is satisfactory to the trustee if a trust agreement secures 98981  
the bonds. 98982

(b) The legislative authority of a municipal corporation 98983  
that, pursuant to division (B)(2)(a) of this section, has amended 98984  
its ordinance or resolution to increase the rate of the tax 98985  
authorized by division (B)(1) of this section may further amend 98986  
the ordinance or resolution to provide that the revenue referred 98987  
to in division (B)(2)(a)(ii) of this section shall be pledged and 98988  
contributed both to a convention facilities authority to pay the 98989  
costs of constructing, expanding, maintaining, or operating one or 98990  
more convention centers in the county, including paying bonds, or 98991  
notes issued in anticipation of bonds, as provided in Chapter 351. 98992  
of the Revised Code, and to a convention and visitors' bureau to 98993  
pay the costs of promoting one or more convention centers in the 98994  
county. 98995

As used in division (B)(2) of this section, "cost" has the 98996  
same meaning as in section 351.01 of the Revised Code, and 98997  
"convention center" has the same meaning as in section 307.695 of 98998  
the Revised Code. 98999

(3) The legislative authority of an eligible municipal 99000  
corporation may amend, on or before December 31, 2017, that 99001  
municipal corporation's ordinance or resolution that levies an 99002  
excise tax on transactions by which lodging by a hotel is or is to 99003  
be furnished to transient guests, to provide for the following: 99004

(a) That the rate of the tax shall be increased by not more 99005  
than an additional three per cent on each transaction; 99006

(b) That all of the revenue from the increase in rate shall 99007  
be used by the municipal corporation for economic development and 99008  
tourism-related purposes. 99009

As used in division (B)(3) of this section, "eligible 99010  
municipal corporation" means a municipal corporation that, on the 99011

effective date of the amendment of this section by H.B. 49 of the 99012  
132nd general assembly, levied a tax under division (B)(1) of this 99013  
section at a rate of three per cent and that is located in a 99014  
county that, on that date, levied a tax under division (A) of this 99015  
section at a rate of three per cent and that has, according to the 99016  
most recent federal decennial census, a population exceeding three 99017  
hundred thousand but not greater than three hundred fifty 99018  
thousand. 99019

(C) For the purposes described in section 307.695 of the 99020  
Revised Code and to cover the costs of administering the tax, a 99021  
board of county commissioners of a county where a tax imposed 99022  
under division (A)(1) of this section is in effect may, by 99023  
resolution adopted within ninety days after July 15, 1985, by a 99024  
majority of the members of the board, levy an additional excise 99025  
tax not to exceed three per cent on transactions by which lodging 99026  
by a hotel is or is to be furnished to transient guests. The tax 99027  
authorized by this division shall be in addition to any tax that 99028  
is levied pursuant to division (A) of this section, but it shall 99029  
not apply to transactions subject to a tax levied by a municipal 99030  
corporation or township pursuant to the authorization granted by 99031  
division (A) of section 5739.08 of the Revised Code. The board 99032  
shall establish all regulations necessary to provide for the 99033  
administration and allocation of the tax. The regulations may 99034  
prescribe the time for payment of the tax, and may provide for the 99035  
imposition of a penalty or interest, or both, for late payments, 99036  
provided that the penalty does not exceed ten per cent of the 99037  
amount of tax due, and the rate at which interest accrues does not 99038  
exceed the rate per annum prescribed pursuant to section 5703.47 99039  
of the Revised Code. All revenues arising from the tax shall be 99040  
expended in accordance with section 307.695 of the Revised Code. 99041  
The board of county commissioners of an eligible county as defined 99042  
in section 307.695 of the Revised Code may, by resolution adopted 99043  
by a majority of the members of the board, amend the resolution 99044

levying a tax under this division to provide that the revenue from 99045  
the tax shall be used by the board as described in division (H) of 99046  
section 307.695 of the Revised Code. A tax imposed under this 99047  
division shall remain in effect at the rate at which it is imposed 99048  
for the duration of the period during which any agreement entered 99049  
into by the board under section 307.695 of the Revised Code is in 99050  
effect, the duration of the period during which any securities 99051  
issued by the board under division (I) of section 307.695 of the 99052  
Revised Code are outstanding, or the duration of the period during 99053  
which the board owns a project as defined in section 307.695 of 99054  
the Revised Code, whichever duration is longest. 99055

(D) For the purpose of providing contributions under division 99056  
(B)(1) of section 307.671 of the Revised Code to enable the 99057  
acquisition, construction, and equipping of a port authority 99058  
educational and cultural facility in the county and, to the extent 99059  
provided for in the cooperative agreement authorized by that 99060  
section, for the purpose of paying debt service charges on bonds, 99061  
or notes in anticipation of bonds, described in division (B)(1)(b) 99062  
of that section, a board of county commissioners, by resolution 99063  
adopted within ninety days after December 22, 1992, by a majority 99064  
of the members of the board, may levy an additional excise tax not 99065  
to exceed one and one-half per cent on transactions by which 99066  
lodging by a hotel is or is to be furnished to transient guests. 99067  
The excise tax authorized by this division shall be in addition to 99068  
any tax that is levied pursuant to divisions (A), (B), and (C) of 99069  
this section, to any excise tax levied pursuant to section 5739.08 99070  
of the Revised Code, and to any excise tax levied pursuant to 99071  
section 351.021 of the Revised Code. The board of county 99072  
commissioners shall establish all regulations necessary to provide 99073  
for the administration and allocation of the tax that are not 99074  
inconsistent with this section or section 307.671 of the Revised 99075  
Code. The regulations may prescribe the time for payment of the 99076  
tax, and may provide for the imposition of a penalty or interest, 99077

or both, for late payments, provided that the penalty does not 99078  
exceed ten per cent of the amount of tax due, and the rate at 99079  
which interest accrues does not exceed the rate per annum 99080  
prescribed pursuant to section 5703.47 of the Revised Code. All 99081  
revenues arising from the tax shall be expended in accordance with 99082  
section 307.671 of the Revised Code and division (D) of this 99083  
section. The levy of a tax imposed under this division may not 99084  
commence prior to the first day of the month next following the 99085  
execution of the cooperative agreement authorized by section 99086  
307.671 of the Revised Code by all parties to that agreement. The 99087  
tax shall remain in effect at the rate at which it is imposed for 99088  
the period of time described in division (C) of section 307.671 of 99089  
the Revised Code for which the revenue from the tax has been 99090  
pledged by the county to the corporation pursuant to that section, 99091  
but, to any extent provided for in the cooperative agreement, for 99092  
no lesser period than the period of time required for payment of 99093  
the debt service charges on bonds, or notes in anticipation of 99094  
bonds, described in division (B)(1)(b) of that section. 99095

(E) For the purpose of paying the costs of acquiring, 99096  
constructing, equipping, and improving a municipal educational and 99097  
cultural facility, including debt service charges on bonds 99098  
provided for in division (B) of section 307.672 of the Revised 99099  
Code, and for any additional purposes determined by the county in 99100  
the resolution levying the tax or amendments to the resolution, 99101  
including subsequent amendments providing for paying costs of 99102  
acquiring, constructing, renovating, rehabilitating, equipping, 99103  
and improving a port authority educational and cultural performing 99104  
arts facility, as defined in section 307.674 of the Revised Code, 99105  
and including debt service charges on bonds provided for in 99106  
division (B) of section 307.674 of the Revised Code, the 99107  
legislative authority of a county, by resolution adopted within 99108  
ninety days after June 30, 1993, by a majority of the members of 99109  
the legislative authority, may levy an additional excise tax not 99110

to exceed one and one-half per cent on transactions by which 99111  
lodging by a hotel is or is to be furnished to transient guests. 99112  
The excise tax authorized by this division shall be in addition to 99113  
any tax that is levied pursuant to divisions (A), (B), (C), and 99114  
(D) of this section, to any excise tax levied pursuant to section 99115  
5739.08 of the Revised Code, and to any excise tax levied pursuant 99116  
to section 351.021 of the Revised Code. The legislative authority 99117  
of the county shall establish all regulations necessary to provide 99118  
for the administration and allocation of the tax. The regulations 99119  
may prescribe the time for payment of the tax, and may provide for 99120  
the imposition of a penalty or interest, or both, for late 99121  
payments, provided that the penalty does not exceed ten per cent 99122  
of the amount of tax due, and the rate at which interest accrues 99123  
does not exceed the rate per annum prescribed pursuant to section 99124  
5703.47 of the Revised Code. All revenues arising from the tax 99125  
shall be expended in accordance with section 307.672 of the 99126  
Revised Code and this division. The levy of a tax imposed under 99127  
this division shall not commence prior to the first day of the 99128  
month next following the execution of the cooperative agreement 99129  
authorized by section 307.672 of the Revised Code by all parties 99130  
to that agreement. The tax shall remain in effect at the rate at 99131  
which it is imposed for the period of time determined by the 99132  
legislative authority of the county. That period of time shall not 99133  
exceed fifteen years, except that the legislative authority of a 99134  
county with a population of less than two hundred fifty thousand 99135  
according to the most recent federal decennial census, by 99136  
resolution adopted by a majority of its members before the 99137  
original tax expires, may extend the duration of the tax for an 99138  
additional period of time. The additional period of time by which 99139  
a legislative authority extends a tax levied under this division 99140  
shall not exceed fifteen years. 99141

(F) The legislative authority of a county that has levied a 99142  
tax under division (E) of this section may, by resolution adopted 99143

within one hundred eighty days after January 4, 2001, by a 99144  
majority of the members of the legislative authority, amend the 99145  
resolution levying a tax under that division to provide for the 99146  
use of the proceeds of that tax, to the extent that it is no 99147  
longer needed for its original purpose as determined by the 99148  
parties to a cooperative agreement amendment pursuant to division 99149  
(D) of section 307.672 of the Revised Code, to pay costs of 99150  
acquiring, constructing, renovating, rehabilitating, equipping, 99151  
and improving a port authority educational and cultural performing 99152  
arts facility, including debt service charges on bonds provided 99153  
for in division (B) of section 307.674 of the Revised Code, and to 99154  
pay all obligations under any guaranty agreements, reimbursement 99155  
agreements, or other credit enhancement agreements described in 99156  
division (C) of section 307.674 of the Revised Code. The 99157  
resolution may also provide for the extension of the tax at the 99158  
same rate for the longer of the period of time determined by the 99159  
legislative authority of the county, but not to exceed an 99160  
additional twenty-five years, or the period of time required to 99161  
pay all debt service charges on bonds provided for in division (B) 99162  
of section 307.672 of the Revised Code and on port authority 99163  
revenue bonds provided for in division (B) of section 307.674 of 99164  
the Revised Code. All revenues arising from the amendment and 99165  
extension of the tax shall be expended in accordance with section 99166  
307.674 of the Revised Code, this division, and division (E) of 99167  
this section. 99168

(G) For purposes of a tax levied by a county, township, or 99169  
municipal corporation under this section or section 5739.08 of the 99170  
Revised Code, a board of county commissioners, board of township 99171  
trustees, or the legislative authority of a municipal corporation 99172  
may adopt a resolution or ordinance at any time specifying that 99173  
"hotel," as otherwise defined in section 5739.01 of the Revised 99174  
Code, includes the following: 99175

(1) Establishments in which fewer than five rooms are used 99176  
for the accommodation of guests. 99177

(2) Establishments at which rooms are used for the 99178  
accommodation of guests regardless of whether each room is 99179  
accessible through its own keyed entry or several rooms are 99180  
accessible through the same keyed entry; and, in determining the 99181  
number of rooms, all rooms are included regardless of the number 99182  
of structures in which the rooms are situated or the number of 99183  
parcels of land on which the structures are located if the 99184  
structures are under the same ownership and the structures are not 99185  
identified in advertisements of the accommodations as distinct 99186  
establishments. For the purposes of division (G)(2) of this 99187  
section, two or more structures are under the same ownership if 99188  
they are owned by the same person, or if they are owned by two or 99189  
more persons the majority of the ownership interests of which are 99190  
owned by the same person. 99191

The resolution or ordinance may apply to a tax imposed 99192  
pursuant to this section prior to the adoption of the resolution 99193  
or ordinance if the resolution or ordinance so states, but the tax 99194  
shall not apply to transactions by which lodging by such an 99195  
establishment is provided to transient guests prior to the 99196  
adoption of the resolution or ordinance. 99197

(H)(1) As used in this division: 99198

(a) "Convention facilities authority" has the same meaning as 99199  
in section 351.01 of the Revised Code. 99200

(b) "Convention center" has the same meaning as in section 99201  
307.695 of the Revised Code. 99202

(2) Notwithstanding any contrary provision of division (D) of 99203  
this section, the legislative authority of a county with a 99204  
population of one million or more according to the most recent 99205  
federal decennial census that has levied a tax under division (D) 99206

of this section may, by resolution adopted by a majority of the 99207  
members of the legislative authority, provide for the extension of 99208  
such levy and may provide that the proceeds of that tax, to the 99209  
extent that they are no longer needed for their original purpose 99210  
as defined by a cooperative agreement entered into under section 99211  
307.671 of the Revised Code, shall be deposited into the county 99212  
general revenue fund. The resolution shall provide for the 99213  
extension of the tax at a rate not to exceed the rate specified in 99214  
division (D) of this section for a period of time determined by 99215  
the legislative authority of the county, but not to exceed an 99216  
additional forty years. 99217

(3) The legislative authority of a county with a population 99218  
of one million or more that has levied a tax under division (A)(1) 99219  
of this section may, by resolution adopted by a majority of the 99220  
members of the legislative authority, increase the rate of the tax 99221  
levied by such county under division (A)(1) of this section to a 99222  
rate not to exceed five per cent on transactions by which lodging 99223  
by a hotel is or is to be furnished to transient guests. 99224  
Notwithstanding any contrary provision of division (A)(1) of this 99225  
section, the resolution may provide that all collections resulting 99226  
from the rate levied in excess of three per cent, after deducting 99227  
the real and actual costs of administering the tax, shall be 99228  
deposited in the county general fund. 99229

(4) The legislative authority of a county with a population 99230  
of one million or more that has levied a tax under division (A)(1) 99231  
of this section may, by resolution adopted on or before August 30, 99232  
2004, by a majority of the members of the legislative authority, 99233  
provide that all or a portion of the proceeds of the tax levied 99234  
under division (A)(1) of this section, after deducting the real 99235  
and actual costs of administering the tax and the amounts required 99236  
to be returned to townships and municipal corporations with 99237  
respect to the first three per cent levied under division (A)(1) 99238



of this section, shall be deposited in the county general fund, 99239  
provided that such proceeds shall be used to satisfy any pledges 99240  
made in connection with an agreement entered into under section 99241  
307.695 of the Revised Code. 99242

(5) No amount collected from a tax levied, extended, or 99243  
required to be deposited in the county general fund under division 99244  
(H) of this section shall be contributed to a convention 99245  
facilities authority, corporation, or other entity created after 99246  
July 1, 2003, for the principal purpose of constructing, 99247  
improving, expanding, equipping, financing, or operating a 99248  
convention center unless the mayor of the municipal corporation in 99249  
which the convention center is to be operated by that convention 99250  
facilities authority, corporation, or other entity has consented 99251  
to the creation of that convention facilities authority, 99252  
corporation, or entity. Notwithstanding any contrary provision of 99253  
section 351.04 of the Revised Code, if a tax is levied by a county 99254  
under division (H) of this section, the board of county 99255  
commissioners of that county may determine the manner of 99256  
selection, the qualifications, the number, and terms of office of 99257  
the members of the board of directors of any convention facilities 99258  
authority, corporation, or other entity described in division 99259  
(H)(5) of this section. 99260

(6)(a) No amount collected from a tax levied, extended, or 99261  
required to be deposited in the county general fund under division 99262  
(H) of this section may be used for any purpose other than paying 99263  
the direct and indirect costs of constructing, improving, 99264  
expanding, equipping, financing, or operating a convention center 99265  
and for the real and actual costs of administering the tax, 99266  
unless, prior to the adoption of the resolution of the legislative 99267  
authority of the county authorizing the levy, extension, increase, 99268  
or deposit, the county and the mayor of the most populous 99269  
municipal corporation in that county have entered into an 99270

agreement as to the use of such amounts, provided that such 99271  
agreement has been approved by a majority of the mayors of the 99272  
other municipal corporations in that county. The agreement shall 99273  
provide that the amounts to be used for purposes other than paying 99274  
the convention center or administrative costs described in 99275  
division (H)(6)(a) of this section be used only for the direct and 99276  
indirect costs of capital improvements, including the financing of 99277  
capital improvements. 99278

(b) If the county in which the tax is levied has an 99279  
association of mayors and city managers, the approval of that 99280  
association of an agreement described in division (H)(6)(a) of 99281  
this section shall be considered to be the approval of the 99282  
majority of the mayors of the other municipal corporations for 99283  
purposes of that division. 99284

(7) Each year, the auditor of state shall conduct an audit of 99285  
the uses of any amounts collected from taxes levied, extended, or 99286  
deposited under division (H) of this section and shall prepare a 99287  
report of the auditor of state's findings. The auditor of state 99288  
shall submit the report to the legislative authority of the county 99289  
that has levied, extended, or deposited the tax, the speaker of 99290  
the house of representatives, the president of the senate, and the 99291  
leaders of the minority parties of the house of representatives 99292  
and the senate. 99293

(I)(1) As used in this division: 99294

(a) "Convention facilities authority" has the same meaning as 99295  
in section 351.01 of the Revised Code. 99296

(b) "Convention center" has the same meaning as in section 99297  
307.695 of the Revised Code. 99298

(2) Notwithstanding any contrary provision of division (D) of 99299  
this section, the legislative authority of a county with a 99300  
population of one million two hundred thousand or more according 99301

to the most recent federal decennial census or the most recent 99302  
annual population estimate published or released by the United 99303  
States census bureau at the time the resolution is adopted placing 99304  
the levy on the ballot, that has levied a tax under division (D) 99305  
of this section may, by resolution adopted by a majority of the 99306  
members of the legislative authority, provide for the extension of 99307  
such levy and may provide that the proceeds of that tax, to the 99308  
extent that the proceeds are no longer needed for their original 99309  
purpose as defined by a cooperative agreement entered into under 99310  
section 307.671 of the Revised Code and after deducting the real 99311  
and actual costs of administering the tax, shall be used for 99312  
paying the direct and indirect costs of constructing, improving, 99313  
expanding, equipping, financing, or operating a convention center. 99314  
The resolution shall provide for the extension of the tax at a 99315  
rate not to exceed the rate specified in division (D) of this 99316  
section for a period of time determined by the legislative 99317  
authority of the county, but not to exceed an additional forty 99318  
years. 99319

(3) The legislative authority of a county with a population 99320  
of one million two hundred thousand or more that has levied a tax 99321  
under division (A)(1) of this section may, by resolution adopted 99322  
by a majority of the members of the legislative authority, 99323  
increase the rate of the tax levied by such county under division 99324  
(A)(1) of this section to a rate not to exceed five per cent on 99325  
transactions by which lodging by a hotel is or is to be furnished 99326  
to transient guests. Notwithstanding any contrary provision of 99327  
division (A)(1) of this section, the resolution shall provide that 99328  
all collections resulting from the rate levied in excess of three 99329  
per cent, after deducting the real and actual costs of 99330  
administering the tax, shall be used for paying the direct and 99331  
indirect costs of constructing, improving, expanding, equipping, 99332  
financing, or operating a convention center. 99333

(4) The legislative authority of a county with a population 99334  
of one million two hundred thousand or more that has levied a tax 99335  
under division (A)(1) of this section may, by resolution adopted 99336  
on or before July 1, 2008, by a majority of the members of the 99337  
legislative authority, provide that all or a portion of the 99338  
proceeds of the tax levied under division (A)(1) of this section, 99339  
after deducting the real and actual costs of administering the tax 99340  
and the amounts required to be returned to townships and municipal 99341  
corporations with respect to the first three per cent levied under 99342  
division (A)(1) of this section, shall be used to satisfy any 99343  
pledges made in connection with an agreement entered into under 99344  
section 307.695 of the Revised Code or shall otherwise be used for 99345  
paying the direct and indirect costs of constructing, improving, 99346  
expanding, equipping, financing, or operating a convention center. 99347

(5) Any amount collected from a tax levied or extended under 99348  
division (I) of this section may be contributed to a convention 99349  
facilities authority created before July 1, 2005, but no amount 99350  
collected from a tax levied or extended under division (I) of this 99351  
section may be contributed to a convention facilities authority, 99352  
corporation, or other entity created after July 1, 2005, unless 99353  
the mayor of the municipal corporation in which the convention 99354  
center is to be operated by that convention facilities authority, 99355  
corporation, or other entity has consented to the creation of that 99356  
convention facilities authority, corporation, or entity. 99357

(J)(1) Except as provided in division (J)(2) of this section, 99358  
money collected by a county and distributed under this section to 99359  
a convention and visitors' bureau in existence as of June 30, 99360  
2013, the effective date of H.B. 59 of the 130th general assembly, 99361  
except for any such money pledged, as of that effective date, to 99362  
the payment of debt service charges on bonds, notes, securities, 99363  
or lease agreements, shall be used solely for tourism sales, 99364  
marketing and promotion, and their associated costs, including, 99365

but not limited to, operational and administrative costs of the 99366  
bureau, sales and marketing, and maintenance of the physical 99367  
bureau structure. 99368

(2) A convention and visitors' bureau that has entered into 99369  
an agreement under section 307.678 of the Revised Code may use 99370  
revenue it receives from a tax levied under division (A)(1) of 99371  
this section as described in division ~~(D)~~(E) of section 307.678 of 99372  
the Revised Code. 99373

(K) The board of county commissioners of a county with a 99374  
population between one hundred three thousand and one hundred 99375  
seven thousand according to the most recent federal decennial 99376  
census, by resolution adopted by a majority of the members of the 99377  
board within six months after September 15, 2014, the effective 99378  
date of H.B. 483 of the 130th general assembly, may levy a tax not 99379  
to exceed three per cent on transactions by which a hotel is or is 99380  
to be furnished to transient guests. The purpose of the tax shall 99381  
be to pay the costs of expanding, maintaining, or operating a 99382  
soldiers' memorial and the costs of administering the tax. All 99383  
revenue arising from the tax shall be credited to one or more 99384  
special funds in the county treasury and shall be spent solely for 99385  
the purposes of paying those costs. The board of county 99386  
commissioners shall adopt all rules necessary to provide for the 99387  
administration of the tax subject to the same limitations on 99388  
imposing penalty or interest under division (A)(1) of this 99389  
section. 99390

As used in this division "soldiers' memorial" means a 99391  
memorial constructed and funded under Chapter 345. of the Revised 99392  
Code. 99393

(L) A board of county commissioners of an eligible county, by 99394  
resolution adopted by a majority of the members of the board, may 99395  
levy an excise tax at the rate of up to three per cent on 99396  
transactions by which lodging by a hotel is or is to be furnished 99397

to transient guests for the purpose of paying the costs of 99398  
permanent improvements at sites at which one or more agricultural 99399  
societies conduct fairs or exhibits, paying the costs of 99400  
maintaining or operating such permanent improvements, and paying 99401  
the costs of administering the tax. A resolution adopted under 99402  
this division shall direct the board of elections to submit the 99403  
question of the proposed lodging tax to the electors of the county 99404  
at a special election held on the date specified by the board in 99405  
the resolution, provided that the election occurs not less than 99406  
ninety days after a certified copy of the resolution is 99407  
transmitted to the board of elections. A resolution submitted to 99408  
the electors under this division shall not go into effect unless 99409  
it is approved by a majority of those voting upon it. The 99410  
resolution takes effect on the date the board of county 99411  
commissioners receives notification from the board of elections of 99412  
an affirmative vote. 99413

The tax shall remain in effect for the period specified in 99414  
the resolution, not to exceed five years. All revenue arising from 99415  
the tax shall be credited to one or more special funds in the 99416  
county treasury and shall be spent solely for the purposes of 99417  
paying the costs of such permanent improvements and maintaining or 99418  
operating the improvements. Revenue allocated for the use of a 99419  
county agricultural society may be credited to the county 99420  
agricultural society fund created in section 1711.16 of the 99421  
Revised Code upon appropriation by the board. If revenue is 99422  
credited to that fund, it shall be expended only as provided in 99423  
that section. 99424

The board of county commissioners shall adopt all rules 99425  
necessary to provide for the administration of the tax. The rules 99426  
may prescribe the time for payment of the tax, and may provide for 99427  
the imposition or penalty or interest, or both, for late payments, 99428  
provided that the penalty does not exceed ten per cent of the 99429

amount of tax due, and the rate at which interest accrues does not 99430  
exceed the rate per annum prescribed in section 5703.47 of the 99431  
Revised Code. 99432

As used in this division, "eligible county" means a county in 99433  
which a county agricultural society or independent agricultural 99434  
society is organized under section 1711.01 or 1711.02 of the 99435  
Revised Code, provided the agricultural society owns a facility or 99436  
site in the county at which an annual harness horse race is 99437  
conducted where one-day attendance equals at least forty thousand 99438  
attendees. 99439

(M) As used in this division, "eligible county" means a 99440  
county in which a tax is levied under division (A) of this section 99441  
at a rate of three per cent and whose territory includes a part of 99442  
Lake Erie the shoreline of which represents at least fifty per 99443  
cent of the linear length of the county's border with other 99444  
counties of this state. 99445

The board of county commissioners of an eligible county that 99446  
has entered into an agreement with a port authority in the county 99447  
under section 4582.56 of the Revised Code may levy an additional 99448  
lodging tax on transactions by which lodging by a hotel is or is 99449  
to be furnished to transient guests for the purpose of financing 99450  
lakeshore improvement projects constructed or financed by the port 99451  
authority under that section. The resolution levying the tax shall 99452  
specify the purpose of the tax, the rate of the tax, which shall 99453  
not exceed two per cent, and the number of years the tax will be 99454  
levied or that it will be levied for a continuing period of time. 99455  
The tax shall be administered pursuant to the regulations adopted 99456  
by the board under division (A) of this section, except that all 99457  
the proceeds of the tax levied under this division shall be 99458  
pledged to the payment of the costs, including debt charges, of 99459  
lakeshore improvements undertaken by a port authority pursuant to 99460  
the agreement under section 4582.56 of the Revised Code. No 99461

revenue from the tax may be used to pay the current expenses of 99462  
the port authority. 99463

A resolution levying a tax under this division is subject to 99464  
referendum under sections 305.31 to 305.41 and 305.99 of the 99465  
Revised Code. 99466

(N)(1) Notwithstanding division (A) of this section, the 99467  
board of county commissioners, board of township trustees, or 99468  
legislative authority of any county, township, or municipal 99469  
corporation that levies a lodging tax on the effective date of the 99470  
amendment of this section and in which any part of a tourism 99471  
development district is located on or after that date shall amend 99472  
the ordinance or resolution levying the tax to require either of 99473  
the following: 99474

(a) In the case of a tax levied by a county, that all tourism 99475  
development district lodging tax proceeds from that tax be used 99476  
exclusively to foster and develop tourism in the tourism 99477  
development district; 99478

(b) In the case of a tax levied by a township or municipal 99479  
corporation, that all tourism development district lodging tax 99480  
proceeds from that tax be used exclusively to foster and develop 99481  
tourism in the tourism development district. 99482

(2) Notwithstanding division (A) of this section, any 99483  
ordinance or resolution levying a lodging tax adopted on or after 99484  
the effective date of the amendment of this section by a county, 99485  
township, or municipal corporation in which any part of a tourism 99486  
development district is located on or after that date shall 99487  
require that all tourism development district lodging tax proceeds 99488  
from that tax be used exclusively to foster and develop tourism in 99489  
the tourism development district. 99490

(3) A county shall not use any of the proceeds described in 99491  
division (N)(1)(a) of this section unless the convention and 99492



visitors' bureau operating within the county approves the manner 99493  
in which such proceeds are used to foster and develop tourism in 99494  
the tourism development district. Upon obtaining such approval, 99495  
the county may pay such proceeds to the bureau to use for the 99496  
agreed-upon purpose. 99497

A municipal corporation or township shall not use any of the 99498  
proceeds described in division (N)(1)(b) of this section unless 99499  
the convention and visitors' bureau operating within the municipal 99500  
corporation or township approves the manner in which such proceeds 99501  
are used to foster and develop tourism in the tourism development 99502  
district. Upon obtaining such approval, the municipal corporation 99503  
or township may pay such proceeds to the bureau to use for the 99504  
agreed-upon purpose. 99505

(4) As used in division (N) of this section: 99506

(a) "Tourism development district" means a district 99507  
designated by a municipal corporation under section 715.014 of the 99508  
Revised Code or by a township under section 503.56 of the Revised 99509  
Code. 99510

(b) "Lodging tax" means a tax levied pursuant to this section 99511  
or section 5739.08 of the Revised Code. 99512

(c) "Tourism development district lodging tax proceeds" means 99513  
all proceeds of a lodging tax derived from transactions by which 99514  
lodging by a hotel located in a tourism development district is or 99515  
is to be provided to transient guests. 99516

**Sec. 5739.12.** (A)(1) Each person who has or is required to 99517  
have a vendor's license, on or before the twenty-third day of each 99518  
month, shall make and file a return for the preceding month in the 99519  
form prescribed by the tax commissioner, and shall pay the tax 99520  
shown on the return to be due. The return shall be filed 99521  
electronically using the Ohio business gateway, as defined in 99522

section 718.01 of the Revised Code, the Ohio telefile system, or 99523  
any other electronic means prescribed by the commissioner. Payment 99524  
of the tax shown on the return to be due shall be made 99525  
electronically in a manner approved by the commissioner. The 99526  
commissioner may require a vendor that operates from multiple 99527  
locations or has multiple vendor's licenses to report all tax 99528  
liabilities on one consolidated return. The return shall show the 99529  
amount of tax due from the vendor to the state for the period 99530  
covered by the return and such other information as the 99531  
commissioner deems necessary for the proper administration of this 99532  
chapter. The commissioner may extend the time for making and 99533  
filing returns and paying the tax, and may require that the return 99534  
for the last month of any annual or semiannual period, as 99535  
determined by the commissioner, be a reconciliation return 99536  
detailing the vendor's sales activity for the preceding annual or 99537  
semiannual period. The reconciliation return shall be filed by the 99538  
last day of the month following the last month of the annual or 99539  
semiannual period. The commissioner may remit all or any part of 99540  
amounts or penalties that may become due under this chapter and 99541  
may adopt rules relating thereto. Such return shall be filed 99542  
electronically as directed by the tax commissioner, and payment of 99543  
the amount of tax shown to be due thereon, after deduction of any 99544  
discount provided for under this section, shall be made 99545  
electronically in a manner approved by the tax commissioner. 99546

(2) Any person required to file returns and make payments 99547  
electronically under division (A)(1) of this section may apply to 99548  
the tax commissioner on a form prescribed by the commissioner to 99549  
be excused from that requirement. For good cause shown, the 99550  
commissioner may excuse the person from that requirement and may 99551  
permit the person to file the returns and make the payments 99552  
required by this section by nonelectronic means. 99553

(B)(1) If the return is filed and the amount of tax shown 99554

thereon to be due is paid on or before the date such return is 99555  
required to be filed, the vendor shall be entitled to a discount 99556  
of three-fourths of one per cent of the amount shown to be due on 99557  
the return. 99558

(2) A vendor that has selected a certified service provider 99559  
as its agent shall not be entitled to the discount if the 99560  
certified service provider receives a monetary allowance pursuant 99561  
to section 5739.06 of the Revised Code for performing the vendor's 99562  
sales and use tax functions in this state. Amounts paid to the 99563  
clerk of courts pursuant to section 4505.06 of the Revised Code 99564  
shall be subject to the applicable discount. The discount shall be 99565  
in consideration for prompt payment to the clerk of courts and for 99566  
other services performed by the vendor in the collection of the 99567  
tax. 99568

(C)(1) Upon application to the tax commissioner, a vendor who 99569  
is required to file monthly returns may be relieved of the 99570  
requirement to report and pay the actual tax due, provided that 99571  
the vendor agrees to remit to the commissioner payment of not less 99572  
than an amount determined by the commissioner to be the average 99573  
monthly tax liability of the vendor, based upon a review of the 99574  
returns or other information pertaining to such vendor for a 99575  
period of not less than six months nor more than two years 99576  
immediately preceding the filing of the application. Vendors who 99577  
agree to the above conditions shall make and file an annual or 99578  
semiannual reconciliation return, as prescribed by the 99579  
commissioner. The reconciliation return shall be filed 99580  
electronically as directed by the tax commissioner, and payment of 99581  
the amount of tax shown to be due thereon, after deduction of any 99582  
discount provided in this section, shall be made electronically in 99583  
a manner approved by the commissioner. Failure of a vendor to 99584  
comply with any of the above conditions may result in immediate 99585  
reinstatement of the requirement of reporting and paying the 99586

actual tax liability on each monthly return, and the commissioner 99587  
may at the commissioner's discretion deny the vendor the right to 99588  
report and pay based upon the average monthly liability for a 99589  
period not to exceed two years. The amount ascertained by the 99590  
commissioner to be the average monthly tax liability of a vendor 99591  
may be adjusted, based upon a review of the returns or other 99592  
information pertaining to the vendor for a period of not less than 99593  
six months nor more than two years preceding such adjustment. 99594

(2) The commissioner may authorize vendors whose tax 99595  
liability is not such as to merit monthly returns, as ascertained 99596  
by the commissioner upon the basis of administrative costs to the 99597  
state, to make and file returns at less frequent intervals. When 99598  
returns are filed at less frequent intervals in accordance with 99599  
such authorization, the vendor shall be allowed the discount 99600  
provided in this section in consideration for prompt payment with 99601  
the return, provided the return is filed and payment is made of 99602  
the amount of tax shown to be due thereon, at the time specified 99603  
by the commissioner, but a vendor that has selected a certified 99604  
service provider as its agent shall not be entitled to the 99605  
discount. 99606

(D) Any vendor who fails to file a return or to pay the full 99607  
amount of the tax shown on the return to be due in the manner 99608  
prescribed under this section and the rules of the commissioner 99609  
may, for each such return, be required to forfeit and pay into the 99610  
state treasury an additional charge not exceeding fifty dollars or 99611  
ten per cent of the tax required to be paid for the reporting 99612  
period, whichever is greater, as revenue arising from the tax 99613  
imposed by this chapter, and such sum may be collected by 99614  
assessment in the manner provided in section 5739.13 of the 99615  
Revised Code. The commissioner may remit all or a portion of the 99616  
additional charge and may adopt rules relating to the imposition 99617  
and remission of the additional charge. 99618

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of the vendor's total tax liability for the previous calendar year for all of the vendor's locations or licenses.

(H) The tax commissioner shall consolidate the returns required by this section and section 5741.12 of the Revised Code so that persons with a tax liability under both this chapter and Chapter 5741. of the Revised Code may report those tax liabilities on a single return.

**Sec. 5739.132.** (A) If a tax ~~payment originally, fee, or~~

charge due under this chapter or Chapter 128. or 5741. of the 99650  
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 99651  
the day the ~~tax~~ payment is required to be paid, interest shall 99652  
accrue on the unpaid tax, fee, or charge at the rate per annum 99653  
prescribed by section 5703.47 of the Revised Code from the day the 99654  
tax, fee, or charge was required to be paid until the tax, fee, or 99655  
charge is paid or until the day an assessment is issued under 99656  
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 99657  
first. Interest shall be paid in the same manner as the tax, fee, 99658  
or charge, and may be collected by assessment. 99659

~~(B) For tax payments due prior to January 1, 1998, interest~~ 99660  
~~shall be allowed and paid upon any refund granted in respect to~~ 99661  
~~the payment of an illegal or erroneous assessment issued by the~~ 99662  
~~department for the tax imposed under this chapter or Chapter 5741.~~ 99663  
~~of the Revised Code from the date of the overpayment. For tax~~ 99664  
~~payments due on or after January 1, 1998, interest~~ Interest shall 99665  
be allowed and paid on any refund granted pursuant to section 99666  
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 99667  
the overpayment. The interest shall be computed at the rate per 99668  
annum prescribed by section 5703.47 of the Revised Code. 99669

Sec. 5739.18. The tax commissioner shall provide and maintain 99670  
a system that will allow county auditors to issue vendor's 99671  
licenses. County auditors shall use that system to issue vendor's 99672  
licenses. 99673

The commissioner shall publish lists of the following 99674  
information on the department of taxation's web site: 99675

(A) The name, account number, and business address of each 99676  
holder of a vendor's license issued under section 5739.17 of the 99677  
Revised Code, and information regarding the active or inactive 99678  
status of the license; 99679

(B) The name, account number, and business address of each 99680

holder of a direct payment permit issued under section 5739.031 of 99681  
the Revised Code and information regarding the active or inactive 99682  
status of the permit; 99683

(C) The name, account number, and business address of each 99684  
seller that has registered with the commissioner under section 99685  
5741.17 of the Revised Code and information regarding the active 99686  
or inactive status of the registration. 99687

**Sec. 5739.30.** (A) No person, including any officer, employee, 99688  
or trustee of a corporation or business trust, shall fail to file 99689  
any return or report required to be filed by this chapter, or file 99690  
or cause to be filed any incomplete, false or fraudulent return, 99691  
report, or statement, or aid or abet another in the filing of any 99692  
false or fraudulent return, report, or statement. 99693  
99694

(B) If any vendor required to file monthly returns under 99695  
section 5739.12 of the Revised Code fails, on two consecutive 99696  
months or on three or more months within a twelve-month period, to 99697  
file such returns when due or to pay the tax thereon, or if any 99698  
vendor authorized by the tax commissioner to file semiannual 99699  
returns fails on two or more occasions within a twenty-four month 99700  
period, to file such returns when due or to pay the tax due 99701  
thereon, the commissioner may do any of the following: 99702

(1) Require the vendor to furnish security in an amount equal 99703  
to the average tax liability of the vendor for a period of one 99704  
year, as determined by the commissioner from a review of returns 99705  
or other information pertaining to the vendor, which amount shall 99706  
in no event be less than one thousand dollars. The security may be 99707  
in the form of a corporate surety bond, satisfactory to the 99708  
commissioner, conditioned upon payment of the tax due with the 99709  
returns from the vendor. The security shall be filed within ten 99710  
days following the vendor's receipt of the notice from the 99711

commissioner of its requirements. 99712

(2) Suspend the license issued to the vendor pursuant to 99713  
section 5739.17 of the Revised Code. The suspension shall be 99714  
effective ten days after service of written notice to the vendor 99715  
of the commissioner's intention to do so. The notice shall be 99716  
served upon the vendor personally, by certified mail, or by an 99717  
alternative delivery service as authorized under section 5703.37 99718  
of the Revised Code. On the first day of the suspension, the 99719  
commissioner shall cause to be posted, at every public entrance of 99720  
the vendor's premises, a notice identifying the vendor and the 99721  
location and informing the public that the vendor's license is 99722  
under suspension and that no retail sales may be transacted at 99723  
that location. No person, other than the commissioner or the 99724  
commissioner's agent or employee, shall remove, cover, or deface 99725  
the posted notice. No license which has been suspended under this 99726  
section shall be reinstated, and no posted notice shall be 99727  
removed, until the vendor has filed complete and correct returns 99728  
under this chapter and section 5747.07 of the Revised Code for all 99729  
periods in which no return had been filed and has paid the full 99730  
amount of the tax, penalties, ~~and or~~ other charges due ~~on those~~ 99731  
~~returns~~. 99732

A corporate surety bond filed under this section shall be 99733  
returned to the vendor if, for a period of twelve consecutive 99734  
months following the date the bond was filed, the vendor has filed 99735  
all returns and remitted payment with them within the time 99736  
prescribed in section 5739.12 of the Revised Code. 99737

(C) The tax commissioner may suspend a license issued to a 99738  
vendor pursuant to section 5739.17 of the Revised Code if the 99739  
vendor is required, as an employer, to file returns or make 99740  
payments under section 5747.07 of the Revised Code and the vendor 99741  
fails to do either of the following: 99742

(1) File such returns when due on two consecutive occasions 99743



or on three or more occasions within a twelve-month period; 99744

(2) Pay the undeposited taxes when due on two consecutive occasions or on three or more occasions within a twelve-month period. 99745  
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Any such suspension shall comply with the provisions of division (B)(2) of this section. 99748  
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(D) If a vendor whose license has been suspended under division (B)(2) of this section fails to file returns or make payments under section 5747.07 of the Revised Code during such suspension, the license may not be reinstated, and the notice required by that division shall not be removed, until the vendor files complete and correct returns and pays the amounts due, plus any penalties and other related charges, under section 5747.07 of the Revised Code for all periods for which the vendor failed to file such returns and make such payments. 99750  
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**Sec. 5741.01.** As used in this chapter: 99759

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form. 99760  
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(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state. 99765  
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(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state. 99767  
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(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by a transfer of title, or of possession, or of both, or a license to 99771  
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use or consume; whether such transfer was absolute or conditional, 99774  
and by whatever means the transfer was effected; and whether the 99775  
consideration was money, credit, barter, or exchange. Purchase 99776  
includes production, even though the article produced was used, 99777  
stored, or consumed by the producer. The transfer of copyrighted 99778  
motion picture films for exhibition purposes is not a purchase, 99779  
except such films as are used solely for advertising purposes. 99780

(E) "Seller" means the person from whom a purchase is made, 99781  
and includes every person engaged in this state or elsewhere in 99782  
the business of selling tangible personal property or providing a 99783  
service for storage, use, or other consumption or benefit in this 99784  
state; and when, in the opinion of the tax commissioner, it is 99785  
necessary for the efficient administration of this chapter, to 99786  
regard any salesperson, representative, peddler, or canvasser as 99787  
the agent of a dealer, distributor, supervisor, or employer under 99788  
whom the person operates, or from whom the person obtains tangible 99789  
personal property, sold by the person for storage, use, or other 99790  
consumption in this state, irrespective of whether or not the 99791  
person is making such sales on the person's own behalf, or on 99792  
behalf of such dealer, distributor, supervisor, or employer, the 99793  
commissioner may regard the person as such agent, and may regard 99794  
such dealer, distributor, supervisor, or employer as the seller. 99795  
"Seller" does not include any person to the extent the person 99796  
provides a communications medium, such as, but not limited to, 99797  
newspapers, magazines, radio, television, or cable television, by 99798  
means of which sellers solicit purchases of their goods or 99799  
services. 99800

(F) "Consumer" means any person who has purchased tangible 99801  
personal property or has been provided a service for storage, use, 99802  
or other consumption or benefit in this state. "Consumer" does not 99803  
include a person who receives, without charge, tangible personal 99804  
property or a service. 99805

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this

state more than six months after its acquisition by the consumer, 99837  
the consumer or the commissioner may determine the price based on 99838  
the current value of such tangible personal property, in lieu of 99839  
determining the price pursuant to division (G)(1) of this section. 99840  
A price determination made by the consumer is subject to review 99841  
and redetermination by the commissioner. 99842

(6) If a consumer produces tangible personal property for 99843  
sale and removes that property from inventory for the consumer's 99844  
own use, the price is the produced cost of that tangible personal 99845  
property. 99846

(H) "Nexus with this state" means that the seller engages in 99847  
continuous and widespread solicitation of purchases from residents 99848  
of this state or otherwise purposefully directs its business 99849  
activities at residents of this state. 99850

(I)(1) "Substantial nexus with this state" means that the 99851  
seller has sufficient contact with this state, in accordance with 99852  
Section 8 of Article I of the Constitution of the United States, 99853  
to allow the state to require the seller to collect and remit use 99854  
tax on sales of tangible personal property or services made to 99855  
consumers in this state. 99856

(2) "Substantial nexus with this state" is presumed to exist 99857  
when the seller does any of the following: 99858

(a) Uses an office, distribution facility, warehouse, storage 99859  
facility, or similar place of business within this state, whether 99860  
operated by the seller or any other person, other than a common 99861  
carrier acting in its capacity as a common carrier. 99862

(b) Regularly uses employees, agents, representatives, 99863  
solicitors, installers, repairers, salespersons, or other persons 99864  
in this state for the purpose of conducting the business of the 99865  
seller or either to engage in a business with the same or a 99866  
similar industry classification as the seller selling a similar 99867

product or line of products as the seller, or to use trademarks, 99868  
service marks, or trade names in this state that are the same or 99869  
substantially similar to those used by the seller. 99870

(c) Uses any person, other than a common carrier acting in 99871  
its capacity as a common carrier, in this state for any of the 99872  
following purposes: 99873

(i) Receiving or processing orders of the seller's goods or 99874  
services; 99875

(ii) Using that person's employees or facilities in this 99876  
state to advertise, promote, or facilitate sales by the seller to 99877  
customers; 99878

(iii) Delivering, installing, assembling, or performing 99879  
maintenance services for the seller's customers; 99880

(iv) Facilitating the seller's delivery of tangible personal 99881  
property to customers in this state by allowing the seller's 99882  
customers to pick up property sold by the seller at an office, 99883  
distribution facility, warehouse, storage facility, or similar 99884  
place of business. 99885

(d) Makes regular deliveries of tangible personal property 99886  
into this state by means other than common carrier. 99887

(e) Has an affiliated person that has substantial nexus with 99888  
this state. 99889

(f) Owns tangible personal property that is rented or leased 99890  
to a consumer in this state, or offers tangible personal property, 99891  
on approval, to consumers in this state. 99892

(g) Enters into an agreement with one or more residents of 99893  
this state under which the resident, for a commission or other 99894  
consideration, directly or indirectly refers potential customers 99895  
to the seller, whether by a link on a web site, an in-person oral 99896  
presentation, telemarketing, or otherwise, provided the cumulative 99897

gross receipts from sales to consumers referred to the seller by 99898  
all such residents exceeded ten thousand dollars during the 99899  
preceding twelve months. 99900

(3) A seller presumed to have substantial nexus with this 99901  
state under divisions (I)(2)(a) to (f) of this section may rebut 99902  
that presumption by demonstrating that activities described in any 99903  
of those divisions that are conducted by a person in this state on 99904  
the seller's behalf are not significantly associated with the 99905  
seller's ability to establish or maintain a market in this state 99906  
for the seller's sales. 99907

(4) A seller presumed to have substantial nexus with this 99908  
state under division (I)(2)(g) of this section may rebut that 99909  
presumption by submitting proof that each resident engaged by the 99910  
seller as described in that division did not engage in any 99911  
activity within this state during the preceding twelve months that 99912  
was significantly associated with the seller's ability to 99913  
establish or maintain the seller's market in this state during the 99914  
preceding twelve months. Such proof may consist of sworn written 99915  
statements from all the residents with whom the seller has an 99916  
agreement stating that the resident did not engage in any 99917  
solicitation in this state on behalf of the seller during the 99918  
preceding twelve months if such statements are provided and 99919  
obtained in good faith. 99920

(5) A seller that does not have substantial nexus with this 99921  
state, and any affiliated person of the seller, before selling or 99922  
leasing tangible personal property or services to a state agency, 99923  
shall register with the tax commissioner in the same manner as a 99924  
seller described in division (A)(1) of section 5741.17 of the 99925  
Revised Code. 99926

(6) As used in division (I) of this section: 99927

(a) "Affiliated person" means any person that is a member of 99928

the same controlled group of corporations as the seller or any 99929  
other person that, notwithstanding the form of organization, bears 99930  
the same ownership relationship to the seller as a corporation 99931  
that is a member of the same controlled group of corporations. 99932

(b) "Controlled group of corporations" has the same meaning 99933  
as in section 1563(a) of the Internal Revenue Code. 99934

(c) "State agency" has the same meaning as in section 1.60 of 99935  
the Revised Code. 99936

(J) "Fiscal officer" means, with respect to a regional 99937  
transit authority, the secretary-treasurer thereof, and with 99938  
respect to a county which is a transit authority, the fiscal 99939  
officer of the county transit board appointed pursuant to section 99940  
306.03 of the Revised Code or, if the board of county 99941  
commissioners operates the county transit system, the county 99942  
auditor. 99943

(K) "Territory of the transit authority" means all of the 99944  
area included within the territorial boundaries of a transit 99945  
authority as they from time to time exist. Such territorial 99946  
boundaries must at all times include all the area of a single 99947  
county or all the area of the most populous county which is a part 99948  
of such transit authority. County population shall be measured by 99949  
the most recent census taken by the United States census bureau. 99950

(L) "Transit authority" means a regional transit authority 99951  
created pursuant to section 306.31 of the Revised Code or a county 99952  
in which a county transit system is created pursuant to section 99953  
306.01 of the Revised Code. For the purposes of this chapter, a 99954  
transit authority must extend to at least the entire area of a 99955  
single county. A transit authority which includes territory in 99956  
more than one county must include all the area of the most 99957  
populous county which is a part of such transit authority. County 99958  
population shall be measured by the most recent census taken by 99959

the United States census bureau. 99960

(M) "Providing a service" has the same meaning as in section 99961  
5739.01 of the Revised Code. 99962

(N) "Other consumption" includes receiving the benefits of a 99963  
service. 99964

(O) "Lease" or "rental" has the same meaning as in section 99965  
5739.01 of the Revised Code. 99966

(P) "Certified service provider" has the same meaning as in 99967  
section 5740.01 of the Revised Code. 99968

(Q) "Remote sale" means a sale for which the seller could not 99969  
be legally required to pay, collect, or remit a tax imposed under 99970  
this chapter or Chapter 5739. of the Revised Code, unless 99971  
otherwise provided by the laws of the United States. 99972

(R) "Remote seller" means a seller that lacks substantial 99973  
nexus with this state but is required to register with the tax 99974  
commissioner under division (A) of section 5741.17 of the Revised 99975  
Code pursuant to federal law authorizing states to require such 99976  
sellers to register, collect, and remit use tax. A seller that is 99977  
not required to register with the commissioner under that division 99978  
~~(A) of section 5741.17 of the Revised Code~~ but registers 99979  
voluntarily under division ~~(B)~~(C) of that section is not a "remote 99980  
seller." A seller required to register with the commissioner under  
division (B) of that section is not a "remote seller." A seller 99981  
that registers with the commissioner under section 5741.17 of the 99982  
Revised Code after the effective date of any federal law that 99983  
authorizes states to require sellers that lack substantial nexus 99984  
with the state to register, collect, and remit use tax is presumed 99985  
to be a "remote seller." The seller or the commissioner may rebut 99986  
this presumption with evidence that the seller has substantial 99987  
nexus with this state. 99988  
99989

(S) "Remote small seller" means a remote seller that has 99990



gross annual receipts from remote sales in the United States not 99991  
exceeding one million dollars for the preceding calendar year. For 99992  
the purposes of determining whether a person is a remote small 99993  
~~remote~~ seller, the sales of all persons related within the meaning 99994  
of subsection (b) or (c) of section 267 or section 707(b)(1) of 99995  
the Internal Revenue Code shall be aggregated, and persons with 99996  
one or more ownership relationships shall be aggregated if those 99997  
relationships were designed with the principal purpose to qualify 99998  
as a remote small seller. 99999

**Sec. 5741.021.** (A) For the purpose of providing additional 100000  
general revenues for the county ~~or~~, supporting criminal and 100001  
administrative justice services in the county, funding a regional 100002  
transportation improvement project under section 5595.06 of the 100003  
Revised Code, or ~~both~~ any combination of the foregoing, and to pay 100004  
the expenses of administering such levy, any county which levies a 100005  
tax pursuant to section 5739.021 of the Revised Code shall levy a 100006  
tax at the same rate levied pursuant to section 5739.021 of the 100007  
Revised Code on the storage, use, or other consumption in the 100008  
county of the following: 100009

(1) Motor vehicles, and watercraft and outboard motors 100010  
required to be titled in the county pursuant to Chapter 1548. of 100011  
the Revised Code and acquired by a transaction subject to the tax 100012  
imposed by section 5739.02 of the Revised Code; 100013

(2) In addition to the tax imposed by section 5741.02 of the 100014  
Revised Code, tangible personal property and services subject to 100015  
the tax levied by this state as provided in section 5741.02 of the 100016  
Revised Code, and tangible personal property and services 100017  
purchased in another county within this state by a transaction 100018  
subject to the tax imposed by section 5739.02 of the Revised Code. 100019

The tax shall be levied pursuant to a resolution of the board 100020  
of county commissioners which shall be adopted after publication 100021

of notice and hearing in the same manner as provided in section 100022  
5739.021 of the Revised Code. Such resolution shall be adopted and 100023  
shall become effective on the same day as the resolution adopted 100024  
by the board of county commissioners levying a sales tax pursuant 100025  
to section 5739.021 of the Revised Code and shall remain in effect 100026  
until such sales tax is repealed. 100027

(B) The tax levied pursuant to this section on the storage, 100028  
use, or other consumption of tangible personal property and on the 100029  
benefit of a service realized shall be in addition to the tax 100030  
levied by section 5741.02 of the Revised Code and, except as 100031  
provided in division (D) of this section, any tax levied pursuant 100032  
to sections 5741.022 and 5741.023 of the Revised Code. 100033

(C) The additional tax levied by the county shall be 100034  
collected pursuant to section 5739.025 of the Revised Code. If the 100035  
additional tax or some portion thereof is levied for the purpose 100036  
of criminal and administrative justice services, the revenue from 100037  
the tax, or the amount or rate apportioned to that purpose, shall 100038  
be credited to a special fund created in the county treasury for 100039  
receipt of that revenue. 100040

(D) The tax levied pursuant to this section shall not be 100041  
applicable to any benefit of a service realized or to any storage, 100042  
use, or consumption of property not within the taxing power of a 100043  
county under the constitution of the United States or the 100044  
constitution of this state, or to property or services on which a 100045  
tax levied by a county or transit authority pursuant to this 100046  
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 100047  
5741.023 of the Revised Code has been paid, if the sum of the 100048  
taxes paid pursuant to those sections is equal to or greater than 100049  
the sum of the taxes due under this section and sections 5741.022 100050  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100051  
less than the sum of the taxes due under this section and sections 100052  
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 100053

shall be credited against the amount of tax due. 100054

(E) As used in this section, "criminal and administrative 100055  
justice services" has the same meaning as in section 5739.021 of 100056  
the Revised Code. 100057

**Sec. 5741.022.** (A) For the purpose of providing additional 100058  
general revenues for the transit authority or funding a regional 100059  
transportation improvement project under section 5595.06 of the 100060  
Revised Code, or both, and ~~paying~~ to pay the expenses of 100061  
administering such levy, any transit authority as defined in 100062  
section 5741.01 of the Revised Code that levies a tax pursuant to 100063  
section 5739.023 of the Revised Code shall levy a tax at the same 100064  
rate levied pursuant to such section on the storage, use, or other 100065  
consumption in the territory of the transit authority of the 100066  
following: 100067

(1) Motor vehicles, and watercraft and outboard motors 100068  
required to be titled in the county pursuant to Chapter 1548. of 100069  
the Revised Code and acquired by a transaction subject to the tax 100070  
imposed by section 5739.02 of the Revised Code; 100071

(2) In addition to the tax imposed by section 5741.02 of the 100072  
Revised Code, tangible personal property and services subject to 100073  
the tax levied by this state as provided in section 5741.02 of the 100074  
Revised Code, and tangible personal property and services 100075  
purchased in another county within this state by a transaction 100076  
subject to the tax imposed by section 5739.02 of the Revised Code. 100077

The tax shall be in effect at the same time and at the same 100078  
rate and shall be levied pursuant to the resolution of the 100079  
legislative authority of the transit authority levying a sales tax 100080  
pursuant to section 5739.023 of the Revised Code. 100081

(B) The tax levied pursuant to this section on the storage, 100082  
use, or other consumption of tangible personal property and on the 100083

benefit of a service realized shall be in addition to the tax 100084  
levied by section 5741.02 of the Revised Code and, except as 100085  
provided in division (D) of this section, any tax levied pursuant 100086  
to sections 5741.021 and 5741.023 of the Revised Code. 100087

(C) The additional tax levied by the authority shall be 100088  
collected pursuant to section 5739.025 of the Revised Code. 100089

(D) The tax levied pursuant to this section shall not be 100090  
applicable to any benefit of a service realized or to any storage, 100091  
use, or consumption of property not within the taxing power of a 100092  
transit authority under the constitution of the United States or 100093  
the constitution of this state, or to property or services on 100094  
which a tax levied by a county or transit authority pursuant to 100095  
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 100096  
5741.023 of the Revised Code has been paid, if the sum of the 100097  
taxes paid pursuant to those sections is equal to or greater than 100098  
the sum of the taxes due under this section and sections 5741.021 100099  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100100  
less than the sum of the taxes due under this section and sections 100101  
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 100102  
shall be credited against the amount of tax due. 100103

(E) The rate of a tax levied under this section is subject to 100104  
reduction under section 5739.028 of the Revised Code if a ballot 100105  
question is approved by voters pursuant to that section. 100106

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 100107  
divisions (A)(2), (3), and (4) of this section, every seller of 100108  
tangible personal property or services who has substantial nexus 100109  
with this state shall register with the tax commissioner and 100110  
supply any information concerning the seller's contacts with this 100111  
state that may be required by the commissioner. 100112

(2) A seller who is licensed as a vendor pursuant to section 100113  
5739.17 of the Revised Code shall not be required to register with 100114

the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of the seller's vendor's license.

(3) ~~Unless~~ Except as otherwise required under division (B) of this section, and unless the seller has substantial nexus with this state pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) ~~A~~ Except as otherwise required under division (B) of this section, a seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller shall register with the tax commissioner if the seller is not required to register under division (A) of this section and either of the following applies to the seller:

(1) The seller has gross receipts in excess of one hundred thousand dollars in either the preceding or current calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.

(2) The seller engages, in either the preceding or current calendar year, in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or providing services the benefit of

which is realized in this state. 100146

(C) A seller who does not have substantial nexus with this 100147  
state and is not required to register under division (B) of this 100148  
section may voluntarily register with the commissioner. A seller 100149  
who voluntarily registers with the commissioner under this section 100150  
is entitled to the same benefits and is subject to the same duties 100151  
and requirements as a seller required to be registered with the 100152  
commissioner under this chapter. 100153

(D) The commissioner shall maintain an alphabetical index of 100154  
all sellers registered under this chapter and records of the use 100155  
tax reported and paid. Upon request, this information shall be 100156  
made available to the treasurer of state. 100157

~~(C)~~(E) A remote small seller is not required to register 100158  
under division (A) of this section. 100159

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 100160  
the Revised Code, the taxes imposed under sections 5743.02, 100161  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 100162  
by the purchase of tax stamps. A tax stamp shall be affixed to 100163  
each package of an aggregate denomination not less than the amount 100164  
of the tax upon the contents thereof. The tax stamp, so affixed, 100165  
shall be prima-facie evidence of payment of the tax. 100166

Except as is provided in the rules prescribed by the tax 100167  
commissioner under authority of sections 5743.01 to 5743.20 of the 100168  
Revised Code, and unless tax stamps have been previously affixed, 100169  
they shall be so affixed by each wholesale dealer, and canceled by 100170  
writing or stamping across the face thereof the number assigned to 100171  
such wholesale dealer by the tax commissioner for that purpose, 100172  
prior to the delivery of any cigarettes to any person in this 100173  
state, or in the case of a tax levied pursuant to section 100174  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 100175  
delivery of cigarettes to any person in the county in which the 100176

tax is levied. 100177

(B) Except as provided in the rules prescribed by the 100178  
commissioner under authority of sections 5743.01 to 5743.20 of the 100179  
Revised Code, each retail dealer, within twenty-four hours after 100180  
the receipt of any cigarettes at the retail dealer's place of 100181  
business, shall inspect the cigarettes to ensure that tax stamps 100182  
are affixed. The inspection shall be completed before the 100183  
cigarettes are delivered to any person in this state, or, in the 100184  
case of a tax levied pursuant to section 5743.021, 5743.024, or 100185  
5743.026 of the Revised Code, before the cigarettes are delivered 100186  
to any person in the county in which the tax is levied. 100187

(C) Whenever any cigarettes are found in the place of 100188  
business of any retail dealer without proper tax stamps affixed 100189  
thereto and canceled, it is presumed that such cigarettes are kept 100190  
therein in violation of sections 5743.01 to 5743.20 of the Revised 100191  
Code. 100192

(D) Each wholesale dealer who purchases cigarettes without 100193  
proper tax stamps affixed thereto shall, on or before the 100194  
~~thirty first last~~ day of the ~~each~~ month following the close of 100195  
~~each semiannual period, which period shall end on the thirtieth~~ 100196  
~~day of June and the thirty first day of December of each year,~~ 100197  
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 100198  
calendar month, on such form as is prescribed by the tax 100199  
commissioner, showing the dealer's entire purchases and sales of 100200  
cigarettes and stamps for such ~~semiannual period~~ month and 100201  
accurate inventories as of the beginning and end of each 100202  
~~semiannual period~~ month of cigarettes, stamped or unstamped; 100203  
cigarette tax stamps affixed or unaffixed; and such other 100204  
information as the commissioner finds necessary to the proper 100205  
administration of sections 5743.01 to 5743.20 of the Revised Code. 100206  
The commissioner may extend the time for making and filing returns 100207  
and may remit all or any part of amounts of penalties that may 100208

become due under sections 5743.01 to 5743.20 of the Revised Code. 100209  
The wholesale dealer shall deliver the return together with a 100210  
remittance of the tax deficiency reported thereon to the 100211  
commissioner. 100212

(E) Any wholesale dealer who fails to file a return under 100213  
this section and the rules of the commissioner, other than a 100214  
report required pursuant to division (F) of this section, may be 100215  
required, for each day the dealer so fails, to forfeit and pay 100216  
into the state treasury the sum of one dollar as revenue arising 100217  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 100218  
Code and such sum may be collected by assessment in the manner 100219  
provided in section 5743.081 of the Revised Code. If the 100220  
commissioner finds it necessary in order to insure the payment of 100221  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 100222  
Code, the commissioner may require returns and payments to be made 100223  
other than ~~semiannually~~ monthly. The returns shall be signed by 100224  
the wholesale dealer or an authorized agent thereof. 100225

(F) Each person required to file a tax return under section 100226  
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 100227  
the commissioner the quantity of all cigarettes and roll-your-own 100228  
cigarette tobacco sold in Ohio for each brand not covered by the 100229  
tobacco master settlement agreement for which the person is liable 100230  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 100231  
the Revised Code. 100232

As used in this division, "tobacco master settlement 100233  
agreement" has the same meaning as in section 183.01 of the 100234  
Revised Code. 100235

(G) The report required by division (F) of this section shall 100236  
be made on a form prescribed by the commissioner and shall be 100237  
filed not later than the last day of each month for the previous 100238  
month, except that if the commissioner determines that the 100239  
quantity reported by a person does not warrant monthly reporting, 100240



the commissioner may authorize reporting at less frequent 100241  
intervals. The commissioner may assess a penalty of not more than 100242  
two hundred fifty dollars for each month or portion thereof that a 100243  
person fails to timely file a required report, and such sum may be 100244  
collected by assessment in the manner provided in section 5743.081 100245  
of the Revised Code. All money collected under this division shall 100246  
be considered as revenue arising from the taxes imposed by 100247  
sections 5743.01 to 5743.20 of the Revised Code. 100248

(H) The commissioner may sell tax stamps only to a licensed 100249  
wholesale dealer, except as otherwise authorized by the 100250  
commissioner. The commissioner may charge the costs associated 100251  
with the shipment of tax stamps to the licensed wholesale dealer. 100252  
Amounts collected from such charges shall be credited to the 100253  
cigarette tax enforcement fund created under section 5743.15 of 100254  
the Revised Code. 100255

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 100256  
fails to pay the tax levied under section 5743.02, 5743.021, 100257  
5743.024, or 5743.026 of the Revised Code as required by sections 100258  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 100259  
tax commissioner, or fails to collect the tax from the purchaser 100260  
or consumer, the commissioner may make an assessment against the 100261  
wholesale or retail dealer based upon any information in the 100262  
commissioner's possession. 100263

The commissioner may make an assessment against any wholesale 100264  
or retail dealer who fails to file a return required by section 100265  
5743.03 or 5743.025 of the Revised Code. 100266

No assessment shall be made against any wholesale or retail 100267  
dealer for any taxes imposed under section 5743.02, 5743.021, 100268  
5743.024, or 5743.026 of the Revised Code more than three years 100269  
after the last day of the calendar month that immediately follows 100270  
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 100271

Revised Code in which the sale was made, or more than three years 100272  
after the ~~semiannual~~ return for ~~such period~~ the month in which the 100273  
sale was made is filed, whichever is later. This section does not 100274  
bar an assessment against any wholesale or retail dealer who fails 100275  
to file a return as required by section 5743.025 or 5743.03 of the 100276  
Revised Code, or who files a fraudulent return. 100277

A penalty of up to thirty per cent may be added to the amount 100278  
of every assessment made under this section. The commissioner may 100279  
adopt rules providing for the imposition and remission of 100280  
penalties added to assessments made under this section. 100281

The commissioner shall give the party assessed written notice 100282  
of the assessment in the manner provided in section 5703.37 of the 100283  
Revised Code. The notice shall specify separately any portion of 100284  
the assessment that represents a county tax. With the notice, the 100285  
commissioner shall provide instructions on how to petition for 100286  
reassessment and request a hearing on the petition. 100287

(B) Unless the party assessed files with the tax commissioner 100288  
within sixty days after service of the notice of assessment, 100289  
either personally or by certified mail, a written petition for 100290  
reassessment signed by the party assessed or that party's 100291  
authorized agent having knowledge of the facts, the assessment 100292  
becomes final and the amount of the assessment is due and payable 100293  
from the party assessed to the treasurer of state. The petition 100294  
shall indicate the objections of the party assessed, but 100295  
additional objections may be raised in writing if received by the 100296  
commissioner prior to the date shown on the final determination. 100297  
If the petition has been properly filed, the commissioner shall 100298  
proceed under section 5703.60 of the Revised Code. 100299

(C) After an assessment becomes final, if any portion of the 100300  
assessment remains unpaid, including accrued interest, a certified 100301  
copy of the tax commissioner's entry making the assessment final 100302  
may be filed in the office of the clerk of the court of common 100303

pleas in the county in which the wholesale or retail dealer's 100304  
place of business is located or the county in which the party 100305  
assessed resides. If the party assessed maintains no place of 100306  
business in this state and is not a resident of this state, the 100307  
certified copy of the entry may be filed in the office of the 100308  
clerk of the court of common pleas of Franklin county. 100309

Immediately upon the filing of the commissioner's entry, the 100310  
clerk shall enter a judgment for the state against the party 100311  
assessed in the amount shown on the entry. The judgment may be 100312  
filed by the clerk in a loose-leaf book entitled "special 100313  
judgments for state cigarette sales tax," and shall have the same 100314  
effect as other judgments. Execution shall issue upon the judgment 100315  
upon the request of the tax commissioner, and all laws applicable 100316  
to sales on execution shall apply to sales made under the 100317  
judgment, except as otherwise provided in sections 5743.01 to 100318  
5743.20 of the Revised Code. 100319

If the assessment is not paid in its entirety within sixty 100320  
days after the assessment was issued, the portion of the 100321  
assessment consisting of tax due shall bear interest at the rate 100322  
per annum prescribed by section 5703.47 of the Revised Code from 100323  
the day the commissioner issues the assessment until it is paid or 100324  
until it is certified to the attorney general for collection under 100325  
section 131.02 of the Revised Code, whichever comes first. If the 100326  
unpaid portion of the assessment is certified to the attorney 100327  
general for collection, the entire unpaid portion of the 100328  
assessment shall bear interest at the rate per annum prescribed by 100329  
section 5703.47 of the Revised Code from the date of certification 100330  
until the date it is paid in its entirety. Interest shall be paid 100331  
in the same manner as the tax and may be collected by the issuance 100332  
of an assessment under this section. 100333

(D) All money collected by the tax commissioner under this 100334  
section shall be paid to the treasurer of state, and when paid 100335

shall be considered as revenue arising from the taxes imposed by 100336  
sections 5743.01 to 5743.20 of the Revised Code. 100337

**Sec. 5743.15.** (A) Except as otherwise provided in this 100338  
division, no person shall engage in this state in the wholesale or 100339  
retail business of trafficking in cigarettes or in the business of 100340  
a manufacturer or importer of cigarettes without having a license 100341  
to conduct each such activity issued by a county auditor under 100342  
division (B) of this section or the tax commissioner under 100343  
divisions (C) and (F) of this section. On dissolution of a 100344  
partnership by death, the surviving partner may operate under the 100345  
license of the partnership until expiration of the license, and 100346  
the heirs or legal representatives of deceased persons, and 100347  
receivers and trustees in bankruptcy appointed by any competent 100348  
authority, may operate under the license of the person succeeded 100349  
in possession by such heir, representative, receiver, or trustee 100350  
in bankruptcy if the partner or successor notifies the issuer of 100351  
the license of the dissolution or succession within thirty days 100352  
after the dissolution or succession. 100353

(B)(1) Each applicant for a license to engage in the retail 100354  
business of trafficking in cigarettes under this section, 100355  
annually, on or before the fourth Monday of May, shall make and 100356  
deliver to the county auditor of the county in which the applicant 100357  
desires to engage in the retail business of trafficking in 100358  
cigarettes, upon a blank form furnished by such auditor for that 100359  
purpose, a statement showing the name of the applicant, each 100360  
physical place in the county where the applicant's business is 100361  
conducted, the nature of the business, and any other information 100362  
the tax commissioner requires in the form of statement prescribed 100363  
by the commissioner. If the applicant is a firm, partnership, or 100364  
association other than a corporation, the application shall state 100365  
the name and address of each of its members. If the applicant is a 100366  
corporation, the application shall state the name and address of 100367

each of its officers. At the time of making the application 100368  
required by this section, every person desiring to engage in the 100369  
retail business of trafficking in cigarettes shall pay an 100370  
application fee in the sum of one hundred twenty-five dollars for 100371  
each physical place where the person proposes to carry on such 100372  
business. Each place of business shall be deemed such space, under 100373  
lease or license to, or under the control of, or under the 100374  
supervision of the applicant, as is contained in one or more 100375  
contiguous, adjacent, or adjoining buildings constituting an 100376  
industrial plant or a place of business operated by, or under the 100377  
control of, one person, or under one roof and connected by doors, 100378  
halls, stairways, or elevators, which space may contain any number 100379  
of points at which cigarettes are offered for sale, provided that 100380  
each additional point at which cigarettes are offered for sale 100381  
shall be listed in the application. 100382

(2) Upon receipt of the application and exhibition of the 100383  
county treasurer's receipt showing the payment of the application 100384  
fee, the county auditor shall issue to the applicant a license for 100385  
each place of business designated in the application, authorizing 100386  
the applicant to engage in such business at such place for one 100387  
year commencing on the fourth Monday of May. The form of the 100388  
license shall be prescribed by the commissioner. A duplicate 100389  
license may be obtained from the county auditor upon payment of a 100390  
five-dollar fee if the original license is lost, destroyed, or 100391  
defaced. When an application is filed after the fourth Monday of 100392  
May, the application fee required to be paid shall be proportioned 100393  
in amount to the remainder of the license year, except that it 100394  
shall not be less than twenty-five dollars in any one year. 100395

(3) The holder of a retail dealer's cigarette license may 100396  
transfer the license to a place of business within the same county 100397  
other than that designated on the license on condition that the 100398  
licensee's ownership interest and business structure remain 100399

unchanged, and that the licensee applies to the county auditor 100400  
therefor, upon forms approved by the commissioner and the payment 100401  
of a fee of five dollars into the county treasury. 100402

(C)(1) Each applicant for a license to engage in the 100403  
wholesale business of trafficking in cigarettes under this 100404  
section, annually, on or before the fourth Monday in May, shall 100405  
make and deliver to the tax commissioner, upon a blank form 100406  
furnished by the commissioner for that purpose, a statement 100407  
showing the name of the applicant, physical street address where 100408  
the applicant's business is conducted, the nature of the business, 100409  
and any other information required by the commissioner. If the 100410  
applicant is a firm, partnership, or association other than a 100411  
corporation, the applicant shall state the name and address of 100412  
each of its members. If the applicant is a corporation, the 100413  
applicant shall state the name and address of each of its 100414  
officers. At the time of making the application required by this 100415  
section, every person desiring to engage in the wholesale business 100416  
of trafficking in cigarettes shall pay an application fee of one 100417  
thousand dollars for each physical place where the person proposes 100418  
to carry on such business. Each place of business shall be deemed 100419  
such space, under lease or license to, or under the control of, or 100420  
under the supervision of the applicant, as is contained in one or 100421  
more contiguous, adjacent, or adjoining buildings constituting an 100422  
industrial plant or a place of business operated by, or under the 100423  
control of, one person, or under one roof and connected by doors, 100424  
halls, stairways, or elevators. A duplicate license may be 100425  
obtained from the commissioner upon payment of a 100426  
twenty-five-dollar fee if the original license is lost, destroyed, 100427  
or defaced. 100428

(2) Upon receipt of the application and payment of any 100429  
application fee required by this section, the commissioner shall 100430  
verify that the applicant is not in violation of any provision of 100431

Chapter 1346. or Title LVII of the Revised Code. The commissioner 100432  
shall also verify that the applicant has filed any returns, 100433  
submitted any information, and paid any outstanding taxes, 100434  
charges, or fees as required for any tax, charge, or fee 100435  
administered by the commissioner, to the extent that the 100436  
commissioner is aware of the returns, information, ~~taxes,~~ or ~~fees~~ 100437  
payments at the time of the application. Upon approval, the 100438  
commissioner shall issue to the applicant a license for each 100439  
physical place of business designated in the application 100440  
authorizing the applicant to engage in business at that location 100441  
for one year commencing on the fourth Monday in May. For licenses 100442  
issued after the fourth Monday in May, the application fee shall 100443  
be reduced proportionately by the remainder of the twelve-month 100444  
period for which the license is issued, except that the 100445  
application fee required to be paid under this section shall be 100446  
not less than two hundred dollars in any one year. 100447

(3) The holder of a wholesale dealer cigarette license may 100448  
transfer the license to a place of business other than that 100449  
designated on the license on condition that the licensee's 100450  
ownership or business structure remains unchanged, and that the 100451  
licensee applies to the commissioner for such a transfer upon a 100452  
form promulgated by the commissioner and pays a fee of twenty-five 100453  
dollars, which shall be deposited into the cigarette tax 100454  
enforcement fund created in division (E) of this section. 100455

(D)(1) The wholesale cigarette license application fees 100456  
collected under this section shall be paid into the cigarette tax 100457  
enforcement fund. 100458

(2) The retail cigarette license application fees collected 100459  
under this section shall be distributed as follows: 100460

(a) Thirty per cent shall be paid upon the warrant of the 100461  
county auditor into the treasury of the municipal corporation or 100462  
township in which the places of business for which the tax revenue 100463

was received are located; 100464

(b) Ten per cent shall be credited to the general fund of the 100465  
county; 100466

(c) Sixty per cent shall be paid into the cigarette tax 100467  
enforcement fund. 100468

(3) The remainder of the revenues and fines collected under 100469  
this section and the penal laws relating to cigarettes shall be 100470  
distributed as follows: 100471

(a) Three-fourths shall be paid upon the warrant of the 100472  
county auditor into the treasury of the municipal corporation or 100473  
township in which the place of business, on account of which the 100474  
revenues and fines were received, is located; 100475

(b) One-fourth shall be credited to the general fund of the 100476  
county. 100477

(E) There is hereby created within the state treasury the 100478  
cigarette tax enforcement fund for the purpose of providing funds 100479  
to assist in paying the costs of enforcing sections 1333.11 to 100480  
1333.21 and Chapter 5743. of the Revised Code. 100481

The portion of cigarette license application fees received by 100482  
a county auditor during the annual application period that ends on 100483  
the fourth Monday in May and that is required to be deposited in 100484  
the cigarette tax enforcement fund shall be sent to the treasurer 100485  
of state by the thirtieth day of June each year accompanied by the 100486  
form prescribed by the tax commissioner. The portion of cigarette 100487  
license application fees received by each county auditor after the 100488  
fourth Monday in May and that is required to be deposited in the 100489  
cigarette tax enforcement fund shall be sent to the treasurer of 100490  
state by the last day of the month following the month in which 100491  
such fees were collected. 100492

(F)(1) Every person who desires to engage in the business of 100493



a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers.

(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. ~~or Title LVIII~~ of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner

evidencing that the cigarettes are legal for sale in another 100526  
state. 100527

(G) The tax commissioner may adopt rules necessary to 100528  
administer this section. 100529

**Sec. 5743.61.** (A) Except as otherwise provided in this 100530  
division, no distributor shall engage in the business of 100531  
distributing tobacco products within this state without having a 100532  
license issued by the department of taxation to engage in that 100533  
business. On the dissolution of a partnership by death, the 100534  
surviving partner may operate under the license of the partnership 100535  
until the expiration of the license, and the heirs or legal 100536  
representatives of deceased persons, and receivers and trustees in 100537  
bankruptcy appointed by any competent authority, may operate under 100538  
the license of the person succeeded in possession by the heir, 100539  
representative, receiver, or trustee in bankruptcy if the partner 100540  
or successor notifies the department of taxation of the 100541  
dissolution or succession within thirty days after the dissolution 100542  
or succession. 100543

(B)(1) Each applicant for a license to engage in the business 100544  
of distributing tobacco products, annually, on or before the first 100545  
day of February, shall make and deliver to the tax commissioner, 100546  
upon a form furnished by the commissioner for that purpose, a 100547  
statement showing the name of the applicant, each physical place 100548  
from which the applicant distributes to distributors, retail 100549  
dealers, or wholesale dealers, and any other information the 100550  
commissioner considers necessary for the administration of 100551  
sections 5743.51 to 5743.66 of the Revised Code. 100552

(2) At the time of making the license application, the 100553  
applicant shall pay an application fee of one thousand dollars for 100554  
each place listed on the application where the applicant proposes 100555  
to carry on that business. The fee charged for the application 100556

shall accompany the application and shall be made payable to the 100557  
treasurer of state for deposit into the cigarette tax enforcement 100558  
fund. 100559

(3) Upon receipt of the application and payment of any 100560  
licensing fee required by this section, the commissioner shall 100561  
verify that the applicant has filed all returns, submitted all 100562  
information, and paid all outstanding taxes, charges, or fees as 100563  
required for any taxes, charges, or fees administered by the 100564  
commissioner, to the extent the commissioner is aware of the 100565  
returns, information, taxes, charges, or fees at the time of the 100566  
application. Upon approval, the commissioner shall issue to the 100567  
applicant a license for each place of distribution designated in 100568  
the application authorizing the applicant to engage in business at 100569  
that location for one year commencing on the first day of 100570  
February. For licenses issued after the first day of February, the 100571  
license application fee shall be reduced proportionately by the 100572  
remainder of the twelve-month period for which the license is 100573  
issued, except that the application fee required to be paid under 100574  
this section shall be not less than two hundred dollars. If the 100575  
original license is lost, destroyed, or defaced, a duplicate 100576  
license may be obtained from the commissioner upon payment of a 100577  
license replacement fee of twenty-five dollars. 100578

(C) The holder of a tobacco products license may transfer the 100579  
license to a place of business on condition that the licensee's 100580  
ownership and business structure remains unchanged and the 100581  
licensee applies to the commissioner for the transfer on a form 100582  
issued by the commissioner, and pays a transfer fee of twenty-five 100583  
dollars. 100584

(D) If a distributor fails to file forms as required under 100585  
Chapter 1346. or section 5743.52 of the Revised Code or pay the 100586  
tax due for two consecutive periods or three periods during any 100587  
twelve-month period, the commissioner may suspend the license 100588

issued to the distributor under this section. The suspension is 100589  
effective ten days after the commissioner notifies the distributor 100590  
of the suspension in writing personally or by certified mail. The 100591  
commissioner shall lift the suspension when the distributor files 100592  
the delinquent forms and pays the tax due, including any 100593  
penalties, interest, and additional charges. The commissioner may 100594  
refuse to issue the annual renewal of the license required by this 100595  
section and may refuse to issue a new license for ~~the same a~~ 100596  
location of the distributor until all delinquent forms are filed 100597  
and outstanding taxes are paid. This division does not apply to 100598  
any unpaid or underpaid tax liability that is the subject of a 100599  
petition or appeal filed pursuant to section 5743.56, 5717.02, or 100600  
5717.04 of the Revised Code. 100601

(E)(1) The tax commissioner may impose a penalty of up to one 100602  
thousand dollars on any person found to be engaging in the 100603  
business of distributing tobacco products without a license as 100604  
required by this section. 100605

(2) Any person engaging in the business of distributing 100606  
tobacco products without a license as required by this section 100607  
shall comply with divisions (B)(1) and (2) of this section within 100608  
ten days after being notified of the requirement to do so. Failure 100609  
to comply with division (E)(2) of this section subjects a person 100610  
to penalties imposed under section 5743.99 of the Revised Code. 100611

**Sec. 5747.02.** (A) For the purpose of providing revenue for 100612  
the support of schools and local government functions, to provide 100613  
relief to property taxpayers, to provide revenue for the general 100614  
revenue fund, and to meet the expenses of administering the tax 100615  
levied by this chapter, there is hereby levied on every 100616  
individual, trust, and estate residing in or earning or receiving 100617  
income in this state, on every individual, trust, and estate 100618  
earning or receiving lottery winnings, prizes, or awards pursuant 100619

to Chapter 3770. of the Revised Code, on every individual, trust, 100620  
and estate earning or receiving winnings on casino gaming, and on 100621  
every individual, trust, and estate otherwise having nexus with or 100622  
in this state under the Constitution of the United States, an 100623  
annual tax measured as prescribed in divisions (A)(1) to (4) of 100624  
this section. 100625

(1) In the case of trusts, the tax imposed by this section 100626  
shall be measured by modified Ohio taxable income under division 100627  
(D) of this section and levied at the same rates prescribed in 100628  
division (A)(3) of this section for individuals. 100629

(2) In the case of estates, the tax imposed by this section 100630  
shall be measured by Ohio taxable income and levied at the same 100631  
rates prescribed in division (A)(3) of this section for 100632  
individuals. 100633

(3) In the case of individuals, for taxable years beginning 100634  
in ~~2015~~ 2017 or thereafter, the tax imposed by this section on 100635  
income other than taxable business income shall be measured by 100636  
Ohio adjusted gross income, less taxable business income and less 100637  
an exemption for the taxpayer, the taxpayer's spouse, and each 100638  
dependent as provided in section 5747.025 of the Revised Code. ~~The~~ 100639  
~~tax imposed on the balance thus obtained~~ If the balance thus 100640  
obtained is equal to or less than ten thousand dollars, no tax 100641  
shall be imposed on that balance. If the balance thus obtained is 100642  
greater than ten thousand dollars, the tax is hereby levied as 100643  
follows: 100644

OHIO ADJUSTED GROSS INCOME LESS 100645  
TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS)  
OR 100646  
MODIFIED OHIO 100647  
TAXABLE INCOME (TRUSTS) 100648

OR		100649
OHIO TAXABLE INCOME (ESTATES)	TAX	100650
<del>\$5,000 or less</del>	<del>-.495%</del>	100651
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$24.75 plus .990% of the amount in excess of \$5,000</del>	100652
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	100653
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	100654
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	100655
More than \$40,000 but not more than \$80,000	\$890.85 plus 3.465% of the amount in excess of \$40,000	100656
More than \$80,000 but not more than \$100,000	\$2,276.85 plus 3.960% of the amount in excess of \$80,000	100657
More than \$100,000 but not more than \$200,000	\$3,068.85 plus 4.597% of the amount in excess of \$100,000	100658
More than \$200,000	\$7,665.85 plus 4.997% of the amount in excess of \$200,000	100659

~~(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:~~

<del>TAXABLE BUSINESS INCOME</del>		100666
<del>LESS ALLOWED EXEMPTION AMOUNT</del>	<del>TAX</del>	100667
<del>\$5,000 or less</del>	<del>-.495%</del>	100668
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$24.75 plus .990% of the amount in excess of \$5,000</del>	100669
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	100670
More than \$15,000 but not more	\$173.25 plus 2.476% of the	100671

<del>than \$20,000</del>	<del>amount in excess of \$15,000</del>	
<del>More than \$20,000 but not more</del>	<del>\$297.05 plus 2.969% of the</del>	100672
<del>than \$40,000</del>	<del>amount in excess of \$20,000</del>	
<del>More than \$40,000</del>	<del>\$890.85 plus 3% of the amount in</del>	100673
	<del>excess of \$40,000</del>	

~~(b)~~ In the case of individuals, for taxable years beginning 100674  
in 2016 or thereafter, the tax imposed by this section on taxable 100675  
business income shall equal three per cent of the result obtained 100676  
by subtracting any amount allowed under division (A)(4)~~(e)~~(b) of 100677  
this section from the individual's taxable business income. 100678

~~(e)~~(b) If the exemptions allowed to an individual under 100679  
division (A)(3) of this section exceed the taxpayer's Ohio 100680  
adjusted gross income less taxable business income, the excess 100681  
shall be deducted from taxable business income before computing 100682  
the tax under division (A)(4)(a) ~~or (b)~~ of this section. 100683

Except as otherwise provided in this division, in August of 100684  
each year, the tax commissioner shall make a new adjustment to the 100685  
income amounts prescribed in division (A)(3) of this section by 100686  
multiplying the percentage increase in the gross domestic product 100687  
deflator computed that year under section 5747.025 of the Revised 100688  
Code by each of the income amounts resulting from the adjustment 100689  
under this division in the preceding year, adding the resulting 100690  
product to the corresponding income amount resulting from the 100691  
adjustment in the preceding year, and rounding the resulting sum 100692  
to the nearest multiple of fifty dollars. The tax commissioner 100693  
also shall recompute each of the tax dollar amounts to the extent 100694  
necessary to reflect the new adjustment of the income amounts. The 100695  
rates of taxation shall not be adjusted. 100696

The adjusted amounts apply to taxable years beginning in the 100697  
calendar year in which the adjustments are made and to taxable 100698  
years beginning in each ensuing calendar year until a calendar 100699  
year in which a new adjustment is made pursuant to this division. 100700

The tax commissioner shall not make a new adjustment in any year 100701  
in which the amount resulting from the adjustment would be less 100702  
than the amount resulting from the adjustment in the preceding 100703  
year. The commissioner shall not make a new adjustment for taxable 100704  
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 100705

(B) If the director of budget and management makes a 100706  
certification to the tax commissioner under division (B) of 100707  
section 131.44 of the Revised Code, the amount of tax as 100708  
determined under divisions (A)(1) to (3) of this section shall be 100709  
reduced by the percentage prescribed in that certification for 100710  
taxable years beginning in the calendar year in which that 100711  
certification is made. 100712

(C) The levy of this tax on income does not prevent a 100713  
municipal corporation, a joint economic development zone created 100714  
under section 715.691, or a joint economic development district 100715  
created under section 715.70, 715.71, or 715.72 of the Revised 100716  
Code from levying a tax on income. 100717

(D) This division applies only to taxable years of a trust 100718  
beginning in 2002 or thereafter. 100719

(1) The tax imposed by this section on a trust shall be 100720  
computed by multiplying the Ohio modified taxable income of the 100721  
trust by the rates prescribed by division (A) of this section. 100722

(2) A resident trust may claim a credit against the tax 100723  
computed under division (D) of this section equal to the lesser of 100724  
~~(1)(a)~~ (a) the tax paid to another state or the District of Columbia 100725  
on the resident trust's modified nonbusiness income, other than 100726  
the portion of the resident trust's nonbusiness income that is 100727  
qualifying investment income as defined in section 5747.012 of the 100728  
Revised Code, or ~~(2)(b)~~ (b) the effective tax rate, based on modified 100729  
Ohio taxable income, multiplied by the resident trust's modified 100730  
nonbusiness income other than the portion of the resident trust's 100731



nonbusiness income that is qualifying investment income. The 100732  
credit applies before any other applicable credits. 100733

(3) The credits enumerated in divisions (A)(1) to ~~(10)(9)~~ and 100734  
(A)~~(19)(18)~~ to ~~(21)(20)~~ of section 5747.98 of the Revised Code do 100735  
not apply to a trust subject to division (D) of this section. Any 100736  
credits enumerated in other divisions of section 5747.98 of the 100737  
Revised Code apply to a trust subject to division (D) of this 100738  
section. To the extent that the trust distributes income for the 100739  
taxable year for which a credit is available to the trust, the 100740  
credit shall be shared by the trust and its beneficiaries. The tax 100741  
commissioner and the trust shall be guided by applicable 100742  
regulations of the United States treasury regarding the sharing of 100743  
credits. 100744

(E) For the purposes of this section, "trust" means any trust 100745  
described in Subchapter J of Chapter 1 of the Internal Revenue 100746  
Code, excluding trusts that are not irrevocable as defined in 100747  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 100748  
have no modified Ohio taxable income for the taxable year, 100749  
charitable remainder trusts, qualified funeral trusts and preneed 100750  
funeral contract trusts established pursuant to sections 4717.31 100751  
to 4717.38 of the Revised Code that are not qualified funeral 100752  
trusts, endowment and perpetual care trusts, qualified settlement 100753  
trusts and funds, designated settlement trusts and funds, and 100754  
trusts exempted from taxation under section 501(a) of the Internal 100755  
Revenue Code. 100756

(F) Nothing in division (A)(3) of this section shall prohibit 100757  
an individual with an Ohio adjusted gross income, less taxable 100758  
business income and exemptions, of ten thousand dollars or less 100759  
from filing a return under this chapter to receive a refund of 100760  
taxes withheld or to claim any refundable credit allowed under 100761  
this chapter. 100762

Sec. 5747.031. For annual returns filed for taxable years 100763  
beginning on or after January 1, 2017, the department of taxation 100764  
shall determine and provide to the office of budget and management 100765  
a report of the amount of revenue from the tax levied under 100766  
section 5747.02 of the Revised Code that arises from taxable 100767  
business income and the amount of revenue that arises from income, 100768  
other than taxable business income, as measured and taxed under 100769  
divisions (A)(1), (2), or (3) of that section. 100770

In providing actual and estimates of revenue pursuant to 100771  
Chapter 126. of the Revised Code, the office of budget and 100772  
management shall separately list the revenue from the tax levied 100773  
under section 5747.02 of the Revised Code that arises from taxable 100774  
business income and the revenue that arises from income, other 100775  
than taxable business income, as measured and taxed under 100776  
divisions (A)(1), (2), or (3) of that section. 100777

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of 100778  
this section, every employer, including the state and its 100779  
political subdivisions, maintaining an office or transacting 100780  
business within this state and making payment of any compensation 100781  
to an employee who is a taxpayer shall deduct and withhold from 100782  
such compensation for each payroll period a tax computed in such 100783  
manner as to result, as far as practicable, in withholding from 100784  
the employee's compensation during each calendar year an amount 100785  
substantially equivalent to the tax reasonably estimated to be due 100786  
from the employee under this chapter and Chapter 5748. of the 100787  
Revised Code with respect to the amount of such compensation 100788  
included in the employee's adjusted gross income during the 100789  
calendar year. The employer shall deduct and withhold the tax on 100790  
the date that the employer directly, indirectly, or constructively 100791  
pays the compensation to, or credits the compensation to the 100792  
benefit of, the employee. ~~The~~ 100793

The method of determining the amount to be withheld shall be prescribed by rule of the tax commissioner. Notwithstanding section 5747.02 of the Revised Code, the rule prescribed by the commissioner shall require that taxes are withheld on the first ten thousand dollars of a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.

In addition to any other exclusions from withholding permitted under this section, no tax shall be withheld by an employer from the compensation of an employee when such compensation is paid for:

(1) Agricultural labor as defined in division G of section 3121 of Title 26 of the United States Code;

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed in any calendar quarter by an employee unless the cash remuneration paid for such service is three hundred dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service;

(4) Services performed for a foreign government or an international organization;

(5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual;

(6) Services not in the course of the employer's trade or 100825  
business to the extent paid in any medium other than cash. 100826

(B) Every employer required to deduct and withhold tax from 100827  
the compensation of an employee under this chapter shall furnish 100828  
to each employee, with respect to the compensation paid by such 100829  
employer to such employee during the calendar year, on or before 100830  
the thirty-first day of January of the succeeding year, or, if the 100831  
employee's employment is terminated before the close of such 100832  
calendar year, within thirty days from the date on which the last 100833  
payment of compensation was made, a written statement as 100834  
prescribed by the tax commissioner showing the amount of 100835  
compensation paid by the employer to the employee, the amount 100836  
deducted and withheld as state income tax, any amount deducted and 100837  
withheld as school district income tax for each applicable school 100838  
district, and any other information as the commissioner 100839  
prescribes. 100840

(C) The failure of an employer to withhold tax as required by 100841  
this section does not relieve an employee from the liability for 100842  
the tax. The failure of an employer to remit the tax as required 100843  
by law does not relieve an employee from liability for the tax if 100844  
the tax commissioner ascertains that the employee colluded with 100845  
the employer with respect to the failure to remit the tax. 100846

(D) If an employer fails to deduct and withhold any tax as 100847  
required, and thereafter the tax is paid, the tax so required to 100848  
be deducted and withheld shall not be collected from the employer, 100849  
but the employer is not relieved from liability for penalties and 100850  
interest otherwise applicable in respect to the failure to deduct 100851  
and withhold the tax. 100852

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 100853  
the Revised Code are deducted and withheld as provided in this 100854  
section: 100855

(1) An employer shall request that each employee furnish the name of the employee's school district of residence; 100856  
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(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect. 100858  
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(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes. 100864  
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**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code. 100871  
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(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent. 100882  
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(B) If an individual is unable to make a return or notice 100886

required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of

the trust is a person subject to the tax imposed under section 100919  
5733.06 of the Revised Code. 100920

(ii) A pass-through entity shall not include in such a single 100921  
return any investor that is itself a pass-through entity to the 100922  
extent that any direct or indirect investor in the second 100923  
pass-through entity is a person subject to the tax imposed under 100924  
section 5733.06 of the Revised Code. 100925

(c) Nothing in division (D) of this section precludes the tax 100926  
commissioner from requiring such investors to file the return and 100927  
make the payment of taxes and related interest, penalty, and 100928  
interest penalty required by this section or section 5747.02, 100929  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 100930  
of this section precludes such an investor from filing the annual 100931  
return under this section, utilizing the refundable credit equal 100932  
to the investor's proportionate share of the tax paid by the 100933  
pass-through entity on behalf of the investor under division (I) 100934  
of this section, and making the payment of taxes imposed under 100935  
section 5747.02 of the Revised Code. Nothing in division (D) of 100936  
this section shall be construed to provide to such an investor or 100937  
pass-through entity any additional deduction or credit, other than 100938  
the credit provided by division (I) of this section, solely on 100939  
account of the entity's filing a return in accordance with this 100940  
section. Such a pass-through entity also shall make the filing and 100941  
payment of estimated taxes on behalf of the pass-through entity 100942  
investors other than an investor that is a person subject to the 100943  
tax imposed under section 5733.06 of the Revised Code. 100944

(2) For the purposes of this section, "business credits" 100945  
means the credits listed in section 5747.98 of the Revised Code 100946  
excluding the following credits: 100947

(a) The retirement income credit under division (B) of 100948  
section 5747.055 of the Revised Code; 100949

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	100950 100951
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	100952 100953
(d) The dependent care credit under section 5747.054 of the Revised Code;	100954 100955
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	100956 100957
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	100958 100959
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	100960 100961
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	100962 100963
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	100964 100965
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	100966 100967
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	100968 100969
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	100970 100971
<del>(m) The low income credit under section 5747.056 of the Revised Code;</del>	100972 100973
<del>(n) The earned income tax credit under section 5747.71 of the Revised Code.</del>	100974 100975
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	100976 100977 100978



provides otherwise, this election, once made, is binding and 100979  
irrevocable for the taxable year for which the election is made. 100980  
Nothing in this division shall be construed to provide for any 100981  
deduction or credit that would not be allowable if a nonresident 100982  
pass-through entity investor were to file an annual return. 100983

(4) If a pass-through entity makes the election provided for 100984  
under division (D) of this section, the pass-through entity shall 100985  
be liable for any additional taxes, interest, interest penalty, or 100986  
penalties imposed by this chapter if the tax commissioner finds 100987  
that the single return does not reflect the correct tax due by the 100988  
pass-through entity investors covered by that return. Nothing in 100989  
this division shall be construed to limit or alter the liability, 100990  
if any, imposed on pass-through entity investors for unpaid or 100991  
underpaid taxes, interest, interest penalty, or penalties as a 100992  
result of the pass-through entity's making the election provided 100993  
for under division (D) of this section. For the purposes of 100994  
division (D) of this section, "correct tax due" means the tax that 100995  
would have been paid by the pass-through entity had the single 100996  
return been filed in a manner reflecting the commissioner's 100997  
findings. Nothing in division (D) of this section shall be 100998  
construed to make or hold a pass-through entity liable for tax 100999  
attributable to a pass-through entity investor's income from a 101000  
source other than the pass-through entity electing to file the 101001  
single return. 101002

(E) If a husband and wife file a joint federal income tax 101003  
return for a taxable year, they shall file a joint return under 101004  
this section for that taxable year, and their liabilities are 101005  
joint and several, but, if the federal income tax liability of 101006  
either spouse is determined on a separate federal income tax 101007  
return, they shall file separate returns under this section. 101008

If either spouse is not required to file a federal income tax 101009  
return and either or both are required to file a return pursuant 101010

to this chapter, they may elect to file separate or joint returns, 101011  
and, pursuant to that election, their liabilities are separate or 101012  
joint and several. If a husband and wife file separate returns 101013  
pursuant to this chapter, each must claim the taxpayer's own 101014  
exemption, but not both, as authorized under section 5747.02 of 101015  
the Revised Code on the taxpayer's own return. 101016

(F) Each return or notice required to be filed under this 101017  
section shall contain the signature of the taxpayer or the 101018  
taxpayer's duly authorized agent and of the person who prepared 101019  
the return for the taxpayer, and shall include the taxpayer's 101020  
social security number. Each return shall be verified by a 101021  
declaration under the penalties of perjury. The tax commissioner 101022  
shall prescribe the form that the signature and declaration shall 101023  
take. 101024

(G) Each return or notice required to be filed under this 101025  
section shall be made and filed as required by section 5747.04 of 101026  
the Revised Code, on or before the fifteenth day of April of each 101027  
year, on forms that the tax commissioner shall prescribe, together 101028  
with remittance made payable to the treasurer of state in the 101029  
combined amount of the state and all school district income taxes 101030  
shown to be due on the form. 101031

Upon good cause shown, the commissioner may extend the period 101032  
for filing any notice or return required to be filed under this 101033  
section and may adopt rules relating to extensions. If the 101034  
extension results in an extension of time for the payment of any 101035  
state or school district income tax liability with respect to 101036  
which the return is filed, the taxpayer shall pay at the time the 101037  
tax liability is paid an amount of interest computed at the rate 101038  
per annum prescribed by section 5703.47 of the Revised Code on 101039  
that liability from the time that payment is due without extension 101040  
to the time of actual payment. Except as provided in section 101041  
5747.132 of the Revised Code, in addition to all other interest 101042

charges and penalties, all taxes imposed under this chapter or 101043  
Chapter 5748. of the Revised Code and remaining unpaid after they 101044  
become due, except combined amounts due of one dollar or less, 101045  
bear interest at the rate per annum prescribed by section 5703.47 101046  
of the Revised Code until paid or until the day an assessment is 101047  
issued under section 5747.13 of the Revised Code, whichever occurs 101048  
first. 101049

If the commissioner considers it necessary in order to ensure 101050  
the payment of the tax imposed by section 5747.02 of the Revised 101051  
Code or any tax imposed under Chapter 5748. of the Revised Code, 101052  
the commissioner may require returns and payments to be made 101053  
otherwise than as provided in this section. 101054

To the extent that any provision in this division conflicts 101055  
with any provision in section 5747.026 of the Revised Code, the 101056  
provision in that section prevails. 101057

(H) The amounts withheld by an employer pursuant to section 101058  
5747.06 of the Revised Code, a casino operator pursuant to section 101059  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 101060  
section 5747.064 of the Revised Code shall be allowed to the 101061  
recipient of the compensation casino winnings, or lottery prize 101062  
award as credits against payment of the appropriate taxes imposed 101063  
on the recipient by section 5747.02 and under Chapter 5748. of the 101064  
Revised Code. 101065

(I) If a pass-through entity elects to file a single return 101066  
under division (D) of this section and if any investor is required 101067  
to file the annual return and make the payment of taxes required 101068  
by this chapter on account of the investor's other income that is 101069  
not included in a single return filed by a pass-through entity or 101070  
any other investor elects to file the annual return, the investor 101071  
is entitled to a refundable credit equal to the investor's 101072  
proportionate share of the tax paid by the pass-through entity on 101073  
behalf of the investor. The investor shall claim the credit for 101074

the investor's taxable year in which or with which ends the 101075  
taxable year of the pass-through entity. Nothing in this chapter 101076  
shall be construed to allow any credit provided in this chapter to 101077  
be claimed more than once. For the purpose of computing any 101078  
interest, penalty, or interest penalty, the investor shall be 101079  
deemed to have paid the refundable credit provided by this 101080  
division on the day that the pass-through entity paid the 101081  
estimated tax or the tax giving rise to the credit. 101082

(J) The tax commissioner shall ensure that each return 101083  
required to be filed under this section includes a box that the 101084  
taxpayer may check to authorize a paid tax preparer who prepared 101085  
the return to communicate with the department of taxation about 101086  
matters pertaining to the return. The return or instructions 101087  
accompanying the return shall indicate that by checking the box 101088  
the taxpayer authorizes the department of taxation to contact the 101089  
preparer concerning questions that arise during the processing of 101090  
the return and authorizes the preparer only to provide the 101091  
department with information that is missing from the return, to 101092  
contact the department for information about the processing of the 101093  
return or the status of the taxpayer's refund or payments, and to 101094  
respond to notices about mathematical errors, offsets, or return 101095  
preparation that the taxpayer has received from the department and 101096  
has shown to the preparer. 101097

(K) The tax commissioner shall permit individual taxpayers to 101098  
instruct the department of taxation to cause any refund of 101099  
overpaid taxes to be deposited directly into a checking account, 101100  
savings account, or an individual retirement account or individual 101101  
retirement annuity, or preexisting college savings plan or program 101102  
account offered by the Ohio tuition trust authority under Chapter 101103  
3334. of the Revised Code, as designated by the taxpayer, when the 101104  
taxpayer files the annual return required by this section 101105  
electronically. 101106

(L) The tax commissioner may adopt rules to administer this section. 101107  
101108

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 101109  
section 5747.11 of the Revised Code who wishes to contribute any 101110  
part of the taxpayer's refund to the natural areas and preserves 101111  
fund created in section 1517.11 of the Revised Code, the nongame 101112  
and endangered wildlife fund created in section 1531.26 of the 101113  
Revised Code, the military injury relief fund created in section 101114  
5902.05 of the Revised Code, the Ohio history fund created in 101115  
section 149.308 of the Revised Code, the breast and cervical 101116  
cancer project income tax contribution fund created in section 101117  
3701.601 of the Revised Code, the wishes for sick children income 101118  
tax contribution fund created in section 3701.602 of the Revised 101119  
Code, or all of those funds may designate on the taxpayer's income 101120  
tax return the amount that the taxpayer wishes to contribute to 101121  
the fund or funds. A designated contribution is irrevocable upon 101122  
the filing of the return and shall be made in the full amount 101123  
designated if the refund found due the taxpayer upon the initial 101124  
processing of the taxpayer's return, after any deductions 101125  
including those required by section 5747.12 of the Revised Code, 101126  
is greater than or equal to the designated contribution. If the 101127  
refund due as initially determined is less than the designated 101128  
contribution, the contribution shall be made in the full amount of 101129  
the refund. The tax commissioner shall subtract the amount of the 101130  
contribution from the amount of the refund initially found due the 101131  
taxpayer and shall certify the difference to the director of 101132  
budget and management and treasurer of state for payment to the 101133  
taxpayer in accordance with section 5747.11 of the Revised Code. 101134  
For the purpose of any subsequent determination of the taxpayer's 101135  
net tax payment, the contribution shall be considered a part of 101136  
the refund paid to the taxpayer. 101137

(B) The tax commissioner shall provide a space on the income 101138

tax return form in which a taxpayer may indicate that the taxpayer 101139  
wishes to make a donation in accordance with this section. The tax 101140  
commissioner shall also print in the instructions accompanying the 101141  
income tax return form a description of the purposes for which the 101142  
natural areas and preserves fund, the nongame and endangered 101143  
wildlife fund, the military injury relief fund, the Ohio history 101144  
fund, the breast and cervical cancer project income tax 101145  
contribution fund, and the wishes for sick children income tax 101146  
contribution fund were created and the use of moneys from the 101147  
income tax refund contribution system established in this section. 101148  
No person shall designate on the person's income tax return any 101149  
part of a refund claimed under section 5747.11 of the Revised Code 101150  
as a contribution to any fund other than the natural areas and 101151  
preserves fund, the nongame and endangered wildlife fund, the 101152  
military injury relief fund, the Ohio history fund, the breast and 101153  
cervical cancer project income tax contribution fund, or the 101154  
wishes for sick children income tax contribution fund. 101155

(C) The money collected under the income tax refund 101156  
contribution system established in this section shall be deposited 101157  
by the tax commissioner into the natural areas and preserves fund, 101158  
the nongame and endangered wildlife fund, the military injury 101159  
relief fund, the Ohio history fund, the breast and cervical cancer 101160  
project income tax contribution fund, and the wishes for sick 101161  
children income tax contribution fund in the amounts designated on 101162  
the tax returns. 101163

~~(D) No later than the thirtieth day of September each year, 101164  
the tax commissioner shall determine the total amount contributed 101165  
to each fund under this section during the preceding eight months, 101166  
any adjustments to prior months, and the cost to the department of 101167  
taxation of administering the income tax refund contribution 101168  
system during that eight month period. The commissioner shall make 101169  
an additional determination no later than the thirty first day of 101170~~

~~January of each year of the total amount contributed to each fund 101171  
under this section during the preceding four calendar months, any 101172  
adjustments to prior years made during that four month period, and 101173  
the cost to the department of taxation of administering the income 101174  
tax contribution system during that period. The cost of 101175  
administering the income tax contribution system shall be 101176  
certified by the tax commissioner to the director of budget and 101177  
management, who shall transfer an amount equal to one sixth of 101178  
such administrative costs from each of the six funds to the income 101179  
tax contribution fund, which is hereby created, provided that the 101180  
moneys that the department receives to pay the cost of 101181  
administering the income tax refund contribution system in any 101182  
year shall not exceed two and one half per cent of the total 101183  
amount contributed under that system during that year. 101184~~

~~(E) If the total amount contributed to a fund under this 101185  
section in each of five consecutive calendar years, as annually 101186  
determined by the tax commissioner, is less than fifty thousand 101187  
dollars in each of five consecutive calendar years, no person may 101188  
designate a contribution to that fund for any taxable year ending 101189  
after the last day of that five-year period. In such a case, the 101190  
~~tax~~ commissioner shall remove the space dedicated to the fund on 101191  
the income tax return and the description of the fund in the 101192  
instructions accompanying the income tax return. 101193~~

~~(F)(E) The general assembly may authorize taxpayer refund 101194  
contributions to no more than six funds under the income tax 101195  
refund contribution system established in this section. If the 101196  
general assembly authorizes income tax refund contributions to a 101197  
fund other than the natural areas and preserves fund, the nongame 101198  
and endangered wildlife fund, the military injury relief fund, the 101199  
Ohio history fund, the breast and cervical cancer project income 101200  
tax contribution fund, or the wishes for sick children income tax 101201  
contribution fund, such contributions may be authorized only for a 101202~~

period of two calendar years. 101203

With the exception of the Ohio history fund, the general 101204  
assembly may authorize income tax refund contributions to a fund 101205  
only if all the money in the fund will be expended or distributed 101206  
by a state agency as defined in section 1.60 of the Revised Code. 101207

~~(G)~~(F)(1) The director of natural resources, in January of 101208  
every odd-numbered year, shall report to the general assembly on 101209  
the effectiveness of the income tax refund contribution system as 101210  
it pertains to the natural areas and preserves fund and the 101211  
nongame and endangered wildlife fund. The report shall include the 101212  
amount of money contributed to each fund in each of the previous 101213  
five years, the amount of money contributed directly to each fund 101214  
in addition to or independently of the income tax refund 101215  
contribution system in each of the previous five years, and the 101216  
purposes for which the money was expended. 101217

(2) The director of veterans services, the director of the 101218  
Ohio history connection, and the director of health, in January of 101219  
every odd-numbered year, each shall report to the general assembly 101220  
on the effectiveness of the income tax refund contribution system 101221  
as it pertains to the military injury relief fund, the Ohio 101222  
history fund, the breast and cervical cancer project income tax 101223  
contribution fund, and the wishes for sick children income tax 101224  
contribution fund respectively. The report shall include the 101225  
amount of money contributed to the fund in each of the previous 101226  
five years, the amount of money contributed directly to the fund 101227  
in addition to or independently of the income tax refund 101228  
contribution system in each of the previous five years, and the 101229  
purposes for which the money was expended. 101230

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 101231  
section 5101.184 of the Revised Code, shall cooperate with the 101232  
director of job and family services to collect overpayments of 101233



assistance under Chapter 5107. ~~or~~, former Chapter 5115., former 101234  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 101235  
of state income taxes for taxable year 1992 and thereafter that 101236  
are payable to the recipients of such overpayments. 101237

(B) At the request of the department of job and family 101238  
services in connection with the collection of an overpayment of 101239  
assistance from a refund of state income taxes pursuant to this 101240  
section and section 5101.184 of the Revised Code, the tax 101241  
commissioner shall release to the department the home address and 101242  
social security number of any recipient of assistance whose 101243  
overpayment may be collected from a refund of state income taxes 101244  
under those sections. 101245

(C) In the case of a joint income tax return for two people 101246  
who were not married to each other at the time one of them 101247  
received an overpayment of assistance, only the portion of a 101248  
refund that is due to the recipient of the overpayment shall be 101249  
available for collection of the overpayment under this section and 101250  
section 5101.184 of the Revised Code. The tax commissioner shall 101251  
determine such portion. A recipient's spouse who objects to the 101252  
portion as determined by the commissioner may file a complaint 101253  
with the commissioner within twenty-one days after receiving 101254  
notice of the collection, and the commissioner shall afford the 101255  
spouse an opportunity to be heard on the complaint. The 101256  
commissioner shall waive or extend the twenty-one-day period if 101257  
the recipient's spouse establishes that such action is necessary 101258  
to avoid unjust, unfair, or unreasonable results. After the 101259  
hearing, the commissioner shall make a final determination of the 101260  
portion of the refund available for collection of the overpayment. 101261

(D) The welfare overpayment intercept fund is hereby created 101262  
in the state treasury. The tax commissioner shall deposit amounts 101263  
collected from income tax refunds under this section to the credit 101264  
of the welfare overpayment intercept fund. The director of job and 101265

family services shall distribute money in the fund in accordance 101266  
with appropriate federal or state laws and procedures regarding 101267  
collection of welfare overpayments. 101268

**Sec. 5747.50.** (A) As used in this section: 101269

(1) "County's proportionate share of the calendar year 2007 101270  
LGF and LGRAF distributions" means the percentage computed for the 101271  
county under division (B)(1)(a) of section 5747.501 of the Revised 101272  
Code. 101273

(2) "County's proportionate share of the total amount of the 101274  
local government fund additional revenue formula" means each 101275  
county's proportionate share of the state's population as 101276  
determined for and certified to the county for distributions to be 101277  
made during the current calendar year under division (B)(2)(a) of 101278  
section 5747.501 of the Revised Code. If prior to the first day of 101279  
January of the current calendar year the federal government has 101280  
issued a revision to the population figures reflected in the 101281  
estimate produced pursuant to division (B)(2)(a) of section 101282  
5747.501 of the Revised Code, such revised population figures 101283  
shall be used for making the distributions during the current 101284  
calendar year. 101285

(3) "2007 LGF and LGRAF county distribution base available in 101286  
that month" means the lesser of the amounts described in division 101287  
(A)(3)(a) and (b) of this section, provided that the amount shall 101288  
not be less than zero: 101289

(a) The total amount available for distribution to counties 101290  
from the local government fund during the current month. 101291

(b) The total amount distributed to counties from the local 101292  
government fund and the local government revenue assistance fund 101293  
to counties in calendar year 2007 less the total amount 101294  
distributed to counties under division (B)(1) of this section 101295

during previous months of the current calendar year. 101296

(4) "Local government fund additional revenue distribution 101297  
base available during that month" means the total amount available 101298  
for distribution to counties during the month from the local 101299  
government fund, less any amounts to be distributed in that month 101300  
from the local government fund under division (B)(1) of this 101301  
section, provided that the local government fund additional 101302  
revenue distribution base available during that month shall not be 101303  
less than zero. 101304

(5) "Total amount available for distribution to counties" 101305  
means the total amount available for distribution from the local 101306  
government fund during the current month less the total amount 101307  
available for distribution to municipal corporations during the 101308  
current month under division (C) of this section. 101309

(B) On or before the tenth day of each month, the tax 101310  
commissioner shall provide for payment to each county an amount 101311  
equal to the sum of: 101312

(1) The county's proportionate share of the calendar year 101313  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 101314  
LGRAF county distribution base available in that month, provided 101315  
that if the 2007 LGF and LGRAF county distribution base available 101316  
in that month is zero, no payment shall be made under division 101317  
(B)(1) of this section for the month or the remainder of the 101318  
calendar year; and 101319

(2) The county's proportionate share of the total amount of 101320  
the local government fund additional revenue formula multiplied by 101321  
the local government fund additional revenue distribution base 101322  
available during that month. 101323

Money received into the treasury of a county under this 101324  
division shall be credited to the undivided local government fund 101325  
in the treasury of the county on or before the fifteenth day of 101326

each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the difference obtained by subtracting one million dollars from the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under

this division during any calendar year shall not exceed the amount 101358  
distributed directly from the local government fund to municipal 101359  
corporations during calendar year 2007. If that maximum amount is 101360  
reached during any month, distributions to municipal corporations 101361  
in that month shall be as provided in divisions (C)(1) and (2) of 101362  
this section, but no further distributions shall be made to 101363  
municipal corporations under division (C) of this section during 101364  
the remainder of the calendar year. 101365

(5) Upon being informed of a municipal corporation's 101366  
dissolution, the tax commissioner shall cease providing for 101367  
payments to that municipal corporation under division (C) of this 101368  
section. The proportionate shares of the total amount available 101369  
for distribution to each of the remaining municipal corporations 101370  
under this division shall be increased on a pro rata basis. 101371

The tax commissioner shall reduce payments under division (C) 101372  
of this section to municipal corporations for which reduced 101373  
payments are required under section 5747.502 of the Revised Code. 101374

(D) Each municipal corporation which has in effect a tax 101375  
imposed under Chapter 718. of the Revised Code shall, no later 101376  
than the thirty-first day of August of each year, certify to the 101377  
tax commissioner, on a form prescribed by the commissioner, the 101378  
amount of income tax revenue collected and refunded by such 101379  
municipal corporation pursuant to such chapter during the 101380  
preceding calendar year, arranged, when possible, by the type of 101381  
income from which the revenue was collected or the refund was 101382  
issued. The municipal corporation shall also report the amount of 101383  
income tax revenue collected and refunded on behalf of a joint 101384  
economic development district or a joint economic development zone 101385  
that levies an income tax administered by the municipal 101386  
corporation and the amount of such revenue distributed to 101387  
contracting parties during the preceding calendar year. The tax 101388  
commissioner may withhold payment of local government fund moneys 101389

pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

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**Sec. 5747.502.** (A) As used in this section:

(1) "Delinquent subdivision" means a municipal corporation, township, or county that has not filed a report or signed statement under section 4511.0915 of the Revised Code, as required under that section.

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(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter.

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(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

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(i) If the delinquent subdivision is a municipal corporation or township, cease providing for payments to the municipal corporation or township under section 5747.503 and division (C) of section 5747.50 of the Revised Code, beginning with the next required payment;

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(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

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(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

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(2)(a) Upon receiving notification that a county, township,

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or municipal corporation is no longer a delinquent subdivision 101420  
under division (C)(3) of section 4511.0915 of the Revised Code, 101421  
the tax commissioner shall do both of the following: 101422

(i) If the formerly delinquent subdivision is a municipal 101423  
corporation or township, begin providing for payments to the 101424  
municipal corporation or township as required under section 101425  
5747.503 and division (C) of section 5747.50 of the Revised Code, 101426  
beginning with the next required payment. 101427

(ii) Immediately notify the county auditor and county 101428  
treasurer who ceased payments to the formerly delinquent 101429  
subdivision under division (B)(1)(b) of this section that the 101430  
treasurer shall begin providing for payment from a county 101431  
undivided local government fund to the formerly delinquent 101432  
subdivision under section 5747.51 or 5747.53 of the Revised Code. 101433

(b) A county treasurer receiving notice under division 101434  
(B)(2)(a)(ii) of this section shall provide for payments to the 101435  
formerly delinquent subdivision from a county undivided local 101436  
government fund, beginning with the next required payment. 101437

(C)(1) Upon receiving notification of a noncompliant 101438  
subdivision under division (C)(1) of section 4511.0915 of the 101439  
Revised Code, the tax commissioner shall do both of the following: 101440

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal 101441  
corporation or township, reduce the amount of each of the next 101442  
three local government fund payments the noncompliant subdivision 101443  
would otherwise receive under section 5747.503 and division (C) of 101444  
section 5747.50 of the Revised Code in an amount equal to 101445  
one-third of the gross amount of fines reported by the 101446  
noncompliant subdivision on the report filed for the calendar 101447  
quarter. 101448

(b) If the reduction described in division (C)(1)(a) of this 101449  
section exceeds the amount of money the noncompliant subdivision 101450

would otherwise receive under section 5747.503 and division (C) of 101451  
section 5747.50 of the Revised Code, immediately notify the county 101452  
auditor and county treasurer required to provide for payments to 101453  
the noncompliant subdivision from a county undivided local 101454  
government fund that each of the next three such payments are to 101455  
be reduced to that subdivision in an amount equal to one-third of 101456  
that excess. 101457

(2) A county treasurer receiving notice under division 101458  
(C)(1)(b) of this section shall reduce the payments to the 101459  
noncompliant subdivision from a county undivided local government 101460  
fund as required by the notice. 101461

(D)(1) The tax commissioner shall provide for payment of an 101462  
amount equal to amounts withheld from municipal corporations and 101463  
townships under divisions (B)(1)(a)(i) and (C)(1)(a) of this 101464  
section to the undivided local government fund of the county from 101465  
which the municipal corporation receives payments under section 101466  
5747.51 or 5747.53 of the Revised Code. The county treasurer shall 101467  
distribute that money among subdivisions that are not delinquent 101468  
or noncompliant subdivisions and that are entitled to receive 101469  
distributions under those sections by increasing each such 101470  
subdivision's distribution on a pro rata basis. 101471

(2) A county treasurer shall distribute any amount withheld 101472  
from a delinquent or noncompliant subdivision under division 101473  
(B)(1)(b) or (C)(2) of this section among other subdivisions that 101474  
are not delinquent or noncompliant subdivisions by increasing each 101475  
such subdivision's distribution from the county's undivided local 101476  
government fund on a pro rata basis. 101477

(E) A county, township, or municipal corporation receiving an 101478  
increased distribution under division ~~(B) or (C)~~ (D) of this 101479  
section shall use such money for the current operating expenses of 101480  
the subdivision. 101481



Sec. 5747.503. (A) On or before the tenth day of each month, 101482  
the tax commissioner shall provide for payment to each county 101483  
undivided local government fund of a supplement for townships. The 101484  
commissioner shall determine the amounts paid to each fund as 101485  
follows: 101486

(1) Four hundred sixteen thousand six hundred sixty-six 101487  
dollars and sixty-seven cents shall be divided among every county 101488  
fund so that each township in the state receives an equal amount. 101489

(2) Four hundred sixteen thousand six hundred sixty-six 101490  
dollars and sixty-six cents shall be divided among every county 101491  
fund so that each township receives a proportionate share based on 101492  
the proportion that the total township road miles in the township 101493  
is of the total township road miles in all townships in the state. 101494

(B)(1) As used in this division, "qualifying village" means a 101495  
village with a population of less than one thousand according to 101496  
the most recent federal decennial census. 101497

(2) On or before the tenth day of each month, the tax 101498  
commissioner shall provide for payment to each county undivided 101499  
local government fund of a supplement for qualifying villages. The 101500  
commissioner shall determine the amounts paid to each fund as 101501  
follows: 101502

(a) Eighty-three thousand three hundred thirty-three dollars 101503  
and thirty-four cents shall be divided among every county fund so 101504  
that each qualifying village in the state receives an equal 101505  
amount. 101506

(b) Eighty-three thousand three hundred thirty-three dollars 101507  
and thirty-three cents shall be divided among every county fund so 101508  
that each qualifying village receives a proportionate share based 101509  
on the proportion that the total village road miles in the 101510  
qualifying village is of the total village road miles in all 101511

qualifying villages in the state. 101512

(C) The tax commissioner shall separately identify to the 101513  
county treasurer the amounts to be allocated to each township 101514  
under divisions (A)(1) and (2) of this section and to each 101515  
qualifying village under divisions (B)(2)(a) and (b) of this 101516  
section. The treasurer shall transfer those amounts to townships 101517  
and qualifying villages from the undivided local government fund. 101518

(D) The tax commissioner shall update the road mile 101519  
information used to determine payments under divisions (A) and (B) 101520  
of this section at least once every five years, and may update 101521  
such information more often at the commissioner's discretion. 101522

**Sec. 5747.504. (A) As used in this section:** 101523

(1) "Noncompliant municipal corporation" means a qualifying 101524  
municipal corporation that does either of the following: 101525

(a) Both fails to publish the plan as required under division 101526  
(B) of this section by the deadline required under that division 101527  
and charges rates for water and sewerage services to any 101528  
nonresident different than those charged to its residents; 101529

(b) On or after January 1, 2022, charges rates for water and 101530  
sewerage services to any nonresident different than those charged 101531  
to its residents. 101532

(2) "Predatory municipal corporation" means a qualifying 101533  
municipal corporation that does any of the following: 101534

(a) Requires, as a condition of providing water or sewerage 101535  
services to territory outside of the municipal corporation, that 101536  
such territory be annexed to the municipal corporation; 101537

(b) Requires, as a condition of providing water or sewerage 101538  
services to territory outside of the municipal corporation, that a 101539  
township or municipal corporation in which that territory is 101540  
located provides direct payments in excess of those reasonably 101541

related to the cost of providing water or sewerage services in 101542  
that territory to the municipal corporation that operates the 101543  
water or sewerage system; 101544

(c) Requires a township or another municipal corporation to 101545  
comply with any requirement not reasonably related to the cost of 101546  
providing water or sewerage services in the territory of the 101547  
township or other municipal corporation as a condition of 101548  
providing water or sewerage services in such territory; 101549

(d) Withdraws water or sewerage service or threatens to 101550  
withdraw such service from any territory of a township or another 101551  
municipal corporation for failure of that township or municipal 101552  
corporation to comply with any condition or make any direct 101553  
payment not reasonably related to the cost of providing water or 101554  
sewerage services in that territory. 101555

(3) "Affected subdivision" means a township or municipal 101556  
corporation that is either: 101557

(a) Subject to any of the conditions described in divisions 101558  
(A)(2)(a) to (d) of this section imposed by a predatory municipal 101559  
corporation; 101560

(b) Has a resident whose water or sewerage rates are 101561  
different than those charged to residents of the noncompliant 101562  
municipal corporation that provides such services to that 101563  
resident. 101564

(4) "Annexation" means any form of annexation proceeding or 101565  
merger pursuant to Chapter 709. of the Revised Code. 101566

(5) "Qualifying municipal corporation" means a municipal 101567  
corporation having a population of more than seven hundred 101568  
thousand as determined by the most recent federal decennial census 101569  
that operates a municipal water or sewerage system serving 101570  
nonresidents and residents of the municipal corporation. 101571

(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section:

(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents;

(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks.

(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation.

(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following:

(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount of such payments the municipal corporation would otherwise receive under section 5747.51 or 5747.53 of the Revised Code, beginning with the next required payment;

(b) Immediately notify the county auditor and county treasurer that such payments are to be reduced by twenty per cent until the tax commissioner notifies the auditor and treasurer

under division (C)(3)(b) of this section that the reduction shall 101603  
terminate. 101604

The county treasurer shall reduce the amount of such payments 101605  
to the noncompliant municipal corporation from the undivided local 101606  
government fund beginning with the payment specified by the tax 101607  
commissioner. 101608

(3) A municipal corporation subject to the reductions 101609  
required under division (C)(2) of this section may notify the tax 101610  
commissioner that the municipal corporation is no longer a 101611  
noncompliant municipal corporation. Upon receiving that notice, 101612  
the commissioner shall do both of the following if the 101613  
commissioner determines that the municipal corporation is no 101614  
longer a noncompliant municipal corporation: 101615

(a) Terminate the reduction, under division (C)(2)(a) of this 101616  
section, in the amount of payments to the county's undivided local 101617  
government fund and in the amount of payments to the municipal 101618  
corporation under division (C) of section 5747.50 of the Revised 101619  
Code beginning with the next required payments; 101620

(b) Immediately notify the county auditor and county 101621  
treasurer that the treasurer shall terminate the reduction in the 101622  
amount of payments from the undivided local government fund to the 101623  
municipal corporation under section 5747.51 or 5747.53 of the 101624  
Revised Code. 101625

The county treasurer shall provide for payments to the 101626  
formerly noncompliant municipal corporation from the undivided 101627  
local government fund, beginning with the payment specified by the 101628  
tax commissioner. 101629

(D)(1) A predatory municipal corporation shall notify the tax 101630  
commissioner that the municipal corporation is a predatory 101631  
municipal corporation within ten days after the effective date of 101632  
the enactment of this section or, if the municipal corporation 101633

becomes a predatory municipal corporation after that date, within 101634  
ten days after the date on which the municipal corporation becomes 101635  
a predatory municipal corporation. 101636

(2) The tax commissioner, upon receipt of a notice described 101637  
in division (D)(1) of this section or upon discovery, on the basis 101638  
of information in the commissioner's possession, that a municipal 101639  
corporation is a predatory municipal corporation, shall do all of 101640  
the following: 101641

(a) Cease providing for payments to the municipal corporation 101642  
under division (C) of section 5747.50 of the Revised Code, 101643  
beginning with the next required payment, and reduce payments to 101644  
the appropriate county undivided local government fund under 101645  
division (B) of section 5747.50 of the Revised Code equal to the 101646  
amount of such payments the municipal corporation would otherwise 101647  
receive under section 5747.51 or 5747.53 of the Revised Code, 101648  
beginning with the next required payment; 101649

(b) Immediately notify the county auditor and county 101650  
treasurer that such payments are to cease until the tax 101651  
commissioner notifies the auditor and treasurer under division 101652  
(D)(3)(b) of this section that the payments are to resume. 101653

The county treasurer shall cease providing for payments to 101654  
the predatory municipal corporation from the undivided local 101655  
government fund beginning with the payment specified by the tax 101656  
commissioner. 101657

(c) The tax commissioner shall notify the director of 101658  
environmental protection of the identities of the predatory 101659  
subdivision and any affected subdivisions and instruct the 101660  
director to proceed under division (G) of this section. 101661

(3) A municipal corporation subject to the reductions 101662  
required under division (D)(2) of this section may notify the tax 101663  
commissioner that the municipal corporation is no longer a 101664

predatory municipal corporation. Upon receiving that notice, the 101665  
commissioner shall do both of the following if the commissioner 101666  
determines that the municipal corporation is no longer a predatory 101667  
municipal corporation: 101668

(a) Resume payments to the municipal corporation as required 101669  
under division (C) of section 5747.50 of the Revised Code, and 101670  
resume payments to the county's undivided local government fund to 101671  
the extent such payments were reduced under division (D)(2)(a) of 101672  
this section, beginning with the next required payment; 101673

(b) Immediately notify the county auditor and county 101674  
treasurer that the treasurer shall resume payments from the 101675  
undivided local government fund to the municipal corporation under 101676  
section 5747.51 or 5747.53 of the Revised Code. 101677

The county treasurer shall resume payments to the municipal 101678  
corporation from the undivided local government fund beginning 101679  
with the payment specified by the tax commissioner. 101680

(E) The tax commissioner shall provide for payment of an 101681  
amount equal to amounts withheld from a noncompliant or predatory 101682  
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 101683  
this section, respectively, to each affected subdivision affected 101684  
by, or with a resident affected by, that municipal corporation 101685  
under division (A)(3)(a) or (b) of this section. The payment to 101686  
each such subdivision shall be in the proportion that the 101687  
population of that subdivision bears to the total population of 101688  
all such affected subdivisions, as determined by the most recent 101689  
federal decennial census. 101690

(F) An affected subdivision shall use money received under 101691  
division (E) of this section for the current operating expenses of 101692  
the subdivision. 101693

(G) The director of environmental protection shall send a 101694  
letter to each affected subdivision identified in a notice 101695

received by the director under division (D)(2)(c) of this section 101696  
explaining the procedures for political subdivisions to form a 101697  
regional water and sewer district under Chapter 6119. of the 101698  
Revised Code. 101699

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 101700  
of each year, the tax commissioner shall make and certify to the 101701  
county auditor of each county an estimate of the amount of the 101702  
local government fund to be allocated to the undivided local 101703  
government fund of each county for the ensuing calendar year, 101704  
adjusting the total as required to account for subdivisions 101705  
receiving local government funds under section 5747.502 of the 101706  
Revised Code. 101707

(B) At each annual regular session of the county budget 101708  
commission convened pursuant to section 5705.27 of the Revised 101709  
Code, each auditor shall present to the commission the certificate 101710  
of the commissioner, the annual tax budget and estimates, and the 101711  
records showing the action of the commission in its last preceding 101712  
regular session. The commission, after extending to the 101713  
representatives of each subdivision an opportunity to be heard, 101714  
under oath administered by any member of the commission, and 101715  
considering all the facts and information presented to it by the 101716  
auditor, shall determine the amount of the undivided local 101717  
government fund needed by and to be apportioned to each 101718  
subdivision for current operating expenses, as shown in the tax 101719  
budget of the subdivision. This determination shall be made 101720  
pursuant to divisions (C) to (I) of this section, unless the 101721  
commission has provided for a formula pursuant to section 5747.53 101722  
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 101723  
~~increase~~ adjust the amount of funds from the undivided local 101724  
government fund to a subdivision as required ~~to receive reduced or~~ 101725  
~~increased funds under~~ by section 5747.502 or 5747.504 of the 101726  
Revised Code. 101727



Nothing in this section prevents the budget commission, for 101728  
the purpose of apportioning the undivided local government fund, 101729  
from inquiring into the claimed needs of any subdivision as stated 101730  
in its tax budget, or from adjusting claimed needs to reflect 101731  
actual needs. For the purposes of this section, "current operating 101732  
expenses" means the lawful expenditures of a subdivision, except 101733  
those for permanent improvements and except payments for interest, 101734  
sinking fund, and retirement of bonds, notes, and certificates of 101735  
indebtedness of the subdivision. 101736

(C) The commission shall determine the combined total of the 101737  
estimated expenditures, including transfers, from the general fund 101738  
and any special funds other than special funds established for 101739  
road and bridge; street construction, maintenance, and repair; 101740  
state highway improvement; and gas, water, sewer, and electric 101741  
public utilities operated by a subdivision, as shown in the 101742  
subdivision's tax budget for the ensuing calendar year. 101743

(D) From the combined total of expenditures calculated 101744  
pursuant to division (C) of this section, the commission shall 101745  
deduct the following expenditures, if included in these funds in 101746  
the tax budget: 101747

(1) Expenditures for permanent improvements as defined in 101748  
division (E) of section 5705.01 of the Revised Code; 101749

(2) In the case of counties and townships, transfers to the 101750  
road and bridge fund, and in the case of municipalities, transfers 101751  
to the street construction, maintenance, and repair fund and the 101752  
state highway improvement fund; 101753

(3) Expenditures for the payment of debt charges; 101754

(4) Expenditures for the payment of judgments. 101755

(E) In addition to the deductions made pursuant to division 101756  
(D) of this section, revenues accruing to the general fund and any 101757  
special fund considered under division (C) of this section from 101758

the following sources shall be deducted from the combined total of 101759  
expenditures calculated pursuant to division (C) of this section: 101760

(1) Taxes levied within the ten-mill limitation, as defined 101761  
in section 5705.02 of the Revised Code; 101762

(2) The budget commission allocation of estimated county 101763  
public library fund revenues to be distributed pursuant to section 101764  
5747.48 of the Revised Code; 101765

(3) Estimated unencumbered balances as shown on the tax 101766  
budget as of the thirty-first day of December of the current year 101767  
in the general fund, but not any estimated balance in any special 101768  
fund considered in division (C) of this section; 101769

(4) Revenue, including transfers, shown in the general fund 101770  
and any special funds other than special funds established for 101771  
road and bridge; street construction, maintenance, and repair; 101772  
state highway improvement; and gas, water, sewer, and electric 101773  
public utilities, from all other sources except those that a 101774  
subdivision receives from an additional tax or service charge 101775  
voted by its electorate or receives from special assessment or 101776  
revenue bond collection. For the purposes of this division, where 101777  
the charter of a municipal corporation prohibits the levy of an 101778  
income tax, an income tax levied by the legislative authority of 101779  
such municipal corporation pursuant to an amendment of the charter 101780  
of that municipal corporation to authorize such a levy represents 101781  
an additional tax voted by the electorate of that municipal 101782  
corporation. For the purposes of this division, any measure 101783  
adopted by a board of county commissioners pursuant to section 101784  
322.02, 4504.02, or 5739.021 of the Revised Code, including those 101785  
measures upheld by the electorate in a referendum conducted 101786  
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 101787  
Code, shall not be considered an additional tax voted by the 101788  
electorate. 101789

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county

shall not exceed the following maximum percentages of the total 101822  
estimate of the undivided local government fund governed by the 101823  
relationship of the percentage of the population of the county 101824  
that resides within municipal corporations within the county to 101825  
the total population of the county as reported in the reports on 101826  
population in Ohio by the department of development as of the 101827  
twentieth day of July of the year in which the tax budget is filed 101828  
with the budget commission: 101829

Percentage of municipal 101830	Percentage share of the county	
population within the county:	shall not exceed:	
		101831
Less than forty-one per cent	Sixty per cent	101832
Forty-one per cent or more but	Fifty per cent	101833
less than eighty-one per cent		
Eighty-one per cent or more	Thirty per cent	101834

Where the proportionate share of the county exceeds the 101835  
limitations established in this division, the budget commission 101836  
shall adjust the proportionate shares determined pursuant to this 101837  
division so that the proportionate share of the county does not 101838  
exceed these limitations, and it shall increase the proportionate 101839  
shares of all other subdivisions on a pro rata basis. In counties 101840  
having a population of less than one hundred thousand, not less 101841  
than ten per cent shall be distributed to the townships therein. 101842

(I) The proportionate share of each subdivision in the 101843  
undivided local government fund determined pursuant to division 101844  
(H) of this section for any calendar year shall not be less than 101845  
the product of the average of the percentages of the undivided 101846  
local government fund of the county as apportioned to that 101847  
subdivision for the calendar years 1968, 1969, and 1970, 101848  
multiplied by the total amount of the undivided local government 101849  
fund of the county apportioned pursuant to former section 5735.23 101850  
of the Revised Code for the calendar year 1970. For the purposes 101851

of this division, the total apportioned amount for the calendar 101852  
year 1970 shall be the amount actually allocated to the county in 101853  
1970 from the state collected intangible tax as levied by section 101854  
5707.03 of the Revised Code and distributed pursuant to section 101855  
5725.24 of the Revised Code, plus the amount received by the 101856  
county in the calendar year 1970 pursuant to division (B)(1) of 101857  
former section 5739.21 of the Revised Code, and distributed 101858  
pursuant to former section 5739.22 of the Revised Code. If the 101859  
total amount of the undivided local government fund for any 101860  
calendar year is less than the amount of the undivided local 101861  
government fund apportioned pursuant to former section 5739.23 of 101862  
the Revised Code for the calendar year 1970, the minimum amount 101863  
guaranteed to each subdivision for that calendar year pursuant to 101864  
this division shall be reduced on a basis proportionate to the 101865  
amount by which the amount of the undivided local government fund 101866  
for that calendar year is less than the amount of the undivided 101867  
local government fund apportioned for the calendar year 1970. 101868

(J) On the basis of such apportionment, the county auditor 101869  
shall compute the percentage share of each such subdivision in the 101870  
undivided local government fund and shall at the same time certify 101871  
to the tax commissioner the percentage share of the county as a 101872  
subdivision. No payment shall be made from the undivided local 101873  
government fund, except in accordance with such percentage shares. 101874

Within ten days after the budget commission has made its 101875  
apportionment, whether conducted pursuant to section 5747.51 or 101876  
5747.53 of the Revised Code, the auditor shall publish a list of 101877  
the subdivisions and the amount each is to receive from the 101878  
undivided local government fund and the percentage share of each 101879  
subdivision, in a newspaper or newspapers of countywide 101880  
circulation, and send a copy of such allocation to the tax 101881  
commissioner. 101882

The county auditor shall also send a copy of such allocation 101883

by ordinary or electronic mail to the fiscal officer of each 101884  
subdivision entitled to participate in the allocation of the 101885  
undivided local government fund of the county. This copy shall 101886  
constitute the official notice of the commission action referred 101887  
to in section 5705.37 of the Revised Code. 101888

All money received into the treasury of a subdivision from 101889  
the undivided local government fund in a county treasury shall be 101890  
paid into the general fund and used for the current operating 101891  
expenses of the subdivision. 101892

If a municipal corporation maintains a municipal university, 101893  
such municipal university, when the board of trustees so requests 101894  
the legislative authority of the municipal corporation, shall 101895  
participate in the money apportioned to such municipal corporation 101896  
from the total local government fund, however created and 101897  
constituted, in such amount as requested by the board of trustees, 101898  
provided such sum does not exceed nine per cent of the total 101899  
amount paid to the municipal corporation. 101900

If any public official fails to maintain the records required 101901  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 101902  
issued by the tax commissioner, the auditor of state, or the 101903  
treasurer of state pursuant to such sections, or fails to comply 101904  
with any law relating to the enforcement of such sections, the 101905  
local government fund money allocated to the county may be 101906  
withheld until such time as the public official has complied with 101907  
such sections or such law or the rules issued pursuant thereto. 101908

**Sec. 5747.53.** (A) As used in this section: 101909

(1) "City, located wholly or partially in the county, with 101910  
the greatest population" means the city, located wholly or 101911  
partially in the county, with the greatest population residing in 101912  
the county; however, if the county budget commission on or before 101913  
January 1, 1998, adopted an alternative method of apportionment 101914

that was approved by the legislative authority of the city, 101915  
located partially in the county, with the greatest population but 101916  
not the greatest population residing in the county, "city, located 101917  
wholly or partially in the county, with the greatest population" 101918  
means the city, located wholly or partially in the county, with 101919  
the greatest population whether residing in the county or not, if 101920  
this alternative meaning is adopted by action of the board of 101921  
county commissioners and a majority of the boards of township 101922  
trustees and legislative authorities of municipal corporations 101923  
located wholly or partially in the county. 101924

(2) "Participating political subdivision" means a municipal 101925  
corporation or township that satisfies all of the following: 101926

(a) It is located wholly or partially in the county. 101927

(b) It is not the city, located wholly or partially in the 101928  
county, with the greatest population. 101929

(c) Undivided local government fund moneys are apportioned to 101930  
it under the county's alternative method or formula of 101931  
apportionment in the current calendar year. 101932

(B) In lieu of the method of apportionment of the undivided 101933  
local government fund of the county provided by section 5747.51 of 101934  
the Revised Code, the county budget commission may provide for the 101935  
apportionment of the fund under an alternative method or on a 101936  
formula basis as authorized by this section. The ~~commissioner~~ 101937  
commission shall ~~reduce or increase~~ adjust the amount of funds 101938  
from the undivided local government fund to a subdivision as 101939  
required ~~to receive reduced or increased funds under~~ by section 101940  
5747.502 or 5747.504 of the Revised Code. 101941

Except as otherwise provided in division (C) of this section, 101942  
the alternative method of apportionment shall have first been 101943  
approved by all of the following governmental units: the board of 101944  
county commissioners; the legislative authority of the city, 101945

located wholly or partially in the county, with the greatest 101946  
population; and a majority of the boards of township trustees and 101947  
legislative authorities of municipal corporations, located wholly 101948  
or partially in the county, excluding the legislative authority of 101949  
the city, located wholly or partially in the county, with the 101950  
greatest population. In granting or denying approval for an 101951  
alternative method of apportionment, the board of county 101952  
commissioners, boards of township trustees, and legislative 101953  
authorities of municipal corporations shall act by motion. A 101954  
motion to approve shall be passed upon a majority vote of the 101955  
members of a board of county commissioners, board of township 101956  
trustees, or legislative authority of a municipal corporation, 101957  
shall take effect immediately, and need not be published. 101958

Any alternative method of apportionment adopted and approved 101959  
under this division may be revised, amended, or repealed in the 101960  
same manner as it may be adopted and approved. If an alternative 101961  
method of apportionment adopted and approved under this division 101962  
is repealed, the undivided local government fund of the county 101963  
shall be apportioned among the subdivisions eligible to 101964  
participate in the fund, commencing in the ensuing calendar year, 101965  
under the apportionment provided in section 5747.52 of the Revised 101966  
Code, unless the repeal occurs by operation of division (C) of 101967  
this section or a new method for apportionment of the fund is 101968  
provided in the action of repeal. 101969

(C) This division applies only in counties in which the city, 101970  
located wholly or partially in the county, with the greatest 101971  
population has a population of twenty thousand or less and a 101972  
population that is less than fifteen per cent of the total 101973  
population of the county. In such a county, the legislative 101974  
authorities or boards of township trustees of two or more 101975  
participating political subdivisions, which together have a 101976  
population residing in the county that is a majority of the total 101977



population of the county, each may adopt a resolution to exclude 101978  
the approval otherwise required of the legislative authority of 101979  
the city, located wholly or partially in the county, with the 101980  
greatest population. All of the resolutions to exclude that 101981  
approval shall be adopted not later than the first Monday of 101982  
August of the year preceding the calendar year in which 101983  
distributions are to be made under an alternative method of 101984  
apportionment. 101985

A motion granting or denying approval of an alternative 101986  
method of apportionment under this division shall be adopted by a 101987  
majority vote of the members of the board of county commissioners 101988  
and by a majority vote of a majority of the boards of township 101989  
trustees and legislative authorities of the municipal corporations 101990  
located wholly or partially in the county, other than the city, 101991  
located wholly or partially in the county, with the greatest 101992  
population, shall take effect immediately, and need not be 101993  
published. The alternative method of apportionment under this 101994  
division shall be adopted and approved annually, not later than 101995  
the first Monday of August of the year preceding the calendar year 101996  
in which distributions are to be made under it. A motion granting 101997  
approval of an alternative method of apportionment under this 101998  
division repeals any existing alternative method of apportionment, 101999  
effective with distributions to be made from the fund in the 102000  
ensuing calendar year. An alternative method of apportionment 102001  
under this division shall not be revised or amended after the 102002  
first Monday of August of the year preceding the calendar year in 102003  
which distributions are to be made under it. 102004

(D) In determining an alternative method of apportionment 102005  
authorized by this section, the county budget commission may 102006  
include in the method any factor considered to be appropriate and 102007  
reliable, in the sole discretion of the county budget commission. 102008

(E) The limitations set forth in section 5747.51 of the 102009

Revised Code, stating the maximum amount that the county may receive from the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from the fund, are applicable to any alternative method of apportionment authorized under this section.

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. If a municipal corporation maintains a municipal university, the university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to the municipal corporation from the total local government fund, however created and constituted, in the amount requested by the board of trustees, provided that amount does not exceed nine per cent of the total amount paid to the municipal corporation.

(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

**Sec. 5747.98.** (A) To provide a uniform procedure for

calculating a taxpayer's aggregate tax liability under section 102041  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 102042  
which the taxpayer is entitled in the following order: 102043

(1) Either the retirement income credit under division (B) of 102044  
section 5747.055 of the Revised Code or the lump sum retirement 102045  
income credits under divisions (C), (D), and (E) of that section; 102046

(2) Either the senior citizen credit under division (F) of 102047  
section 5747.055 of the Revised Code or the lump sum distribution 102048  
credit under division (G) of that section; 102049

(3) The dependent care credit under section 5747.054 of the 102050  
Revised Code; 102051

~~(4) The low income credit under section 5747.056 of the 102052  
Revised Code;~~ 102053

~~(5)~~ The credit for displaced workers who pay for job training 102054  
under section 5747.27 of the Revised Code; 102055

~~(6)~~(5) The campaign contribution credit under section 5747.29 102056  
of the Revised Code; 102057

~~(7)~~(6) The twenty-dollar personal exemption credit under 102058  
section 5747.022 of the Revised Code; 102059

~~(8)~~(7) The joint filing credit under division (G) of section 102060  
5747.05 of the Revised Code; 102061

~~(9)~~(8) The earned income credit under section 5747.71 of the 102062  
Revised Code; 102063

~~(10)~~(9) The credit for adoption of a minor child under 102064  
section 5747.37 of the Revised Code; 102065

~~(11)~~(10) The nonrefundable job retention credit under 102066  
division (B) of section 5747.058 of the Revised Code; 102067

~~(12)~~(11) The enterprise zone credit under section 5709.66 of 102068  
the Revised Code; 102069

<del>(13)</del> <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	102070 102071
<del>(14)</del> <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	102072 102073
<del>(15)</del> <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;	102074 102075
<del>(16)</del> <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	102076 102077
<del>(17)</del> <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;	102078 102079
<del>(18)</del> <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	102080 102081
<del>(19)</del> <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	102082 102083
<del>(20)</del> <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	102084 102085
<del>(21)</del> <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	102086 102087
<del>(22)</del> <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	102088 102089
<del>(23)</del> <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	102090 102091
<del>(24)</del> <u>(23)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	102092 102093 102094
<del>(25)</del> <u>(24)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	102095 102096 102097
<del>(26)</del> <u>(25)</u> The refundable credit for rehabilitating a historic	102098

building under section 5747.76 of the Revised Code; 102099

~~(27)~~(26) The refundable credit for financial institution 102100  
taxes paid by a pass-through entity granted under section 5747.65 102101  
of the Revised Code. 102102

(B) For any credit, except the refundable credits enumerated 102103  
in this section and the credit granted under division (H) of 102104  
section 5747.08 of the Revised Code, the amount of the credit for 102105  
a taxable year shall not exceed the taxpayer's aggregate amount of 102106  
tax due under section 5747.02 of the Revised Code, after allowing 102107  
for any other credit that precedes it in the order required under 102108  
this section. Any excess amount of a particular credit may be 102109  
carried forward if authorized under the section creating that 102110  
credit. Nothing in this chapter shall be construed to allow a 102111  
taxpayer to claim, directly or indirectly, a credit more than once 102112  
for a taxable year. 102113

**Sec. 5748.10.** (A) As used in this section: 102114

(1) "School district consolidation" means a consolidation of 102115  
some or all of the territories of two or more school districts by 102116  
transfer, merger, joinder, or creation pursuant to any of such 102117  
procedures under Chapter 3311. of the Revised Code. 102118

(2) "Surviving school district" means a school district into 102119  
which territory of another school district will be consolidated 102120  
pursuant to a school district consolidation. 102121

(3) "Identification number" means the number designated by 102122  
the tax commissioner for the purpose of enabling a taxpayer to 102123  
identify the taxpayer's school district of residence pursuant to 102124  
rules adopted by the commissioner in accordance with section 102125  
5747.04 of the Revised Code. 102126

(B) On or before ninety days before the effective date of a 102127  
school district consolidation, the board of education of a 102128

surviving school district that levies a school district income tax 102129  
pursuant to a resolution that will be in effect on and after that 102130  
effective date shall notify the tax commissioner in writing of all 102131  
of the following: 102132

(1) The name and identification number of each of the school 102133  
districts involved in the consolidation, designating which is the 102134  
surviving school district; 102135

(2) The effective date of the consolidation; 102136

(3) The rate of school district income tax levied by the 102137  
surviving school district and, if applicable, any of the other 102138  
school districts, pursuant to a resolution levying such a tax that 102139  
will be in effect on and after the effective date of the 102140  
consolidation. 102141

(C) School district income tax shall be levied on the school 102142  
district income of residents of a school district resulting from a 102143  
school district consolidation pursuant to a resolution, if any, 102144  
levying such a tax on such income of the surviving school 102145  
district's residents adopted by the board of education of that 102146  
district and in effect on and after that effective date. Nothing 102147  
in this division prohibits the board of education of a school 102148  
district from amending or adopting a resolution to levy a school 102149  
district income tax in accordance with this chapter after a school 102150  
district consolidation. 102151

**Sec. 5749.01.** As used in this chapter: 102152

(A) "Ton" shall mean two thousand pounds as measured at the 102153  
point and time of severance, after the removal of any impurities, 102154  
under such rules and regulations as the tax commissioner may 102155  
prescribe. 102156

(B) "Taxpayer" means any person required to pay the tax 102157  
levied by Chapter 5749. of the Revised Code. 102158

(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil.	102159 102160
(D) "Owner" <del>has</del> <u>and "exempt domestic well" have</u> the same <del>meaning</del> <u>meanings</u> as in section 1509.01 of the Revised Code.	102161 102162
(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.	102163 102164 102165
(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.	102166 102167 102168
(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.	102169 102170
(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.	102171 102172
(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.	102173 102174
<b>Sec. 5749.02.</b> (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by <del>divisions (A)(1) to (9) of this section:</del>	102175 102176 102177 102178 102179 102180 102181 102182
(1) Ten cents per ton of coal;	102183
(2) Four cents per ton of salt;	102184
(3) Two cents per ton of limestone or dolomite;	102185
(4) Two cents per ton of sand and gravel;	102186
(5) Ten cents per barrel of oil;	102187

(6) Two and one-half cents per thousand cubic feet of natural gas;	102188 102189
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	102190 102191
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.	102192 102193 102194 102195 102196 102197 102198 102199 102200 102201 102202 102203 102204 102205 102206 102207 102208 102209 102210 102211 102212 102213 102214 102215
(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.	102216 102217
(B) After the director of budget and management transfers money from the severance tax receipts fund as required in division	102218 102219



(H) of section 5749.06 of the Revised Code, money remaining in the severance tax receipts fund, except for money in the fund from the amounts due under section 1509.50 of the Revised Code, shall be credited as follows:

(1) ~~Of All of~~ the moneys in the fund from the tax levied in division (A)(1) of this section, ~~four and seventy six hundredths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, eighty and ninety five hundredths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and fourteen and twenty nine hundredths per cent shall be credited to the unreclaimed lands mining regulation and safety fund created in section 1513.30 of the Revised Code.~~

(2) The money in the fund from the tax levied in division (A)(2) of this section shall be credited to the geological mapping mining regulation and safety fund.

(3) Of the moneys in the fund from the tax levied in divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund, ~~forty two and five tenths per cent shall be credited to the unreclaimed lands fund,~~ and the remainder shall be credited to the surface mining regulation and safety fund created in section ~~1514.06~~ 1513.30 of the Revised Code.

(4) Of the moneys in the fund from the tax levied in divisions (A)(5) and (6) of this section, ninety per cent shall be credited to the oil and gas well fund ~~created in section 1509.02 of the Revised Code~~ and ten per cent shall be credited to the geological mapping fund. ~~All~~

(5) All of the moneys in the fund from the tax levied in division (A)(7) of this section shall be credited to the ~~surface~~

mining regulation and safety fund. 102251

~~(5)~~(6) All of the moneys in the fund from the tax levied in 102252  
division (A)(8) of this section shall be credited to the 102253  
reclamation forfeiture fund. 102254

~~(6)~~(7) All of the moneys in the fund from the tax levied in 102255  
division (A)(9) of this section shall be credited to the 102256  
~~unreclaimed lands~~ mining regulation and safety fund. 102257

(C) When, at the close of any fiscal year, the chief finds 102258  
that the balance of the reclamation forfeiture fund, ~~plus~~ 102259  
~~estimated transfers to it from the coal mining administration and~~ 102260  
~~reclamation reserve fund under section 1513.181 of the Revised~~ 102261  
Code, plus the estimated revenues from the tax levied by division 102262  
(A)(8) of this section for the remainder of the calendar year that 102263  
includes the close of the fiscal year, are sufficient to complete 102264  
the reclamation of all lands for which the performance security 102265  
has been provided under division (C)(2) of section 1513.08 of the 102266  
Revised Code, the purposes for which the tax under division (A)(8) 102267  
of this section is levied shall be deemed accomplished at the end 102268  
of that calendar year. The chief, within thirty days after the 102269  
close of the fiscal year, shall certify those findings to the tax 102270  
commissioner, and the tax levied under division (A)(8) of this 102271  
section shall cease to be imposed for the subsequent calendar year 102272  
after the last day of that calendar year on coal produced under a 102273  
coal mining and reclamation permit issued under Chapter 1513. of 102274  
the Revised Code if the permittee has made tax payments under 102275  
division (A)(8) of this section during each of the preceding five 102276  
full calendar years. Not later than thirty days after the close of 102277  
a fiscal year, the chief shall certify to the tax commissioner the 102278  
identity of any permittees who accordingly no longer are required 102279  
to pay the tax levied under division (A)(8) of this section for 102280  
the subsequent calendar year. 102281

~~Sec. 5749.03. The following Natural resources severed from an 102282  
exempt domestic well shall be exempt from the tax imposed by 102283  
section 5749.02 of the Revised Code ~~and the amount due under~~ 102284  
~~section 1509.50 of the Revised Code:~~ 102285~~

~~The severance of natural resources from land or water in this 102286  
state owned legally or beneficially by the severer, which natural 102287  
resources will be used on the land from which they are taken by 102288  
the severer as part of the improvement of or use in the severer's 102289  
homestead and which have a yearly cumulative market value of not 102290  
greater than one thousand dollars. When severed natural resources 102291  
so used exceed a cumulative market value of one thousand dollars 102292  
during any year, the further severance of natural resources shall 102293  
be subject to the tax imposed by section 5749.02 of the Revised 102294  
Code. 102295~~

~~Sec. 5749.04. No severer shall sever or sell a natural 102296  
resource in this state without first having obtained a license or 102297  
permit therefor from or having registered with the department of 102298  
natural resources. 102299~~

~~Unless the severer has obtained a license or permit from 102300  
another department of this state, the license or permit shall be 102301  
issued by the tax commissioner upon receipt of a completed 102302  
application on a form which he shall prescribe. The license or 102303  
permit shall become effective on the date the application is 102304  
accepted by the commissioner, who shall notify the applicant in 102305  
writing of the acceptance, and shall remain in effect until such 102306  
time as the commissioner revokes the license or permit. The 102307  
commissioner may request that the department of natural resources 102308  
revoke the license or permit or registration of a severer or owner 102309  
if he the commissioner finds that the applicant severer or owner 102310  
has failed to fully and truthfully complete the application or has 102311  
failed to pay the tax required by comply with section 1509.50 or 102312~~

Chapter 5749. of the Revised Code. 102313

~~The fee charged for the license or permit shall be fifty  
dollars. The remittance for such fee shall accompany the  
application and shall be made payable to the treasurer of state  
for deposit in the general revenue fund~~ Upon receipt of such a  
request, that officer may revoke the permit or registration.

Except as provided in section 5749.03 of the Revised Code,  
before severing a natural resource each severer shall file an  
application with the commissioner on a form prescribed by the  
commissioner to establish a severance tax account. The application  
may require the severer to disclose any information the  
commissioner considers necessary to establish that account.

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed  
by section 5749.02 of the Revised Code and each severer or owner  
liable for the amounts due under section 1509.50 of the Revised  
Code, except for any amount due under division (B)(2) of that  
section, shall make and file returns with the tax commissioner in  
the prescribed form and ~~as of~~ at the prescribed times, computing  
and reflecting therein the tax as required by this chapter and  
amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every ~~quarterly period,~~  
~~which periods shall end on the thirty first day of March, the~~  
~~thirtieth day of June, the thirtieth day of September, and the~~  
~~thirty first day of December of each year~~ calendar quarter, as  
required by this section, unless a different return period is  
prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar  
~~quarterly period~~ quarter, or other period, or any part thereof,  
during which the severer holds a ~~license~~ permit or has registered  
as provided by section 5749.04 of the Revised Code, or is required  
to hold the ~~license~~ permit or registration, or during which an

owner is required to file a return. The return shall be filed 102344  
~~within forty five days after the last on or before the fifteenth~~ 102345  
~~day of each such calendar month, or other period, or any part~~ 102346  
~~thereof, for which the return is required~~ the second month 102347  
following the end of each return period. The tax due is payable 102348  
along with the return. All such returns shall contain such 102349  
information as the commissioner may require to fairly administer 102350  
the tax. 102351

(2) All returns shall be signed by the severer or owner, as 102352  
applicable, shall contain the full and complete information 102353  
requested, and shall be made under penalty of perjury. 102354

(C) If the commissioner believes that quarterly payments of 102355  
tax would result in a delay that might jeopardize the collection 102356  
of such tax payments, the commissioner may order that such 102357  
payments be made weekly, or more frequently if necessary, such 102358  
payments to be made not later than seven days following the close 102359  
of the period for which the jeopardy payment is required. Such an 102360  
order shall be delivered to the taxpayer personally or by 102361  
certified mail and shall remain in effect until the commissioner 102362  
notifies the taxpayer to the contrary. 102363

(D) Upon good cause the commissioner may extend for thirty 102364  
days the period for filing any notice or return required to be 102365  
filed under this section, and may remit all or a part of penalties 102366  
that may become due under this chapter. 102367

(E) Any tax and any amount due under section 1509.50 of the 102368  
Revised Code not paid by the day the tax or amount is due shall 102369  
bear interest computed at the rate per annum prescribed by section 102370  
5703.47 of the Revised Code on that amount due from the day that 102371  
the amount was originally required to be paid to the day of actual 102372  
payment or to the day an assessment was issued under section 102373  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 102374

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.

(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another electronic means to file returns and remit payments electronically.

(2) A severer or owner that is required to remit payments electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause.

(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following:

(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars;

(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was required to be remitted or fifty dollars.

(H)(1) All amounts that the commissioner receives under this

section shall be deemed to be revenue from taxes imposed under 102406  
this chapter or from the amount due under section 1509.50 of the 102407  
Revised Code, as applicable, and shall be deposited in the 102408  
severance tax receipts fund, which is hereby created in the state 102409  
treasury. 102410

(2) The director of budget and management shall transfer from 102411  
the severance tax receipts fund, as necessary, to the tax refund 102412  
fund amounts equal to the refunds certified by the commissioner 102413  
under section 5749.08 of the Revised Code. Any amount transferred 102414  
under division (H)(2) of this section shall be derived from 102415  
receipts of the same tax or other amount from which the refund 102416  
arose. 102417

(3) After the director of budget and management makes any 102418  
transfer required by division (H)(2) of this section, but not 102419  
later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 102420  
~~following the end of each calendar quarter~~, the commissioner shall 102421  
certify to the director the total amount remaining in the 102422  
severance tax receipts fund organized according to the amount 102423  
attributable to each natural resource and according to the amount 102424  
attributable to a tax imposed by this chapter and the amounts due 102425  
under section 1509.50 of the Revised Code, and shall provide for 102426  
payment to the funds specified in division (B) of section 5749.02 102427  
of the Revised Code. 102428

(I) Penalties imposed under this section are in addition to 102429  
any other penalty imposed under this chapter and shall be 102430  
considered as revenue arising from the tax levied under this 102431  
chapter or the amount due under section 1509.50 of the Revised 102432  
Code, as applicable. The commissioner may collect any penalty or 102433  
interest imposed under this section in the same manner as provided 102434  
for the making of an assessment in section 5749.07 of the Revised 102435  
Code. The commissioner may abate all or a portion of such interest 102436  
or penalties and may adopt rules governing such abatements. 102437

~~Sec. 5749.17. Except for purposes of enforcing Chapter 1509.~~ 102438  
~~of the Revised Code, any~~ Any information provided to the 102439  
department of natural resources by the department of taxation in 102440  
accordance with division (C)(12) of section 5703.21 of the Revised 102441  
Code shall not be disclosed publicly by the department of natural 102442  
resources. However the department of natural resources may provide 102443  
such information to the attorney general for purposes of 102444  
enforcement of Chapter 1509. of the Revised Code. 102445

**Sec. 5751.02.** (A) For the purpose of funding the needs of 102446  
this state and its local governments, there is hereby levied a 102447  
commercial activity tax on each person with taxable gross receipts 102448  
for the privilege of doing business in this state. For the 102449  
purposes of this chapter, "doing business" means engaging in any 102450  
activity, whether legal or illegal, that is conducted for, or 102451  
results in, gain, profit, or income, at any time during a calendar 102452  
year. Persons on which the commercial activity tax is levied 102453  
include, but are not limited to, persons with substantial nexus 102454  
with this state. The tax imposed under this section is not a 102455  
transactional tax and is not subject to Public Law No. 86-272, 73 102456  
Stat. 555. The tax imposed under this section is in addition to 102457  
any other taxes or fees imposed under the Revised Code. The tax 102458  
levied under this section is imposed on the person receiving the 102459  
gross receipts and is not a tax imposed directly on a purchaser. 102460  
The tax imposed by this section is an annual privilege tax for the 102461  
calendar year that, in the case of calendar year taxpayers, is the 102462  
annual tax period and, in the case of calendar quarter taxpayers, 102463  
contains all quarterly tax periods in the calendar year. A 102464  
taxpayer is subject to the annual privilege tax for doing business 102465  
during any portion of such calendar year. 102466

(B) The tax imposed by this section is a tax on the taxpayer 102467  
and shall not be billed or invoiced to another person. Even if the 102468



tax or any portion thereof is billed or invoiced and separately 102469  
stated, such amounts remain part of the price for purposes of the 102470  
sales and use taxes levied under Chapters 5739. and 5741. of the 102471  
Revised Code. Nothing in division (B) of this section prohibits: 102472

(1) A person from including in the price charged for a good 102473  
or service an amount sufficient to recover the tax imposed by this 102474  
section; or 102475

(2) A lessor from including an amount sufficient to recover 102476  
the tax imposed by this section in a lease payment charged, or 102477  
from including such an amount on a billing or invoice pursuant to 102478  
the terms of a written lease agreement providing for the recovery 102479  
of the lessor's tax costs. The recovery of such costs shall be 102480  
based on an estimate of the total tax cost of the lessor during 102481  
the tax period, as the tax liability of the lessor cannot be 102482  
calculated until the end of that period. 102483

(C)(1) The commercial activities tax receipts fund is hereby 102484  
created in the state treasury and shall consist of money arising 102485  
from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five 102486  
one-hundredths of one per cent of the money credited to that fund 102487  
shall be credited to the revenue enhancement fund and shall be 102488  
used to defray the costs incurred by the department of taxation in 102489  
administering the tax imposed by this chapter and in implementing 102490  
tax reform measures. The remainder of the money in the commercial 102491  
activities tax receipts fund shall first be credited to the 102492  
commercial activity tax motor fuel receipts fund, pursuant to 102493  
division (C)(2) of this section, second to the nuclear safety and 102494  
protection fund pursuant to section 5751.021 of the Revised Code, 102495  
and the remainder shall be credited in the following percentages 102496  
each fiscal year to the general revenue fund, to the school 102497  
district tangible property tax replacement fund, which is hereby 102498  
created in the state treasury for the purpose of making the 102499  
payments described in section 5709.92 of the Revised Code, and to 102500

the local government tangible property tax replacement fund, which 102501  
 is hereby created in the state treasury for the purpose of making 102502  
 the payments described in section 5709.93 of the Revised Code, in 102503  
 the following percentages: 102504

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	102506
2016 and <u>2017</u>	75.0%	20.0%	5.0%	102507
<u>2018 and</u> thereafter	<u>85.0%</u>	<u>13.0%</u>	<u>2.0%</u>	102508

(2) Not later than the twentieth day of February, May, 102509  
 August, and November of each year, the commissioner shall provide 102510  
 for payment from the commercial activities tax receipts fund to 102511  
 the commercial activity tax motor fuel receipts fund an amount 102512  
 that bears the same ratio to the balance in the commercial 102513  
 activities tax receipts fund that (a) the taxable gross receipts 102514  
 attributed to motor fuel used for propelling vehicles on public 102515  
 highways as indicated by returns filed by the tenth day of that 102516  
 month for a liability that is due and payable on or after July 1, 102517  
 2013, for a tax period ending before July 1, 2014, bears to (b) 102518  
 all taxable gross receipts as indicated by those returns for such 102519  
 liabilities. 102520

(D)(1) If the total amount in the school district tangible 102521  
 property tax replacement fund is insufficient to make all payments 102522  
 under section 5709.92 of the Revised Code at the times the 102523  
 payments are to be made, the director of budget and management 102524  
 shall transfer from the general revenue fund to the school 102525  
 district tangible property tax replacement fund the difference 102526  
 between the total amount to be paid and the amount in the school 102527  
 district tangible property tax replacement fund. 102528

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under

which the bonds were originally issued. 102561

(3) On or before the thirtieth day of June of each fiscal 102562  
year beginning with fiscal year 2015, the director of budget and 102563  
management shall determine an amount up to but not exceeding the 102564  
amount certified under division (F)(2) of this section and shall 102565  
reserve that amount from the cash balance in the petroleum 102566  
activity tax public highways fund or the commercial activity tax 102567  
motor fuel receipts fund for transfer to the general revenue fund 102568  
at times and in amounts to be determined by the director. The 102569  
director shall transfer the cash balance in the petroleum activity 102570  
tax public highways fund or the commercial activity tax motor fuel 102571  
receipts fund in excess of the amount so reserved to the highway 102572  
operating fund on or before the thirtieth day of June of the 102573  
current fiscal year. 102574

Sec. 5751.021. (A) As used in this section: 102575

(1) "Qualifying joint fire district" means a joint fire 102576  
district within whose territory a nuclear power plant is located 102577  
on January 1, 2017. 102578

(2) "Base amount" means the amount a qualifying joint fire 102579  
district receives from fund number 7081 for fiscal year 2017. 102580

(3) "Adjusted base amount" means, for any fiscal year, the 102581  
base amount reduced by three per cent of that amount multiplied by 102582  
the number of years that have elapsed between the current fiscal 102583  
year and fiscal year 2017, including fiscal year 2017. 102584

(4) "Fund number 7081" means the treasury fund corresponding 102585  
to fund number 7081 in Section 387.10 of H.B. 49 of the 132nd 102586  
General Assembly. 102587

(B) Not later than the twentieth day of July and of January 102588  
of each fiscal year, beginning in fiscal year 2018, the tax 102589  
commissioner shall provide for payment from the commercial 102590

activities tax receipts fund to the nuclear safety and protection 102591  
fund, which is hereby created in the state treasury, an amount 102592  
equal to one-half of the difference, if any, of the adjusted base 102593  
amount for that fiscal year minus the amount a qualifying joint 102594  
fire district will receive from fund number 7081 for that fiscal 102595  
year. No payment shall be made under this division for fiscal year 102596  
2047 or any fiscal year thereafter. 102597

(C) Not later than the first day of August and of February of 102598  
each year, the director of budget and management shall pay to each 102599  
qualifying joint fire district an amount from the nuclear safety 102600  
and protection fund equal to the balance of that fund as of that 102601  
date. Revenue received by a qualifying joint fire district under 102602  
this division shall be credited to the general fund of the joint 102603  
fire district. 102604

Sec. 5902.09. The department of veterans services shall 102605  
create, publish, and maintain a web site for labor exchange and 102606  
job placement activity specifically for veterans. 102607

Sec. 5902.20. The veteran peer counseling network is 102608  
established. The purpose of the network is to offer veterans in 102609  
this state the opportunity to work with other veterans in order to 102610  
assist with overcoming the issues unique to veterans in this 102611  
state. The director of veterans services shall adopt rules, in 102612  
accordance with Chapter 119. of the Revised Code, to administer 102613  
the network. 102614

Sec. 5903.11. (A) Any federally funded employment and 102615  
training program administered by any state agency including, but 102616  
not limited to, the "Workforce Investment Act of 1998," 112 Stat. 102617  
936, codified in scattered sections of 29 U.S.C., as amended 102618  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 102619  
seq., shall include a veteran priority system to provide maximum 102620

employment and training opportunities to veterans and eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, veterans of the Vietnam era, other veterans, and eligible persons shall receive preference over nonveterans within each targeted group in the provision of employment and training services available through these programs as required by this section.

(B) Each state agency shall refer qualified applicants to job openings and training opportunities in programs described in division (A) of this section in the following order of priority:

- (1) Special disabled veterans;
- (2) Veterans of the Vietnam era;
- (3) Disabled veterans;
- (4) All other veterans;
- (5) Other eligible persons;
- (6) Nonveterans.

(C) Each state agency providing employment and training services to veterans and eligible persons under programs described in division (A) of this section shall submit an annual written report to the speaker of the house of representatives and the president of the senate on the services that it provides to veterans and eligible persons. Each such agency shall report separately on all entitlement programs, employment or training programs, and any other programs that it provides to each class of persons described in divisions (B)(1) to (6) of this section. Each such agency shall also report on action taken to ensure compliance with statutory requirements. Compliance and reporting procedures shall be in accordance with the reporting procedures then in effect for all employment and training programs described in

division (A) of this section, with the addition of veterans as a separate reporting module.

(D) All state agencies that administer federally funded employment and training programs described in division (A) of this section for veterans and eligible persons shall do all of the following:

(1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;

(2) Give priority in referral to jobs to qualified veterans and other eligible persons;

(3) Give priority in referral to and enrollment in training programs to qualified veterans and other eligible persons;

(4) Give preferential treatment to special disabled veterans in the provision of all needed state services;

(5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.

(E) As used in this section:

(1) "Special disabled veteran" means a veteran who is entitled to, or who but for the receipt of military pay would be entitled to, compensation under any law administered by the department of veterans affairs for a disability rated at thirty per cent or more or a person who was discharged or released from active duty because of a service-connected disability.

(2) "Veteran of the Vietnam era" means an eligible veteran who served on active duty for a period of more than one hundred eighty days, any part of which occurred from August 5, 1964, through May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge or a person who was discharged or released from active duty for a service-connected disability if

any part of the active duty was performed from August 5, 1964, 102681  
through May 7, 1975. 102682

(3) "Disabled veteran" means a veteran who is entitled to, or 102683  
who but for the receipt of military retirement pay would be 102684  
entitled to compensation, under any law administered by the 102685  
department of veterans affairs and who is not a special disabled 102686  
veteran. 102687

(4) "Eligible veteran" means a person who served on active 102688  
duty for more than one hundred eighty days and was discharged or 102689  
released from active duty with other than a dishonorable discharge 102690  
or a person who was discharged or released from active duty 102691  
because of a service-connected disability. 102692

(5) "Other eligible person" means one of the following: 102693

(a) The spouse of any person who died of a service-connected 102694  
disability; 102695

(b) The spouse of any member of the armed forces serving on 102696  
active duty who at the time of the spouse's application for 102697  
assistance under any program described in division (A) of this 102698  
section is listed pursuant to the "Act of September 6, 1966," 80 102699  
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 102700  
thereto, as having been in one or more of the following categories 102701  
for a total of ninety or more days: 102702

(i) Missing in action; 102703

(ii) Captured in line of duty by a hostile force; 102704

(iii) Forcibly detained or interned in line of duty by a 102705  
foreign government or power. 102706

(c) The spouse of any person who has a total disability 102707  
permanent in nature resulting from a service-connected disability 102708  
or the spouse of a veteran who died while such a disability was in 102709  
existence. 102710



(6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.

(8) "Training program" means any program that upgrades the employability of qualified applicants.

(9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.

(10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special assistance under an employment and training program described in division (A) of this section.

**Sec. 5907.17.** (A) As used in this section, "physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The department of veterans services may establish a physician recruitment program under which the department agrees to repay all or part of the principal and interest of a governmental or other educational loan incurred by a physician who agrees to provide services to institutions under the department's administration. 102741  
102742  
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(C) A physician is eligible to participate in the recruitment program if the physician attended a medical or osteopathic medical school that was, at the time of attendance, either located in the United States and accredited by the liaison committee on medical education or the American osteopathic association or located outside the United States and acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction. 102747  
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(D) The department and each physician it recruits shall enter into a contract that includes all of the following terms: 102755  
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(1) The physician agrees to provide a specified scope of medical or osteopathic medical services for a specified number of hours per week and for a specified number of years to patients of one or more specified institutions administered by the department. 102757  
102758  
102759  
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(2) The department agrees to repay all or a specified portion of the principal and interest of a governmental or other educational loan taken by the physician for the following expenses if the physician meets the service obligation agreed to and the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program: 102761  
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102767

(a) Tuition; 102768

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under 102769  
102770  
102771

<u>division (E) of this section;</u>	102772
<u>(c) Room and board, in an amount determined to be reasonable</u>	102773
<u>in accordance with rules adopted under division (E) of this</u>	102774
<u>section.</u>	102775
<u>(3) The physician agrees to pay the department a specified</u>	102776
<u>amount, which shall be not less than the amount already paid by</u>	102777
<u>the department pursuant to its agreement, as damages if the</u>	102778
<u>physician fails to complete the service obligation agreed to or</u>	102779
<u>fails to comply with other specified terms of the contract. The</u>	102780
<u>contract may vary the amount of damages based on the portion of</u>	102781
<u>the physician's service obligation that remains uncompleted as</u>	102782
<u>determined by the department.</u>	102783
<u>(4) Other terms agreed upon by the parties.</u>	102784
<u>(E) The department shall adopt rules under Chapter 119. of</u>	102785
<u>the Revised Code that establish all of the following:</u>	102786
<u>(1) Criteria for designating institutions for which</u>	102787
<u>physicians will be recruited;</u>	102788
<u>(2) Criteria for selecting physicians for participation in</u>	102789
<u>the program;</u>	102790
<u>(3) Criteria for determining the portion of a physician's</u>	102791
<u>loan that the department will agree to repay;</u>	102792
<u>(4) Criteria for determining reasonable amounts of the</u>	102793
<u>expenses described in divisions (D)(2)(b) and (c) of this section;</u>	102794
<u>(5) Procedures for monitoring compliance by physicians with</u>	102795
<u>the terms of their contracts; and</u>	102796
<u>(6) Any other criteria or procedures necessary to implement</u>	102797
<u>the program.</u>	102798
<b>Sec. 5919.34. (A) As used in this section:</b>	102799
<u>(1) "Academic term" means any one of the following:</u>	102800

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	102801 102802
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	102803 102804
(c) Spring term, which consists of spring quarter;	102805
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	102806 102807
(2) "Eligible applicant" means any individual to whom all of the following apply:	102808 102809
(a) The individual does not possess a baccalaureate degree.	102810
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	102811 102812 102813
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	102814 102815 102816 102817 102818 102819 102820
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	102821 102822
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	102823 102824 102825 102826 102827 102828 102829 102830

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that the recipient may become ineligible and liable for repayment for an amount of scholarship payments received in accordance with division (G) of this section. The written explanation shall be reviewed by the scholarship recipient before acceptance of the scholarship and before acceptance of an enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor of higher education may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military

service. If such rules are adopted, the rules shall require that 102893  
financial assistance received by a scholarship recipient under 102894  
those programs be applied to all eligible expenses prior to the 102895  
use of scholarship funds awarded under this section. Scholarship 102896  
funds awarded under this section shall then be applied to the 102897  
recipient's remaining eligible expenses. 102898

(3) An eligible applicant's scholarship shall not be reduced 102899  
by the amount of that applicant's benefits under "the Montgomery 102900  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 102901

(E) A scholarship recipient under this section shall be 102902  
entitled to receive scholarships under this section for the number 102903  
of quarters or semesters it takes the recipient to accumulate 102904  
ninety-six eligibility units as determined under divisions (E)(1) 102905  
to (3) of this section. 102906

(1) To determine the maximum number of semesters or quarters 102907  
for which a recipient is entitled to a scholarship under this 102908  
section, the adjutant general shall convert a recipient's credit 102909  
hours of enrollment for each academic term into eligibility units 102910  
in accordance with the following table: 102911

		The			102912
Number of	credit hours	following	The following		102913
		number of	number of	number of	102914
of enrollment		eligibility	eligibility	eligibility	102915
in an academic		units if a	units if a	units if a	102916
term	equals	semester	or	quarter	102917
					102918
12 or more hours		12 units		8 units	102919
9 but less than 12		9 units		6 units	102920
6 but less than 9		6 units		4 units	102921
3 but less than 6		3 units		2 units	102922

(2) A scholarship recipient under this section may continue 102923  
to apply for scholarships under this section until the recipient 102924

has accumulated ninety-six eligibility units. 102925

(3) If a scholarship recipient withdraws from courses prior 102926  
to the end of an academic term so that the recipient's enrollment 102927  
for that academic term is less than three credit hours, no 102928  
scholarship shall be paid on behalf of that person for that 102929  
academic term. Except as provided in division (F)(3) of this 102930  
section, if a scholarship has already been paid on behalf of the 102931  
person for that academic term, the adjutant general shall add to 102932  
that person's accumulated eligibility units the number of 102933  
eligibility units for which the scholarship was paid. 102934

(F) This division applies to any eligible applicant called 102935  
into active duty on or after September 11, 2001. As used in this 102936  
division, "active duty" means active duty pursuant to an executive 102937  
order of the president of the United States, an act of the 102938  
congress of the United States, or section 5919.29 or 5923.21 of 102939  
the Revised Code. 102940

(1) For a period of up to five years from when an 102941  
individual's enlistment obligation in the Ohio national guard 102942  
ends, an individual to whom this division applies is eligible for 102943  
scholarships under this section for those academic terms that were 102944  
missed or could have been missed as a result of the individual's 102945  
call into active duty. Scholarships shall not be paid for the 102946  
academic term in which an eligible applicant's enlistment 102947  
obligation ends unless an applicant is eligible under this 102948  
division for a scholarship for such academic term due to previous 102949  
active duty. 102950

(2) When an individual to whom this division applies 102951  
withdraws or otherwise fails to complete courses, for which 102952  
scholarships have been awarded under this section, because the 102953  
individual was called into active duty, the institution of higher 102954  
education shall grant the individual a leave of absence from the 102955  
individual's education program and shall not impose any academic 102956



penalty for such withdrawal or failure to complete courses. 102957  
Division (F)(2) of this section applies regardless of whether or 102958  
not the scholarship amount was paid to the institution of higher 102959  
education. 102960

(3) If an individual to whom this division applies withdraws 102961  
or otherwise fails to complete courses because the individual was 102962  
called into active duty, and if scholarships for those courses 102963  
have already been paid, either: 102964

(a) The adjutant general shall not add to that person's 102965  
accumulated eligibility units calculated under division (E) of 102966  
this section the number of eligibility units for the academic 102967  
courses or term for which the scholarship was paid and the 102968  
institution of higher education shall repay the scholarship amount 102969  
to the state. 102970

(b) The adjutant general shall add to that individual's 102971  
accumulated eligibility units calculated under division (E) of 102972  
this section the number of eligibility units for the academic 102973  
courses or term for which the scholarship was paid if the 102974  
institution of higher education agrees to permit the individual to 102975  
complete the remainder of the academic courses in which the 102976  
individual was enrolled at the time the individual was called into 102977  
active duty. 102978

(4) No individual who is discharged from the Ohio national 102979  
guard under other than honorable conditions shall be eligible for 102980  
scholarships under this division. 102981

(G) A scholarship recipient under this section who fails to 102982  
complete the term of enlistment, re-enlistment, or extension of 102983  
current enlistment the recipient was serving at the time a 102984  
scholarship was paid on behalf of the recipient under this section 102985  
is liable to the state for repayment of a percentage of all Ohio 102986  
national guard scholarships paid on behalf of the recipient under 102987

this section, plus interest at the rate of ten per cent per annum 102988  
calculated from the dates the scholarships were paid. This 102989  
percentage shall equal the percentage of the current term of 102990  
enlistment, re-enlistment, or extension of enlistment a recipient 102991  
has not completed as of the date the recipient is discharged from 102992  
the Ohio national guard. 102993

The attorney general may commence a civil action on behalf of 102994  
the chancellor ~~of the Ohio board of regents~~ to recover the amount 102995  
of the scholarships and the interest provided for in this division 102996  
and the expenses incurred in prosecuting the action, including 102997  
court costs and reasonable attorney's fees. A scholarship 102998  
recipient is not liable under this division if the recipient's 102999  
failure to complete the term of enlistment being served at the 103000  
time a scholarship was paid on behalf of the recipient under this 103001  
section is due to the recipient's death or discharge from the 103002  
national guard due to disability or the recipient's enlistment, 103003  
warrant, commission, or appointment for a term not less than the 103004  
recipient's remaining term in the national guard or in the active 103005  
duty component of the United States armed forces. 103006

(H) On or before the first day of each academic term, the 103007  
adjutant general shall provide an eligibility roster to the 103008  
chancellor and to each institution of higher education at which 103009  
one or more scholarship recipients have applied for enrollment. 103010  
The institution shall use the roster to certify the actual 103011  
full-time or part-time enrollment of each scholarship recipient 103012  
listed as enrolled at the institution and return the roster to the 103013  
adjutant general and the chancellor. Except as provided in 103014  
division (J) of this section, the chancellor shall provide for 103015  
payment of the appropriate number and amount of scholarships to 103016  
each institution of higher education pursuant to division (D) of 103017  
this section. If an institution of higher education fails to 103018  
certify the actual enrollment of a scholarship recipient listed as 103019

enrolled at the institution within thirty days of the end of an 103020  
academic term, the institution shall not be eligible to receive 103021  
payment from the Ohio national guard scholarship program or from 103022  
the individual enrollee. The adjutant general shall report on a 103023  
semiannual basis to the director of budget and management, the 103024  
speaker of the house of representatives, the president of the 103025  
senate, and the chancellor the number of Ohio national guard 103026  
scholarship recipients, the size of the scholarship-eligible 103027  
population, and a projection of the cost of the program for the 103028  
remainder of the biennium. 103029

(I) The chancellor and the adjutant general may adopt rules 103030  
pursuant to Chapter 119. of the Revised Code governing the 103031  
administration and fiscal management of the Ohio national guard 103032  
scholarship program and the procedure by which the chancellor and 103033  
the department of the adjutant general may modify the amount of 103034  
scholarships a member receives based on the amount of other state 103035  
financial aid a member receives. 103036

(J) The adjutant general, the chancellor, and the director, 103037  
or their designees, shall jointly estimate the costs of the Ohio 103038  
national guard scholarship program for each upcoming fiscal 103039  
biennium, and shall report that estimate prior to the beginning of 103040  
the fiscal biennium to the chairpersons of the finance committees 103041  
in the general assembly. During each fiscal year of the biennium, 103042  
the adjutant general, the chancellor, and the director, or their 103043  
designees, shall meet regularly to monitor the actual costs of the 103044  
Ohio national guard scholarship program and update cost 103045  
projections for the remainder of the biennium as necessary. If the 103046  
amounts appropriated for the Ohio national guard scholarship 103047  
program and any funds in the Ohio national guard scholarship 103048  
reserve fund and the Ohio national guard scholarship donation fund 103049  
are not adequate to provide scholarships in the amounts specified 103050  
in division (D)(1) of this section for all eligible applicants, 103051

the chancellor shall do all of the following: 103052

(1) Notify each private institution of higher education, 103053  
where a scholarship recipient is enrolled, that, by accepting the 103054  
Ohio national guard scholarship program as payment for all or part 103055  
of the institution's tuition, the institution agrees that if the 103056  
chancellor reduces the amount of each scholarship, the institution 103057  
shall provide each scholarship recipient a grant or tuition waiver 103058  
in an amount equal to the amount the recipient's scholarship was 103059  
reduced by the chancellor. 103060

(2) Reduce the amount of each scholarship under division 103061  
(D)(1)(a) of this section proportionally based on the amount of 103062  
remaining available funds. Each state institution of higher 103063  
education shall provide each scholarship recipient under division 103064  
(D)(1)(a) of this section a grant or tuition waiver in an amount 103065  
equal to the amount the recipient's scholarship was reduced by the 103066  
chancellor. 103067

(K) Notwithstanding division (A) of section 127.14 of the 103068  
Revised Code, the controlling board shall not transfer all or part 103069  
of any appropriation for the Ohio national guard scholarship 103070  
program. 103071

(L) The chancellor and the adjutant general may apply for, 103072  
and may receive and accept grants, and may receive and accept 103073  
gifts, bequests, and contributions, from public and private 103074  
sources, including agencies and instrumentalities of the United 103075  
States and this state, and shall deposit the grants, gifts, 103076  
bequests, or contributions into the national guard scholarship 103077  
donation fund. 103078

**Sec. 5923.05.** (A)(1) Permanent public employees who are 103079  
members of the Ohio organized militia or members of other reserve 103080  
components of the armed forces of the United States, including the 103081  
Ohio national guard, are entitled to a leave of absence from their 103082

respective positions without loss of pay for the time they are 103083  
performing service in the uniformed services, for periods of up to 103084  
one month, for each ~~calendar~~ federal fiscal year in which they are 103085  
performing service in the uniformed services. 103086

(2) As used in this section: 103087

(a) "~~Calendar~~ Federal fiscal year" means the year beginning 103088  
on the first day of ~~January~~ October and ending on the ~~last~~ 103089  
thirtieth day of ~~December~~ September. 103090

(b) "Month" means twenty-two eight-hour work days or one 103091  
hundred seventy-six hours, or for a public safety employee, 103092  
seventeen twenty-four-hour days or four hundred eight hours, 103093  
within one ~~calendar~~ federal fiscal year. 103094

(c) "Permanent public employee" means any person holding a 103095  
position in public employment that requires working a regular 103096  
schedule of twenty-six consecutive biweekly pay periods, or any 103097  
other regular schedule of comparable consecutive pay periods, 103098  
which is not limited to a specific season or duration. "Permanent 103099  
public employee" does not include student help; intermittent, 103100  
seasonal, or external interim employees; or individuals covered by 103101  
personal services contracts. 103102

(d) "State agency" means any department, bureau, board, 103103  
commission, office, or other organized body established by the 103104  
constitution or laws of this state for the exercise of any 103105  
function of state government, the general assembly, all 103106  
legislative agencies, the supreme court, the court of claims, and 103107  
the state-supported institutions of higher education. 103108

(e) "Service in the uniformed services" means the performance 103109  
of duty, on a voluntary or involuntary basis, in a uniformed 103110  
service, under competent authority, and includes active duty, 103111  
active duty for training, initial active duty for training, 103112  
inactive duty for training, full-time national guard duty, and 103113

performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(f) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(g) "Public safety employee" means a permanent public employee who is employed as a fire fighter or emergency medical technician.

(B) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a political subdivision, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each ~~calendar~~ federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

(1) The difference between the permanent public employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;

(2) Five hundred dollars. 103146

(C) Except as otherwise provided in division (D) of this 103147  
section, any permanent public employee who is employed by a state 103148  
agency, who is entitled to the leave provided under division (A) 103149  
of this section, and who is called or ordered to the uniformed 103150  
services for longer than a month, for each ~~calendar~~ federal fiscal 103151  
year in which the employee performed service in the uniformed 103152  
services, because of an executive order issued by the president of 103153  
the United States, because of an act of congress, or because of an 103154  
order to perform duty issued by the governor pursuant to section 103155  
5919.29 or 5923.21 of the Revised Code is entitled, during the 103156  
period designated in the order or act, to a leave of absence and 103157  
to be paid, during each monthly pay period of that leave of 103158  
absence, the difference between the permanent public employee's 103159  
gross monthly wage or salary as a permanent public employee and 103160  
the sum of the permanent public employee's gross uniformed pay and 103161  
allowances received that month. 103162

(D) No permanent public employee shall receive payments under 103163  
division (B) or (C) of this section if the sum of the permanent 103164  
public employee's gross uniformed pay and allowances received in a 103165  
pay period exceeds the employee's gross wage or salary as a 103166  
permanent public employee for that period or if the permanent 103167  
public employee is receiving pay under division (A) of this 103168  
section. 103169

(E) Any political subdivision of the state, as defined in 103170  
section 2744.01 of the Revised Code, may elect to pay any of its 103171  
permanent public employees who are entitled to the leave provided 103172  
under division (A) of this section and who are called or ordered 103173  
to the uniformed services for longer than one month, for each 103174  
~~calendar~~ federal fiscal year in which the employee performed 103175  
service in the uniformed services, because of an executive order 103176  
issued by the president or an act of congress, such payments, in 103177

addition to those payments required by division (B) of this 103178  
section, as may be authorized by the legislative authority of the 103179  
political subdivision. 103180

(F) Each permanent public employee who is entitled to leave 103181  
provided under division (A) of this section shall submit to the 103182  
permanent public employee's appointing authority the published 103183  
order authorizing the call or order to the uniformed services or a 103184  
written statement from the appropriate military commander 103185  
authorizing that service, prior to being credited with that leave. 103186

(G) Any permanent public employee of a political subdivision 103187  
whose employment is governed by a collective bargaining agreement 103188  
with provision for the performance of service in the uniformed 103189  
services shall abide by the terms of that collective bargaining 103190  
agreement with respect to the performance of that service, except 103191  
that no collective bargaining agreement may afford fewer rights 103192  
and benefits than are conferred under this section. 103193

**Sec. 6111.03.** The director of environmental protection may do 103194  
any of the following: 103195

(A) Develop plans and programs for the prevention, control, 103196  
and abatement of new or existing pollution of the waters of the 103197  
state; 103198

(B) Advise, consult, and cooperate with other agencies of the 103199  
state, the federal government, other states, and interstate 103200  
agencies and with affected groups, political subdivisions, and 103201  
industries in furtherance of the purposes of this chapter. Before 103202  
adopting, amending, or rescinding a standard or rule pursuant to 103203  
division (G) of this section or section 6111.041 or 6111.042 of 103204  
the Revised Code, the director shall do all of the following: 103205

(1) Mail notice to each statewide organization that the 103206  
director determines represents persons who would be affected by 103207



the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;

(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;

(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for

hearings, the filing of reports, the issuance of permits, the 103238  
issuance of industrial water pollution control certificates, and 103239  
all other matters relating to procedure; 103240

(H) Issue, modify, or revoke orders to prevent, control, or 103241  
abate water pollution by such means as the following: 103242

(1) Prohibiting or abating discharges of sewage, industrial 103243  
waste, or other wastes into the waters of the state; 103244

(2) Requiring the construction of new disposal systems or any 103245  
parts thereof, or the modification, extension, or alteration of 103246  
existing disposal systems or any parts thereof; 103247

(3) Prohibiting additional connections to or extensions of a 103248  
sewerage system when the connections or extensions would result in 103249  
an increase in the polluting properties of the effluent from the 103250  
system when discharged into any waters of the state; 103251

(4) Requiring compliance with any standard or rule adopted 103252  
under sections 6111.01 to 6111.05 of the Revised Code or term or 103253  
condition of a permit. 103254

In the making of those orders, wherever compliance with a 103255  
rule adopted under section 6111.042 of the Revised Code is not 103256  
involved, consistent with the Federal Water Pollution Control Act, 103257  
the director shall give consideration to, and base the 103258  
determination on, evidence relating to the technical feasibility 103259  
and economic reasonableness of complying with those orders and to 103260  
evidence relating to conditions calculated to result from 103261  
compliance with those orders, and their relation to benefits to 103262  
the people of the state to be derived from such compliance in 103263  
accomplishing the purposes of this chapter. 103264

(I) Review plans, specifications, or other data relative to 103265  
disposal systems or any part thereof in connection with the 103266  
issuance of orders, permits, and industrial water pollution 103267  
control certificates under this chapter; 103268

(J)(1) Issue, revoke, modify, or deny sludge management 103269  
permits and permits for the discharge of sewage, industrial waste, 103270  
or other wastes into the waters of the state, and for the 103271  
installation or modification of disposal systems or any parts 103272  
thereof in compliance with all requirements of the Federal Water 103273  
Pollution Control Act and mandatory regulations adopted 103274  
thereunder, including regulations adopted under section 405 of the 103275  
Federal Water Pollution Control Act, and set terms and conditions 103276  
of permits, including schedules of compliance, where necessary. In 103277  
issuing permits for sludge management, the director shall not 103278  
allow the placement of sewage sludge on frozen ground in conflict 103279  
with rules adopted under this chapter. Any person who discharges, 103280  
transports, or handles storm water from an animal feeding 103281  
facility, as defined in section 903.01 of the Revised Code, or 103282  
pollutants from a concentrated animal feeding operation, as both 103283  
terms are defined in that section, is not required to obtain a 103284  
permit under division (J)(1) of this section for the installation 103285  
or modification of a disposal system involving pollutants or storm 103286  
water or any parts of such a system on and after the date on which 103287  
the director of agriculture has finalized the program required 103288  
under division (A)(1) of section 903.02 of the Revised Code. In 103289  
addition, any person who discharges, transports, or handles storm 103290  
water from an animal feeding facility, as defined in section 103291  
903.01 of the Revised Code, or pollutants from a concentrated 103292  
animal feeding operation, as both terms are defined in that 103293  
section, is not required to obtain a permit under division (J)(1) 103294  
of this section for the discharge of storm water from an animal 103295  
feeding facility or pollutants from a concentrated animal feeding 103296  
operation on and after the date on which the United States 103297  
environmental protection agency approves the NPDES program 103298  
submitted by the director of agriculture under section 903.08 of 103299  
the Revised Code. 103300

Any permit terms and conditions set by the director shall be 103301

designed to achieve and maintain full compliance with the national 103302  
effluent limitations, national standards of performance for new 103303  
sources, and national toxic and pretreatment effluent standards 103304  
set under that act, and any other mandatory requirements of that 103305  
act that are imposed by regulation of the administrator of the 103306  
United States environmental protection agency. If an applicant for 103307  
a sludge management permit also applies for a related permit for 103308  
the discharge of sewage, industrial waste, or other wastes into 103309  
the waters of the state, the director may combine the two permits 103310  
and issue one permit to the applicant. 103311

A sludge management permit is not required for an entity that 103312  
treats or transports sewage sludge or for a sanitary landfill when 103313  
all of the following apply: 103314

(a) The entity or sanitary landfill does not generate the 103315  
sewage sludge. 103316

(b) Prior to receipt at the sanitary landfill, the entity has 103317  
ensured that the sewage sludge meets the requirements established 103318  
in rules adopted by the director under section 3734.02 of the 103319  
Revised Code concerning disposal of municipal solid waste in a 103320  
sanitary landfill. 103321

(c) Disposal of the sewage sludge occurs at a sanitary 103322  
landfill that complies with rules adopted by the director under 103323  
section 3734.02 of the Revised Code. 103324

As used in division (J)(1) of this section, "sanitary 103325  
landfill" means a sanitary landfill facility, as defined in rules 103326  
adopted under section 3734.02 of the Revised Code, that is 103327  
licensed as a solid waste facility under section 3734.05 of the 103328  
Revised Code. 103329

(2) An application for a permit or renewal thereof shall be 103330  
denied if any of the following applies: 103331

(a) The secretary of the army determines in writing that 103332

anchorage or navigation would be substantially impaired thereby; 103333

(b) The director determines that the proposed discharge or 103334  
source would conflict with an areawide waste treatment management 103335  
plan adopted in accordance with section 208 of the Federal Water 103336  
Pollution Control Act; 103337

(c) The administrator of the United States environmental 103338  
protection agency objects in writing to the issuance or renewal of 103339  
the permit in accordance with section 402 (d) of the Federal Water 103340  
Pollution Control Act; 103341

(d) The application is for the discharge of any radiological, 103342  
chemical, or biological warfare agent or high-level radioactive 103343  
waste into the waters of the United States. 103344

(3) To achieve and maintain applicable standards of quality 103345  
for the waters of the state adopted pursuant to section 6111.041 103346  
of the Revised Code, the director shall impose, where necessary 103347  
and appropriate, as conditions of each permit, water quality 103348  
related effluent limitations in accordance with sections 301, 302, 103349  
306, 307, and 405 of the Federal Water Pollution Control Act and, 103350  
to the extent consistent with that act, shall give consideration 103351  
to, and base the determination on, evidence relating to the 103352  
technical feasibility and economic reasonableness of removing the 103353  
polluting properties from those wastes and to evidence relating to 103354  
conditions calculated to result from that action and their 103355  
relation to benefits to the people of the state and to 103356  
accomplishment of the purposes of this chapter. 103357

(4) Where a discharge having a thermal component from a 103358  
source that is constructed or modified on or after October 18, 103359  
1972, meets national or state effluent limitations or more 103360  
stringent permit conditions designed to achieve and maintain 103361  
compliance with applicable standards of quality for the waters of 103362  
the state, which limitations or conditions will ensure protection 103363

and propagation of a balanced, indigenous population of shellfish, 103364  
fish, and wildlife in or on the body of water into which the 103365  
discharge is made, taking into account the interaction of the 103366  
thermal component with sewage, industrial waste, or other wastes, 103367  
the director shall not impose any more stringent limitation on the 103368  
thermal component of the discharge, as a condition of a permit or 103369  
renewal thereof for the discharge, during a ten-year period 103370  
beginning on the date of completion of the construction or 103371  
modification of the source, or during the period of depreciation 103372  
or amortization of the source for the purpose of section 167 or 103373  
169 of the Internal Revenue Code of 1954, whichever period ends 103374  
first. 103375

(5) The director shall specify in permits for the discharge 103376  
of sewage, industrial waste, and other wastes, the net volume, net 103377  
weight, duration, frequency, and, where necessary, concentration 103378  
of the sewage, industrial waste, and other wastes that may be 103379  
discharged into the waters of the state. The director shall 103380  
specify in those permits and in sludge management permits that the 103381  
permit is conditioned upon payment of applicable fees as required 103382  
by section 3745.11 of the Revised Code and upon the right of the 103383  
director's authorized representatives to enter upon the premises 103384  
of the person to whom the permit has been issued for the purpose 103385  
of determining compliance with this chapter, rules adopted 103386  
thereunder, or the terms and conditions of a permit, order, or 103387  
other determination. The director shall issue or deny an 103388  
application for a sludge management permit or a permit for a new 103389  
discharge, for the installation or modification of a disposal 103390  
system, or for the renewal of a permit, within one hundred eighty 103391  
days of the date on which a complete application with all plans, 103392  
specifications, construction schedules, and other pertinent 103393  
information required by the director is received. 103394

(6) The director may condition permits upon the installation 103395

of discharge or water quality monitoring equipment or devices and 103396  
the filing of periodic reports on the amounts and contents of 103397  
discharges and the quality of receiving waters that the director 103398  
prescribes. The director shall condition each permit for a 103399  
government-owned disposal system or any other "treatment works" as 103400  
defined in the Federal Water Pollution Control Act upon the 103401  
reporting of new introductions of industrial waste or other wastes 103402  
and substantial changes in volume or character thereof being 103403  
introduced into those systems or works from "industrial users" as 103404  
defined in section 502 of that act, as necessary to comply with 103405  
section 402(b)(8) of that act; upon the identification of the 103406  
character and volume of pollutants subject to pretreatment 103407  
standards being introduced into the system or works; and upon the 103408  
existence of a program to ensure compliance with pretreatment 103409  
standards by "industrial users" of the system or works. In 103410  
requiring monitoring devices and reports, the director, to the 103411  
extent consistent with the Federal Water Pollution Control Act, 103412  
shall give consideration to technical feasibility and economic 103413  
reasonableness and shall allow reasonable time for compliance. 103414

(7) A permit may be issued for a period not to exceed five 103415  
years and may be renewed upon application for renewal. In renewing 103416  
a permit, the director shall consider the compliance history of 103417  
the permit holder and may deny the renewal if the director 103418  
determines that the permit holder has not complied with the terms 103419  
and conditions of the existing permit. A permit may be modified, 103420  
suspended, or revoked for cause, including, but not limited to, 103421  
violation of any condition of the permit, obtaining a permit by 103422  
misrepresentation or failure to disclose fully all relevant facts 103423  
of the permitted discharge or of the sludge use, storage, 103424  
treatment, or disposal practice, or changes in any condition that 103425  
requires either a temporary or permanent reduction or elimination 103426  
of the permitted activity. No application shall be denied or 103427  
permit revoked or modified without a written order stating the 103428

findings upon which the denial, revocation, or modification is 103429  
based. A copy of the order shall be sent to the applicant or 103430  
permit holder by certified mail. 103431

(K) Institute or cause to be instituted in any court of 103432  
competent jurisdiction proceedings to compel compliance with this 103433  
chapter or with the orders of the director issued under this 103434  
chapter, or to ensure compliance with sections 204(b), 307, 308, 103435  
and 405 of the Federal Water Pollution Control Act; 103436

~~(L) Issue, deny, revoke, or modify industrial water pollution 103437  
control certificates; 103438~~

~~(M)~~ Certify to the government of the United States or any 103439  
agency thereof that an industrial water pollution control facility 103440  
is in conformity with the state program or requirements for the 103441  
control of water pollution whenever the certification may be 103442  
required for a taxpayer under the Internal Revenue Code of the 103443  
United States, as amended; 103444

~~(N)~~(M) Issue, modify, and revoke orders requiring any 103445  
"industrial user" of any publicly owned "treatment works" as 103446  
defined in sections 212(2) and 502(18) of the Federal Water 103447  
Pollution Control Act to comply with pretreatment standards; 103448  
establish and maintain records; make reports; install, use, and 103449  
maintain monitoring equipment or methods, including, where 103450  
appropriate, biological monitoring methods; sample discharges in 103451  
accordance with methods, at locations, at intervals, and in a 103452  
manner that the director determines; and provide other information 103453  
that is necessary to ascertain whether or not there is compliance 103454  
with toxic and pretreatment effluent standards. In issuing, 103455  
modifying, and revoking those orders, the director, to the extent 103456  
consistent with the Federal Water Pollution Control Act, shall 103457  
give consideration to technical feasibility and economic 103458  
reasonableness and shall allow reasonable time for compliance. 103459



~~(O)~~(N) Exercise all incidental powers necessary to carry out the purposes of this chapter; 103460  
103461

~~(P)~~(O) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act; 103462  
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103464  
103465

~~(Q)~~(P) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following: 103466  
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103468  
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(1) Apply and enforce pretreatment standards; 103470

(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions: 103471  
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(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program; 103475  
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(b) The director has revoked the publicly owned treatment works pretreatment program; 103477  
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(c) There is no pretreatment program currently being implemented by the publicly owned treatment works; 103479  
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(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program. 103481  
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(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards; 103484  
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(4) Approve and deny requests for authority to modify 103490  
categorical pretreatment standards to reflect removal of 103491  
pollutants achieved by publicly owned treatment works; 103492

(5) Deny and recommend approval of requests for fundamentally 103493  
different factors variances submitted by industrial users; 103494

(6) Make determinations on categorization of industrial 103495  
users; 103496

(7) Adopt, amend, or rescind rules and issue, modify, or 103497  
revoke orders necessary for the administration and enforcement of 103498  
the publicly owned treatment works pretreatment program. 103499

Any approval of a publicly owned treatment works pretreatment 103500  
program may contain any terms and conditions, including schedules 103501  
of compliance, that are necessary to achieve compliance with this 103502  
chapter. 103503

~~(R)~~(O) Except as otherwise provided in this division, adopt 103504  
rules in accordance with Chapter 119. of the Revised Code 103505  
establishing procedures, methods, and equipment and other 103506  
requirements for equipment to prevent and contain discharges of 103507  
oil and hazardous substances into the waters of the state. The 103508  
rules shall be consistent with and equivalent in scope, content, 103509  
and coverage to section 311(j)(1)(c) of the Federal Water 103510  
Pollution Control Act and regulations adopted under it. The 103511  
director shall not adopt rules under this division relating to 103512  
discharges of oil from oil production facilities and oil drilling 103513  
and workover facilities as those terms are defined in that act and 103514  
regulations adopted under it. 103515

~~(S)~~(R)(1) Administer and enforce a program for the regulation 103516  
of sludge management in this state. In administering the program, 103517  
the director, in addition to exercising the authority provided in 103518  
any other applicable sections of this chapter, may do any of the 103519  
following: 103520

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials; 103521  
103522

(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 103523  
103524  
103525  
103526  
103527

(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 103528  
103529  
103530  
103531

(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state; 103532  
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103535

(e) Adopt and enforce, modify, or rescind rules necessary for the implementation of division ~~(S)~~(R) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors. 103536  
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The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the 103541  
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beneficial reuse of sludge and sludge materials. 103552

The director may condition permits on the implementation of 103553  
treatment, storage, disposal, distribution, or application 103554  
management methods and the filing of periodic reports on the 103555  
amounts, composition, and quality of sludge and sludge materials 103556  
that are disposed of, used, treated, or stored. 103557

An approval of a treatment works sludge disposal program may 103558  
contain any terms and conditions, including schedules of 103559  
compliance, necessary to achieve compliance with this chapter and 103560  
rules adopted under it. 103561

(2) As a part of the program established under division 103562  
~~(S)~~(R)(1) of this section, the director has exclusive authority to 103563  
regulate sewage sludge management in this state. For purposes of 103564  
division ~~(S)~~(R)(2) of this section, that program shall be 103565  
consistent with section 405 of the Federal Water Pollution Control 103566  
Act and regulations adopted under it and with this section, except 103567  
that the director may adopt rules under division ~~(S)~~(R) of this 103568  
section that establish requirements that are more stringent than 103569  
section 405 of the Federal Water Pollution Control Act and 103570  
regulations adopted under it with regard to monitoring sewage 103571  
sludge and sewage sludge materials and establishing acceptable 103572  
sewage sludge management practices and pollutant levels in sewage 103573  
sludge and sewage sludge materials. 103574

This chapter authorizes the state to participate in any 103575  
national sludge management program and the national pollutant 103576  
discharge elimination system, to administer and enforce the 103577  
publicly owned treatment works pretreatment program, and to issue 103578  
permits for the discharge of dredged or fill materials, in 103579  
accordance with the Federal Water Pollution Control Act. This 103580  
chapter shall be administered, consistent with the laws of this 103581  
state and federal law, in the same manner that the Federal Water 103582  
Pollution Control Act is required to be administered. 103583

~~(T)~~(S) Develop technical guidance and offer technical 103584  
assistance, upon request, for the purpose of minimizing wind or 103585  
water erosion of soil, and assist in compliance with permits for 103586  
storm water management issued under this chapter and rules adopted 103587  
under it. 103588

~~(U)~~(T) Study, examine, and calculate nutrient loading from 103589  
point and nonpoint sources in order to determine comparative 103590  
contributions by those sources and to utilize the information 103591  
derived from those calculations to determine the most 103592  
environmentally beneficial and cost-effective mechanisms to reduce 103593  
nutrient loading to watersheds in the Lake Erie basin and the Ohio 103594  
river basin. In order to evaluate nutrient loading contributions, 103595  
the director or the director's designee shall conduct a study of 103596  
the nutrient mass balance for both point and nonpoint sources in 103597  
watersheds in the Lake Erie basin and the Ohio river basin using 103598  
available data, including both of the following: 103599

(1) Data on water quality and stream flow; 103600

(2) Data on point source discharges into those watersheds. 103601

The director or the director's designee shall report and 103602  
update the results of the study to coincide with the release of 103603  
the Ohio integrated water quality monitoring and assessment report 103604  
prepared by the director. 103605

(U) For each impaired water of the state, or segment thereof, 103606  
establish total maximum daily loads (TMDL) and submit the TMDL to 103607  
the United States environmental protection agency for approval. 103608

This section does not apply to residual farm products and 103609  
manure disposal systems and related management and conservation 103610  
practices subject to rules adopted pursuant to division (E)(1) of 103611  
section 939.02 of the Revised Code. For purposes of this 103612  
exclusion, "residual farm products" and "manure" have the same 103613  
meanings as in section 939.01 of the Revised Code. However, until 103614

the date on which the United States environmental protection 103615  
agency approves the NPDES program submitted by the director of 103616  
agriculture under section 903.08 of the Revised Code, this 103617  
exclusion does not apply to animal waste treatment works having a 103618  
controlled direct discharge to the waters of the state or any 103619  
concentrated animal feeding operation, as defined in 40 C.F.R. 103620  
122.23(b)(2). On and after the date on which the United States 103621  
environmental protection agency approves the NPDES program 103622  
submitted by the director of agriculture under section 903.08 of 103623  
the Revised Code, this section does not apply to storm water from 103624  
an animal feeding facility, as defined in section 903.01 of the 103625  
Revised Code, or to pollutants discharged from a concentrated 103626  
animal feeding operation, as both terms are defined in that 103627  
section. Neither of these exclusions applies to the discharge of 103628  
animal waste into a publicly owned treatment works. 103629

Not later than December 1, 2016, a publicly owned treatment 103630  
works with a design flow of one million gallons per day or more, 103631  
or designated as a major discharger by the director, shall be 103632  
required to begin monthly monitoring of total and dissolved 103633  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 103634  
permit renewal, or a director-initiated modification. The director 103635  
shall include in each applicable new NPDES permit, NPDES permit 103636  
renewal, or director-initiated modification a requirement that 103637  
such monitoring be conducted. A director-initiated modification 103638  
for that purpose shall be considered and processed as a minor 103639  
modification pursuant to Ohio Administrative Code 3745-33-04. In 103640  
addition, not later than December 1, 2017, a publicly owned 103641  
treatment works with a design flow of one million gallons per day 103642  
or more that, on July 3, 2015, is not subject to a phosphorus 103643  
limit shall complete and submit to the director a study that 103644  
evaluates the technical and financial capability of the existing 103645  
treatment facility to reduce the final effluent discharge of 103646  
phosphorus to one milligram per liter using possible source 103647

reduction measures, operational procedures, and unit process configurations. 103648  
103649

**Sec. 6111.036.** (A) There is hereby created the water 103650  
pollution control loan fund to provide financial, technical, and 103651  
administrative assistance as follows: 103652

(1) For the construction of publicly owned wastewater 103653  
treatment works, as "construction" and "treatment works" are 103654  
defined in section 212 of the Federal Water Pollution Control Act, 103655  
by municipal corporations, other political subdivisions, state 103656  
agencies, and interstate agencies having territory in this state; 103657

(2) For the implementation of a nonpoint source pollution 103658  
management program under section 319 of that act; 103659

(3) For the development and implementation of estuary 103660  
conservation and management programs under section 320 of that 103661  
act; 103662

(4) For the construction, repair, or replacement of 103663  
decentralized wastewater treatment systems that treat municipal 103664  
wastewater or domestic sewage; 103665

(5) For measures to manage, reduce, treat, or recapture 103666  
stormwater or subsurface drainage water; 103667

(6) For measures to reduce the demand for publicly owned 103668  
wastewater treatment works capacity through water conservation, 103669  
efficiency, or reuse by any municipal corporation, other political 103670  
subdivision, state agency, or interstate agency having territory 103671  
in this state; 103672

(7) For the development and implementation of watershed 103673  
projects meeting the criteria established in section 122 of that 103674  
act; 103675

(8) For measures to reduce the energy consumption needs of 103676  
publicly owned wastewater treatment works by any municipal 103677

corporation, other political subdivision, state agency, or 103678  
interstate agency having territory in this state; 103679

(9) For reusing or recycling wastewater, stormwater, or 103680  
subsurface drainage water; 103681

(10) For measures to increase the security of publicly owned 103682  
wastewater treatment works; 103683

(11) To any qualified nonprofit entity, as determined by the 103684  
director of environmental protection, to provide assistance to 103685  
owners and operators of small and medium publicly owned wastewater 103686  
treatment works for either of the following: 103687

(a) To plan, develop, and obtain financing for eligible 103688  
projects under this division, including planning, design, and 103689  
associated preconstruction activities; 103690

(b) To assist such treatment works in achieving compliance 103691  
with the Federal Water Pollution Control Act. 103692

To the extent they are otherwise allowable as determined by 103693  
the director, the purposes identified under division (A) of this 103694  
section are intended to include activities benefiting the waters 103695  
of the state that are authorized under Chapter 3746. of the 103696  
Revised Code. 103697

The fund shall be administered by the director consistent 103698  
with the Federal Water Pollution Control Act; regulations adopted 103699  
under it, including, without limitation, regulations establishing 103700  
public participation requirements applicable to the providing of 103701  
financial assistance; this section; and rules adopted under 103702  
division (O) of this section. 103703

Moneys in the water pollution control loan fund shall be 103704  
separate and apart from and not a part of the state treasury or of 103705  
the other funds of the Ohio water development authority. Subject 103706  
to the terms of the agreements provided for in divisions (B), (C), 103707



(D), and (F) of this section, moneys in the fund shall be held in trust by the Ohio water development authority for the purposes of this section, shall be kept in the same manner that funds of the authority are kept under section 6121.11 of the Revised Code, and may be invested in the same manner that funds of the authority are invested under section 6121.12 of the Revised Code. No withdrawals or disbursements shall be made from the water pollution control loan fund without the written authorization of the director or the director's designated representative. The manner of authorization for any withdrawals or disbursements from the fund to be made by the authority shall be established in the agreements authorized under division (C) of this section.

(B) The director may enter into agreements to receive and assign moneys credited or to be credited to the water pollution control loan fund. The director may reserve capitalization grant moneys allotted to the state under sections 601 and 604(c)(2) of the Federal Water Pollution Control Act for the other purposes authorized for the use of capitalization grant moneys under sections 603(d)(7) and 604(b) of that act.

(C) The director shall ensure that fiscal controls are established for prudent administration of the water pollution control loan fund. For that purpose, the director and the Ohio water development authority shall enter into any necessary and appropriate agreements under which the authority may perform or provide any of the following:

(1) Fiscal controls and accounting procedures governing fund balances, receipts, and disbursements;

(2) Administration of loan accounts;

(3) Maintaining, managing, and investing moneys in the fund.

Any agreement entered into under this division shall provide for the payment of reasonable fees to the Ohio water development

authority for any services it performs under the agreement and may 103739  
provide for reasonable fees for the assistance of financial or 103740  
accounting advisors. Payments of any such fees to the authority 103741  
may be made from the water pollution control loan fund to the 103742  
extent authorized by division (H)(7) of this section or from the 103743  
water pollution control loan administrative fund created in 103744  
division (E) of this section. The authority may enter into loan 103745  
agreements with the director and recipients of financial 103746  
assistance from the fund as provided in this section. 103747

(D) The water pollution control loan fund shall consist of 103748  
the moneys credited to it from all capitalization grants received 103749  
under sections 601 and 604(c)(2) of the Federal Water Pollution 103750  
Control Act, all moneys received as capitalization grants under 103751  
section 205(m) of that act, all matching moneys credited to the 103752  
fund arising from nonfederal sources, all payments of principal 103753  
and interest for loans made from the fund, and all investment 103754  
earnings on moneys held in the fund. On or before the date on 103755  
which a quarterly capitalization grant payment will be received 103756  
under that act, matching moneys equal to at least twenty per cent 103757  
of the quarterly capitalization grant payment shall be credited to 103758  
the fund. The Ohio water development authority may make moneys 103759  
available to the director for the purpose of providing the 103760  
matching moneys required by this division, subject to such terms 103761  
as the director and the authority consider appropriate, and may 103762  
pledge moneys that are held by the authority to secure the payment 103763  
of bonds or notes issued by the authority to provide those 103764  
matching moneys. The authority may make moneys available to the 103765  
director for that purpose from any funds now or hereafter 103766  
available to the authority from any source, including, without 103767  
limitation, the proceeds of bonds or notes heretofore or hereafter 103768  
issued by the authority under Chapter 6121. of the Revised Code. 103769  
Matching moneys made available to the director by the authority 103770  
from the proceeds of any such bonds or notes shall be made 103771

available subject to the terms of the trust agreements relating to 103772  
the bonds or notes. Any such matching moneys shall be made 103773  
available to the director pursuant to a written agreement between 103774  
the director and the authority that contains such terms as the 103775  
director and the authority consider appropriate, including, 103776  
without limitation, a provision providing for repayment to the 103777  
authority of those matching moneys from moneys deposited in the 103778  
water pollution control loan fund, including, without limitation, 103779  
the proceeds of bonds or notes issued by the authority for the 103780  
benefit of the fund and payments of principal and interest on 103781  
loans made from the fund, or from any other sources now or 103782  
hereafter available to the director for the repayment of those 103783  
matching moneys. 103784

(E) All moneys credited to the water pollution control loan 103785  
fund, all interest earned on moneys in the fund, and all payments 103786  
of principal and interest for loans made from the fund shall be 103787  
dedicated in perpetuity and used and reused solely for the 103788  
purposes set forth in division (A) of this section, except as 103789  
otherwise provided in division (D) or (F) of this section. The 103790  
director may establish and collect fees to be paid by recipients 103791  
of financial assistance under this section, and all moneys arising 103792  
from the fees shall be credited to the water pollution control 103793  
loan administrative fund, which is hereby created in the state 103794  
treasury, and shall be used to defray the costs of administering 103795  
this section or other water quality related programs administered 103796  
by the environmental protection agency. 103797

(F) The director and the Ohio water development authority 103798  
shall enter into trust agreements to enable the authority to issue 103799  
and refund bonds or notes for the sole benefit of the water 103800  
pollution control loan fund, including, without limitation, the 103801  
raising of the matching moneys required by division (D) of this 103802  
section. These agreements may authorize the pledge of moneys 103803

accruing to the fund from payments of principal and interest on 103804  
loans made from the fund adequate to secure bonds or notes, the 103805  
proceeds of which bonds or notes shall be for the sole benefit of 103806  
the water pollution control loan fund. The agreements may contain 103807  
such terms as the director and the authority consider reasonable 103808  
and proper for the security of the bondholders or noteholders. 103809

(G) The director shall enter into binding commitments to 103810  
provide financial assistance from the water pollution control loan 103811  
fund in an amount equal to one hundred twenty per cent of the 103812  
amount of each capitalization grant payment received, within one 103813  
year after receiving each such grant payment. The director shall 103814  
provide the financial assistance in compliance with this section 103815  
and rules adopted under division (O) of this section. The director 103816  
shall ensure that all moneys credited to the fund are disbursed in 103817  
an expeditious and timely manner. During the second year of 103818  
operation of the water pollution control loan program, the 103819  
director also shall ensure that not less than twenty-five per cent 103820  
of the financial assistance provided under this section during 103821  
that year is provided for the purpose of division (H)(2) of this 103822  
section for the purchase or refinancing of debt obligations 103823  
incurred after March 7, 1985, but not later than July 1, 1988, 103824  
except that if the amount of money reserved during the second year 103825  
of operation of the program for the purchase or refinancing of 103826  
those debt obligations exceeds the amount required for the 103827  
projects that are eligible to receive financial assistance for 103828  
that purpose, the director shall distribute the excess moneys in 103829  
accordance with the current priority system and list prepared 103830  
under division (I) of this section to provide financial assistance 103831  
for projects that otherwise would not receive assistance in that 103832  
year. 103833

(H) Moneys credited to the water pollution control loan fund 103834  
shall be used only for the following purposes: 103835

(1) To make loans, subject to all of the following conditions: 103836  
103837

(a) The loans are made at or below market rates of interest, including, without limitation, interest free loans. 103838  
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(b) Periodic payments of principal and interest, on the dates and in the amounts approved by the director, shall commence not later than one year after completion of the project, and all loans shall be fully amortized not later than thirty years after project completion. 103840  
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(c) Each recipient of a loan shall establish a dedicated source of revenue for repayment of the loan. 103845  
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(d) All payments of principal and interest on the loans shall be credited to the fund, except as otherwise provided in division (D) or (F) of this section. 103847  
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(2) To purchase or refinance at or below market rates of interest debt obligations incurred after March 7, 1985, by municipal corporations, other political subdivisions, and interstate agencies having territory in the state. If, and to the extent allowed under the Federal Water Pollution Control Act, debt obligations are purchased or refinanced under this section to provide financial assistance for any of the purposes allowed under division (A) of this section, the repayment period may extend up to forty-five years. However, the repayment period shall not exceed the expected useful life of any facilities that are financed by the obligations. 103850  
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(3) To guarantee or purchase insurance for debt obligations of municipal corporations, other political subdivisions, and interstate agencies having territory within the state when the guarantee or insurance would improve the borrower's access to credit markets or would reduce the interest rate paid on those obligations; 103861  
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(4) As a source of revenue or security for the payment of principal and interest on general obligation or revenue bonds or notes issued by this state if the proceeds of the sale of the bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds established by municipal corporations and other political subdivisions that are similar to the water pollution control loan fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering the fund and conducting activities under this section, except that those amounts shall not exceed four per cent of the total amount of the capitalization grants received, four hundred thousand dollars per year, or one-fifth of one per cent per year of the current valuation of the fund, whichever amount is greater, plus the amount of any fees collected by the state for that purpose regardless of the source;

(8) To provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of the Federal Water Pollution Control Act, including, without limitation, the awarding of principal forgiveness assistance under that act.

(I) The director periodically shall prepare in accordance with rules adopted under division (O) of this section a state priority system and list ranking assistance proposals principally on the basis of their relative water quality and public health benefits and the financial need of the applicants for assistance. Assistance for proposed activities from the water pollution control loan fund shall be limited to those activities appearing on that priority list and shall be awarded based upon their

priority sequence on the list and the applicants' readiness to  
proceed with their proposed activities. The director annually  
shall prepare and circulate for public review and comment a plan  
that defines the goals and intended uses of the fund, as required  
by section 606(c) of the "Federal Water Pollution Control Act."

(J) Financial assistance from the water pollution control  
loan fund first shall be used to ensure maintenance of progress,  
as determined by the governor, toward compliance with enforceable  
deadlines, goals, and requirements under the "Federal Water  
Pollution Control Act" that are pertinent to the purposes of the  
fund set forth in divisions (A)(1) to (3) of this section,  
including, without limitation, the municipal compliance deadline  
under that act.

(K) The director may provide financial assistance from the  
water pollution control loan fund for a publicly owned treatment  
works project only after determining that:

(1) The applicant for financial assistance has the legal,  
institutional, managerial, and financial capability to construct,  
operate, and maintain its publicly owned treatment works.

(2) The applicant will implement a financial management plan  
that includes, without limitation, provisions for satisfactory  
repayment of the financial assistance, a user charge system to pay  
the operation, maintenance, and replacement expenses of the  
project, and, if appropriate in the director's judgment, an  
adequate capital improvements fund.

(3) The proposed disposal system of which the project is a  
part is economically and nonmonetarily cost-effective, based upon  
an evaluation of feasible alternatives that meet the waste water  
treatment needs of the planning area in which the proposed project  
is located.

(4) Based upon the environmental review conducted by the

director under division (L) of this section, there are no 103929  
significant adverse environmental effects resulting from the 103930  
proposed disposal system and the system has been selected from 103931  
among environmentally sound alternatives. 103932

(5) Public participation has occurred during the process of 103933  
planning the project in compliance with applicable requirements 103934  
under the Federal Water Pollution Control Act. 103935

(6) The applicant has submitted a facilities plan for the 103936  
project that meets the applicable program requirements and that 103937  
has been approved by the director. 103938

(7) The application meets the requirements of this section 103939  
and rules adopted under division (O) of this section and is 103940  
consistent with the intent of Title VI of the Federal Water 103941  
Pollution Control Act and regulations adopted under it. 103942

(8) The application meets such other requirements as the 103943  
director considers necessary or appropriate to protect the 103944  
environment or ensure the financial integrity of the fund while 103945  
implementing this section. 103946

(L) The director shall perform and document for public review 103947  
an independent, comprehensive environmental review of the 103948  
assistance proposal for each activity receiving financial 103949  
assistance under this section. The review shall serve as the basis 103950  
for the determinations to be made under division (K)(4) or (Q)(4) 103951  
of this section, as applicable, and may include, without 103952  
limitation, an environmental assessment, any necessary 103953  
supplemental studies, and an enforceable mitigation plan. The 103954  
director may establish environmental impact mitigation terms or 103955  
conditions for the implementation of an assistance proposal, 103956  
including, without limitation, the installation or modification of 103957  
a disposal system, in the director's approval of the plans for the 103958  
installation or modification as authorized by section 6111.44 of 103959



the Revised Code or through other legally enforceable means. The 103960  
review shall be conducted in accordance with applicable rules 103961  
adopted under division (O) of this section. 103962

(M) The director, consistent with this section and applicable 103963  
rules adopted under division (O) of this section, may enter into 103964  
any agreement with an applicant that is necessary or appropriate 103965  
to provide assistance from the water pollution control loan fund. 103966  
Based upon the director's review of an assistance proposal, 103967  
including, without limitation, approval for the project under 103968  
section 6111.44 of the Revised Code, the environmental review 103969  
conducted under division (L) of this section, and the other 103970  
requirements of this section and rules adopted under it, the 103971  
director may establish in the agreement terms and conditions of 103972  
the assistance to be offered to an applicant. In addition to any 103973  
other available remedies, the director may terminate, suspend, or 103974  
require immediate repayment of financial assistance provided under 103975  
this section to, or take any other enforcement action available 103976  
under this chapter against, a recipient of financial assistance 103977  
under this section who defaults on any payment required in the 103978  
agreement for financial assistance or otherwise violates a term or 103979  
condition of the agreement or of the plan approval for the project 103980  
under section 6111.44 of the Revised Code. 103981

(N) Based upon the director's judgment as to the financial 103982  
need of the applicant and as to what constitutes the most 103983  
effective allocation of funds to achieve statewide water pollution 103984  
control objectives, the director may establish the terms, 103985  
conditions, and amount of financial assistance to be offered to an 103986  
applicant from the water pollution control loan fund. The 103987  
director, to the extent consistent with the water quality 103988  
improvement priorities reflected in the current priority system 103989  
and list prepared under division (I) of this section and with the 103990  
long-term financial integrity of the fund, shall ensure each year 103991

that financial assistance in an amount equal to the cost of the 103992  
assistance proposals of applicants having a high level of economic 103993  
need that are on the current priority list and for which funding 103994  
is available in that year is made available from the fund to those 103995  
applicants at an interest rate that is lower than that offered to 103996  
other applicants for financial assistance from the fund for 103997  
assistance proposals that are on the current priority list and for 103998  
which funding is available in that year. 103999

The director shall determine the economic need of applicants 104000  
for financial assistance in accordance with uniform criteria 104001  
established in rules adopted under division (O) of this section. 104002

(O) The director may adopt rules in accordance with Chapter 104003  
119. of the Revised Code for the implementation and administration 104004  
of this section and section 6111.037 of the Revised Code. Any such 104005  
rules governing the planning, design, and construction of water 104006  
pollution control projects, establishing an environmental review 104007  
process, establishing requirements for the preparation of 104008  
environmental impact reports and mitigation plans, governing the 104009  
establishment of priority systems for providing financial 104010  
assistance under this section and section 6111.037 of the Revised 104011  
Code, and governing the terms and conditions of assistance, shall 104012  
be consistent with the intent of Titles II and VI and sections 319 104013  
and 320 of the Federal Water Pollution Control Act. The rules 104014  
governing the establishment of priority systems for financial 104015  
assistance and governing terms and conditions of assistance shall 104016  
provide for the most effective allocation of moneys from the water 104017  
pollution control loan fund to achieve water quality and public 104018  
health objectives throughout the state as determined by the 104019  
director. 104020

(P)(1) For the purpose of this section, appealable actions of 104021  
the director pursuant to section 3745.04 of the Revised Code are 104022  
limited to the following: 104023

(a) Approval of draft priority systems, draft priority lists, and draft written program administration policies;	104024 104025
(b) Approval or disapproval of project facility plans under division (K)(6) of this section;	104026 104027
(c) Approval or disapproval of plans and specifications for a project under section 6111.44 of the Revised Code and issuance of a permit to install in connection with a project pursuant to rules adopted under section 6111.03 of the Revised Code;	104028 104029 104030 104031
(d) Approval or disapproval of an application for assistance.	104032
(2) Notwithstanding section 119.06 of the Revised Code, the director may take final action described in division (P)(1)(a), (b), (c), or (d) of this section without holding an adjudication hearing in connection with the action and without first issuing a proposed action under section 3745.07 of the Revised Code.	104033 104034 104035 104036 104037
(3) Each action described in divisions (P)(1)(a), (b), (c), and (d) of this section is a separate and discrete action of the director. Appeals of any such action are limited to the issues concerning the specific action appealed, and the appeal shall not include issues determined under the scope of any prior action.	104038 104039 104040 104041 104042
(Q) The director may provide financial assistance for the implementation of a nonpoint source management program activity only after determining all of the following:	104043 104044 104045
(1) The activity is consistent with the state's nonpoint source management program.	104046 104047
(2) The applicant has the legal, institutional, managerial, and financial capability to implement, operate, and maintain the activity.	104048 104049 104050
(3) The cost of the activity is reasonable considering monetary and nonmonetary factors.	104051 104052
(4) Based on the environmental review conducted by the	104053

director under division (L) of this section, the activity will not 104054  
result in significant adverse environmental impacts. 104055

(5) The application meets the requirements of this section 104056  
and rules adopted under division (O) of this section and is 104057  
consistent with the intent of Title VI of the Federal Water 104058  
Pollution Control Act and regulations adopted under it. 104059

(6) The applicant will implement a financial management plan, 104060  
including, without limitation, provisions for satisfactory 104061  
repayment of the financial assistance. 104062

(7) The application meets such other requirements as the 104063  
director considers necessary or appropriate to protect the 104064  
environment and ensure the financial integrity of the fund while 104065  
implementing this section. 104066

(R) As used in this section, "Federal Water Pollution Control 104067  
Act" means the "Federal Water Pollution Control Act Amendments of 104068  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 104069  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 104070  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 104071  
Wastewater Treatment Construction Grant Amendments of 1981," 95 104072  
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 104073  
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 104074  
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 104075  
123 Stat. 115, and the "Water Resources Reform and Development Act 104076  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 104077

**Sec. 6111.04.** (A) Both of the following apply except as 104078  
otherwise provided in division (A) or (F) of this section: 104079

(1) No person shall cause pollution or place or cause to be 104080  
placed any sewage, sludge, sludge materials, industrial waste, or 104081  
other wastes in a location where they cause pollution of any 104082  
waters of the state. 104083

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division ~~(S)~~(R) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:

(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been

issued shall place on the land or release into the air of the 104115  
state any sludge or sludge materials in excess of the permissive 104116  
amounts specified under the existing sludge management permit 104117  
without first receiving a modification of the existing sludge 104118  
management permit or a new sludge management permit to do so from 104119  
the director. 104120

(E) The director may require the submission of plans, 104121  
specifications, and other information that the director considers 104122  
relevant in connection with the issuance of permits. 104123

(F) This section does not apply to any of the following: 104124

(1) Waters used in washing sand, gravel, other aggregates, or 104125  
mineral products when the washing and the ultimate disposal of the 104126  
water used in the washing, including any sewage, industrial waste, 104127  
or other wastes contained in the waters, are entirely confined to 104128  
the land under the control of the person engaged in the recovery 104129  
and processing of the sand, gravel, other aggregates, or mineral 104130  
products and do not result in the pollution of waters of the 104131  
state; 104132

(2) Water, gas, or other material injected into a well to 104133  
facilitate, or that is incidental to, the production of oil, gas, 104134  
artificial brine, or water derived in association with oil or gas 104135  
production and disposed of in a well, in compliance with a permit 104136  
issued under Chapter 1509. of the Revised Code, or sewage, 104137  
industrial waste, or other wastes injected into a well in 104138  
compliance with an injection well operating permit. Division 104139

(F)(2) of this section does not authorize, without a permit, any 104140  
discharge that is prohibited by, or for which a permit is required 104141  
by, regulation of the United States environmental protection 104142  
agency. 104143

(3) Application of any materials to land for agricultural 104144  
purposes or runoff of the materials from that application or 104145

pollution by residual farm products, manure, or soil sediment, 104146  
including attached substances, resulting from farming, 104147  
silvicultural, or earthmoving activities regulated by Chapter 307. 104148  
or 939. of the Revised Code. Division (F)(3) of this section does 104149  
not authorize, without a permit, any discharge that is prohibited 104150  
by, or for which a permit is required by, the Federal Water 104151  
Pollution Control Act or regulations adopted under it. As used in 104152  
division (F)(3) of this section, "residual farm products" and 104153  
"manure" have the same meanings as in section 939.01 of the 104154  
Revised Code. 104155

(4) The excrement of domestic and farm animals defecated on 104156  
land or runoff therefrom into any waters of the state. Division 104157  
(F)(4) of this section does not authorize, without a permit, any 104158  
discharge that is prohibited by, or for which a permit is required 104159  
by, the Federal Water Pollution Control Act or regulations adopted 104160  
under it. 104161

(5) On and after the date on which the United States 104162  
environmental protection agency approves the NPDES program 104163  
submitted by the director of agriculture under section 903.08 of 104164  
the Revised Code, any discharge that is within the scope of the 104165  
approved NPDES program submitted by the director of agriculture; 104166

(6) The discharge of sewage, industrial waste, or other 104167  
wastes into a sewerage system tributary to a treatment works. 104168  
Division (F)(6) of this section does not authorize any discharge 104169  
into a publicly owned treatment works in violation of a 104170  
pretreatment program applicable to the publicly owned treatment 104171  
works. 104172

(7) A household sewage treatment system or a small flow 104173  
on-site sewage treatment system, as applicable, as defined in 104174  
section 3718.01 of the Revised Code that is installed in 104175  
compliance with Chapter 3718. of the Revised Code and rules 104176  
adopted under it. Division (F)(7) of this section does not 104177

authorize, without a permit, any discharge that is prohibited by, 104178  
or for which a permit is required by, regulation of the United 104179  
States environmental protection agency. 104180

(8) Exceptional quality sludge generated outside of this 104181  
state and contained in bags or other containers not greater than 104182  
one hundred pounds in capacity. As used in division (F)(8) of this 104183  
section, "exceptional quality sludge" has the same meaning as in 104184  
division (Y) of section 3745.11 of the Revised Code. 104185

(G) The holder of a permit issued under section 402 (a) of 104186  
the Federal Water Pollution Control Act need not obtain a permit 104187  
for a discharge authorized by the permit until its expiration 104188  
date. Except as otherwise provided in this division, the director 104189  
of environmental protection shall administer and enforce those 104190  
permits within this state and may modify their terms and 104191  
conditions in accordance with division (J) of section 6111.03 of 104192  
the Revised Code. On and after the date on which the United States 104193  
environmental protection agency approves the NPDES program 104194  
submitted by the director of agriculture under section 903.08 of 104195  
the Revised Code, the director of agriculture shall administer and 104196  
enforce those permits within this state that are issued for any 104197  
discharge that is within the scope of the approved NPDES program 104198  
submitted by the director of agriculture. 104199

**Sec. 6111.046.** (A) Each person who is issued an injection 104200  
well operating permit or a renewal of an injection well operating 104201  
permit for a class I injection well shall pay an annual permit fee 104202  
of twelve thousand five hundred dollars, except that a person who 104203  
is issued such a permit or renewal of such a permit for a class I 104204  
injection well that disposes of any hazardous waste identified or 104205  
listed in rules adopted under section 3734.12 of the Revised Code 104206  
and that is located on the premises where the hazardous waste 104207  
injected into the well is generated shall pay an annual permit fee 104208



of thirty thousand dollars. The appropriate permit fee shall be 104209  
paid to the director of environmental protection within thirty 104210  
days after the issuance of the injection well operating permit or 104211  
renewal of such a permit. Annually thereafter during the term of 104212  
the permit or renewal, the appropriate annual permit fee shall be 104213  
paid to the director on or before the anniversary of the date of 104214  
issuance of the injection well operating permit or renewal of such 104215  
a permit. The director, by rules adopted in accordance with 104216  
Chapter 119. of the Revised Code, shall prescribe the procedures 104217  
for collecting the annual permit fees established in this section 104218  
and may prescribe other requirements necessary to carry out this 104219  
section. 104220

No person shall fail to comply with this division. 104221

(B) All moneys received by the director under division (A) of 104222  
this section shall be credited to the underground injection 104223  
control fund, which is hereby created in the state treasury. 104224  
Beginning July 1, 1992, and annually thereafter, the director 104225  
shall request the office of budget and management to, and the 104226  
office shall, transfer fifteen per cent of the moneys in the fund 104227  
to the ~~injection well review~~ geological mapping fund created in 104228  
section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 104229  
paying the expenses of the department of natural resources 104230  
incurred in executing its duties under sections 6111.043 to 104231  
6111.047 of the Revised Code. The director shall use the remainder 104232  
of the moneys credited to the underground injection control fund 104233  
solely to administer and enforce the requirements of sections 104234  
6111.043 to 6111.047 of the Revised Code and rules adopted under 104235  
them pertaining to class I injection wells. 104236

**Sec. 6111.14.** The director of environmental protection may 104237  
enter into an agreement with a political subdivision or 104238  
investor-owned public utility that owns or operates a disposal 104239

system and that intends to extend the sewerage lines of its 104240  
disposal system or to increase the number of service connections 104241  
to its sewerage system, which agreement authorizes a qualified 104242  
official or employee of the political subdivision or 104243  
investor-owned public utility, as determined by the director, to 104244  
review plans for the extension of the sewerage system or increase 104245  
in the number of service connections for compliance with this 104246  
chapter and the rules adopted under it and to certify to the 104247  
director whether the plans comply with this chapter and the rules 104248  
adopted under it. If, pursuant to such an agreement, the official 104249  
or employee of the political subdivision or investor-owned public 104250  
utility designated in the agreement certifies to the director that 104251  
the plans comply with this chapter and the rules adopted under it 104252  
and if the plans and certification are accompanied by an 104253  
administrative service fee calculated in accordance with division 104254  
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 104255  
final action, shall approve the plans without further review. The 104256  
director or the director's authorized representative may inspect 104257  
the construction or installation of an extension of a sewerage 104258  
system or additional service connections for which plans have been 104259  
approved under this section. 104260

The approval of plans by the director pursuant to this 104261  
section constitutes the approval of the plans for the purposes of 104262  
any rules adopted under division (E) of section 6111.03 of the 104263  
Revised Code that require the approval of plans for extensions of 104264  
sewerage systems or increases in the number of service connections 104265  
to sewerage systems. 104266

As used in this section, "investor-owned public utility" 104267  
means a person, other than an individual, that is a sewage 104268  
disposal system company, as defined in section 4905.03 of the 104269  
Revised Code, and that is not owned or operated by a municipal 104270  
corporation or operated not-for-profit. 104271

**Sec. 6111.30.** (A) Applications for a section 401 water 104272  
quality certification required under division ~~(P)~~(O) of section 104273  
6111.03 of the Revised Code shall be submitted on forms provided 104274  
by the director of environmental protection and shall include all 104275  
information required on those forms as well as all of the 104276  
following: 104277

(1) A copy of a letter from the United States army corps of 104278  
engineers documenting its jurisdiction over the wetlands, streams, 104279  
or other waters of the state that are the subject of the section 104280  
401 water quality certification application; 104281

(2) If the project involves impacts to a wetland, a wetland 104282  
characterization analysis consistent with the Ohio rapid 104283  
assessment method; 104284

(3) If the project involves a stream for which a specific 104285  
aquatic life use designation has not been made, data sufficient to 104286  
determine the existing aquatic life use; 104287

(4) A specific and detailed mitigation proposal, including 104288  
the location and proposed real estate instrument or other 104289  
available mechanism for protecting the property long term; 104290

(5) Applicable fees; 104291

(6) Site photographs; 104292

(7) Adequate documentation confirming that the applicant has 104293  
requested comments from the department of natural resources and 104294  
the United States fish and wildlife service regarding threatened 104295  
and endangered species, including the presence or absence of 104296  
critical habitat; 104297

(8) Descriptions, schematics, and appropriate economic 104298  
information concerning the applicant's preferred alternative, 104299  
nondegradation alternatives, and minimum degradation alternatives 104300  
for the design and operation of the project; 104301

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide

the director with proof of publication. The applicant may choose, 104334  
subject to review by and approval of the director, to include in 104335  
the public notice an advertisement for an antidegradation public 104336  
hearing on the application pursuant to section 6111.12 of the 104337  
Revised Code. There shall be a public comment period of thirty 104338  
days following the publication of the public notice. 104339

(D) If the director determines that there is significant 104340  
public interest in a public hearing as evidenced by the public 104341  
comments received concerning the application and by other requests 104342  
for a public hearing on the application, the director or the 104343  
director's representative shall conduct a public hearing 104344  
concerning the application. Notice of the public hearing shall be 104345  
published by the applicant, subject to review and approval by the 104346  
director, at least thirty days prior to the date of the hearing in 104347  
a newspaper of general circulation in the county in which the 104348  
project that is the subject of the application is to take place. 104349  
If a public hearing is requested concerning an application, the 104350  
director shall accept comments concerning the application until 104351  
five business days after the public hearing. A public hearing 104352  
conducted under this division shall take place not later than one 104353  
hundred days after the application is determined to be complete. 104354

(E) The director shall forward all public comments concerning 104355  
an application submitted under this section that are received 104356  
through the public involvement process required by rules adopted 104357  
under this chapter to the applicant not later than five business 104358  
days after receipt of the comments by the director. 104359

(F) The applicant shall respond in writing to written 104360  
comments or to deficiencies identified by the director during the 104361  
course of reviewing the application not later than fifteen days 104362  
after receiving or being notified of them. 104363

(G) The director shall issue or deny a section 401 water 104364  
quality certification not later than one hundred eighty days after 104365

the complete application for the certification is received. The 104366  
director shall provide an applicant for a section 401 water 104367  
quality certification with an opportunity to review the 104368  
certification prior to its issuance. 104369

(H) The director shall maintain an accessible database that 104370  
includes environmentally beneficial water restoration and 104371  
protection projects that may serve as potential mitigation 104372  
projects for projects in the state for which a section 401 water 104373  
quality certification is required. A project's inclusion in the 104374  
database does not constitute an approval of the project. 104375

(I) Mitigation required by a section 401 water quality 104376  
certification may be accomplished by any of the following: 104377

(1) Purchasing credits at a mitigation bank approved in 104378  
accordance with 33 C.F.R. 332.8; 104379

(2) Participating in an in-lieu fee mitigation program 104380  
approved in accordance with 33 C.F.R. 332.8; 104381

(3) Constructing individual mitigation projects. 104382

Notwithstanding the mitigation hierarchy specified in section 104383  
3745-1-54 of the Administrative Code, mitigation projects shall be 104384  
approved in accordance with the hierarchy specified in 33 C.F.R. 104385  
332.3 unless the director determines that the size or quality of 104386  
the impacted resource necessitates reasonably identifiable, 104387  
available, and practicable mitigation conducted by the applicant. 104388  
The director shall adopt rules in accordance with Chapter 119. of 104389  
the Revised Code consistent with the mitigation hierarchy 104390  
specified in 33 C.F.R. 332.3. 104391

(J) The director may establish a program and adopt rules in 104392  
accordance with Chapter 119. of the Revised Code for the purpose 104393  
of certifying water quality professionals to assess streams to 104394  
determine existing aquatic life use and to categorize wetlands in 104395  
support of applications for section 401 water quality 104396

certification under divisions (A)(2) and (3) of this section and 104397  
isolated wetland permits under sections 6111.022 to 6111.024 of 104398  
the Revised Code. The director shall use information submitted by 104399  
certified water quality professionals in the review of those 104400  
applications. 104401

Rules adopted under this division shall do all of the 104402  
following: 104403

(1) Provide for the certification of water quality 104404  
professionals to conduct activities in support of applications for 104405  
section 401 water quality certification and isolated wetland 104406  
permits, including work necessary to determine existing aquatic 104407  
life use of streams and categorize wetlands. Rules adopted under 104408  
division (J)(1) of this section shall do at least all of the 104409  
following: 104410

(a) Authorize the director to require an applicant for water 104411  
quality professional certification to submit information 104412  
considered necessary by the director to assess a water quality 104413  
professional's experience in conducting stream assessments and 104414  
wetlands categorizations; 104415

(b) Authorize the director to establish experience 104416  
requirements and to use tests to determine the competency of 104417  
applicants for water quality professional certification; 104418

(c) Authorize the director to approve applicants for water 104419  
quality professional certification who comply with the 104420  
requirements established in rules and deny applicants that do not 104421  
comply with those requirements; 104422

(d) Require the director to revoke the certification of a 104423  
water quality professional if the director finds that the 104424  
professional falsified any information on the professional's 104425  
application for certification regarding the professional's 104426  
credentials; 104427

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.	104428 104429 104430
(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;	104431 104432 104433 104434 104435 104436
(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;	104437 104438 104439 104440 104441 104442
(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;	104443 104444 104445 104446
(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;	104447 104448 104449 104450
(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;	104451 104452 104453 104454
(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.	104455 104456 104457
(K) As used in this section and section 6111.31 of the	104458



Revised Code, "section 401 water quality certification" means 104459  
certification pursuant to section 401 of the Federal Water 104460  
Pollution Control Act and this chapter and rules adopted under it 104461  
that any discharge, as set forth in section 401, will comply with 104462  
sections 301, 302, 303, 306, and 307 of the Federal Water 104463  
Pollution Control Act. 104464

Sec. 6111.561. (A) The director of environmental protection 104465  
shall establish the total maximum daily load (TMDL) for pollutants 104466  
for each impaired water of the state or segment thereof identified 104467  
and listed under section 1313(d) of the Federal Water Pollution 104468  
Control Act. The director shall establish each TMDL pursuant to a 104469  
priority ranking established by the director. Further, the 104470  
director shall establish a TMDL only for pollutants that the 104471  
administrator of the United States environmental protection agency 104472  
has identified under section 1314(a)(2) of that act as suitable. 104473

The director shall establish each TMDL at a level necessary 104474  
to implement applicable water quality standards that accounts for 104475  
seasonal variations, a margin of safety, and lack of knowledge 104476  
concerning the relationship between effluent limitations and water 104477  
quality. 104478

(B) A TMDL submitted to and approved by the United States 104479  
environmental protection agency prior to March 24, 2015, is valid 104480  
and remains in full force and effect as approved, but may be 104481  
revised in accordance with this section. 104482

(C) The holder of a national pollutant discharge elimination 104483  
system (NPDES) permit containing water quality based effluent 104484  
limitations derived from a TMDL subject to division (B) of this 104485  
section may appeal the lawfulness and reasonableness of those 104486  
limitations by doing one of the following: 104487

(1) Filing an appeal with the environmental review appeals 104488  
commission not later than thirty days after the first eligible 104489

NPDES permit renewal date subsequent to the effective date of this section; 104490  
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(2) Seeking a modification of the water quality based effluent limitations contained in the NPDES permit from the director. If the director denies the request for modification, the permit holder may appeal that denial to the environmental review appeals commission not later than thirty days after the denial. 104492  
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(D) The development, establishment, amendment, or modification of a TMDL after March 24, 2015, is not subject to Chapters 106., 119., or 121. of the Revised Code. 104497  
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(E) The director shall provide opportunities for interested parties to provide input during the development of a TMDL. The opportunities to provide input may include comment on and meeting with interested parties on any of the following aspects of the TMDL process: 104500  
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104503  
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(1) The project assessment plan development process, including the process for determining the cause and source of water quality impairments or threats; 104505  
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(2) The technical support document that identifies and analyzes water quality data and habitat assessments that will assist in determining TMDL target conditions; 104508  
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(3) The preliminary draft TMDL that shall include development of modeling, management choices, restoration targets, load allocations, waste load allocations, and associated TMDL-derived permit limits necessary to establish and select a TMDL restoration scenario; 104511  
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(4) The proposed TMDL implementation plan, under which specific actions, schedules, and monitoring necessary to implement a TMDL are established. 104516  
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The proposed TMDL implementation plan also may include 104519

considerations of the cost and cost effectiveness of pollutant controls supplied by interested parties, sources of funding necessary to address pollutant load reductions, and the environmental benefit of incremental reductions in pollutant levels. 104520  
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(F) Before establishing a final TMDL under this section, the director shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, all of the following: 104525  
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(1) An estimate of the total amount of each pollutant that causes the water quality impairment from all sources; 104528  
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(2) An estimate of the total amount of pollutants that may be added to the water of the state or segment thereof while still achieving and maintaining applicable water quality standards; 104530  
104531  
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(3) Draft allocations among point and nonpoint sources contributing to the impairment sufficient to meet applicable water quality standards. 104533  
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The official draft TMDL implementation plan also may include, as the director determines appropriate, interim water quality target values and principles of adaptive management necessary to achieve applicable water quality standards. 104536  
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(G)(1) The director shall provide all of the following: 104540

(a) Public notice of the official draft TMDL; 104541

(b) An opportunity for comment on the draft TMDL; 104542

(c) An opportunity for a public hearing regarding the draft TMDL if there is significant public interest, as determined by the director. 104543  
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(2) The director shall specify both of the following in the public notice: 104546  
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(a) The water of the state or segment thereof to which the draft TMDL relates; 104548  
104549

(b) The time, date, and place of the hearing, if applicable. 104550

At a minimum, the director shall send the public notice to 104551  
all interested parties that participated in the public input 104552  
activities described in division (E) of this section. 104553

(3) After the opportunity for public comment expires, the 104554  
director shall prepare and make available a written responsiveness 104555  
summary of the comments. 104556

(H) After concluding the public comment process and 104557  
completion of the responsiveness summary under division (G) of 104558  
this section, the director may establish a final TMDL. The final 104559  
TMDL is appealable to the environmental review appeals commission 104560  
in accordance with division (B) of section 3745.04 of the Revised 104561  
Code. However, submission of the final TMDL to the United States 104562  
environmental protection agency under section 1313(d) of the 104563  
Federal Water Pollution Control Act is a ministerial act and is 104564  
not appealable under section 3745.04 of the Revised Code. Further, 104565  
such submission is not affected by any appeal of the establishment 104566  
of the final TMDL under this division. 104567

(I) The director may revise an established TMDL to 104568  
accommodate new information. 104569

(J) Not later than December 31, 2018, the director shall 104570  
adopt rules in accordance with Chapter 119. of the Revised Code 104571  
that do all of the following: 104572

(1) Allocate pollutant load between and among nonpoint 104573  
sources and point sources in a TMDL report; 104574

(2) Establish procedures and requirements for developing and 104575  
issuing a new TMDL; 104576

(3) Establish procedures and requirements for revising and 104577  
updating a TMDL; 104578

(4) Establish procedures and requirements for validation of 104579

existing TMDLs following implementation and additional assessment. 104580

**Sec. 6111.61.** (A) Not later than ninety days after the 104581  
effective date of this section, the governor, pursuant to 33 104582  
U.S.C. 1288, shall designate an areawide waste treatment 104583  
management organization for central Ohio called clean water 104584  
central Ohio, which is hereby created. After such designation, 104585  
clean water central Ohio shall be responsible for waste treatment 104586  
planning under 33 U.S.C. 1288 for Franklin county, and for those 104587  
portions of Delaware, Licking, Fairfield, Pickaway, and Union 104588  
counties that are served by the Columbus municipal water and 104589  
sewerage system. 104590

(B)(1) Not later than ninety days after the designation of 104591  
clean water central Ohio, the governor shall appoint an initial 104592  
governing board for it consisting of nine members. As determined 104593  
by the most recent federal decennial census, three of the initial 104594  
members shall represent the most populous municipal corporation 104595  
within clean water central Ohio's jurisdiction. The remaining 104596  
initial members shall represent the next six most populous 104597  
municipal corporations within such jurisdiction. 104598

(2) Each of the initial nine members of the governing board 104599  
shall serve a two-year term. Before the expiration of the initial 104600  
terms, the governing board shall adopt a resolution specifying the 104601  
manner by which subsequent members of the governing board are 104602  
selected and the term of office for those members. The resolution 104603  
may establish additional procedures necessary for the operation of 104604  
the board. A resolution adopted under division (B)(2) of this 104605  
section may be subsequently amended. However, in all cases, the 104606  
resolution shall require three members of the board to represent 104607  
the most populous municipal corporation within clean water central 104608  
Ohio's jurisdiction and the remaining six members to equitably 104609  
represent all other municipal corporations within that 104610

jurisdiction. 104611

(C) Clean water central Ohio shall coordinate with the 104612  
director of environmental protection to amend any existing plan 104613  
established under 33 U.S.C. 1288 that is applicable to the area 104614  
within the jurisdiction of clean water central Ohio, or create a 104615  
new plan for that area. 104616

(D) In executing its duties, clean water central Ohio shall 104617  
comply with the requirements of 33 U.S.C. 1288 and all other 104618  
applicable requirements of the "Federal Water Pollution Control 104619  
Act" and regulations promulgated under it. 104620

Sec. 6111.62. (A) Not later than one year after the effective 104621  
date of this section, an entity responsible for waste treatment 104622  
management planning under 33 U.S.C. 1288, including the 104623  
environmental protection agency, shall do both of the following 104624  
with regard to each waste treatment management plan over which the 104625  
entity has authority: 104626

(1) Determine if any element of each plan conflicts with or 104627  
supersedes any of the authorizations or requirements established 104628  
under section 6117.38 of the Revised Code, including the authority 104629  
of a county sewer district to enter into a contract under that 104630  
section; 104631

(2) If any element of a plan does conflict with or supersede 104632  
any such authorizations or requirements, amend the plan to 104633  
eliminate the conflicting or superseding element. 104634

(B) An entity required to amend a plan under division (A) of 104635  
this section shall take all actions necessary to amend the plan, 104636  
including complying with 33 U.S.C. 1288 and any other applicable 104637  
provision of the "Federal Water Pollution Control Act" and 104638  
regulations promulgated under it. 104639

(C) On and after the effective date of this section, no 104640

entity responsible for waste treatment management planning under 104641  
33 U.S.C. 1288, including the environmental protection agency, 104642  
shall do either of the following: 104643

(1) Adopt a plan under 33 U.S.C. 1288 that conflicts with or 104644  
supersedes any of the authorizations or requirements established 104645  
under section 6117.38 of the Revised Code, including the authority 104646  
of a county sewer district to enter into a contract under that 104647  
section; 104648

(2) Amend a plan under 33 U.S.C. 1288 so that the plan 104649  
includes an element that conflicts with or supersedes any of the 104650  
authorizations or requirements established under section 6117.38 104651  
of the Revised Code, including the authority of a county sewer 104652  
district to enter into a contract under that section. 104653

**Sec. 6117.38.** (A) ~~At any time after~~ (1) After the formation 104654  
of any county sewer district, the board of county commissioners,  
when it considers it appropriate, on application by a person or 104655  
public agency for the provision of sewerage or drainage to 104656  
properties of the person or public agency located outside of the 104657  
district, may contract with ~~the~~ a person, political subdivision, 104658  
unincorporated area, or public agency located outside of the 104659  
district for depositing any of the following: 104660  
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(a) Depositing sewage or drainage from ~~these properties~~ 104662  
outside of the district in facilities acquired or constructed or 104663  
to be acquired or constructed by the county to serve the district 104664  
~~and for the;~~ 104665

(b) The treatment, disposal, and disposition of the sewage or 104666  
drainage, on terms that the board considers equitable; 104667

(c) The provision of water supply services. The 104668

(2) A person, political subdivision, unincorporated area, or 104669  
public agency located outside of a county sewer district may apply 104670

to the board of county commissioners for the provision of the 104671  
services specified in division (A)(1)(a), (b), or (c) of this 104672  
section. 104673

(3) The amount to be paid by the person, political 104674  
subdivision, unincorporated area, or public agency to reimburse 104675  
the county for costs of acquiring or constructing those facilities 104676  
shall not be less than the original or comparable assessment for 104677  
similar property within the district or, in the absence of an 104678  
original or comparable assessment, an amount that is found by the 104679  
board to be reasonable and fairly reflective of that portion of 104680  
the cost of those facilities attributable to the properties to be 104681  
served. The board shall appropriate any moneys received for that 104682  
service to and for the use and benefit of the district. The board 104683  
may collect the amount to be paid by the person, political 104684  
subdivision, unincorporated area, or public agency in full, in 104685  
cash or in installments as a part of a connection charge to be 104686  
collected in accordance with division (B) or (D) of section 104687  
6117.02 of the Revised Code, or if the properties to be served are 104688  
located within the county, the same amount may be assessed against 104689  
those properties, and, in that event, the manner of making the 104690  
assessment, together with the notice of it, shall be as provided 104691  
in this chapter. 104692

(B) Whenever sanitary or drainage facilities or prevention or 104693  
replacement facilities have been acquired or constructed by, and 104694  
at the expense of, a person, political subdivision, unincorporated 104695  
area, or public agency and the board considers it appropriate to 104696  
acquire the facilities or any part of them for the purpose of 104697  
providing sewerage or drainage service to territory within a sewer 104698  
district, the county sanitary engineer, at the direction of the 104699  
board, shall examine the facilities. If the county sanitary 104700  
engineer finds the facilities properly designed and constructed, 104701  
the county sanitary engineer shall certify that fact to the board. 104702



The board may determine to purchase the facilities or any part of them at a cost that, after consultation with the county sanitary engineer, it finds to be reasonable.

Subject to and in accordance with this division and division (B) or divisions (C), (D), and (E) of section 6117.06 of the Revised Code, the board may purchase the facilities or any part of them by negotiation. For the purpose of paying the cost of their acquisition, the board may issue or incur public obligations and assess the entire cost, or a lesser designated part of the cost, of their acquisition against the benefited properties in the manner provided in this chapter for the construction of original or comparable facilities.

(C) As used in this section, "located outside of the district" includes an area located in a different county than the county in which the county sewer district is located.

**Sec. 6301.01.** As used in this chapter:

(A) "Local area" means ~~any of the following:~~

~~(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;~~

~~(2) A single county;~~

~~(3) A consortium of any of the following political subdivisions:~~

~~(a) A group of two or more counties in the state;~~

~~(b) One or more counties and one municipal corporation in the state;~~

~~(c) One or more counties with or without one municipal~~

~~corporation in the state and one or more counties with or without  
one municipal corporation in another state, on the condition that  
those in another state share a labor market area with those in the  
state.~~ 104732  
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~~"Local area" does not mean a region for purposes of  
determinations concerning administrative incentives.~~ 104736  
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~~(B) "Municipal corporation" means a municipal corporation  
that is eligible for automatic or temporary designation as a local  
workforce investment area pursuant to section 116(a)(2) or (3) of  
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.  
2831(a)(2) or (3), but that does not request that the governor  
grant such automatic or temporary designation, and that instead  
elects to administer and enforce workforce development activities  
pursuant to this chapter.~~ 104738  
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~~(C) "County" means a county that is eligible to be designated  
as a local workforce investment area pursuant to the "Workforce  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as  
amended, but that does not request such designation, and instead  
elects to administer and enforce workforce development activities  
pursuant to this chapter.~~ 104746  
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~~(D) "Workforce development agency" means the entity given  
responsibility for workforce development activities that is  
designated by the board of county commissioners in accordance with  
section 330.04 of the Revised Code, the chief elected official of  
a municipal corporation in accordance with section 763.05 of the  
Revised Code, or the chief elected officials of a local area  
defined in division (A)(3) of this section a local workforce  
development area designated under section 106 of the Workforce  
Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this  
chapter.~~ 104752  
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~~(E)(B) "Workforce development activity" means a program,~~ 104762

~~grant, or other function, the primary goal of which is to do one or more of the following:~~ 104763  
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~~(1) Help individuals maximize their employment opportunities;~~ 104765

~~(2) Help employers gain access to skilled workers;~~ 104766

~~(3) Help employers retain skilled workers;~~ 104767

~~(4) Help develop or enhance the skills of incumbent workers;~~ 104768

~~(5) Improve the quality of the state's workforce;~~ 104769

~~(6) Enhance the productivity and competitiveness of the state's economy~~ 104770  
an activity carried out through a workforce 104771  
development system. 104772

~~(F)(C) "Chief elected official or officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected officials" means the chief elected official of the municipal corporation~~ 104773  
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chief elected executive officer of a unit of 104782  
general local government in the local area or, in the case of a 104783  
local area that includes more than one unit of general local 104784  
government, the individual or individuals designated under an 104785  
agreement described in section 107 of the Workforce Innovation and 104786  
Opportunity Act, 29 U.S.C. 3122. 104787

~~(G)(D) "State board" means the governor's executive workforce board established by~~ 104788  
required under section 101 of the Workforce 104789  
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 104790  
pursuant to section 6301.04 of the Revised Code. 104791

~~(H)(E) "Local board" means a local workforce investment~~ 104792

~~development board established in each local area of the state and~~ 104793  
~~certified by the governor to set policy for the portion of the~~ 104794  
~~statewide workforce investment system within the local area and~~ 104795  
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 104796  
~~29 U.S.C. 2801 under section 107 of the Workforce Innovation and~~ 104797  
~~Opportunity Act, 29 U.S.C. 3122.~~ 104798

~~(F)~~ (F) "OhioMeansJobs web site" means the statewide 104799  
electronic system for labor exchange and job placement activity 104800  
operated by the state. 104801

(G) "OhioMeansJobs center" means a physical one-stop center 104802  
described in section 121(e)(2) of the Workforce Innovation and 104803  
Opportunity Act, 29 U.S.C. 3151(e)(2). 104804

(H) "OhioMeansJobs center operator" means an entity or a 104805  
consortium of entities designated or certified through a 104806  
competitive process to operate a one-stop center under section 104807  
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 104808  
3151(d). 104809

(I) "Planning region" means an area consisting of two or more 104810  
local areas that are collectively aligned to engage in the 104811  
regional planning process outlined in section 106(c)(1) of the 104812  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 104813

(J) "Workforce Innovation and Opportunity Act" means the 104814  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 104815  
seq., or other citation as specifically provided. 104816

**Sec. 6301.02.** The director of job and family services shall 104817  
administer the Workforce Innovation and Opportunity Act, the 104818  
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 104819  
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 104820  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 104821  
amended, and the funds received pursuant to those acts. In 104822

administering those acts and funds received pursuant to those 104823  
acts, the director shall assist the state board in establishing 104824  
and administering a workforce development system that is designed 104825  
to provide leadership, support, and oversight to locally designed 104826  
workforce development systems. The director shall conduct 104827  
investigations and hold hearings as necessary for the 104828  
administration of this chapter. 104829

To the extent permitted by state and federal law, the 104830  
director may adopt rules pursuant to Chapter 119. of the Revised 104831  
Code to establish any program or pilot program for the purposes of 104832  
providing workforce development activities or ~~family services to~~ 104833  
~~individuals who do not meet eligibility criteria for those~~ 104834  
~~activities or services~~ under applicable federal law. Prior to the 104835  
initiation of any program of that nature, the director of budget 104836  
and management shall certify to the governor that sufficient funds 104837  
are available to administer a program of that nature. The director 104838  
of job and family services shall advise the state board ~~shall have~~ 104839  
~~final approval~~ of any such program. 104840

Unless otherwise prohibited by state or federal law, every 104841  
state agency, board, or commission shall provide to the state 104842  
board and the director all information and assistance requested by 104843  
the state board and the director in furtherance of workforce 104844  
development activities. 104845

**Sec. 6301.03.** (A) In administering the Workforce Innovation 104846  
and Opportunity Act, the former "Workforce Investment Act of 104847  
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 104848  
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 104849  
U.S.C.A. 49, as amended, the funds received pursuant to those 104850  
acts, and the workforce development system, the director of job 104851  
and family services may, ~~at the direction of~~ in consultation with 104852  
the state board, make allocations and payment of funds for the 104853

local administration of the workforce development activities 104854  
established under this chapter. 104855

(B) The director shall allocate to local areas all funds 104856  
required to be allocated to local areas pursuant to the Workforce 104857  
Innovation and Opportunity Act, and the former "Workforce 104858  
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 104859  
No. 105-220, as amended. The director shall make allocations only 104860  
with funds available. Local areas, as defined by either section 104861  
101 of the former "Workforce Investment Act of 1998," 112 Stat. 104862  
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 104863  
6301.01 of the Revised Code, and subrecipients of a local area 104864  
shall establish a workforce development fund and the entity 104865  
receiving funds shall deposit all funds received under this 104866  
section into the workforce development fund. All expenditures for 104867  
activities funded under this section shall be made from the 104868  
workforce development fund, including reimbursements to a county 104869  
public assistance fund for expenditures made for activities funded 104870  
under this section. 104871

(C) The use of funds, reporting requirements, and other 104872  
administrative and operational requirements governing the use of 104873  
funds received by the director pursuant to this section shall be 104874  
governed by internal management rules adopted by ~~and approved by~~ 104875  
the ~~state board~~ director pursuant to section 111.15 of the Revised 104876  
Code. 104877

(1) A local area described in division (B) of this section 104878  
shall use the OhioMeansJobs web site as the labor exchange and job 104879  
placement system for the area. 104880

(2) No additional federal or state workforce funds shall be 104881  
used to build or maintain any labor exchange and job placement 104882  
system that is duplicative to the OhioMeansJobs web site. 104883

(3) The OhioMeansJobs web site shall include a link to the 104884

labor exchange and job placement activity web site for veterans 104885  
established by the department of veterans services under section 104886  
5902.09 of the Revised Code. The OhioMeansJobs web site shall not 104887  
include a veterans' labor exchange and job placement function 104888  
independent of the web site established and maintained under that 104889  
section. 104890

(D) To the extent permitted by state or federal law, the 104891  
director, and local areas, counties, and municipal corporations 104892  
authorized to administer workforce development activities may 104893  
assess a fee for specialized services requested by an employer. 104894  
The director shall adopt rules pursuant to Chapter 119. of the 104895  
Revised Code governing the nature and amount of those types of 104896  
fees. 104897

**Sec. 6301.04.** (A) The governor shall establish a state board 104898  
and. The state board shall consist of the following members: 104899

(1) The governor; 104900

(2) Two members of the house of representatives, appointed by 104901  
the speaker of the house of representatives; 104902

(3) Two members of the senate, appointed by the president of 104903  
the senate; 104904

(4) Members required under section 101(b)(1)(C) of the 104905  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 104906

(5) Any additional members appointed by the governor. 104907

(B) The governor shall appoint members to the board, who 104908  
serve at the governor's pleasure, to perform duties under the 104909  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 104910  
2801, as amended Workforce Innovation and Opportunity Act, as 104911  
authorized by the governor. ~~The~~ 104912

(C) The board is not subject to sections 101.82 to 101.87 of 104913  
the Revised Code. All 104914

(D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties. 104915  
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(E) The board shall have the power and authority to do all of the following: 104918  
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~~(A) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the needs of the state's employers, incumbent workers, and job seekers;~~ 104920  
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~~(B) Adopt rules necessary to administer state workforce development activities;~~ 104924  
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~~(C) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds;~~ 104926  
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~~(D) Designate local workforce investment areas in accordance with 29 U.S.C. 2831;~~ 104928  
104929

~~(E) Develop a unified budget for all state and federal workforce funds;~~ 104930  
104931

~~(F) Establish a statewide employment and data collection system;~~ 104932  
104933

~~(G) Develop statewide performance measures for workforce development and investment;~~ 104934  
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~~(H)(1) Develop a, implement, and modify the state workforce development plan;~~ 104936  
104937

~~(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~ 104938  
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~~(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development~~ 104941  
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programs to support a comprehensive and streamlined workforce development system; 104945  
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(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; 104947  
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(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 104951  
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 104953  
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**Sec. 6301.05.** The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code. 104956  
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A grant agreement entered into pursuant to this section shall include the responsibility of ~~municipal corporations and the board of county commissioners~~ the chief elected official or officials to be accountable to the department of job and family services for the use of funds provided through the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act. 104960  
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**Sec. 6301.06.** (A) The chief elected official or officials of a local area shall create a local board, ~~which shall consist of the following individuals:~~ 104968  
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104970

~~(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected~~ 104971  
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~~official of that municipal corporation may determine whether to be 104975  
a member of the board. Notwithstanding division (B) of section 104976  
6301.01 of the Revised Code, as used in division (A)(1) of this 104977  
section, "municipal corporation" means any municipal corporation. 104978~~

~~(2) The following individuals appointed to the board by the 104979  
chief elected officials of the local area, who shall make those 104980  
appointments according to all of the following specifications: 104981~~

~~(a) At least five members of the board shall be 104982  
representatives of private sector businesses in the general labor 104983  
market area that includes that local area, and shall be appointed 104984  
from among individuals nominated by local business organizations 104985  
and business trade associations. Among these members, at least one 104986  
shall represent small businesses, at least one shall represent 104987  
medium-sized businesses, and at least one shall represent large 104988  
businesses. When determining what constitutes small, medium-sized, 104989  
and large businesses for purposes of this division, the chief 104990  
elected officials of the local area shall define those sizes as 104991  
those sizes are generally understood within the labor market area 104992  
that includes that local area. A majority of the members of the 104993  
board shall be representatives of private sector businesses. 104994~~

~~(b) At least two members of the board shall represent 104995  
organized labor and shall be appointed from nominations submitted 104996  
by local federations of labor representing workers employed in the 104997  
local area. 104998~~

~~(c) At least two members of the board shall be 104999  
representatives of local educational entities. For purposes of 105000  
this division, "local educational entities" includes local 105001  
educational agencies, school district boards of education, 105002  
entities providing educational and literacy activities, and 105003  
post-secondary educational institutions. 105004~~

~~(d) At least one member of the board shall be a 105005~~

~~representative of consumers of workforce development activities.~~ 105006

~~(e) Any other individuals the chief elected officials of the local area determine are necessary to carry out the functions described in section 107(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or officials shall appoint members of the local board in accordance with the requirements of section 107(b)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~ 105007  
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(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code. 105014  
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The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees. 105020  
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(C) The chief elected official or officials of a local area ~~other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the local boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents~~ 105024  
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~~consumers of family services and a member who represents the~~ 105038  
~~county department of job and family services. The membership of~~ 105039  
~~that consolidated board may include a representative of one or~~ 105040  
~~more groups and entities that may be represented on a county~~ 105041  
~~family services planning committee, as specified in section 329.06~~ 105042  
~~of the Revised Code shall adopt a process for appointing members~~ 105043  
~~to the local board for the local area.~~ 105044

(D)(1) The requirement in division (C) of section 121.22 of 105045  
the Revised Code that a member of a public body be present in 105046  
person at a meeting open to the public to be part of a quorum or 105047  
to vote does not apply to the local board if the board holds the 105048  
meeting by interactive video conference or by teleconference in 105049  
the following manner: 105050

(a) The board establishes a primary meeting location that is 105051  
open and accessible to the public; 105052

(b) Meeting-related materials that are available before the 105053  
meeting are sent via electronic mail, facsimile, hand-delivery, or 105054  
United States postal service to each board member; 105055

(c) In the case of an interactive video conference, the board 105056  
causes a clear video and audio connection to be established that 105057  
enables all meeting participants at the primary meeting location 105058  
to see and hear each board member; 105059

(d) In the case of a teleconference, the board causes a clear 105060  
audio connection to be established that enables all meeting 105061  
participants at the primary meeting location to hear each board 105062  
member; 105063

(e) All board members have the capability to receive 105064  
meeting-related materials that are distributed during a board 105065  
meeting; 105066

(f) A roll call voice vote is recorded for each vote taken; 105067  
and 105068

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 105069  
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If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 105072  
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(2) The board shall adopt rules necessary to implement division (D)(1) of this section. At a minimum, the board shall do all of the following in the rules: 105077  
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(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 105080  
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(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 105083  
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(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 105087  
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(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 105090  
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(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; 105092  
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(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 105097  
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(E) The chief elected official or officials of a local area may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary. 105099  
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(F) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer. 105106  
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(G)(1) As used in this division, "public library" means a library that is open to the public and that is one of the following: 105113  
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(a) A library that is maintained and regulated under section 715.13 of the Revised Code; 105116  
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(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code; 105118  
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(c) A library that is created and maintained by a public or private school, college, university, or other educational institution; 105120  
105121  
105122

(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society. 105123  
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(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources. 105125  
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**Sec. 6301.061.** A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following:

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area ~~one-stop~~ workforce development systems, and private businesses;

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part.

**Sec. 6301.07.** (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience.

(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected official or officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall accomplish support the strategy described in the state plan and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following:

(1) ~~Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ Identification of strategic planning elements, including all of the following:

(a) The strategic vision of the local board;

- (b) Goals for preparing an educated and skilled workforce; 105160
- (c) The knowledge and skills, including performance 105161  
character, needed to meet the employment needs of employers in the 105162  
planning region, including in-demand industry sectors and 105163  
occupations. 105164
- (2) Identify A description of the workforce development 105165  
system in the local area and how the local board, working with 105166  
education programs and the entities that carry out core programs, 105167  
will coordinate activities to expand access to employment, 105168  
training, education, and supportive services to eligible 105169  
individuals with barriers to employment to improve service 105170  
delivery and to avoid duplication; 105171
- (3) A determination of the local area's workforce development 105172  
needs for youth, dislocated workers, adults, displaced homemakers, 105173  
incumbent workers, and any other group of workers identified by 105174  
the local board adult and dislocated worker employment training 105175  
activities, including the type and availability of activities 105176  
needed; 105177
- ~~(3) Determine the distribution of workforce development~~ 105178  
~~resources and funding to be distributed for each workforce~~ 105179  
~~development activity to meet the identified needs, utilizing the~~ 105180  
~~funds allocated pursuant to the "Workforce Investment Act of~~ 105181  
~~1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;~~ 105182
- (4) ~~Give priority to~~ An assessment of the type and 105183  
availability of youth workforce development activities carried out 105184  
in the local area, including activities for youth with 105185  
disabilities and youth receiving independent living services 105186  
pursuant to sections 2151.81 to 2151.84 of the Revised Code when 105187  
determining distribution of workforce development resources and 105188  
workforce development activity funding; 105189
- (5) ~~Review the minimum curriculum required by the state board~~ 105190



~~for certifying training providers and identify any additional~~ 105191  
~~curriculum requirements to include in contracts between the~~ 105192  
~~training providers and the chief elected officials of the local~~ 105193  
~~area;~~ 105194

~~(6) Establish performance standards for service providers~~ 105195  
~~that reflect local workforce development needs;~~ 105196

~~(7) Describe~~ A description of any other information the chief 105197  
elected official or officials of the local area require; 105198

(6) A description of any other information the governor 105199  
requires. 105200

(C)(1) The local boards of the local areas within a planning 105201  
region and the chief elected officials of those local areas shall 105202  
prepare, submit to, and obtain approval from the state for a 105203  
single regional plan that includes a description of the activities 105204  
described in section 106(c)(1) of the Workforce Innovation and 105205  
Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local 105206  
plans described in division (B) of this section for each local 105207  
area in that region. 105208

(2) The state shall identify regions within the state, and 105209  
designate each region it identifies as one of the following types: 105210

(a) A region consisting of one local area; 105211

(b) A planning region; 105212

(c) An interstate planning region that is contained within 105213  
two or more states and consists of labor market areas, economic 105214  
development areas, or other appropriate contiguous subareas of 105215  
those states. 105216

(D) Before the date on which a local board submits a regional 105217  
or local plan for approval, the local board shall make copies of 105218  
the proposed plan available to the public through electronic and 105219  
other means and allow members of the public to submit comments on 105220

the proposed plan to the local board. For purposes of this 105221  
division, public hearings and presentation to local news media are 105222  
examples of other means by which a local board may make a proposed 105223  
plan available. 105224

(E) A local board may provide policy guidance and 105225  
recommendations to the chief elected official or officials of a 105226  
local area for any workforce development activities. 105227

~~(D) Nothing in this section prohibits the chief elected~~ 105228  
~~officials of a local area from assigning, through a partnership~~ 105229  
~~agreement, any duties in addition to the duties under this section~~ 105230  
~~to a local board, except that a local board cannot contract with~~ 105231  
~~itself for the direct provision of services in its local area. A~~ 105232  
~~local board may consult with the chief elected officials of its~~ 105233  
~~local area and make recommendations regarding the workforce~~ 105234  
~~development activities provided in its local area at any time.~~ 105235

**Sec. 6301.08.** Every local area shall ~~participate in a~~ 105236  
~~one-stop~~ establish and administer a local workforce development 105237  
system for workforce development activities. ~~Each board of county~~ 105238  
~~commissioners and the~~ The chief elected official or officials of a 105239  
~~municipal corporation~~ local area shall ensure that at least one 105240  
~~delivery method~~ comprehensive OhioMeansJobs center is available in 105241  
the local area, ~~either through a physical location, or.~~ An 105242  
OhioMeansJobs center may be supported by electronic means approved 105243  
by the ~~state board,~~ director of job and family services for the 105244  
provision of workforce development activities. 105245

~~Within six months after the effective date of this amendment,~~ 105246  
~~every local area described in division (B) of section 6301.03 of~~ 105247  
~~the Revised Code~~ Every OhioMeansJobs center shall name its 105248  
~~one-stop system as~~ be named "OhioMeansJobs (name of county)" 105249  
County." 105250

~~A one-stop system may~~ Every OhioMeansJobs center shall be 105251

operated by a ~~private entity or a public agency, including a~~ 105252  
~~workforce development agency, any existing facility or~~ 105253  
~~organization that is established to administer workforce~~ 105254  
~~development activities in the local area, and a county family~~ 105255  
~~services agency~~ an OhioMeansJobs center operator. 105256

~~A one stop~~ The local workforce development system shall 105257  
include representatives of all the partners required under the 105258  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 105259  
~~2801, as amended. In addition, a one stop system shall include at~~ 105260  
~~least one representative from a county department of job and~~ 105261  
~~family services~~ Workforce Innovation and Opportunity Act. 105262

**Sec. 6301.09.** The provision under division (g) of section ~~111~~ 105263  
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 105264  
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 105265  
Opportunity Act, 29 U.S.C. 3111, applies to the state board 105266  
~~created under section 6301.04 of the Revised Code~~ this chapter. 105267  
The provision under division (e) of section ~~117 of the "Workforce~~ 105268  
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 105269  
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 105270  
established pursuant to ~~section 6301.06 of the Revised Code~~ this 105271  
chapter. 105272

**Sec. 6301.11. (A)** As used in this section, "public or private 105273  
institution" has the same meaning as in section 3333.93 of the 105274  
Revised Code. 105275

**(B)** The state board, in connection with the department of job 105276  
and family services and public or private institutions, shall 105277  
develop a methodology for identifying jobs that are in demand by 105278  
employers operating in this state. The methodology for identifying 105279  
in-demand jobs shall include an analysis of ~~jobs~~ both of the 105280  
following: 105281

(1) Jobs that are in demand in each region of the state. The, 105282  
as determined by the director of job and family services shall 105283  
determine the regions; 105284

(2) Jobs that pay a wage rate that is equal to or greater 105285  
than one hundred twenty-five per cent of the wage rate established 105286  
under section 6 of the "Fair Labor Standards Act of 1938," 52 105287  
Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 105288

(C) The department and the public or private institutions, in 105289  
consultation with the state board, shall use the methodology to 105290  
create a list of such in-demand jobs in the state and a list of 105291  
such in-demand jobs in each region of the state. The department 105292  
shall publish the lists on the web site of the department. The 105293  
department and public or private institutions shall periodically 105294  
update the lists to reflect evolving workforce demands in this 105295  
state and its regions. 105296

(D) Local boards, workforce development agencies, and other 105297  
providers of workforce training shall use the lists of in-demand 105298  
jobs to cultivate and prioritize workforce development activities 105299  
that correspond to the employment needs of employers operating in 105300  
this state and in each of its regions and to assist individuals in 105301  
maximizing their employment opportunities. 105302

Sec. 6301.111. The governor's office of workforce 105303  
transformation, in conjunction with the department of job and 105304  
family services, shall conduct an electronic survey of employers 105305  
in this state to identify jobs that are in demand by those 105306  
employers. The office, in conjunction with the department, shall 105307  
use the survey results to update the list of in-demand jobs 105308  
required under section 6301.11 of the Revised Code, 105309  
notwithstanding the requirement in that section that the 105310  
department and public or private institutions, as defined in that 105311  
section, periodically update that list. The office shall complete 105312

the initial survey and make the update required under this section 105313  
not later than December 31, 2018. The office shall complete a 105314  
subsequent survey and update not later than the last day of 105315  
December every two years thereafter. 105316

**Sec. 6301.112.** (A) The governor's office of workforce 105317  
transformation, in collaboration with the departments of higher 105318  
education and job and family services, shall create and publish on 105319  
the OhioMeansJobs web site a workforce supply tool that uses 105320  
real-time demand and supply data. The office shall provide all of 105321  
the following through the tool: 105322

(1) Businesses with historical information on graduates from 105323  
high demand fields; 105324

(2) Businesses with projections on future graduates; 105325

(3) The number of skilled workers available for work in 105326  
occupations included in the list of in-demand jobs created under 105327  
section 6301.11 of the Revised Code. 105328

(B) Not later than January 1, 2018, the governor's office of 105329  
workforce transformation, in collaboration with the departments of 105330  
higher education and job and family services, shall include in the 105331  
workforce supply tool created under division (A) of this section 105332  
all in-demand jobs included in the list of in-demand jobs created 105333  
under section 6301.11 of the Revised Code. 105334

(C) Not later than December 31, 2018, the governor's office 105335  
of workforce transformation, in collaboration with the departments 105336  
of higher education and education shall establish design teams. 105337  
The design teams shall do both of the following: 105338

(1) Identify emerging skill needs based on predictive 105339  
analytics and analysis of the data from the workforce supply tool 105340  
created under division (A) of this section; 105341

(2) Periodically recommend innovations for responding to 105342  
emerging in-demand jobs and skills. 105343

**Sec. 6301.12.** (A) The office of workforce development within 105344  
the department of job and family services shall comprehensively 105345  
review the direct and indirect economic impact of businesses 105346  
engaged in the production of horizontal wells in this state and, 105347  
based on its findings, prepare an annual Ohio workforce report. 105348  
The office shall prepare the report by the thirtieth day of July 105349  
of each year. The report shall include at least all of the 105350  
following with respect to the industry: 105351

(1) The total number of jobs created or retained during the 105352  
previous year; 105353

(2) The total number of Ohio-based contractors that employ 105354  
skilled construction trades; 105355

(3) The number of employees who are residents of this state; 105356

(4) The total economic impact; 105357

(5) A review of the state's regional workforce development 105358  
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 105359  
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 105360  
Opportunity Act that outline workforce development efforts 105361  
including goals and benchmarks toward maximizing job training, 105362  
education, and job creation opportunities in the state. 105363

(B) Upon the completion of the office's annual Ohio workforce 105364  
report, the office shall provide an electronic copy of the report 105365  
to the president and minority leader of the senate and the speaker 105366  
and minority leader of the house of representatives and post it on 105367  
the office's internet web site. 105368

**Sec. 6301.18.** (A) ~~Beginning January 1, 2016, each~~ Each 105369  
participant in an adult training or education program funded under 105370

the "Workforce Innovation and Opportunity Act," ~~29 U.S.C. 3101,~~ 105371  
shall create an account with the OhioMeansJobs web site at the 105372  
time of enrollment in the program. 105373

(B) Division (A) of this section does not apply to any 105374  
individual who is legally prohibited from using a computer, has a 105375  
physical or visual impairment that makes the individual unable to 105376  
use a computer, or has a limited ability to read, write, speak, or 105377  
understand a language in which the OhioMeansJobs web site is 105378  
available. 105379

Sec. 6301.20. Not later than September 30, 2017, the 105380  
governor's office of workforce transformation, in consultation 105381  
with the departments of job and family services, higher education, 105382  
and aging and the opportunities for Ohioans with disabilities 105383  
agency, shall develop and maintain a uniform electronic 105384  
application for adult training programs funded under the 105385  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 105386  
U.S.C. 3101 et seq., as amended. The application shall be 105387  
available for use not later than July 1, 2018. 105388

Sec. 6301.21. (A) Not later than December 31, 2017, the 105389  
governor's office of workforce transformation, the department of 105390  
education, and the chancellor of higher education, in consultation 105391  
with business and economic development stakeholder groups, shall 105392  
develop a regional workforce collaboration model. The model shall 105393  
provide guidance on how the JobsOhio regional network, local 105394  
chambers of commerce, economic development organizations, 105395  
business, business associations, secondary and post-secondary 105396  
education organizations, and Ohio college tech prep regional 105397  
centers, that are jointly managed by the department of education 105398  
and the chancellor, shall collaborate to form a partnership that 105399  
provides career services to students. 105400

Career services to students may include, but are not limited to, job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs. 105401  
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(B) The governor's office of workforce transformation shall oversee the creation of regional workforce collaboration partnerships based on the model created under division (A) of this section. The partnerships shall be located in each of the six different regions of the state, as determined by JobsOhio. 105405  
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(C) As used in this section, "JobsOhio" has the same meaning as in section 187.01 of the Revised Code. 105410  
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**Section 101.02.** That existing sections 101.27, 101.34, 105412  
102.01, 102.02, 102.022, 102.03, 102.05, 102.06, 102.09, 102.99, 105413  
103.41, 103.42, 103.45, 103.47, 105.41, 107.031, 107.35, 109.572, 105414  
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5715.19, 5715.20, 5715.27, 5715.39, 5725.33, 5727.26, 5727.28, 105555  
5727.31, 5727.311, 5727.38, 5727.42, 5727.47, 5727.48, 5727.53, 105556  
5727.60, 5727.80, 5727.81, 5731.46, 5731.49, 5735.02, 5736.06, 105557  
5739.01, 5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 105558  
5739.033, 5739.09, 5739.12, 5739.132, 5739.30, 5741.01, 5741.021, 105559

5741.022, 5741.17, 5743.03, 5743.081, 5743.15, 5743.61, 5747.02, 105560  
5747.06, 5747.08, 5747.113, 5747.122, 5747.50, 5747.502, 5747.51, 105561  
5747.53, 5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 105562  
5749.17, 5751.02, 5903.11, 5919.34, 5923.05, 6111.03, 6111.036, 105563  
6111.04, 6111.046, 6111.14, 6111.30, 6117.38, 6301.01, 6301.02, 105564  
6301.03, 6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 105565  
6301.09, 6301.11, 6301.12, and 6301.18 of the Revised Code are 105566  
hereby repealed. 105567

**Section 105.01.** That sections 123.27, 152.01, 152.02, 152.04, 105568  
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 105569  
152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 105570  
152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 105571  
152.31, 152.32, 152.33, 173.53, 174.09, 330.01, 330.02, 330.04, 105572  
330.05, 330.07, 340.091, 759.24, 763.02, 763.05, 901.90, 921.60, 105573  
921.61, 921.62, 921.63, 921.64, 921.65, 1181.16, 1181.17, 1181.18, 105574  
1501.022, 1506.24, 1513.181, 3317.018, 3317.019, 3317.026, 105575  
3317.027, 3318.19, 3318.30, 3318.31, 3319.223, 3319.229, 3333.13, 105576  
3704.144, 3706.26, 3712.042, 3719.02, 3719.021, 3719.03, 3719.031, 105577  
3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 3727.38, 105578  
3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 3742.44, 105579  
3742.45, 3742.46, 3742.47, 3742.48, 3772.032, 4561.30, 4709.04, 105580  
4709.06, 4709.26, 4709.27, 4729.14, 4731.08, 4731.09, 4731.11, 105581  
4731.12, 4731.13, 4731.141, 4731.29, 4736.04, 4736.16, 4921.15, 105582  
4921.16, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 105583  
5115.07, 5115.20, 5115.22, 5115.23, 5162.54, 5164.88, 5164.881, 105584  
5166.13, 5739.18, 5747.056, 6111.033, and 6111.40 of the Revised 105585  
Code are hereby repealed. 105586  
105587

**Section 105.20.** The version of section 118.023 of the Revised 105588  
Code that is scheduled to take effect September 29, 2017, is 105589

hereby repealed. It is not the intent of this repeal to affect the 105590  
continued operation of the version of section 118.023 of the 105591  
Revised Code that is currently in effect. 105592

**Section 110.10.** That the version of section 102.01 of the 105593  
Revised Code that is scheduled to take effect January 1, 2018, be 105594  
amended to read as follows: 105595

**Sec. 102.01.** As used in this chapter: 105596

(A) "Compensation" means money, thing of value, or financial 105597  
benefit. "Compensation" does not include reimbursement for actual 105598  
and necessary expenses incurred in the performance of official 105599  
duties. 105600

(B) "Public official or employee" means any person who is 105601  
elected or appointed to an office or is an employee of any public 105602  
agency. "Public official or employee" does not include a person 105603  
elected or appointed to the office of precinct, ward, or district 105604  
committee member under section 3517.03 of the Revised Code, any 105605  
presidential elector, or any delegate to a national convention. 105606  
"Public official or employee" does not include a person who is a 105607  
teacher, instructor, professor, or other kind of educator whose 105608  
position does not involve the performance of, or authority to 105609  
perform, administrative or supervisory functions. 105610

(C) "Public agency" means the general assembly, all courts, 105611  
any department, division, institution, board, commission, 105612  
authority, bureau or other instrumentality of the state, a county, 105613  
city, village, or township, the five state retirement systems, or 105614  
any other governmental entity. "Public agency" does not include a 105615  
department, division, institution, board, commission, authority, 105616  
or other instrumentality of the state or a county, municipal 105617  
corporation, township, or other governmental entity that functions 105618  
exclusively for cultural, educational, historical, humanitarian, 105619

advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. "Public agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G)(1) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(2)(a) Except as otherwise provided in division (G)(2)(b) of

this section, "anything of value" does not include payment of 105650  
event registration fees, actual travel and lodging expenses, or 105651  
meals, food, and beverages provided to a public official or 105652  
employee by a national, state, or regional organization to which a 105653  
state agency or political subdivision, including any state 105654  
legislative agency or state institution of higher education, as 105655  
defined in section 3345.011 of the Revised Code, pays membership 105656  
dues, at a meeting or convention of that organization. 105657

(b)(i) "Anything of value" includes payment of actual travel 105658  
expenses, including expenses incurred with the travel for lodging, 105659  
meals, food, and beverages, to a person who is a member of the 105660  
board of a state retirement system, a state retirement system 105661  
investment officer, or an employee of a state retirement system 105662  
whose position involves substantial and material exercise of 105663  
discretion in the investment of retirement system funds, as 105664  
described in division (H)(2) of section 102.03 of the Revised 105665  
Code. 105666

(ii) "Anything of value" includes payment of event 105667  
registration fees, actual travel and lodging expenses, or meals, 105668  
food, and beverages provided to a member of the Ohio casino 105669  
control commission, the executive director of the commission, or 105670  
an employee of the commission by a casino operator, management 105671  
company, or other person subject to the jurisdiction of the 105672  
commission or by an officer, attorney, agent, or employee of a 105673  
casino operator, management company, or other person subject to 105674  
the jurisdiction of the commission, as described in division 105675  
(M)(1) of section 102.03 of the Revised Code. 105676

(H) "Honorarium" means any payment made in consideration for 105677  
any speech given, article published, or attendance at any public 105678  
or private conference, convention, meeting, social event, meal, or 105679  
similar gathering. "Honorarium" does not include ceremonial gifts 105680  
or awards that have insignificant monetary value; unsolicited 105681



gifts of nominal value or trivial items of informational value; or 105682  
earned income from any person, other than a legislative agent, for 105683  
personal services that are customarily provided in connection with 105684  
the practice of a bona fide business, if that business initially 105685  
began before the public official or employee conducting that 105686  
business was elected or appointed to the public official's or 105687  
employee's office or position of employment. 105688

(I) "Employer" means any person who, directly or indirectly, 105689  
engages an executive agency lobbyist or legislative agent. 105690

(J) "Executive agency decision," "executive agency lobbyist," 105691  
and "executive agency lobbying activity" have the same meanings as 105692  
in section 121.60 of the Revised Code. 105693

(K) "Legislation," "legislative agent," "financial 105694  
transaction," and "actively advocate" have the same meanings as in 105695  
section 101.70 of the Revised Code. 105696

(L) "Expenditure" has the same meaning as in section 101.70 105697  
of the Revised Code when used in relation to activities of a 105698  
legislative agent, and the same meaning as in section 121.60 of 105699  
the Revised Code when used in relation to activities of an 105700  
executive agency lobbyist. 105701

**Section 110.11.** That the existing version of section 102.01 105702  
of the Revised Code that was scheduled to take effect January 1, 105703  
2018, is hereby repealed. 105704

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 105705  
take effect January 1, 2018. 105706

**Section 120.10.** That sections 4713.10 and 4713.56 of the 105707  
Revised Code be amended to read as follows: 105708

**Sec. 4713.10.** (A) The state ~~board of~~ cosmetology and barber 105709

<u>board</u> shall charge and collect the following fees:	105710
(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven dollars and fifty cents;	105711 105712
(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one dollars and fifty cents;	105713 105714 105715
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;	105716 105717 105718 105719
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one dollars and fifty cents;	105720 105721 105722 105723
(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five dollars;	105724 105725
(6) For the issuance of a license under section 4713.34 of the Revised Code, seventy dollars;	105726 105727
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five dollars;	105728 105729 105730
(8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	105731 105732
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five dollars;	105733 105734 105735
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty dollars;	105736 105737
(11) For the restoration of an expired license that may be	105738

restored pursuant to section 4713.63 of the Revised Code, an 105739  
amount equal to the sum of the current license renewal fee and a 105740  
lapsed renewal fee of forty-five dollars per license renewal 105741  
period that has elapsed since the license was last issued or 105742  
renewed; 105743

(12) For the issuance of a duplicate of any license, twenty 105744  
dollars; 105745

(13) For the preparation and mailing of a licensee's records 105746  
to another state for a reciprocity license, fifty dollars; 105747

(14) For the processing of any fees related to a check from a 105748  
licensee returned to the board for insufficient funds, an 105749  
additional thirty dollars. 105750

(B) The board may establish an installment plan for the 105751  
payment of fines and fees and may reduce fees as considered 105752  
appropriate by the board. 105753

(C) At the request of a person who is temporarily unable to 105754  
pay a fee imposed under division (A) of this section, or on its 105755  
own motion, the board may extend the date payment is due by up to 105756  
ninety days. If the fee remains unpaid after the date payment is 105757  
due, the amount of the fee shall be certified to the attorney 105758  
general for collection in the form and manner prescribed by the 105759  
attorney general. The attorney general may assess the collection 105760  
cost to the amount certified in such a manner and amount as 105761  
prescribed by the attorney general. 105762

**Sec. 4713.56.** Every holder of a practicing license, 105763  
instructor license, independent contractor license, or boutique 105764  
service registration issued by the state ~~board of~~ cosmetology and 105765  
barber board shall maintain the board-issued, wallet-sized license 105766  
or electronically generated license certification or registration 105767  
and a current government-issued photo identification that can be 105768

produced upon inspection or request. 105769

Every holder of a license to operate a salon issued by the 105770  
board shall display the license in a public and conspicuous place 105771  
in the salon. 105772

Every holder of a license to operate a school of cosmetology 105773  
issued by the board shall display the license in a public and 105774  
conspicuous place in the school. 105775

Every individual who provides cosmetic therapy, massage 105776  
therapy, or other professional service in a salon under section 105777  
4713.42 of the Revised Code shall maintain the individual's 105778  
professional license or certificate and a state of Ohio issued 105779  
photo identification that can be produced upon inspection or 105780  
request. 105781

**Section 120.11.** That existing sections 4713.10 and 4713.56 of 105782  
the Revised Code are hereby repealed. 105783

**Section 120.12.** Sections 120.10 and 120.11 take effect on 105784  
January 21, 2018. 105785

**Section 120.20.** That sections 329.04 and 2329.66 of the 105786  
Revised Code be amended to read as follows: 105787

**Sec. 329.04.** (A) The county department of job and family 105788  
services shall have, exercise, and perform the following powers 105789  
and duties: 105790

(1) Perform any duties assigned by the state department of 105791  
job and family services or department of medicaid regarding the 105792  
provision of public family services, including the provision of 105793  
the following services to prevent or reduce economic or personal 105794  
dependency and to strengthen family life: 105795

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;	105796 105797
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;	105798 105799 105800
(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.	105801 105802 105803 105804 105805 105806 105807 105808
(d) Duties assigned under section 5162.031 of the Revised Code.	105809 105810
<del>(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;</del>	105811 105812 105813
<del>(3)</del> Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;	105814 105815 105816
<del>(4)</del> <u>(3)</u> Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	105817 105818 105819
<del>(5)</del> <u>(4)</u> Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;	105820 105821 105822 105823
<del>(6)</del> <u>(5)</u> Exercise any powers and duties relating to family services duties or workforce development activities imposed upon	105824 105825

the county department of job and family services by law, by 105826  
resolution of the board of county commissioners, or by order of 105827  
the governor, when authorized by law, to meet emergencies during 105828  
war or peace; 105829

~~(7)~~(6) Enter into a plan of cooperation with the board of 105830  
county commissioners under section 307.983, consult with the board 105831  
in the development of the transportation work plan developed under 105832  
section 307.985, establish with the board procedures under section 105833  
307.986 for providing services to children whose families relocate 105834  
frequently, and comply with the contracts the board enters into 105835  
under sections 307.981 and 307.982 of the Revised Code that affect 105836  
the county department; 105837

~~(8)~~(7) For the purpose of complying with a grant agreement 105838  
the board of county commissioners enters into under sections 105839  
307.98 and 5101.21 of the Revised Code, exercise the powers and 105840  
perform the duties the grant agreement assigns to the county 105841  
department; 105842

~~(9)~~(8) If the county department is designated as the 105843  
workforce development agency, provide the workforce development 105844  
activities specified in the contract required by section 330.05 of 105845  
the Revised Code. 105846

(B) The powers and duties of a county department of job and 105847  
family services are, and shall be exercised and performed, under 105848  
the control and direction of the board of county commissioners. 105849  
The board may assign to the county department any power or duty of 105850  
the board regarding family services duties and workforce 105851  
development activities. If the new power or duty necessitates the 105852  
state department of job and family services or department of 105853  
medicaid changing its federal cost allocation plan, the county 105854  
department may not implement the power or duty unless the United 105855  
States department of health and human services approves the 105856

changes. 105857

**Sec. 2329.66.** (A) Every person who is domiciled in this state 105858  
may hold property exempt from execution, garnishment, attachment, 105859  
or sale to satisfy a judgment or order, as follows: 105860

(1)(a) In the case of a judgment or order regarding money 105861  
owed for health care services rendered or health care supplies 105862  
provided to the person or a dependent of the person, one parcel or 105863  
item of real or personal property that the person or a dependent 105864  
of the person uses as a residence. Division (A)(1)(a) of this 105865  
section does not preclude, affect, or invalidate the creation 105866  
under this chapter of a judgment lien upon the exempted property 105867  
but only delays the enforcement of the lien until the property is 105868  
sold or otherwise transferred by the owner or in accordance with 105869  
other applicable laws to a person or entity other than the 105870  
surviving spouse or surviving minor children of the judgment 105871  
debtor. Every person who is domiciled in this state may hold 105872  
exempt from a judgment lien created pursuant to division (A)(1)(a) 105873  
of this section the person's interest, not to exceed one hundred 105874  
twenty-five thousand dollars, in the exempted property. 105875

(b) In the case of all other judgments and orders, the 105876  
person's interest, not to exceed one hundred twenty-five thousand 105877  
dollars, in one parcel or item of real or personal property that 105878  
the person or a dependent of the person uses as a residence. 105879

(c) For purposes of divisions (A)(1)(a) and (b) of this 105880  
section, "parcel" means a tract of real property as identified on 105881  
the records of the auditor of the county in which the real 105882  
property is located. 105883

(2) The person's interest, not to exceed three thousand two 105884  
hundred twenty-five dollars, in one motor vehicle; 105885

(3) The person's interest, not to exceed four hundred 105886

dollars, in cash on hand, money due and payable, money to become 105887  
due within ninety days, tax refunds, and money on deposit with a 105888  
bank, savings and loan association, credit union, public utility, 105889  
landlord, or other person, other than personal earnings. 105890

(4)(a) The person's interest, not to exceed five hundred 105891  
twenty-five dollars in any particular item or ten thousand seven 105892  
hundred seventy-five dollars in aggregate value, in household 105893  
furnishings, household goods, wearing apparel, appliances, books, 105894  
animals, crops, musical instruments, firearms, and hunting and 105895  
fishing equipment that are held primarily for the personal, 105896  
family, or household use of the person; 105897

(b) The person's aggregate interest in one or more items of 105898  
jewelry, not to exceed one thousand three hundred fifty dollars, 105899  
held primarily for the personal, family, or household use of the 105900  
person or any of the person's dependents. 105901

(5) The person's interest, not to exceed an aggregate of two 105902  
thousand twenty-five dollars, in all implements, professional 105903  
books, or tools of the person's profession, trade, or business, 105904  
including agriculture; 105905

(6)(a) The person's interest in a beneficiary fund set apart, 105906  
appropriated, or paid by a benevolent association or society, as 105907  
exempted by section 2329.63 of the Revised Code; 105908

(b) The person's interest in contracts of life or endowment 105909  
insurance or annuities, as exempted by section 3911.10 of the 105910  
Revised Code; 105911

(c) The person's interest in a policy of group insurance or 105912  
the proceeds of a policy of group insurance, as exempted by 105913  
section 3917.05 of the Revised Code; 105914

(d) The person's interest in money, benefits, charity, 105915  
relief, or aid to be paid, provided, or rendered by a fraternal 105916  
benefit society, as exempted by section 3921.18 of the Revised 105917



Code;	105918
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	105919 105920 105921 105922
(7) The person's professionally prescribed or medically necessary health aids;	105923 105924
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	105925 105926 105927
(9) The person's interest in the following:	105928
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	105929 105930
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	105931 105932
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	105933 105934
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	105935 105936
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	105937 105938 105939
<del>(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;</del>	105940 105941
<del>(g)</del> Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	105942 105943
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from	105944 105945 105946

payments was issued under division (C)(2)(b) of that section, in 105947  
cases in which an order for withholding was issued under section 105948  
2907.15 of the Revised Code, in cases in which an order for 105949  
forfeiture was issued under division (A) or (B) of section 105950  
2929.192 of the Revised Code, and in cases in which an order was 105951  
issued under section 2929.193 or 2929.194 of the Revised Code, and 105952  
only to the extent provided in the order, and except as provided 105953  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 105954  
and 3123.06 of the Revised Code, the person's rights to or 105955  
interests in a pension, benefit, annuity, retirement allowance, or 105956  
accumulated contributions, the person's rights to or interests in 105957  
a participant account in any deferred compensation program offered 105958  
by the Ohio public employees deferred compensation board, a 105959  
government unit, or a municipal corporation, or the person's other 105960  
accrued or accruing rights or interests, as exempted by section 105961  
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 105962  
5505.22 of the Revised Code, and the person's rights to or 105963  
interests in benefits from the Ohio public safety officers death 105964  
benefit fund; 105965

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 105966  
3121.03, and 3123.06 of the Revised Code, the person's rights to 105967  
receive or interests in receiving a payment or other benefits 105968  
under any pension, annuity, or similar plan or contract, not 105969  
including a payment or benefit from a stock bonus or 105970  
profit-sharing plan or a payment included in division (A)(6)(b) or 105971  
(10)(a) of this section, on account of illness, disability, death, 105972  
age, or length of service, to the extent reasonably necessary for 105973  
the support of the person and any of the person's dependents, 105974  
except if all the following apply: 105975

(i) The plan or contract was established by or under the 105976  
auspices of an insider that employed the person at the time the 105977  
person's rights or interests under the plan or contract arose. 105978

(ii) The payment is on account of age or length of service. 105979

(iii) The plan or contract is not qualified under the 105980  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 105981  
amended. 105982

(c) Except for any portion of the assets that were deposited 105983  
for the purpose of evading the payment of any debt and except as 105984  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 105985  
3123.06 of the Revised Code, the person's rights or interests in 105986  
the assets held in, or to directly or indirectly receive any 105987  
payment or benefit under, any individual retirement account, 105988  
individual retirement annuity, "Roth IRA," account opened pursuant 105989  
to a program administered by a state under section 529 or 529A of 105990  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 105991  
as amended, or education individual retirement account that 105992  
provides payments or benefits by reason of illness, disability, 105993  
death, retirement, or age or provides payments or benefits for 105994  
purposes of education or qualified disability expenses, to the 105995  
extent that the assets, payments, or benefits described in 105996  
division (A)(10)(c) of this section are attributable to or derived 105997  
from any of the following or from any earnings, dividends, 105998  
interest, appreciation, or gains on any of the following: 105999

(i) Contributions of the person that were less than or equal 106000  
to the applicable limits on deductible contributions to an 106001  
individual retirement account or individual retirement annuity in 106002  
the year that the contributions were made, whether or not the 106003  
person was eligible to deduct the contributions on the person's 106004  
federal tax return for the year in which the contributions were 106005  
made; 106006

(ii) Contributions of the person that were less than or equal 106007  
to the applicable limits on contributions to a Roth IRA or 106008  
education individual retirement account in the year that the 106009  
contributions were made; 106010

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that a decedent, upon or by reason of the decedent's death, directly or indirectly left to or for the benefit of the person, either outright or in trust or otherwise, including, but not limited to, any of those rights or interests in assets or to receive payments or benefits that were transferred, conveyed, or otherwise transmitted by the decedent by means of a will, trust, exercise of a power of appointment, beneficiary designation, transfer or payment on death designation,

or any other method or procedure. 106043

(f) The exemptions under divisions (A)(10)(a) to (e) of this 106044  
section also shall apply or otherwise be available to an alternate 106045  
payee under a qualified domestic relations order (QDRO) or other 106046  
similar court order. 106047

(g) A person's interest in any plan, program, instrument, or 106048  
device described in divisions (A)(10)(a) to (e) of this section 106049  
shall be considered an exempt interest even if the plan, program, 106050  
instrument, or device in question, due to an error made in good 106051  
faith, failed to satisfy any criteria applicable to that plan, 106052  
program, instrument, or device under the "Internal Revenue Code of 106053  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 106054

(11) The person's right to receive spousal support, child 106055  
support, an allowance, or other maintenance to the extent 106056  
reasonably necessary for the support of the person and any of the 106057  
person's dependents; 106058

(12) The person's right to receive, or moneys received during 106059  
the preceding twelve calendar months from, any of the following: 106060

(a) An award of reparations under sections 2743.51 to 2743.72 106061  
of the Revised Code, to the extent exempted by division (D) of 106062  
section 2743.66 of the Revised Code; 106063

(b) A payment on account of the wrongful death of an 106064  
individual of whom the person was a dependent on the date of the 106065  
individual's death, to the extent reasonably necessary for the 106066  
support of the person and any of the person's dependents; 106067

(c) Except in cases in which the person who receives the 106068  
payment is an inmate, as defined in section 2969.21 of the Revised 106069  
Code, and in which the payment resulted from a civil action or 106070  
appeal against a government entity or employee, as defined in 106071  
section 2969.21 of the Revised Code, a payment, not to exceed 106072  
twenty thousand two hundred dollars, on account of personal bodily 106073

injury, not including pain and suffering or compensation for 106074  
actual pecuniary loss, of the person or an individual for whom the 106075  
person is a dependent; 106076

(d) A payment in compensation for loss of future earnings of 106077  
the person or an individual of whom the person is or was a 106078  
dependent, to the extent reasonably necessary for the support of 106079  
the debtor and any of the debtor's dependents. 106080

(13) Except as provided in sections 3119.80, 3119.81, 106081  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 106082  
earnings of the person owed to the person for services in an 106083  
amount equal to the greater of the following amounts: 106084

(a) If paid weekly, thirty times the current federal minimum 106085  
hourly wage; if paid biweekly, sixty times the current federal 106086  
minimum hourly wage; if paid semimonthly, sixty-five times the 106087  
current federal minimum hourly wage; or if paid monthly, one 106088  
hundred thirty times the current federal minimum hourly wage that 106089  
is in effect at the time the earnings are payable, as prescribed 106090  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 106091  
U.S.C. 206(a)(1), as amended; 106092

(b) Seventy-five per cent of the disposable earnings owed to 106093  
the person. 106094

(14) The person's right in specific partnership property, as 106095  
exempted by the person's rights in a partnership pursuant to 106096  
section 1776.50 of the Revised Code, except as otherwise set forth 106097  
in section 1776.50 of the Revised Code; 106098

(15) A seal and official register of a notary public, as 106099  
exempted by section 147.04 of the Revised Code; 106100

(16) The person's interest in a tuition unit or a payment 106101  
under section 3334.09 of the Revised Code pursuant to a tuition 106102  
payment contract, as exempted by section 3334.15 of the Revised 106103  
Code; 106104

(17) Any other property that is specifically exempted from 106105  
execution, attachment, garnishment, or sale by federal statutes 106106  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 106107  
U.S.C.A. 101, as amended; 106108

(18) The person's aggregate interest in any property, not to 106109  
exceed one thousand seventy-five dollars, except that division 106110  
(A)(18) of this section applies only in bankruptcy proceedings. 106111

(B) On April 1, 2010, and on the first day of April in each 106112  
third calendar year after 2010, the Ohio judicial conference shall 106113  
adjust each dollar amount set forth in this section to reflect any 106114  
increase in the consumer price index for all urban consumers, as 106115  
published by the United States department of labor, or, if that 106116  
index is no longer published, a generally available comparable 106117  
index, for the three-year period ending on the thirty-first day of 106118  
December of the preceding year. Any adjustments required by this 106119  
division shall be rounded to the nearest twenty-five dollars. 106120

The Ohio judicial conference shall prepare a memorandum 106121  
specifying the adjusted dollar amounts. The judicial conference 106122  
shall transmit the memorandum to the director of the legislative 106123  
service commission, and the director shall publish the memorandum 106124  
in the register of Ohio. (Publication of the memorandum in the 106125  
register of Ohio shall continue until the next memorandum 106126  
specifying an adjustment is so published.) The judicial conference 106127  
also may publish the memorandum in any other manner it concludes 106128  
will be reasonably likely to inform persons who are affected by 106129  
its adjustment of the dollar amounts. 106130

(C) As used in this section: 106131

(1) "Disposable earnings" means net earnings after the 106132  
garnishee has made deductions required by law, excluding the 106133  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 106134  
3121.03, or 3123.06 of the Revised Code. 106135

(2) "Insider" means:	106136
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	106137 106138 106139 106140 106141
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	106142 106143 106144 106145 106146 106147
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;	106148 106149 106150 106151 106152
(d) An entity or person to which or whom any of the following applies:	106153 106154
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	106155 106156 106157 106158 106159 106160 106161
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.	106162 106163 106164 106165 106166



(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

**Section 120.21.** That existing sections 329.04 and 2329.66 of the Revised Code are hereby repealed.

**Section 120.22.** Sections 120.20 and 120.21 take effect on 106196  
December 31, 2017. 106197

**Section 125.10.** That section 5166.35 of the Revised Code is 106198  
hereby repealed on January 1, 2019. 106199

**Section 130.11.** That sections 109.572, 2305.113, 3313.608, 106200  
3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 106201  
4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 106202  
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 106203  
4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 106204  
4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 106205  
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 106206  
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 106207  
4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 106208  
4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 106209  
4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 106210  
4747.16, 4747.17, 4752.01, 4752.02, 4752.03, 4752.04, 4752.05, 106211  
4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 106212  
4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 106213  
4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 106214  
4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 106215  
4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 106216  
4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 106217  
4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 106218  
4761.13, 4761.14, 4761.18, 4776.01, 5120.55, and 5123.46 be 106219  
amended and new section 4725.03 and sections 4725.031, 4725.63, 106220  
4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 4744.02, 4744.07, 106221  
4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 4744.24, 106222  
4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 106223  
4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 4759.011, 106224  
4759.051, 4761.011, and 4761.032 of the Revised Code be enacted to 106225

read as follows: 106226

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 106227  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 106228  
a completed form prescribed pursuant to division (C)(1) of this 106229  
section, and a set of fingerprint impressions obtained in the 106230  
manner described in division (C)(2) of this section, the 106231  
superintendent of the bureau of criminal identification and 106232  
investigation shall conduct a criminal records check in the manner 106233  
described in division (B) of this section to determine whether any 106234  
information exists that indicates that the person who is the 106235  
subject of the request previously has been convicted of or pleaded 106236  
guilty to any of the following: 106237

(a) A violation of section 2903.01, 2903.02, 2903.03, 106238  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106239  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106240  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106241  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 106242  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 106243  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 106244  
2925.06, or 3716.11 of the Revised Code, felonious sexual 106245  
penetration in violation of former section 2907.12 of the Revised 106246  
Code, a violation of section 2905.04 of the Revised Code as it 106247  
existed prior to July 1, 1996, a violation of section 2919.23 of 106248  
the Revised Code that would have been a violation of section 106249  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 106250  
had the violation been committed prior to that date, or a 106251  
violation of section 2925.11 of the Revised Code that is not a 106252  
minor drug possession offense; 106253

(b) A violation of an existing or former law of this state, 106254  
any other state, or the United States that is substantially 106255  
equivalent to any of the offenses listed in division (A)(1)(a) of 106256

this section; 106257

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code. 106258  
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(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 106261  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 106274  
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section. 106283  
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(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 106286  
106287

or 5123.169 of the Revised Code, a completed form prescribed 106288  
pursuant to division (C)(1) of this section, and a set of 106289  
fingerprint impressions obtained in the manner described in 106290  
division (C)(2) of this section, the superintendent of the bureau 106291  
of criminal identification and investigation shall conduct a 106292  
criminal records check of the person for whom the request is made. 106293  
The superintendent shall conduct the criminal records check in the 106294  
manner described in division (B) of this section to determine 106295  
whether any information exists that indicates that the person who 106296  
is the subject of the request previously has been convicted of, 106297  
has pleaded guilty to, or (except in the case of a request 106298  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 106299  
Code) has been found eligible for intervention in lieu of 106300  
conviction for any of the following, regardless of the date of the 106301  
conviction, the date of entry of the guilty plea, or (except in 106302  
the case of a request pursuant to section 5164.34, 5164.341, or 106303  
5164.342 of the Revised Code) the date the person was found 106304  
eligible for intervention in lieu of conviction: 106305

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 106306  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 106307  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 106308  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 106309  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 106310  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 106311  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 106312  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 106313  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 106314  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 106315  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 106316  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 106317  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 106318  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 106319  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 106320

2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 106321  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 106322  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 106323  
2927.12, or 3716.11 of the Revised Code; 106324

(b) Felonious sexual penetration in violation of former 106325  
section 2907.12 of the Revised Code; 106326

(c) A violation of section 2905.04 of the Revised Code as it 106327  
existed prior to July 1, 1996; 106328

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 106329  
the Revised Code when the underlying offense that is the object of 106330  
the conspiracy, attempt, or complicity is one of the offenses 106331  
listed in divisions (A)(3)(a) to (c) of this section; 106332

(e) A violation of an existing or former municipal ordinance 106333  
or law of this state, any other state, or the United States that 106334  
is substantially equivalent to any of the offenses listed in 106335  
divisions (A)(3)(a) to (d) of this section. 106336

(4) On receipt of a request pursuant to section 2151.86 of 106337  
the Revised Code, a completed form prescribed pursuant to division 106338  
(C)(1) of this section, and a set of fingerprint impressions 106339  
obtained in the manner described in division (C)(2) of this 106340  
section, the superintendent of the bureau of criminal 106341  
identification and investigation shall conduct a criminal records 106342  
check in the manner described in division (B) of this section to 106343  
determine whether any information exists that indicates that the 106344  
person who is the subject of the request previously has been 106345  
convicted of or pleaded guilty to any of the following: 106346

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 106347  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 106348  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 106349  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 106350  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 106351

2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 106352  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 106353  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 106354  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 106355  
of the Revised Code, a violation of section 2905.04 of the Revised 106356  
Code as it existed prior to July 1, 1996, a violation of section 106357  
2919.23 of the Revised Code that would have been a violation of 106358  
section 2905.04 of the Revised Code as it existed prior to July 1, 106359  
1996, had the violation been committed prior to that date, a 106360  
violation of section 2925.11 of the Revised Code that is not a 106361  
minor drug possession offense, two or more OVI or OVUAC violations 106362  
committed within the three years immediately preceding the 106363  
submission of the application or petition that is the basis of the 106364  
request, or felonious sexual penetration in violation of former 106365  
section 2907.12 of the Revised Code; 106366

(b) A violation of an existing or former law of this state, 106367  
any other state, or the United States that is substantially 106368  
equivalent to any of the offenses listed in division (A)(4)(a) of 106369  
this section. 106370

(5) Upon receipt of a request pursuant to section 5104.013 of 106371  
the Revised Code, a completed form prescribed pursuant to division 106372  
(C)(1) of this section, and a set of fingerprint impressions 106373  
obtained in the manner described in division (C)(2) of this 106374  
section, the superintendent of the bureau of criminal 106375  
identification and investigation shall conduct a criminal records 106376  
check in the manner described in division (B) of this section to 106377  
determine whether any information exists that indicates that the 106378  
person who is the subject of the request has been convicted of or 106379  
pleaded guilty to any of the following: 106380

(a) A violation of section 2151.421, 2903.01, 2903.02, 106381  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 106382  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 106383

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106384  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 106385  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 106386  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 106387  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 106388  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 106389  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106390  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 106391  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 106392  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 106393  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 106394  
Revised Code, felonious sexual penetration in violation of former 106395  
section 2907.12 of the Revised Code, a violation of section 106396  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 106397  
violation of section 2919.23 of the Revised Code that would have 106398  
been a violation of section 2905.04 of the Revised Code as it 106399  
existed prior to July 1, 1996, had the violation been committed 106400  
prior to that date, a violation of section 2925.11 of the Revised 106401  
Code that is not a minor drug possession offense, a violation of 106402  
section 2923.02 or 2923.03 of the Revised Code that relates to a 106403  
crime specified in this division, or a second violation of section 106404  
4511.19 of the Revised Code within five years of the date of 106405  
application for licensure or certification. 106406

(b) A violation of an existing or former law of this state, 106407  
any other state, or the United States that is substantially 106408  
equivalent to any of the offenses or violations described in 106409  
division (A)(5)(a) of this section. 106410

(6) Upon receipt of a request pursuant to section 5153.111 of 106411  
the Revised Code, a completed form prescribed pursuant to division 106412  
(C)(1) of this section, and a set of fingerprint impressions 106413  
obtained in the manner described in division (C)(2) of this 106414  
section, the superintendent of the bureau of criminal 106415



identification and investigation shall conduct a criminal records 106416  
check in the manner described in division (B) of this section to 106417  
determine whether any information exists that indicates that the 106418  
person who is the subject of the request previously has been 106419  
convicted of or pleaded guilty to any of the following: 106420

(a) A violation of section 2903.01, 2903.02, 2903.03, 106421  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106422  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106423  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106424  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 106425  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 106426  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 106427  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 106428  
felonious sexual penetration in violation of former section 106429  
2907.12 of the Revised Code, a violation of section 2905.04 of the 106430  
Revised Code as it existed prior to July 1, 1996, a violation of 106431  
section 2919.23 of the Revised Code that would have been a 106432  
violation of section 2905.04 of the Revised Code as it existed 106433  
prior to July 1, 1996, had the violation been committed prior to 106434  
that date, or a violation of section 2925.11 of the Revised Code 106435  
that is not a minor drug possession offense; 106436

(b) A violation of an existing or former law of this state, 106437  
any other state, or the United States that is substantially 106438  
equivalent to any of the offenses listed in division (A)(6)(a) of 106439  
this section. 106440

(7) On receipt of a request for a criminal records check from 106441  
an individual pursuant to section 4749.03 or 4749.06 of the 106442  
Revised Code, accompanied by a completed copy of the form 106443  
prescribed in division (C)(1) of this section and a set of 106444  
fingerprint impressions obtained in a manner described in division 106445  
(C)(2) of this section, the superintendent of the bureau of 106446  
criminal identification and investigation shall conduct a criminal 106447

records check in the manner described in division (B) of this 106448  
section to determine whether any information exists indicating 106449  
that the person who is the subject of the request has been 106450  
convicted of or pleaded guilty to a felony in this state or in any 106451  
other state. If the individual indicates that a firearm will be 106452  
carried in the course of business, the superintendent shall 106453  
require information from the federal bureau of investigation as 106454  
described in division (B)(2) of this section. Subject to division 106455  
(F) of this section, the superintendent shall report the findings 106456  
of the criminal records check and any information the federal 106457  
bureau of investigation provides to the director of public safety. 106458

(8) On receipt of a request pursuant to section 1321.37, 106459  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 106460  
Code, a completed form prescribed pursuant to division (C)(1) of 106461  
this section, and a set of fingerprint impressions obtained in the 106462  
manner described in division (C)(2) of this section, the 106463  
superintendent of the bureau of criminal identification and 106464  
investigation shall conduct a criminal records check with respect 106465  
to any person who has applied for a license, permit, or 106466  
certification from the department of commerce or a division in the 106467  
department. The superintendent shall conduct the criminal records 106468  
check in the manner described in division (B) of this section to 106469  
determine whether any information exists that indicates that the 106470  
person who is the subject of the request previously has been 106471  
convicted of or pleaded guilty to any of the following: a 106472  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 106473  
2925.03 of the Revised Code; any other criminal offense involving 106474  
theft, receiving stolen property, embezzlement, forgery, fraud, 106475  
passing bad checks, money laundering, or drug trafficking, or any 106476  
criminal offense involving money or securities, as set forth in 106477  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 106478  
the Revised Code; or any existing or former law of this state, any 106479  
other state, or the United States that is substantially equivalent 106480

to those offenses. 106481

(9) On receipt of a request for a criminal records check from 106482  
the treasurer of state under section 113.041 of the Revised Code 106483  
or from an individual under section 4701.08, 4715.101, 4717.061, 106484  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 106485  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 106486  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 106487  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 106488  
4761.051, 4762.031, 4762.06, 4776.021, ~~4779.091~~, or 4783.04 of the 106489  
Revised Code, accompanied by a completed form prescribed under 106490  
division (C)(1) of this section and a set of fingerprint 106491  
impressions obtained in the manner described in division (C)(2) of 106492  
this section, the superintendent of the bureau of criminal 106493  
identification and investigation shall conduct a criminal records 106494  
check in the manner described in division (B) of this section to 106495  
determine whether any information exists that indicates that the 106496  
person who is the subject of the request has been convicted of or 106497  
pleaded guilty to any criminal offense in this state or any other 106498  
state. Subject to division (F) of this section, the superintendent 106499  
shall send the results of a check requested under section 113.041 106500  
of the Revised Code to the treasurer of state and shall send the 106501  
results of a check requested under any of the other listed 106502  
sections to the licensing board specified by the individual in the 106503  
request. 106504

(10) On receipt of a request pursuant to section 1121.23, 106505  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 106506  
Code, a completed form prescribed pursuant to division (C)(1) of 106507  
this section, and a set of fingerprint impressions obtained in the 106508  
manner described in division (C)(2) of this section, the 106509  
superintendent of the bureau of criminal identification and 106510  
investigation shall conduct a criminal records check in the manner 106511  
described in division (B) of this section to determine whether any 106512

information exists that indicates that the person who is the 106513  
subject of the request previously has been convicted of or pleaded 106514  
guilty to any criminal offense under any existing or former law of 106515  
this state, any other state, or the United States. 106516

(11) On receipt of a request for a criminal records check 106517  
from an appointing or licensing authority under section 3772.07 of 106518  
the Revised Code, a completed form prescribed under division 106519  
(C)(1) of this section, and a set of fingerprint impressions 106520  
obtained in the manner prescribed in division (C)(2) of this 106521  
section, the superintendent of the bureau of criminal 106522  
identification and investigation shall conduct a criminal records 106523  
check in the manner described in division (B) of this section to 106524  
determine whether any information exists that indicates that the 106525  
person who is the subject of the request previously has been 106526  
convicted of or pleaded guilty or no contest to any offense under 106527  
any existing or former law of this state, any other state, or the 106528  
United States that is a disqualifying offense as defined in 106529  
section 3772.07 of the Revised Code or substantially equivalent to 106530  
such an offense. 106531

(12) On receipt of a request pursuant to section 2151.33 or 106532  
2151.412 of the Revised Code, a completed form prescribed pursuant 106533  
to division (C)(1) of this section, and a set of fingerprint 106534  
impressions obtained in the manner described in division (C)(2) of 106535  
this section, the superintendent of the bureau of criminal 106536  
identification and investigation shall conduct a criminal records 106537  
check with respect to any person for whom a criminal records check 106538  
is required under that section. The superintendent shall conduct 106539  
the criminal records check in the manner described in division (B) 106540  
of this section to determine whether any information exists that 106541  
indicates that the person who is the subject of the request 106542  
previously has been convicted of or pleaded guilty to any of the 106543  
following: 106544

(a) A violation of section 2903.01, 2903.02, 2903.03, 106545  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106546  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106547  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 106548  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 106549  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 106550  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 106551  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 106552  
2925.22, 2925.23, or 3716.11 of the Revised Code; 106553

(b) An existing or former law of this state, any other state, 106554  
or the United States that is substantially equivalent to any of 106555  
the offenses listed in division (A)(12)(a) of this section. 106556

(13) On receipt of a request pursuant to section 3796.12 of 106557  
the Revised Code, a completed form prescribed pursuant to division 106558  
(C)(1) of this section, and a set of fingerprint impressions 106559  
obtained in a manner described in division (C)(2) of this section, 106560  
the superintendent of the bureau of criminal identification and 106561  
investigation shall conduct a criminal records check in the manner 106562  
described in division (B) of this section to determine whether any 106563  
information exists that indicates that the person who is the 106564  
subject of the request previously has been convicted of or pleaded 106565  
guilty to the following: 106566

(a) A disqualifying offense as specified in rules adopted 106567  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 106568  
the person who is the subject of the request is an administrator 106569  
or other person responsible for the daily operation of, or an 106570  
owner or prospective owner, officer or prospective officer, or 106571  
board member or prospective board member of, an entity seeking a 106572  
license from the department of commerce under Chapter 3796. of the 106573  
Revised Code; 106574

(b) A disqualifying offense as specified in rules adopted 106575  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 106576

the person who is the subject of the request is an administrator 106577  
or other person responsible for the daily operation of, or an 106578  
owner or prospective owner, officer or prospective officer, or 106579  
board member or prospective board member of, an entity seeking a 106580  
license from the state board of pharmacy under Chapter 3796. of 106581  
the Revised Code. 106582

(14) On receipt of a request required by section 3796.13 of 106583  
the Revised Code, a completed form prescribed pursuant to division 106584  
(C)(1) of this section, and a set of fingerprint impressions 106585  
obtained in a manner described in division (C)(2) of this section, 106586  
the superintendent of the bureau of criminal identification and 106587  
investigation shall conduct a criminal records check in the manner 106588  
described in division (B) of this section to determine whether any 106589  
information exists that indicates that the person who is the 106590  
subject of the request previously has been convicted of or pleaded 106591  
guilty to the following: 106592

(a) A disqualifying offense as specified in rules adopted 106593  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 106594  
the person who is the subject of the request is seeking employment 106595  
with an entity licensed by the department of commerce under 106596  
Chapter 3796. of the Revised Code; 106597

(b) A disqualifying offense as specified in rules adopted 106598  
under division (B)(14)(a) of section 3796.04 of the Revised Code 106599  
if the person who is the subject of the request is seeking 106600  
employment with an entity licensed by the state board of pharmacy 106601  
under Chapter 3796. of the Revised Code. 106602

(B) Subject to division (F) of this section, the 106603  
superintendent shall conduct any criminal records check to be 106604  
conducted under this section as follows: 106605

(1) The superintendent shall review or cause to be reviewed 106606  
any relevant information gathered and compiled by the bureau under 106607

division (A) of section 109.57 of the Revised Code that relates to 106608  
the person who is the subject of the criminal records check, 106609  
including, if the criminal records check was requested under 106610  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 106611  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 106612  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 106613  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 106614  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 106615  
5123.169, or 5153.111 of the Revised Code, any relevant 106616  
information contained in records that have been sealed under 106617  
section 2953.32 of the Revised Code; 106618

(2) If the request received by the superintendent asks for 106619  
information from the federal bureau of investigation, the 106620  
superintendent shall request from the federal bureau of 106621  
investigation any information it has with respect to the person 106622  
who is the subject of the criminal records check, including 106623  
fingerprint-based checks of national crime information databases 106624  
as described in 42 U.S.C. 671 if the request is made pursuant to 106625  
section 2151.86 or 5104.013 of the Revised Code or if any other 106626  
Revised Code section requires fingerprint-based checks of that 106627  
nature, and shall review or cause to be reviewed any information 106628  
the superintendent receives from that bureau. If a request under 106629  
section 3319.39 of the Revised Code asks only for information from 106630  
the federal bureau of investigation, the superintendent shall not 106631  
conduct the review prescribed by division (B)(1) of this section. 106632

(3) The superintendent or the superintendent's designee may 106633  
request criminal history records from other states or the federal 106634  
government pursuant to the national crime prevention and privacy 106635  
compact set forth in section 109.571 of the Revised Code. 106636

(4) The superintendent shall include in the results of the 106637  
criminal records check a list or description of the offenses 106638  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 106639

(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 106640  
whichever division requires the superintendent to conduct the 106641  
criminal records check. The superintendent shall exclude from the 106642  
results any information the dissemination of which is prohibited 106643  
by federal law. 106644

(5) The superintendent shall send the results of the criminal 106645  
records check to the person to whom it is to be sent not later 106646  
than the following number of days after the date the 106647  
superintendent receives the request for the criminal records 106648  
check, the completed form prescribed under division (C)(1) of this 106649  
section, and the set of fingerprint impressions obtained in the 106650  
manner described in division (C)(2) of this section: 106651

(a) If the superintendent is required by division (A) of this 106652  
section (other than division (A)(3) of this section) to conduct 106653  
the criminal records check, thirty; 106654

(b) If the superintendent is required by division (A)(3) of 106655  
this section to conduct the criminal records check, sixty. 106656

(C)(1) The superintendent shall prescribe a form to obtain 106657  
the information necessary to conduct a criminal records check from 106658  
any person for whom a criminal records check is to be conducted 106659  
under this section. The form that the superintendent prescribes 106660  
pursuant to this division may be in a tangible format, in an 106661  
electronic format, or in both tangible and electronic formats. 106662

(2) The superintendent shall prescribe standard impression 106663  
sheets to obtain the fingerprint impressions of any person for 106664  
whom a criminal records check is to be conducted under this 106665  
section. Any person for whom a records check is to be conducted 106666  
under this section shall obtain the fingerprint impressions at a 106667  
county sheriff's office, municipal police department, or any other 106668  
entity with the ability to make fingerprint impressions on the 106669  
standard impression sheets prescribed by the superintendent. The 106670



office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

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

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

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

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school

district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

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

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

(G) As used in this section:

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

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

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

Code. 106734

(4) "Registered private provider" means a nonpublic school or 106735  
entity registered with the superintendent of public instruction 106736  
under section 3310.41 of the Revised Code to participate in the 106737  
autism scholarship program or section 3310.58 of the Revised Code 106738  
to participate in the Jon Peterson special needs scholarship 106739  
program. 106740

**Sec. 2305.113.** (A) Except as otherwise provided in this 106741  
section, an action upon a medical, dental, optometric, or 106742  
chiropractic claim shall be commenced within one year after the 106743  
cause of action accrued. 106744

(B)(1) If prior to the expiration of the one-year period 106745  
specified in division (A) of this section, a claimant who 106746  
allegedly possesses a medical, dental, optometric, or chiropractic 106747  
claim gives to the person who is the subject of that claim written 106748  
notice that the claimant is considering bringing an action upon 106749  
that claim, that action may be commenced against the person 106750  
notified at any time within one hundred eighty days after the 106751  
notice is so given. 106752

(2) An insurance company shall not consider the existence or 106753  
nonexistence of a written notice described in division (B)(1) of 106754  
this section in setting the liability insurance premium rates that 106755  
the company may charge the company's insured person who is 106756  
notified by that written notice. 106757

(C) Except as to persons within the age of minority or of 106758  
unsound mind as provided by section 2305.16 of the Revised Code, 106759  
and except as provided in division (D) of this section, both of 106760  
the following apply: 106761

(1) No action upon a medical, dental, optometric, or 106762  
chiropractic claim shall be commenced more than four years after 106763

the occurrence of the act or omission constituting the alleged 106764  
basis of the medical, dental, optometric, or chiropractic claim. 106765

(2) If an action upon a medical, dental, optometric, or 106766  
chiropractic claim is not commenced within four years after the 106767  
occurrence of the act or omission constituting the alleged basis 106768  
of the medical, dental, optometric, or chiropractic claim, then, 106769  
any action upon that claim is barred. 106770

(D)(1) If a person making a medical claim, dental claim, 106771  
optometric claim, or chiropractic claim, in the exercise of 106772  
reasonable care and diligence, could not have discovered the 106773  
injury resulting from the act or omission constituting the alleged 106774  
basis of the claim within three years after the occurrence of the 106775  
act or omission, but, in the exercise of reasonable care and 106776  
diligence, discovers the injury resulting from that act or 106777  
omission before the expiration of the four-year period specified 106778  
in division (C)(1) of this section, the person may commence an 106779  
action upon the claim not later than one year after the person 106780  
discovers the injury resulting from that act or omission. 106781

(2) If the alleged basis of a medical claim, dental claim, 106782  
optometric claim, or chiropractic claim is the occurrence of an 106783  
act or omission that involves a foreign object that is left in the 106784  
body of the person making the claim, the person may commence an 106785  
action upon the claim not later than one year after the person 106786  
discovered the foreign object or not later than one year after the 106787  
person, with reasonable care and diligence, should have discovered 106788  
the foreign object. 106789

(3) A person who commences an action upon a medical claim, 106790  
dental claim, optometric claim, or chiropractic claim under the 106791  
circumstances described in division (D)(1) or (2) of this section 106792  
has the affirmative burden of proving, by clear and convincing 106793  
evidence, that the person, with reasonable care and diligence, 106794  
could not have discovered the injury resulting from the act or 106795

omission constituting the alleged basis of the claim within the 106796  
three-year period described in division (D)(1) of this section or 106797  
within the one-year period described in division (D)(2) of this 106798  
section, whichever is applicable. 106799

(E) As used in this section: 106800

(1) "Hospital" includes any person, corporation, association, 106801  
board, or authority that is responsible for the operation of any 106802  
hospital licensed or registered in the state, including, but not 106803  
limited to, those that are owned or operated by the state, 106804  
political subdivisions, any person, any corporation, or any 106805  
combination of the state, political subdivisions, persons, and 106806  
corporations. "Hospital" also includes any person, corporation, 106807  
association, board, entity, or authority that is responsible for 106808  
the operation of any clinic that employs a full-time staff of 106809  
physicians practicing in more than one recognized medical 106810  
specialty and rendering advice, diagnosis, care, and treatment to 106811  
individuals. "Hospital" does not include any hospital operated by 106812  
the government of the United States or any of its branches. 106813

(2) "Physician" means a person who is licensed to practice 106814  
medicine and surgery or osteopathic medicine and surgery by the 106815  
state medical board or a person who otherwise is authorized to 106816  
practice medicine and surgery or osteopathic medicine and surgery 106817  
in this state. 106818

(3) "Medical claim" means any claim that is asserted in any 106819  
civil action against a physician, podiatrist, hospital, home, or 106820  
residential facility, against any employee or agent of a 106821  
physician, podiatrist, hospital, home, or residential facility, or 106822  
against a licensed practical nurse, registered nurse, advanced 106823  
practice registered nurse, physical therapist, physician 106824  
assistant, emergency medical technician-basic, emergency medical 106825  
technician-intermediate, or emergency medical 106826  
technician-paramedic, and that arises out of the medical 106827

diagnosis, care, or treatment of any person. "Medical claim"	106828
includes the following:	106829
(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	106830 106831
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	106832 106833 106834
(i) The claim results from acts or omissions in providing medical care.	106835 106836
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	106837 106838 106839
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	106840 106841 106842
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	106843 106844 106845
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	106846 106847
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	106848 106849
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	106850 106851 106852 106853 106854 106855
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of	106856 106857

an individual who was the subject of any medical diagnosis, care, 106858  
or treatment, dental diagnosis, care, or treatment, dental 106859  
operation, optometric diagnosis, care, or treatment, or 106860  
chiropractic diagnosis, care, or treatment, that arise from that 106861  
diagnosis, care, treatment, or operation, and that seek the 106862  
recovery of damages for any of the following: 106863

(a) Loss of society, consortium, companionship, care, 106864  
assistance, attention, protection, advice, guidance, counsel, 106865  
instruction, training, or education, or any other intangible loss 106866  
that was sustained by the parent, guardian, custodian, or spouse; 106867

(b) Expenditures of the parent, guardian, custodian, or 106868  
spouse for medical, dental, optometric, or chiropractic care or 106869  
treatment, for rehabilitation services, or for other care, 106870  
treatment, services, products, or accommodations provided to the 106871  
individual who was the subject of the medical diagnosis, care, or 106872  
treatment, the dental diagnosis, care, or treatment, the dental 106873  
operation, the optometric diagnosis, care, or treatment, or the 106874  
chiropractic diagnosis, care, or treatment. 106875

(8) "Registered nurse" means any person who is licensed to 106876  
practice nursing as a registered nurse by the board of nursing. 106877

(9) "Chiropractic claim" means any claim that is asserted in 106878  
any civil action against a chiropractor, or against any employee 106879  
or agent of a chiropractor, and that arises out of the 106880  
chiropractic diagnosis, care, or treatment of any person. 106881  
"Chiropractic claim" includes derivative claims for relief that 106882  
arise from the chiropractic diagnosis, care, or treatment of a 106883  
person. 106884

(10) "Chiropractor" means any person who is licensed to 106885  
practice chiropractic by the state chiropractic board. 106886

(11) "Optometric claim" means any claim that is asserted in 106887  
any civil action against an optometrist, or against any employee 106888

or agent of an optometrist, and that arises out of the optometric 106889  
diagnosis, care, or treatment of any person. "Optometric claim" 106890  
includes derivative claims for relief that arise from the 106891  
optometric diagnosis, care, or treatment of a person. 106892

(12) "Optometrist" means any person licensed to practice 106893  
optometry by the state ~~board of optometry~~ vision professionals  
board. 106894  
106895

(13) "Physical therapist" means any person who is licensed to 106896  
practice physical therapy under Chapter 4755. of the Revised Code. 106897

(14) "Home" has the same meaning as in section 3721.10 of the 106898  
Revised Code. 106899

(15) "Residential facility" means a facility licensed under 106900  
section 5123.19 of the Revised Code. 106901

(16) "Advanced practice registered nurse" has the same 106902  
meaning as in section 4723.01 of the Revised Code. 106903

(17) "Licensed practical nurse" means any person who is 106904  
licensed to practice nursing as a licensed practical nurse by the 106905  
board of nursing pursuant to Chapter 4723. of the Revised Code. 106906

(18) "Physician assistant" means any person who is licensed 106907  
as a physician assistant under Chapter 4730. of the Revised Code. 106908

(19) "Emergency medical technician-basic," "emergency medical 106909  
technician-intermediate," and "emergency medical 106910  
technician-paramedic" means any person who is certified under 106911  
Chapter 4765. of the Revised Code as an emergency medical 106912  
technician-basic, emergency medical technician-intermediate, or 106913  
emergency medical technician-paramedic, whichever is applicable. 106914

(20) "Skilled nursing care" and "personal care services" have 106915  
the same meanings as in section 3721.01 of the Revised Code. 106916

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 106917



grade in the school year that starts July 1, 2009, and until June 106918  
30, 2013, unless the student is excused under division (C) of 106919  
section 3301.0711 of the Revised Code from taking the assessment 106920  
described in this section, for any student who does not attain at 106921  
least the equivalent level of achievement designated under 106922  
division (A)(3) of section 3301.0710 of the Revised Code on the 106923  
assessment prescribed under that section to measure skill in 106924  
English language arts expected at the end of third grade, each 106925  
school district, in accordance with the policy adopted under 106926  
section 3313.609 of the Revised Code, shall do one of the 106927  
following: 106928

(a) Promote the student to fourth grade if the student's 106929  
principal and reading teacher agree that other evaluations of the 106930  
student's skill in reading demonstrate that the student is 106931  
academically prepared to be promoted to fourth grade; 106932

(b) Promote the student to fourth grade but provide the 106933  
student with intensive intervention services in fourth grade; 106934

(c) Retain the student in third grade. 106935

(2) Beginning with students who enter third grade in the 106936  
2013-2014 school year, unless the student is excused under 106937  
division (C) of section 3301.0711 of the Revised Code from taking 106938  
the assessment described in this section, no school district shall 106939  
promote to fourth grade any student who does not attain at least 106940  
the equivalent level of achievement designated under division 106941  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 106942  
prescribed under that section to measure skill in English language 106943  
arts expected at the end of third grade, unless one of the 106944  
following applies: 106945

(a) The student is a limited English proficient student who 106946  
has been enrolled in United States schools for less than three 106947  
full school years and has had less than three years of instruction 106948

in an English as a second language program. 106949

(b) The student is a child with a disability entitled to 106950  
special education and related services under Chapter 3323. of the 106951  
Revised Code and the student's individualized education program 106952  
exempts the student from retention under this division. 106953

(c) The student demonstrates an acceptable level of 106954  
performance on an alternative standardized reading assessment as 106955  
determined by the department of education. 106956

(d) All of the following apply: 106957

(i) The student is a child with a disability entitled to 106958  
special education and related services under Chapter 3323. of the 106959  
Revised Code. 106960

(ii) The student has taken the third grade English language 106961  
arts achievement assessment prescribed under section 3301.0710 of 106962  
the Revised Code. 106963

(iii) The student's individualized education program or plan 106964  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 106965  
355, 29 U.S.C. 794, as amended, shows that the student has 106966  
received intensive remediation in reading for two school years but 106967  
still demonstrates a deficiency in reading. 106968

(iv) The student previously was retained in any of grades 106969  
kindergarten to three. 106970

(e)(i) The student received intensive remediation for reading 106971  
for two school years but still demonstrates a deficiency in 106972  
reading and was previously retained in any of grades kindergarten 106973  
to three. 106974

(ii) A student who is promoted under division (A)(2)(e)(i) of 106975  
this section shall continue to receive intensive reading 106976  
instruction in grade four. The instruction shall include an 106977  
altered instructional day that includes specialized diagnostic 106978

information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the first day of November for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas

of deficiencies identified under this section including, but not 107041  
limited to, not less than ninety minutes of reading instruction 107042  
per day, and may include any of the following: 107043

- (i) Small group instruction; 107044
- (ii) Reduced teacher-student ratios; 107045
- (iii) More frequent progress monitoring; 107046
- (iv) Tutoring or mentoring; 107047
- (v) Transition classes containing third and fourth grade 107048  
students; 107049
- (vi) Extended school day, week, or year; 107050
- (vii) Summer reading camps. 107051

(b) Establish a policy for the mid-year promotion of a 107052  
student retained under division (A) of this section who 107053  
demonstrates that the student is reading at or above grade level; 107054

(c) Provide each student with a teacher who satisfies one or 107055  
more of the criteria set forth in division (H) of this section. 107056

The district shall offer the option for students to receive 107057  
applicable services from one or more providers other than the 107058  
district. Providers shall be screened and approved by the district 107059  
or the department of education. If the student participates in the 107060  
remediation services and demonstrates reading proficiency in 107061  
accordance with standards adopted by the department prior to the 107062  
start of fourth grade, the district shall promote the student to 107063  
that grade. 107064

(4) For each student retained under division (A) of this 107065  
section who has demonstrated proficiency in a specific academic 107066  
ability field, each district shall provide instruction 107067  
commensurate with student achievement levels in that specific 107068  
academic ability field. 107069

As used in this division, "specific academic ability field" 107070  
has the same meaning as in section 3324.01 of the Revised Code. 107071

(C) For each student required to be provided intervention 107072  
services under this section, the district shall develop a reading 107073  
improvement and monitoring plan within sixty days after receiving 107074  
the student's results on the diagnostic assessment or comparable 107075  
tool administered under division (B)(1) of this section. The 107076  
district shall involve the student's parent or guardian and 107077  
classroom teacher in developing the plan. The plan shall include 107078  
all of the following: 107079

(1) Identification of the student's specific reading 107080  
deficiencies; 107081

(2) A description of the additional instructional services 107082  
and support that will be provided to the student to remediate the 107083  
identified reading deficiencies; 107084

(3) Opportunities for the student's parent or guardian to be 107085  
involved in the instructional services and support described in 107086  
division (C)(2) of this section; 107087

(4) A process for monitoring the extent to which the student 107088  
receives the instructional services and support described in 107089  
division (C)(2) of this section; 107090

(5) A reading curriculum during regular school hours that 107091  
does all of the following: 107092

(a) Assists students to read at grade level; 107093

(b) Provides scientifically based and reliable assessment; 107094

(c) Provides initial and ongoing analysis of each student's 107095  
reading progress. 107096

(6) A statement that if the student does not attain at least 107097  
the equivalent level of achievement designated under division 107098  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 107099

prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring

results of the remediation services. 107131

(3) The parents of participating students are involved in programming decisions. 107132  
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(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction. 107134  
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(G) This section does not create a new cause of action or a substantive legal right for any person. 107137  
107138

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria: 107139  
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(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable. 107145  
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(b) The teacher has completed a master's degree program with a major in reading. 107148  
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(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 107150  
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 107156  
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction 107159  
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as approved by the state board. 107161

(f) The teacher holds an educator license for teaching grades 107162  
pre-kindergarten through three or four through nine issued on or 107163  
after July 1, 2017. 107164

(2) Notwithstanding division (H)(1) of this section, a 107165  
student described in division (B)(3) or (C) of this section who 107166  
enters third grade for the first time on or after July 1, 2013, 107167  
may be assigned to a teacher with less than one year of teaching 107168  
experience provided that the teacher meets one or more of the 107169  
criteria described in divisions (H)(1)(a) to (f) of this section 107170  
and that teacher is assigned a teacher mentor who meets the 107171  
qualifications of division (H)(1) of this section. 107172

(3) Notwithstanding division (H)(1) of this section, a 107173  
student described in division (B)(3) or (C) of this section who 107174  
enters third grade for the first time on or after July 1, 2013, 107175  
but prior to July 1, 2016, may be assigned to a teacher who holds 107176  
an alternative credential approved by the department or who has 107177  
successfully completed training that is based on principles of 107178  
scientifically research-based reading instruction that has been 107179  
approved by the department. Beginning on July 1, 2014, the 107180  
alternative credentials and training described in division (H)(3) 107181  
of this section shall be aligned with the reading competencies 107182  
adopted by the state board of education under section 3301.077 of 107183  
the Revised Code. 107184

(4) Notwithstanding division (H)(1) of this section, a 107185  
student described in division (B)(3) or (C) of this section who 107186  
enters third grade for the first time on or after July 1, 2013, 107187  
may receive reading intervention or remediation services under 107188  
this section from an individual employed as a speech-language 107189  
pathologist who holds a license issued by the state speech and 107190  
hearing professionals board of ~~speech language pathology and~~ 107191  
~~audiology~~ under Chapter 4753. of the Revised Code and a 107192

professional pupil services license as a school speech-language pathologist issued by the state board of education. 107193  
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(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan. 107195  
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As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned. 107201  
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(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code. 107203  
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(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school 107216  
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district or community school will meet the requirements of this 107225  
section. The school district or community school shall post the 107226  
staffing plan on its web site for the applicable school year. 107227

Not later than March 1, 2014, and on the first day of March 107228  
in each year thereafter, a school district or community school 107229  
that has submitted a plan under this division shall submit to the 107230  
department a detailed report of the progress the district or 107231  
school has made in meeting the requirements under this section. 107232

A school district or community school may request an 107233  
extension of a staffing plan beyond the 2013-2014 school year. 107234  
Extension requests must be submitted to the department not later 107235  
than the thirtieth day of April prior to the start of the 107236  
applicable school year. The department may grant extensions valid 107237  
through the 2015-2016 school year. 107238

Until June 30, 2015, the department annually shall review all 107239  
staffing plans and report to the state board not later than the 107240  
thirtieth day of June of each year the progress of school 107241  
districts and community schools in meeting the requirements of 107242  
this section. 107243

(K) The department of education shall designate one or more 107244  
staff members to provide guidance and assistance to school 107245  
districts and community schools in implementing the third grade 107246  
guarantee established by this section, including any standards or 107247  
requirements adopted to implement the guarantee and to provide 107248  
information and support for reading instruction and achievement. 107249

**Sec. 3701.83.** There is hereby created in the state treasury 107250  
the general operations fund. Moneys in the fund shall be used for 107251  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 107252  
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 107253  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 107254  
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 107255

Sec. 4725.01. As used in this chapter: 107256

(A)(1) The "practice of optometry" means the application of 107257  
optical principles, through technical methods and devices, in the 107258  
examination of human eyes for the purpose of ascertaining 107259  
departures from the normal, measuring their functional powers, 107260  
adapting optical accessories for the aid thereof, and detecting 107261  
ocular abnormalities that may be evidence of disease, pathology, 107262  
or injury. 107263

(2) In the case of a licensed optometrist who holds a topical 107264  
ocular pharmaceutical agents certificate, the "practice of 107265  
optometry" has the same meaning as in division (A)(1) of this 107266  
section, except that it also includes administering topical ocular 107267  
pharmaceutical agents. 107268

(3) In the case of a licensed optometrist who holds a 107269  
therapeutic pharmaceutical agents certificate, the "practice of 107270  
optometry" has the same meaning as in division (A)(1) of this 107271  
section, except that it also includes all of the following: 107272

(a) Employing, applying, administering, and prescribing 107273  
instruments, devices, and procedures, other than invasive 107274  
procedures, for purpose of examination, investigation, diagnosis, 107275  
treatment, or prevention of any disease, injury, or other abnormal 107276  
condition of the visual system; 107277

(b) Employing, applying, administering, and prescribing 107278  
topical ocular pharmaceutical agents; 107279

(c) Employing, applying, administering, and prescribing 107280  
therapeutic pharmaceutical agents; 107281

(d) Assisting an individual in determining the individual's 107282  
blood glucose level by using a commercially available 107283  
glucose-monitoring device. Nothing in this section precludes a 107284  
licensed optometrist who holds a therapeutic pharmaceutical agents 107285

certificate from using any particular type of commercially available glucose-monitoring device. 107286  
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(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows: 107288  
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(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A)(1) of this section; 107291  
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(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system. 107295  
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(C) "Therapeutic pharmaceutical agent" means a drug or dangerous drug that is used for examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system in the practice of optometry by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, and is any of the following: 107300  
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(1) An oral drug or dangerous drug in one of the following classifications: 107306  
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(a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals; 107308  
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(b) Anti-allergy agents; 107310

(c) Antiglaucoma agents; 107311

(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state board of 107312  
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~~optometry~~ vision professionals board in rules adopted under 107316  
section 4725.091 of the Revised Code, analgesic controlled 107317  
substances; 107318

(e) Anti-inflammatories, excluding all drugs or dangerous 107319  
drugs classified as oral steroids other than methylpredisolone, 107320  
except that methylpredisolone may be used under a therapeutic 107321  
pharmaceutical agents certificate only if it is prescribed under 107322  
all of the following conditions: 107323

(i) For use in allergy cases; 107324

(ii) For use by an individual who is eighteen years of age or 107325  
older; 107326

(iii) On the basis of an individual's particular episode of 107327  
illness; 107328

(iv) In an amount that does not exceed the amount packaged 107329  
for a single course of therapy. 107330

(2) Epinephrine administered by injection to individuals in 107331  
emergency situations to counteract anaphylaxis or anaphylactic 107332  
shock. Notwithstanding any provision of this section to the 107333  
contrary, administration of epinephrine in this manner does not 107334  
constitute performance of an invasive procedure. 107335

(3) An oral drug or dangerous drug that is not included under 107336  
division (C)(1) of this section, if the drug or dangerous drug is 107337  
approved, exempt from approval, certified, or exempt from 107338  
certification by the federal food and drug administration for 107339  
ophthalmic purposes and the drug or dangerous drug is specified in 107340  
rules adopted by the ~~state board of optometry~~ under section 107341  
4725.09 of the Revised Code. 107342

(D) "Controlled substance" has the same meaning as in section 107343  
3719.01 of the Revised Code. 107344

(E) "Drug" and "dangerous drug" have the same meanings as in 107345

section 4729.01 of the Revised Code. 107346

(F) "Invasive procedure" means any procedure that involves 107347  
cutting or otherwise infiltrating human tissue by mechanical means 107348  
including surgery, laser surgery, ionizing radiation, therapeutic 107349  
ultrasound, administering medication by injection, or the removal 107350  
of intraocular foreign bodies. 107351

(G) "Visual system" means the human eye and its accessory or 107352  
subordinate anatomical parts. 107353

(H) "Certificate of licensure" means a certificate issued by 107354  
the ~~state board of optometry~~ under section 4725.13 of the Revised 107355  
Code authorizing the holder to practice optometry as provided in 107356  
division (A)(1) of this section. 107357

(I) "Topical ocular pharmaceutical agents certificate" means 107358  
a certificate issued by the ~~state board of optometry~~ under section 107359  
4725.13 of the Revised Code authorizing the holder to practice 107360  
optometry as provided in division (A)(2) of this section. 107361

(J) "Therapeutic pharmaceutical agents certificate" means a 107362  
certificate issued by the ~~state board of optometry~~ under division 107363  
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 107364  
the holder to practice optometry as provided in division (A)(3) of 107365  
this section. 107366

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 107367  
the Revised Code, no person shall engage in the practice of 107368  
optometry, including the determination of the kind of procedure, 107369  
treatment, or optical accessories needed by a person or the 107370  
examination of the eyes of any person for the purpose of fitting 107371  
the same with optical accessories, unless the person holds a 107372  
current, valid certificate of licensure from the state ~~board of~~ 107373  
~~optometry~~ vision professionals board. No person shall claim to be 107374  
the lawful holder of a certificate of licensure when in fact the 107375

person is not such lawful holder, or impersonate any licensed  
optometrist. 107376  
107377

(B) No optometrist shall administer topical ocular 107378  
pharmaceutical agents unless the optometrist holds a valid topical 107379  
ocular pharmaceutical agents certificate or therapeutic 107380  
pharmaceutical agents certificate and fulfills the other 107381  
requirements of this chapter. 107382

(C) No optometrist shall practice optometry as described in 107383  
division (A)(3) of section 4725.01 of the Revised Code unless the 107384  
optometrist holds a valid therapeutic pharmaceutical agents 107385  
certificate. 107386

(D) No optometrist shall personally furnish a therapeutic 107387  
pharmaceutical agent to any person, except that a licensed 107388  
optometrist who holds a therapeutic pharmaceutical agents 107389  
certificate may personally furnish a therapeutic pharmaceutical 107390  
agent to a patient if no charge is imposed for the agent or for 107391  
furnishing it and the amount furnished does not exceed a 107392  
seventy-two hour supply, except that if the minimum available 107393  
quantity of the agent is greater than a seventy-two hour supply, 107394  
the optometrist may furnish the minimum available quantity. 107395

Sec. 4725.03. (A) There is hereby created the state vision 107396  
professionals board consisting of the following members, appointed 107397  
by the governor with the advice and consent of the senate: 107398

(1) Four individuals licensed as optometrists under this 107399  
chapter; 107400

(2) Two individuals licensed as licensed dispensing opticians 107401  
under this chapter; 107402

(3) One individual representing the general public. 107403

(B) Not later than ninety days after the effective date of 107404  
this section, the governor shall make initial appointments to the 107405



board. Of the initial appointments, three members shall serve 107406  
terms ending March 22, 2019, two members shall serve terms ending 107407  
March 22, 2020, and two members shall serve terms ending March 22, 107408  
2021. 107409

Thereafter, terms of office are three years, with each term 107410  
commencing on the twenty-third day of March and ending on the 107411  
twenty-second day of March. Each member shall hold office from the 107412  
date of appointment until the end of the term for which the member 107413  
was appointed, except that a member shall continue in office after 107414  
the expiration date of the member's term until the member's 107415  
successor takes office. No member shall serve more than three 107416  
consecutive terms. 107417

Vacancies shall be filled in the same manner as original 107418  
appointments. Any member appointed to fill a vacancy occurring 107419  
before the expiration of the term for which the member's 107420  
predecessor was appointed shall hold office for the remainder of 107421  
that term. 107422

(C) When the term of a member of the board expires or a 107423  
vacancy occurs on the board, a professional association 107424  
representing the interests of the occupation of the board position 107425  
to be filled may recommend to the governor individuals to fill the 107426  
position. The governor shall consider the recommendation in making 107427  
appointments to the board. 107428

(D) No individual may be appointed to the board who has been 107429  
convicted of or pleaded guilty to a felony under the laws of this 107430  
state, another state, or the United States. 107431

The governor may remove a member of the board for 107432  
malfeasance, misfeasance, or nonfeasance after a hearing in 107433  
accordance with Chapter 119. of the Revised Code. The governor 107434  
shall remove, after a hearing in accordance with Chapter 119. of 107435  
the Revised Code, any member who has been convicted of or pleaded 107436

guilty to a felony under the laws of this state, another state, or 107437  
the United States. 107438

Sec. 4725.031. Whenever the term "state board of optometry" 107439  
or "Ohio optical dispensers board" is used in any statute, rule, 107440  
contract, or other document, the use shall be construed to mean 107441  
the "state vision professionals board." 107442

Whenever "executive director of the state board of optometry" 107443  
or "executive secretary-treasurer of the Ohio optical dispensers 107444  
board" is used in a statute, rule, contract, or other document, 107445  
the use shall be construed to mean the executive director of the 107446  
state vision professionals board. 107447

Sec. 4725.04. The state vision professionals board of 107448  
optometry shall organize by the election of a president and a 107449  
secretary from its members, who shall hold their respective 107450  
offices for one year. 107451

The board shall hold meetings to perform its regular duties 107452  
at least four times each year. At least one of the board's regular 107453  
meetings shall be held in ~~Columbus~~ Franklin county. The board may 107454  
hold additional meetings as it considers necessary. The time and 107455  
place of any regular or other meeting shall be fixed and published 107456  
by the board at least thirty days prior to the date that it is to 107457  
be held, except when the meeting to be held is an emergency or 107458  
special meeting, in which case the board shall give twenty-four 107459  
hours' notice or as much notice as possible under the 107460  
circumstances. 107461

A majority of the board constitutes a quorum, ~~but a lesser~~ 107462  
~~number may adjourn from time to time.~~ 107463

Sec. 4725.05. The state vision professionals board of 107464  
optometry shall employ hire an executive director. Before entering 107465

upon the discharge of official duties of office, the executive 107466  
director shall give a bond, to be approved by the board, in the 107467  
sum of two thousand dollars conditioned for the faithful discharge 107468  
of the duties of the office. The premium for such bond shall be 107469  
paid as are other expenditures of the board. The bond, with the 107470  
approval of the board and oath of office indorsed thereon, shall 107471  
be deposited with the secretary of state and kept in the secretary 107472  
of state's office. 107473

The executive director of the board, in consultation with the 107474  
director of administrative services, may employ such assistants, 107475  
inspectors, investigators, and ~~clerical help~~ other employees as 107476  
are necessary to administer ~~and enforce sections 4725.01 to~~ 107477  
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 107478  
be charged and paid as other expenditures of the board. 107479

**Sec. 4725.06.** Each member of the state vision professionals 107480  
board ~~of optometry~~ shall receive an amount fixed pursuant to 107481  
division (J) of section 124.15 of the Revised Code for each day 107482  
~~actually employed in the discharge of the~~ member is performing the 107483  
member's official duties ~~of the member,~~ and be reimbursed for the 107484  
actual and necessary expenses of the member incurred in performing 107485  
such duties. 107486

The board, in consultation with the director of 107487  
administrative services, shall set the compensation of its 107488  
executive director and of any employees of the board. The 107489  
executive director of the board shall receive reimbursement for 107490  
necessary expenses incurred in the discharge of the executive 107491  
director's official duties. 107492

All vouchers of the board shall be approved by the board 107493  
president or executive director, or both, as authorized by the 107494  
board. 107495

Sec. 4725.07. The state vision professionals board of 107496  
~~optometry~~ shall adopt a seal and certificate of suitable design 107497  
and shall keep a record of its proceedings, a register of ~~persons~~ 107498  
~~who have received certificates of licensure, a register of~~ 107499  
~~licensed optometrists who have received topical ocular~~ 107500  
~~pharmaceutical agents certificates, a register of licensed~~ 107501  
~~optometrists who have received therapeutic pharmaceutical agents~~ 107502  
~~certificates~~ every individual holding a certificate, license, 107503  
registration, or endorsement issued under this chapter, and a 107504  
register of ~~persons who have been subject to the board's~~ 107505  
~~revocation of any of those certificates~~ every individual whose 107506  
certificate, license, registration, or endorsement has been 107507  
revoked under this chapter. 107508

The board shall have an office in ~~Columbus~~ Franklin county, 107509  
where all its permanent records shall be kept. ~~The~~ On request of 107510  
the board ~~may make requisition upon the proper state officials~~ 107511  
~~for,~~ the director of administrative services shall supply the 107512  
board with office ~~rooms~~ space and supplies, including stationery 107513  
and furniture. All printing and binding necessary for the work of 107514  
the board shall be done upon an order issued by the board through 107515  
its president and executive director to the department of 107516  
administrative services. 107517

Except as provided in ~~division (C) of section 4725.22 and~~ 107518  
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 107519  
the records of the board, including its registers, shall be open 107520  
to public inspection at all reasonable times. A copy of an entry 107521  
in such records, certified by the executive director under the 107522  
seal of the board, shall be prima-facie evidence of the facts 107523  
therein stated. 107524

The board annually, on or before the first day of February, 107525  
shall make a report to the governor of all its official acts 107526

during the preceding year, its receipts and disbursements, and a complete report of the conditions of optometry and optical dispensing in this state. The board shall submit its first report to the governor not later than February 1, 2019. The board shall submit its reports to the governor electronically.

**Sec. 4725.08.** In the absence of fraud or bad faith, the state vision professionals board of optometry, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to ~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

**Sec. 4725.09.** (A) The state ~~board of optometry~~ vision professionals board shall adopt rules as it considers necessary to govern the practice of optometry and to administer and enforce sections 4725.01 to 4725.34 of the Revised Code. All rules adopted under those sections shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board, in consultation with the state board of pharmacy, shall adopt rules specifying any oral drugs or dangerous drugs that are therapeutic pharmaceutical agents under division

(C)(3) of section 4725.01 of the Revised Code. 107558

(C) The board shall adopt rules that establish standards to 107559  
be met and procedures to be followed with respect to the 107560  
delegation by an optometrist of the performance of an optometric 107561  
task to a person who is not licensed or otherwise specifically 107562  
authorized by the Revised Code to perform the task. The rules 107563  
shall permit an optometrist who holds a topical ocular 107564  
pharmaceutical agents certificate or therapeutic pharmaceutical 107565  
agents certificate to delegate the administration of drugs 107566  
included in the optometrist's scope of practice. 107567

The rules adopted under this division shall provide for all 107568  
of the following: 107569

(1) On-site supervision when the delegation occurs in an 107570  
institution or other facility that is used primarily for the 107571  
purpose of providing health care, unless the board established a 107572  
specific exception to the on-site supervision requirement with 107573  
respect to routine administration of a topical drug; 107574

(2) Evaluation of whether delegation is appropriate according 107575  
to the acuity of the patient involved; 107576

(3) Training and competency requirements that must be met by 107577  
the person administering the drugs; 107578

(4) Other standards and procedures the board considers 107579  
relevant. 107580

(D) The ~~state board of optometry~~ shall adopt rules 107581  
establishing criminal records checks requirements for applicants 107582  
under section 4776.03 of the Revised Code. 107583

**Sec. 4725.091.** (A) The state ~~board of optometry~~ vision 107584  
professionals board shall adopt rules governing the authority of 107585  
licensed optometrists practicing under therapeutic pharmaceutical 107586  
agents certificates to employ, apply, administer, and prescribe 107587

analgesic controlled substances. The rules shall be adopted in 107588  
accordance with Chapter 119. of the Revised Code and in 107589  
consultation with the state board of pharmacy. 107590

(B) All of the following apply to the state vision 107591  
professionals board ~~of optometry~~ in the adoption of rules under 107592  
this section: 107593

(1) The board shall not permit an optometrist to employ, 107594  
apply, administer, or prescribe an analgesic controlled substance 107595  
other than a drug product that is used for the treatment of pain 107596  
and meets one of the following conditions: 107597

(a) The product is a preparation that contains an amount of 107598  
codeine per dosage unit, as specified by the board, and also 107599  
contains other active, nonnarcotic ingredients, such as 107600  
acetaminophen or aspirin, in a therapeutic amount. 107601

(b) The product is a preparation that contains an amount of 107602  
hydrocodone per dosage unit, as specified by the board, and also 107603  
contains other active, nonnarcotic ingredients, such as 107604  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 107605

(c) The product contains or consists of a drug or dangerous 107606  
drug that was an analgesic included in the practice of optometry 107607  
under a therapeutic pharmaceutical agents certificate immediately 107608  
prior to ~~the effective date of this amendment~~ March 23, 2015, was 107609  
not a controlled substance at that time, and subsequently becomes 107610  
a schedule II, III, IV, or V controlled substance. 107611

(2) The board shall limit the analgesic controlled substances 107612  
that optometrists may employ, apply, administer, or prescribe to 107613  
the drugs that the board determines are appropriate for use in the 107614  
practice of optometry under a therapeutic pharmaceutical agents 107615  
certificate. 107616

(3) With regard to the prescribing of analgesic controlled 107617  
substances, the board shall establish prescribing standards to be 107618

followed by optometrists who hold therapeutic pharmaceutical 107619  
agents certificates. The board shall take into account the 107620  
prescribing standards that exist within the health care 107621  
marketplace. 107622

(4) The board shall establish standards and procedures for 107623  
employing, applying, administering, and prescribing analgesic 107624  
controlled substances under a therapeutic pharmaceutical agents 107625  
certificate by taking into consideration and examining issues that 107626  
include the appropriate length of drug therapy, appropriate 107627  
standards for drug treatment, necessary monitoring systems, and 107628  
any other factors the board considers relevant. 107629

**Sec. 4725.092.** (A) As used in this section, "drug database" 107630  
means the database established and maintained by the state board 107631  
of pharmacy pursuant to section 4729.75 of the Revised Code. 107632

(B) The state ~~board of optometry~~ vision professionals board 107633  
shall adopt rules that establish standards and procedures to be 107634  
followed by an optometrist who holds a therapeutic pharmaceutical 107635  
agents certificate regarding the review of patient information 107636  
available through the drug database under division (A)(5) of 107637  
section 4729.80 of the Revised Code. The rules shall be adopted in 107638  
accordance with Chapter 119. of the Revised Code. 107639

(C) This section and the rules adopted under it do not apply 107640  
if the state board of pharmacy no longer maintains the drug 107641  
database. 107642

**Sec. 4725.10.** (A) The state ~~board of optometry~~ vision 107643  
professionals board shall evaluate schools of optometry and grant 107644  
its approval to schools that adequately prepare their graduates 107645  
for the practice of optometry in this state. Approval shall be 107646  
granted only by an affirmative vote of a majority of the members 107647  
of the board. 107648



(B) To be approved by the board, a school of optometry shall meet at least the following conditions:

(1) Be accredited by a professional optometric accrediting agency recognized by the board;

(2) Require as a prerequisite to admission to the school's courses in optometry at least two academic years of study with credits of at least sixty semester hours or ninety quarter hours in a college of arts and sciences accredited by a post-secondary education accrediting organization recognized by the board;

(3) Require a course of study of at least four academic years with credits of at least one hundred thirty-four semester hours or two hundred quarter hours.

(C) The board may establish standards for the approval of schools of optometry that are higher than the standards specified in division (B) of this section.

**Sec. 4725.11.** (A) The state ~~board of optometry~~ vision professionals board shall accept as the examination that must be passed to receive a license to practice optometry in this state the examination prepared, administered, and graded by the national board of examiners in optometry or an examination prepared, administered, and graded by another professional testing organization recognized by the board as being qualified to examine applicants for licenses to practice optometry in this state. The board shall periodically review its acceptance of a licensing examination under this section to determine if the examination and the organization offering it continue to meet standards the board considers appropriate.

(B) The licensing examination accepted by the board under this section may be divided into parts and offered as follows:

(1) Part one: Tests in basic science, human biology, ocular

and visual biology, theoretical ophthalmic, physiological optics, 107679  
and physiological psychology; 107680

(2) Part two: Tests in clinical science, systemic conditions, 107681  
the treatment and management of ocular disease, refractive 107682  
oculomotor, sensory integrative conditions, perceptual conditions, 107683  
public health, the legal issues regarding the clinical practice of 107684  
optometry, and pharmacology; 107685

(3) Part three: Tests in patient care and management, 107686  
clinical skills, and the visual recognition and interpretation of 107687  
clinical signs. 107688

(C) The licensing examination accepted by the board may be 107689  
offered in a manner other than the manner specified in division 107690  
(B) of this section, but if offered in another manner, the 107691  
examination must test the person sitting for the examination in 107692  
the areas specified in division (B) of this section and may test 107693  
the person in other areas. 107694

The board may require as a condition of its acceptance of an 107695  
examination that the examination cover subject matters in addition 107696  
to those specified in division (B) of this section, if the schools 107697  
of optometry it approves under section 4725.10 of the Revised Code 107698  
include the additional subject matters in their prescribed 107699  
curriculum. 107700

(D) The board shall accept direct delivery of the results of 107701  
the licensing examination from the testing organization 107702  
administering the examination. The results shall be kept as a 107703  
permanent part of the board's records maintained pursuant to 107704  
section 4725.07 of the Revised Code. 107705

(E) On request of any person seeking to practice optometry in 107706  
this state, the board shall provide information on the licensing 107707  
examination accepted by the board, including requirements that 107708  
must be met to be eligible to sit for the examination and the 107709

dates the examination is offered. 107710

**Sec. 4725.12.** (A) Each person who desires to commence the 107711  
practice of optometry in the state shall file with the executive 107712  
director of the state ~~board of optometry a written~~ vision 107713  
professionals board an application for a certificate of licensure 107714  
and a therapeutic pharmaceutical agents certificate. The 107715  
application shall be accompanied by the fees specified under 107716  
section 4725.34 of the Revised Code and shall contain all 107717  
information the board considers necessary to determine whether an 107718  
applicant is qualified to receive the certificates. The 107719  
application shall be made upon the form prescribed by the board 107720  
and shall be verified by the oath of the applicant. 107721

(B) To receive a certificate of licensure and a therapeutic 107722  
pharmaceutical agents certificate, an applicant must meet all of 107723  
the following conditions: 107724

(1) Be at least eighteen years of age; 107725

(2) Be of good moral character; 107726

(3) Complete satisfactorily a course of study of at least six 107727  
college years; 107728

(4) Graduate from a school of optometry approved by the board 107729  
under section 4725.10 of the Revised Code; 107730

(5) Pass the licensing examination accepted by the board 107731  
under section 4725.11 of the Revised Code. 107732

**Sec. 4725.121.** (A) As used in this section, "license" and 107733  
"applicant for an initial license" have the same meanings as in 107734  
section 4776.01 of the Revised Code, except that "license" as used 107735  
in both of those terms refers to the types of authorizations 107736  
otherwise issued or conferred under this chapter. 107737

(B) In addition to any other eligibility requirement set 107738

forth in this chapter, each applicant for an initial license shall 107739  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 107740  
state ~~board of optometry~~ vision professionals board shall not 107741  
grant a license to an applicant for an initial license unless the 107742  
applicant complies with sections 4776.01 to 4776.04 of the Revised 107743  
Code and the board, in its discretion, decides that the results of 107744  
the criminal records check do not make the applicant ineligible 107745  
for a license issued pursuant to section 4725.13 or 4725.18 of the 107746  
Revised Code. 107747

**Sec. 4725.13.** (A) The state ~~board of optometry~~ vision 107748  
professionals board, by an affirmative vote of a majority of its 107749  
members, shall issue certificates under its seal as follows: 107750

(1) Every applicant who, prior to May 19, 1992, passed the 107751  
licensing examination then in effect, and who otherwise complies 107752  
with sections 4725.01 to 4725.34 of the Revised Code shall receive 107753  
from the board a certificate of licensure authorizing the holder 107754  
to engage in the practice of optometry as provided in division 107755  
(A)(1) of section 4725.01 of the Revised Code. 107756

(2) Every applicant who, prior to May 19, 1992, passed the 107757  
general and ocular pharmacology examination then in effect, and 107758  
who otherwise complies with sections 4725.01 to 4725.34 of the 107759  
Revised Code, shall receive from the board a separate topical 107760  
ocular pharmaceutical agents certificate authorizing the holder to 107761  
administer topical ocular pharmaceutical agents as provided in 107762  
division (A)(2) of section 4725.01 of the Revised Code and in 107763  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 107764

(3) Every applicant who holds a valid certificate of 107765  
licensure issued prior to May 19, 1992, and meets the requirements 107766  
of section 4725.14 of the Revised Code shall receive from the 107767  
board a separate therapeutic pharmaceutical agents certificate 107768  
authorizing the holder to engage in the practice of optometry as 107769

provided in division (A)(3) of section 4725.01 of the Revised Code. 107770  
107771

(4) Every applicant who, on or after May 19, 1992, passes all 107772  
parts of the licensing examination accepted by the board under 107773  
section 4725.11 of the Revised Code and otherwise complies with 107774  
the requirements of sections 4725.01 to 4725.34 of the Revised 107775  
Code shall receive from the board a certificate of licensure 107776  
authorizing the holder to engage in the practice of optometry as 107777  
provided in division (A)(1) of section 4725.01 of the Revised Code 107778  
and a separate therapeutic pharmaceutical agents certificate 107779  
authorizing the holder to engage in the practice of optometry as 107780  
provided in division (A)(3) of that section. 107781

(B) Each person to whom a certificate is issued pursuant to 107782  
this section by the board shall keep the certificate displayed in 107783  
a conspicuous place in the location at which that person practices 107784  
optometry and shall whenever required exhibit the certificate to 107785  
any member or agent of the board. If an optometrist practices 107786  
outside of or away from the location at which the optometrist's 107787  
certificate of licensure is displayed, the optometrist shall 107788  
deliver to each person examined or fitted with optical accessories 107789  
by the optometrist, a receipt signed by the optometrist in which 107790  
the optometrist shall set forth the amounts charged, the 107791  
optometrist's post-office address, and the number assigned to the 107792  
optometrist's certificate of licensure. The information may be 107793  
provided as part of a prescription given to the person. 107794

(C) A person who, on May 19, 1992, holds a valid certificate 107795  
of licensure or topical ocular pharmaceutical agents certificate 107796  
issued by the board may continue to engage in the practice of 107797  
optometry as provided by the certificate of licensure or topical 107798  
ocular pharmaceutical agents certificate if the person continues 107799  
to comply with sections 4725.01 to 4725.34 of the Revised Code as 107800  
required by the certificate of licensure or topical ocular 107801

pharmaceutical agents certificate. 107802

**Sec. 4725.15.** If the state ~~board of optometry~~ vision 107803  
professionals board receives notice under division (D) of section 107804  
4725.11 of the Revised Code that an applicant has failed four 107805  
times the licensing examination or part of the examination that 107806  
must be passed pursuant to section 4725.12 or 4725.14 of the 107807  
Revised Code, the board shall not give further consideration to 107808  
the application until the applicant completes thirty hours of 107809  
remedial training approved by the board in the specific subject 107810  
area or areas covered by the examination or part of the 107811  
examination that was failed. 107812

**Sec. 4725.16.** (A)(1) Each certificate of licensure for the 107813  
practice of optometry, topical ocular pharmaceutical agents 107814  
certificate, and therapeutic pharmaceutical agents certificate 107815  
issued by the state ~~board of optometry~~ vision professionals board 107816  
shall expire annually on the last day of December, and may be 107817  
renewed in accordance with this section and the standard renewal 107818  
procedure established under Chapter 4745. of the Revised Code. 107819

(2) An optometrist seeking to continue to practice optometry 107820  
shall file with the board an application for license renewal. The 107821  
application shall be in such form and require such pertinent 107822  
professional biographical data as the board may require. 107823

(3)(a) Except as provided in division (A)(3)(b) of this 107824  
section, in the case of an optometrist seeking renewal who holds a 107825  
therapeutic pharmaceutical agents certificate and who prescribes 107826  
or personally furnishes analgesic controlled substances authorized 107827  
pursuant to section 4725.091 of the Revised Code that are opioid 107828  
analgesics, as defined in section 3719.01 of the Revised Code, the 107829  
optometrist shall certify to the board whether the optometrist has 107830  
been granted access to the drug database established and 107831

maintained by the state board of pharmacy pursuant to section 107832  
4729.75 of the Revised Code. 107833

(b) The requirement in division (A)(3)(a) of this section 107834  
does not apply if any of the following is the case: 107835

(i) The state board of pharmacy notifies the state ~~board of~~ 107836  
~~optometry~~ vision professionals board pursuant to section 4729.861 107837  
of the Revised Code that the certificate holder has been 107838  
restricted from obtaining further information from the drug 107839  
database. 107840

(ii) The state board of pharmacy no longer maintains the drug 107841  
database. 107842

(iii) The certificate holder does not practice optometry in 107843  
this state. 107844

(c) If an optometrist certifies to the state ~~board of~~ 107845  
~~optometry~~ vision professionals board that the optometrist has been 107846  
granted access to the drug database and the board finds through an 107847  
audit or other means that the optometrist has not been granted 107848  
access, the board may take action under section 4725.19 of the 107849  
Revised Code. 107850

(B) All licensed optometrists shall annually complete 107851  
continuing education in subjects relating to the practice of 107852  
optometry, to the end that the utilization and application of new 107853  
techniques, scientific and clinical advances, and the achievements 107854  
of research will assure comprehensive care to the public. The 107855  
board shall prescribe by rule the continuing optometric education 107856  
that licensed optometrists must complete. The length of study 107857  
shall be twenty-five clock hours each year, including ten clock 107858  
hours of instruction in pharmacology to be completed by all 107859  
licensed optometrists. 107860

Unless the continuing education required under this division 107861  
is waived or deferred under division (D) of this section, the 107862

continuing education must be completed during the twelve-month 107863  
period beginning on the first day of October and ending on the 107864  
last day of September. If the board receives notice from a 107865  
continuing education program indicating that an optometrist 107866  
completed the program after the last day of September, and the 107867  
optometrist wants to use the continuing education completed after 107868  
that day to renew the license that expires on the last day of 107869  
December of that year, the optometrist shall pay the penalty 107870  
specified under section 4725.34 of the Revised Code for late 107871  
completion of continuing education. 107872

At least once annually, the board shall post on its web site 107873  
and shall mail, or send by electronic mail, to each licensed 107874  
optometrist a list of courses approved in accordance with 107875  
standards prescribed by board rule. Upon the request of a licensed 107876  
optometrist, the executive director of the board shall supply a 107877  
list of additional courses that the board has approved subsequent 107878  
to the most recent web site posting, electronic mail transmission, 107879  
or mailing of the list of approved courses. 107880

(C)(1) Annually, not later than the first day of November, 107881  
the board shall mail or send by electronic mail a notice regarding 107882  
license renewal to each licensed optometrist who may be eligible 107883  
for renewal. The notice shall be sent to the optometrist's most 107884  
recent electronic mail or mailing address shown in the board's 107885  
records. If the board knows that the optometrist has completed the 107886  
required continuing optometric education for the year, the board 107887  
may include with the notice an application for license renewal. 107888

(2) Filing a license renewal application with the board shall 107889  
serve as notice by the optometrist that the continuing optometric 107890  
education requirement has been successfully completed. If the 107891  
board finds that an optometrist has not completed the required 107892  
continuing optometric education, the board shall disapprove the 107893  
optometrist's application. The board's disapproval of renewal is 107894



effective without a hearing, unless a hearing is requested 107895  
pursuant to Chapter 119. of the Revised Code. 107896

(3) The board shall refuse to accept an application for 107897  
renewal from any applicant whose license is not in good standing 107898  
or who is under disciplinary review pursuant to section 4725.19 of 107899  
the Revised Code. 107900

(4) Notice of an applicant's failure to qualify for renewal 107901  
shall be served upon the applicant by mail. The notice shall be 107902  
sent not later than the fifteenth day of November to the 107903  
applicant's last address shown in the board's records. 107904

(D) In cases of certified illness or undue hardship, the 107905  
board may waive or defer for up to twelve months the requirement 107906  
of continuing optometric education, except that in such cases the 107907  
board may not waive or defer the continuing education in 107908  
pharmacology required to be completed by optometrists who hold 107909  
topical ocular pharmaceutical agents certificates or therapeutic 107910  
pharmaceutical agents certificates. The board shall waive the 107911  
requirement of continuing optometric education for any optometrist 107912  
who is serving on active duty in the armed forces of the United 107913  
States or a reserve component of the armed forces of the United 107914  
States, including the Ohio national guard or the national guard of 107915  
any other state or who has received an initial certificate of 107916  
licensure during the nine-month period which ended on the last day 107917  
of September. 107918

(E) An optometrist whose renewal application has been 107919  
approved may renew each certificate held by paying to the 107920  
treasurer of state the fees for renewal specified under section 107921  
4725.34 of the Revised Code. On payment of all applicable fees, 107922  
the board shall issue a renewal of the optometrist's certificate 107923  
of licensure, topical ocular pharmaceutical agents certificate, 107924  
and therapeutic pharmaceutical agents certificate, as appropriate. 107925

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit ~~a written~~ an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

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(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

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(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

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(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

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(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

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**Sec. 4725.17.** (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state ~~board of optometry~~ vision professionals board to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice in this state. The board may not accept an application submitted after the applicant's certificate of licensure and any other certificates have expired. The board may approve an application for placement on inactive status only if the applicant's certificates are in good standing and the applicant is not under

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disciplinary review pursuant to section 4725.19 of the Revised Code. 107988  
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(B) An individual whose certificates have been placed on inactive status may submit ~~a written~~ an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions: 107990  
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(1) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(9) of section 4725.34 of the Revised Code; 107994  
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(2) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate, if the board considers examination necessary to determine whether the application for reinstatement should be approved; 107997  
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(3) If the applicant has been practicing optometry in another state or country, submit evidence of being in the active practice of optometry in the other state or country and evidence that the applicant's license to practice in the other state or country is in good standing. 108002  
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(C) The board shall approve an application for reinstatement if the conditions specified in division (B) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under section 4725.16 of the Revised Code for the year in which reinstatement occurs. 108007  
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**Sec. 4725.171.** (A) An optometrist who discontinued practicing optometry in this state due to retirement or a decision to practice in another state or country before the state ~~board of optometry~~ vision professionals board accepted applications for placement of certificates to practice on inactive status pursuant to section 4725.17 of the Revised Code may apply to the board to 108012  
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have the optometrist's certificates reinstated. The board may 108018  
accept an application for reinstatement only if, at the time the 108019  
optometrist's certificates expired, the certificates were in good 108020  
standing and the optometrist was not under disciplinary review by 108021  
the board. 108022

(B) For reinstatement to occur, the applicant must meet all 108023  
of the following conditions: 108024

(1) Pay the renewal fees for the year in which application 108025  
for reinstatement is made and the reinstatement fee specified 108026  
under division (A)(10) of section 4725.34 of the Revised Code; 108027

(2) Pass all or part of the licensing examination accepted by 108028  
the board under section 4725.11 of the Revised Code as the board 108029  
considers appropriate, if the board considers examination 108030  
necessary to determine whether the application for reinstatement 108031  
should be approved; 108032

(3) If the applicant has been practicing optometry in another 108033  
state or country, submit evidence of being in the active practice 108034  
of optometry in the other state or country and evidence that the 108035  
applicant's license to practice in the other state or country is 108036  
in good standing. 108037

(C) The board shall approve an application for reinstatement 108038  
if the conditions specified in division (B) of this section are 108039  
met. An optometrist who receives reinstatement is subject to the 108040  
continuing education requirements specified under section 4725.16 108041  
of the Revised Code for the year in which reinstatement occurs. 108042

**Sec. 4725.18.** (A) The state ~~board of optometry~~ vision 108043  
professionals board may issue a certificate of licensure and 108044  
therapeutic pharmaceutical agents certificate by endorsement to an 108045  
individual licensed as an optometrist by another state or a 108046  
Canadian province if the board determines that the other state or 108047

province has standards for the practice of optometry that are at 108048  
least as stringent as the standards established under sections 108049  
4725.01 to 4725.34 of the Revised Code and the individual meets 108050  
the conditions specified in division (B) of this section. The 108051  
certificates may be issued only by an affirmative vote of a 108052  
majority of the board's members. 108053

(B) An individual seeking a certificate of licensure and 108054  
therapeutic pharmaceutical agents certificate pursuant to this 108055  
section shall submit an application to the board. To receive the 108056  
certificates, an applicant must meet all of the following 108057  
conditions: 108058

(1) Meet the same qualifications that an individual must meet 108059  
under divisions (B)(1) to (4) of section 4725.12 of the Revised 108060  
Code to receive a certificate of licensure and therapeutic 108061  
pharmaceutical agents certificate under that section; 108062

(2) Be licensed to practice optometry by a state or province 108063  
that requires passage of a written, entry-level examination at the 108064  
time of initial licensure; 108065

(3) Be licensed in good standing by the optometry licensing 108066  
agency of the other state or province, evidenced by submission of 108067  
a letter from the licensing agency of the other state or province 108068  
attesting to the applicant's good standing; 108069

(4) Provide the board with certified reports from the 108070  
optometry licensing agencies of all states and provinces in which 108071  
the applicant is licensed or has been licensed to practice 108072  
optometry describing all past and pending actions taken by those 108073  
agencies with respect to the applicant's authority to practice 108074  
optometry in those jurisdictions, including such actions as 108075  
investigations, entering into consent agreements, suspensions, 108076  
revocations, and refusals to issue or renew a license; 108077

(5) Have been actively engaged in the practice of optometry, 108078

including the use of therapeutic pharmaceutical agents, for at 108079  
least three years immediately preceding making application under 108080  
this section; 108081

(6) Pay the nonrefundable application fees established under 108082  
section 4725.34 of the Revised Code for a certificate of licensure 108083  
and therapeutic pharmaceutical agents certificate; 108084

(7) Submit all transcripts, reports, or other information the 108085  
board requires; 108086

(8) Participate in a two-hour instruction session provided by 108087  
the board on the optometry statutes and rules of this state or 108088  
pass an Ohio optometry jurisprudence test administered by the 108089  
board; 108090

(9) Pass all or part of the licensing examination accepted by 108091  
the board under section 4725.11 of the Revised Code, if the board 108092  
determines that testing is necessary to determine whether the 108093  
applicant's qualifications are sufficient for issuance of a 108094  
certificate of licensure and therapeutic pharmaceutical agents 108095  
certificate under this section; 108096

(10) Not have been previously denied issuance of a 108097  
certificate by the board. 108098

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 108099  
Revised Code and by an affirmative vote of a majority of its 108100  
members, the state ~~board of optometry~~ vision professionals board, 108101  
for any of the reasons specified in division (B) of this section, 108102  
shall refuse to grant a certificate of licensure to practice 108103  
optometry to an applicant and may, with respect to a licensed 108104  
optometrist, do one or more of the following: 108105

(1) Suspend the operation of any certificate of licensure, 108106  
topical ocular pharmaceutical agents certificate, or therapeutic 108107  
pharmaceutical agents certificate, or all certificates granted by 108108

it to the optometrist;	108109
(2) Permanently revoke any or all of the certificates;	108110
(3) Limit or otherwise place restrictions on any or all of the certificates;	108111 108112
(4) Reprimand the optometrist;	108113
(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.	108114 108115 108116 108117 108118 108119
(6) Require the optometrist to take corrective action courses.	108120 108121
The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.	108122 108123 108124
(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	108125 108126
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	108127 108128 108129
(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;	108130 108131
(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;	108132 108133
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	108134 108135
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which	108136 108137



the act was committed;	108138
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	108139 108140 108141
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	108142 108143 108144 108145 108146
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	108147 108148 108149 108150
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	108151 108152 108153 108154 108155
(10) Failing to maintain comprehensive patient records;	108156
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	108157 108158 108159
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	108160 108161 108162 108163 108164
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner	108165 108166 108167

inconsistent with the authority granted; 108168

(14) Failing to make a report to the board as required by 108169  
division (A) of section 4725.21 or section 4725.31 of the Revised 108170  
Code; 108171

(15) Soliciting patients from door to door or establishing 108172  
temporary offices, in which case the board shall suspend all 108173  
certificates held by the optometrist; 108174

(16) Except as provided in division (D) of this section: 108175

(a) Waiving the payment of all or any part of a deductible or 108176  
copayment that a patient, pursuant to a health insurance or health 108177  
care policy, contract, or plan that covers optometric services, 108178  
would otherwise be required to pay if the waiver is used as an 108179  
enticement to a patient or group of patients to receive health 108180  
care services from that optometrist. 108181

(b) Advertising that the optometrist will waive the payment 108182  
of all or any part of a deductible or copayment that a patient, 108183  
pursuant to a health insurance or health care policy, contract, or 108184  
plan that covers optometric services, would otherwise be required 108185  
to pay. 108186

(17) Failing to comply with the requirements in section 108187  
3719.061 of the Revised Code before issuing for a minor a 108188  
prescription for an analgesic controlled substance authorized 108189  
pursuant to section 4725.091 of the Revised Code that is an opioid 108190  
analgesic, as defined in section 3719.01 of the Revised Code; 108191

(18) Violating the rules adopted under section 4725.66 of the 108192  
Revised Code. 108193

(C) Any person who is the holder of a certificate of 108194  
licensure, or who is an applicant for a certificate of licensure 108195  
against whom is preferred any charges, shall be furnished by the 108196  
board with a copy of the complaint and shall have a hearing before 108197

the board in accordance with Chapter 119. of the Revised Code. 108198

(D) Sanctions shall not be imposed under division (B)(17) of 108199  
this section against any optometrist who waives deductibles and 108200  
copayments: 108201

(1) In compliance with the health benefit plan that expressly 108202  
allows such a practice. Waiver of the deductibles or copayments 108203  
shall be made only with the full knowledge and consent of the plan 108204  
purchaser, payer, and third-party administrator. Documentation of 108205  
the consent shall be made available to the board upon request. 108206

(2) For professional services rendered to any other 108207  
optometrist licensed by the board, to the extent allowed by 108208  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 108209  
the board. 108210

**Sec. 4725.20.** On receipt of a notice pursuant to section 108211  
3123.43 of the Revised Code, the state ~~board of optometry~~ vision 108212  
professionals board shall comply with sections 3123.41 to 3123.50 108213  
of the Revised Code and any applicable rules adopted under section 108214  
3123.63 of the Revised Code with respect to a license or 108215  
certificate issued by the board under this chapter. 108216

**Sec. 4725.21.** (A) If an optometrist licensed by the state 108217  
~~board of optometry~~ vision professionals board has reason to 108218  
believe that another optometrist licensed currently or previously 108219  
by the board has engaged in any course of treatment or other 108220  
services to a patient that constitutes unprofessional conduct 108221  
under section 4725.19 of the Revised Code, or has an addiction 108222  
subject to board action under section 4725.19 of the Revised Code, 108223  
the optometrist shall make a report to the board. 108224

(B) Any person may report to the board in a signed writing 108225  
any information that the person may have that appears to show a 108226  
violation of any provision of sections 4725.01 to 4725.34 of the 108227

Revised Code or the rules adopted under those sections. 108228

(C) Each complaint or allegation of a violation received by 108229  
the board shall be assigned a case number and shall be recorded by 108230  
the board. 108231

(D) In the absence of fraud or bad faith, no person who 108232  
reports to the board under this section or testifies in any 108233  
adjudication conducted under Chapter 119. of the Revised Code 108234  
shall be liable to any person for damages in a civil action as a 108235  
result of the report or testimony. 108236

**Sec. 4725.22.** (A) Each insurer providing professional 108237  
liability insurance to an optometrist licensed under this chapter, 108238  
or any other entity that seeks to indemnify the professional 108239  
liability of an optometrist licensed under this chapter, shall 108240  
notify the state ~~board of optometry~~ vision professionals board 108241  
within thirty days after the final disposition of a claim for 108242  
damages. The notice shall contain the following information: 108243

(1) The name and address of the person submitting the 108244  
notification; 108245

(2) The name and address of the insured who is the subject of 108246  
the claim; 108247

(3) The name of the person filing the written claim; 108248

(4) The date of final disposition; 108249

(5) If applicable, the identity of the court in which the 108250  
final disposition of the claim took place. 108251

(B) Each optometrist licensed under this chapter shall notify 108252  
the board within thirty days of receipt of the final disposition 108253  
of a claim for damages or any action involving malpractice. The 108254  
optometrist shall notify the board by registered mail and shall 108255  
provide all reports and other information required by the board. 108256

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

**Sec. 4725.23.** (A) The state ~~board of optometry~~ vision professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the

board may move for an order compelling the production of persons 108288  
or records pursuant to the Rules of Civil Procedure. 108289

A subpoena issued by the board may be served by a sheriff, 108290  
the sheriff's deputy, or a board employee designated by the board. 108291  
Service of a subpoena issued by the board may be made by 108292  
delivering a copy of the subpoena to the person named therein, 108293  
reading it to the person, or leaving it at the person's usual 108294  
place of residence. When the person being served is an optometrist 108295  
licensed under this chapter, service of the subpoena may be made 108296  
by certified mail, restricted delivery, return receipt requested, 108297  
and the subpoena shall be deemed served on the date delivery is 108298  
made or the date the optometrist refuses to accept delivery. 108299

Each witness who appears before the board in obedience to a 108300  
subpoena shall receive the fees and mileage provided for under 108301  
section 119.094 of the Revised Code. 108302

(C) Information received by the board pursuant to an 108303  
investigation is confidential and not subject to discovery in any 108304  
civil action. 108305

The board shall conduct all investigations and proceedings in 108306  
a manner that protects the confidentiality of patients and persons 108307  
who file complaints with the board. The board shall not make 108308  
public the names or any other identifying information about 108309  
patients or complainants unless proper consent is given. 108310

The board may share any information it receives pursuant to 108311  
an investigation, including patient records and patient record 108312  
information, with other licensing boards and governmental agencies 108313  
that are investigating alleged professional misconduct and with 108314  
law enforcement agencies and other governmental agencies that are 108315  
investigating or prosecuting alleged criminal offenses. A board or 108316  
agency that receives the information shall comply with the same 108317  
requirements regarding confidentiality as those with which the 108318

state ~~board of optometry~~ vision professionals board must comply, 108319  
notwithstanding any conflicting provision of the Revised Code or 108320  
procedure of the board or agency that applies when the board or 108321  
agency is dealing with other information in its possession. The 108322  
information may be admitted into evidence in a criminal trial in 108323  
accordance with the Rules of Evidence, but the court shall require 108324  
that appropriate measures are taken to ensure that confidentiality 108325  
is maintained with respect to any part of the information that 108326  
contains names or other identifying information about persons 108327  
whose confidentiality was protected by the state ~~board of~~ 108328  
~~optometry~~ vision professionals board when the information was in 108329  
the board's possession. Measures to ensure confidentiality that 108330  
may be taken by the court include sealing its records or deleting 108331  
specific information from its records. 108332

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 108333  
~~optometry~~ vision professionals board and the board's supervising 108334  
member of investigations determine that there is clear and 108335  
convincing evidence that an optometrist has violated division (B) 108336  
of section 4725.19 of the Revised Code and that the optometrist's 108337  
continued practice presents a danger of immediate and serious harm 108338  
to the public, they may recommend that the board suspend without a 108339  
prior hearing the optometrist's certificate of licensure and any 108340  
other certificates held by the optometrist. Written allegations 108341  
shall be prepared for consideration by the full board. 108342

The board, upon review of those allegations and by an 108343  
affirmative vote of three members other than the secretary and 108344  
supervising member may order the suspension without a prior 108345  
hearing. A telephone conference call may be utilized for reviewing 108346  
the allegations and taking the vote on the summary suspension. 108347

The board shall issue a written order of suspension by 108348  
certified mail or in person in accordance with section 119.07 of 108349

the Revised Code. The order shall not be subject to suspension by 108350  
the court during pendency of any appeal filed under section 119.12 108351  
of the Revised Code. If the individual subject to the summary 108352  
suspension requests an adjudicatory hearing by the board, the date 108353  
set for the hearing shall be within fifteen days, but not earlier 108354  
than seven days, after the individual requests the hearing, unless 108355  
otherwise agreed to by both the board and the individual. 108356

Any summary suspension imposed under this division shall 108357  
remain in effect, unless reversed on appeal, until a final 108358  
adjudicative order issued by the board pursuant to section 4725.19 108359  
of the Revised Code and Chapter 119. of the Revised Code becomes 108360  
effective. The board shall issue its final adjudicative order 108361  
within sixty days after completion of its hearing. A failure to 108362  
issue the order within sixty days shall result in dissolution of 108363  
the summary suspension order but shall not invalidate any 108364  
subsequent, final adjudicative order. 108365

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised 108366  
Code does not apply to the following: 108367

(A) Physicians authorized to practice medicine and surgery or 108368  
osteopathic medicine and surgery under Chapter 4731. of the 108369  
Revised Code; 108370

(B) Persons who sell optical accessories but do not assume to 108371  
adapt them to the eye, and neither practice nor profess to 108372  
practice optometry; 108373

(C) An instructor in a school of optometry that is located in 108374  
this state and approved by the state ~~board of optometry~~ vision 108375  
professionals board under section 4725.10 of the Revised Code who 108376  
holds a valid current license to practice optometry from a 108377  
licensing body in another jurisdiction and limits the practice of 108378  
optometry to the instruction of students enrolled in the school. 108379



(D) A student enrolled in a school of optometry, located in 108380  
this or another state and approved by the board under section 108381  
4725.10 of the Revised Code, while the student is participating in 108382  
this state in an optometry training program provided or sponsored 108383  
by the school, if the student acts under the direct, personal 108384  
supervision and control of an optometrist licensed by the board or 108385  
authorized to practice pursuant to division (C) of this section. 108386

(E) An individual who is licensed or otherwise specifically 108387  
authorized by the Revised Code to engage in an activity that is 108388  
included in the practice of optometry. 108389

(F) An individual who is not licensed or otherwise 108390  
specifically authorized by the Revised Code to engage in an 108391  
activity that is included in the practice of optometry, but is 108392  
acting pursuant to the rules for delegation of optometric tasks 108393  
adopted under section 4725.09 of the Revised Code. 108394

**Sec. 4725.27.** The testimony and reports of an optometrist 108395  
licensed by the state ~~board of optometry~~ vision professionals 108396  
board under this chapter shall be received by any state, county, 108397  
municipal, school district, or other public board, body, agency, 108398  
institution, or official and by any private educational or other 108399  
institution receiving public funds as competent evidence with 108400  
respect to any matter within the scope of the practice of 108401  
optometry. No such board, body, agency, official, or institution 108402  
shall interfere with any individual's right to a free choice of 108403  
receiving services from either an optometrist or a physician. No 108404  
such board, body, agency, official, or institution shall 108405  
discriminate against an optometrist performing procedures that are 108406  
included in the practice of optometry as provided in division 108407  
(A)(2) or (3) of section 4725.01 of the Revised Code if the 108408  
optometrist is licensed under this chapter to perform those 108409  
procedures. 108410

**Sec. 4725.28.** (A) As used in this section, "supplier" means 108411  
any person who prepares or sells optical accessories or other 108412  
vision correcting items, devices, or procedures. 108413

(B) A licensed optometrist, on completion of a vision 108414  
examination and diagnosis, shall give each patient for whom the 108415  
optometrist prescribes any vision correcting item, device, or 108416  
procedure, one copy of the prescription, without additional charge 108417  
to the patient. The prescription shall include the following: 108418

(1) The date of its issuance; 108419

(2) Sufficient information to enable the patient to obtain 108420  
from the supplier of the patient's choice, the optical accessory 108421  
or other vision correcting item, device, or procedure that has 108422  
been prescribed; 108423

(3) In the case of contact lenses, all information specified 108424  
as part of a contact lens prescription, as defined in the 108425  
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 108426  
15 U.S.C. 7610. 108427

(C) Any supplier who fills a prescription for contact lenses 108428  
furnished by an optometrist shall furnish the patient with written 108429  
recommendations to return to the prescribing optometrist for 108430  
evaluation of the contact lens fitting. 108431

(D) Any supplier, including an optometrist who is a supplier, 108432  
may advertise to inform the general public of the price that the 108433  
supplier charges for any vision correcting item, device, or 108434  
procedure. Any such advertisement shall specify the following: 108435

(1) Whether the advertised item includes an eye examination; 108436

(2) In the case of lenses, whether the price applies to 108437  
single-vision or multifocal lenses; 108438

(3) In the case of contact lenses, whether the price applies 108439  
to rigid or soft lenses and whether there is an additional charge 108440

related to the fitting and determination of the type of contact 108441  
lenses to be worn that is not included in the price of the eye 108442  
examination. 108443

(E) The state ~~board of optometry~~ vision professionals board 108444  
shall not adopt any rule that restricts the right to advertise as 108445  
permitted by division (D) of this section. 108446

(F) Any municipal corporation code, ordinance, or regulation 108447  
or any township resolution that conflicts with a supplier's right 108448  
to advertise as permitted by division (D) of this section is 108449  
superseded by division (D) of this section and is invalid. A 108450  
municipal corporation code, ordinance, or regulation or a township 108451  
resolution conflicts with division (D) of this section if it 108452  
restricts a supplier's right to advertise as permitted by division 108453  
(D) of this section. 108454

**Sec. 4725.29.** (A) As used in this section: 108455

(1) "Regional advertisement" means an advertisement published 108456  
in more than one metropolitan statistical area in this state or 108457  
broadcast by radio or television stations in more than one 108458  
metropolitan statistical area in this state. 108459

(2) "National advertisement" means an advertisement published 108460  
in one or more periodicals or broadcast by one or more radio or 108461  
television stations in this state and also published in one or 108462  
more periodicals or broadcast by one or more radio or television 108463  
stations in another state. 108464

(B) The state ~~board of optometry~~ vision professionals board 108465  
shall not require any person who sells optical accessories at more 108466  
than one location to list in any regional or national 108467  
advertisement the name of the licensed optometrist practicing at a 108468  
particular location, provided that in addition to the requirement 108469  
in division (B) of section 4725.13 of the Revised Code, the name 108470

of the optometrist is prominently displayed at the location. 108471

**Sec. 4725.31.** An optometrist licensed by the state ~~board of~~ 108472  
~~optometry~~ vision professionals board shall promptly report to the 108473  
board any instance of a clinically significant drug-induced side 108474  
effect in a patient due to the optometrist's administering, 108475  
employing, applying, or prescribing a topical ocular or 108476  
therapeutic pharmaceutical agent to or for the patient. The board, 108477  
by rule adopted in accordance with Chapter 119. of the Revised 108478  
Code, shall establish reporting procedures and specify the types 108479  
of side effects to be reported. The information provided to the 108480  
board shall not include the name of or any identifying information 108481  
about the patient. 108482

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 108483  
~~optometry~~ vision professionals board licenses to engage in the 108484  
practice of optometry may render the professional services of an 108485  
optometrist within this state through a corporation formed under 108486  
division (B) of section 1701.03 of the Revised Code, a limited 108487  
liability company formed under Chapter 1705. of the Revised Code, 108488  
a partnership, or a professional association formed under Chapter 108489  
1785. of the Revised Code. This division does not preclude an 108490  
optometrist from rendering professional services as an optometrist 108491  
through another form of business entity, including, but not 108492  
limited to, a nonprofit corporation or foundation, or in another 108493  
manner that is authorized by or in accordance with this chapter, 108494  
another chapter of the Revised Code, or rules of the state ~~board~~ 108495  
~~of optometry~~ vision professionals board adopted pursuant to this 108496  
chapter. 108497

(B) A corporation, limited liability company, partnership, or 108498  
professional association described in division (A) of this section 108499  
may be formed for the purpose of providing a combination of the 108500  
professional services of the following individuals who are 108501

licensed, certificated, or otherwise legally authorized to	108502
practice their respective professions:	108503
(1) Optometrists who are authorized to practice optometry	108504
under Chapter 4725. of the Revised Code;	108505
(2) Chiropractors who are authorized to practice chiropractic	108506
or acupuncture under Chapter 4734. of the Revised Code;	108507
(3) Psychologists who are authorized to practice psychology	108508
under Chapter 4732. of the Revised Code;	108509
(4) Registered or licensed practical nurses who are	108510
authorized to practice nursing as registered nurses or as licensed	108511
practical nurses under Chapter 4723. of the Revised Code;	108512
(5) Pharmacists who are authorized to practice pharmacy under	108513
Chapter 4729. of the Revised Code;	108514
(6) Physical therapists who are authorized to practice	108515
physical therapy under sections 4755.40 to 4755.56 of the Revised	108516
Code;	108517
(7) Occupational therapists who are authorized to practice	108518
occupational therapy under sections 4755.04 to 4755.13 of the	108519
Revised Code;	108520
(8) Mechanotherapists who are authorized to practice	108521
mechanotherapy under section 4731.151 of the Revised Code;	108522
(9) Doctors of medicine and surgery, osteopathic medicine and	108523
surgery, or podiatric medicine and surgery who are authorized for	108524
their respective practices under Chapter 4731. of the Revised	108525
Code;	108526
(10) Licensed professional clinical counselors, licensed	108527
professional counselors, independent social workers, social	108528
workers, independent marriage and family therapists, or marriage	108529
and family therapists who are authorized for their respective	108530
practices under Chapter 4757. of the Revised Code.	108531

This division shall apply notwithstanding a provision of a 108532  
code of ethics applicable to an optometrist that prohibits an 108533  
optometrist from engaging in the practice of optometry in 108534  
combination with a person who is licensed, certificated, or 108535  
otherwise legally authorized to practice chiropractic, acupuncture 108536  
through the state chiropractic board, psychology, nursing, 108537  
pharmacy, physical therapy, occupational therapy, mechanotherapy, 108538  
medicine and surgery, osteopathic medicine and surgery, podiatric 108539  
medicine and surgery, professional counseling, social work, or 108540  
marriage and family therapy, but who is not also licensed, 108541  
certificated, or otherwise legally authorized to engage in the 108542  
practice of optometry. 108543

**Sec. 4725.34.** (A) The state ~~board of optometry~~ vision 108544  
professionals board shall charge the following nonrefundable fees: 108545

(1) One hundred thirty dollars for application for a 108546  
certificate of licensure to practice optometry; 108547

(2) Forty-five dollars for application for a therapeutic 108548  
pharmaceutical agents certificate, except when the certificate is 108549  
to be issued pursuant to division (A)(3) of section 4725.13 of the 108550  
Revised Code, in which case the fee shall be thirty-five dollars; 108551

(3) One hundred thirty dollars for renewal of a certificate 108552  
of licensure to practice optometry; 108553

(4) Forty-five dollars for renewal of a topical ocular 108554  
pharmaceutical agents certificate; 108555

(5) Forty-five dollars for renewal of a therapeutic 108556  
pharmaceutical agents certificate; 108557

(6) One hundred twenty-five dollars for late completion or 108558  
submission, or both, of continuing optometric education; 108559

(7) One hundred twenty-five dollars for late renewal of one 108560  
or more certificates that have expired; 108561

(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;

(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;

(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;

(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.

(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a

physician or optometrist licensed by any state; 108592

(2) Contact lenses, regardless of whether they address visual 108593  
function, if they are designed to fit over the cornea of the eye 108594  
or are otherwise designed for use in or on the eye or orbit. 108595

All contact lenses shall be dispensed only in accordance with 108596  
a valid written prescription designated for contact lenses, 108597  
including the following: 108598

(a) Zero-powered plano contact lenses; 108599

(b) Cosmetic contact lenses; 108600

(c) Performance-enhancing contact lenses; 108601

(d) Any other contact devices determined by the ~~Ohio optical~~ 108602  
~~dispensers~~ state vision professionals board to be contact lenses. 108603

(B) "Optical dispensing" means interpreting but not altering 108604  
a prescription of a licensed physician or optometrist and 108605  
designing, adapting, fitting, or replacing the prescribed optical 108606  
aids, pursuant to such prescription, to or for the intended 108607  
wearer; duplicating lenses, other than contact lenses, accurately 108608  
as to power without a prescription; and duplicating 108609  
nonprescription eyewear and parts of eyewear. "Optical dispensing" 108610  
does not include selecting frames, placing an order for the 108611  
delivery of an optical aid, transacting a sale, transferring an 108612  
optical aid to the wearer after an optician has completed fitting 108613  
it, or providing instruction in the general care and use of an 108614  
optical aid, including placement, removal, hygiene, or cleaning. 108615

(C) "Licensed dispensing optician" means a person holding a 108616  
current, valid license issued under sections ~~4725.47~~ 4725.48 to 108617  
4725.51 of the Revised Code that authorizes the person to engage 108618  
in optical dispensing. Nothing in this chapter shall be construed 108619  
to permit a licensed dispensing optician to alter the 108620  
specifications of a prescription. 108621



(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

**Sec. 4725.41.** ~~Beginning one year after March 22, 1979, no~~ No person shall engage in optical dispensing or hold ~~himself~~ self out as being engaged in optical dispensing, ~~except as authorized under section 4725.47 of the Revised Code,~~ unless ~~he~~ the person has fulfilled the requirements of sections 4725.48 to 4725.51 of the Revised Code and has been certified as a licensed dispensing optician by the ~~Ohio optical dispensers~~ state vision professionals

board. 108652

No person shall engage in the designing, fabricating, and 108653  
fitting of an artificial eye or of prostheses associated with the 108654  
appearance or function of the human eye unless ~~he~~ the person is 108655  
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 108656  
the Revised Code. 108657

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 108658  
optician shall complete two hours of study in prepackaged soft 108659  
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 108660  
state vision professionals board under section 4725.51 of the 108661  
Revised Code. The two hours of study shall be completed as 108662  
follows: 108663

(1) Each licensed spectacle dispensing optician who holds the 108664  
license on ~~the effective date of this amendment~~ September 29, 108665  
2015, shall complete the two hours of study not later than 108666  
December 31, 2015. 108667

(2) Each licensed spectacle dispensing optician who receives 108668  
the license after ~~the effective date of this amendment~~ September 108669  
29, 2015, shall complete the two hours of study not later than the 108670  
thirty-first day of December of the year the license is issued. 108671

(B) Beginning January 1, 2016, a licensed spectacle 108672  
dispensing optician may dispense prepackaged soft contact lenses 108673  
if both of the following are the case: 108674

(1) The licensed spectacle dispensing optician has completed 108675  
two hours of study in prepackaged soft contact lens dispensing in 108676  
accordance with division (A) of this section. 108677

(2) The only action necessary is to match the description of 108678  
the contact lenses that is on the packaging to a written 108679  
prescription. 108680

**Sec. 4725.44.** (A) The ~~Ohio optical dispensers~~ state vision 108681  
professionals board shall be responsible for the administration of 108682  
sections 4725.40 to 4725.59 of the Revised Code and, in 108683  
particular, shall process applications for licensure as licensed 108684  
dispensing opticians and ocularists; schedule, administer, and 108685  
supervise the qualifying examinations for licensure or contract 108686  
with a testing service to schedule, administer, and supervise the 108687  
qualifying examination for licensure; issue licenses to qualified 108688  
individuals; and revoke and suspend licenses; ~~and maintain~~ 108689  
~~adequate records with respect to its operations and~~ 108690  
~~responsibilities.~~ 108691

(B) The board shall adopt, amend, or rescind rules, pursuant 108692  
to Chapter 119. of the Revised Code, for the licensure of 108693  
dispensing opticians and ocularists, and such other rules as are 108694  
required by or necessary to carry out the responsibilities imposed 108695  
by sections 4725.40 to 4725.59 of the Revised Code, including 108696  
rules establishing criminal records check requirements under 108697  
section 4776.03 of the Revised Code and rules establishing 108698  
disqualifying offenses for licensure as a dispensing optician or 108699  
certification as an apprentice dispensing optician pursuant to 108700  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 108701  
Code. 108702

(C) The board shall have no authority to adopt rules 108703  
governing the employment of dispensing opticians, the location or 108704  
number of optical stores, advertising of optical products or 108705  
services, or the manner in which optical products can be 108706  
displayed. 108707

**Sec. 4725.48.** (A) Any person who desires to engage in optical 108708  
dispensing, ~~except as provided in section 4725.47 of the Revised~~ 108709  
~~Code,~~ shall file a properly completed ~~written~~ application for an 108710  
examination with the ~~Ohio optical dispensers~~ state vision 108711

professionals board or with the testing service the board has 108712  
contracted with pursuant to section 4725.49 of the Revised Code. 108713  
The application for examination shall be made on a form provided 108714  
by the board or testing service and shall be accompanied by an 108715  
examination fee the board shall establish by rule. Applicants must 108716  
return the application to the board or testing service at least 108717  
sixty days prior to the date the examination is scheduled to be 108718  
administered. 108719

(B) ~~Except as provided in section 4725.47 of the Revised~~ 108720  
~~Code, any~~ Any person who desires to engage in optical dispensing 108721  
shall file a properly completed ~~written~~ application for a license 108722  
with the board with a licensure application fee of fifty dollars. 108723

No person shall be eligible to apply for a license under this 108724  
division, unless the person is at least eighteen years of age, is 108725  
free of contagious or infectious disease, has received a passing 108726  
score, as determined by the board, on the examination administered 108727  
under division (A) of this section, is a graduate of an accredited 108728  
high school of any state, or has received an equivalent education 108729  
and has successfully completed either of the following: 108730

(1) Two years of supervised experience under a licensed 108731  
dispensing optician, optometrist, or physician engaged in the 108732  
practice of ophthalmology, up to one year of which may be 108733  
continuous experience of not less than thirty hours a week in an 108734  
optical laboratory; 108735

(2) A two-year college level program in optical dispensing 108736  
that has been approved by the board and that includes, but is not 108737  
limited to, courses of study in mathematics, science, English, 108738  
anatomy and physiology of the eye, applied optics, ophthalmic 108739  
optics, measurement and inspection of lenses, lens grinding and 108740  
edging, ophthalmic lens design, keratometry, and the fitting and 108741  
adjusting of spectacle lenses and frames and contact lenses, 108742  
including methods of fitting contact lenses and post-fitting care. 108743

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed ~~written~~ application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the

board, prior to ~~the effective date of this amendment~~ September 28, 108776  
2012, was required or authorized to deny the application based on 108777  
that offense. 108778

In all other circumstances, the board shall follow the 108779  
procedures it adopts by rule that conform to division (D)(1) of 108780  
this section. 108781

(3) In considering a renewal of an individual's license, the 108782  
board shall not consider any conviction or plea of guilty prior to 108783  
the initial licensing. However, the board may consider a 108784  
conviction or plea of guilty if it occurred after the individual 108785  
was initially licensed, or after the most recent license renewal. 108786

(4) The board may grant an individual a conditional license 108787  
that lasts for one year. After the one-year period has expired, 108788  
the license is no longer considered conditional, and the 108789  
individual shall be considered fully licensed. 108790

(E) The board, subject to the approval of the controlling 108791  
board, may establish examination fees in excess of the amount 108792  
established by rule pursuant to this section, provided that such 108793  
fees do not exceed those amounts established in rule by more than 108794  
fifty per cent. 108795

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 108796  
professionals board may provide for the examination of applicants 108797  
by designing, preparing, and administering the qualifying 108798  
examinations or by contracting with a testing service that is 108799  
nationally recognized as being capable of determining competence 108800  
to dispense optical aids as a licensed spectacle dispensing 108801  
optician, a licensed contact lens dispensing optician, or a 108802  
licensed spectacle-contact lens dispensing optician. Any 108803  
examination used shall be designed to measure specific performance 108804  
requirements, be professionally constructed and validated, and be 108805  
independently and objectively administered and scored in order to 108806

determine the applicant's competence to dispense optical aids. 108807

(B) The board shall ensure that it, or the testing service it 108808  
contracts with, does all of the following: 108809

(1) Provides public notice as to the date, time, and place 108810  
for each examination at least ninety days prior to the 108811  
examination; 108812

(2) Offers each qualifying examination at least twice each 108813  
year in Columbus, except as provided in division (C) of this 108814  
section; 108815

(3) Provides to each applicant all forms necessary to apply 108816  
for examination; 108817

(4) Provides all materials and equipment necessary for the 108818  
applicant to take the examination. 108819

(C) If the number of applicants for any qualifying 108820  
examination is less than ten, the examination may be postponed. 108821  
The board or testing service shall provide the applicant with 108822  
written notification of the postponement and of the next date the 108823  
examination is scheduled to be administered. 108824

(D) No limitation shall be placed upon the number of times 108825  
that an applicant may repeat any qualifying examination, except 108826  
that, if an applicant fails an examination for a third time, the 108827  
board may require that the applicant, prior to retaking the 108828  
examination, undergo additional study in the areas of the 108829  
examination in which the applicant experienced difficulty. 108830

**Sec. 4725.50.** (A) Except for a person who qualifies for 108831  
licensure as an ocularist, each person who qualifies for licensure 108832  
under sections 4725.40 to 4725.59 of the Revised Code shall 108833  
receive from the ~~Ohio optical dispensers~~ state vision 108834  
professionals board, under its seal, a certificate of licensure 108835  
entitling the person to practice as a licensed spectacle 108836

dispensing optician, licensed contact lens dispensing optician, or 108837  
a licensed spectacle-contact lens dispensing optician. The 108838  
appropriate certificate of licensure shall be issued by the board 108839  
no later than sixty days after it has notified the applicant of 108840  
the applicant's approval for licensure. 108841

(B) Each licensed dispensing optician shall display the 108842  
licensed dispensing optician's certificate of licensure in a 108843  
conspicuous place in the licensed dispensing optician's office or 108844  
place of business. If a licensed dispensing optician maintains 108845  
more than one office or place of business, the licensed dispensing 108846  
optician shall display a duplicate copy of such certificate at 108847  
each location. The board shall issue duplicate copies of the 108848  
appropriate certificate of licensure for this purpose upon the 108849  
filing of an application form therefor and the payment of a 108850  
five-dollar fee for each duplicate copy. 108851

**Sec. 4725.501.** (A) As used in this section, "license" and 108852  
"applicant for an initial license" have the same meanings as in 108853  
section 4776.01 of the Revised Code, except that "license" as used 108854  
in both of those terms refers to the types of authorizations 108855  
otherwise issued or conferred under this chapter. 108856

(B) In addition to any other eligibility requirement set 108857  
forth in this chapter, each applicant for an initial license shall 108858  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 108859  
~~Ohio optical dispensers~~ state vision professionals board shall not 108860  
grant a license to an applicant for an initial license unless the 108861  
applicant complies with sections 4776.01 to 4776.04 of the Revised 108862  
Code and the board, in its discretion, decides that the results of 108863  
the criminal records check do not make the applicant ineligible 108864  
for a license issued pursuant to section 4725.50 or 4725.57 of the 108865  
Revised Code. 108866



**Sec. 4725.51.** (A)(1) Each license issued under sections 108867  
4725.40 to 4725.59 of the Revised Code shall expire on the first 108868  
day of January in the year after it was issued. Each person 108869  
holding a valid, current license may apply to the ~~Ohio optical~~ 108870  
~~dispensers~~ state vision professionals board for the extension of 108871  
the license under the standard renewal procedures of Chapter 4745. 108872  
of the Revised Code. Each application for renewal shall be 108873  
accompanied by a renewal fee the board shall establish by rule. In 108874  
addition, except as provided in division (A)(2) of this section, 108875  
the application shall contain evidence that the applicant has 108876  
completed continuing education within the immediately preceding 108877  
one-year period as follows: 108878

(a) Licensed spectacle dispensing opticians shall have 108879  
pursued both of the following, approved by the board: 108880

(i) Four hours of study in spectacle dispensing; 108881

(ii) Two hours of study in contact lens dispensing. 108882

(b) Licensed contact lens dispensing opticians shall have 108883  
pursued eight hours of study in contact lens dispensing, approved 108884  
by the board. 108885

(c) Licensed spectacle-contact lens dispensing opticians 108886  
shall have pursued both of the following, approved by the board: 108887

(i) Four hours of study in spectacle dispensing; 108888

(ii) Eight hours of study in contact lens dispensing. 108889

(d) Licensed ocularists shall have pursued courses of study 108890  
as prescribed by rule of the board. 108891

(2) An application for the initial renewal of a license 108892  
issued under sections 4725.40 to 4725.55 of the Revised Code is 108893  
not required to contain evidence that the applicant has completed 108894  
the continuing education requirements of division (A)(1) of this 108895  
section. 108896

(B) No person who fails to renew the person's license under 108897  
division (A) of this section shall be required to take a 108898  
qualifying examination under section 4725.48 of the Revised Code 108899  
as a condition of renewal, provided that the application for 108900  
renewal and proof of the requisite continuing education hours are 108901  
submitted within ninety days from the date the license expired and 108902  
the applicant pays the annual renewal fee and a penalty of 108903  
seventy-five dollars. The board may provide, by rule, for an 108904  
extension of the grace period for licensed dispensing opticians 108905  
who are serving in the armed forces of the United States or a 108906  
reserve component of the armed forces of the United States, 108907  
including the Ohio national guard or the national guard of any 108908  
other state and for waiver of the continuing education 108909  
requirements or the penalty in cases of hardship or illness. 108910

(C) The board shall approve continuing education programs and 108911  
shall adopt rules as necessary for approving the programs. The 108912  
rules shall permit programs to be conducted either in person or 108913  
through electronic or other self-study means. Approved programs 108914  
shall be scheduled, sponsored, and conducted in accordance with 108915  
the board's rules. 108916

(D) Any license given a grandfathered issuance or renewal 108917  
between March 22, 1979, and March 22, 1980, shall be renewed in 108918  
accordance with this section. 108919

**Sec. 4725.52.** Any licensed dispensing optician may supervise 108920  
a maximum of three apprentices who shall be permitted to engage in 108921  
optical dispensing only under the supervision of the licensed 108922  
dispensing optician. 108923

To serve as an apprentice, a person shall register with the 108924  
~~Ohio optical dispensers~~ state vision professionals board either on 108925  
a form provided by the board or in the form of a statement giving 108926  
the name and address of the supervising licensed dispensing 108927

optician, the location at which the apprentice will be employed, 108928  
and any other information required by the board. For the duration 108929  
of the apprenticeship, the apprentice shall register annually on 108930  
the form provided by the board or in the form of a statement. 108931

Each apprentice shall pay an initial registration fee of 108932  
twenty dollars. For each registration renewal thereafter, each 108933  
apprentice shall pay a registration renewal fee of twenty dollars. 108934

The board shall not deny registration as an apprentice under 108935  
this section to any individual based on the individual's past 108936  
criminal history or an interpretation of moral character unless 108937  
the individual has committed a disqualifying offense or crime of 108938  
moral turpitude as those terms are defined in section 4776.10 of 108939  
the Revised Code. Except as otherwise provided in this division, 108940  
if an individual applying for a registration has been convicted of 108941  
or pleaded guilty to a misdemeanor that is not a crime of moral 108942  
turpitude or a disqualifying offense less than one year prior to 108943  
making the application, the board may use its discretion in 108944  
granting or denying the individual a registration. Except as 108945  
otherwise provided in this division, if an individual applying for 108946  
a registration has been convicted of or pleaded guilty to a felony 108947  
that is not a crime of moral turpitude or a disqualifying offense 108948  
less than three years prior to making the application, the board 108949  
may use its discretion in granting or denying the individual a 108950  
registration. The provisions in this paragraph do not apply with 108951  
respect to any offense unless the board, prior to ~~the effective~~ 108952  
~~date of this amendment~~ September 28, 2012, was required or 108953  
authorized to deny the registration based on that offense. 108954

In all other circumstances, the board shall follow the 108955  
procedures it adopts by rule that conform to this section. In 108956  
considering a renewal of an individual's registration, the board 108957  
shall not consider any conviction or plea of guilty prior to the 108958  
initial registration. However, the board may consider a conviction 108959

or plea of guilty if it occurred after the individual was 108960  
initially registered, or after the most recent registration 108961  
renewal. If the board denies an individual for a registration or 108962  
registration renewal, the reasons for such denial shall be put in 108963  
writing. Additionally, the board may grant an individual a 108964  
conditional registration that lasts for one year. After the 108965  
one-year period has expired, the registration is no longer 108966  
considered conditional, and the individual shall be considered 108967  
fully registered. 108968

A person who is gaining experience under the supervision of a 108969  
licensed optometrist or ophthalmologist that would qualify the 108970  
person under division (B)(1) of section 4725.48 of the Revised 108971  
Code to take the examination for optical dispensing is not 108972  
required to register with the board. 108973

**Sec. 4725.53.** (A) The ~~Ohio optical dispensers~~ state vision 108974  
professionals board, by a majority vote of its members, may refuse 108975  
to grant a license and, in accordance with Chapter 119. of the 108976  
Revised Code, may suspend or revoke the license of a licensed 108977  
dispensing optician or impose a fine or order restitution pursuant 108978  
to division (B) of this section on any of the following grounds: 108979

(1) Conviction of a crime involving moral turpitude or a 108980  
disqualifying offense as those terms are defined in section 108981  
4776.10 of the Revised Code; 108982

(2) Obtaining or attempting to obtain a license by fraud or 108983  
deception; 108984

(3) Obtaining any fee or making any sale of an optical aid by 108985  
means of fraud or misrepresentation; 108986

(4) Habitual indulgence in the use of controlled substances 108987  
or other habit-forming drugs, or in the use of alcoholic liquors 108988  
to an extent that affects professional competency; 108989

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;	108990 108991 108992
(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;	108993 108994
(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;	108995 108996 108997
(8) Permitting another person to use the licensee's license;	108998
(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;	108999 109000 109001 109002 109003 109004
(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;	109005 109006
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider-;	109007 109008 109009 109010 109011 109012
(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;	109013 109014 109015 109016 109017
<u>(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.</u>	109018 109019

(B) The board may impose a fine of not more than five hundred 109020  
dollars for a first occurrence of an action that is grounds for 109021  
discipline under this section and of not less than five hundred 109022  
nor more than one thousand dollars for a subsequent occurrence, or 109023  
may order the licensee to make restitution to a person who has 109024  
suffered a financial loss as a result of the licensee's failure to 109025  
comply with sections 4725.40 to 4725.59 of the Revised Code. 109026

(C) Notwithstanding divisions (A)(11) and (12) of this 109027  
section, sanctions shall not be imposed against any licensee who 109028  
waives deductibles and copayments: 109029

(1) In compliance with the health benefit plan that expressly 109030  
allows such a practice. Waiver of the deductibles or copays shall 109031  
be made only with the full knowledge and consent of the plan 109032  
purchaser, payer, and third-party administrator. Such consent 109033  
shall be made available to the board upon request. 109034

(2) For professional services rendered to any other person 109035  
licensed pursuant to this chapter to the extent allowed by this 109036  
chapter and the rules of the board. 109037

**Sec. 4725.531.** On receipt of a notice pursuant to section 109038  
3123.43 of the Revised Code, the ~~Ohio optical dispensers~~ state 109039  
vision professionals board shall comply with sections 3123.41 to 109040  
3123.50 of the Revised Code and any applicable rules adopted under 109041  
section 3123.63 of the Revised Code with respect to a license 109042  
issued by the board pursuant to this chapter. 109043

**Sec. 4725.54.** (A) Any person having knowledge of a violation 109044  
of sections 4725.40 to 4725.59 of the Revised Code by a licensed 109045  
dispensing optician or an apprentice, or of any other ground 109046  
specified in section 4725.53 of the Revised Code for denying, 109047  
suspending, or revoking a license, may submit a written complaint, 109048  
specifying the precise violations or grounds, to the ~~Ohio optical~~ 109049

~~dispensers~~ state vision professionals board. If the board 109050  
determines, in accordance with the procedures of Chapter 119. of 109051  
the Revised Code, that the charges are sustained by the evidence 109052  
presented, it may suspend or revoke the license of the person 109053  
against whom the charges were preferred. 109054

(B) If the board discovers or is informed that any person is 109055  
or has been engaged in optical dispensing without having received 109056  
a license under sections 4725.40 to 4725.59 of the Revised Code, 109057  
it shall inform the prosecuting attorney for the county in which 109058  
the alleged unlicensed activity took place. The prosecuting 109059  
attorney shall take all legal action necessary to terminate such 109060  
illegal practice of optical dispensing and to prosecute the 109061  
offender under section 4725.41 of the Revised Code. 109062

(C) In addition to other remedies provided in this chapter, 109063  
the board may request the attorney general or the prosecuting 109064  
attorney of a county in which a violation of sections 4725.40 to 109065  
4725.59 of the Revised Code occurs to apply to the court of common 109066  
pleas of the county for an injunction to restrain the activity 109067  
that constitutes a violation. 109068

**Sec. 4725.55.** No person shall do any of the following: 109069

(A) Sell or barter, or offer to sell or barter, a certificate 109070  
of licensure as a dispensing optician issued under sections 109071  
4725.40 to 4725.59 of the Revised Code; 109072

(B) Use, or attempt to use, a license which is illegally 109073  
purchased or acquired under division (A) of this section, obtained 109074  
by fraud or deception, counterfeited, materially altered or 109075  
otherwise modified without prior approval of the ~~Ohio optical~~ 109076  
~~dispensers~~ state vision professionals board, or suspended or 109077  
revoked under section 4725.53 or 4725.54 of the Revised Code; 109078

(C) Materially alter or otherwise modify a license in any 109079

manner, unless authorized by the ~~Ohio optical dispensers~~ state vision professionals board; 109080  
109081

(D) Willfully and knowingly make any false statement in an 109082  
application required under sections 4725.40 to 4725.59 of the 109083  
Revised Code. 109084

**Sec. 4725.57.** An applicant for licensure as a licensed 109085  
dispensing optician who is licensed or registered in another state 109086  
shall be accorded the full privileges of practice within this 109087  
state, upon the payment of a fifty-dollar fee and the submission 109088  
of a certified copy of the license or certificate issued by such 109089  
other state, without the necessity of examination, if the state 109090  
vision professionals board determines that the applicant meets the 109091  
remaining requirements of division (B) of section 4725.48 of the 109092  
Revised Code. The board may require that the applicant have 109093  
received a passing score, as determined by the board, on an 109094  
examination that is substantially the same as the examination 109095  
described in division (A) of section 4725.48 of the Revised Code. 109096

**Sec. 4725.61.** The state ~~board of optometry and the Ohio~~ 109097  
~~optical dispensers~~ vision professionals board shall comply with 109098  
section 4776.20 of the Revised Code. 109099

**Sec. 4725.63.** The state vision professionals board may 109100  
appoint committees or other groups to assist in fulfilling its 109101  
duties. A committee or group may consist of board members, other 109102  
individuals with appropriate backgrounds, or both board members 109103  
and other individuals with appropriate backgrounds. Any appointed 109104  
committee or group shall act under the board's direction and shall 109105  
perform its functions within the limits established by the board. 109106

Except as otherwise provided in the Revised Code, a committee 109107  
or group organized under this section is advisory in nature and 109108  
may not act independently of the board or act on the board's 109109



behalf. 109110

Members of a committee or group may be reimbursed by the 109111  
board for any expenses incurred in the performance of their 109112  
duties, in accordance with section 126.31 of the Revised Code and 109113  
with approval from the director of administrative services. 109114

Sec. 4725.64. The state vision professionals board may enter 109115  
into contracts with any person or government entity to implement 109116  
this chapter, the rules adopted under this chapter, any other 109117  
applicable statutes or rules, and any applicable federal statutes 109118  
or regulations. 109119

Sec. 4725.65. The state vision professionals board may become 109120  
a member of a national licensing organization for optometrists and 109121  
dispensing opticians. The board may participate in any of the 109122  
organization's activities, including reporting actions the board 109123  
takes against an applicant or license holder to any data bank 109124  
established by the organization. 109125

Sec. 4725.66. The state vision professionals board shall 109126  
establish a code of ethical practice for individuals licensed, 109127  
certified, or registered by the board in accordance with rules 109128  
adopted under Chapter 119. of the Revised Code. In establishing 109129  
the codes of ethical practice, the board shall define 109130  
unprofessional conduct in the rules, which shall include engaging 109131  
in a dual relationship with a client or former client, committing 109132  
an act of sexual abuse, misconduct, or exploitation of a client or 109133  
former client, and, except as permitted by law, violating client 109134  
confidentiality. 109135

The codes of ethical practice may be based on any codes of 109136  
ethical practice developed by national organizations representing 109137  
the interests of optometrists and dispensing opticians. The board 109138  
may establish standards in its codes of ethical practice that are 109139

more stringent than those established by national organizations. 109140

The board may take disciplinary action against an applicant 109141

or license holder for violating any code of ethical practice 109142

established under this section. 109143

**Sec. 4725.67.** The state vision professionals board and any 109144

committees established by the board shall not discriminate against 109145

an applicant or holder of a certificate, license, registration, or 109146

endorsement issued under this chapter because of the person's 109147

race, color, religion, sex, national origin, disability as defined 109148

in section 4112.01 of the Revised Code, or age. A person who files 109149

with the board or committee a statement alleging discrimination 109150

based on any of those reasons may request a hearing with the board 109151

or committee, as appropriate. 109152

**Sec. 4729.021.** The state board of pharmacy shall license and 109153

register home medical equipment services providers under Chapter 109154

4752. of the Revised Code and shall administer and enforce that 109155

chapter. 109156

**Sec. 4729.85.** If the state board of pharmacy establishes and 109157

maintains a drug database pursuant to section 4729.75 of the 109158

Revised Code, the board shall prepare reports regarding the 109159

database and present or submit them in accordance with both of the 109160

following: 109161

(A) The board shall present a biennial report to the standing 109162

committees of the house of representatives and the senate that are 109163

primarily responsible for considering health and human services 109164

issues. Each report shall include all of the following: 109165

(1) The cost to the state of establishing and maintaining the 109166

database; 109167

(2) Information from the board, terminal distributors of 109168

dangerous drugs, prescribers, and retail dispensaries licensed 109169  
under Chapter 3796. of the Revised Code regarding the board's 109170  
effectiveness in providing information from the database; 109171

(3) The board's timeliness in transmitting information from 109172  
the database. 109173

(B) The board shall submit a semiannual report to the 109174  
governor, the president of the senate, the speaker of the house of 109175  
representatives, the attorney general, the chairpersons of the 109176  
standing committees of the house of representatives and the senate 109177  
that are primarily responsible for considering health and human 109178  
services issues, the department of public safety, the state dental 109179  
board, the board of nursing, the state ~~board of optometry~~ vision 109180  
professionals board, the state medical board, and the state 109181  
veterinary medical licensing board. The state board of pharmacy 109182  
shall make the report available to the public on its internet web 109183  
site. Each report submitted shall include all of the following for 109184  
the period covered by the report: 109185

(1) An aggregate of the information submitted to the board 109186  
under section 4729.77 of the Revised Code regarding prescriptions 109187  
for controlled substances containing opioids, including all of the 109188  
following: 109189

(a) The number of prescribers who issued the prescriptions; 109190

(b) The number of patients to whom the controlled substances 109191  
were dispensed; 109192

(c) The average quantity of the controlled substances 109193  
dispensed per prescription; 109194

(d) The average daily morphine equivalent dose of the 109195  
controlled substances dispensed per prescription. 109196

(2) An aggregate of the information submitted to the board 109197  
under section 4729.79 of the Revised Code regarding controlled 109198

substances containing opioids that have been personally furnished 109199  
to a patient by a prescriber, other than a prescriber who is a 109200  
veterinarian, including all of the following: 109201

(a) The number of prescribers who personally furnished the 109202  
controlled substances; 109203

(b) The number of patients to whom the controlled substances 109204  
were personally furnished; 109205

(c) The average quantity of the controlled substances that 109206  
were furnished at one time; 109207

(d) The average daily morphine equivalent dose of the 109208  
controlled substances that were furnished at one time. 109209

(3) An aggregate of the information submitted to the board 109210  
under section 4729.771 of the Revised Code regarding medical 109211  
marijuana. 109212

**Sec. 4731.051.** The state medical board shall adopt rules in 109213  
accordance with Chapter 119. of the Revised Code establishing 109214  
universal blood and body fluid precautions that shall be used by 109215  
each person who performs exposure prone invasive procedures and is 109216  
authorized to practice by this chapter or Chapter 4730., 4759., 109217  
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 109218  
define and establish requirements for universal blood and body 109219  
fluid precautions that include the following: 109220

(A) Appropriate use of hand washing; 109221

(B) Disinfection and sterilization of equipment; 109222

(C) Handling and disposal of needles and other sharp 109223  
instruments; 109224

(D) Wearing and disposal of gloves and other protective 109225  
garments and devices. 109226

**Sec. 4731.07.** (A) The state medical board shall keep a record 109227  
of its proceedings. The minutes of a meeting of the board shall, 109228  
on approval by the board, constitute an official record of its 109229  
proceedings. 109230

(B) The board shall keep a register of applicants for 109231  
certificates to practice issued under this chapter and Chapters 109232  
4760., 4762., and 4774. of the Revised Code and licenses issued 109233  
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 109234  
The register shall show the name of the applicant and whether the 109235  
applicant was granted or refused a certificate or license. With 109236  
respect to applicants to practice medicine and surgery or 109237  
osteopathic medicine and surgery, the register shall show the name 109238  
of the institution that granted the applicant the degree of doctor 109239  
of medicine or osteopathic medicine. With respect to applicants to 109240  
practice respiratory care, the register shall show the addresses 109241  
of the person's last known place of business and residence, the 109242  
effective date and identification number of the license, the name 109243  
and location of the institution that granted the person's degree 109244  
or certificate of completion of respiratory care educational 109245  
requirements, and the date the degree or certificate was issued. 109246  
The books and records of the board shall be prima-facie evidence 109247  
of matters therein contained. 109248

**Sec. 4731.071.** The state medical board shall develop and 109249  
publish on its internet web site a directory containing the names 109250  
of, and contact information for, all persons who hold current, 109251  
valid certificates or licenses issued by the board under this 109252  
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109253  
4778. of the Revised Code. Except as provided in section 4731.10 109254  
of the Revised Code, the directory shall be the sole source for 109255  
verifying that a person holds a current, valid certificate or 109256  
license issued by the board. 109257

**Sec. 4731.224.** (A) Within sixty days after the imposition of 109258  
any formal disciplinary action taken by any health care facility, 109259  
including a hospital, health care facility operated by a health 109260  
insuring corporation, ambulatory surgical center, or similar 109261  
facility, against any individual holding a valid certificate to 109262  
practice issued pursuant to this chapter, the chief administrator 109263  
or executive officer of the facility shall report to the state 109264  
medical board the name of the individual, the action taken by the 109265  
facility, and a summary of the underlying facts leading to the 109266  
action taken. Upon request, the board shall be provided certified 109267  
copies of the patient records that were the basis for the 109268  
facility's action. Prior to release to the board, the summary 109269  
shall be approved by the peer review committee that reviewed the 109270  
case or by the governing board of the facility. As used in this 109271  
division, "formal disciplinary action" means any action resulting 109272  
in the revocation, restriction, reduction, or termination of 109273  
clinical privileges for violations of professional ethics, or for 109274  
reasons of medical incompetence, medical malpractice, or drug or 109275  
alcohol abuse. "Formal disciplinary action" includes a summary 109276  
action, an action that takes effect notwithstanding any appeal 109277  
rights that may exist, and an action that results in an individual 109278  
surrendering clinical privileges while under investigation and 109279  
during proceedings regarding the action being taken or in return 109280  
for not being investigated or having proceedings held. "Formal 109281  
disciplinary action" does not include any action taken for the 109282  
sole reason of failure to maintain records on a timely basis or 109283  
failure to attend staff or section meetings. 109284

The filing or nonfiling of a report with the board, 109285  
investigation by the board, or any disciplinary action taken by 109286  
the board, shall not preclude any action by a health care facility 109287  
to suspend, restrict, or revoke the individual's clinical 109288  
privileges. 109289

In the absence of fraud or bad faith, no individual or entity 109290  
that provides patient records to the board shall be liable in 109291  
damages to any person as a result of providing the records. 109292

(B) If any individual authorized to practice under this 109293  
chapter or any professional association or society of such 109294  
individuals believes that a violation of any provision of this 109295  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109296  
4778. of the Revised Code, or any rule of the board has occurred, 109297  
the individual, association, or society shall report to the board 109298  
the information upon which the belief is based. This division does 109299  
not require any treatment provider approved by the board under 109300  
section 4731.25 of the Revised Code or any employee, agent, or 109301  
representative of such a provider to make reports with respect to 109302  
an impaired practitioner participating in treatment or aftercare 109303  
for substance abuse as long as the practitioner maintains 109304  
participation in accordance with the requirements of section 109305  
4731.25 of the Revised Code, and as long as the treatment provider 109306  
or employee, agent, or representative of the provider has no 109307  
reason to believe that the practitioner has violated any provision 109308  
of this chapter or any rule adopted under it, other than the 109309  
provisions of division (B)(26) of section 4731.22 of the Revised 109310  
Code. This division does not require reporting by any member of an 109311  
impaired practitioner committee established by a health care 109312  
facility or by any representative or agent of a committee or 109313  
program sponsored by a professional association or society of 109314  
individuals authorized to practice under this chapter to provide 109315  
peer assistance to practitioners with substance abuse problems 109316  
with respect to a practitioner who has been referred for 109317  
examination to a treatment program approved by the board under 109318  
section 4731.25 of the Revised Code if the practitioner cooperates 109319  
with the referral for examination and with any determination that 109320  
the practitioner should enter treatment and as long as the 109321  
committee member, representative, or agent has no reason to 109322

believe that the practitioner has ceased to participate in the 109323  
treatment program in accordance with section 4731.25 of the 109324  
Revised Code or has violated any provision of this chapter or any 109325  
rule adopted under it, other than the provisions of division 109326  
(B)(26) of section 4731.22 of the Revised Code. 109327

(C) Any professional association or society composed 109328  
primarily of doctors of medicine and surgery, doctors of 109329  
osteopathic medicine and surgery, doctors of podiatric medicine 109330  
and surgery, or practitioners of limited branches of medicine that 109331  
suspends or revokes an individual's membership for violations of 109332  
professional ethics, or for reasons of professional incompetence 109333  
or professional malpractice, within sixty days after a final 109334  
decision shall report to the board, on forms prescribed and 109335  
provided by the board, the name of the individual, the action 109336  
taken by the professional organization, and a summary of the 109337  
underlying facts leading to the action taken. 109338

The filing of a report with the board or decision not to file 109339  
a report, investigation by the board, or any disciplinary action 109340  
taken by the board, does not preclude a professional organization 109341  
from taking disciplinary action against an individual. 109342

(D) Any insurer providing professional liability insurance to 109343  
an individual authorized to practice under this chapter, or any 109344  
other entity that seeks to indemnify the professional liability of 109345  
such an individual, shall notify the board within thirty days 109346  
after the final disposition of any written claim for damages where 109347  
such disposition results in a payment exceeding twenty-five 109348  
thousand dollars. The notice shall contain the following 109349  
information: 109350

(1) The name and address of the person submitting the 109351  
notification; 109352

(2) The name and address of the insured who is the subject of 109353



the claim; 109354

(3) The name of the person filing the written claim; 109355

(4) The date of final disposition; 109356

(5) If applicable, the identity of the court in which the 109357  
final disposition of the claim took place. 109358

(E) The board may investigate possible violations of this 109359  
chapter or the rules adopted under it that are brought to its 109360  
attention as a result of the reporting requirements of this 109361  
section, except that the board shall conduct an investigation if a 109362  
possible violation involves repeated malpractice. As used in this 109363  
division, "repeated malpractice" means three or more claims for 109364  
medical malpractice within the previous five-year period, each 109365  
resulting in a judgment or settlement in excess of twenty-five 109366  
thousand dollars in favor of the claimant, and each involving 109367  
negligent conduct by the practicing individual. 109368

(F) All summaries, reports, and records received and 109369  
maintained by the board pursuant to this section shall be held in 109370  
confidence and shall not be subject to discovery or introduction 109371  
in evidence in any federal or state civil action involving a 109372  
health care professional or facility arising out of matters that 109373  
are the subject of the reporting required by this section. The 109374  
board may use the information obtained only as the basis for an 109375  
investigation, as evidence in a disciplinary hearing against an 109376  
individual whose practice is regulated under this chapter, or in 109377  
any subsequent trial or appeal of a board action or order. 109378

The board may disclose the summaries and reports it receives 109379  
under this section only to health care facility committees within 109380  
or outside this state that are involved in credentialing or 109381  
recredentialing the individual or in reviewing the individual's 109382  
clinical privileges. The board shall indicate whether or not the 109383  
information has been verified. Information transmitted by the 109384

board shall be subject to the same confidentiality provisions as 109385  
when maintained by the board. 109386

(G) Except for reports filed by an individual pursuant to 109387  
division (B) of this section, the board shall send a copy of any 109388  
reports or summaries it receives pursuant to this section to the 109389  
individual who is the subject of the reports or summaries. The 109390  
individual shall have the right to file a statement with the board 109391  
concerning the correctness or relevance of the information. The 109392  
statement shall at all times accompany that part of the record in 109393  
contention. 109394

(H) An individual or entity that, pursuant to this section, 109395  
reports to the board or refers an impaired practitioner to a 109396  
treatment provider approved by the board under section 4731.25 of 109397  
the Revised Code shall not be subject to suit for civil damages as 109398  
a result of the report, referral, or provision of the information. 109399

(I) In the absence of fraud or bad faith, no professional 109400  
association or society of individuals authorized to practice under 109401  
this chapter that sponsors a committee or program to provide peer 109402  
assistance to practitioners with substance abuse problems, no 109403  
representative or agent of such a committee or program, and no 109404  
member of the state medical board shall be held liable in damages 109405  
to any person by reason of actions taken to refer a practitioner 109406  
to a treatment provider approved under section 4731.25 of the 109407  
Revised Code for examination or treatment. 109408

**Sec. 4731.24.** Except as provided in sections 4731.281 and 109409  
4731.40 of the Revised Code, all receipts of the state medical 109410  
board, from any source, shall be deposited in the state treasury. 109411  
The funds shall be deposited to the credit of the state medical 109412  
board operating fund, which is hereby created. Except as provided 109413  
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 109414  
4774.133, and 4778.141 of the Revised Code, all funds deposited 109415

into the state treasury under this section shall be used solely 109416  
for the administration and enforcement of this chapter and 109417  
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 109418  
the Revised Code by the board. 109419

**Sec. 4731.25.** The state medical board, in accordance with 109420  
Chapter 119. of the Revised Code, shall adopt and may amend and 109421  
rescind rules establishing standards for approval of physicians 109422  
and facilities as treatment providers for impaired practitioners 109423  
who are regulated under this chapter or Chapter 4730., 4759., 109424  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 109425  
rules shall include standards for both inpatient and outpatient 109426  
treatment. The rules shall provide that in order to be approved, a 109427  
treatment provider must have the capability of making an initial 109428  
examination to determine what type of treatment an impaired 109429  
practitioner requires. Subject to the rules, the board shall 109430  
review and approve treatment providers on a regular basis. The 109431  
board, at its discretion, may withdraw or deny approval subject to 109432  
the rules. 109433

An approved impaired practitioner treatment provider shall: 109434

(A) Report to the board the name of any practitioner 109435  
suffering or showing evidence of suffering impairment as described 109436  
in division (B)(5) of section 4730.25 of the Revised Code, 109437  
division (B)(26) of section 4731.22 of the Revised Code, division 109438  
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 109439  
section 4760.13 of the Revised Code, division (B)(6) of section 109440  
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 109441  
the Revised Code, or division (B)(6) of section 4778.14 of the 109442  
Revised Code who fails to comply within one week with a referral 109443  
for examination; 109444

(B) Report to the board the name of any impaired practitioner 109445  
who fails to enter treatment within forty-eight hours following 109446

the provider's determination that the practitioner needs 109447  
treatment; 109448

(C) Require every practitioner who enters treatment to agree 109449  
to a treatment contract establishing the terms of treatment and 109450  
aftercare, including any required supervision or restrictions of 109451  
practice during treatment or aftercare; 109452

(D) Require a practitioner to suspend practice upon entry 109453  
into any required inpatient treatment; 109454

(E) Report to the board any failure by an impaired 109455  
practitioner to comply with the terms of the treatment contract 109456  
during inpatient or outpatient treatment or aftercare; 109457

(F) Report to the board the resumption of practice of any 109458  
impaired practitioner before the treatment provider has made a 109459  
clear determination that the practitioner is capable of practicing 109460  
according to acceptable and prevailing standards of care; 109461

(G) Require a practitioner who resumes practice after 109462  
completion of treatment to comply with an aftercare contract that 109463  
meets the requirements of rules adopted by the board for approval 109464  
of treatment providers; 109465

(H) Report the identity of any practitioner practicing under 109466  
the terms of an aftercare contract to hospital administrators, 109467  
medical chiefs of staff, and chairpersons of impaired practitioner 109468  
committees of all health care institutions at which the 109469  
practitioner holds clinical privileges or otherwise practices. If 109470  
the practitioner does not hold clinical privileges at any health 109471  
care institution, the treatment provider shall report the 109472  
practitioner's identity to the impaired practitioner committee of 109473  
the county medical society, osteopathic academy, or podiatric 109474  
medical association in every county in which the practitioner 109475  
practices. If there are no impaired practitioner committees in the 109476  
county, the treatment provider shall report the practitioner's 109477

identity to the president or other designated member of the county 109478  
medical society, osteopathic academy, or podiatric medical 109479  
association. 109480

(I) Report to the board the identity of any practitioner who 109481  
suffers a relapse at any time during or following aftercare. 109482

Any individual authorized to practice under this chapter who 109483  
enters into treatment by an approved treatment provider shall be 109484  
deemed to have waived any confidentiality requirements that would 109485  
otherwise prevent the treatment provider from making reports 109486  
required under this section. 109487

In the absence of fraud or bad faith, no person or 109488  
organization that conducts an approved impaired practitioner 109489  
treatment program, no member of such an organization, and no 109490  
employee, representative, or agent of the treatment provider shall 109491  
be held liable in damages to any person by reason of actions taken 109492  
or recommendations made by the treatment provider or its 109493  
employees, representatives, or agents. 109494

**Sec. 4743.05.** Except as otherwise provided in sections 109495  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 109496  
Revised Code, all money collected under Chapters 3773., 4701., 109497  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 109498  
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 109499  
4758., ~~4759., 4761.,~~ 4771., 4775., ~~4779.,~~ and 4781. of the Revised 109500  
Code shall be paid into the state treasury to the credit of the 109501  
occupational licensing and regulatory fund, which is hereby 109502  
created for use in administering such chapters. 109503

At the end of each quarter, the director of budget and 109504  
management shall transfer from the occupational licensing and 109505  
regulatory fund to the nurse education assistance fund created in 109506  
section 3333.28 of the Revised Code the amount certified to the 109507  
director under division (B) of section 4723.08 of the Revised 109508

Code. 109509

At the end of each quarter, the director shall transfer from 109510  
the occupational licensing and regulatory fund to the certified 109511  
public accountant education assistance fund created in section 109512  
4701.26 of the Revised Code the amount certified to the director 109513  
under division (H)(2) of section 4701.10 of the Revised Code. 109514

Sec. 4744.02. (A) There is hereby created the state speech 109515  
and hearing professionals board consisting of the following 109516  
members, appointed by the governor with the advice and consent of 109517  
the senate: 109518

(1) Two individuals licensed as speech-language pathologists 109519  
under Chapter 4753. of the Revised Code; 109520

(2) Three individuals licensed as audiologists under Chapter 109521  
4753. of the Revised Code; 109522

(3) Two individuals licensed as hearing aid fitters under 109523  
Chapter 4747. of the Revised Code; 109524

(4) Two individuals representing the general public. 109525

(B) Not later than ninety days after the effective date of 109526  
this section, the governor shall make initial appointments to the 109527  
board. Of the initial appointments, four members shall serve terms 109528  
ending March 22, 2019, three members shall serve terms ending 109529  
March 22, 2020, and two members shall serve terms ending March 22, 109530  
2021. 109531

Thereafter, terms of office are three years, with each term 109532  
commencing on the twenty-third day of March and ending on the 109533  
twenty-second day of March. Each member shall hold office from the 109534  
date of appointment until the end of the term for which the member 109535  
was appointed, except that a member shall continue in office after 109536  
the expiration date of the member's term until the member's 109537  
successor takes office. No member shall serve more than three 109538

consecutive terms. 109539

Vacancies shall be filled in the same manner as original 109540  
appointments. Any member appointed to fill a vacancy occurring 109541  
before the expiration of the term for which the member's 109542  
predecessor was appointed shall hold office for the remainder of 109543  
that term. 109544

(C) No individual may be appointed to the board who has been 109545  
convicted of or pleaded guilty to a felony under the laws of this 109546  
state, another state, or the United States. 109547

The governor may remove a member of the board for 109548  
malfeasance, misfeasance, or nonfeasance after a hearing in 109549  
accordance with Chapter 119. of the Revised Code. The governor 109550  
shall remove, after a hearing in accordance with Chapter 119. of 109551  
the Revised Code, any member who has been convicted of or pleaded 109552  
guilty to a felony under the laws of this state, another state, or 109553  
the United States. 109554

**Sec. 4744.07.** When the term of a member of the state speech 109555  
and hearing professionals board expires or a vacancy occurs on the 109556  
board, a professional association representing the interests of 109557  
the occupation of the board position to be filled may recommend to 109558  
the governor individuals to fill the position. The governor shall 109559  
consider the recommendation in making appointments to the board. 109560

**Sec. 4744.10.** Whenever the term "hearing aid dealers and 109561  
fitters licensing board" or "board of speech-language pathology 109562  
and audiology" is used in any statute, rule, contract, or other 109563  
document, the use shall be construed to mean the "state speech and 109564  
hearing professionals board." 109565

Whenever "secretary of the hearing aid dealers and fitters 109566  
licensing board" or "executive director of the board of 109567  
speech-language pathology and audiology" is used in a statute, 109568

rule, contract, or other document, the use shall be construed to 109569  
mean the executive director of the state speech and hearing 109570  
professionals board. 109571

**Sec. 4744.12.** (A) The state speech and hearing professionals 109572  
board shall annually elect from among its members a president and 109573  
secretary. The board shall hold at least four regular meetings 109574  
each year and may hold additional meetings as it considers 109575  
necessary. At least one of the board's regular meetings shall be 109576  
held in Franklin county. The board shall publish the time and 109577  
place of any meetings at least thirty days before the date on 109578  
which the meeting is to be held, except that in the case of an 109579  
emergency or special meeting, the board shall give 109580  
twenty-four-hours' notice or as much notice as possible. 109581

A majority of board members constitutes a quorum. 109582

(B) The board shall do all of the following: 109583

(1) Adopt a seal and certificate of suitable design; 109584

(2) Maintain a record of its proceedings; 109585

(3) Maintain a register of every individual holding a 109586  
certificate, license, or permit issued under Chapters 4747. and 109587  
4753. of the Revised Code and every individual whose certificate, 109588  
license, or permit has been revoked under those chapters. 109589

(C) Except as otherwise provided in the Revised Code, the 109590  
books and records of the board, including its registers, shall be 109591  
open to public inspection at all reasonable times. A copy of an 109592  
entry in those books and records, certified by the executive 109593  
director under the board's seal, is prima facie evidence of the 109594  
facts therein stated. 109595

**Sec. 4744.14.** The state speech and hearing professionals 109596  
board shall hire an executive director. Before discharging the 109597



executive director's duties, each executive director shall give a 109598  
bond, to be approved by the board, in the amount of two thousand 109599  
dollars to ensure the faithful performance of the executive 109600  
director's duties. The board shall pay the premium of the bond in 109601  
the same manner as it pays other expenditures of the board. The 109602  
bond shall be deposited with the secretary of state and kept in 109603  
the secretary of state's office. 109604

The executive director of the board, in consultation with the 109605  
director of administrative services, may employ inspectors, 109606  
investigators, assistants, and other employees as necessary to 109607  
administer and enforce Chapters 4747. and 4753. of the Revised 109608  
Code. 109609

**Sec. 4744.16.** Each member of the state speech and hearing 109610  
professionals board shall receive an amount fixed under division 109611  
(J) of section 124.15 of the Revised Code for each day the member 109612  
is performing their official duties and be reimbursed for actual 109613  
and necessary expenses incurred in performing such duties. 109614

The board, in consultation with the director of 109615  
administrative services, shall set the compensation of its 109616  
executive director and of any employees of the board. The 109617  
executive director of the board shall be reimbursed for necessary 109618  
expenses in accordance with section 126.31 of the Revised Code. 109619

All vouchers of the board shall be approved by the board's 109620  
president or executive director, or both, as authorized by the 109621  
board. 109622

**Sec. 4744.18.** The state speech and hearing professionals 109623  
board shall have an office in Franklin county, where all of the 109624  
board's permanent records shall be kept. On request of the board, 109625  
the director of administrative services shall supply the board 109626  
with office space and supplies. The board's president and 109627

executive director shall submit an order to the director of 109628  
administrative services for all printing and binding necessary for 109629  
the board's work. 109630

**Sec. 4744.20.** All expenses of the state speech and hearing 109631  
professionals board shall be paid from, and all receipts of the 109632  
board shall be deposited in, the state treasury to the credit of 109633  
the occupational licensing and regulatory fund created in section 109634  
4743.05 of the Revised Code. 109635

**Sec. 4744.24.** The state speech and hearing professionals 109636  
board shall annually, on or before the first day of February, 109637  
submit a report to the governor of all its official acts during 109638  
the preceding year, its receipts and disbursements, and a complete 109639  
report of the conditions of the professions regulated by the 109640  
board. The board shall submit its first report to the governor not 109641  
later than February 1, 2019. The board shall submit the reports to 109642  
the governor electronically. 109643

**Sec. 4744.28.** The state speech and hearing professionals 109644  
board may adopt rules as necessary for the transaction of its 109645  
business. 109646

**Sec. 4744.30.** In the absence of fraud or bad faith, the state 109647  
speech and hearing professionals board, current or former board 109648  
members, agents of the board, persons formally requested by the 109649  
board to be the board's representative, or employees of the board 109650  
shall not be held liable in damages to any person as the result of 109651  
any act, omission, proceeding, conduct, or decision related to 109652  
official duties undertaken or performed pursuant to Chapters 4747. 109653  
and 4753. of the Revised Code. 109654

If such a person asks to be defended by the state against any 109655

claim or action arising out of any act, omission, proceeding, 109656  
conduct, or decision related to the person's official duties, and 109657  
if the request is made in writing at a reasonable time before 109658  
trial and the person requesting defense cooperates in good faith 109659  
in the defense of the claim or action, the state shall provide and 109660  
pay for the person's defense and shall pay any resulting judgment, 109661  
compromise, or settlement. At no time shall the state pay any part 109662  
of a claim or judgment that is for punitive or exemplary damages. 109663

**Sec. 4744.36.** The state speech and hearing professionals 109664  
board may appoint committees or other groups to assist in 109665  
fulfilling its duties. A committee or group may consist of board 109666  
members, other individuals with appropriate backgrounds, or both 109667  
board members and other individuals with appropriate backgrounds. 109668  
Any appointed committee or group shall act under the board's 109669  
direction and shall perform its functions within the limits 109670  
established by the board. 109671

Except as otherwise provided in the Revised Code, a committee 109672  
or group organized under this section is advisory in nature and 109673  
may not act independently of the board or act on the board's 109674  
behalf. 109675

Members of a committee or group may be reimbursed by the 109676  
board for any expenses incurred in the performance of their 109677  
duties, in accordance with section 126.31 of the Revised Code and 109678  
with approval from the director of administrative services. 109679

**Sec. 4744.40.** The state speech and hearing professionals 109680  
board may enter into contracts with any person or government 109681  
entity to implement this chapter and Chapters 4747. and 4753. of 109682  
the Revised Code, the rules adopted under those chapters, any 109683  
other applicable statutes or rules, and any applicable federal 109684  
statutes or regulations. 109685

Sec. 4744.48. The state speech and hearing professionals 109686  
board may become a member of a national licensing organization for 109687  
the professions regulated by the board. The board may participate 109688  
in any of the organization's activities, including reporting 109689  
actions the board takes against an applicant or license holder to 109690  
any data bank established by the organization. 109691

Sec. 4744.50. The state speech and hearing professionals 109692  
board shall establish a code of ethical practice for individuals 109693  
licensed, certified, or registered by the board in accordance with 109694  
rules adopted under Chapter 119. of the Revised Code. In 109695  
establishing the codes of ethical practice, the board shall define 109696  
unprofessional conduct in the rules, which shall include engaging 109697  
in a dual relationship with a client or former client, committing 109698  
an act of sexual abuse, misconduct, or exploitation of a client or 109699  
former client, and, except as permitted by law, violating client 109700  
confidentiality. 109701

The codes of ethical practice may be based on any codes of 109702  
ethical practice developed by national organizations representing 109703  
the interests of those professions regulated by the board. The 109704  
board may establish standards in its codes of ethical practice 109705  
that are more stringent than those established by national 109706  
organizations. 109707

The board may take disciplinary action against an applicant 109708  
or license holder for violating any code of ethical practice 109709  
established under this section. 109710

Sec. 4744.54. The state speech and hearing professionals 109711  
board or any committees established by the board shall not 109712  
discriminate against an applicant or license holder because of the 109713  
person's race, color, religion, sex, national origin, disability 109714  
as defined in section 4112.01 of the Revised Code, or age. A 109715

person who files with the board or committee a statement alleging 109716  
discrimination based on any of those reasons may request a hearing 109717  
with the board or committee, as appropriate. 109718

**Sec. 4745.02.** On or before the thirtieth day prior to the 109719  
expiration of any license, each licensing agency shall ~~cause to be~~ 109720  
~~mailed~~ provide a notice ~~and application~~ for renewal to every 109721  
licensee for whom a license was issued or renewed during the 109722  
current license year or other specified period and who has been 109723  
approved for renewal by the specific licensing agency. 109724

The licensee shall complete the applicable renewal 109725  
application and ~~return it to~~ pay the applicable renewal fee. 109726  
Renewal fees paid pursuant to this section shall be deposited with 109727  
the treasurer of state ~~with a renewal fee in the amount specified~~ 109728  
~~on the renewal application.~~ 109729

Upon receipt of the correct fee by the treasurer and 109730  
acceptance of the renewal application by the licensing agency, the 109731  
applicant shall be entered as currently renewed on the records of 109732  
the particular licensing agency, and notice of the entry shall be 109733  
~~mailed~~ provided to each licensee as soon as practicable, but not 109734  
later than thirty days after receipt ~~by the treasurer~~ of the 109735  
application and renewal fee. A certification by the respective 109736  
licensing agency, with its seal affixed, of those records shall be 109737  
prima-facie evidence of renewal in all courts in the trial of any 109738  
case. 109739

**Sec. 4745.021.** Notwithstanding any provision of the Revised 109740  
Code pertaining to the timing of a license renewal to the 109741  
contrary, if a failure in any electronic license renewal system 109742  
occurs, a licensing agency may extend the date by which licenses 109743  
must be renewed. The licensing agency may extend a renewal period 109744  
for a reasonable time period after the resolution of the system 109745

failure. However, a licensing agency must obtain approval from the 109746  
director of administrative services for an extension in excess of 109747  
fourteen days beyond the resolution of the system failure. 109748

**Sec. 4745.04.** (A) As used in this section: 109749

(1) "Indigent and uninsured person" and "volunteer" have the 109750  
same meanings as in section 2305.234 of the Revised Code. 109751

(2) "Licensing agency that licenses health care 109752  
professionals" means all of the following: 109753

(a) The state dental board established under Chapter 4715. of 109754  
the Revised Code; 109755

(b) The board of nursing established under Chapter 4723. of 109756  
the Revised Code; 109757

(c) The state vision professionals board ~~of optometry~~ 109758  
established under Chapter 4725. of the Revised Code; 109759

~~(d) The Ohio optical dispensers board established under~~ 109760  
~~Chapter 4725. of the Revised Code;~~ 109761

~~(e)~~ The state board of pharmacy established under Chapter 109762  
4729. of the Revised Code; 109763

~~(f)~~(e) The state medical board established under Chapter 109764  
4731. of the Revised Code; 109765

~~(g)~~(f) The state board of psychology established under 109766  
Chapter 4732. of the Revised Code; 109767

~~(h)~~(g) The state chiropractic board established under Chapter 109768  
4734. of the Revised Code; 109769

~~(i) The hearing aid dealers and fitters licensing board~~ 109770  
~~established under Chapter 4747. of the Revised Code;~~ 109771

~~(j) The board of speech language pathology and audiology~~ 109772  
~~established under Chapter 4753. of the Revised Code;~~ 109773

~~(k)~~(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code; 109774  
109775  
109776

~~(l)~~(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised ~~ode~~ Code; 109777  
109778  
109779

~~(m)~~(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code; 109780  
109781

~~(n)~~ The Ohio board of dietetics established under Chapter 4759. of the Revised Code; 109782  
109783

~~(o)~~ The Ohio respiratory care board established under Chapter 4761. of the Revised Code; 109784  
109785

~~(p)~~(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code; 109786  
109787

~~(q)~~ The state board of orthotics, prosthetics, and pedorthics established under Chapter 4779. of the Revised Code; 109788  
109789

~~(r)~~(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code; 109790  
109791

(m) Any other licensing agency that considers its licensees to be health care professionals. 109792  
109793

(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply: 109794  
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(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency. 109799  
109800  
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(2) The licensee provides the health care services to an indigent and uninsured person. 109802  
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(3) The licensee provides the health care services as a volunteer. 109804  
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(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section. 109806  
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(5) The health care services provided are within the scope of authority of the licensee renewing the license. 109809  
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(C) A licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer. 109811  
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(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 109819  
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(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the Revised Code and does not make the provider of those services ineligible for the immunity from liability granted under that section. 109823  
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**Sec. 4747.04.** ~~The state speech and hearing aid dealers and fitters licensing board shall meet annually to elect a chairperson and a vice chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The~~ 109829  
109830  
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professionals board shall: 109834

(A) ~~Adopt rules for the transaction of its business;~~ 109835

~~(B)~~ Design and prepare qualifying examinations for licensing 109836  
of hearing aid dealers, fitters, and trainees; 109837

~~(C)~~(B) Determine whether persons holding similar valid 109838  
licenses from other states or jurisdictions shall be required to 109839  
take and successfully pass the appropriate qualifying examination 109840  
as a condition for licensing in this state; 109841

~~(D)~~(C) Determine whether charges made against any licensee 109842  
warrant a hearing before the board; 109843

~~(E)~~(D) Hold hearings to determine the truth and circumstances 109844  
of all charges filed in writing with the board against any 109845  
licensee and determine whether any license held by any person 109846  
shall be revoked, suspended, or reissued; 109847

~~(F)~~(E) Determine and specify the length of time each license 109848  
that is suspended or revoked shall remain suspended or revoked; 109849

~~(G)~~(F) Advise and assist the department of health in all 109850  
matters relating to this chapter; 109851

~~(H)~~(G) Deposit all payments collected under this chapter into 109852  
the ~~general operations~~ state treasury to the credit of the 109853  
occupational licensing and regulatory fund created ~~under in~~ 109854  
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 109855  
~~administering and enforcing this chapter;~~ 109856

~~(I)~~(H) Establish a list of disqualifying offenses for 109857  
licensure as a hearing aid dealer or fitter, or for a hearing aid 109858  
dealer or fitter trainee permit, pursuant to sections 4747.05, 109859  
4747.10, 4747.12, and 4776.10 of the Revised Code. 109860

Nothing in this section shall be interpreted as granting to 109861  
the ~~hearing aid dealers and fitters licensing~~ board the right to 109862  
restrict advertising which is not false or misleading, or to 109863

prohibit or in any way restrict a hearing aid dealer or fitter 109864  
from renting or leasing space from any person, firm or corporation 109865  
in a mercantile establishment for the purpose of using such space 109866  
for the lawful sale of hearing aids or to prohibit a mercantile 109867  
establishment from selling hearing aids if the sale would be 109868  
otherwise lawful under this chapter. 109869

**Sec. 4747.05.** (A) The state speech and hearing aid dealers 109870  
~~and fitters licensing~~ professionals board shall issue to each 109871  
applicant, within sixty days of receipt of a properly completed 109872  
application and payment of two hundred sixty-two dollars, a 109873  
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 109874  
~~individual:~~ 109875

(1) ~~Is~~ In the case of an individual, the individual is at 109876  
least eighteen years of age. 109877

~~(2) Has,~~ has not committed a disqualifying offense or a crime 109878  
of moral turpitude, as those terms are defined in section 4776.10 109879  
of the Revised Code. 109880

~~(3) Is,~~ is free of contagious or infectious disease. 109881

~~(4) Has,~~ and has successfully passed a qualifying examination 109882  
specified and administered by the board. 109883

~~(B) If the applicant is~~ (2) In the case of a firm, 109884  
partnership, association, or corporation, the application, in 109885  
addition to such information as the board requires, ~~shall be~~ is 109886  
accompanied by an application for a license for each person, 109887  
whether owner or employee, of the firm, partnership, association, 109888  
or corporation, who engages in dealing in or fitting of hearing 109889  
aids, or ~~shall contain~~ contains a statement that such applications 109890  
are submitted separately. No firm, partnership, association, or 109891  
corporation licensed pursuant to this chapter shall permit any 109892  
unlicensed person to sell or fit hearing aids. 109893

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 109894  
this section, the board shall not adopt, maintain, renew, or 109895  
enforce any rule that precludes an individual from receiving or 109896  
renewing a license issued under this chapter due to any past 109897  
criminal activity or interpretation of moral character, unless the 109898  
individual has committed a crime of moral turpitude or a 109899  
disqualifying offense as those terms are defined in section 109900  
4776.10 of the Revised Code. If the board denies an individual a 109901  
license or license renewal, the reasons for such denial shall be 109902  
put in writing. 109903

(2) Except as otherwise provided in this division, if an 109904  
individual applying for a license has been convicted of or pleaded 109905  
guilty to a misdemeanor that is not a crime of moral turpitude or 109906  
a disqualifying offense less than one year prior to making the 109907  
application, the board may use the board's discretion in granting 109908  
or denying the individual a license. Except as otherwise provided 109909  
in this division, if an individual applying for a license has been 109910  
convicted of or pleaded guilty to a felony that is not a crime of 109911  
moral turpitude or a disqualifying offense less than three years 109912  
prior to making the application, the board may use the board's 109913  
discretion in granting or denying the individual a license. The 109914  
provisions in this paragraph do not apply with respect to any 109915  
offense unless the board, prior to ~~the effective date of this~~ 109916  
~~amendment~~ September 28, 2012, was required or authorized to deny 109917  
the application based on that offense. 109918

In all other circumstances, the board shall follow the 109919  
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 109920  
this section. 109921

(3) In considering a renewal of an individual's license, the 109922  
board shall not consider any conviction or plea of guilty prior to 109923  
the initial licensing. However, the board may consider a 109924  
conviction or plea of guilty if it occurred after the individual 109925

was initially licensed, or after the most recent license renewal. 109926

(4) The board may grant an individual a conditional license 109927  
that lasts for one year. After the one-year period has expired, 109928  
the license is no longer considered conditional, and the 109929  
individual shall be considered fully licensed. 109930

~~(D)~~(C) Each license issued expires on the thirtieth day of 109931  
January of the year following that in which it was issued. 109932

**Sec. 4747.051.** (A) As used in this section, "license" and 109933  
"applicant for an initial license" have the same meanings as in 109934  
section 4776.01 of the Revised Code, except that "license" as used 109935  
in both of those terms refers to the types of authorizations 109936  
otherwise issued or conferred under this chapter. 109937

(B) In addition to any other eligibility requirement set 109938  
forth in this chapter, each applicant for an initial license shall 109939  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 109940  
state speech and hearing professionals board shall not grant a 109941  
license to an applicant for an initial license unless the 109942  
applicant complies with sections 4776.01 to 4776.04 of the Revised 109943  
Code and the board, in its discretion, decides that the results of 109944  
the criminal records check do not make the applicant ineligible 109945  
for a license issued pursuant to section 4747.05 or 4747.10 of the 109946  
Revised Code. 109947

**Sec. 4747.06.** (A) Each person engaged in the practice of 109948  
dealing in or fitting of hearing aids who holds a valid hearing 109949  
aid dealer's or fitter's license shall apply annually to the state 109950  
speech and hearing aid dealers and fitters licensing professionals 109951  
board for renewal of such license under the standard renewal 109952  
procedure specified in Chapter 4745. of the Revised Code. The 109953  
board shall issue to each applicant, on proof of completion of the 109954  
continuing education required by division (B) of this section and 109955

payment of one hundred fifty-seven dollars on or before the first 109956  
day of February, one hundred eighty-three dollars on or before the 109957  
first day of March, or two hundred ten dollars thereafter, a 109958  
renewed hearing aid dealer's or fitter's license. No person who 109959  
applies for renewal of a hearing aid dealer's or fitter's license 109960  
that has expired shall be required to take any examination as a 109961  
condition of renewal provided application for renewal is made 109962  
within two years of the date such license expired. 109963

(B) Each person engaged in the practice of dealing in or 109964  
fitting of hearing aids who holds a valid hearing aid dealer's or 109965  
fitter's license shall complete each year not less than ten hours 109966  
of continuing professional education approved by the board. On a 109967  
form provided by the board, the person shall certify to the board, 109968  
at the time of license renewal pursuant to division (A) of this 109969  
section, that in the preceding year the person has completed 109970  
continuing education in compliance with this division and shall 109971  
submit any additional information required by rule of the board 109972  
regarding the continuing education. The board shall adopt rules in 109973  
accordance with Chapter 119. of the Revised Code establishing the 109974  
standards continuing education programs must meet to obtain board 109975  
approval and continuing education reporting requirements. 109976

Continuing education may be applied to meet the requirement 109977  
of this division if it is provided or certified by any of the 109978  
following: 109979

(1) The national institute of hearing instruments studies 109980  
committee of the international hearing society; 109981

(2) The American speech-language hearing association; 109982

(3) The American academy of audiology. 109983

The board may excuse persons licensed under this chapter, as 109984  
a group or as individuals, from all or any part of the 109985  
requirements of this division because of an unusual circumstance, 109986

emergency, or special hardship. 109987

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 109988  
fitter's license and engages in the practice of dealing in and 109989  
fitting of hearing aids shall display such license in a 109990  
conspicuous place in the person's office or place of business at 109991  
all times. Each person who maintains more than one office or place 109992  
of business shall post a duplicate copy of the license at each 109993  
location. The ~~state speech and hearing aid dealers and fitters~~ 109994  
~~licensing~~ professionals board shall issue duplicate copies of a 109995  
license upon receipt of a properly completed application and 109996  
payment of sixteen dollars for each copy requested. 109997

**Sec. 4747.08.** After July 1, 1970, no person shall be issued a 109998  
hearing aid dealer's or fitter's license unless such person has 109999  
successfully taken and passed a qualifying examination. The 110000  
qualifying examination shall be a thorough testing of knowledge 110001  
required for the proper selecting, fitting, and sale of hearing 110002  
aids, but shall not be such that a medical or surgical education 110003  
is required for successful completion. It shall consist of written 110004  
and practical portions which shall include, but not be limited to, 110005  
the following areas: 110006

(A) Basic physics of sound; 110007

(B) The anatomy and physiology of the human ear; 110008

(C) The function and purpose of hearing aids; 110009

(D) Pure tone audiometry, including air conduction and bone 110010  
conduction testing; 110011

(E) Live voice or recorded voice speech audiometry, including 110012  
speech reception threshold testing and speech discrimination 110013  
testing; 110014

(F) Masking techniques; 110015

(G) Recording and evaluation of audiograms and speech 110016  
audiometry to determine proper selection and adaptation of hearing 110017  
aids; 110018

(H) Earmold impression techniques. 110019

The ~~state speech and hearing aid dealers and fitters~~ 110020  
~~licensing professionals~~ board shall design, prepare, and revise 110021  
such qualifying examinations as are determined necessary by the 110022  
board pursuant to this chapter. It shall administer all such 110023  
qualifying examinations and shall designate the time, place, and 110024  
date the examinations are held. The board shall also furnish all 110025  
materials and equipment necessary for the conducting of all 110026  
qualifying examinations. 110027

**Sec. 4747.10.** Each person currently engaged in training to 110028  
become a licensed hearing aid dealer or fitter shall apply to the 110029  
~~state speech and hearing aid dealers and fitters licensing~~ 110030  
~~professionals~~ board for a hearing aid dealer's and fitter's 110031  
trainee permit. The board shall issue to each applicant within 110032  
thirty days of receipt of a properly completed application and 110033  
payment of one hundred fifty dollars, a trainee permit if such 110034  
applicant meets all of the following criteria: 110035

(A) Is at least eighteen years of age; 110036

(B) Is the holder of a diploma from an accredited high school 110037  
or a certificate of high school equivalence issued by the 110038  
department of education; 110039

(C) Has not committed a disqualifying offense or a crime of 110040  
moral turpitude, as those terms are defined in section 4776.10 of 110041  
the Revised Code; 110042

(D) Is free of contagious or infectious disease. 110043

Subject to the next paragraph, the board shall not deny a 110044  
trainee permit issued under this section to any individual based 110045

on the individual's past criminal history or an interpretation of 110046  
moral character unless the individual has committed a 110047  
disqualifying offense or crime of moral turpitude as those terms 110048  
are defined in section 4776.10 of the Revised Code. Except as 110049  
otherwise provided in this paragraph, if an individual applying 110050  
for a trainee permit has been convicted of or pleaded guilty to a 110051  
misdemeanor that is not a crime of moral turpitude or a 110052  
disqualifying offense less than one year prior to making the 110053  
application, the board may use the board's discretion in granting 110054  
or denying the individual a trainee permit. Except as otherwise 110055  
provided in this paragraph, if an individual applying for a 110056  
trainee permit has been convicted of or pleaded guilty to a felony 110057  
that is not a crime of moral turpitude or a disqualifying offense 110058  
less than three years prior to making the application, the board 110059  
may use the board's discretion in granting or denying the 110060  
individual a trainee permit. The provisions in this paragraph do 110061  
not apply with respect to any offense unless the board, prior to 110062  
September 28, 2012, was required or authorized to deny the 110063  
application based on that offense. 110064

In all other circumstances not described in the preceding 110065  
paragraph, the board shall follow the procedures it adopts by rule 110066  
that conform to this section. 110067

In considering a renewal of an individual's trainee permit, 110068  
the board shall not consider any conviction or plea of guilty 110069  
prior to the issuance of the initial trainee permit. However, the 110070  
board may consider a conviction or plea of guilty if it occurred 110071  
after the individual was initially granted the trainee permit, or 110072  
after the most recent trainee permit renewal. If the board denies 110073  
an individual for a trainee permit or renewal, the reasons for 110074  
such denial shall be put in writing. Additionally, the board may 110075  
grant an individual a conditional trainee permit that lasts for 110076  
one year. After the one-year period has expired, the permit is no 110077



longer considered conditional, and the individual shall be 110078  
considered to be granted a full trainee permit. 110079

Each trainee permit issued by the board expires one year from 110080  
the date it was first issued, and may be renewed once if the 110081  
trainee has not successfully completed the qualifying requirements 110082  
for licensing as a hearing aid dealer or fitter before the 110083  
expiration date of such permit. The board shall issue a renewed 110084  
permit to each applicant upon receipt of a properly completed 110085  
application and payment of one hundred five dollars. No person 110086  
holding a trainee permit shall engage in the practice of dealing 110087  
in or fitting of hearing aids except while under supervision by a 110088  
licensed hearing aid dealer or fitter. 110089

**Sec. 4747.11.** Each person who holds a hearing aid dealer's or 110090  
fitter's license or trainee permit shall notify the state speech 110091  
and hearing aid dealers and fitters licensing professionals board 110092  
in writing of the place or places where ~~he~~ the person engages or 110093  
intends to engage in the practice of dealing in and fitting of 110094  
hearing aids, and shall immediately notify the board in writing of 110095  
any change in such address or addresses. The board shall keep a 110096  
record of the past and current place of business of each person 110097  
who holds a license or permit. 110098

Any notice that is required to be given by the board to a 110099  
person holding a license or permit pursuant to the provisions of 110100  
this chapter shall be mailed to such person by certified mail to 110101  
the address of ~~his~~ the person's current or most recent place of 110102  
business as revealed in the records of the board. 110103

**Sec. 4747.12.** The state speech and hearing aid dealers and 110104  
fitters licensing professionals board may revoke or suspend a 110105  
license or permit if the person who holds such license or permit: 110106

(A) Is convicted of a disqualifying offense or a crime of 110107

moral turpitude as those terms are defined in section 4776.10 of 110108  
the Revised Code. The record of conviction, or a copy thereof 110109  
certified by the clerk of the court or by the judge in whose court 110110  
the conviction occurs, is conclusive evidence of such conviction; 110111

(B) Procured a license or permit by fraud or deceit practiced 110112  
upon the board; 110113

(C) Obtained any fee or made any sale of a hearing aid by 110114  
fraud or misrepresentation; 110115

(D) Knowingly employed any person without a license or a 110116  
person whose license was suspended or revoked to engage in the 110117  
fitting or sale of hearing aids; 110118

(E) Used or caused or promoted the use of any advertising 110119  
matter, promotional literature, testimonial, guarantee, warranty, 110120  
label, brand, insignia, or any other representation, however 110121  
disseminated or published, which is misleading, deceptive, or 110122  
untruthful; 110123

(F) Advertised a particular model or type of hearing aid for 110124  
sale when purchasers or prospective purchasers responding to the 110125  
advertisement cannot purchase the specified model or type of 110126  
hearing aid; 110127

(G) Represented or advertised that the service or advice of a 110128  
person licensed to practice medicine will be used or made 110129  
available in the selection, fitting, adjustment, maintenance, or 110130  
repair of hearing aids when such is not true, or using the words 110131  
"doctor," "clinic," or similar words, abbreviations, or symbols 110132  
which connote the medical profession when such use is not 110133  
accurate; 110134

(H) Is found by the board to be a person of habitual 110135  
intemperance or gross immorality; 110136

(I) Advertised a manufacturer's product or used a 110137

manufacturer's name or trademark in a manner which suggested the 110138  
existence of a relationship with the manufacturer which did not or 110139  
does not exist; 110140

(J) Fitted or sold, or attempted to fit or sell, a hearing 110141  
aid to a person without first utilizing the appropriate procedures 110142  
and instruments required for proper fitting of hearing aids; 110143

(K) Engaged in the fitting and sale of hearing aids under a 110144  
false name or an alias; 110145

(L) Engaged in the practice of dealing in or fitting of 110146  
hearing aids while suffering from a contagious or infectious 110147  
disease; 110148

(M) Was found by the board to be guilty of gross incompetence 110149  
or negligence in the fitting or sale of hearing aids; 110150

(N) Permitted another person to use the licensee's license; 110151

(O) Violate the code of ethical practice adopted under 110152  
section 4744.50 of the Revised Code. 110153

**Sec. 4747.13.** (A) Any person who wishes to make a complaint 110154  
against any person, firm, partnership, association, or corporation 110155  
licensed pursuant to this chapter shall submit such complaint in 110156  
writing to the state speech and hearing aid dealers and fitters 110157  
licensing professionals board within one year from the date of the 110158  
action or event upon which the complaint is based. The ~~hearing aid~~ 110159  
~~dealers and fitters~~ board shall determine whether the charges in 110160  
the complaint are of a sufficiently serious nature to warrant a 110161  
hearing before the board to determine whether the license or 110162  
permit held by the person complained against shall be revoked or 110163  
suspended. If the board determines that a hearing is warranted, 110164  
then it shall fix the time and place of such hearing and deliver 110165  
or cause to have delivered, either in person or by registered 110166  
mail, at least twenty days before the date of such hearing, an 110167

order instructing the licensee complained against of the date, 110168  
time, and place where the licensee shall appear before the board. 110169  
Such order shall include a copy of the complaint against the 110170  
licensee. 110171

The board, and the licensee after receipt of the order and a 110172  
copy of the complaint made against the licensee, may take 110173  
depositions in advance of the hearing, provided that each party 110174  
taking depositions shall give at least five days notice to the 110175  
other party of the time, date, and place where such depositions 110176  
shall be taken. Each party shall have the right to attend with 110177  
counsel the taking of such depositions and may cross-examine the 110178  
deponent or deponents. Each licensee appearing before the board 110179  
may be represented by counsel. No person shall have the person's 110180  
license or permit revoked or suspended without an opportunity to 110181  
present the person's case at a hearing before the board, and the 110182  
board shall grant a continuance or adjournment of a hearing date 110183  
for good cause. Each person whose license or permit is suspended 110184  
or revoked by the board may appeal such action to the court of 110185  
common pleas. 110186

(B) The board shall petition the court of common pleas of the 110187  
county in which a person, firm, partnership, or corporation 110188  
engages in the sale, practice of dealing in or fitting of hearing 110189  
aids, advertises or assumes such practice, or engages in training 110190  
to become a licensed hearing aid dealer or fitter without first 110191  
being licensed, for an order enjoining any such acts or practices. 110192  
The court may grant such injunctive relief upon a showing that the 110193  
respondent named in the petition is engaging in such acts or 110194  
practices without being licensed under this chapter. 110195

**Sec. 4747.14.** No person, firm, partnership, association, or 110196  
corporation shall: 110197

(A) Sell or barter or offer to sell or barter a hearing aid 110198

dealers or fitters license or trainee permit issued by the state 110199  
speech and hearing aid dealers and fitters licensing professionals 110200  
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 110201  
Revised Code; 110202

(B) Purchase or procure or attempt to purchase or procure a 110203  
hearing aid dealers or fitters license or trainee permit with 110204  
intent to use such license or permit as evidence of the holder's 110205  
qualification to engage in the practice of dealing in or fitting 110206  
of hearing aids; 110207

(C) Use or attempt to use as a valid license or permit a 110208  
license or permit which has been purchased, fraudulently obtained, 110209  
counterfeited, materially altered, or suspended or revoked; 110210

(D) Alter a license or permit in any way, shape, or form, 110211  
except as may be specified by the board; 110212

(E) Willfully and knowingly make a false statement in an 110213  
application for issuance or renewal of a license or permit. 110214

**Sec. 4747.16.** On receipt of a notice pursuant to section 110215  
3123.43 of the Revised Code, the state speech and hearing aid 110216  
~~dealers and fitters licensing~~ professionals board shall comply 110217  
with sections 3123.41 to 3123.50 of the Revised Code and any 110218  
applicable rules adopted under section 3123.63 of the Revised Code 110219  
with respect to a license issued pursuant to this chapter. 110220

**Sec. 4747.17.** The state speech and hearing aid dealers and 110221  
~~fitters licensing~~ professionals board shall comply with section 110222  
4776.20 of the Revised Code. 110223

**Sec. 4752.01.** As used in this chapter: 110224

(A) "Authorized health care professional" means a person 110225  
authorized under Chapter 4731. of the Revised Code to practice 110226  
medicine and surgery or osteopathic medicine and surgery or 110227

otherwise authorized under Ohio law to prescribe the use of home 110228  
medical equipment by a patient. 110229

(B) "Home medical equipment" means equipment that can stand 110230  
repeated use, is primarily and customarily used to serve a medical 110231  
purpose, is not useful to a person in the absence of illness or 110232  
injury, is appropriate for use in the home, and is one or more of 110233  
the following: 110234

(1) Life-sustaining equipment prescribed by an authorized 110235  
health care professional that mechanically sustains, restores, or 110236  
supplants a vital bodily function, such as breathing; 110237

(2) Technologically sophisticated medical equipment 110238  
prescribed by an authorized health care professional that requires 110239  
individualized adjustment or regular maintenance by a home medical 110240  
equipment services provider to maintain a patient's health care 110241  
condition or the effectiveness of the equipment; 110242

(3) An item specified by the ~~Ohio respiratory care board~~ 110243  
state board of pharmacy in rules adopted under division (B) of 110244  
section 4752.17 of the Revised Code. 110245

(C) "Home medical equipment services" means the sale, 110246  
delivery, installation, maintenance, replacement, or demonstration 110247  
of home medical equipment. 110248

(D) "Home medical equipment services provider" means a person 110249  
engaged in offering home medical equipment services to the public. 110250

(E) "Hospital" has the same meaning as in section 3727.01 of 110251  
the Revised Code. 110252

(F) "Sell or rent" means to transfer ownership or the right 110253  
to use property, whether in person or through an agent, employee, 110254  
or other person, in return for compensation. 110255

**Sec. 4752.02.** (A) Except as provided in division (B) of this 110256  
section, no person shall provide home medical equipment services 110257

or claim to the public to be a home medical equipment services provider unless either of the following is the case:

(1) The person holds a valid license issued under this chapter;

(2) The person holds a valid certificate of registration issued under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment;

(2) A hospital that provides home medical equipment services only as an integral part of patient care and does not provide the services through a separate entity that has its own medicare or medicaid provider number;

(3) A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public;

(4) A hospice care program or pediatric respite care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment;

(5) A home, as defined by section 3721.01 of the Revised Code;

(6) A home health agency that is certified under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as a provider of home health services and does not sell or rent home medical equipment;

(7) An individual who holds a current, valid license issued under Chapter 4741. of the Revised Code to practice veterinary medicine;

(8) ~~An individual who holds a current, valid license issued under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics;~~ 110287  
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~~(9)~~ A pharmacy licensed under Chapter 4729. of the Revised Code that either does not sell or rent home medical equipment or receives total payments of less than ten thousand dollars per year from selling or renting home medical equipment; 110290  
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~~(10)~~(9) A home dialysis equipment provider regulated by federal law. 110294  
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**Sec. 4752.03.** (A) A person seeking to comply with division (A) of section 4752.02 of the Revised Code shall do either of the following: 110296  
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(1) Apply for a license issued under this chapter; 110299

(2) Apply for a certificate of registration issued under this chapter on the basis of being accredited by the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the ~~Ohio respiratory care board~~ state board of pharmacy, as specified in rules adopted under section 4752.17 of the Revised Code. 110300  
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(B) A person intending to provide home medical equipment services from more than one facility shall apply for a separate license or certificate of registration for each facility. 110306  
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**Sec. 4752.04.** A person seeking a license to provide home medical equipment services shall apply to the ~~Ohio respiratory care board~~ state board of pharmacy on a form the board shall prescribe and provide. The application must be accompanied by the license application fee established in rules adopted under section 4752.17 of the Revised Code, except that the board may waive all or part of the fee if the board determines that an applicant's license will be issued in the last six months of the biennial 110309  
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licensing period established under section 4752.05 of the Revised Code. 110317  
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In the application, the applicant shall specify the name and location of the facility from which services will be provided. 110319  
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**Sec. 4752.05.** (A) ~~The Ohio respiratory care board~~ state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements: 110321  
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(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code; 110325  
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(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment. 110327  
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(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code. 110330  
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(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure. 110338  
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(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the 110341  
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thirtieth day of June of the next succeeding even-numbered year. 110347

(E) Any license issued under this section is valid only for 110348  
the facility named in the application. 110349

**Sec. 4752.06.** Except for a provisional license issued under 110350  
section 4752.05 of the Revised Code, a license issued under this 110351  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 110352  
board of pharmacy if the license holder is in compliance with the 110353  
applicable requirements of this chapter. 110354

An application for license renewal shall be accompanied by 110355  
the renewal fee established in rules adopted under section 4752.17 110356  
of the Revised Code and, except as provided in division (B) of 110357  
section 4752.07 of the Revised Code, by documentation satisfactory 110358  
to the board that the continuing education requirements of section 110359  
4752.07 of the Revised Code have been met. Renewals shall be made 110360  
in accordance with the standard renewal procedure established 110361  
under Chapter 4745. of the Revised Code and the renewal procedures 110362  
established in rules adopted under section 4752.17 of the Revised 110363  
Code. 110364

**Sec. 4752.08.** (A) The ~~Ohio respiratory care board~~ state board 110365  
of pharmacy may inspect the operations and facility, subpoena the 110366  
records, and compel testimony of employees of any home medical 110367  
equipment services provider licensed under this chapter. 110368  
Inspections shall be conducted as provided in rules adopted by the 110369  
board under section 4752.17 of the Revised Code. 110370

(B) The board shall employ investigators who shall, under the 110371  
direction of the executive director of the board, investigate 110372  
complaints and conduct inspections. Pursuant to an investigation 110373  
or inspection, investigators may review and audit records during 110374  
normal business hours at the place of business of the person being 110375  
investigated. The board and its employees shall not disclose 110376

confidential information obtained during an investigation, except 110377  
pursuant to a court order. 110378

(C) The board shall send the provider a report of the results 110379  
of an inspection. If the board determines that the provider is not 110380  
in compliance with any requirement of this chapter applicable to 110381  
providers licensed under this chapter, the board may direct the 110382  
provider to attain compliance. Failure of the provider to comply 110383  
with the directive is grounds for action by the board under 110384  
division (A)(1) of section 4752.09 of the Revised Code. 110385

(D) A provider that disputes the results of an inspection may 110386  
file an appeal with the board not later than ninety days after 110387  
receiving the inspection report. The board shall review the 110388  
inspection report and, at the request of the provider, conduct a 110389  
new inspection. 110390

**Sec. 4752.09.** (A) ~~The Ohio respiratory care board~~ state board 110391  
of pharmacy may, in accordance with Chapter 119. of the Revised 110392  
Code, suspend or revoke a license issued under this chapter or 110393  
discipline a license holder by imposing a fine of not more than 110394  
five thousand dollars or taking other disciplinary action on any 110395  
of the following grounds: 110396

(1) Violation of any provision of this chapter or an order or 110397  
rule of the board, as those provisions, orders, or rules are 110398  
applicable to persons licensed under this chapter; 110399

(2) A plea of guilty to or a judicial finding of guilt of a 110400  
felony or a misdemeanor that involves dishonesty or is directly 110401  
related to the provision of home medical equipment services; 110402

(3) Making a material misstatement in furnishing information 110403  
to the board; 110404

(4) Professional incompetence; 110405

(5) Being guilty of negligence or gross misconduct in 110406

providing home medical equipment services; 110407

(6) Aiding, assisting, or willfully permitting another person 110408  
to violate any provision of this chapter or an order or rule of 110409  
the board, as those provisions, orders, or rules are applicable to 110410  
persons licensed under this chapter; 110411

(7) Failing, within sixty days, to provide information in 110412  
response to a written request by the board; 110413

(8) Engaging in conduct likely to deceive, defraud, or harm 110414  
the public; 110415

(9) Denial, revocation, suspension, or restriction of a 110416  
license to provide home medical equipment services, for any reason 110417  
other than failure to renew, in another state or jurisdiction; 110418

(10) Directly or indirectly giving to or receiving from any 110419  
person a fee, commission, rebate, or other form of compensation 110420  
for services not rendered; 110421

(11) Knowingly making or filing false records, reports, or 110422  
billings in the course of providing home medical equipment 110423  
services, including false records, reports, or billings prepared 110424  
for or submitted to state and federal agencies or departments; 110425

(12) Failing to comply with federal rules issued pursuant to 110426  
the medicare program established under Title XVIII of the "Social 110427  
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 110428  
relating to operations, financial transactions, and general 110429  
business practices of home medical services providers. 110430

(B) The ~~respiratory care board~~ state board of pharmacy 110431  
immediately may suspend a license without a hearing if it 110432  
determines that there is evidence that the license holder is 110433  
subject to actions under this section and that there is clear and 110434  
convincing evidence that continued operation by the license holder 110435  
presents an immediate and serious harm to the public. The 110436

president and executive director of the board shall make a 110437  
preliminary determination and describe, by telephone conference or 110438  
any other method of communication, the evidence on which they made 110439  
their determination to the other members of the board. The board 110440  
may by resolution designate another board member to act in place 110441  
of the president of the board or another employee to act in the 110442  
place of the executive director, in the event that the board 110443  
president or executive director is unavailable or unable to act. 110444  
On review of the evidence, the board may by a vote of not less 110445  
than seven of its members, suspend a license without a prior 110446  
hearing. The board may vote on the suspension by way of a 110447  
telephone conference call. 110448

Immediately following the decision to suspend a license under 110449  
this division, the board shall issue a written order of suspension 110450  
and cause it to be delivered in accordance with section 119.07 of 110451  
the Revised Code. The order shall not be subject to suspension by 110452  
the court during the pendency of any appeal filed under section 110453  
119.12 of the Revised Code. If the license holder requests an 110454  
adjudication hearing, the date set for the hearing shall be within 110455  
fifteen days but not earlier than seven days after the license 110456  
holder requests the hearing, unless another date is agreed to by 110457  
the license holder and the board. The suspension shall remain in 110458  
effect, unless reversed by the board, until a final adjudication 110459  
order issued by the board pursuant to this section and Chapter 110460  
119. of the Revised Code becomes effective. The board shall issue 110461  
its final adjudication order not later than ninety days after 110462  
completion of the hearing. The board's failure to issue the order 110463  
by that day shall cause the summary suspension to end, but shall 110464  
not affect the validity of any subsequent final adjudication 110465  
order. 110466

**Sec. 4752.11.** (A) A person seeking a certificate of 110467  
registration to provide home medical equipment services shall 110468

apply to the ~~Ohio respiratory care board~~ state board of pharmacy 110469  
on a form the board shall prescribe and provide. The application 110470  
must be accompanied by the registration fee established in rules 110471  
adopted under section 4752.17 of the Revised Code, except that the 110472  
board may waive all or part of the fee if the board determines 110473  
that an applicant's certificate of registration will be issued in 110474  
the last six months of the biennial registration period 110475  
established under section 4752.12 of the Revised Code. 110476

(B) The applicant shall specify in the application all of the 110477  
following: 110478

(1) The name of the facility from which services will be 110479  
provided; 110480

(2) The facility's address; 110481

(3) The facility's telephone number; 110482

(4) A person who may be contacted with regard to the 110483  
facility; 110484

(5) The name of the national accrediting body that issued the 110485  
accreditation on which the application is based; 110486

(6) The applicant's accreditation number and the expiration 110487  
date of the accreditation; 110488

(7) A telephone number that may be used twenty-four hours a 110489  
day, seven days a week, to obtain information related to the 110490  
facility's provision of home medical equipment services. 110491

**Sec. 4752.12.** (A) The ~~Ohio respiratory care board~~ state board 110492  
of pharmacy shall issue a certificate of registration to provide 110493  
home medical equipment services to each applicant who submits a 110494  
complete application under section 4752.11 of the Revised Code. 110495  
For purposes of this division, an application is complete only if 110496  
the board finds that the applicant holds accreditation from the 110497

joint commission on accreditation of healthcare organizations or 110498  
another national accrediting body recognized by the board, as 110499  
specified in rules adopted under section 4752.17 of the Revised 110500  
Code. 110501

(B) A certificate of registration issued under this section 110502  
expires at the end of the registration period for which it is 110503  
issued and may be renewed in accordance with section 4752.13 of 110504  
the Revised Code. For purposes of renewing certificates of 110505  
registration, the board shall use a biennial registration period 110506  
that begins on the first day of July of each even-numbered year 110507  
and ends on the thirtieth day of June of the next succeeding 110508  
even-numbered year. 110509

(C) A certificate of registration issued under this section 110510  
is valid only for the facility named in the application. 110511

**Sec. 4752.13.** A certificate of registration issued under this 110512  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 110513  
board of pharmacy if the certificate holder is accredited by the 110514  
joint commission on accreditation of healthcare organizations or 110515  
another national accrediting body recognized by the board, as 110516  
specified in rules adopted under section 4752.17 of the Revised 110517  
Code. 110518

An application for renewal of a certificate of registration 110519  
shall be accompanied by the renewal fee established in rules 110520  
adopted under section 4752.17 of the Revised Code. Renewals shall 110521  
be made in accordance with the standard renewal procedure 110522  
established under Chapter 4745. of the Revised Code and the 110523  
renewal procedures established in rules adopted under section 110524  
4752.17 of the Revised Code. 110525

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board of 110526  
pharmacy shall enter into a cooperative agreement with each of the 110527

national accrediting bodies it recognizes in rules adopted under 110528  
section 4752.17 of the Revised Code for purposes of issuing 110529  
certificates of registration under this chapter. The board shall 110530  
ensure that each cooperative agreement establishes or specifies 110531  
standards or procedures regarding a complaint process, patient 110532  
safety and care, and any other matter the board considers 110533  
appropriate for home medical equipment services providers that 110534  
receive certificates of registration under this chapter. 110535

**Sec. 4752.15.** (A) ~~The Ohio respiratory care board~~ state board 110536  
of pharmacy shall, in accordance with Chapter 119. of the Revised 110537  
Code, suspend or revoke a certificate of registration issued under 110538  
this chapter if it learns from any source that the accreditation 110539  
on which the certificate of registration was issued has been 110540  
revoked or suspended or is otherwise no longer valid. 110541

(B) If the status of the accreditation on which a certificate 110542  
of registration is issued under this chapter changes for any 110543  
reason, the holder of the certificate shall notify the board. On 110544  
receipt of the notice, the board shall take action under division 110545  
(A) of this section, if appropriate. 110546

**Sec. 4752.17.** (A) ~~The Ohio respiratory care board~~ state board 110547  
of pharmacy shall adopt rules to implement and administer this 110548  
chapter. The rules shall do all of the following: 110549

(1) Specify items considered to be home medical equipment for 110550  
purposes of divisions (B)(1) and (2) of section 4752.01 of the 110551  
Revised Code; 110552

(2) Establish procedures for issuance and renewal of licenses 110553  
and certificates of registration under this chapter, including the 110554  
duties that may be fulfilled by the board's executive director and 110555  
other board employees; 110556



- (3) Specify the national accrediting bodies the board recognizes for purposes of issuing certificates of registration under this chapter; 110557  
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- (4) Establish standards an applicant must meet to be eligible to be granted a license under section 4752.05 of the Revised Code; 110560  
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- (5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter; 110562  
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- (6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter; 110566  
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- (7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 110571  
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- (8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 110575  
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- (9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 110578  
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- (10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 110582  
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- (11) Establish any other standards, requirements, or 110586

procedures the board considers necessary for the implementation or 110587  
administration of this chapter. 110588

(B) The board may adopt rules specifying items that are 110589  
considered home medical equipment for purposes of division (B)(3) 110590  
of section 4752.01 of the Revised Code. 110591

(C) Rules shall be adopted under this chapter in accordance 110592  
with Chapter 119. of the Revised Code. Prior to adopting any rule, 110593  
the board shall consult with representatives of any association of 110594  
home medical equipment services providers that do business in this 110595  
state. 110596

**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ 110597  
state board of pharmacy receives under this chapter, from any 110598  
source, shall be deposited into the state treasury to the credit 110599  
of the occupational licensing and regulatory fund created under 110600  
section 4743.05 of the Revised Code. 110601

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory care~~ 110602  
~~board~~ state board of pharmacy, the attorney general may bring a 110603  
civil action for appropriate relief, including a temporary 110604  
restraining order, preliminary or permanent injunction, and civil 110605  
penalties, in the court of common pleas of the county in which a 110606  
violation has occurred, is occurring, or is threatening to occur 110607  
against any person who has violated, is violating, or threatens to 110608  
violate section 4752.02 of the Revised Code. In accordance with 110609  
the Rules of Civil Procedure, the court of common pleas in which 110610  
an action for injunction is filed has jurisdiction to grant, and 110611  
shall grant, a temporary restraining order and preliminary and 110612  
permanent injunctive relief upon a showing that the person against 110613  
whom the action is brought has violated, is violating, or 110614  
threatens to violate section 4752.02 of the Revised Code. In an 110615  
action for a civil penalty, the court may impose upon a person 110616

found to have violated section 4752.02 of the Revised Code a civil 110617  
penalty of not less than five hundred and not more than two 110618  
thousand five hundred dollars for each day of violation. Moneys 110619  
resulting from civil penalties imposed under this section shall be 110620  
deposited into the state treasury to the credit of the 110621  
occupational licensing and regulatory fund created under section 110622  
4743.05 of the Revised Code. 110623

(B) The remedies provided in this section are in addition to 110624  
remedies otherwise available under any federal or state law or 110625  
ordinance of a municipal corporation. 110626

**Sec. 4752.20.** ~~The Ohio respiratory care board~~ state pharmacy 110627  
board shall comply with section 4776.20 of the Revised Code. 110628

**Sec. 4752.22.** Whenever the term "Ohio respiratory care board" 110629  
is used in any statute, rule, contract, or other document, the use 110630  
shall be construed to mean the "state board of pharmacy," with 110631  
respect to implementing Chapter 4752. of the Revised Code. 110632

Whenever the executive director of the Ohio respiratory care 110633  
board is used in any statute, rule, contract, or other document, 110634  
the use shall be construed to mean the executive director of the 110635  
state board of pharmacy, with respect to implementing Chapter 110636  
4752. of the Revised Code. 110637

**Sec. 4752.24.** The state board of pharmacy shall appoint a 110638  
home medical equipment services advisory council for the purpose 110639  
of advising the board on issues relating to providing home medical 110640  
equipment services. The advisory council shall consist of not more 110641  
than seven individuals knowledgeable in the provision of home 110642  
medical equipment services. 110643

Not later than ninety days after the effective date of this 110644  
section, the board shall make initial appointments to the council. 110645

Members shall serve three-year staggered terms of office in 110646  
accordance with rules adopted by the board. 110647

With approval from the director of administrative services, 110648  
members may receive an amount fixed under division (J) of section 110649  
124.15 of the Revised Code for each day the member is performing 110650  
the member's official duties and be reimbursed for actual and 110651  
necessary expenses incurred in performing those duties. 110652

**Sec. 4753.05.** (A) The state speech and hearing professionals 110653  
board of speech language pathology and audiology may make 110654  
reasonable rules necessary for the administration of this chapter. 110655  
~~The board shall adopt rules to ensure ethical standards of~~ 110656  
~~practice by speech language pathologists and audiologists licensed~~ 110657  
~~or permitted pursuant to this chapter.~~ All rules adopted under 110658  
this chapter shall be adopted in accordance with Chapter 119. of 110659  
the Revised Code. 110660

(B) The board shall determine the nature and scope of 110661  
examinations to be administered to applicants for licensure 110662  
pursuant to this chapter in the practices of speech-language 110663  
pathology and audiology, and shall evaluate the qualifications of 110664  
all applicants. Written examinations may be supplemented by such 110665  
practical and oral examinations as the board shall determine by 110666  
rule. The board shall determine by rule the minimum examination 110667  
score for licensure. Licensure shall be granted independently in 110668  
speech-language pathology and audiology. ~~The board shall maintain~~ 110669  
~~a current public record of all persons licensed, to be made~~ 110670  
~~available upon request.~~ 110671

(C) The board shall publish and make available, upon request, 110672  
the licensure and permit standards prescribed by this chapter and 110673  
rules adopted pursuant thereto. 110674

(D) ~~The board shall submit to the governor each year a report~~ 110675  
~~of all its official actions during the preceding year together~~ 110676

~~with any recommendations and findings with regard to the~~ 110677  
~~improvement of the professions of audiology and speech language~~ 110678  
~~pathology.~~ 110679

~~(E)~~ The board shall investigate all alleged irregularities in 110680  
the practices of speech-language pathology and audiology by 110681  
persons licensed or permitted pursuant to this chapter and any 110682  
violations of this chapter or rules adopted by the board. The 110683  
board shall not investigate the practice of any person 110684  
specifically exempted from licensure under this chapter by section 110685  
4753.12 of the Revised Code, as long as the person is practicing 110686  
within the scope of the person's license or is carrying out 110687  
responsibilities as described in division (G) or (H) of section 110688  
4753.12 of the Revised Code and does not claim to be a 110689  
speech-language pathologist or audiologist. 110690

In conducting investigations under this division, the board 110691  
may administer oaths, order the taking of depositions, issue 110692  
subpoenas, and compel the attendance of witnesses and the 110693  
production of books, accounts, papers, records, documents, and 110694  
testimony. In any case of disobedience or neglect of any subpoena 110695  
served on any person or the refusal of any witness to testify to 110696  
any matter regarding which the witness may lawfully be 110697  
interrogated, the court of common pleas of any county where such 110698  
disobedience, neglect, or refusal occurs or any judge thereof, on 110699  
application by the board, shall compel obedience by attachment 110700  
proceedings for contempt, as in the case of disobedience of the 110701  
requirements of a subpoena issued from such court, or a refusal to 110702  
testify therein. 110703

~~(F)~~(E) The board shall conduct such hearings ~~and keep such~~ 110704  
~~records and minutes~~ as are necessary to carry out this chapter. 110705

~~(G)~~ The board shall adopt a seal by which it shall 110706  
authenticate its proceedings. ~~Copies of the proceedings, records,~~ 110707  
~~and acts signed by the chairperson or executive director and~~ 110708

~~authenticated by such seal shall be prima facie evidence thereof~~ 110709  
~~in all courts of this state.~~ 110710

**Sec. 4753.06.** No person is eligible for licensure as a 110711  
speech-language pathologist or audiologist unless: 110712

(A) The person has obtained a broad general education to 110713  
serve as a background for the person's specialized academic 110714  
training and preparatory professional experience. Such background 110715  
may include study from among the areas of human psychology, 110716  
sociology, psychological and physical development, the physical 110717  
sciences, especially those that pertain to acoustic and biological 110718  
phenomena, and human anatomy and physiology, including 110719  
neuroanatomy and neurophysiology. 110720

(B) If the person seeks licensure as a speech-language 110721  
pathologist, the person submits to the state speech and hearing 110722  
professionals board ~~of speech language pathology and audiology~~ an 110723  
official transcript demonstrating that the person has at least a 110724  
master's degree in speech-language pathology or the equivalent as 110725  
determined by the board. The person's academic credit must include 110726  
course work accumulated in the completion of a well-integrated 110727  
course of study approved by the board and delineated by rule 110728  
dealing with the normal aspects of human communication, 110729  
development and disorders thereof, and clinical techniques for the 110730  
evaluation and the improvement or eradication of such disorders. 110731  
The course work must have been completed at colleges or 110732  
universities accredited by regional or national accrediting 110733  
organizations recognized by the board. 110734

(C) Except as provided in division (F)(1)(b) of this section, 110735  
if the person seeks licensure as an audiologist, the person 110736  
submits to the board an official transcript demonstrating that the 110737  
person has at least a doctor of audiology degree or the equivalent 110738  
as determined by the board. The person's academic credit must 110739

include course work accumulated in the completion of a 110740  
well-integrated course of study approved by the board and 110741  
delineated by rules dealing with the normal aspects of human 110742  
hearing, balance, and related development and clinical evaluation, 110743  
audiologic diagnosis, and treatment of disorders of human hearing, 110744  
balance, and related development. The course work must have been 110745  
completed in an audiology program that is accredited by an 110746  
organization recognized by the United States department of 110747  
education and operated by a college or university accredited by a 110748  
regional or national accrediting organization recognized by the 110749  
board. 110750

(D) The person submits to the board evidence of the 110751  
completion of appropriate, supervised clinical experience in the 110752  
professional area, speech-language pathology or audiology, for 110753  
which licensure is requested, dealing with a variety of 110754  
communication disorders. The appropriateness of the experience 110755  
shall be determined under rules of the board. This experience 110756  
shall have been obtained in an accredited college or university, 110757  
in a cooperating program of an accredited college or university, 110758  
or in another program approved by the board. 110759

(E) The person submits to the board evidence that the person 110760  
has passed the examination for licensure to practice 110761  
speech-language pathology or audiology pursuant to division (B) of 110762  
section 4753.05 of the Revised Code. 110763

(F)(1) In the case of either of the following, the person 110764  
presents to the board written evidence that the person has 110765  
obtained professional experience: 110766

(a) The person seeks licensure as a speech-language 110767  
pathologist; 110768

(b) The person seeks licensure as an audiologist and does not 110769  
meet the requirements of division (C) of this section regarding a 110770

doctor of audiology degree, but before January 1, 2006, the person 110771  
met the requirements of division (B) of this section regarding a 110772  
master's degree in audiology as that division existed on December 110773  
31, 2005. 110774

(2) The professional experience shall be appropriately 110775  
supervised as determined by board rule. The amount of professional 110776  
experience shall be determined by board rule and shall be bona 110777  
fide clinical work that has been accomplished in the major 110778  
professional area, speech-language pathology or audiology, in 110779  
which licensure is being sought. If the person seeks licensure as 110780  
a speech-language pathologist, this experience shall not begin 110781  
until the requirements of divisions (B), (D), and (E) of this 110782  
section have been completed unless approved by the board. If the 110783  
person seeks licensure as an audiologist, this experience shall 110784  
not begin until the requirements of division (B) of this section, 110785  
as that division existed on December 31, 2005, and divisions (D) 110786  
and (E) of this section have been completed unless approved by the 110787  
board. Before beginning the supervised professional experience 110788  
pursuant to this section, the applicant for licensure to practice 110789  
speech-language pathology or audiology shall obtain a conditional 110790  
license pursuant to section 4753.071 of the Revised Code. 110791

Sec. 4753.061. (A) As used in this section, "license" and 110792  
"applicant for an initial license" have the same meanings as in 110793  
section 4776.01 of the Revised Code, except that "license" as used 110794  
in both of those terms refers to the types of authorizations 110795  
otherwise issued or conferred under this chapter. 110796

(B) In addition to any other eligibility requirement set 110797  
forth in this chapter, each applicant for an initial license shall 110798  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110799  
state speech and hearing professionals board shall not grant a 110800  
license to an applicant for an initial license unless the 110801



applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4753.06 or 4753.07 of the Revised Code.

**Sec. 4753.07.** The state speech and hearing professionals board of ~~speech language pathology and audiology~~ shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. Each licensee shall display the license or conditional license or an official duplicate in a conspicuous place where the licensee practices speech-language pathology or audiology or both.

**Sec. 4753.071.** A person who is required to meet the supervised professional experience requirement of division (F) of section 4753.06 of the Revised Code shall submit to the state speech and hearing professionals board of ~~speech language pathology and audiology~~ an application for a conditional license. The application shall include a plan for the content of the supervised professional experience on a form the board shall prescribe. The board shall issue the conditional license to the applicant if the applicant meets the requirements of section 4753.06 of the Revised Code, other than the requirement to have obtained the supervised professional experience, and pays to the board the appropriate fee for a conditional license. An applicant may not begin employment until the conditional license has been issued.

A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the

supervised professional experience as required by division (F) of 110833  
section 4753.06 of the Revised Code. A person holding a 110834  
conditional license may practice speech-language pathology or 110835  
audiology while working under the supervision of a person fully 110836  
licensed in accordance with this chapter. A conditional license is 110837  
valid for eighteen months unless suspended or revoked pursuant to 110838  
section 3123.47 or 4753.10 of the Revised Code. 110839

A person holding a conditional license may perform services 110840  
for which payment will be sought under the medicare program or the 110841  
medicaid program but all requests for payment for such services 110842  
shall be made by the person who supervises the person performing 110843  
the services. 110844

**Sec. 4753.072.** The state speech and hearing professionals 110845  
~~board of speech language pathology and audiology~~ shall establish 110846  
by rule pursuant to Chapter 119. of the Revised Code the 110847  
qualifications for persons seeking licensure as a speech-language 110848  
pathology aide or an audiology aide. The qualifications shall be 110849  
less than the standards for licensure as a speech-language 110850  
pathologist or audiologist. An aide shall not act independently 110851  
and shall work under the direction and supervision of a 110852  
speech-language pathologist or audiologist licensed by the board. 110853  
An aide shall not dispense hearing aids. An applicant shall not 110854  
begin employment until the license has been approved. 110855

**Sec. 4753.073.** (A)~~(1)~~ The state speech and hearing 110856  
professionals ~~board of speech language pathology and audiology~~ 110857  
shall issue under its seal a speech-language pathology student 110858  
permit to any applicant who submits a plan that has been approved 110859  
by the applicant's university graduate program in speech-language 110860  
pathology and that conforms to requirements determined by the 110861  
board by rule and who meets all of the following requirements: 110862

~~(a)~~(1) Is enrolled in a graduate program at an educational institution located in this state that is accredited by the council on academic accreditation in audiology and speech-language pathology of the American speech-language-hearing association;

~~(b)~~(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the board may require by rule.

~~(2)~~(B) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following:

~~(a)~~(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule.

~~(b)~~(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)~~(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

~~(3)~~(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

~~(4)~~(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder

practices speech-language pathology. 110894

**Sec. 4753.08.** The state speech and hearing professionals 110895  
~~board of speech language pathology and audiology~~ shall waive the 110896  
examination, educational, and professional experience requirements 110897  
for any applicant who meets any of the following requirements: 110898

(A) On September 26, 1975, ~~has had~~ had at least a bachelor's 110899  
degree with a major in speech-language pathology or audiology from 110900  
an accredited college or university, or ~~who has been~~ was employed 110901  
as a speech-language pathologist or audiologist for at least nine 110902  
months at any time within the three years prior to September 26, 110903  
1975, if an application providing bona fide proof of such degree 110904  
or employment ~~is~~ was filed with the former board of 110905  
speech-language pathology and audiology within one year after 110906  
~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the 110907  
application fee as prescribed in division (A) of section 4753.11 110908  
of the Revised Code; 110909

(B) Presents proof to the state speech and hearing 110910  
professionals board of current certification or licensure in good 110911  
standing in the area in which licensure is sought in a state that 110912  
has standards at least equal to the standards for licensure that 110913  
are in effect in this state at the time the applicant applies for 110914  
the license; 110915

(C) Presents proof to the state speech and hearing 110916  
professionals board of both of the following: 110917

(1) Having current certification or licensure in good 110918  
standing in audiology in a state that has standards at least equal 110919  
to the standards for licensure as an audiologist that were in 110920  
effect in this state on December 31, 2005; 110921

(2) Having first obtained that certification or licensure not 110922  
later than December 31, 2007. 110923

(D) Presents proof to the state speech and hearing 110924  
professionals board of a current certificate of clinical 110925  
competence in speech-language pathology or audiology that is in 110926  
good standing and received from the American 110927  
speech-language-hearing association in the area in which licensure 110928  
is sought. 110929

**Sec. 4753.09.** Except as provided in this section and in 110930  
section 4753.10 of the Revised Code, a license issued by the state 110931  
speech and hearing professionals board of ~~speech language~~ 110932  
~~pathology and audiology~~ shall be renewed biennially in accordance 110933  
with the standard renewal procedure contained in Chapter 4745. of 110934  
the Revised Code. If the application for renewal is made one year 110935  
or longer after the renewal application is due, the person shall 110936  
apply for licensure as provided in section 4753.06 or division 110937  
(B), (C), or (D) of section 4753.08 of the Revised Code. The board 110938  
shall not renew a conditional license; however, the board may 110939  
grant an applicant a second conditional license. 110940

The board shall establish by rule adopted pursuant to Chapter 110941  
119. of the Revised Code the qualifications for license renewal. 110942  
Applicants shall demonstrate continued competence, which may 110943  
include continuing education, examination, self-evaluation, peer 110944  
review, performance appraisal, or practical simulation. The board 110945  
may establish other requirements as a condition for license 110946  
renewal as considered appropriate by the board. 110947

The board may renew a license which expires while the license 110948  
is suspended, but the renewal shall not affect the suspension. The 110949  
board shall not renew a license which has been revoked. If a 110950  
revoked license is reinstated under section 4753.10 of the Revised 110951  
Code after it has expired, the licensee, as a condition of 110952  
reinstatement, shall pay a reinstatement fee in the amount equal 110953  
to the renewal fee in effect on the last preceding regular renewal 110954

date on which it is reinstated, plus any delinquent fees accrued 110955  
from the time of the revocation, if such a fee is prescribed by 110956  
the board by rule. 110957

**Sec. 4753.091.** (A) A person licensed under this chapter may 110958  
apply to the state speech and hearing professionals board of 110959  
~~speech-language pathology and audiology~~ to have the person's 110960  
license classified as inactive. If a fee is charged under division 110961  
(B) of this section, the person shall include the fee with the 110962  
application. 110963

If the person's license is in good standing, the person is 110964  
not the subject of any complaint, the person is not the subject of 110965  
an investigation or disciplinary action by the board, and the 110966  
person meets any other requirements established by the board in 110967  
rules adopted under this section, the board shall classify the 110968  
license as inactive. The inactive classification shall become 110969  
effective on the date immediately following the date that the 110970  
person's license is scheduled to expire. 110971

(B) The board may charge a fee for classifying a license as 110972  
inactive. 110973

(C) During the period that a license is classified as 110974  
inactive, the person may not engage in the practice of 110975  
speech-language pathology or the practice of audiology, as 110976  
applicable, in this state or make any representation to the public 110977  
indicating that the person is actively licensed under this 110978  
chapter. 110979

(D) A person whose license has been classified as inactive 110980  
may apply to the board to have the license reactivated. The board 110981  
shall reactivate the license if the person meets the requirements 110982  
established by the board in rules adopted under this section. 110983

(E) The board's jurisdiction to take disciplinary action 110984

under this chapter is not removed or limited when a person's 110985  
license is classified as inactive under this section. 110986

(F) The board shall adopt rules as necessary for classifying 110987  
a license as inactive and reactivating an inactive license. The 110988  
rules shall be adopted in accordance with Chapter 119. of the 110989  
Revised Code. 110990

**Sec. 4753.10.** In accordance with Chapter 119. of the Revised 110991  
Code, the state speech and hearing professionals board ~~of~~ 110992  
~~speech language pathology and audiology~~ may reprimand or place on 110993  
probation a speech-language pathologist or audiologist or suspend, 110994  
revoke, or refuse to issue or renew the license of a 110995  
speech-language pathologist or audiologist. Disciplinary actions 110996  
may be taken by the board for conduct that may result from but not 110997  
necessarily be limited to: 110998

(A) Fraud, deception, or misrepresentation in obtaining or 110999  
attempting to obtain a license; 111000

(B) Fraud, deception, or misrepresentation in using a 111001  
license; 111002

(C) Altering a license; 111003

(D) Aiding or abetting unlicensed practice; 111004

(E) Committing fraud, deception, or misrepresentation in the 111005  
practice of speech-language pathology or audiology including: 111006

(1) Making or filing a false report or record in the practice 111007  
of speech-language pathology or audiology; 111008

(2) Submitting a false statement to collect a fee; 111009

(3) Obtaining a fee through fraud, deception, or 111010  
misrepresentation, or accepting commissions or rebates or other 111011  
forms of remuneration for referring persons to others. 111012

(F) Using or promoting or causing the use of any misleading, 111013

deceiving, improbable, or untruthful advertising matter,	111014
promotional literature, testimonial, guarantee, warranty, label,	111015
brand, insignia, or any other representation;	111016
(G) Falsely representing the use or availability of services	111017
or advice of a physician;	111018
(H) Misrepresenting the applicant, licensee, or holder by	111019
using the word "doctor" or any similar word, abbreviation, or	111020
symbol if the use is not accurate or if the degree was not	111021
obtained from an accredited institution;	111022
(I) Committing any act of dishonorable, immoral, or	111023
unprofessional conduct while engaging in the practice of	111024
speech-language pathology or audiology;	111025
(J) Engaging in illegal, incompetent, or habitually negligent	111026
practice;	111027
(K) Providing professional services while:	111028
(1) Mentally incompetent;	111029
(2) Under the influence of alcohol;	111030
(3) Using any narcotic or controlled substance or other drug	111031
that is in excess of therapeutic amounts or without valid medical	111032
indication.	111033
(L) Providing services or promoting the sale of devices,	111034
appliances, or products to a person who cannot reasonably be	111035
expected to benefit from such services, devices, appliances, or	111036
products in accordance with results obtained utilizing appropriate	111037
assessment procedures and instruments;	111038
(M) Violating this chapter or any lawful order given or rule	111039
adopted by the board;	111040
(N) Being convicted of or pleading guilty or nolo contendere	111041
to a felony or to a crime involving moral turpitude, whether or	111042
not any appeal or other proceeding is pending to have the	111043



conviction or plea set aside; 111044

(O) Being disciplined by a licensing or disciplinary 111045  
authority of this or any other state or country or convicted or 111046  
disciplined by a court of this or any other state or country for 111047  
an act that would be grounds for disciplinary action under this 111048  
section. 111049

After revocation of a license under this section, application 111050  
may be made to the board for reinstatement. The board, in 111051  
accordance with an order of revocation as issued under Chapter 111052  
119. of the Revised Code, may require an examination for ~~such~~ 111053  
reinstatement. 111054

If any person has engaged in any practice which constitutes 111055  
an offense under the provisions of this chapter or rules 111056  
promulgated thereunder by the board, the board may apply to the 111057  
court of common pleas of the county for an injunction or other 111058  
appropriate order restraining such conduct, and the court may 111059  
issue such order. 111060

Any person who wishes to make a complaint against any person 111061  
licensed pursuant to this chapter shall submit the complaint in 111062  
writing to the board within one year from the date of the action 111063  
or event upon which the complaint is based. The board shall 111064  
determine whether the allegations in the complaint are of a 111065  
sufficiently serious nature to warrant formal disciplinary charges 111066  
against the licensee pursuant to this section. If the board 111067  
determines that formal disciplinary charges are warranted, it 111068  
shall proceed in accordance with the procedures established in 111069  
Chapter 119. of the Revised Code. 111070

**Sec. 4753.101.** The state speech and hearing professionals 111071  
~~board of speech language pathology and audiology~~, in accordance 111072  
with Chapter 119. of the Revised Code, may establish rules to 111073  
govern any disciplinary action to be taken against a student 111074

issued a permit under section 4753.073 of the Revised Code. The 111075  
rules established by the board are not subject to the adjudication 111076  
procedure requirements of sections 119.06 to 119.13 of the Revised 111077  
Code. 111078

**Sec. 4753.11.** (A) For all types of licenses and permits, the 111079  
state speech and hearing professionals board ~~of speech-language~~ 111080  
~~pathology and audiology~~ shall charge a nonrefundable licensure or 111081  
permit fee, to be determined by board rule, which shall be paid at 111082  
the time the application is filed with the board. 111083

(B) On or before the thirty-first day of January of every 111084  
other year, the board shall charge a biennial licensure renewal 111085  
fee which shall be determined by board rule and used to defray 111086  
costs of the board. 111087

(C) The board may, by rule, provide for the waiver of all or 111088  
part of such fees when the license is issued less than one hundred 111089  
days before the date on which it will expire. 111090

(D) After the last day of the month designated by the board 111091  
for renewal, the board shall charge a late fee to be determined by 111092  
board rule in addition to the biennial licensure renewal fee. 111093

(E) No municipal corporation shall levy an occupational or 111094  
similar excise tax on any person licensed under this chapter. 111095

(F) All fees collected under this section and section 4753.09 111096  
of the Revised Code shall be paid into the state treasury to the 111097  
credit of the occupational licensing and regulatory fund created 111098  
in section 4743.05 of the Revised Code. 111099

**Sec. 4753.12.** Nothing in this chapter shall be construed to: 111100

(A) Prohibit a person other than an individual from engaging 111101  
in the business of speech-language pathology or audiology without 111102  
licensure if it employs a licensed individual in the direct 111103

practice of speech-language pathology and audiology. Such entity 111104  
shall file a statement with the state speech and hearing 111105  
professionals board, on a form approved by the board for this 111106  
purpose, swearing that it submits itself to the rules of the board 111107  
and the provisions of this chapter which the board determines 111108  
applicable. 111109

(B) Prevent or restrict the practice of a person employed as 111110  
a speech-language pathologist or audiologist by any agency of the 111111  
federal government. 111112

(C) Restrict the activities and services of a student or 111113  
intern in speech-language pathology or audiology from pursuing a 111114  
course of study leading to a degree in these areas at a college or 111115  
university accredited by a recognized regional or national 111116  
accrediting body or in one of its cooperating clinical training 111117  
facilities, if these activities and services are supervised by a 111118  
person licensed in the area of study or certified by the American 111119  
speech-language-hearing association in the area of study and if 111120  
the student is designated by a title such as "speech-language 111121  
pathology intern," "audiology intern," "trainee," or other such 111122  
title clearly indicating the training status. 111123

(D) Prevent a person from performing speech-language 111124  
pathology or audiology services when performing these services in 111125  
pursuit of the required supervised professional experience as 111126  
prescribed in section 4753.06 of the Revised Code and that person 111127  
has been issued a conditional license pursuant to section 4753.071 111128  
of the Revised Code. 111129

(E) Restrict a speech-language pathologist or audiologist who 111130  
holds the certification of the American speech-language-hearing 111131  
association, or who is licensed as a speech-language pathologist 111132  
or audiologist in another state and who has made application to 111133  
the board for a license in this state from practicing 111134  
speech-language pathology or audiology without a valid license 111135

pending the disposition of the application. 111136

(F) Restrict a person not a resident of this state from 111137  
offering speech-language pathology or audiology services in this 111138  
state if such services are performed for not more than one period 111139  
of thirty consecutive calendar days in any year, if the person is 111140  
licensed in the state of the person's residence or certified by 111141  
the American speech-language-hearing association and files a 111142  
statement as prescribed by the board in advance of providing these 111143  
services. Such person shall be subject to the rules of the board 111144  
and the provisions of this chapter. 111145

(G) Restrict a person licensed under Chapter 4747. of the 111146  
Revised Code from engaging in the duties as defined in that 111147  
chapter related to measuring, testing, and counseling for the 111148  
purpose of identifying or modifying hearing conditions in 111149  
connection with the fitting, dispensing, or servicing of a hearing 111150  
aid, or affect the authority of hearing aid dealers to deal in 111151  
hearing aids or advertise the practice of dealing in hearing aids 111152  
in accordance with Chapter 4747. of the Revised Code. 111153

(H) Restrict a physician from engaging in the practice of 111154  
medicine and surgery or osteopathic medicine and surgery or 111155  
prevent any individual from carrying out any properly delegated 111156  
responsibilities within the normal practice of medicine and 111157  
surgery or osteopathic medicine and surgery. 111158

(I) Restrict a person registered or licensed under Chapter 111159  
4723. of the Revised Code from performing those acts and utilizing 111160  
those procedures that are within the scope of the practice of 111161  
professional or practical nursing as defined in Chapter 4723. of 111162  
the Revised Code and the ethics of the nursing profession, 111163  
provided such a person does not claim to the public to be a 111164  
speech-language pathologist or audiologist. 111165

(J) Restrict an individual licensed as an audiologist under 111166

this chapter from fitting, selling, or dispensing hearing aids. 111167

(K) Authorize the practice of medicine and surgery or entitle 111168  
a person licensed pursuant to this chapter to engage in the 111169  
practice of medicine or surgery or any of its branches. 111170

(L) Restrict a person licensed pursuant to Chapter 4755. of 111171  
the Revised Code from performing those acts and utilizing those 111172  
procedures that are within the scope of the practice of 111173  
occupational therapy or occupational therapy assistant as defined 111174  
in Chapter 4755. of the Revised Code, provided the person does not 111175  
claim to the public to be a speech-language pathologist or 111176  
audiologist. 111177

**Sec. 4753.15.** On receipt of a notice pursuant to section 111178  
3123.43 of the Revised Code, the state speech and hearing 111179  
professionals board of ~~speech language pathology and audiology~~ 111180  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 111181  
and any applicable rules adopted under section 3123.63 of the 111182  
Revised Code with respect to a license issued pursuant to this 111183  
chapter. 111184

**Sec. 4753.16.** The state speech and hearing professionals 111185  
board of ~~speech language pathology and audiology~~ shall comply with 111186  
section 4776.20 of the Revised Code. 111187

**Sec. 4759.011.** Whenever the term "Ohio board of dietetics" is 111188  
used in any statute, rule, contract, or other document, the use 111189  
shall be construed to mean the "state medical board," with respect 111190  
to implementing Chapter 4759. of the Revised Code. 111191

Whenever the executive secretary of the Ohio board of 111192  
dietetics is used in any statute, rule, contract, or other 111193  
document, the use shall be construed to mean the executive 111194  
director of the state medical board, with respect to implementing 111195

Chapter 4759. of the Revised Code. 111196

**Sec. 4759.02.** (A) Except as otherwise provided in this 111197  
section or in section 4759.10 of the Revised Code, no person shall 111198  
practice, offer to practice, or hold ~~himself~~ self forth to 111199  
practice dietetics unless ~~he~~ the person has been licensed under 111200  
section 4759.06 of the Revised Code. 111201

(B) Except for a licensed dietitian holding an inactive 111202  
license who does not practice or offer to practice dietetics, or a 111203  
person licensed under section 4759.06 of the Revised Code, or as 111204  
otherwise provided in this section or in section 4759.10 of the 111205  
Revised Code: 111206

(1) No person shall use the title "dietitian"; and 111207

(2) No person except for a person licensed under Chapters 111208  
4701. to 4755. of the Revised Code, when acting within the scope 111209  
of their practice, shall use any other title, designation, words, 111210  
letters, abbreviation, or insignia or combination of any title, 111211  
designation, words, letters, abbreviation, or insignia tending to 111212  
indicate that the person is practicing dietetics. 111213

(C) Notwithstanding division (B) of this section, a person 111214  
who is a dietitian registered by the commission on dietetic 111215  
registration and who does not violate division (A) of this section 111216  
may use the designation "registered dietitian" and the 111217  
abbreviation "R.D." 111218

(D) Division (A) of this section does not apply to: 111219

(1) A student enrolled in an academic program that is in 111220  
compliance with division (A)(5) of section 4759.06 of the Revised 111221  
Code who is engaging in the practice of dietetics under the 111222  
supervision of a dietitian licensed under section 4759.06 of the 111223  
Revised Code or a dietitian registered by the commission on 111224  
dietetic registration, as part of the academic program; 111225

(2) A person participating in the pre-professional experience required by division (A)(6) of section 4759.06 of the Revised Code; 111226  
111227  
111228

(3) A person holding a limited permit under division (F) of section 4759.06 of the Revised Code. 111229  
111230

(E) Divisions (A) and (B) of this section do not apply to a person who performs no more than fifteen days of dietetic practice in the state and who meets at least one of the following requirements: 111231  
111232  
111233  
111234

(1) The ~~Ohio state medical board of dietetics~~ determines that ~~he~~ the person is licensed in another state with licensure requirements equivalent to or more stringent than those set forth in this chapter; 111235  
111236  
111237  
111238

(2) ~~He~~ The person is a dietitian registered by the commission on dietetic registration and resides in another state that either has no dietitian licensure requirements or has licensure requirements less stringent than those set forth in this chapter. 111239  
111240  
111241  
111242

**Sec. 4759.05.** The ~~Ohio state medical board of dietetics~~ shall: 111243  
111244

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following: 111245  
111246  
111247

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination; 111248  
111249  
111250

(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code; 111251  
111252  
111253

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least 111254  
111255

equivalent to the requirements adopted by the commission on	111256
dietetic registration;	111257
(4) Requirements for a person holding a limited permit under	111258
division (F) of section 4759.06 of the Revised Code, including the	111259
duration of validity of a limited permit;	111260
(5) Requirements for a licensed dietitian who places a	111261
license in inactive status under division (G) of section 4759.06	111262
of the Revised Code, including a procedure for changing inactive	111263
status to active status;	111264
(6) Continuing education requirements for renewal of a	111265
license, except that the board may adopt rules to waive the	111266
requirements for a person who is unable to meet the requirements	111267
due to illness or other reasons. Rules adopted under this division	111268
shall be consistent with the continuing education requirements	111269
adopted by the commission on dietetic registration.	111270
(7) Any additional education requirements the board considers	111271
necessary, for applicants who have not practiced dietetics within	111272
five years of the initial date of application for licensure;	111273
(8) Standards of professional responsibility and practice for	111274
persons licensed under this chapter that are consistent with those	111275
standards of professional responsibility and practice adopted by	111276
the academy of nutrition and dietetics;	111277
(9) Formulation of <del>a written</del> <u>an</u> application form for	111278
licensure or license renewal that includes the statement that any	111279
applicant who knowingly makes a false statement on the application	111280
is guilty of a misdemeanor of the first degree under section	111281
2921.13 of the Revised Code;	111282
(10) Procedures for license renewal;	111283
(11) Establishing a time period after the notification of a	111284
violation of section 4759.02 of the Revised Code, by which the	111285



person notified must request a hearing by the board under section 111286  
4759.09 of the Revised Code; 111287

(12) Requirements for criminal records checks of applicants 111288  
under section 4776.03 of the Revised Code. 111289

(B) Investigate alleged violations of sections 4759.02 to 111290  
4759.10 of the Revised Code. In making its investigations, the 111291  
board may issue subpoenas, examine witnesses, and administer 111292  
oaths. 111293

(C) ~~Adopt a seal;~~ 111294

~~(D)~~ Conduct meetings and keep records as are necessary to 111295  
carry out the provisions of this chapter; 111296

~~(E)~~(D) Publish, and make available to the public, upon 111297  
request and for a fee not to exceed the actual cost of printing 111298  
and mailing, the board's rules and requirements for licensure 111299  
adopted under division (A) of this section ~~and a record of all~~ 111300  
~~persons licensed under section 4759.06 of the Revised Code.~~ 111301

Sec. 4759.051. The state medical board shall appoint a 111302  
dietetics advisory council for the purpose of advising the board 111303  
on issues relating to the practice of dietetics. The advisory 111304  
council shall consist of not more than seven individuals 111305  
knowledgeable in the area of dietetics. 111306

Not later than ninety days after the effective date of this 111307  
section, the board shall make initial appointments to the council. 111308  
Members shall serve three-year staggered terms of office in 111309  
accordance with rules adopted by the board. 111310

With approval from the director of administrative services, 111311  
members may receive an amount fixed under division (J) of section 111312  
124.15 of the Revised Code for each day the member is performing 111313  
the member's official duties and be reimbursed for actual and 111314  
necessary expenses incurred in performing those duties. 111315

**Sec. 4759.06.** (A) The ~~Ohio~~ state medical board ~~of dietetics~~ 111316  
shall issue or renew a license to practice dietetics to an 111317  
applicant who: 111318

(1) Has satisfactorily completed an application for licensure 111319  
in accordance with division (A) of section 4759.05 of the Revised 111320  
Code; 111321

(2) Has paid the fee required under division (A) of section 111322  
4759.08 of the Revised Code; 111323

(3) Is a resident of the state or performs or plans to 111324  
perform dietetic services within the state; 111325

(4) Is of good moral character; 111326

(5) Has received a baccalaureate or higher degree from an 111327  
institution of higher education that is approved by the board or a 111328  
regional accreditation agency that is recognized by the council on 111329  
postsecondary accreditation, and has completed a program 111330  
consistent with the academic standards for dietitians established 111331  
by the academy of nutrition and dietetics; 111332

(6) Has successfully completed a pre-professional dietetic 111333  
experience approved by the academy of nutrition and dietetics, or 111334  
experience approved by the board under division (A)(3) of section 111335  
4759.05 of the Revised Code; 111336

(7) Has passed the examination approved by the board under 111337  
division (A)(1) of section 4759.05 of the Revised Code; 111338

(8) Is an applicant for renewal of a license, and has 111339  
fulfilled the continuing education requirements adopted under 111340  
division (A)(6) of section 4759.05 of the Revised Code. 111341

(B) The board shall waive the requirements of divisions 111342  
(A)(5), (6), and (7) of this section and any rules adopted under 111343  
division (A)(7) of section 4759.05 of the Revised Code if the 111344  
applicant presents satisfactory evidence to the board of current 111345

registration as a registered dietitian with the commission on 111346  
dietetic registration. 111347

(C) The board shall waive the requirements of division (A)(7) 111348  
of this section if the application for renewal is made within two 111349  
years after the date of license expiration. 111350

(D) The board may waive the requirements of division (A)(5), 111351  
(6), or (7) of this section or any rules adopted under division 111352  
(A)(7) of section 4759.05 of the Revised Code, if the applicant 111353  
presents satisfactory evidence of education, experience, or 111354  
passing an examination in another state or a foreign country, that 111355  
the board considers the equivalent of the requirements stated in 111356  
those divisions or rules. 111357

(E) The board shall issue an initial license to practice 111358  
dietetics to an applicant who meets the requirements of division 111359  
(A) of this section. An initial license shall be valid from the 111360  
date of issuance through the thirtieth day of June following 111361  
issuance of the license. Each subsequent license shall be valid 111362  
from the first day of July through the thirtieth day of June. The 111363  
board shall renew the license of an applicant who is licensed to 111364  
practice dietetics and who meets the continuing education 111365  
requirements of division (A)(6) of section 4759.05 of the Revised 111366  
Code. The renewal shall be pursuant to the standard renewal 111367  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 111368

(F) The board may grant a limited permit to a person who has 111369  
completed the education and pre-professional requirements of 111370  
divisions (A)(5) and (6) of this section and who presents evidence 111371  
to the board of having applied to take the examination approved by 111372  
the board under division (A)(1) of section 4759.05 of the Revised 111373  
Code. A person holding a limited permit who has failed the 111374  
examination shall practice only under the direct supervision of a 111375  
licensed dietitian. 111376

(G) A licensed dietitian may place the license in inactive status. 111377  
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**Sec. 4759.061.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 111379  
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The ~~Ohio state medical board of dietetics~~ shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code. 111384  
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**Sec. 4759.07.** (A) The ~~Ohio state medical board of dietetics~~ may, in accordance with Chapter 119. of the Revised Code, refuse to issue, review, or renew, or may suspend, revoke, or impose probationary conditions upon any license or permit to practice dietetics, if the applicant has: 111393  
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(1) Violated sections 4759.02 to 4759.10 of the Revised Code or rules adopted under those sections; 111398  
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(2) Knowingly made a false statement in ~~his~~ an application for licensure or license renewal; 111400  
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(3) Been convicted of any crime constituting a felony in this or any other state; 111402  
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(4) Been impaired in ~~his~~ ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage; 111404  
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(5) Been convicted of a misdemeanor committed in the course of ~~his~~ work as a dietitian in this or any other state; 111407  
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(6) A record of incompetent or negligent conduct in ~~his~~ the practice of dietetics. 111409  
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(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 111411  
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For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board. 111418  
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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment. 111428  
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Before being eligible to apply for reinstatement of a license or permit suspended under this division, the dietitian shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following: 111438  
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(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment; 111443  
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(2) Evidence of continuing full compliance with an aftercare contract or consent agreement; 111446  
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(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 111448  
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The board may reinstate a license or permit suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 111454  
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When the impaired dietitian resumes practice, the board shall require continued monitoring of the dietitian. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the dietitian has maintained sobriety. 111457  
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(C) One year or more after the date of suspension or revocation of a license or permit under division (A)(1), (2), (3), (5), or (6) of this section, an application for reinstatement of 111466  
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the license or permit may be made to the board. The board shall 111469  
grant or deny reinstatement with a hearing, at the request of the 111470  
applicant, in accordance with Chapter 119. of the Revised Code and 111471  
may impose conditions upon the reinstatement, including the 111472  
requirement of passing an examination approved by the board. 111473

**Sec. 4759.08.** (A) The ~~Ohio state medical board of dietetics~~ 111474  
shall charge and collect fees as described in this section for 111475  
issuing the following: 111476

(1) An application for an initial dietitian license, or an 111477  
application for reactivation of an inactive license, one hundred 111478  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 111479  
or suspended license, one hundred eighty dollars; 111480

(2) License renewal, ninety-five dollars; 111481

(3) A limited permit, and renewal of the permit, sixty-five 111482  
dollars; 111483

(4) A duplicate license or permit, twenty dollars; 111484

(5) For processing a late application for renewal of any 111485  
license or permit, an additional fee equal to fifty per cent of 111486  
the fee for the renewal. 111487

(B) The board shall not require a licensed dietitian holding 111488  
an inactive license to pay the renewal fee. 111489

(C) Subject to the approval of the controlling board, the 111490  
~~Ohio state medical board of dietetics~~ may establish fees in excess 111491  
of the amounts provided in division (A) of this section, provided 111492  
that the fees do not exceed the amounts by greater than fifty per 111493  
cent. 111494

(D) The board may adopt rules pursuant to Chapter 119. of the 111495  
Revised Code to waive all or part of the fee for an initial 111496  
license if the license is issued within one hundred days of the 111497  
date of expiration of the license. 111498

(E) All receipts of the board shall be deposited in the state treasury to the credit of the ~~occupational licensing and regulatory fund~~. All ~~vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board~~ state medical board operating fund in accordance with section 4731.24 of the Revised Code.

**Sec. 4759.09.** The ~~Ohio state medical board of dietetics~~ shall notify in writing any person determined by the board to be in violation of section 4759.02 of the Revised Code. The notification shall state that the person may request a hearing by the board within the amount of time specified by the board pursuant to division (A) of section 4759.05 of the Revised Code. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of section 4759.02 of the Revised Code, the board may apply to the court of common pleas of the county in which the violation is occurring for an injunction or other appropriate restraining order to prohibit the continued violation of section 4759.02 of the Revised Code.

**Sec. 4759.10.** Sections 4759.01 to 4759.09 of the Revised Code do not apply to any of the following:

(A) A person licensed under Chapters 4701. to 4755. of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the ~~Ohio state medical board of dietetics~~ who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the



commission on dietetic registration, except that the person is 111529  
subject to division (B) of section 4759.02 of the Revised Code if 111530  
the person uses a title other than "dietetic technician"; 111531

(C) A person who practices dietetics related to employment in 111532  
the armed forces, veteran's administration, or the public health 111533  
service of the United States; 111534

(D) Persons employed by a nonprofit agency approved by the 111535  
board or by a federal, state, municipal or county government, or 111536  
by any other political subdivision, elementary or secondary 111537  
school, or an institution of higher education approved by the 111538  
board or by a regional agency recognized by the council on 111539  
postsecondary accreditation, who performs only nutritional 111540  
education activities and such other nutritional activities as the 111541  
state medical board of dietetics, by rule, permits, provided the 111542  
person does not violate division (B) of section 4759.02 of the 111543  
Revised Code; 111544

(E) A person who has completed a program meeting the academic 111545  
standards set for dietitians by the academy of nutrition and 111546  
dietetics, received a baccalaureate or higher degree from a 111547  
school, college, or university approved by a regional 111548  
accreditation agency recognized by the council on postsecondary 111549  
accreditation, works under the supervision of a licensed dietitian 111550  
or registered dietitian, and does not violate division (B) of 111551  
section 4759.02 of the Revised Code; 111552

(F) A person when acting, under the direction and supervision 111553  
of a person licensed under Chapters 4701. to 4755. of the Revised 111554  
Code, in the execution of a plan of treatment authorized by the 111555  
licensed person, provided the person complies with division (B) of 111556  
section 4759.02 of the Revised Code; 111557

(G) The free dissemination of literature in the state; 111558

(H) Provided that the persons involved in the sale, 111559

promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate Chapter 1345. of the Revised Code;

(I) A person who offers dietary supplements for sale and who makes the following statements about the product if the statements are consistent with the dietary supplement's label or labeling:

(1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;

(2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;

(3) Characterize the documented mechanism by which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient.

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian;

(K) The continued practice of dietetics at a hospital by a

person employed at that same hospital to practice dietetics for 111591  
the twenty years immediately prior to July 1, 1987, so long as the 111592  
person works under the supervision of a dietitian licensed under 111593  
section 4759.06 of the Revised Code and does not violate division 111594  
(B) of section 4759.02 of the Revised Code. This division does not 111595  
apply to any person who has held a license issued under this 111596  
chapter to practice dietetics. As used in this division, 111597  
"hospital" has the same meaning as in section 3727.01 of the 111598  
Revised Code. 111599

**Sec. 4759.11.** On receipt of a notice pursuant to section 111600  
3123.43 of the Revised Code, the state medical board of dietetics 111601  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 111602  
and any applicable rules adopted under section 3123.63 of the 111603  
Revised Code with respect to a license issued pursuant to this 111604  
chapter. 111605

**Sec. 4759.12.** The ~~Ohio state medical board of dietetics~~ shall 111606  
comply with section 4776.20 of the Revised Code. 111607

**Sec. 4761.011.** Whenever the term "Ohio respiratory care 111608  
board" is used in any statute, rule, contract, or other document, 111609  
the use shall be construed to mean the "state medical board," with 111610  
respect to implementing Chapter 4761. of the Revised Code. 111611

Whenever the executive director of the Ohio respiratory care 111612  
board is used in any statute, rule, contract, or other document, 111613  
the use shall be construed to mean the executive director of the 111614  
state medical board, with respect to implementing Chapter 4761. of 111615  
the Revised Code. 111616

**Sec. 4761.03.** The ~~Ohio respiratory care board~~ state medical 111617  
board shall regulate the practice of respiratory care in this 111618  
state and the persons to whom the board issues licenses and 111619

limited permits under this chapter ~~and shall license and register~~ 111620  
~~home medical equipment services providers under Chapter 4752. of~~ 111621  
~~the Revised Code.~~ Rules adopted under this chapter that deal with 111622  
the provision of respiratory care in a hospital, other than rules 111623  
regulating the issuance of licenses or limited permits, shall be 111624  
consistent with the conditions for participation under medicare, 111625  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 111626  
U.S.C.A. 1395, as amended, and with the respiratory care 111627  
accreditation standards of the joint commission on accreditation 111628  
of healthcare organizations or the American osteopathic 111629  
association. 111630

The board shall: 111631

(A) Adopt, and may rescind or amend, rules in accordance with 111632  
Chapter 119. of the Revised Code to carry out the purposes of this 111633  
chapter, including rules prescribing: 111634

(1) The form and manner for filing applications for licensure 111635  
and renewal, limited permits, and limited permit extensions under 111636  
sections 4761.05 and 4761.06 of the Revised Code; 111637

(2) The form, scoring, and scheduling of examinations and 111638  
reexaminations for licensure and license renewal; 111639

(3) Standards for the approval of educational programs 111640  
required to qualify for licensure and continuing education 111641  
programs required for license renewal; 111642

(4) Continuing education courses and the number of hour 111643  
requirements necessary for license renewal, in accordance with 111644  
section 4761.06 of the Revised Code; 111645

(5) Procedures for the issuance and renewal of licenses and 111646  
limited permits, including the duties that may be fulfilled by the 111647  
board's executive director and other board employees; 111648

(6) Procedures for the denial, suspension, permanent 111649

revocation, refusal to renew, and reinstatement of licenses and 111650  
limited permits, the conduct of hearings, and the imposition of 111651  
fines for engaging in conduct that is grounds for such action and 111652  
hearings under section 4761.09 of the Revised Code; 111653

(7) Standards of ethical conduct for the practice of 111654  
respiratory care; 111655

(8) Conditions under which the license renewal fee and 111656  
continuing education requirements may be waived at the request of 111657  
a licensee who is not in active practice; 111658

(9) The respiratory care tasks that may be performed by an 111659  
individual practicing as a polysomnographic technologist pursuant 111660  
to division (B)(3) of section 4761.10 of the Revised Code; 111661

(10) Procedures for registering out-of-state respiratory care 111662  
providers authorized to practice in this state under division 111663  
(A)(4) of section 4761.11 of the Revised Code; 111664

(11) Requirements for criminal records checks of applicants 111665  
under section 4776.03 of the Revised Code; 111666

(12) Procedures for accepting and storing copies of 111667  
hyperbaric technologist certifications filed with the board 111668  
pursuant to division (A)(11) of section 4761.11 of the Revised 111669  
Code. 111670

(B) Determine the sufficiency of an applicant's 111671  
qualifications for admission to the licensing examination or a 111672  
reexamination, and for the issuance or renewal of a license or 111673  
limited permit; 111674

(C) Determine the respiratory care educational programs that 111675  
are acceptable for fulfilling the requirements of division (A) of 111676  
section 4761.04 of the Revised Code; 111677

(D) Schedule, administer, and score the licensing examination 111678  
or any reexamination for license renewal or reinstatement. The 111679

board shall administer the licensing examinations at least twice a year and notify applicants of the time and place of the examinations.

(E) Investigate complaints concerning alleged violations of section 4761.10 of the Revised Code or grounds for the suspension, permanent revocation, or refusal to issue licenses or limited permits under section 3123.47 or 4761.09 of the Revised Code. The board shall employ investigators who shall, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as, in the judgment of the board, are appropriate to enforce sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised Code. Pursuant to an investigation and inspection, the investigators may review and audit records during normal business hours at the place of business of a licensee or person who is the subject of a complaint filed with the board or at any place where the records are kept.

Except when required by court order, the board and its employees shall not disclose confidential information obtained during an investigation or identifying information about any person who files a complaint with the board.

The board may hear testimony in matters relating to the duties imposed upon it and issue subpoenas pursuant to an investigation. The president and secretary of the board may administer oaths.

(F) Conduct hearings, keep records of its proceedings, and do other things as are necessary and proper to carry out and enforce the provisions of this chapter;

(G) Maintain, publish, and make available upon request, for a fee not to exceed the actual cost of printing and mailing:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) ~~A current register of every person licensed to practice respiratory care in this state, to include the addresses of the person's last known place of business and residence, the effective date and identification number of the license, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements, and the date the degree or certificate was issued;~~

~~(3)~~ A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care;

~~(4)~~(3) After the administration of each examination, a list of persons who passed the examination.

(H) Submit to the governor and to the general assembly each year a report of all of its official actions during the preceding year, together with any findings and recommendations with regard to the improvement of the profession of respiratory care;

~~(I) Administer and enforce Chapter 4752. of the Revised Code.~~

**Sec. 4761.031.** The ~~Ohio respiratory care board~~ state medical board may share any information it receives pursuant to an investigation conducted under division (E) of section 4761.03 of the Revised Code, including patient records and patient record information, with other licensing boards and governmental agencies that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information shall comply with the same requirements regarding confidentiality as those with which the ~~Ohio respiratory care board~~ state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the board or agency that applies when the board or agency is dealing with other information in its possession. The

information may be admitted into evidence in a criminal trial in 111742  
accordance with the Rules of Evidence, but the court shall require 111743  
that appropriate measures are taken to ensure that confidentiality 111744  
is maintained with respect to any part of the information that 111745  
contains names or other identifying information about persons 111746  
whose confidentiality was protected by the ~~Ohio respiratory care~~ 111747  
~~board~~ state medical board when the information was in the board's 111748  
possession. Measures to ensure confidentiality that may be taken 111749  
by the court include sealing its records or deleting specific 111750  
information from its records. 111751

Sec. 4761.032. The state medical board shall appoint a 111752  
respiratory care advisory council for the purpose of advising the 111753  
board on issues relating to the practice of respiratory care. The 111754  
advisory council shall consist of not more than seven individuals 111755  
knowledgeable in the area of respiratory care. 111756

Not later than ninety days after the effective date of this 111757  
section, the board shall make initial appointments to the council. 111758  
Members shall serve three-year staggered terms of office in 111759  
accordance with rules adopted by the board. 111760

With approval from the director of administrative services, 111761  
members may receive an amount fixed under division (J) of section 111762  
124.15 of the Revised Code for each day the member is performing 111763  
the member's official duties and be reimbursed for actual and 111764  
necessary expenses incurred in performing those duties. 111765

**Sec. 4761.04.** (A) Except as provided in division (B) of this 111766  
section, no person is eligible for licensure as a respiratory care 111767  
professional unless the person has shown, to the satisfaction of 111768  
the ~~Ohio respiratory care board~~ state medical board, all of the 111769  
following: 111770

(1) That the person is of good moral character; 111771



(2) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;

(3) That the person has passed an examination administered by the board that tests the applicant's knowledge of the basic and clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice.

(B) The board may waive the requirements of division (A) of this section with respect to any applicant who presents proof of current licensure in another state whose standards for licensure are at least equal to those in effect in this state on the date of application. The board may waive the requirements of divisions (A)(2) and (3) of this section with respect to any applicant who presents proof of having successfully completed any examination recognized by the board as meeting the requirements of division (A)(3) of this section.

**Sec. 4761.05.** (A) The ~~Ohio respiratory care board~~ state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files the prescribed application

form, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the following:

(a) Three years after the date the limited permit is issued;

(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;

(c) Until the holder discontinues participation in the educational program.

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.

(3) A person issued a limited permit under division (B)(1)(b)

of this section may practice under a limited permit for not more 111833  
than three years, except that this restriction does not apply to a 111834  
permit holder who, on March 14, 1989, has been employed as a 111835  
provider of respiratory care for an average of not less than 111836  
twenty-five hours per week for a period of not less than five 111837  
years by a hospital. 111838

(C) All holders of licenses and limited permits issued under 111839  
this section shall display, in a conspicuous place on their 111840  
persons, information that identifies the type of authorization 111841  
under which they practice. 111842

**Sec. 4761.051.** (A) As used in this section, "license" and 111843  
"applicant for an initial license" have the same meanings as in 111844  
section 4776.01 of the Revised Code, except that "license" as used 111845  
in both of those terms refers to the types of authorizations 111846  
otherwise issued or conferred under this chapter. 111847

(B) In addition to any other eligibility requirement set 111848  
forth in this chapter, each applicant for an initial license shall 111849  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 111850  
~~Ohio respiratory care board~~ state medical board shall not grant a 111851  
license to an applicant for an initial license unless the 111852  
applicant complies with sections 4776.01 to 4776.04 of the Revised 111853  
Code and the board, in its discretion, decides that the results of 111854  
the criminal records check do not make the applicant ineligible 111855  
for a license issued pursuant to section 4761.05 of the Revised 111856  
Code. 111857

**Sec. 4761.06.** (A) Each license to practice respiratory care 111858  
shall be renewed biennially. Each limited permit to practice 111859  
respiratory care shall be renewed annually. Each person holding a 111860  
license or limited permit to practice respiratory care shall apply 111861  
to the ~~Ohio respiratory care board~~ state medical board on the form 111862

and according to the schedule prescribed by the board for renewal 111863  
of the license or limited permit. Licenses and limited permits 111864  
shall be renewed in accordance with the standard renewal procedure 111865  
of Chapter 4745. of the Revised Code. The board shall renew a 111866  
license upon the payment of the license renewal fee prescribed 111867  
under section 4761.07 of the Revised Code and proof of 111868  
satisfactory completion of the continuing education or 111869  
reexamination requirements of division (B) of this section. The 111870  
board shall renew a limited permit upon payment of the limited 111871  
permit renewal fee prescribed under section 4761.07 of the Revised 111872  
Code and submission of one of the following: 111873

(1) If the limited permit was issued on the basis of division 111874  
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 111875  
to the board of enrollment and good standing in an educational 111876  
program that meets the requirements of division (A)(2) of section 111877  
4761.04 of the Revised Code or of graduation from such a program; 111878

(2) If the limited permit was issued on the basis of division 111879  
(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 111880  
to the board of employment as a provider of respiratory care. 111881

(B) On and after March 14, 1991, and every year thereafter, 111882  
on or before the annual renewal date, the holder of a limited 111883  
permit issued under division (B)(1)(b) of section 4761.05 of the 111884  
Revised Code shall submit proof to the board that the holder has 111885  
satisfactorily completed the number of hours of continuing 111886  
education required by the board, which shall not be less than 111887  
three nor more than ten hours of continuing education acceptable 111888  
to the board. 111889

On or before the biennial renewal date, a license holder 111890  
shall submit proof to the board that the license holder has 111891  
satisfactorily completed the number of hours of continuing 111892  
education required by the board, which shall be not less than six 111893  
nor more than twenty hours of continuing education acceptable to 111894

the board, or has passed a reexamination in accordance with the 111895  
board's renewal requirements. The board may waive all or part of 111896  
the continuing education requirement for a license holder who has 111897  
held the license for less than two years. 111898

**Sec. 4761.07.** (A) The ~~Ohio respiratory care board~~ state 111899  
medical board shall charge any license applicant or holder who is 111900  
to take an examination required under division (A)(3) of section 111901  
4761.04 or a reexamination required under division (B) of section 111902  
4761.06 of the Revised Code for license renewal or under section 111903  
4761.09 of the Revised Code for license reinstatement, a 111904  
nonrefundable examination fee, not to exceed the amount necessary 111905  
to cover the expense of administering the examination. The license 111906  
applicant or holder shall pay the fee at the time of application 111907  
for licensure or renewal. 111908

(B) The board shall establish the following additional 111909  
nonrefundable fees and penalty: 111910

(1) An initial license fee, not to exceed seventy-five 111911  
dollars; 111912

(2) A biennial license renewal fee, not to exceed one hundred 111913  
dollars; 111914

(3) A limited permit fee, not to exceed twenty dollars; 111915

(4) A limited permit renewal fee, not to exceed ten dollars; 111916

(5) A late renewal penalty, not to exceed fifty per cent of 111917  
the renewal fee; 111918

(6) A fee for accepting and storing hyperbaric technologist 111919  
certifications filed with the board under division (A)(11) of 111920  
section 4761.11 of the Revised Code, not to exceed twenty dollars. 111921

(C) Notwithstanding division (B)(4) of this section, after 111922  
the third renewal of a limited permit that meets the exception in 111923  
division (B)(3) of section 4761.05 of the Revised Code, the 111924

limited permit renewal fee shall be one-half the amount of the 111925  
biennial license renewal fee established under division (B)(2) of 111926  
this section and section 4761.08 of the Revised Code. 111927

(D) The board shall adjust the fees biennially and within the 111928  
limits established by division (B) of this section to provide 111929  
sufficient revenues to meet its expenses. 111930

(E) The board may, by rule, provide for the waiver of all or 111931  
part of a license fee when the license is issued less than 111932  
eighteen months before its expiration date. 111933

(F) All fees received by the board shall be deposited into 111934  
the state treasury to the credit of the ~~occupational licensing and~~ 111935  
~~regulatory fund~~ state medical board operating fund pursuant to 111936  
section 4731.24 of the Revised Code. 111937

**Sec. 4761.08.** The ~~Ohio respiratory care board~~ state medical 111938  
board, subject to the approval of the controlling board, may 111939  
establish fees, except fees established at amounts adequate to 111940  
cover designated expenses, in excess of the amounts provided in 111941  
this chapter. The fees shall not exceed the amounts specified by 111942  
more than fifty per cent. 111943

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state 111944  
medical board may refuse to issue or renew a license or a limited 111945  
permit, may issue a reprimand, may suspend or permanently revoke a 111946  
license or limited permit, or may place a license or limited 111947  
permit holder on probation, on any of the following grounds: 111948

(1) A plea of guilty to, a judicial finding of guilt of, or a 111949  
judicial finding of eligibility for intervention in lieu of 111950  
conviction for an offense involving moral turpitude or of a 111951  
felony, in which case a certified copy of the court record shall 111952  
be conclusive evidence of the matter; 111953

(2) Violating any provision of this chapter or an order or 111954

rule of the board;	111955
(3) Assisting another person in that person's violation of any provision of this chapter or an order or rule of the board;	111956 111957
(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;	111958 111959 111960
(5) Being guilty of negligence or gross misconduct in the practice of respiratory care;	111961 111962
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	111963 111964
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	111965 111966 111967
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	111968 111969 111970 111971
(9) Practicing respiratory care while mentally incompetent;	111972
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	111973 111974
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	111975 111976 111977
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	111978 111979 111980
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	111981 111982 111983

(14) Assisting suicide as defined in section 3795.01 of the Revised Code. 111984  
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Before the board may take any action under this section, 111986  
other than issuance of a summary suspension order under division 111987  
(C) of this section, the executive director of the board shall 111988  
prepare and file written charges with the board. Disciplinary 111989  
actions taken by the board under this section shall be taken 111990  
pursuant to an adjudication under Chapter 119. of the Revised 111991  
Code, except that in lieu of an adjudication, the board may enter 111992  
into a consent agreement to resolve an allegation of a violation 111993  
of this chapter or any rule adopted under it. A consent agreement, 111994  
when ratified by the board, shall constitute the findings and 111995  
order of the board with respect to the matter addressed in the 111996  
agreement. If the board refuses to ratify a consent agreement, the 111997  
admissions and findings contained in the consent agreement shall 111998  
be of no effect. 111999

(B) If the board orders a license or limited permit holder 112000  
placed on probation, the order shall be accompanied by a written 112001  
statement of the conditions under which the person may be restored 112002  
to practice. 112003

The person may reapply to the board for original issuance of 112004  
a license after one year following the date the license was 112005  
denied. 112006

A Except as otherwise provided in division (D) of this 112007  
section, a person may apply to the board for the reinstatement of 112008  
a license or limited permit after one year following the date of 112009  
suspension or refusal to renew. The board may accept or refuse the 112010  
application for reinstatement and may require that the applicant 112011  
pass a reexamination as a condition of eligibility for 112012  
reinstatement. 112013

(C) If the president and secretary of the board determine 112014



that there is clear and convincing evidence that a license or 112015  
limited permit holder has committed an act that is grounds for 112016  
board action under division (A) of this section and that continued 112017  
practice by the license or permit holder presents a danger of 112018  
immediate and serious harm to the public, the president and 112019  
secretary may recommend that the board suspend the license or 112020  
limited permit without a prior hearing. The president and 112021  
secretary shall submit in writing to the board the allegations 112022  
causing them to recommend the suspension. 112023

On review of the allegations, the board, by a vote of not 112024  
less than seven of its members, may suspend a license or limited 112025  
permit without a prior hearing. The board may review the 112026  
allegations and vote on the suspension by a telephone conference 112027  
call. 112028

If the board votes to suspend a license or limited permit 112029  
under this division, the board shall issue a written order of 112030  
summary suspension to the license or limited permit holder in 112031  
accordance with section 119.07 of the Revised Code. If the license 112032  
or limited permit holder requests a hearing by the board, the 112033  
board shall conduct the hearing in accordance with Chapter 119. of 112034  
the Revised Code. Notwithstanding section 119.12 of the Revised 112035  
Code, a court of common pleas shall not grant a suspension of the 112036  
board's order of summary suspension pending determination of an 112037  
appeal filed under that section. 112038

Any order of summary suspension issued under this division 112039  
shall remain in effect until a final adjudication order issued by 112040  
the board pursuant to division (A) of this section becomes 112041  
effective. The board shall issue its final adjudication order 112042  
regarding an order of summary suspension issued under this 112043  
division not later than sixty days after completion of its 112044  
hearing. Failure to issue the order within sixty days shall result 112045  
in immediate dissolution of the suspension order, but shall not 112046

invalidate any subsequent, final adjudication order. 112047

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 112048  
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For purposes of division (A)(8) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board. 112055  
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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment. 112065  
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Before being eligible to apply for reinstatement of a license or permit suspended under this division, the respiratory care professional shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of 112075  
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care. The demonstration shall include the following: 112079

(1) Certification from a treatment provider approved under 112080  
section 4731.25 of the Revised Code that the individual has 112081  
successfully completed any required inpatient treatment; 112082

(2) Evidence of continuing full compliance with an aftercare 112083  
contract or consent agreement; 112084

(3) Two written reports indicating that the individual's 112085  
ability to practice has been assessed and that the individual has 112086  
been found capable of practicing according to acceptable and 112087  
prevailing standards of care. The reports shall be made by 112088  
individuals or providers approved by the board for making such 112089  
assessments and shall describe the basis for their determination. 112090

The board may reinstate a license or permit suspended under 112091  
this division after such demonstration and after the individual 112092  
has entered into a written consent agreement. 112093

When the impaired respiratory care professional resumes 112094  
practice, the board shall require continued monitoring of the 112095  
respiratory care professional. The monitoring shall include 112096  
compliance with the written consent agreement entered into before 112097  
reinstatement or with conditions imposed by board order after a 112098  
hearing, and, upon termination of the consent agreement, 112099  
submission to the board for at least two years of annual written 112100  
progress reports made under penalty of falsification stating 112101  
whether the respiratory care professional has maintained sobriety. 112102

**Sec. 4761.10.** (A) No person shall offer or render respiratory 112103  
care services, or represent that the person is a respiratory care 112104  
professional, respiratory therapist, respiratory technologist, 112105  
respiratory care technician, respiratory practitioner, inhalation 112106  
therapist, inhalation technologist, or inhalation therapy 112107  
technician, or to have any similar title or to provide these 112108

services under a similar description, unless the person holds a license or limited permit issued under this chapter. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing respiratory care unless an individual holding a license or limited permit issued under this chapter is employed by or under contract with the partnership, association, or corporation and will be performing the respiratory care services to which reference is made.

(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the ~~Ohio respiratory care board~~ state medical board

recognizes, a trainee under the direct supervision of a 112141  
polysomnographic technologist credentialed by an organization the 112142  
board recognizes, or a person the board recognizes as being 112143  
eligible to be credentialed as a polysomnographic technologist may 112144  
perform the respiratory care tasks specified in rules adopted 112145  
under section 4761.03 of the Revised Code, as long as both of the 112146  
following apply: 112147

(a) The tasks are performed in the diagnosis and therapeutic 112148  
intervention of sleep-related breathing disorders and under the 112149  
general supervision of a physician. 112150

(b) The person performing the tasks does not represent that 112151  
the person is engaged in the practice of respiratory care. 112152

(c) If the ~~Ohio respiratory care board~~ state medical board 112153  
finds that any person, including any partnership, association, or 112154  
corporation, has engaged or is engaging in any activity or conduct 112155  
that is prohibited under division (A) of this section or rules of 112156  
the board, or that is grounds for the denial, suspension, or 112157  
permanent revocation of a person's license under section 4761.09 112158  
of the Revised Code, it may apply to the court of common pleas in 112159  
the county in which the violation occurred for an order 112160  
restraining the unlawful activity or conduct, including the 112161  
continued practice of respiratory care. Upon a showing that the 112162  
law or rule has been violated, or the person has engaged in 112163  
conduct constituting such grounds, the court may issue an 112164  
injunction or other appropriate restraining order. 112165

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed 112166  
to prevent or restrict the practice, services, or activities of 112167  
any person who: 112168

(1) Is a health care professional licensed by this state 112169  
providing respiratory care services included in the scope of 112170  
practice established by the license held, as long as the person 112171

does not represent that the person is engaged in the practice of respiratory care;

(2) Is employed as a respiratory care professional by an agency of the United States government and provides respiratory care solely under the direction or control of the employing agency;

(3) Is a student enrolled in ~~an Ohio respiratory care board approved~~ a respiratory care education program approved by the state medical board leading to a certificate of completion in respiratory care and is performing duties that are part of a supervised course of study;

(4) Is a nonresident of this state practicing or offering to practice respiratory care, if the respiratory care services are offered for not more than thirty days in a year, services are provided under the supervision of a respiratory care professional licensed under this chapter, and the nonresident registers with the board in accordance with rules adopted by the board under section 4761.03 of the Revised Code and meets either of the following requirements:

(a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A)(3) of section 4761.04 of the Revised Code;

(b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.

(5) Provides respiratory care only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or personal family members;

(7) Provides only self care; 112203

(8) Is employed in the office of a physician and renders 112204  
medical assistance under the physician's direct supervision 112205  
without representing that the person is engaged in the practice of 112206  
respiratory care; 112207

(9) Is employed in a clinical chemistry or arterial blood gas 112208  
laboratory and is supervised by a physician without representing 112209  
that the person is engaged in the practice of respiratory care; 112210

(10) Is engaged in the practice of respiratory care as an 112211  
employee of a person or governmental entity located in another 112212  
state and provides respiratory care services for less than 112213  
seventy-two hours to patients being transported into, out of, or 112214  
through this state; 112215

(11) Is employed as a certified hyperbaric technologist, has 112216  
filed with the board a copy of the person's current certification 112217  
as a hyperbaric technologist in accordance with the rules adopted 112218  
by the board under section 4761.03 of the Revised Code, has paid 112219  
the fee established pursuant to section 4761.07 of the Revised 112220  
Code, and administers hyperbaric oxygen therapy under the direct 112221  
supervision of a physician, a podiatrist acting in compliance with 112222  
section 4731.511 of the Revised Code, a physician assistant, or an 112223  
advanced practice registered nurse and without representing that 112224  
the person is engaged in the practice of respiratory care. 112225

(B) Nothing in this chapter shall be construed to prevent any 112226  
person from advertising, describing, or offering to provide 112227  
respiratory care or billing for respiratory care when the 112228  
respiratory care services are provided by a health care 112229  
professional licensed by this state practicing within the scope of 112230  
practice established by the license held. Nothing in this chapter 112231  
shall be construed to prevent a hospital or nursing facility from 112232  
advertising, describing, or offering to provide respiratory care, 112233

or billing for respiratory care rendered by a person licensed 112234  
under this chapter or persons who may provide limited aspects of 112235  
respiratory care or respiratory care tasks pursuant to division 112236  
(B) of section 4761.10 of the Revised Code. 112237

(C) Notwithstanding division (A) of section 4761.10 of the 112238  
Revised Code, in a life-threatening situation, in the absence of 112239  
licensed personnel, unlicensed persons shall not be prohibited 112240  
from taking life-saving measures. 112241

(D) Nothing in this chapter shall be construed as authorizing 112242  
a respiratory care professional to practice medicine and surgery 112243  
or osteopathic medicine and surgery. This division does not 112244  
prohibit a respiratory care professional from administering 112245  
topical or intradermal medications for the purpose of producing 112246  
localized decreased sensation as part of a procedure or task that 112247  
is within the scope of practice of a respiratory care 112248  
professional. 112249

**Sec. 4761.12.** On receipt of a notice pursuant to section 112250  
3123.43 of the Revised Code, the ~~respiratory care board~~ state 112251  
medical board shall comply with sections 3123.41 to 3123.50 of the 112252  
Revised Code and any applicable rules adopted under section 112253  
3123.63 of the Revised Code with respect to a license or permit 112254  
issued pursuant to this chapter. 112255

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has 112256  
the same meaning as in section 2935.01 of the Revised Code. 112257

(B) The prosecutor in any case against any respiratory care 112258  
professional or an individual holding a limited permit issued 112259  
under this chapter shall promptly notify the ~~Ohio respiratory care~~ 112260  
~~board~~ state medical board of any of the following: 112261

(1) A plea of guilty to, or a finding of guilt by a jury or 112262  
court of, a felony, or a case in which the trial court issues an 112263



order of dismissal upon technical or procedural grounds of a 112264  
felony charge; 112265

(2) A plea of guilty to, or a finding of guilt by a jury or 112266  
court of, a misdemeanor committed in the course of practice, or a 112267  
case in which the trial court issues an order of dismissal upon 112268  
technical or procedural grounds of a charge of a misdemeanor, if 112269  
the alleged act was committed in the course of practice; 112270

(3) A plea of guilty to, or a finding of guilt by a jury or 112271  
court of, a misdemeanor involving moral turpitude, or a case in 112272  
which the trial court issues an order of dismissal upon technical 112273  
or procedural grounds of a charge of a misdemeanor involving moral 112274  
turpitude. 112275

(C) The report shall include the name and address of the 112276  
respiratory care professional or person holding a limited permit, 112277  
the nature of the offense for which the action was taken, and the 112278  
certified court documents recording the action. The board may 112279  
prescribe and provide forms for prosecutors to make reports under 112280  
this section. The form may be the same as the form required to be 112281  
provided under section 2929.42 of the Revised Code. 112282

**Sec. 4761.14.** An employer that disciplines or terminates the 112283  
employment of a respiratory care professional or individual 112284  
holding a limited permit issued under this chapter because of 112285  
conduct that would be grounds for disciplinary action under 112286  
section 4761.09 of the Revised Code shall report the action to the 112287  
~~Ohio respiratory care board~~ state medical board. The report shall 112288  
state the name of the respiratory care professional or individual 112289  
holding the limited permit and the reason the employer took the 112290  
action. If an employer fails to report to the board, the board may 112291  
seek an order from a court of competent jurisdiction compelling 112292  
submission of the report. 112293

Sec. 4761.18. The ~~Ohio respiratory care board~~ state medical 112294  
board shall comply with section 4776.20 of the Revised Code. 112295

Sec. 4776.01. As used in this chapter: 112296

(A) "License" means an authorization evidenced by a license, 112297  
certificate, registration, permit, card, or other authority that 112298  
is issued or conferred by a licensing agency to a licensee or to 112299  
an applicant for an initial license by which the licensee or 112300  
initial license applicant has or claims the privilege to engage in 112301  
a profession, occupation, or occupational activity, or, except in 112302  
the case of the state dental board, to have control of and operate 112303  
certain specific equipment, machinery, or premises, over which the 112304  
licensing agency has jurisdiction. 112305

(B) Except as provided in section 4776.20 of the Revised 112306  
Code, "licensee" means the person to whom the license is issued by 112307  
a licensing agency. 112308

(C) Except as provided in section 4776.20 of the Revised 112309  
Code, "licensing agency" means any of the following: 112310

(1) The board authorized by Chapters 4701., 4717., 4725., 112311  
4729., 4730., 4731., 4732., 4734., 4740., 4741., ~~4747.~~, 4753., 112312  
4755., 4757., 4759., 4760., 4761., 4762., ~~4779.~~, and 4783. of the 112313  
Revised Code to issue a license to engage in a specific 112314  
profession, occupation, or occupational activity, or to have 112315  
charge of and operate certain specified equipment, machinery, or 112316  
premises. 112317

(2) The state dental board, relative to its authority to 112318  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 112319  
4715.27 of the Revised Code. 112320

(D) "Applicant for an initial license" includes persons 112321  
seeking a license for the first time and persons seeking a license 112322  
by reciprocity, endorsement, or similar manner of a license issued 112323

in another state. 112324

(E) "Applicant for a restored license" includes persons 112325  
seeking restoration of a certificate under section 4730.14, 112326  
4731.281, 4760.06, or 4762.06 of the Revised Code. 112327

(F) "Criminal records check" has the same meaning as in 112328  
section 109.572 of the Revised Code. 112329

**Sec. 5120.55.** (A) As used in this section, "licensed health 112330  
professional" means any or all of the following: 112331

(1) A dentist who holds a current, valid license issued under 112332  
Chapter 4715. of the Revised Code to practice dentistry; 112333

(2) A licensed practical nurse who holds a current, valid 112334  
license issued under Chapter 4723. of the Revised Code that 112335  
authorizes the practice of nursing as a licensed practical nurse; 112336

(3) An optometrist who holds a current, valid certificate of 112337  
licensure issued under Chapter 4725. of the Revised Code that 112338  
authorizes the holder to engage in the practice of optometry; 112339

(4) A physician who is authorized under Chapter 4731. of the 112340  
Revised Code to practice medicine and surgery, osteopathic 112341  
medicine and surgery, or podiatric medicine and surgery; 112342

(5) A psychologist who holds a current, valid license issued 112343  
under Chapter 4732. of the Revised Code that authorizes the 112344  
practice of psychology as a licensed psychologist; 112345

(6) A registered nurse who holds a current, valid license 112346  
issued under Chapter 4723. of the Revised Code that authorizes the 112347  
practice of nursing as a registered nurse, including such a nurse 112348  
who is also licensed to practice as an advanced practice 112349  
registered nurse as defined in section 4723.01 of the Revised 112350  
Code. 112351

(B)(1) The department of rehabilitation and correction may 112352

establish a recruitment program under which the department, by 112353  
means of a contract entered into under division (C) of this 112354  
section, agrees to repay all or part of the principal and interest 112355  
of a government or other educational loan incurred by a licensed 112356  
health professional who agrees to provide services to inmates of 112357  
correctional institutions under the department's administration. 112358

(2)(a) For a physician to be eligible to participate in the 112359  
program, the physician must have attended a school that was, 112360  
during the time of attendance, a medical school or osteopathic 112361  
medical school in this country accredited by the liaison committee 112362  
on medical education or the American osteopathic association, a 112363  
college of podiatry in this country recognized as being in good 112364  
standing under section 4731.53 of the Revised Code, or a medical 112365  
school, osteopathic medical school, or college of podiatry located 112366  
outside this country that was acknowledged by the world health 112367  
organization and verified by a member state of that organization 112368  
as operating within that state's jurisdiction. 112369

(b) For a nurse to be eligible to participate in the program, 112370  
the nurse must have attended a school that was, during the time of 112371  
attendance, a nursing school in this country accredited by the 112372  
commission on collegiate nursing education or the national league 112373  
for nursing accrediting commission or a nursing school located 112374  
outside this country that was acknowledged by the world health 112375  
organization and verified by a member state of that organization 112376  
as operating within that state's jurisdiction. 112377

(c) For a dentist to be eligible to participate in the 112378  
program, the dentist must have attended a school that was, during 112379  
the time of attendance, a dental college that enabled the dentist 112380  
to meet the requirements specified in section 4715.10 of the 112381  
Revised Code to be granted a license to practice dentistry. 112382

(d) For an optometrist to be eligible to participate in the 112383  
program, the optometrist must have attended a school of optometry 112384

that was, during the time of attendance, approved by the state 112385  
~~board of optometry~~ vision professionals board. 112386

(e) For a psychologist to be eligible to participate in the 112387  
program, the psychologist must have attended an educational 112388  
institution that, during the time of attendance, maintained a 112389  
specific degree program recognized by the state board of 112390  
psychology as acceptable for fulfilling the requirement of 112391  
division (B)(3) of section 4732.10 of the Revised Code. 112392

(C) The department shall enter into a contract with each 112393  
licensed health professional it recruits under this section. Each 112394  
contract shall include at least the following terms: 112395

(1) The licensed health professional agrees to provide a 112396  
specified scope of medical, osteopathic medical, podiatric, 112397  
optometric, psychological, nursing, or dental services to inmates 112398  
of one or more specified state correctional institutions for a 112399  
specified number of hours per week for a specified number of 112400  
years. 112401

(2) The department agrees to repay all or a specified portion 112402  
of the principal and interest of a government or other educational 112403  
loan taken by the licensed health professional for the following 112404  
expenses to attend, for up to a maximum of four years, a school 112405  
that qualifies the licensed health professional to participate in 112406  
the program: 112407

(a) Tuition; 112408

(b) Other educational expenses for specific purposes, 112409  
including fees, books, and laboratory expenses, in amounts 112410  
determined to be reasonable in accordance with rules adopted under 112411  
division (D) of this section; 112412

(c) Room and board, in an amount determined to be reasonable 112413  
in accordance with rules adopted under division (D) of this 112414  
section. 112415

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The licensed health professional's lending institution or the ~~Ohio board~~ department of regents, higher education may be a party to the contract. The contract may include an assignment to the department of rehabilitation and correction of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department of rehabilitation and correction elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program. 112446  
112447

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 112448  
5123.45 and section 5123.452 of the Revised Code shall be adopted 112449  
in consultation with the board of nursing, the Ohio nurses 112450  
association, the ~~Ohio respiratory care~~ state medical board, and 112451  
the Ohio society for respiratory care. The rules shall be adopted 112452  
in accordance with Chapter 119. of the Revised Code. 112453

**Section 130.12.** That existing sections 109.572, 2305.113, 112454  
3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 112455  
4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 112456  
4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 112457  
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 112458  
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 112459  
4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 112460  
4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 112461  
4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 112462  
4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 112463  
4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 112464  
4747.14, 4747.16, 4747.17, 4752.01, 4752.02, 4752.03, 4752.04, 112465  
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 112466  
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 112467  
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 112468  
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 112469  
4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 112470  
4759.10, 4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 112471  
4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 112472  
4761.12, 4761.13, 4761.14, 4761.18, 4776.01, 5120.55, and 5123.46 112473  
of the Revised Code are hereby repealed. 112474

**Section 130.13.** That sections 4725.03, 4725.42, 4725.43, 112475

4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4759.03, 112476  
4759.04, 4761.02, 4761.15, 4761.16, 4779.01, 4779.02, 4779.03, 112477  
4779.04, 4779.05, 4779.06, 4779.07, 4779.08, 4779.09, 4779.091, 112478  
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.16, 4779.17, 112479  
4779.18, 4779.19, 4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 112480  
4779.25, 4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 112481  
4779.32, 4779.33, 4779.34, and 4779.99 of the Revised Code are 112482  
hereby repealed. 112483

**Section 130.14.** Sections 109.572, 2305.113, 3313.608, 112484  
3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 112485  
4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 112486  
4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 112487  
4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 112488  
4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 112489  
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 112490  
4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 4731.07, 112491  
4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.021, 112492  
4745.04, 4747.04, 4747.05, 4747.051, 4747.06, 4747.07, 4747.08, 112493  
4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 112494  
4752.01, 4752.02, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 112495  
4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 112496  
4752.18, 4752.19, 4752.20, 4752.22, 4752.24, 4753.05, 4753.06, 112497  
4753.061, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 112498  
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 112499  
4759.011, 4759.02, 4759.05, 4759.051, 4759.06, 4759.061, 4759.07, 112500  
4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.011, 4761.03, 112501  
4761.031, 4761.032, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 112502  
4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 112503  
4761.18, 4776.01, 5120.55, and 5123.46 of the Revised Code as 112504  
amended or enacted by Section 130.11 of this act and the repeal of 112505  
sections 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4747.03, 112506



4753.03, 4753.04, 4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 112507  
4779.01, 4779.02, 4779.03, 4779.04, 4779.05, 4779.06, 4779.07, 112508  
4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 112509  
4779.15, 4779.16, 4779.17, 4779.18, 4779.19, 4779.20, 4779.21, 112510  
4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 112511  
4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, and 4779.99 112512  
of the Revised Code by Section 130.13 of this act take effect on 112513  
January 21, 2018. 112514

**Section 130.21.** That sections 102.02, 109.572, 111.15, 112515  
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 112516  
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 112517  
902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 112518  
1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 112519  
1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 112520  
1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 112521  
1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 112522  
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 112523  
1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 112524  
1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 112525  
1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 112526  
1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 112527  
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 112528  
1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 112529  
1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 112530  
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 112531  
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 112532  
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 112533  
1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 112534  
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 112535  
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 112536  
1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 112537

1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 112538  
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 112539  
1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 112540  
1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 112541  
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 112542  
1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 112543  
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 be amended; 112544  
sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 112545  
1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 112546  
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 112547  
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 112548  
adopting new section numbers as shown in parentheses; and new 112549  
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 112550  
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 112551  
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 112552  
1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 112553  
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 112554  
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 112555  
1121.19, and 1121.29 of the Revised Code be enacted to read as 112556  
follows: 112557

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 112558  
(H) of this section, all of the following shall file with the 112559  
appropriate ethics commission the disclosure statement described 112560  
in this division on a form prescribed by the appropriate 112561  
commission: every person who is elected to or is a candidate for a 112562  
state, county, or city office and every person who is appointed to 112563  
fill a vacancy for an unexpired term in such an elective office; 112564  
all members of the state board of education; the director, 112565  
assistant directors, deputy directors, division chiefs, or persons 112566  
of equivalent rank of any administrative department of the state; 112567  
the president or other chief administrative officer of every state 112568  
institution of higher education as defined in section 3345.011 of 112569

the Revised Code; the executive director and the members of the 112570  
capitol square review and advisory board appointed or employed 112571  
pursuant to section 105.41 of the Revised Code; all members of the 112572  
Ohio casino control commission, the executive director of the 112573  
commission, all professional employees of the commission, and all 112574  
technical employees of the commission who perform an internal 112575  
audit function; the individuals set forth in division (B)(2) of 112576  
section 187.03 of the Revised Code; the chief executive officer 112577  
and the members of the board of each state retirement system; each 112578  
employee of a state retirement board who is a state retirement 112579  
system investment officer licensed pursuant to section 1707.163 of 112580  
the Revised Code; the members of the Ohio retirement study council 112581  
appointed pursuant to division (C) of section 171.01 of the 112582  
Revised Code; employees of the Ohio retirement study council, 112583  
other than employees who perform purely administrative or clerical 112584  
functions; the administrator of workers' compensation and each 112585  
member of the bureau of workers' compensation board of directors; 112586  
the bureau of workers' compensation director of investments; the 112587  
chief investment officer of the bureau of workers' compensation; 112588  
all members of the board of commissioners on grievances and 112589  
discipline of the supreme court and the ethics commission created 112590  
under section 102.05 of the Revised Code; every business manager, 112591  
treasurer, or superintendent of a city, local, exempted village, 112592  
joint vocational, or cooperative education school district or an 112593  
educational service center; every person who is elected to or is a 112594  
candidate for the office of member of a board of education of a 112595  
city, local, exempted village, joint vocational, or cooperative 112596  
education school district or of a governing board of an 112597  
educational service center that has a total student count of 112598  
twelve thousand or more as most recently determined by the 112599  
department of education pursuant to section 3317.03 of the Revised 112600  
Code; every person who is appointed to the board of education of a 112601  
municipal school district pursuant to division (B) or (F) of 112602

section 3311.71 of the Revised Code; all members of the board of 112603  
directors of a sanitary district that is established under Chapter 112604  
6115. of the Revised Code and organized wholly for the purpose of 112605  
providing a water supply for domestic, municipal, and public use, 112606  
and that includes two municipal corporations in two counties; 112607  
every public official or employee who is paid a salary or wage in 112608  
accordance with schedule C of section 124.15 or schedule E-2 of 112609  
section 124.152 of the Revised Code; members of the board of 112610  
trustees and the executive director of the southern Ohio 112611  
agricultural and community development foundation; all members 112612  
appointed to the Ohio livestock care standards board under section 112613  
904.02 of the Revised Code; all entrepreneurs in residence 112614  
assigned by the LeanOhio office in the department of 112615  
administrative services under section 125.65 of the Revised Code 112616  
and every other public official or employee who is designated by 112617  
the appropriate ethics commission pursuant to division (B) of this 112618  
section. 112619

(2) The disclosure statement shall include all of the 112620  
following: 112621

(a) The name of the person filing the statement and each 112622  
member of the person's immediate family and all names under which 112623  
the person or members of the person's immediate family do 112624  
business; 112625

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 112626  
section and except as otherwise provided in section 102.022 of the 112627  
Revised Code, identification of every source of income, other than 112628  
income from a legislative agent identified in division 112629  
(A)(2)(b)(ii) of this section, received during the preceding 112630  
calendar year, in the person's own name or by any other person for 112631  
the person's use or benefit, by the person filing the statement, 112632  
and a brief description of the nature of the services for which 112633  
the income was received. If the person filing the statement is a 112634

member of the general assembly, the statement shall identify the 112635  
amount of every source of income received in accordance with the 112636  
following ranges of amounts: zero or more, but less than one 112637  
thousand dollars; one thousand dollars or more, but less than ten 112638  
thousand dollars; ten thousand dollars or more, but less than 112639  
twenty-five thousand dollars; twenty-five thousand dollars or 112640  
more, but less than fifty thousand dollars; fifty thousand dollars 112641  
or more, but less than one hundred thousand dollars; and one 112642  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 112643  
section shall not be construed to require a person filing the 112644  
statement who derives income from a business or profession to 112645  
disclose the individual items of income that constitute the gross 112646  
income of that business or profession, except for those individual 112647  
items of income that are attributable to the person's or, if the 112648  
income is shared with the person, the partner's, solicitation of 112649  
services or goods or performance, arrangement, or facilitation of 112650  
services or provision of goods on behalf of the business or 112651  
profession of clients, including corporate clients, who are 112652  
legislative agents. A person who files the statement under this 112653  
section shall disclose the identity of and the amount of income 112654  
received from a person who the public official or employee knows 112655  
or has reason to know is doing or seeking to do business of any 112656  
kind with the public official's or employee's agency. 112657

(ii) If the person filing the statement is a member of the 112658  
general assembly, the statement shall identify every source of 112659  
income and the amount of that income that was received from a 112660  
legislative agent during the preceding calendar year, in the 112661  
person's own name or by any other person for the person's use or 112662  
benefit, by the person filing the statement, and a brief 112663  
description of the nature of the services for which the income was 112664  
received. Division (A)(2)(b)(ii) of this section requires the 112665  
disclosure of clients of attorneys or persons licensed under 112666  
section 4732.12 of the Revised Code, or patients of persons 112667

certified under section 4731.14 of the Revised Code, if those 112668  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 112669  
of this section requires a person filing the statement who derives 112670  
income from a business or profession to disclose those individual 112671  
items of income that constitute the gross income of that business 112672  
or profession that are received from legislative agents. 112673

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 112674  
of this section, division (A)(2)(b)(i) of this section applies to 112675  
attorneys, physicians, and other persons who engage in the 112676  
practice of a profession and who, pursuant to a section of the 112677  
Revised Code, the common law of this state, a code of ethics 112678  
applicable to the profession, or otherwise, generally are required 112679  
not to reveal, disclose, or use confidences of clients, patients, 112680  
or other recipients of professional services except under 112681  
specified circumstances or generally are required to maintain 112682  
those types of confidences as privileged communications except 112683  
under specified circumstances. Division (A)(2)(b)(i) of this 112684  
section does not require an attorney, physician, or other 112685  
professional subject to a confidentiality requirement as described 112686  
in division (A)(2)(b)(iii) of this section to disclose the name, 112687  
other identity, or address of a client, patient, or other 112688  
recipient of professional services if the disclosure would 112689  
threaten the client, patient, or other recipient of professional 112690  
services, would reveal details of the subject matter for which 112691  
legal, medical, or professional advice or other services were 112692  
sought, or would reveal an otherwise privileged communication 112693  
involving the client, patient, or other recipient of professional 112694  
services. Division (A)(2)(b)(i) of this section does not require 112695  
an attorney, physician, or other professional subject to a 112696  
confidentiality requirement as described in division 112697  
(A)(2)(b)(iii) of this section to disclose in the brief 112698  
description of the nature of services required by division 112699  
(A)(2)(b)(i) of this section any information pertaining to 112700

specific professional services rendered for a client, patient, or 112701  
other recipient of professional services that would reveal details 112702  
of the subject matter for which legal, medical, or professional 112703  
advice was sought or would reveal an otherwise privileged 112704  
communication involving the client, patient, or other recipient of 112705  
professional services. 112706

(c) The name of every corporation on file with the secretary 112707  
of state that is incorporated in this state or holds a certificate 112708  
of compliance authorizing it to do business in this state, trust, 112709  
business trust, partnership, or association that transacts 112710  
business in this state in which the person filing the statement or 112711  
any other person for the person's use and benefit had during the 112712  
preceding calendar year an investment of over one thousand dollars 112713  
at fair market value as of the thirty-first day of December of the 112714  
preceding calendar year, or the date of disposition, whichever is 112715  
earlier, or in which the person holds any office or has a 112716  
fiduciary relationship, and a description of the nature of the 112717  
investment, office, or relationship. Division (A)(2)(c) of this 112718  
section does not require disclosure of the name of any bank, 112719  
savings and loan association, credit union, or building and loan 112720  
association with which the person filing the statement has a 112721  
deposit or a withdrawable share account. 112722

(d) All fee simple and leasehold interests to which the 112723  
person filing the statement holds legal title to or a beneficial 112724  
interest in real property located within the state, excluding the 112725  
person's residence and property used primarily for personal 112726  
recreation; 112727

(e) The names of all persons residing or transacting business 112728  
in the state to whom the person filing the statement owes, in the 112729  
person's own name or in the name of any other person, more than 112730  
one thousand dollars. Division (A)(2)(e) of this section shall not 112731  
be construed to require the disclosure of debts owed by the person 112732

resulting from the ordinary conduct of a business or profession or 112733  
debts on the person's residence or real property used primarily 112734  
for personal recreation, except that the superintendent of 112735  
financial institutions ~~shall disclose the names of all~~ 112736  
~~state chartered savings and loan associations and of all service~~ 112737  
~~corporations subject to regulation under division (E)(2) of~~ 112738  
~~section 1151.34 of the Revised Code to whom the superintendent in~~ 112739  
~~the superintendent's own name or in the name of any other person~~ 112740  
~~owes any money, and that the superintendent and any deputy~~ 112741  
superintendent of banks shall disclose the names of all 112742  
state-chartered banks and all bank subsidiary corporations subject 112743  
to regulation under section 1109.44 of the Revised Code to whom 112744  
the superintendent or deputy superintendent owes any money. 112745

(f) The names of all persons residing or transacting business 112746  
in the state, other than a depository excluded under division 112747  
(A)(2)(c) of this section, who owe more than one thousand dollars 112748  
to the person filing the statement, either in the person's own 112749  
name or to any person for the person's use or benefit. Division 112750  
(A)(2)(f) of this section shall not be construed to require the 112751  
disclosure of clients of attorneys or persons licensed under 112752  
section 4732.12 of the Revised Code, or patients of persons 112753  
certified under section 4731.14 of the Revised Code, nor the 112754  
disclosure of debts owed to the person resulting from the ordinary 112755  
conduct of a business or profession. 112756

(g) Except as otherwise provided in section 102.022 of the 112757  
Revised Code, the source of each gift of over seventy-five 112758  
dollars, or of each gift of over twenty-five dollars received by a 112759  
member of the general assembly from a legislative agent, received 112760  
by the person in the person's own name or by any other person for 112761  
the person's use or benefit during the preceding calendar year, 112762  
except gifts received by will or by virtue of section 2105.06 of 112763  
the Revised Code, or received from spouses, parents, grandparents, 112764



children, grandchildren, siblings, nephews, nieces, uncles, aunts, 112765  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 112766  
fathers-in-law, mothers-in-law, or any person to whom the person 112767  
filing the statement stands in loco parentis, or received by way 112768  
of distribution from any inter vivos or testamentary trust 112769  
established by a spouse or by an ancestor; 112770

(h) Except as otherwise provided in section 102.022 of the 112771  
Revised Code, identification of the source and amount of every 112772  
payment of expenses incurred for travel to destinations inside or 112773  
outside this state that is received by the person in the person's 112774  
own name or by any other person for the person's use or benefit 112775  
and that is incurred in connection with the person's official 112776  
duties, except for expenses for travel to meetings or conventions 112777  
of a national or state organization to which any state agency, 112778  
including, but not limited to, any legislative agency or state 112779  
institution of higher education as defined in section 3345.011 of 112780  
the Revised Code, pays membership dues, or any political 112781  
subdivision or any office or agency of a political subdivision 112782  
pays membership dues; 112783

(i) Except as otherwise provided in section 102.022 of the 112784  
Revised Code, identification of the source of payment of expenses 112785  
for meals and other food and beverages, other than for meals and 112786  
other food and beverages provided at a meeting at which the person 112787  
participated in a panel, seminar, or speaking engagement or at a 112788  
meeting or convention of a national or state organization to which 112789  
any state agency, including, but not limited to, any legislative 112790  
agency or state institution of higher education as defined in 112791  
section 3345.011 of the Revised Code, pays membership dues, or any 112792  
political subdivision or any office or agency of a political 112793  
subdivision pays membership dues, that are incurred in connection 112794  
with the person's official duties and that exceed one hundred 112795  
dollars aggregated per calendar year; 112796

(j) If the disclosure statement is filed by a public official 112797  
or employee described in division (B)(2) of section 101.73 of the 112798  
Revised Code or division (B)(2) of section 121.63 of the Revised 112799  
Code who receives a statement from a legislative agent, executive 112800  
agency lobbyist, or employer that contains the information 112801  
described in division (F)(2) of section 101.73 of the Revised Code 112802  
or division (G)(2) of section 121.63 of the Revised Code, all of 112803  
the nondisputed information contained in the statement delivered 112804  
to that public official or employee by the legislative agent, 112805  
executive agency lobbyist, or employer under division (F)(2) of 112806  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 112807

(3) A person may file a statement required by this section in 112808  
person, by mail, or by electronic means. 112809

(4) A person who is required to file a statement under this 112810  
section shall file that statement according to the following 112811  
deadlines, as applicable: 112812

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 112813  
and (d) of this section, the person shall file the statement not 112814  
later than the fifteenth day of May of each year. 112815

(b) A person who is a candidate for elective office shall 112816  
file the statement no later than the thirtieth day before the 112817  
primary, special, or general election at which the candidacy is to 112818  
be voted on, whichever election occurs soonest, except that a 112819  
person who is a write-in candidate shall file the statement no 112820  
later than the twentieth day before the earliest election at which 112821  
the person's candidacy is to be voted on. 112822

(c) A person who is appointed to fill a vacancy for an 112823  
unexpired term in an elective office shall file the statement 112824  
within fifteen days after the person qualifies for office. 112825

(d) A person who is appointed or employed after the fifteenth 112826  
day of May, other than a person described in division (A)(4)(c) of 112827

this section, shall file an annual statement within ninety days 112828  
after appointment or employment. 112829

(5) No person shall be required to file with the appropriate 112830  
ethics commission more than one statement or pay more than one 112831  
filing fee for any one calendar year. 112832

(6) The appropriate ethics commission, for good cause, may 112833  
extend for a reasonable time the deadline for filing a statement 112834  
under this section. 112835

(7) A statement filed under this section is subject to public 112836  
inspection at locations designated by the appropriate ethics 112837  
commission except as otherwise provided in this section. 112838

(B) The Ohio ethics commission, the joint legislative ethics 112839  
committee, and the board of commissioners on grievances and 112840  
discipline of the supreme court, using the rule-making procedures 112841  
of Chapter 119. of the Revised Code, may require any class of 112842  
public officials or employees under its jurisdiction and not 112843  
specifically excluded by this section whose positions involve a 112844  
substantial and material exercise of administrative discretion in 112845  
the formulation of public policy, expenditure of public funds, 112846  
enforcement of laws and rules of the state or a county or city, or 112847  
the execution of other public trusts, to file an annual statement 112848  
under division (A) of this section. The appropriate ethics 112849  
commission shall send the public officials or employees written 112850  
notice of the requirement not less than thirty days before the 112851  
applicable filing deadline unless the public official or employee 112852  
is appointed after that date, in which case the notice shall be 112853  
sent within thirty days after appointment, and the filing shall be 112854  
made not later than ninety days after appointment. 112855

Disclosure statements filed under this division with the Ohio 112856  
ethics commission by members of boards, commissions, or bureaus of 112857  
the state for which no compensation is received other than 112858

reasonable and necessary expenses shall be kept confidential. 112859  
Disclosure statements filed with the Ohio ethics commission under 112860  
division (A) of this section by business managers, treasurers, and 112861  
superintendents of city, local, exempted village, joint 112862  
vocational, or cooperative education school districts or 112863  
educational service centers shall be kept confidential, except 112864  
that any person conducting an audit of any such school district or 112865  
educational service center pursuant to section 115.56 or Chapter 112866  
117. of the Revised Code may examine the disclosure statement of 112867  
any business manager, treasurer, or superintendent of that school 112868  
district or educational service center. Disclosure statements 112869  
filed with the Ohio ethics commission under division (A) of this 112870  
section by the individuals set forth in division (B)(2) of section 112871  
187.03 of the Revised Code shall be kept confidential. The Ohio 112872  
ethics commission shall examine each disclosure statement required 112873  
to be kept confidential to determine whether a potential conflict 112874  
of interest exists for the person who filed the disclosure 112875  
statement. A potential conflict of interest exists if the private 112876  
interests of the person, as indicated by the person's disclosure 112877  
statement, might interfere with the public interests the person is 112878  
required to serve in the exercise of the person's authority and 112879  
duties in the person's office or position of employment. If the 112880  
commission determines that a potential conflict of interest 112881  
exists, it shall notify the person who filed the disclosure 112882  
statement and shall make the portions of the disclosure statement 112883  
that indicate a potential conflict of interest subject to public 112884  
inspection in the same manner as is provided for other disclosure 112885  
statements. Any portion of the disclosure statement that the 112886  
commission determines does not indicate a potential conflict of 112887  
interest shall be kept confidential by the commission and shall 112888  
not be made subject to public inspection, except as is necessary 112889  
for the enforcement of Chapters 102. and 2921. of the Revised Code 112890  
and except as otherwise provided in this division. 112891

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

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

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

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

For state office, except member of the		112904
state board of education	\$95	112905
For office of member of general assembly	\$40	112906
For county office	\$60	112907
For city office	\$35	112908
For office of member of the state board		112909
of education	\$35	112910
For office of member of a city, local,		112911
exempted village, or cooperative		112912
education board of		112913
education or educational service		112914
center governing board	\$30	112915
For position of business manager,		112916
treasurer, or superintendent of a		112917
city, local, exempted village, joint		112918
vocational, or cooperative education		112919
school district or		112920
educational service center	\$30	112921

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of

record, shall be required to pay the fee required under division 112924  
(E)(1) or (2) or (F) of this section. 112925

(4) For any public official who is appointed to a nonelective 112926  
office of the state and for any employee who holds a nonelective 112927  
position in a public agency of the state, the state agency that is 112928  
the primary employer of the state official or employee shall pay 112929  
the fee required under division (E)(1) or (F) of this section. 112930

(F) If a statement required to be filed under this section is 112931  
not filed by the date on which it is required to be filed, the 112932  
appropriate ethics commission shall assess the person required to 112933  
file the statement a late filing fee of ten dollars for each day 112934  
the statement is not filed, except that the total amount of the 112935  
late filing fee shall not exceed two hundred fifty dollars. 112936

(G)(1) The appropriate ethics commission other than the Ohio 112937  
ethics commission and the joint legislative ethics committee shall 112938  
deposit all fees it receives under divisions (E) and (F) of this 112939  
section into the general revenue fund of the state. 112940

(2) The Ohio ethics commission shall deposit all receipts, 112941  
including, but not limited to, fees it receives under divisions 112942  
(E) and (F) of this section, investigative or other fees, costs, 112943  
or other funds it receives as a result of court orders, and all 112944  
moneys it receives from settlements under division (G) of section 112945  
102.06 of the Revised Code, into the Ohio ethics commission fund, 112946  
which is hereby created in the state treasury. All moneys credited 112947  
to the fund shall be used solely for expenses related to the 112948  
operation and statutory functions of the commission. 112949

(3) The joint legislative ethics committee shall deposit all 112950  
receipts it receives from the payment of financial disclosure 112951  
statement filing fees under divisions (E) and (F) of this section 112952  
into the joint legislative ethics committee investigative fund. 112953

(H) Division (A) of this section does not apply to a person 112954

elected or appointed to the office of precinct, ward, or district 112955  
committee member under Chapter 3517. of the Revised Code; a 112956  
presidential elector; a delegate to a national convention; village 112957  
or township officials and employees; any physician or psychiatrist 112958  
who is paid a salary or wage in accordance with schedule C of 112959  
section 124.15 or schedule E-2 of section 124.152 of the Revised 112960  
Code and whose primary duties do not require the exercise of 112961  
administrative discretion; or any member of a board, commission, 112962  
or bureau of any county or city who receives less than one 112963  
thousand dollars per year for serving in that position. 112964

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 112965  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 112966  
a completed form prescribed pursuant to division (C)(1) of this 112967  
section, and a set of fingerprint impressions obtained in the 112968  
manner described in division (C)(2) of this section, the 112969  
superintendent of the bureau of criminal identification and 112970  
investigation shall conduct a criminal records check in the manner 112971  
described in division (B) of this section to determine whether any 112972  
information exists that indicates that the person who is the 112973  
subject of the request previously has been convicted of or pleaded 112974  
guilty to any of the following: 112975

(a) A violation of section 2903.01, 2903.02, 2903.03, 112976  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112977  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112978  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112979  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 112980  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 112981  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 112982  
2925.06, or 3716.11 of the Revised Code, felonious sexual 112983  
penetration in violation of former section 2907.12 of the Revised 112984  
Code, a violation of section 2905.04 of the Revised Code as it 112985  
existed prior to July 1, 1996, a violation of section 2919.23 of 112986

the Revised Code that would have been a violation of section 112987  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 112988  
had the violation been committed prior to that date, or a 112989  
violation of section 2925.11 of the Revised Code that is not a 112990  
minor drug possession offense; 112991

(b) A violation of an existing or former law of this state, 112992  
any other state, or the United States that is substantially 112993  
equivalent to any of the offenses listed in division (A)(1)(a) of 112994  
this section; 112995

(c) If the request is made pursuant to section 3319.39 of the 112996  
Revised Code for an applicant who is a teacher, any offense 112997  
specified in section 3319.31 of the Revised Code. 112998

(2) On receipt of a request pursuant to section 3712.09 or 112999  
3721.121 of the Revised Code, a completed form prescribed pursuant 113000  
to division (C)(1) of this section, and a set of fingerprint 113001  
impressions obtained in the manner described in division (C)(2) of 113002  
this section, the superintendent of the bureau of criminal 113003  
identification and investigation shall conduct a criminal records 113004  
check with respect to any person who has applied for employment in 113005  
a position for which a criminal records check is required by those 113006  
sections. The superintendent shall conduct the criminal records 113007  
check in the manner described in division (B) of this section to 113008  
determine whether any information exists that indicates that the 113009  
person who is the subject of the request previously has been 113010  
convicted of or pleaded guilty to any of the following: 113011

(a) A violation of section 2903.01, 2903.02, 2903.03, 113012  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113013  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113014  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113015  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113016  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113017  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113018



2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113019  
2925.22, 2925.23, or 3716.11 of the Revised Code; 113020

(b) An existing or former law of this state, any other state, 113021  
or the United States that is substantially equivalent to any of 113022  
the offenses listed in division (A)(2)(a) of this section. 113023

(3) On receipt of a request pursuant to section 173.27, 113024  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 113025  
or 5123.169 of the Revised Code, a completed form prescribed 113026  
pursuant to division (C)(1) of this section, and a set of 113027  
fingerprint impressions obtained in the manner described in 113028  
division (C)(2) of this section, the superintendent of the bureau 113029  
of criminal identification and investigation shall conduct a 113030  
criminal records check of the person for whom the request is made. 113031  
The superintendent shall conduct the criminal records check in the 113032  
manner described in division (B) of this section to determine 113033  
whether any information exists that indicates that the person who 113034  
is the subject of the request previously has been convicted of, 113035  
has pleaded guilty to, or (except in the case of a request 113036  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 113037  
Code) has been found eligible for intervention in lieu of 113038  
conviction for any of the following, regardless of the date of the 113039  
conviction, the date of entry of the guilty plea, or (except in 113040  
the case of a request pursuant to section 5164.34, 5164.341, or 113041  
5164.342 of the Revised Code) the date the person was found 113042  
eligible for intervention in lieu of conviction: 113043

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 113044  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 113045  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 113046  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 113047  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 113048  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 113049  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 113050

2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 113051  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 113052  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 113053  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 113054  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 113055  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 113056  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 113057  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 113058  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 113059  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 113060  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 113061  
2927.12, or 3716.11 of the Revised Code; 113062

(b) Felonious sexual penetration in violation of former 113063  
section 2907.12 of the Revised Code; 113064

(c) A violation of section 2905.04 of the Revised Code as it 113065  
existed prior to July 1, 1996; 113066

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 113067  
the Revised Code when the underlying offense that is the object of 113068  
the conspiracy, attempt, or complicity is one of the offenses 113069  
listed in divisions (A)(3)(a) to (c) of this section; 113070

(e) A violation of an existing or former municipal ordinance 113071  
or law of this state, any other state, or the United States that 113072  
is substantially equivalent to any of the offenses listed in 113073  
divisions (A)(3)(a) to (d) of this section. 113074

(4) On receipt of a request pursuant to section 2151.86 of 113075  
the Revised Code, a completed form prescribed pursuant to division 113076  
(C)(1) of this section, and a set of fingerprint impressions 113077  
obtained in the manner described in division (C)(2) of this 113078  
section, the superintendent of the bureau of criminal 113079  
identification and investigation shall conduct a criminal records 113080  
check in the manner described in division (B) of this section to 113081

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal

identification and investigation shall conduct a criminal records 113114  
check in the manner described in division (B) of this section to 113115  
determine whether any information exists that indicates that the 113116  
person who is the subject of the request has been convicted of or 113117  
pleaded guilty to any of the following: 113118

(a) A violation of section 2151.421, 2903.01, 2903.02, 113119  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 113120  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 113121  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 113122  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 113123  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 113124  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 113125  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 113126  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 113127  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 113128  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 113129  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 113130  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 113131  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 113132  
Revised Code, felonious sexual penetration in violation of former 113133  
section 2907.12 of the Revised Code, a violation of section 113134  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113135  
violation of section 2919.23 of the Revised Code that would have 113136  
been a violation of section 2905.04 of the Revised Code as it 113137  
existed prior to July 1, 1996, had the violation been committed 113138  
prior to that date, a violation of section 2925.11 of the Revised 113139  
Code that is not a minor drug possession offense, a violation of 113140  
section 2923.02 or 2923.03 of the Revised Code that relates to a 113141  
crime specified in this division, or a second violation of section 113142  
4511.19 of the Revised Code within five years of the date of 113143  
application for licensure or certification. 113144

(b) A violation of an existing or former law of this state, 113145

any other state, or the United States that is substantially 113146  
equivalent to any of the offenses or violations described in 113147  
division (A)(5)(a) of this section. 113148

(6) Upon receipt of a request pursuant to section 5153.111 of 113149  
the Revised Code, a completed form prescribed pursuant to division 113150  
(C)(1) of this section, and a set of fingerprint impressions 113151  
obtained in the manner described in division (C)(2) of this 113152  
section, the superintendent of the bureau of criminal 113153  
identification and investigation shall conduct a criminal records 113154  
check in the manner described in division (B) of this section to 113155  
determine whether any information exists that indicates that the 113156  
person who is the subject of the request previously has been 113157  
convicted of or pleaded guilty to any of the following: 113158

(a) A violation of section 2903.01, 2903.02, 2903.03, 113159  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113160  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113161  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113162  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 113163  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 113164  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 113165  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 113166  
felonious sexual penetration in violation of former section 113167  
2907.12 of the Revised Code, a violation of section 2905.04 of the 113168  
Revised Code as it existed prior to July 1, 1996, a violation of 113169  
section 2919.23 of the Revised Code that would have been a 113170  
violation of section 2905.04 of the Revised Code as it existed 113171  
prior to July 1, 1996, had the violation been committed prior to 113172  
that date, or a violation of section 2925.11 of the Revised Code 113173  
that is not a minor drug possession offense; 113174

(b) A violation of an existing or former law of this state, 113175  
any other state, or the United States that is substantially 113176  
equivalent to any of the offenses listed in division (A)(6)(a) of 113177

this section. 113178

(7) On receipt of a request for a criminal records check from 113179  
an individual pursuant to section 4749.03 or 4749.06 of the 113180  
Revised Code, accompanied by a completed copy of the form 113181  
prescribed in division (C)(1) of this section and a set of 113182  
fingerprint impressions obtained in a manner described in division 113183  
(C)(2) of this section, the superintendent of the bureau of 113184  
criminal identification and investigation shall conduct a criminal 113185  
records check in the manner described in division (B) of this 113186  
section to determine whether any information exists indicating 113187  
that the person who is the subject of the request has been 113188  
convicted of or pleaded guilty to a felony in this state or in any 113189  
other state. If the individual indicates that a firearm will be 113190  
carried in the course of business, the superintendent shall 113191  
require information from the federal bureau of investigation as 113192  
described in division (B)(2) of this section. Subject to division 113193  
(F) of this section, the superintendent shall report the findings 113194  
of the criminal records check and any information the federal 113195  
bureau of investigation provides to the director of public safety. 113196

(8) On receipt of a request pursuant to section 1321.37, 113197  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 113198  
Code, a completed form prescribed pursuant to division (C)(1) of 113199  
this section, and a set of fingerprint impressions obtained in the 113200  
manner described in division (C)(2) of this section, the 113201  
superintendent of the bureau of criminal identification and 113202  
investigation shall conduct a criminal records check with respect 113203  
to any person who has applied for a license, permit, or 113204  
certification from the department of commerce or a division in the 113205  
department. The superintendent shall conduct the criminal records 113206  
check in the manner described in division (B) of this section to 113207  
determine whether any information exists that indicates that the 113208  
person who is the subject of the request previously has been 113209

convicted of or pleaded guilty to any of the following: a 113210  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 113211  
2925.03 of the Revised Code; any other criminal offense involving 113212  
theft, receiving stolen property, embezzlement, forgery, fraud, 113213  
passing bad checks, money laundering, or drug trafficking, or any 113214  
criminal offense involving money or securities, as set forth in 113215  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 113216  
the Revised Code; or any existing or former law of this state, any 113217  
other state, or the United States that is substantially equivalent 113218  
to those offenses. 113219

(9) On receipt of a request for a criminal records check from 113220  
the treasurer of state under section 113.041 of the Revised Code 113221  
or from an individual under section 4701.08, 4715.101, 4717.061, 113222  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 113223  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 113224  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 113225  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 113226  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 113227  
accompanied by a completed form prescribed under division (C)(1) 113228  
of this section and a set of fingerprint impressions obtained in 113229  
the manner described in division (C)(2) of this section, the 113230  
superintendent of the bureau of criminal identification and 113231  
investigation shall conduct a criminal records check in the manner 113232  
described in division (B) of this section to determine whether any 113233  
information exists that indicates that the person who is the 113234  
subject of the request has been convicted of or pleaded guilty to 113235  
any criminal offense in this state or any other state. Subject to 113236  
division (F) of this section, the superintendent shall send the 113237  
results of a check requested under section 113.041 of the Revised 113238  
Code to the treasurer of state and shall send the results of a 113239  
check requested under any of the other listed sections to the 113240  
licensing board specified by the individual in the request. 113241

(10) On receipt of a request pursuant to section 1121.23, 113242  
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 113243  
Code, a completed form prescribed pursuant to division (C)(1) of 113244  
this section, and a set of fingerprint impressions obtained in the 113245  
manner described in division (C)(2) of this section, the 113246  
superintendent of the bureau of criminal identification and 113247  
investigation shall conduct a criminal records check in the manner 113248  
described in division (B) of this section to determine whether any 113249  
information exists that indicates that the person who is the 113250  
subject of the request previously has been convicted of or pleaded 113251  
guilty to any criminal offense under any existing or former law of 113252  
this state, any other state, or the United States. 113253

(11) On receipt of a request for a criminal records check 113254  
from an appointing or licensing authority under section 3772.07 of 113255  
the Revised Code, a completed form prescribed under division 113256  
(C)(1) of this section, and a set of fingerprint impressions 113257  
obtained in the manner prescribed in division (C)(2) of this 113258  
section, the superintendent of the bureau of criminal 113259  
identification and investigation shall conduct a criminal records 113260  
check in the manner described in division (B) of this section to 113261  
determine whether any information exists that indicates that the 113262  
person who is the subject of the request previously has been 113263  
convicted of or pleaded guilty or no contest to any offense under 113264  
any existing or former law of this state, any other state, or the 113265  
United States that is a disqualifying offense as defined in 113266  
section 3772.07 of the Revised Code or substantially equivalent to 113267  
such an offense. 113268

(12) On receipt of a request pursuant to section 2151.33 or 113269  
2151.412 of the Revised Code, a completed form prescribed pursuant 113270  
to division (C)(1) of this section, and a set of fingerprint 113271  
impressions obtained in the manner described in division (C)(2) of 113272  
this section, the superintendent of the bureau of criminal 113273



identification and investigation shall conduct a criminal records 113274  
check with respect to any person for whom a criminal records check 113275  
is required under that section. The superintendent shall conduct 113276  
the criminal records check in the manner described in division (B) 113277  
of this section to determine whether any information exists that 113278  
indicates that the person who is the subject of the request 113279  
previously has been convicted of or pleaded guilty to any of the 113280  
following: 113281

(a) A violation of section 2903.01, 2903.02, 2903.03, 113282  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113283  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113284  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113285  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113286  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113287  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113288  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113289  
2925.22, 2925.23, or 3716.11 of the Revised Code; 113290

(b) An existing or former law of this state, any other state, 113291  
or the United States that is substantially equivalent to any of 113292  
the offenses listed in division (A)(12)(a) of this section. 113293

(13) On receipt of a request pursuant to section 3796.12 of 113294  
the Revised Code, a completed form prescribed pursuant to division 113295  
(C)(1) of this section, and a set of fingerprint impressions 113296  
obtained in a manner described in division (C)(2) of this section, 113297  
the superintendent of the bureau of criminal identification and 113298  
investigation shall conduct a criminal records check in the manner 113299  
described in division (B) of this section to determine whether any 113300  
information exists that indicates that the person who is the 113301  
subject of the request previously has been convicted of or pleaded 113302  
guilty to the following: 113303

(a) A disqualifying offense as specified in rules adopted 113304  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 113305

the person who is the subject of the request is an administrator 113306  
or other person responsible for the daily operation of, or an 113307  
owner or prospective owner, officer or prospective officer, or 113308  
board member or prospective board member of, an entity seeking a 113309  
license from the department of commerce under Chapter 3796. of the 113310  
Revised Code; 113311

(b) A disqualifying offense as specified in rules adopted 113312  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 113313  
the person who is the subject of the request is an administrator 113314  
or other person responsible for the daily operation of, or an 113315  
owner or prospective owner, officer or prospective officer, or 113316  
board member or prospective board member of, an entity seeking a 113317  
license from the state board of pharmacy under Chapter 3796. of 113318  
the Revised Code. 113319

(14) On receipt of a request required by section 3796.13 of 113320  
the Revised Code, a completed form prescribed pursuant to division 113321  
(C)(1) of this section, and a set of fingerprint impressions 113322  
obtained in a manner described in division (C)(2) of this section, 113323  
the superintendent of the bureau of criminal identification and 113324  
investigation shall conduct a criminal records check in the manner 113325  
described in division (B) of this section to determine whether any 113326  
information exists that indicates that the person who is the 113327  
subject of the request previously has been convicted of or pleaded 113328  
guilty to the following: 113329

(a) A disqualifying offense as specified in rules adopted 113330  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 113331  
the person who is the subject of the request is seeking employment 113332  
with an entity licensed by the department of commerce under 113333  
Chapter 3796. of the Revised Code; 113334

(b) A disqualifying offense as specified in rules adopted 113335  
under division (B)(14)(a) of section 3796.04 of the Revised Code 113336  
if the person who is the subject of the request is seeking 113337

employment with an entity licensed by the state board of pharmacy 113338  
under Chapter 3796. of the Revised Code. 113339

(B) Subject to division (F) of this section, the 113340  
superintendent shall conduct any criminal records check to be 113341  
conducted under this section as follows: 113342

(1) The superintendent shall review or cause to be reviewed 113343  
any relevant information gathered and compiled by the bureau under 113344  
division (A) of section 109.57 of the Revised Code that relates to 113345  
the person who is the subject of the criminal records check, 113346  
including, if the criminal records check was requested under 113347  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 113348  
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 113349  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 113350  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 113351  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 113352  
5123.169, or 5153.111 of the Revised Code, any relevant 113353  
information contained in records that have been sealed under 113354  
section 2953.32 of the Revised Code; 113355

(2) If the request received by the superintendent asks for 113356  
information from the federal bureau of investigation, the 113357  
superintendent shall request from the federal bureau of 113358  
investigation any information it has with respect to the person 113359  
who is the subject of the criminal records check, including 113360  
fingerprint-based checks of national crime information databases 113361  
as described in 42 U.S.C. 671 if the request is made pursuant to 113362  
section 2151.86 or 5104.013 of the Revised Code or if any other 113363  
Revised Code section requires fingerprint-based checks of that 113364  
nature, and shall review or cause to be reviewed any information 113365  
the superintendent receives from that bureau. If a request under 113366  
section 3319.39 of the Revised Code asks only for information from 113367  
the federal bureau of investigation, the superintendent shall not 113368  
conduct the review prescribed by division (B)(1) of this section. 113369

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

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

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

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

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

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

(2) The superintendent shall prescribe standard impression

sheets to obtain the fingerprint impressions of any person for 113401  
whom a criminal records check is to be conducted under this 113402  
section. Any person for whom a records check is to be conducted 113403  
under this section shall obtain the fingerprint impressions at a 113404  
county sheriff's office, municipal police department, or any other 113405  
entity with the ability to make fingerprint impressions on the 113406  
standard impression sheets prescribed by the superintendent. The 113407  
office, department, or entity may charge the person a reasonable 113408  
fee for making the impressions. The standard impression sheets the 113409  
superintendent prescribes pursuant to this division may be in a 113410  
tangible format, in an electronic format, or in both tangible and 113411  
electronic formats. 113412

(3) Subject to division (D) of this section, the 113413  
superintendent shall prescribe and charge a reasonable fee for 113414  
providing a criminal records check under this section. The person 113415  
requesting the criminal records check shall pay the fee prescribed 113416  
pursuant to this division. In the case of a request under section 113417  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 113418  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 113419  
the manner specified in that section. 113420

(4) The superintendent of the bureau of criminal 113421  
identification and investigation may prescribe methods of 113422  
forwarding fingerprint impressions and information necessary to 113423  
conduct a criminal records check, which methods shall include, but 113424  
not be limited to, an electronic method. 113425

(D) The results of a criminal records check conducted under 113426  
this section, other than a criminal records check specified in 113427  
division (A)(7) of this section, are valid for the person who is 113428  
the subject of the criminal records check for a period of one year 113429  
from the date upon which the superintendent completes the criminal 113430  
records check. If during that period the superintendent receives 113431  
another request for a criminal records check to be conducted under 113432

this section for that person, the superintendent shall provide the 113433  
results from the previous criminal records check of the person at 113434  
a lower fee than the fee prescribed for the initial criminal 113435  
records check. 113436

(E) When the superintendent receives a request for 113437  
information from a registered private provider, the superintendent 113438  
shall proceed as if the request was received from a school 113439  
district board of education under section 3319.39 of the Revised 113440  
Code. The superintendent shall apply division (A)(1)(c) of this 113441  
section to any such request for an applicant who is a teacher. 113442

(F)(1) Subject to division (F)(2) of this section, all 113443  
information regarding the results of a criminal records check 113444  
conducted under this section that the superintendent reports or 113445  
sends under division (A)(7) or (9) of this section to the director 113446  
of public safety, the treasurer of state, or the person, board, or 113447  
entity that made the request for the criminal records check shall 113448  
relate to the conviction of the subject person, or the subject 113449  
person's plea of guilty to, a criminal offense. 113450

(2) Division (F)(1) of this section does not limit, restrict, 113451  
or preclude the superintendent's release of information that 113452  
relates to the arrest of a person who is eighteen years of age or 113453  
older, to an adjudication of a child as a delinquent child, or to 113454  
a criminal conviction of a person under eighteen years of age in 113455  
circumstances in which a release of that nature is authorized 113456  
under division (E)(2), (3), or (4) of section 109.57 of the 113457  
Revised Code pursuant to a rule adopted under division (E)(1) of 113458  
that section. 113459

(G) As used in this section: 113460

(1) "Criminal records check" means any criminal records check 113461  
conducted by the superintendent of the bureau of criminal 113462  
identification and investigation in accordance with division (B) 113463

of this section. 113464

(2) "Minor drug possession offense" has the same meaning as 113465  
in section 2925.01 of the Revised Code. 113466

(3) "OVI or OVUAC violation" means a violation of section 113467  
4511.19 of the Revised Code or a violation of an existing or 113468  
former law of this state, any other state, or the United States 113469  
that is substantially equivalent to section 4511.19 of the Revised 113470  
Code. 113471

(4) "Registered private provider" means a nonpublic school or 113472  
entity registered with the superintendent of public instruction 113473  
under section 3310.41 of the Revised Code to participate in the 113474  
autism scholarship program or section 3310.58 of the Revised Code 113475  
to participate in the Jon Peterson special needs scholarship 113476  
program. 113477

**Sec. 111.15.** (A) As used in this section: 113478

(1) "Rule" includes any rule, regulation, bylaw, or standard 113479  
having a general and uniform operation adopted by an agency under 113480  
the authority of the laws governing the agency; any appendix to a 113481  
rule; and any internal management rule. "Rule" does not include 113482  
any guideline adopted pursuant to section 3301.0714 of the Revised 113483  
Code, any order respecting the duties of employees, any finding, 113484  
any determination of a question of law or fact in a matter 113485  
presented to an agency, or any rule promulgated pursuant to 113486  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 113487  
Revised Code. "Rule" includes any amendment or rescission of a 113488  
rule. 113489

(2) "Agency" means any governmental entity of the state and 113490  
includes, but is not limited to, any board, department, division, 113491  
commission, bureau, society, council, institution, state college 113492  
or university, community college district, technical college 113493

district, or state community college. "Agency" does not include 113494  
the general assembly, the controlling board, the adjutant 113495  
general's department, or any court. 113496

(3) "Internal management rule" means any rule, regulation, 113497  
bylaw, or standard governing the day-to-day staff procedures and 113498  
operations within an agency. 113499

(B)(1) Any rule, other than a rule of an emergency nature, 113500  
adopted by any agency pursuant to this section shall be effective 113501  
on the tenth day after the day on which the rule in final form and 113502  
in compliance with division (B)(3) of this section is filed as 113503  
follows: 113504

(a) The rule shall be filed in electronic form with both the 113505  
secretary of state and the director of the legislative service 113506  
commission; 113507

(b) The rule shall be filed in electronic form with the joint 113508  
committee on agency rule review. Division (B)(1)(b) of this 113509  
section does not apply to any rule to which division (D) of this 113510  
section does not apply. 113511

An agency that adopts or amends a rule that is subject to 113512  
division (D) of this section shall assign a review date to the 113513  
rule that is not later than five years after its effective date. 113514  
If a review date assigned to a rule exceeds the five-year maximum, 113515  
the review date for the rule is five years after its effective 113516  
date. A rule with a review date is subject to review under section 113517  
106.03 of the Revised Code. This paragraph does not apply to a 113518  
rule of a state college or university, community college district, 113519  
technical college district, or state community college. 113520

If an agency in adopting a rule designates an effective date 113521  
that is later than the effective date provided for by division 113522  
(B)(1) of this section, the rule if filed as required by such 113523  
division shall become effective on the later date designated by 113524



the agency. 113525

Any rule that is required to be filed under division (B)(1) 113526  
of this section is also subject to division (D) of this section if 113527  
not exempted by that division. 113528

If a rule incorporates a text or other material by reference, 113529  
the agency shall comply with sections 121.71 to 121.76 of the 113530  
Revised Code. 113531

(2) A rule of an emergency nature necessary for the immediate 113532  
preservation of the public peace, health, or safety shall state 113533  
the reasons for the necessity. The emergency rule, in final form 113534  
and in compliance with division (B)(3) of this section, shall be 113535  
filed in electronic form with the secretary of state, the director 113536  
of the legislative service commission, and the joint committee on 113537  
agency rule review. The emergency rule is effective immediately 113538  
upon completion of the latest filing, except that if the agency in 113539  
adopting the emergency rule designates an effective date, or date 113540  
and time of day, that is later than the effective date and time 113541  
provided for by division (B)(2) of this section, the emergency 113542  
rule if filed as required by such division shall become effective 113543  
at the later date, or later date and time of day, designated by 113544  
the agency. 113545

An emergency rule becomes invalid at the end of the one 113546  
hundred twentieth day it is in effect. Prior to that date, the 113547  
agency may file the emergency rule as a nonemergency rule in 113548  
compliance with division (B)(1) of this section. The agency may 113549  
not refile the emergency rule in compliance with division (B)(2) 113550  
of this section so that, upon the emergency rule becoming invalid 113551  
under such division, the emergency rule will continue in effect 113552  
without interruption for another one hundred twenty-day period. 113553

(3) An agency shall file a rule under division (B)(1) or (2) 113554  
of this section in compliance with the following standards and 113555

procedures: 113556

(a) The rule shall be numbered in accordance with the 113557  
numbering system devised by the director for the Ohio 113558  
administrative code. 113559

(b) The rule shall be prepared and submitted in compliance 113560  
with the rules of the legislative service commission. 113561

(c) The rule shall clearly state the date on which it is to 113562  
be effective and the date on which it will expire, if known. 113563

(d) Each rule that amends or rescinds another rule shall 113564  
clearly refer to the rule that is amended or rescinded. Each 113565  
amendment shall fully restate the rule as amended. 113566

If the director of the legislative service commission or the 113567  
director's designee gives an agency notice pursuant to section 113568  
103.05 of the Revised Code that a rule filed by the agency is not 113569  
in compliance with the rules of the legislative service 113570  
commission, the agency shall within thirty days after receipt of 113571  
the notice conform the rule to the rules of the commission as 113572  
directed in the notice. 113573

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 113574  
of this section shall be recorded by the secretary of state and 113575  
the director under the title of the agency adopting the rule and 113576  
shall be numbered according to the numbering system devised by the 113577  
director. The secretary of state and the director shall preserve 113578  
the rules in an accessible manner. Each such rule shall be a 113579  
public record open to public inspection and may be transmitted to 113580  
any law publishing company that wishes to reproduce it. 113581

(D) At least sixty-five days before a board, commission, 113582  
department, division, or bureau of the government of the state 113583  
files a rule under division (B)(1) of this section, it shall file 113584  
the full text of the proposed rule in electronic form with the 113585  
joint committee on agency rule review, and the proposed rule is 113586

subject to legislative review and invalidation under section 113587  
106.021 of the Revised Code. If a state board, commission, 113588  
department, division, or bureau makes a revision in a proposed 113589  
rule after it is filed with the joint committee, the state board, 113590  
commission, department, division, or bureau shall promptly file 113591  
the full text of the proposed rule in its revised form in 113592  
electronic form with the joint committee. A state board, 113593  
commission, department, division, or bureau shall also file the 113594  
rule summary and fiscal analysis prepared under section 127.18 of 113595  
the Revised Code in electronic form along with a proposed rule, 113596  
and along with a proposed rule in revised form, that is filed 113597  
under this division. If a proposed rule has an adverse impact on 113598  
businesses, the state board, commission, department, division, or 113599  
bureau also shall file the business impact analysis, any 113600  
recommendations received from the common sense initiative office, 113601  
and the associated memorandum of response, if any, in electronic 113602  
form along with the proposed rule, or the proposed rule in revised 113603  
form, that is filed under this division. 113604

A proposed rule that is subject to legislative review under 113605  
this division may not be adopted and filed in final form under 113606  
division (B)(1) of this section unless the proposed rule has been 113607  
filed with the joint committee on agency rule review under this 113608  
division and the time for the joint committee to review the 113609  
proposed rule has expired without recommendation of a concurrent 113610  
resolution to invalidate the proposed rule. 113611

As used in this division, "commission" includes the public 113612  
utilities commission when adopting rules under a federal or state 113613  
statute. 113614

This division does not apply to any of the following: 113615

(1) A proposed rule of an emergency nature; 113616

(2) A rule proposed under section 1121.05, 1121.06, ~~1155.18,~~ 113617

~~1163.22~~, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 113618  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 113619  
Code; 113620

(3) A rule proposed by an agency other than a board, 113621  
commission, department, division, or bureau of the government of 113622  
the state; 113623

(4) A proposed internal management rule of a board, 113624  
commission, department, division, or bureau of the government of 113625  
the state; 113626

(5) Any proposed rule that must be adopted verbatim by an 113627  
agency pursuant to federal law or rule, to become effective within 113628  
sixty days of adoption, in order to continue the operation of a 113629  
federally reimbursed program in this state, so long as the 113630  
proposed rule contains both of the following: 113631

(a) A statement that it is proposed for the purpose of 113632  
complying with a federal law or rule; 113633

(b) A citation to the federal law or rule that requires 113634  
verbatim compliance. 113635

(6) An initial rule proposed by the director of health to 113636  
impose safety standards and quality-of-care standards with respect 113637  
to a health service specified in section 3702.11 of the Revised 113638  
Code, or an initial rule proposed by the director to impose 113639  
quality standards on a facility listed in division (A)(4) of 113640  
section 3702.30 of the Revised Code, if section 3702.12 of the 113641  
Revised Code requires that the rule be adopted under this section; 113642

(7) A rule of the state lottery commission pertaining to 113643  
instant game rules. 113644

If a rule is exempt from legislative review under division 113645  
(D)(5) of this section, and if the federal law or rule pursuant to 113646  
which the rule was adopted expires, is repealed or rescinded, or 113647

otherwise terminates, the rule is thereafter subject to 113648  
legislative review under division (D) of this section. 113649

Whenever a state board, commission, department, division, or 113650  
bureau files a proposed rule or a proposed rule in revised form 113651  
under division (D) of this section, it shall also file the full 113652  
text of the same proposed rule or proposed rule in revised form in 113653  
electronic form with the secretary of state and the director of 113654  
the legislative service commission. A state board, commission, 113655  
department, division, or bureau shall file the rule summary and 113656  
fiscal analysis prepared under section 127.18 of the Revised Code 113657  
in electronic form along with a proposed rule or proposed rule in 113658  
revised form that is filed with the secretary of state or the 113659  
director of the legislative service commission. 113660

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 113661  
Revised Code: 113662

(A)(1) "Agency" means, except as limited by this division, 113663  
any official, board, or commission having authority to promulgate 113664  
rules or make adjudications in the civil service commission, the 113665  
division of liquor control, the department of taxation, the 113666  
industrial commission, the bureau of workers' compensation, the 113667  
functions of any administrative or executive officer, department, 113668  
division, bureau, board, or commission of the government of the 113669  
state specifically made subject to sections 119.01 to 119.13 of 113670  
the Revised Code, and the licensing functions of any 113671  
administrative or executive officer, department, division, bureau, 113672  
board, or commission of the government of the state having the 113673  
authority or responsibility of issuing, suspending, revoking, or 113674  
canceling licenses. 113675

Sections 119.01 to 119.13 of the Revised Code do not apply to 113676  
the public utilities commission. Sections 119.01 to 119.13 of the 113677  
Revised Code do not apply to the utility radiological safety 113678

board; to the controlling board; to actions of the superintendent 113679  
of financial institutions and the superintendent of insurance in 113680  
the taking possession of, and rehabilitation or liquidation of, 113681  
the business and property of banks, savings and loan associations, 113682  
savings banks, credit unions, insurance companies, associations, 113683  
reciprocal fraternal benefit societies, and bond investment 113684  
companies; to any action taken by the division of securities under 113685  
section 1707.201 of the Revised Code; or to any action that may be 113686  
taken by the superintendent of financial institutions under 113687  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 113688  
~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 1349.33, 113689  
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 113690

Sections 119.01 to 119.13 of the Revised Code do not apply to 113691  
actions of the industrial commission or the bureau of workers' 113692  
compensation under sections 4123.01 to 4123.94 of the Revised Code 113693  
with respect to all matters of adjudication, or to the actions of 113694  
the industrial commission, bureau of workers' compensation board 113695  
of directors, and bureau of workers' compensation under division 113696  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 113697  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 113698  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 113699  
(E) of section 4131.14 of the Revised Code with respect to all 113700  
matters concerning the establishment of premium, contribution, and 113701  
assessment rates. 113702

(2) "Agency" also means any official or work unit having 113703  
authority to promulgate rules or make adjudications in the 113704  
department of job and family services, but only with respect to 113705  
both of the following: 113706

(a) The adoption, amendment, or rescission of rules that 113707  
section 5101.09 of the Revised Code requires be adopted in 113708  
accordance with this chapter; 113709

(b) The issuance, suspension, revocation, or cancellation of 113710

licenses. 113711

(B) "License" means any license, permit, certificate, 113712  
commission, or charter issued by any agency. "License" does not 113713  
include any arrangement whereby a person or government entity 113714  
furnishes medicaid services under a provider agreement with the 113715  
department of medicaid. 113716

(C) "Rule" means any rule, regulation, or standard, having a 113717  
general and uniform operation, adopted, promulgated, and enforced 113718  
by any agency under the authority of the laws governing such 113719  
agency, and includes any appendix to a rule. "Rule" does not 113720  
include any internal management rule of an agency unless the 113721  
internal management rule affects private rights and does not 113722  
include any guideline adopted pursuant to section 3301.0714 of the 113723  
Revised Code. 113724

(D) "Adjudication" means the determination by the highest or 113725  
ultimate authority of an agency of the rights, duties, privileges, 113726  
benefits, or legal relationships of a specified person, but does 113727  
not include the issuance of a license in response to an 113728  
application with respect to which no question is raised, nor other 113729  
acts of a ministerial nature. 113730

(E) "Hearing" means a public hearing by any agency in 113731  
compliance with procedural safeguards afforded by sections 119.01 113732  
to 119.13 of the Revised Code. 113733

(F) "Person" means a person, firm, corporation, association, 113734  
or partnership. 113735

(G) "Party" means the person whose interests are the subject 113736  
of an adjudication by an agency. 113737

(H) "Appeal" means the procedure by which a person, aggrieved 113738  
by a finding, decision, order, or adjudication of any agency, 113739  
invokes the jurisdiction of a court. 113740

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

**Sec. 121.07.** (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce ~~may~~ shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, power, or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in the superintendent and the deputy superintendent for credit unions to perform or exercise any of the functions, powers, or duties vested by Chapters 1733. and 1761. of the Revised Code in the superintendent.

(B) With the approval of the governor, the director of each department shall establish divisions within the department, and distribute the work of the department among such divisions. Each officer created by section 121.04 of the Revised Code shall be the head of such a division.

With the approval of the governor, the director of each



department may consolidate any two or more of the offices created 113772  
in the department by section 121.04 of the Revised Code, or reduce 113773  
the number of or create new divisions therein. 113774

The director of each department may prescribe rules for the 113775  
government of the department, the conduct of its employees, the 113776  
performance of its business, and the custody, use, and 113777  
preservation of the records, papers, books, documents, and 113778  
property pertaining thereto. 113779

**Sec. 131.11.** No money held or controlled by any probate 113780  
court, juvenile court, clerk of the court of common pleas, clerk 113781  
of a county court, sheriff, county recorder, director of a county 113782  
department of job and family services, clerk or bailiff of a 113783  
municipal court, prosecuting attorney, resident or division deputy 113784  
director of highways, or treasurer of a university receiving state 113785  
aid, in excess of that covered by federal deposit insurance as 113786  
hereinafter described ~~or in excess of that covered by federal~~ 113787  
~~savings and loan insurance~~, shall be deposited in any bank, or 113788  
~~trust company, or building and loan association as defined in~~ 113789  
~~section 1151.01 of the Revised Code~~ until there is a hypothecation 113790  
of securities as provided for in section 135.18 of the Revised 113791  
Code, or until there is executed by the bank, or trust company, ~~or~~ 113792  
~~building and loan association~~ selected, a good and sufficient 113793  
undertaking, payable to the depositor, in such sum as the 113794  
depositor directs, but not less than the excess of the sum that is 113795  
deposited in the depository, at any one time over and above the 113796  
portion or amount of the sum as is at any time insured by the 113797  
federal deposit insurance corporation created pursuant to "The 113798  
Banking Act of 1933," or by ~~the federal savings and loan insurance~~ 113799  
~~corporation created pursuant to the "Home Owners' Loan Act of~~ 113800  
~~1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by~~ any other agency or 113801  
instrumentality of the federal government, pursuant to such acts 113802  
or any acts of congress amendatory thereof. 113803

Any funds or securities in the possession or custody of any county official in an official capacity or any funds or securities the possession or custody of which is charged to any county official, including funds or securities in transit to or from any bank or trust company, may be insured by the board of county commissioners in such amount as is found necessary in the public interest. All costs of such insurance shall be paid by the county as provided in section 307.55 of the Revised Code.

With respect to any insured or secured deposit mentioned in this section which is active as defined by section 135.01 of the Revised Code, any depositor named in this section may pay a service charge which is the same as that customarily made by the institution or institutions receiving money on deposit subject to check in the city or village where the bank or trust company accepting such active deposit is located.

**Sec. 135.03.** Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

~~Any federal savings association, any savings and loan association or savings bank doing business under authority granted by the superintendent of financial institutions, or any savings~~

and loan association or savings bank doing business under 113835  
authority granted by the regulatory authority of another state of 113836  
the United States, located in this state, and authorized to accept 113837  
deposits is eligible to become a public depository, subject to 113838  
sections 135.01 to 135.21 of the Revised Code. No savings 113839  
association, savings and loan association, or savings bank shall 113840  
receive or have on deposit at any one time public moneys, 113841  
including public moneys as defined in section 135.31 of the 113842  
Revised Code, in an aggregate amount in excess of thirty per cent 113843  
of its total assets, as shown in its latest report to the former 113844  
office of thrift supervision, the comptroller of the currency, the 113845  
superintendent of financial institutions, the federal deposit 113846  
insurance corporation, or the board of governors of the federal 113847  
reserve system. 113848

**Sec. 135.032.** No ~~bank or savings and loan association~~ 113849  
institution mentioned in section 135.03 of the Revised Code is 113850  
eligible to become a public depository or to receive any new 113851  
public deposits pursuant to sections 135.01 to 135.21 of the 113852  
Revised Code, if+ 113853

~~(A) In the case of a bank, the bank institution or any of its~~ 113854  
~~directors, officers, employees, or controlling shareholders or~~ 113855  
~~persons is currently a party to an active final or temporary~~ 113856  
~~cease-and-desist order issued under section 1121.32 of the Revised~~ 113857  
~~Code+ 113858~~

~~(B) In the case of an association, the association or any of~~ 113859  
~~its directors, officers, employees, or controlling persons is~~ 113860  
~~currently a party to an active final or summary cease and desist~~ 113861  
~~order issued under section 1155.02 of the Revised Code to ensure~~ 113862  
~~the safety and soundness of the institution.~~ 113863

**Sec. 135.182.** (A) As used in this section: 113864

(1) "Public depository" means that term as defined in section 113865  
135.01 of the Revised Code, but also means an institution that 113866  
receives or holds any public deposits as defined in section 135.31 113867  
of the Revised Code. 113868

(2) "Public depositor" means that term as defined in section 113869  
135.01 of the Revised Code, but also includes a county and any 113870  
municipal corporation that has adopted a charter under Article 113871  
XVIII, Ohio Constitution. 113872

(3) "Public deposits," "public moneys," and "treasurer" mean 113873  
those terms as defined in section 135.01 of the Revised Code, but 113874  
also have the same meanings as are set forth in section 135.31 of 113875  
the Revised Code. 113876

(B)(1) Not later than July 1, 2017, the treasurer of state 113877  
shall create the Ohio pooled collateral program. Under this 113878  
program, each institution designated as a public depository that 113879  
selects the pledging method prescribed in division (A)(2) of 113880  
section 135.18 or division (A)(2) of section 135.37 of the Revised 113881  
Code shall pledge to the treasurer of state a single pool of 113882  
eligible securities for the benefit of all public depositors at 113883  
the public depository to secure the repayment of all uninsured 113884  
public deposits at the public depository, provided that at all 113885  
times the total market value of the securities so pledged is at 113886  
least equal to either of the following: 113887

(a) One hundred two per cent of the total amount of all 113888  
uninsured public deposits; 113889

(b) An amount determined by rules adopted by the treasurer of 113890  
state that set forth the criteria for determining the aggregate 113891  
market value of the pool of eligible securities pledged by a 113892  
public depository pursuant to division (B) of this section. Such 113893  
criteria shall include, but are not limited to, prudent capital 113894  
and liquidity management by the public depository and the safety 113895

and soundness of the public depository as determined by a 113896  
third-party rating organization. 113897

(2) The treasurer of state shall monitor the eligibility, 113898  
market value, and face value of the pooled securities pledged by 113899  
the public depository. Each public depository shall carry in its 113900  
accounting records at all times a general ledger or other 113901  
appropriate account of the total amount of all public deposits to 113902  
be secured by the pool, as determined at the opening of business 113903  
each day, and the total market value of securities pledged to 113904  
secure such deposits, and report such information to the treasurer 113905  
of state in a manner and frequency as determined by the treasurer 113906  
of state pursuant to rules adopted by the treasurer of state. A 113907  
public depositor shall be responsible for periodically confirming 113908  
the accuracy of its account balances with the treasurer of state; 113909  
otherwise, the treasurer of state shall be the sole public 113910  
depositor responsible for monitoring and ensuring the sufficiency 113911  
of securities pledged under this section. 113912

(C) The public depository shall designate a qualified trustee 113913  
approved by the treasurer of state and place with such trustee for 113914  
safekeeping the eligible securities pledged pursuant to division 113915  
(B) of this section. The trustee shall hold the eligible 113916  
securities in an account indicating the treasurer of state's 113917  
security interest in the eligible securities. The treasurer of 113918  
state shall give written notice of the trustee to all public 113919  
depositors for which such securities are pledged. The trustee 113920  
shall report to the treasurer of state information relating to the 113921  
securities pledged to secure such public deposits in a manner and 113922  
frequency as determined by the treasurer of state. 113923

(D) In order for a public depository to receive public moneys 113924  
under this section, the public depository and the treasurer of 113925  
state shall first execute an agreement that sets forth the entire 113926  
arrangement among the parties and that meets the requirements 113927

described in 12 U.S.C. 1823(e). In addition, the agreement shall 113928  
authorize the treasurer of state to obtain control of the 113929  
collateral pursuant to division (D) of section 1308.24 of the 113930  
Revised Code. 113931

(E) The securities or other obligations described in division 113932  
(D) of section 135.18 of the Revised Code shall be eligible as 113933  
collateral for the purposes of division (B) of this section, 113934  
provided no such securities or obligations pledged as collateral 113935  
are at any time in default as to either principal or interest. 113936

(F) Any federal reserve bank or branch thereof located in 113937  
this state or federal home loan bank, without compliance with 113938  
Chapter 1111. of the Revised Code and without becoming subject to 113939  
any other law of this state relative to the exercise by 113940  
corporations of trust powers generally, is qualified to act as 113941  
trustee for the safekeeping of securities, under this section. Any 113942  
institution mentioned in section 135.03 or 135.32 of the Revised 113943  
Code that holds a certificate of qualification issued by the 113944  
superintendent of financial institutions or any institution 113945  
complying with sections 1111.04, 1111.05, and 1111.06 of the 113946  
Revised Code is qualified to act as trustee for the safekeeping of 113947  
securities under this section, other than those belonging to 113948  
itself or to an affiliate as defined in section 1101.01 of the 113949  
Revised Code. 113950

(G) The public depository may substitute, exchange, or 113951  
release eligible securities deposited with the qualified trustee 113952  
pursuant to this section, provided that such substitution, 113953  
exchange, or release is effectuated pursuant to written 113954  
authorization from the treasurer of state, and such action does 113955  
not reduce the total market value of the securities to an amount 113956  
that is less than the amount established pursuant to division (B) 113957  
of this section. 113958

(H) Notwithstanding the fact that a public depository is 113959

required to pledge eligible securities in certain amounts to 113960  
secure public deposits, a qualified trustee has no duty or 113961  
obligation to determine the eligibility, market value, or face 113962  
value of any securities deposited with the trustee by a public 113963  
depository. This applies in all situations including, but not 113964  
limited to, a substitution or exchange of securities, but 113965  
excluding those situations effectuated by division (I) of this 113966  
section in which the trustee is required to determine face and 113967  
market value. 113968

(I) The qualified trustee shall enter into a custodial 113969  
agreement with the treasurer of state and public depository in 113970  
which the trustee agrees to comply with entitlement orders 113971  
originated by the treasurer of state without further consent by 113972  
the public depository or, in the case of collateral held by the 113973  
public depository in an account at a federal reserve bank, the 113974  
treasurer of state shall have the treasurer's security interest 113975  
marked on the books of the federal reserve bank where the account 113976  
for the collateral is maintained. If the public depository fails 113977  
to pay over any part of the public deposits made therein as 113978  
provided by law and secured pursuant to division (B) of this 113979  
section, the treasurer of state shall give written notice of this 113980  
failure to the qualified trustee holding the pool of securities 113981  
pledged against the public deposits, and at the same time shall 113982  
send a copy of this notice to the public depository. Upon receipt 113983  
of this notice, the trustee shall transfer to the treasurer of 113984  
state for sale, the pooled securities that are necessary to 113985  
produce an amount equal to the public deposits made by the public 113986  
depositor and not paid over, less the portion of the deposits 113987  
covered by any federal deposit insurance, plus any accrued 113988  
interest due on the deposits. The treasurer of state shall sell 113989  
any of the bonds or other securities so transferred. When a sale 113990  
of bonds or other securities has been so made and upon payment to 113991  
the public depositor of the purchase money, the treasurer of state 113992

shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due to the public depositor and expenses of sale shall be paid to the public depository.

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the public depositor or to any officer of the public depositor. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(K)(1) The following information is confidential and not a public record under section 149.43 of the Revised Code:

(a) All reports or other information obtained or created about a public depository for purposes of division (B)(1)(b) of this section;

(b) The identity of a public depositor's public depository;

(c) The identity of a public depository's public depositors.

(2) Nothing in this section prevents the treasurer of state from releasing or exchanging such confidential information as required by law or for the operation of the pooled collateral program.

**Sec. 135.32.** (A) Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted



by the regulatory authority of another state of the United States, 114023  
located in this state, is eligible to become a public depository, 114024  
subject to sections 135.31 to 135.40 of the Revised Code. No bank 114025  
shall receive or have on deposit at any one time public moneys, 114026  
including public moneys as defined in section 135.01 of the 114027  
Revised Code, in an aggregate amount in excess of thirty per cent 114028  
of its total assets, as shown in its latest report to the 114029  
comptroller of the currency, the superintendent of financial 114030  
institutions, the federal deposit insurance corporation, or the 114031  
board of governors of the federal reserve system. 114032

(B) Any federal savings association, ~~any savings and loan~~ 114033  
~~association or savings bank doing business under authority granted~~ 114034  
~~by the superintendent of financial institutions,~~ or any savings 114035  
and loan association or savings bank doing business under 114036  
authority granted by the regulatory authority of another state of 114037  
the United States, located in this state, and authorized to accept 114038  
deposits is eligible to become a public depository, subject to 114039  
sections 135.31 to 135.40 of the Revised Code. No savings 114040  
association, savings and loan association, or savings bank shall 114041  
receive or have on deposit at any one time public moneys, 114042  
including public moneys as defined in section 135.01 of the 114043  
Revised Code, in an aggregate amount in excess of thirty per cent 114044  
of its total assets, as shown in its latest report to the former 114045  
office of thrift supervision, the comptroller of the currency, the 114046  
superintendent of financial institutions, the federal deposit 114047  
insurance corporation, or the board of governors of the federal 114048  
reserve system. 114049

**Sec. 135.321.** No ~~bank or savings and loan association~~ 114050  
institution mentioned in section 135.32 of the Revised Code is 114051  
eligible to become a public depository or to receive any new 114052  
public deposits pursuant to sections 135.31 to 135.40 of the 114053  
Revised Code, if÷ 114054

~~(A) In the case of a bank, the bank institution or any of its directors, officers, employees, or controlling shareholders or persons is currently a party to an active final or temporary cease-and-desist order issued ~~under section 1121.32 of the Revised Code~~;~~

~~(B) In the case of an association, the association or any of its directors, officers, employees, or controlling persons is currently a party to an active final or summary cease and desist order issued under section 1155.02 of the Revised Code to ensure the safety and soundness of the institution.~~

**Sec. 135.51.** In case of any default on the part of a bank ~~or domestic building and loan association~~ in its capacity as depository of the money of any county, municipal corporation, township, or school district, the board of county commissioners, the legislative authority of such municipal corporation, the board of township trustees, and the board of education of such school district, in lieu of immediately selling the securities received and held as security for the deposit of such money under authority of any section of the Revised Code, may retain the same, collect the interest and any installments of principal thereafter falling due on such securities, and refund, exchange, sell, or otherwise dispose of any of them, at such times and in such manner as such board of county commissioners, legislative authority, board of township trustees, or board of education determines to be advisable with a view to conserving the value of such securities for the benefit of such county, municipal corporation, township, or school district, and for the benefit of the depositors, creditors, and stockholders or other owners of such bank ~~or building and loan association.~~

**Sec. 135.52.** In anticipation of the collection of the principal and interest of securities, or other disposition of

them, as authorized by section 135.51 of the Revised Code, and of 114086  
the payment of dividends in the liquidation of the depository bank 114087  
~~or domestic savings and loan association~~, and for the purpose of 114088  
providing public money immediately available for the needs of the 114089  
county, municipal corporation, township, or school district, the 114090  
taxing authority may issue bonds of the county, municipal 114091  
corporation, township, or school district, in an amount not 114092  
exceeding the moneys on deposit in the depository bank ~~or savings~~ 114093  
~~and loan association~~, the payment of which is secured by such 114094  
securities, after crediting to such moneys the amount realized 114095  
from the sale or other disposition of any other securities pledged 114096  
or deposited for such moneys, or in an amount not exceeding the 114097  
value or amount ultimately to be realized from such securities to 114098  
be determined by valuation made under oath by two persons who are 114099  
conversant with the value of the assets represented by such 114100  
securities, whichever amount is the lesser, plus an amount equal 114101  
to the interest accruing on such securities during one year from 114102  
and after the date of default of such bank ~~or savings and loan~~ 114103  
~~association~~ in its capacity as a depository. The maturity of such 114104  
bonds shall not exceed ten years and they shall bear interest at a 114105  
rate not exceeding the rate determined as provided in section 9.95 114106  
of the Revised Code. Such bonds shall be the general obligations 114107  
of the county, municipal corporation, township, or school district 114108  
issuing them. The legislation under which such bonds are issued 114109  
shall comply with Section 11 of Article XII, Ohio Constitution. 114110  
The amount of such bonds issued or outstanding shall not be 114111  
considered in ascertaining any of the limitations on the net 114112  
indebtedness of such county, municipal corporation, township, or 114113  
school district prescribed by law. In all other respects, the 114114  
issuance, maturities, and sale of such bonds shall be subject to 114115  
Chapter 133. of the Revised Code. 114116

A sufficient amount of the moneys received from principal on 114117  
the sale of such bonds to cover the interest accruing on such 114118

securities for one year, to the extent determined by the authority 114119  
issuing such bonds in the resolution or ordinance of issuance 114120  
under this section, shall be paid into the bond retirement fund 114121  
from which the bonds are to be redeemed, together with premiums 114122  
and accrued interest. The balance of such principal shall be 114123  
credited to the funds to which the moneys represented by such 114124  
depository balance belong, and in the respective amounts of such 114125  
funds. 114126

**Sec. 135.53.** All principal and interest collected by the 114127  
proper officer or agent of the county, municipal corporation, 114128  
township, or school district, on account of the securities 114129  
mentioned in section 135.51 of the Revised Code, the proceeds of 114130  
any sale or other disposition of any of such securities, and any 114131  
dividends received from the liquidation of the defaulting bank ~~or~~ 114132  
~~domestic building and loan association~~, shall be paid into the 114133  
bond retirement fund from which the bonds provided for in section 114134  
135.52 of the Revised Code are to be redeemed, until the aggregate 114135  
of such payments equals the requirements of such fund, whereupon 114136  
such securities, and any remaining depository balance, not 114137  
anticipated by such bonds, to the extent then retained by such 114138  
county, municipal corporation, township, or school district, shall 114139  
be assigned and delivered to the defaulting bank ~~or building and~~ 114140  
~~loan association~~, to its liquidating officer, or to its successor 114141  
or assignee, together with a release or other instrument showing 114142  
full satisfaction of the claim of such county, municipal 114143  
corporation, township, or school district against such bank, 114144  
~~building and loan association~~, or officer. 114145

**Sec. 323.134.** As used in this section, "financial 114146  
institution" means a bank as defined in section 1101.01 of the 114147  
Revised Code, ~~a building and loan association as defined in~~ 114148  
~~section 1151.01 of the Revised Code~~, or any other person regularly 114149

engaging in the business of making or brokering residential 114150  
mortgage loans on security located in this state. 114151

The county treasurer may request any financial institution to 114152  
enter into an agreement with the treasurer for information 114153  
exchanges limited exclusively to the purpose of real property tax 114154  
billing and payment, including, but not limited to, the sharing of 114155  
information that is part of a data processing system. With the 114156  
approval of the county automatic data processing board or if the 114157  
county has no board, with the approval of the county auditor, the 114158  
county treasurer may enter such an agreement with any consenting 114159  
financial institution. Where such an agreement enables the 114160  
treasurer to collect the proper amounts of such taxes due without 114161  
preparing and sending the tax bills required by section 323.13 of 114162  
the Revised Code, the treasurer need not prepare and send such 114163  
bills for any entries of real property upon which taxes are 114164  
properly computed and paid by the use of such information 114165  
exchange. 114166

**Sec. 339.06.** (A) The board of county hospital trustees, upon 114167  
completion of construction or leasing and equipping of a county 114168  
hospital, shall assume and continue the operation of the hospital. 114169

(B) The board of county hospital trustees shall have the 114170  
entire management and control of the county hospital. The board 114171  
may in writing delegate its management and control of the county 114172  
hospital to the administrator of the county hospital employed 114173  
under section 339.07 of the Revised Code. The board shall 114174  
establish such rules for the hospital's government, management, 114175  
control, and the admission of persons as are expedient. 114176

(C) The board of county hospital trustees has control of the 114177  
property of the county hospital, including management and disposal 114178  
of surplus property other than real estate or an interest in real 114179  
estate. 114180

(D) With respect to the use of funds by the board of county hospital trustees and its accounting for the use of funds, all of the following apply:

(1) The board of county hospital trustees has control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code.

(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. If a county hospital is based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution, such funds may be invested by the board of county hospital trustees as provided in this division or in an ordinance adopted by the legislative authority of the county, in either case subject to approval by the county investment advisory committee, or as provided in section 339.061 of the Revised Code.

(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which

the budget applies. If the board of county commissioners has not 114213  
approved the budget by the first day of the fiscal year to which 114214  
the budget applies, the budget is deemed to have been approved by 114215  
the board on the first day of that fiscal year. 114216

(4) The board of county hospital trustees shall not expend 114217  
funds received from taxes collected pursuant to any tax levied 114218  
under section 5705.22 of the Revised Code or the amount 114219  
appropriated to the county hospital by the board of county 114220  
commissioners in the annual appropriation measure for the county 114221  
until its budget for the applicable fiscal year is approved in 114222  
accordance with division (C)(3) of this section. At any time the 114223  
amount received from those sources differs from the amount shown 114224  
in the approved budget, the board of county commissioners may 114225  
require the board of county hospital trustees to revise the county 114226  
hospital budget accordingly. 114227

(5) Funds under the control of the board of county hospital 114228  
trustees may be disbursed by the board, consistent with the 114229  
approved budget, for the uses and purposes of the county hospital; 114230  
for the replacement of necessary equipment; for the acquisition, 114231  
leasing, or construction of permanent improvements to county 114232  
hospital property; or for making a donation authorized by division 114233  
(E) of this section. Each disbursement of funds shall be made on a 114234  
voucher signed by signatories designated and approved by the board 114235  
of county hospital trustees. 114236

(6) The head of a board of county hospital trustees is not 114237  
required to file an estimate of contemplated revenue and 114238  
expenditures for the ensuing fiscal year under section 5705.28 of 114239  
the Revised Code unless the board of county commissioners levies a 114240  
tax for the county hospital, or such a tax is proposed, or the 114241  
board of county hospital trustees desires that the board of county 114242  
commissioners make an appropriation to the county hospital for the 114243  
ensuing fiscal year. 114244

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 of the Revised Code.~~

~~(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the



following requirements: 114275

(a) The term of the contract does not exceed one year, except 114276  
that the contract may provide for the automatic renewal of the 114277  
contract for up to four additional one-year periods if, on the 114278  
date of automatic renewal, the aggregate outstanding draws 114279  
remaining unpaid under the secured line of credit do not exceed 114280  
fifty per cent of the maximum amount that can be drawn under the 114281  
secured line of credit. 114282

(b) The contract provides that the bank, ~~savings and loan~~ 114283  
~~association, or savings bank~~ shall not commence a civil action 114284  
against the board of county commissioners, any member of the 114285  
board, or the county to recover the principal, interest, or any 114286  
charges or other amounts that remain outstanding on the secured 114287  
line of credit at the time of any default by the board of county 114288  
hospital trustees. 114289

(c) The contract provides that no assets other than those of 114290  
the county hospital can be used to secure the line of credit. 114291

(d) The terms and conditions of the contract comply with all 114292  
state and federal statutes and rules governing the extension of a 114293  
secured line of credit. 114294

(3) Any obligation incurred by a board of county hospital 114295  
trustees under division (F)(2) of this section is an obligation of 114296  
that board only and not a general obligation of the board of 114297  
county commissioners or the county within the meaning of division 114298  
(Q) of section 133.01 of the Revised Code. 114299

(4) Notwithstanding anything to the contrary in the Revised 114300  
Code, the board of county hospital trustees may secure the line of 114301  
credit authorized under division (F)(2) of this section by the 114302  
grant of a security interest in any part or all of its tangible 114303  
personal property and intangible personal property, including its 114304  
deposit accounts, accounts receivable, or both. 114305

(5) No board of county hospital trustees shall at any time 114306  
have more than one secured line of credit under division (F)(2) of 114307  
this section. 114308

(G) The board of county hospital trustees shall establish a 114309  
schedule of charges for all services and treatment rendered by the 114310  
county hospital. It may provide for the free treatment in the 114311  
hospital of soldiers, sailors, and marines of the county, under 114312  
such conditions and rules as it prescribes. 114313

(H) The board of county hospital trustees may designate the 114314  
amounts and forms of insurance protection to be provided, and the 114315  
board of county commissioners shall assist in obtaining such 114316  
protection. The expense of providing the protection shall be paid 114317  
from hospital operating funds. 114318

(I) The board of county hospital trustees may authorize a 114319  
county hospital and each of its units, hospital board members, 114320  
designated hospital employees, and medical staff members to be a 114321  
member of and maintain membership in any local, state, or national 114322  
group or association organized and operated for the promotion of 114323  
the public health and welfare or advancement of the efficiency of 114324  
hospital administration and in connection therewith to use tax 114325  
funds for the payment of dues and fees and related expenses but 114326  
nothing in this section prohibits the board from using receipts 114327  
from hospital operation, other than tax funds, for the payment of 114328  
such dues and fees. 114329

(J) The following apply to the board of county hospital 114330  
trustees in relation to its employees and the employees of the 114331  
county hospital: 114332

(1) The board shall adopt the wage and salary schedule for 114333  
employees. 114334

(2) The board may employ the hospital's administrator 114335  
pursuant to section 339.07 of the Revised Code, and the 114336

administrator may employ individuals for the hospital in 114337  
accordance with that section. 114338

(3) The board may employ assistants as necessary to perform 114339  
its clerical work, superintend properly the construction of the 114340  
county hospital, and pay the hospital's expenses. Such employees 114341  
may be paid from funds provided for the county hospital. 114342

(4) The board may hire, by contract or as salaried employees, 114343  
such management consultants, accountants, attorneys, engineers, 114344  
architects, construction managers, and other professional advisors 114345  
as it determines are necessary and desirable to assist in the 114346  
management of the programs and operation of the county hospital. 114347  
Such professional advisors may be paid from county hospital 114348  
operating funds. 114349

(5) Notwithstanding section 325.19 of the Revised Code, the 114350  
board may grant to employees any fringe benefits the board 114351  
determines to be customary and usual in the nonprofit hospital 114352  
field in its community, including, but not limited to: 114353

(a) Additional vacation leave with full pay for full-time 114354  
employees, including full-time hourly rate employees, after 114355  
service of one year; 114356

(b) Vacation leave and holiday pay for part-time employees on 114357  
a pro rata basis; 114358

(c) Leave with full pay due to death in the employee's 114359  
immediate family, which shall not be deducted from the employee's 114360  
accumulated sick leave; 114361

(d) Premium pay for working on holidays listed in section 114362  
325.19 of the Revised Code; 114363

(e) Moving expenses for new employees; 114364

(f) Discounts on hospital supplies and services. 114365

(6) The board may provide holiday leave by observing Martin 114366

Luther King day, Washington-Lincoln day, Columbus day, and 114367  
Veterans' day on days other than those specified in section 1.14 114368  
of the Revised Code. 114369

(7) The board may grant to employees the insurance benefits 114370  
authorized by section 339.16 of the Revised Code. 114371

(8) Notwithstanding section 325.19 of the Revised Code, the 114372  
board may grant to employees, including hourly rate employees, 114373  
such personal holidays as the board determines to be customary and 114374  
usual in the hospital field in its community. 114375

(9) The board may provide employee recognition awards and 114376  
hold employee recognition dinners. 114377

(10) The board may grant to employees the recruitment and 114378  
retention benefits specified under division (K) of this section. 114379

(K) Notwithstanding sections 325.191 and 325.20 of the 114380  
Revised Code, the board of county hospital trustees may provide, 114381  
without the prior authorization of the board of county 114382  
commissioners, scholarships for education in the health care 114383  
professions, tuition reimbursement, and other staff development 114384  
programs to enhance the skills of health care professionals for 114385  
the purpose of recruiting or retaining qualified employees. 114386

The board of county hospital trustees may pay reasonable 114387  
expenses for recruiting or retaining physicians and other 114388  
appropriate health care practitioners. 114389

(L) The board of county hospital trustees may retain counsel 114390  
and institute legal action in its own name for the collection of 114391  
delinquent accounts. The board may also employ any other lawful 114392  
means for the collection of delinquent accounts. 114393

**Sec. 513.17.** (A) The board of hospital governors shall, with 114394  
the consent and approval of the joint township district hospital 114395  
board and as provided by sections 513.07 to 513.18 of the Revised 114396

Code, prepare plans and specifications, and may employ technical 114397  
assistance if necessary, and proceed to erect, furnish, and equip 114398  
necessary buildings for a joint township general hospital. Except 114399  
where the hospital of the district is leased pursuant to section 114400  
513.171 of the Revised Code, such board of governors shall appoint 114401  
and fix the compensation of a suitable person to be superintendent 114402  
of the hospital for such period of time as it determines, and 114403  
shall employ and fix the compensation for such nurses and other 114404  
employees as are necessary for the proper conduct of the hospital. 114405  
Subject to the direction of the board of governors and to the 114406  
rules prescribed by it, any such superintendent shall have 114407  
complete charge and control of the operation of such hospital. The 114408  
superintendent shall prepare and submit to the board of governors, 114409  
quarterly, a statement showing the average daily per capita cost 114410  
for the current expense of maintaining and operating such 114411  
hospital, including the cost of ordinary repairs. 114412

(B)(1) For purposes of ~~this~~ division: 114413

~~(a) "Bank" (B)(2) of this section, "bank" has the same~~ 114414  
meaning as in section 1101.01 of the Revised Code. 114415

~~(b) "Savings and loan association" has the same meaning as in~~ 114416  
~~section 1151.01 of the Revised Code.~~ 114417

~~(c) "Savings bank" has the same meaning as in section 1161.01~~ 114418  
~~of the Revised Code.~~ 114419

(2) The board of hospital governors may enter into a contract 114420  
for a secured line of credit with a bank, ~~savings and loan~~ 114421  
~~association, or savings bank~~ if the contract meets all of the 114422  
following requirements: 114423

(a) The term of the contract does not exceed one hundred 114424  
eighty days. 114425

(b) The contract provides that any amount extended must be 114426  
repaid in full before any additional credit can be extended. 114427

(c) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action against the joint township district hospital board, any member of the board, board of township trustees, township, or board of county commissioners to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of hospital governors.

(d) The contract provides that no assets other than those of the hospital can be used to secure the line of credit.

(e) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of hospital governors under this division is an obligation of that board only and not a general obligation of the joint township district hospital board, board of county commissioners, county, board of township trustees, or township within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) No board of hospital governors shall at any time have more than one secured line of credit under this section.

(C) The board of hospital governors may grant to its employees such of the following as it determines to be customary and usual in the nonprofit hospital field in its community:

(1) Paid vacation and holiday leave, for holidays listed in section 511.10 of the Revised Code, and other benefits for full-time employees;

(2) Vacation leave and holiday pay for part-time employees on a pro rata basis;

(3) Leave with full pay due to death in the employee's

immediate family, which shall not be deducted from the employee's accumulated sick leave; 114458  
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(4) Premium pay for working on holidays listed in section 511.10 of the Revised Code; 114460  
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(5) Moving expenses for new employees; 114462

(6) Discounts on purchases from the hospital pharmacy; 114463

(7) Discounts on hospital supplies and services. 114464

The board of hospital governors may provide employee recognition awards and hold employee recognition dinners. 114465  
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The board of hospital governors may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 114467  
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The board of hospital governors may pay reasonable expenses for recruiting physicians into the district or for retaining them if all or part of the district has been designated as an area with a shortage of personal health services under the "Health Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as amended. 114472  
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(D) The members of the board of governors shall serve without compensation, but their necessary expenses, when engaged in the business of the hospital board, shall be paid by the joint township district hospital board. 114478  
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(E) The board of hospital governors with the approval of the county commissioners may employ counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. Counsel employed under this section shall be paid from the hospital's funds. 114482  
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Sec. 749.081. (A) For purposes of this section+ 114488

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 114489~~  
of the Revised Code. 114490

~~(2) "Savings and loan association" has the same meaning as in 114491~~  
section 1151.01 of the Revised Code. 114492

~~(3) "Savings bank" has the same meaning as in section 1161.01 114493~~  
of the Revised Code. 114494

(B) The board of hospital commissioners may enter into a 114495  
contract for a secured line of credit with a bank, ~~savings and 114496~~  
~~loan association, or savings bank~~ if the contract meets all of the 114497  
following requirements: 114498

(1) The term of the contract does not exceed one hundred 114499  
eighty days; 114500

(2) The board's secured line of credit does not exceed five 114501  
hundred thousand dollars; 114502

(3) The contract provides that any amount extended must be 114503  
repaid in full before any additional credit can be extended; 114504

(4) The contract provides that the bank, ~~savings and loan 114505~~  
~~association, or savings bank~~ shall not commence a civil action 114506  
against the legislative authority of a municipal corporation or 114507  
any member thereof, or the municipal corporation to recover the 114508  
principal, interest, or any charges or other amounts that remain 114509  
outstanding on the secured line of credit at the time of any 114510  
default by the board of hospital commissioners; 114511

(5) The contract provides that no assets other than those of 114512  
the hospital can be used to secure the line of credit; 114513

(6) The terms and conditions of the contract comply with all 114514  
state and federal statutes and rules governing the extension of a 114515  
secured line of credit. 114516



(C) Any obligation incurred by a board of hospital commissioners under division (B) of this section is an obligation of that board only and not a general obligation of the legislative authority of a municipal corporation or the municipal corporation within the meaning of division (Q) of section 133.01 of the Revised Code.

(D) No board of hospital commissioners shall at any time have more than one secured line of credit under division (B) of this section.

**Sec. 755.141.** If a park or recreational facility owned, operated, or maintained by a joint recreation district created under division (C) of section 755.14 of the Revised Code is the site where an exhibition sanctioned by the United States Christopher Columbus quincentenary jubilee commission is being or has been held and the exhibition is or was sponsored by the organization that is also sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers, the following provisions shall apply, in addition to the provisions of sections 755.12 to 755.18 of the Revised Code:

(A) The governor, speaker of the house of representatives, and president of the senate shall each appoint one member to the board of trustees of the district. These members may be members of the general assembly, but any members of the general assembly appointed to the board of trustees shall be nonvoting members and shall serve only while they remain members of the general assembly. Members appointed under this division shall serve terms of three years and serve without pay, and all vacancies in their positions on the board, whether for an unexpired term or at the end of a term, shall be filled in the same manner as the original appointments.

(B) The board of trustees of a joint recreation district may 114548  
designate the amounts and forms of property and casualty insurance 114549  
protection to be provided. The expense of providing the protection 114550  
shall be paid from operating funds of the joint recreation 114551  
district. 114552

(C) The board of trustees of a joint recreation district may 114553  
acquire, construct, maintain, and operate horticultural 114554  
facilities, public banquet facilities, greenhouses, and such other 114555  
facilities as are authorized in section 755.16 of the Revised 114556  
Code. 114557

(D)(1) By resolution of its board of trustees, the joint 114558  
recreation district may issue revenue bonds beyond the limit of 114559  
bonded indebtedness provided by law, for the acquisition, 114560  
construction, furnishing, or equipping of any real or personal 114561  
property, or any combination thereof which it is authorized to 114562  
acquire, construct, furnish, or equip, including all costs in 114563  
connection with or incidental thereto. 114564

(2) The revenue bonds of the joint recreation district shall 114565  
be secured only by a pledge of and a lien on the revenues of the 114566  
joint recreation district that are designated in the resolution, 114567  
including, but not limited to, any property to be acquired, 114568  
constructed, furnished, or equipped with the proceeds of the bond 114569  
issue, after provision only for the reasonable cost of operating, 114570  
maintaining, and repairing the property of the joint recreation 114571  
district so designated. The bonds may further be secured by the 114572  
covenant of the joint recreation district to maintain rates or 114573  
charges that will produce revenues sufficient to meet the costs of 114574  
operating, maintaining, and repairing such property and to meet 114575  
the interest and principal requirements of the bonds and to 114576  
establish and maintain reserves for the foregoing purposes. The 114577  
board of trustees of the joint recreation district, by resolution, 114578  
may provide for the issuance of additional revenue bonds from time 114579

to time, to be secured equally and ratably, without preference, 114580  
priority, or distinction, with outstanding revenue bonds, but 114581  
subject to the terms and limitations of any trust agreement 114582  
described in this section, and of any resolution authorizing bonds 114583  
then outstanding. The board of trustees, by resolution, may 114584  
designate additional property of the district, the revenues of 114585  
which shall be pledged and be subject to a lien for the payment of 114586  
the debt charges on revenue bonds theretofore authorized by 114587  
resolution of the board of trustees, to the same extent as the 114588  
revenues above described. 114589

(3) In the discretion of the board of trustees, the revenue 114590  
bonds of the district may be secured by a trust agreement between 114591  
the joint recreation district and a corporate trustee, that may be 114592  
any trust company or bank having powers of a trust company, within 114593  
or without the state. 114594

(4) The trust agreement may provide for the pledge or 114595  
assignment of the revenues to be received, but shall not pledge 114596  
the general credit and taxing power of the joint recreation 114597  
district. The trust agreement or the resolution providing for the 114598  
issuance of revenue bonds may set forth the rights and remedies of 114599  
the bondholders and trustees, and may contain other provisions for 114600  
protecting and enforcing their rights and remedies that are 114601  
determined in the discretion of the board of trustees to be 114602  
reasonable and proper. The agreement or resolution may provide for 114603  
the custody, investment, and disbursement of all moneys derived 114604  
from the sale of such bonds, or from the revenues of the joint 114605  
recreation district, other than those moneys received from taxes 114606  
levied pursuant to section 755.171 of the Revised Code, and may 114607  
provide for the deposit of such funds without regard to Chapter 114608  
135. of the Revised Code. 114609

(5) All bonds issued under authority of this section, 114610  
regardless of form or terms and regardless of any other law to the 114611

contrary, shall have all qualities and incidents of negotiable 114612  
instruments, subject to provisions for registration, and may be 114613  
issued in coupon, fully registered, or other form, or any 114614  
combination thereof, as the board of trustees determines. 114615  
Provision may be made for the registration of any coupon bonds as 114616  
to principal alone or as to both principal and interest, and for 114617  
the conversion into coupon bonds of any fully registered bonds or 114618  
bonds registered as to both principal and interest. 114619

(6) The revenue bonds shall bear interest at such rate or 114620  
rates, shall bear such date or dates, and shall mature within 114621  
thirty years following the date of issuance and in such amount, at 114622  
such time or times, and in such number of installments, as may be 114623  
provided in or pursuant to the resolution authorizing their 114624  
issuance. Any original issue of revenue bonds shall mature not 114625  
later than thirty years from their date of issue. Such resolution 114626  
also shall provide for the execution of the bonds, which may be by 114627  
facsimile signatures unless prohibited by the resolution, and the 114628  
manner of sale of the bonds. The resolution shall provide for, or 114629  
provide for the determination of, any other terms and conditions 114630  
relative to the issuance, sale, and retirement of the bonds that 114631  
the board of trustees in its discretion determines to be 114632  
reasonable and proper. 114633

(7) Whenever a joint recreation district considers it 114634  
expedient, it may issue renewal notes and refund any bonds, 114635  
whether the bonds to be refunded have or have not matured. The 114636  
final maturity of any notes, including any renewal notes, shall 114637  
not be later than five years from the date of issue of the 114638  
original issue of notes. The final maturity of any refunding bonds 114639  
shall not be later than the later of thirty years from the date of 114640  
issue of the original issue of bonds or the date by which it is 114641  
expected, at the time of issuance of the refunding bonds, that the 114642  
useful life of all of the property, other than interests in land, 114643

refinanced with proceeds of the bonds will have expired. The 114644  
refunding bonds shall be sold and the proceeds applied to the 114645  
purchase, redemption, or payment of the bonds to be refunded and 114646  
the costs of issuance of the refunding bonds. The bonds and notes 114647  
issued under this section, their transfer, and the income 114648  
therefrom, shall at all times be free from taxation within the 114649  
state. 114650

(E) A joint recreation district described in this section may 114651  
do all of the following: 114652

(1) Operate or appoint agents to operate, or otherwise 114653  
provide for the operation of, its properties and its facilities, 114654  
activities, and programs and to enter into agreements and 114655  
arrangements related thereto, and to receive and apply the net 114656  
proceeds thereof solely to the management, operation, development, 114657  
maintenance, and repair of its properties, its buildings, 114658  
facilities, improvements, and grounds; 114659

(2) Impose and collect a charge for admission for selective 114660  
events, exhibits, and facilities; 114661

(3) Offer memberships of various denominations for selective 114662  
activities or facilities; 114663

(4) Form advisory and other support committees to the board 114664  
of trustees to provide counsel and assistance to the board in the 114665  
management, operation, and development of its properties, 114666  
buildings, facilities, improvements, and grounds; 114667

(5) Grant licenses, or enter into leases or contracts, for 114668  
the use of any part of its properties, facilities, buildings, and 114669  
grounds for such length of time and upon such terms and conditions 114670  
as the board of trustees deems appropriate and necessary, and 114671  
grant easements in, through, or over its property; 114672

(6) Receive and accept from any federal, state, county, 114673  
municipal, or local government or agency, any grant or 114674

contribution of money, property, labor, or other things of value, 114675  
to be held, used, and applied for the purpose for which such 114676  
grants and contributions are made; and 114677

(7) Accept and expend gifts, grants, devises, and bequests of 114678  
money and property on behalf of the board of trustees and hold, 114679  
use, and apply such gifts, grants, devises, and bequests according 114680  
to the terms thereof. 114681

(F)(1) For purposes of division (F)(2) of this section+ 114682

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 114683  
of the Revised Code. 114684~~

~~(b) "Savings and loan association" has the same meaning as in 114685  
section 1151.01 of the Revised Code. 114686~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 114687  
of the Revised Code. 114688~~

(2) The board of trustees may enter into a contract for a 114689  
secured line of credit with a bank, ~~savings and loan association,~~ 114690  
~~or savings bank~~ if the contract meets all of the following 114691  
requirements: 114692

(a) The term of the contract does not exceed one year, except 114693  
that the contract may provide for the automatic renewal of the 114694  
contract for up to four additional one-year periods. 114695

(b) The contract provides that the bank, ~~savings and loan 114696  
association, or savings bank~~ shall not commence a civil action 114697  
against the board, any member of the board, or the county or the 114698  
municipal corporation to recover the principal, interest, or any 114699  
charges or other amounts that remain outstanding on the secured 114700  
line of credit at the time of any default by the board. 114701

(c) The contract provides that no assets other than those of 114702  
the joint recreation district can be used to secure the line of 114703  
credit. 114704

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of trustees of a joint recreation district pursuant to division (B) of this section is an obligation of that board only and not a general obligation of the board of county commissioners, the county, or the municipal corporation within the meaning of division (Q) of section 133.01 of the Revised Code.

(G)(1) For purposes of division (G)(2) of this section, "lease-purchase agreement" has the same meaning as a lease with an option to purchase.

(2) For any purpose for which a board of trustees of a joint recreation district described in this section is authorized to acquire real or personal property, that board may enter into a lease-purchase agreement in accordance with this section to acquire the property.

The lease-purchase agreement shall provide for a series of terms in which no term extends beyond the end of the fiscal year of the joint recreation district in which that term commences. In total, the terms provided for in the agreement shall be for not more than the useful life of the real or personal property that is the subject of the agreement. A property's useful life shall be determined either by the maximum number of installment payments permitted under the statute that authorizes the board to acquire the property or, if there is no such provision, by the maximum number of years to maturity provided for the issuance of bonds in division (B) of section 133.20 of the Revised Code if bonds were to be issued by a subdivision under that section to finance such facilities. If the useful life cannot be determined under either of those statutes, it shall be estimated as provided in division (C) of section 133.20 of the Revised Code.

The lease-purchase agreement shall provide that, at the end of the final term in the agreement, if all obligations of the joint recreation district have been satisfied, the title to the leased property shall vest in the joint recreation district if that title has not vested in the joint recreation district before or during the lease terms; except that the lease-purchase agreement may require the joint recreation district to pay an additional lump sum payment as a condition of obtaining that title.

(3) A board of trustees of a joint recreation district that enters into a lease-purchase agreement under this section may do any of the following with the property that is the subject of the agreement:

(a) If the property is personal property, assign the board's rights to that property;

(b) Grant the lessor a security interest in the property;

(c) If the property is real property, grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final term of the lease-purchase agreement.

(4) The authority granted in division (G) of this section is in addition to and not in derogation of, any other financing authority provided by law.

(H) The board of trustees of a joint recreation district described in this section may exercise such other powers as shall have been granted to it in the agreement between the municipal corporation and the board of county commissioners establishing the joint recreation district entered into pursuant to division (C) of section 755.14 of the Revised Code.

**Sec. 902.01.** As used in this chapter:



(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in anticipation of the issuance of bonds and renewal notes.

(B) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.

(C) "Borrower" means the recipient of a loan or the lessee or purchaser of a project under this chapter and is limited to a sole proprietor, or to a partnership, joint venture, firm, association, or corporation, a majority of whose stockholders, partners, members, or associates are persons or the spouses of persons related to each other within the fourth degree of kinship, according to law, provided that the sole proprietor or at least one of such related persons resides or will reside on or is or will actively operate the project or the farm or agricultural enterprise composed, in whole or in part, of the project, and provided further that the sole proprietor or all of the stockholders, members, partners, or associates are natural persons. The agricultural financing commission may establish procedures for the determination of the eligibility of borrowers under this chapter which determinations are conclusive in relation to the validity and enforceability of bonds issued under bond proceedings authorized in connection therewith, and in relation to security interests given and leases, subleases, sale agreements, loan agreements, and other agreements made in connection therewith, all in accordance with their terms.

(D) "Composite financing arrangement" means the sale of a single issue of bonds to finance two or more projects, including, but not limited to, a single issue of bonds for a group of loans submitted by or through a single lending institution or with

credit enhancement from a single lending institution, or the sale 114799  
by or on behalf of one or more issuers of two or more issues or 114800  
lots of bonds under or pursuant to a single sale agreement, single 114801  
marketing arrangement, or single official statement, offering 114802  
circular, or other marketing document. 114803

(E) "Issuer" means the state, or any county or municipal 114804  
corporation of the state. 114805

(F) "Issuing authority" means in the case of a municipal 114806  
corporation, the legislative authority thereof; and in the case of 114807  
a county, the board of county commissioners or whatever officers, 114808  
board, commission, council, or other body might succeed to or 114809  
assume the legislative powers of the board of county 114810  
commissioners. 114811

(G) "Lending institution" means ~~any domestic building and~~ 114812  
~~loan association as defined in section 1151.01 of the Revised~~ 114813  
~~Code, any service corporation the entire stock of which is owned~~ 114814  
~~by one or more such building and loan associations,~~ a bank which 114815  
that has its principal place of business located in this state, a 114816  
bank subsidiary corporation that is wholly owned by a bank having 114817  
its principal place of business located in this state, any state 114818  
or federal governmental agency or instrumentality including 114819  
without limitation the federal land bank, production credit 114820  
association, or bank for cooperatives, or any of their local 114821  
associations, or any other financial institution or entity 114822  
authorized to make mortgage loans and qualified to do business in 114823  
this state. 114824

(H) "Loan" includes a loan made to or through, or a deposit 114825  
with, a lending institution or a loan made directly to the owner 114826  
or operator of a project to finance one or more projects. 114827  
Notwithstanding any other provision of this chapter, loans from 114828  
proceeds of bonds issued under a composite financing arrangement 114829  
shall be made only to or through, or by a deposit with, a lending 114830

institution, including the purchase of loans from lending 114831  
institutions, or be made in any other manner in which a lending 114832  
institution has been or is involved in the origination or credit 114833  
enhancement of the loan. 114834

(I) "Mortgage loan" means a loan secured by a mortgage, deed 114835  
of trust, or other security interest. 114836

(J) "Pledged facilities" means the project or projects 114837  
mortgaged or facilities the rentals, revenues, and other income, 114838  
charges, and moneys from which are pledged, or both, for the 114839  
payment of the principal of and interest on the bonds issued under 114840  
authority of section 902.04 of the Revised Code, and includes a 114841  
project for which a loan has been made under authority of this 114842  
chapter, in which case, references in this chapter to revenues of 114843  
such pledged facilities or from the disposition thereof include 114844  
payments made or to be made to or for the account of the issuer 114845  
pursuant to such loan. 114846

(K) "Project" means real or personal property, or both, 114847  
including undivided and other interests therein, acquired by gift 114848  
or purchase, constructed, reconstructed, enlarged, improved, 114849  
furnished, or equipped, or any combination thereof, by an issuer, 114850  
or by others from the proceeds of bonds, located within the 114851  
boundaries of the issuer, and used or to be used by a borrower for 114852  
agricultural purposes as provided in division (D) of this section. 114853  
A project is hereby determined to qualify as facilities for 114854  
industry, commerce, distribution, or research described in Section 114855  
13 of Article VIII, Ohio Constitution. 114856

(L) "Purchase" means, with respect to loans, the purchase of 114857  
loans from, or other acquisition by an issuer of loans of, lending 114858  
institutions. 114859

(M) "Revenues" means the rentals, revenues, payments, 114860  
repayments, income, charges, and moneys derived or to be derived 114861

from the use, lease, sublease, rental, sale, including installment 114862  
sale or conditional sale, or other disposition of pledged 114863  
facilities, or derived or to be derived pursuant to a loan made 114864  
for a project, bond proceeds to the extent provided in the bond 114865  
proceedings for the payment of principal of, or premium, if any, 114866  
or interest on the bonds, proceeds from any insurance, 114867  
condemnation, or guaranty pertaining to pledged facilities or the 114868  
financing thereof, any income and profit from the investment of 114869  
the proceeds of bonds or of any revenues, any fees and charges 114870  
received by or on behalf of an issuer for the services of or 114871  
commitments by the issuer, and moneys received in repayment of and 114872  
for interest on any loan made or purchased by an issuer, moneys 114873  
received by an issuer upon the sale of any bonds of the issuer 114874  
under section 902.04 of the Revised Code, any moneys received from 114875  
investment of funds of an issuer or from the sale of collateral 114876  
securing loans made or purchased by the issuer, including 114877  
collateral acquired by foreclosure or other action to enforce a 114878  
security interest, and any moneys received in payment of a claim 114879  
under insurance, guarantees, letters of credit, or otherwise with 114880  
respect to any loans made or purchased by an issuer or any 114881  
collateral held by the issuer of any bonds issued under this 114882  
chapter. 114883

(N) "Security interest" means a mortgage, lien, or other 114884  
encumbrance on, or pledge or assignment of, or other security 114885  
interest with respect to all or any part of pledged facilities, 114886  
revenues, reserve funds, or other funds established under the bond 114887  
proceedings, or on, of, or with respect to, a lease, sublease, 114888  
sale, conditional sale, or installment sale agreement, loan 114889  
agreement, or any other agreement pertaining to the lease, 114890  
sublease, sale, or other disposition of a project or pertaining to 114891  
a loan made for a project, or any guaranty or insurance agreement 114892  
made with respect thereto, or any interest of the issuer therein, 114893  
or any other interest granted, assigned, purchased, or released to 114894

secure payments of the principal of, premium, if any, or interest 114895  
on any bonds or to secure any other payments to be made by an 114896  
issuer under the bond proceedings. Any security interest under 114897  
this chapter may be prior or subordinate to or on a parity with 114898  
any other mortgage, lien, encumbrance, pledge, assignment, or 114899  
other security interest. 114900

**Sec. 924.10.** (A) There is hereby established in the state 114901  
treasury a fund for each marketing program that is established by 114902  
the director of agriculture pursuant to this chapter. Except as 114903  
authorized in division (B) of this section, all moneys collected 114904  
by the department of agriculture from each marketing program 114905  
pursuant to section 924.09 of the Revised Code shall be paid into 114906  
the fund for the marketing program and shall be disbursed only 114907  
pursuant to a voucher approved by the director for use in 114908  
defraying the costs of administration of the marketing program and 114909  
for carrying out sections 924.02, 924.03, and 924.13 of the 114910  
Revised Code. 114911

(B) In lieu of deposits in the fund established pursuant to 114912  
division (A) of this section, the operating committee of any 114913  
marketing program established pursuant to this chapter may deposit 114914  
all moneys collected pursuant to section 924.09 of the Revised 114915  
Code with a bank ~~or a savings and loan association~~ as defined in 114916  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 114917  
moneys collected pursuant to section 924.09 of the Revised Code 114918  
and deposited pursuant to this division also shall be used only in 114919  
defraying the costs of administration of the marketing program and 114920  
for carrying out sections 924.02, 924.03, and 924.13 of the 114921  
Revised Code. 114922

(C) Each operating committee shall establish a fiscal year 114923  
for its marketing program and shall publish within sixty days of 114924  
the end of each fiscal year an activity and financial report and 114925

make such report available to each producer who pays an assessment 114926  
or otherwise contributes to the marketing program which the 114927  
committee administers, and to other interested persons. 114928

(D) In addition to the reports required by division (C) of 114929  
this section, any marketing program that deposits moneys in 114930  
accordance with division (B) of this section shall submit to the 114931  
director both of the following: 114932

(1) Annually, a financial statement prepared by a certified 114933  
public accountant holding a live permit from the accountancy board 114934  
issued pursuant to Chapter 4701. of the Revised Code. The 114935  
marketing program shall file the financial statement with the 114936  
director not more than sixty days after the end of each fiscal 114937  
year. 114938

(2) Monthly, an unaudited financial statement. 114939

**Sec. 924.26.** (A) The grain marketing program operating 114940  
committee shall levy on producers and, as provided in division (B) 114941  
of this section, handlers the following assessments, as 114942  
applicable: 114943

(1) One-half of one per cent of the per-bushel price of wheat 114944  
at the first point of sale; 114945

(2) One-half of one per cent of the per-bushel price of 114946  
barley at the first point of sale; 114947

(3) One-half of one per cent of the per-bushel price of rye 114948  
at the first point of sale; 114949

(4) One-half of one per cent of the per-bushel price of oats 114950  
at the first point of sale. 114951

(B) The director may require a handler to withhold 114952  
assessments from any amounts that the handler owes to producers 114953  
and to remit them to the operating committee. A handler who pays 114954  
for a producer an assessment that is levied under this section may 114955

deduct the amount of the assessment from any money that the handler owes to the producer.

(C) The operating committee shall deposit all money collected under this section with a bank ~~or savings and loan association~~ as defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All money so collected and deposited shall be used only for defraying the costs of administration of the marketing program and for carrying out sections 924.20 to 924.30 of the Revised Code. The operating committee shall not use any assessments that it levies for any political or legislative purpose or for preferential treatment of one person to the detriment of any other person affected by the grain marketing program.

(D) The operating committee shall refund to a producer the assessments that it collects from the producer not later than thirty days after receipt of a valid application by the producer for a refund, provided that the producer complies with the procedures for a refund established by the committee under section 924.24 of the Revised Code.

An application for a refund shall be made on a form provided by the director. The operating committee shall ensure that refund forms are available where assessments for the grain marketing program are collected.

**Sec. 924.45.** (A)(1) After a marketing agreement takes effect, a board of directors that will administer the marketing agreement shall be established in accordance with the terms of the marketing agreement. Except for the director of agriculture or the director's designee who shall serve as an ex officio member of the board of directors, members of the board shall be selected only from individuals who are producers that signed the marketing agreement.

(2) The provisional board of directors created pursuant to

division (B)(1) of section 924.42 of the Revised Code shall verify 114987  
that the board of directors is established in accordance with the 114988  
terms of the marketing agreement. If the provisional board of 114989  
directors determines that the board of directors was not 114990  
established in accordance with the terms of the marketing 114991  
agreement, the provisional board shall notify the director who 114992  
shall take appropriate actions to ensure that the board of 114993  
directors is established in accordance with the terms of the 114994  
marketing agreement. If the provisional board of directors 114995  
determines that the board of directors was established in 114996  
accordance with the terms of the marketing agreement, the 114997  
provisional board shall cease to exist. 114998

(B) A board of directors that is established to administer a 114999  
marketing agreement shall do all of the following: 115000

(1) Establish priorities of the board that are consistent 115001  
with the estimated financial resources that will be generated 115002  
under the terms of the marketing agreement and with the scope of 115003  
the marketing agreement; 115004

(2) Prepare a budget that is consistent with the estimated 115005  
financial resources that will be generated under the terms of the 115006  
marketing agreement and with the scope of the marketing agreement; 115007

(3) Deposit all money collected pursuant to the marketing 115008  
agreement with a bank as defined in section 1101.01 of the Revised 115009  
Code ~~or with a savings and loan association as defined in section~~ 115010  
~~1151.01 of the Revised Code.~~ The board shall use the money only to 115011  
pay the costs of the board in administering the marketing 115012  
agreement and of the activities authorized under the marketing 115013  
agreement and under sections 924.40 to 924.45 of the Revised Code. 115014

(4) Establish a fiscal year for purposes of marketing 115015  
activities performed under the terms of the marketing agreement; 115016

(5) Publish an activity and financial report not later than 115017



sixty days after the end of a fiscal year. The board shall make the report available to each producer that signed the marketing agreement and to other interested parties.

(6) Provide annually to the director of agriculture and to each producer that signed the marketing agreement a financial statement that is prepared by a person who holds a current certificate as a certified public accountant issued under Chapter 4701. of the Revised Code. The board shall provide the financial statement to the director not later than sixty days after the end of a fiscal year.

(7) Reimburse the department of agriculture for actual administrative costs incurred by the department in the administration of sections 924.40 to 924.45 of the Revised Code. However, the amount reimbursed in a fiscal year shall not exceed ten per cent of the total amount of money collected in that fiscal year by the board of directors under the authority of the marketing agreement.

(8) Perform all other acts and exercise all other powers that are reasonably necessary, proper, or advisable to effectuate the purposes of sections 924.40 to 924.45 of the Revised Code.

(C) A board of directors that is established to administer a marketing agreement may do all of the following:

(1) Propose to the director rules that are necessary for the board to perform its duties under the requirements of the marketing agreement and under sections 924.40 to 924.45 of the Revised Code;

(2) Hire personnel and contract for services that are necessary for the implementation and administration of the marketing agreement;

(3) Receive and investigate, or cause to be investigated, a complaint concerning an alleged violation of a term of the

marketing agreement. If the board determines that such a violation 115049  
has occurred, the board shall refer the matter to the director for 115050  
enforcement. 115051

(4) Amend the marketing agreement in accordance with the 115052  
terms of the marketing agreement and with sections 924.40 to 115053  
924.45 of the Revised Code; 115054

(5) Terminate the marketing agreement with the approval of a 115055  
majority of the participating producers that are signatories to 115056  
the marketing agreement. If the marketing agreement is terminated, 115057  
the board shall distribute any remaining unobligated money 115058  
collected under the authority of the marketing agreement to each 115059  
participating producer in the same proportion that the producer 115060  
paid assessments under the marketing agreement. 115061

**Sec. 1101.01.** As used in Chapters 1101. to 1127. of the 115062  
Revised Code, unless the context requires otherwise: 115063

(A) "Affiliate" has the same meaning as in division (A)(1) of 115064  
section 1109.53 of the Revised Code and includes a subsidiary of a 115065  
bank. 115066

(B) "Bank" or "banking corporation" means ~~a corporation~~ an 115067  
entity that solicits, receives, or accepts money or its equivalent 115068  
for deposit as a business, whether the deposit is made by check or 115069  
is evidenced by a certificate of deposit, passbook, note, receipt, 115070  
ledger card, or otherwise. "Bank" ~~also~~ or "banking corporation" 115071  
includes a state bank or ~~a corporation~~ any entity doing business 115072  
as a bank ~~or,~~ savings bank, or savings association under authority 115073  
granted by the office of the comptroller of the currency or the 115074  
former office of thrift supervision, the appropriate bank 115075  
regulatory authority of another state of the United States, or the 115076  
appropriate bank regulatory authority of another country, but does 115077  
not include a ~~savings association, savings bank, or~~ credit union. 115078

(C) "Bank holding company" has the same meaning as in the 115079  
"Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, 115080  
as amended. 115081

(D) "Banking office" means an office or other place 115082  
established by a bank at which a the bank receives money or its 115083  
equivalent from the public for deposit and conducts a general 115084  
banking business. "Banking office" does not include any of the 115085  
following: 115086

(1) Any location at which a bank receives, but does not 115087  
accept, cash or other items for subsequent deposit, such as by 115088  
mail or armored car service or at a lock box or night depository; 115089

(2) Any structure located within five hundred yards of a an 115090  
approved banking office of a bank and operated as an extension of 115091  
the services of the banking office; 115092

(3) Any automated teller machine, remote service unit, or 115093  
other money transmission device owned, leased, or operated by a 115094  
bank; 115095

(4) Any facility located within the geographical limits of a 115096  
military installation at which a bank only accepts deposits and 115097  
cashes checks; 115098

(5) Any location at which a bank takes and processes 115099  
applications for loans and may disburse loan proceeds, but does 115100  
not accept deposits; 115101

(6) Any location at which a bank is engaged solely in 115102  
providing administrative support services for its own operations 115103  
or for other depository institutions. 115104

~~(D)~~(E) "Branch" means a banking office that is not also the 115105  
bank's principal place of business consistent with its articles of 115106  
incorporation or articles of association. 115107

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 115108

"capital" means the sum of a the bank's: 115109

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 115110

~~(2)~~(b) To the extent permitted by the superintendent of 115111  
financial institutions, paid-in capital and surplus relating to 115112  
preferred stock; 115113

~~(3)~~(c) Undivided profits; and 115114

~~(4)~~(d) To the extent permitted by the superintendent the 115115  
proceeds of the sale of debt securities and other assets and 115116  
reserves. 115117

~~(F)~~(2) With respect to a mutual state bank, "capital" means 115118  
either of the following: 115119

(a) Retained earnings; 115120

(b) At the discretion of the superintendent, any other form 115121  
of capital, subject to any applicable federal and state laws. 115122

(G) "Code of regulations" includes a constitution adopted by 115123  
a state bank for similar purposes. 115124

(H) "Control" has the same meaning as in division (H) of 115125  
section 1109.53 of the Revised Code. 115126

~~(G) "Controlling shareholder" means a person who, directly or~~ 115127  
~~indirectly, controls a bank.~~ 115128

~~(H)~~(I) "Debt securities" means obligations issued by a bank 115129  
the holders of which, in the event of the insolvency or 115130  
liquidation of the bank, are subordinated in right of payment to 115131  
the bank's depositors and general creditors. 115132

~~(I)~~(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, 115133  
as amended. 115134

(K) "Entity" has the same meaning as in section 1701.01 of 115135  
the Revised Code. 115136

(L) "Federal savings association" means a federal savings and 115137

loan association or a federal savings bank doing business under 115138  
authority granted by the office of the comptroller of the currency 115139  
or the former office of thrift supervision. 115140

~~(J)~~(M) "Mutual holding company" means either of the 115141  
following: 115142

(1) A mutual state bank or an affiliate of a mutual state 115143  
bank reorganized in accordance with Chapter 1116. of the Revised 115144  
Code to hold all or part of the shares of the capital stock of a 115145  
subsidiary state bank; 115146

(2) A mutual holding company organized in accordance with 12 115147  
U.S.C. 1467a(o) that has converted to a mutual holding company 115148  
under Chapter 1116. of the Revised Code. 115149

(N) "Mutual state bank" means a state bank without stock that 115150  
has governing documents consisting of articles of incorporation 115151  
and code of regulations adopted by its members and bylaws adopted 115152  
by its board of directors. 115153

(O) "National bank" means a bank doing business under 115154  
authority granted by the office of the comptroller of the 115155  
currency. 115156

~~(K)~~(P) "Net income" means all income realized or earned less 115157  
all expenses realized or accrued. 115158

~~(L)~~(Q) "Paid-in capital" means the aggregate par value of all 115159  
of a stock state bank's outstanding shares of all classes. 115160

~~(M)~~(R) "Person" means an individual, sole proprietorship, 115161  
partnership, joint venture, association, trust, estate, business 115162  
trust, limited liability company, corporation, or any similar 115163  
entity or organization. 115164

(S) "Remote service unit" means an automated facility, 115165  
operated by a customer of a bank, that conducts banking functions, 115166  
such as receiving deposits, paying withdrawals, or lending money. 115167

(T) "Reorganization" means a consolidation, merger, or transfer of assets and liabilities pursuant to Chapter 1115. or 1116. of the Revised Code.

~~(N)~~(U) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a.

(V) "Savings association" means a savings and loan association doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1151.~~ of the Revised Code, a savings and loan association doing business under authority granted by the regulatory authority of another state, or a federal savings association. "Savings association" also includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code.

~~(O)~~(W) "Savings bank" means a savings bank doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1161.~~ of the Revised Code or a savings bank doing business under authority granted by the regulatory authority of another state.

~~(P)~~(X) "Shares" means any equity interest, including a limited partnership interest and any other equity interest in which liability is limited to the amount of the investment. "Shares" does not include a general partnership interest or any other interest involving general liability.

(Y) "State bank" means a bank doing business under authority granted by the superintendent of financial institutions. "State bank" includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code.

~~(Q)~~(Z) "Stock state bank" means a state bank that has an ownership structure represented by shares of stock.

(AA) "Subsidiary" has the same meaning as in section 1109.53 of the Revised Code.

~~(R)~~(BB) "Surplus" means the total of amounts paid for shares 115199  
in excess of their respective par values, amounts contributed 115200  
other than for shares, and amounts transferred from undivided 115201  
profits, less amounts transferred to stated capital. 115202

~~(S)~~(CC) "Trust company" means ~~a corporation~~ an entity 115203  
qualified and licensed under section 1111.06 of the Revised Code 115204  
to solicit or engage in trust business in this state, or a person 115205  
that is required by Chapter 1111. of the Revised Code to be a 115206  
~~corporation~~ an entity qualified and licensed under section 1111.06 115207  
of the Revised Code to solicit or engage in trust business in this 115208  
state. 115209

~~(T)~~(DD) "Undivided profits" means the cumulative 115210  
undistributed amount of a bank's net income not otherwise 115211  
allocated. 115212

**Sec. 1101.02.** It is hereby declared to be the purpose of the 115213  
general assembly in enacting Chapters 1101. to 1127. of the 115214  
Revised Code to do all of the following: 115215

(A) Delegate to the division of financial institutions 115216  
rule-making power and administrative discretion, subject to 115217  
Chapters 1101. to 1127. of the Revised Code, to assure the 115218  
supervision and regulation of banks chartered under the laws of 115219  
this state may be flexible and readily responsive to changes in 115220  
economic conditions, banking practices, and the financial services 115221  
industry; 115222

(B) Provide for the protection of the interests of 115223  
depositors, creditors, shareholders, members, and the general 115224  
public in banks doing business in this state; 115225

(C) Permit banks to effectively serve the convenience and 115226  
needs of their depositors, borrowers, and others, and permit the 115227  
continued improvement of the products and services banks provide; 115228

(D) Provide the opportunity for the boards and management of 115229  
banks to exercise their business judgment, subject to the 115230  
provisions of Chapters 1101. to 1127. and 1701. of the Revised 115231  
Code; 115232

(E) Provide state banks with competitive parity with other 115233  
types of financial institutions doing business in this state; 115234

(F) Sustain the viability of the state bank charter option 115235  
and the dual banking system in this state and the United States; 115236

~~(F)~~(G) Clarify and modernize the laws governing banking. 115237

**Sec. 1101.03.** (A) Except as otherwise provided in this 115238  
section, every bank existing on or incorporated after ~~January 1,~~ 115239  
~~1997,~~ the effective date of this amendment is subject to Chapters 115240  
1101. to 1127. of the Revised Code. 115241

(B) Except as otherwise provided in this section, Chapters 115242  
1101. to 1127. of the Revised Code do not affect the legality of 115243  
banks organized, loans or investments made or committed to be 115244  
made, or transactions completed or committed before ~~January 1,~~ 115245  
~~1997~~ the effective date of this amendment. 115246

(C) Except as otherwise provided in this section, Chapters 115247  
1101. to 1127. of the Revised Code do not affect the status of any 115248  
bank organized, or any banking office established or authorized, 115249  
before ~~January 1, 1997~~ the effective date of this amendment. 115250

(D) Chapters 1101. to 1127. of the Revised Code do not apply 115251  
to persons in their fiduciary capacities, as follows: 115252

(1) Any person who, on ~~January 1, 1997~~ the effective date of 115253  
this amendment, is serving as a fiduciary under a trust 115254  
instrument, will, or other document executed before ~~January 1,~~ 115255  
~~1997~~ the effective date of this amendment; 115256

(2) Any person who is named or nominated as a potential, 115257  
prospective, or successor fiduciary in a trust instrument, will, 115258



or other document executed before January 1, 1997 the effective 115259  
date of this amendment. 115260

(E) Both of the following apply to every savings bank and 115261  
savings and loan association that is organized under the laws of 115262  
this state and is in existence as of the effective date of this 115263  
amendment: 115264

(1) The powers, privileges, duties, and restrictions 115265  
conferred and imposed in the charter or act of incorporation of 115266  
such an institution are hereby abridged, enlarged, or otherwise 115267  
modified so that each charter or act of incorporation conforms to 115268  
the provisions of this title. 115269

(2) Notwithstanding any contrary provision in its charter or 115270  
act of incorporation, every such institution possesses the powers, 115271  
rights, and privileges and is subject to the duties, restrictions, 115272  
and liabilities conferred and imposed by this title. 115273

(F) Any state bank that wishes to become or remain an 115274  
affiliate of a savings and loan holding company may do so by 115275  
complying with section 1109.021 of the Revised Code. 115276

**Sec. 1101.05.** Except as otherwise expressly provided, the 115277  
provisions of Chapters 1101. to 1127. of the Revised Code and any 115278  
rules adopted under those chapters: 115279

(A) Are enforceable only by the superintendent of financial 115280  
institutions, the superintendent's designee, the federal deposit 115281  
insurance corporation, the federal reserve, or, with respect to 115282  
Chapter 1127. of the Revised Code, a prosecuting attorney; and 115283

(B) Do not create or provide a private right of action or 115284  
defense for or on behalf of any party other than the 115285  
superintendent or the superintendent's designee. 115286

**Sec. 1101.15.** (A)(1) Except as provided in division (A)(2) of 115287

this section, no person other than a bank doing business under 115288  
authority granted by the superintendent of financial institutions, 115289  
the bank chartering authority of another state, the office of the 115290  
comptroller of the currency, or the bank chartering authority of a 115291  
foreign country shall do either of the following: 115292

(a) Use "bank," "banker," ~~or~~ "banking," "savings 115293  
association," "savings and loan," "building and loan," or "savings 115294  
bank," or a word or combination of words of similar meaning in any 115295  
other language, in a designation or name, or as any part of a 115296  
designation or name, under which business is or may be conducted 115297  
in this state; 115298

(b) Represent itself as a bank. 115299

~~(2)(a) A corporation doing business under Chapter 1151. of 115300  
the Revised Code may use the word "bank," "banker," or "banking," 115301  
or a word or words of similar meaning in any other language, in or 115302  
as part of a designation or name under which business is or may be 115303  
conducted in this state, as provided in section 1151.07 of the 115304  
Revised Code. 115305~~

~~(b) A corporation doing business under Chapter 1161. of the 115306  
Revised Code may use the word "bank," "banker," or "banking," or a 115307  
word or words of similar meaning in any other language, in or as 115308  
part of a designation or name under which business is or may be 115309  
conducted in this state, as provided in section 1161.09 of the 115310  
Revised Code. 115311~~

~~(c) A corporation doing business under authority granted by 115312  
the office of thrift supervision may use the word "bank," 115313  
"banker," or "banking," or a word or words of similar meaning in 115314  
any other language, in or as part of a designation or name under 115315  
which business is or may be conducted in this state. 115316~~

~~(d) A person, whether operating for profit or not, may use 115317  
the word words "bank," "banker," ~~or~~ "banking," "savings 115318~~

association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and, when acting in that fiduciary capacity, otherwise represent such person as a fiduciary.

(b) A person licensed by another state to serve as a fiduciary and exempt from licensure under Chapter 1111. of the Revised Code may serve as a fiduciary to the extent permitted by the exemption.

~~(c) A savings and loan association may serve as a trustee to the extent authorized by section 1151.191 of the Revised Code.~~

~~(d) A savings bank may serve as a trustee to the extent authorized by section 1161.24 of the Revised Code.~~

~~(e) A charitable trust, business trust, real estate~~

investment trust, personal trust, or other bona fide trust may use 115349  
the word "trust" or a word or words of similar meaning in any 115350  
other language, in a designation or name, or as part of a 115351  
designation or name, under which business is or may be conducted. 115352

~~(f)~~(d) A person, whether operating for profit or not, may use 115353  
"trust" or a word or words of similar meaning in any other 115354  
language, in a designation or name, or as part of a designation or 115355  
name, under which business is or may be conducted, if the 115356  
superintendent determines the name, on its face, is not likely to 115357  
mislead the public and authorizes the use of the name. 115358

(C) No bank or trust company shall use "state" as part of a 115359  
designation or name under which it transacts business in this 115360  
state, unless the bank or trust company is doing business under 115361  
authority granted by the superintendent or the bank chartering 115362  
authority of another state. 115363

**Sec. 1101.16.** (A) No person shall solicit, receive, or accept 115364  
~~deposits money or its equivalent for deposit as a business~~ in this 115365  
state, except a state bank, a domestic association as defined in 115366  
~~section 1151.01 of the Revised Code, a savings bank as defined in~~ 115367  
~~section 1161.01 of the Revised Code~~ an entity doing business as a 115368  
bank, savings bank, or savings association under authority granted 115369  
by the bank regulatory authority of the United States, another 115370  
state of the United States, or another country, or a credit union 115371  
as defined in section 1733.01 of the Revised Code that is 115372  
authorized to accept deposits in this state, ~~and except as~~ 115373  
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 115374  
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 115375

(B) ~~No bank or bank holding company incorporated under the~~ 115376  
~~laws of another state or having its principal place of business in~~ 115377  
~~another state shall solicit, receive, or accept deposits in this~~ 115378  
~~state unless it has established or acquired a banking office~~ 115379

~~pursuant to section 1117.01 of the Revised Code or a transaction 115380  
under section 1115.05 of the Revised Code, or transact any banking 115381  
business of any kind in this state other than lending money, trust 115382  
business in accordance with Chapter 1111. of the Revised Code, or 115383  
through or as an agent pursuant to section 1117.05 of the Revised 115384  
Code. 115385~~

~~(C) No bank having its principal place of business in a 115386  
foreign country shall solicit, receive, or accept deposits or 115387  
transact any banking business of any kind in this state, except in 115388  
accordance with Chapter 1115. or 1119. of the Revised Code. 115389~~

~~(D) Nothing in this section prohibits a person from making a 115390  
deposit in that person's own account with a depository institution 115391  
outside this state by means of an automated teller machine or 115392  
other money transmission device in this state. However, no 115393  
depository institution outside this state shall establish a 115394  
deposit account with or for a person in this state by means of an 115395  
automated teller machine or other money transmission device in 115396  
this state. 115397~~

**Sec. 1103.02.** When the articles of incorporation and the 115398  
superintendent of financial institutions' certificate of approval 115399  
are filed with the secretary of state, the persons who have 115400  
subscribed them or their successors and assigns shall become a 115401  
body corporate by the name designated in the articles of 115402  
incorporation, with succession. The legal existence of the state 115403  
bank begins upon the filing of the articles of incorporation and, 115404  
unless the articles of incorporation otherwise provide, its period 115405  
of existence is perpetual. 115406

**Sec. 1103.03.** Except where the law of this state, the 115407  
articles of incorporation, or the code of regulations require 115408  
action to be authorized or taken by shareholders, all of the 115409

authority of a state bank shall be exercised by or under the 115410  
direction of the board of directors in accordance with Chapter 115411  
1105. of the Revised Code. 115412

**Sec. 1103.07.** (A) The name of a state bank: 115413

(1) Shall include "~~bank,~~" either of the following: 115414

(a) "Bank," "banking," "company," or "co.;" 115415

(b) "Savings," "loan," "savings and loan," "building and  
loan," or "thrift." 115416  
115417

(2) May include the word "state," "federal," "association," 115418  
or, if approved by the superintendent of financial institutions, 115419  
another term; 115420

(3) Shall not, as determined by the superintendent ~~of~~ 115421  
~~financial institutions,~~ be likely to mislead the public as to the 115422  
bank's character or purpose; 115423

(4) Shall, as determined by the superintendent, be 115424  
distinguishable from all names already recorded by existing 115425  
financial institutions in this state or for which reservations 115426  
under this section are in effect, unless the existing financial 115427  
institution that earliest recorded a name from which the proposed 115428  
name is not distinguishable, or the person that reserved a name 115429  
from which the proposed name is not distinguishable, has filed its 115430  
written consent with the superintendent and with the secretary of 115431  
state pursuant to division (C) of section 1701.05 of the Revised 115432  
Code. 115433

(B) To reserve a name for a state bank to be organized under 115434  
Chapter 1113. or 1114. of the Revised Code or for an existing 115435  
state bank, a person shall submit to the superintendent a written 115436  
application for the exclusive right to use a specified name. If 115437  
the superintendent finds that the specified name satisfies the 115438  
requirements for a state bank name and is available for use in 115439

accordance with this section, the superintendent shall endorse 115440  
approval on the application and forward the reservation to the 115441  
secretary of state for filing. 115442

(C)(1) Reservation of a name pursuant to division (B) of this 115443  
section gives the applicant the exclusive right to use the name as 115444  
follows: 115445

(a) If the reservation application is submitted to the 115446  
superintendent prior to submitting an application to incorporate a 115447  
new state bank or amended articles of incorporation or an 115448  
amendment to the articles of incorporation, for one hundred eighty 115449  
days after the date on which the secretary of state filed the 115450  
reservation endorsed by the superintendent, and for one year after 115451  
the date on which the secretary of state filed the reservation 115452  
endorsed by the superintendent if the superintendent extends the 115453  
reservation; 115454

(b) If an application to incorporate a new state bank or 115455  
amended articles of incorporation or an amendment to the articles 115456  
of incorporation for an existing state bank is submitted to the 115457  
superintendent concurrently with the reservation application or 115458  
during the time a previously filed reservation remains in effect, 115459  
from the date on which the secretary of state filed the 115460  
reservation endorsed by the superintendent until the 115461  
superintendent approves or disapproves the incorporation of the 115462  
new state bank or the amended articles of incorporation or 115463  
amendment to the articles of incorporation for an existing state 115464  
bank. 115465

(2) The superintendent shall, on behalf of a state bank or 115466  
other person that has reserved a name pursuant to this section, 115467  
endorse and forward to the secretary of state any additional name 115468  
reservations required to maintain the reservation of the name 115469  
under section 1701.05 of the Revised Code for as long as the name 115470  
reservation is in effect pursuant to division (C)(1) of this 115471

section. 115472

(D) For purposes of this section, a name is recorded if it is 115473  
either of the following: 115474

(1) The name of a ~~financial institution~~ bank, savings bank, 115475  
or savings association in its articles of incorporation or 115476  
articles of association on the records of the secretary of state, 115477  
superintendent of financial institutions, office of the 115478  
comptroller of the currency, ~~office of thrift supervision,~~ or any 115479  
of their successors; 115480

(2) Registered as, or as part of, a trade name or service 115481  
mark with the secretary of state. 115482

(E)(1) Absent the express written permission of the state 115483  
bank, no person shall use the name of a state bank in an 115484  
advertisement, solicitation, promotional, or other material in a 115485  
way that may mislead another person, or cause another person to be 115486  
misled, into believing that the person issuing the advertisement, 115487  
solicitation, promotional, or other material is associated or 115488  
affiliated with the state bank. 115489

(2) A state bank injured by a violation of division (E)(1) of 115490  
this section may bring an action in law or equity for recovery of 115491  
damages, a temporary restraining order, an injunction, or any 115492  
other available remedy. 115493

**Sec. 1103.18.** (A) Instead of a treasurer, as required by 115494  
section 1701.64 of the Revised Code, a state bank may have a 115495  
cashier, controller, comptroller, or other officer whose authority 115496  
and duties the superintendent of financial institutions determines 115497  
are essentially equivalent to those of a treasurer. 115498

(B) For any state bank that has a cashier, controller, 115499  
comptroller, or other officer instead of a treasurer, as 115500  
authorized by division (A) of this section, the cashier, 115501



controller, comptroller, or other officer may execute, 115502  
acknowledge, or verify any instrument or take any other action 115503  
that by law a treasurer of the state bank would be authorized to 115504  
execute, acknowledge, verify, or take. 115505

**Sec. 1103.19.** When the signatures of two ~~officers~~ authorized 115506  
representatives of a state bank are required, as for a certificate 115507  
for an amendment of the state bank's articles of incorporation or 115508  
amended articles of incorporation pursuant to section ~~1103.08~~ or 115509  
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 115510  
certification of a conversion pursuant to section 1115.01 of the 115511  
Revised Code, a consolidation or merger pursuant to section 115512  
1115.11 of the Revised Code, or a transfer of assets and 115513  
liabilities pursuant to section 1115.14 of the Revised Code, one 115514  
of the ~~officers~~ authorized representatives signing shall be the 115515  
chairperson of the board of directors, the president, or a 115516  
vice-president, as determined by the board of directors. The other 115517  
~~officer~~ authorized representative signing shall be the secretary 115518  
or an assistant secretary, as determined by the board of 115519  
directors. 115520

**Sec. 1103.20.** (A) When any provision in Chapters 1101. to 115521  
1127. or Chapter 1701. of the Revised Code requires a document 115522  
regarding an existing, previously existing, or proposed state bank 115523  
to be filed with the secretary of state, all of the following 115524  
apply: 115525

(1) The person responsible for producing the document shall 115526  
deliver the document, properly completed, to the superintendent of 115527  
financial institutions, along with payment for any fee required 115528  
for filing the document with the secretary of state. 115529

(2) The superintendent shall file the document, and any 115530  
required approval by the superintendent, with the secretary of 115531

state. 115532

(3) The secretary of state shall send a certified copy of the 115533  
document to both the superintendent and the state bank or other 115534  
person on whose behalf the superintendent filed the document. 115535

(B) If the person responsible for producing the document to 115536  
be filed fails to comply with division (A)(1) of this section, the 115537  
action or transaction to which the document relates is not 115538  
authorized or effective. 115539

**Sec. 1103.99.** Whoever violates division (E)(1) of section 115540  
1103.07 of the Revised Code shall be subject to a civil penalty of 115541  
up to ten thousand dollars for each day the violation is 115542  
committed, repeated, or continued. 115543

**Sec. 1105.01.** (A) Except where the Revised Code, the articles 115544  
of incorporation, or the code of regulations require action to be 115545  
authorized or taken by shareholders or members, all of the 115546  
authority of a state bank shall be exercised by or under the 115547  
direction of the bank's board of directors. The board of directors 115548  
shall consist of not less than five directors. 115549

(B) Unless the articles of incorporation or the code of 115550  
regulations provide for a different term, which may not exceed 115551  
three years from the date of the director's election and until the 115552  
director's successor is elected and qualified, each director shall 115553  
hold office until the next annual meeting of the shareholders or 115554  
members and until the director's successor is elected and 115555  
qualified, or until the director's earlier resignation, removal 115556  
from office, or death. 115557

(C) The articles of incorporation or the code of regulations 115558  
may provide for the classification of directors into either two or 115559  
three classes consisting of not less than ~~three~~ two directors 115560  
each. The terms of office of the several classes need not be 115561

uniform, except that no term shall exceed the maximum time 115562  
specified in division (B) of this section. 115563

**Sec. 1105.02.** (A)(1) Of the directors on the board of 115564  
directors of a state bank: 115565

(a) A majority of the directors shall be outside directors. 115566  
However, in the case of a stock state bank, if eighty per cent or 115567  
more of any class of the bank's voting shares are owned by a 115568  
company, a majority of the directors may be officers or directors 115569  
of one or more affiliates of the bank. 115570

~~(b) A majority of the directors shall be residents of this 115571  
state or live within one hundred miles of this state~~ For purposes 115572  
of this section, anyone who is not an employee of the state bank 115573  
or the bank holding company shall be considered an outside 115574  
director. 115575

(2)(a) If during a term of office a director causes the total 115576  
membership of the board to be ~~in violation of~~ out of compliance 115577  
with division (A)(1)(a) ~~or (b)~~ of this section, the director 115578  
forfeits the directorship, and the director's office is then 115579  
vacant. 115580

~~(b) If the membership of a board of directors of a bank on 115581  
July 14, 1987, is composed in violation of division (A)(1)(a) or~~ 115582  
~~(b) of this section, the directors who are holding office on that~~ 115583  
~~date may continue to hold office, and may be reelected or~~ 115584  
~~reappointed if there is no interruption in their respective~~ 115585  
~~service.~~ 115586

~~(c)~~ No new director, or former director who is elected or 115587  
appointed to the board after an interruption in service, shall be 115588  
elected or appointed ~~in violation of~~ if it causes the total 115589  
membership of the board to be out of compliance with division 115590  
(A)(1)(a) ~~or (b)~~ of this section. 115591

(B)(1) No person who has been convicted of, or has pleaded guilty to, a felony or any crime involving an act of fraud, dishonesty ~~or~~, breach of trust, theft, or money laundering shall ~~take office~~ serve as a director of a bank or a subsidiary or affiliate of a bank. The superintendent of financial institutions may waive this restriction if the crime the person was convicted of or pleaded guilty to was a misdemeanor or minor misdemeanor or the equivalent thereof.

(2) If during a term of office any director is convicted of, or pleads guilty to, a ~~felony~~ crime described under division (B)(1) of this section, the director forfeits the directorship, and the director's office is then vacant.

**Sec. 1105.03.** (A) To qualify as a director, each person elected or appointed to the board of directors shall, within sixty days after election or appointment, take and subscribe an oath to diligently and honestly perform the duties of a director and to not knowingly violate or permit to be violated any federal banking law or any provision of Chapters 1101. to 1127. of the Revised Code.

(B) Promptly upon execution, and within sixty days of the person's election or appointment, the oath shall be filed with the secretary of the state bank.

**Sec. 1105.04.** Each officer and employee of a state bank, prior to the discharge of the officer's or employee's duties, shall be covered by an individual, schedule, or blanket fidelity bond in favor of the bank, with terms and issuing insurer approved by the board of directors. The amount of the bond shall be set by the board of directors, and shall be reasonable given the size of the bank and nature of its business. The board of directors are not required to provide a bond covering their duties as directors.

Sec. 1105.08. (A)(1) A state bank's board of directors shall 115622  
meet monthly unless the bank's code of regulations provides for a 115623  
different frequency of meetings, which shall not be less than 115624  
quarterly. 115625

(2) Division (A)(1) of this section does not prohibit either 115626  
of the following: 115627

(a) A state bank's board of directors meeting more frequently 115628  
than required by division (A)(1) of this section or the bank's 115629  
code of regulations; 115630

(b) The superintendent of financial institutions requiring a 115631  
state bank's board of directors to meet more frequently than 115632  
required by division (A)(1) of this section or the bank's code of 115633  
regulations if the superintendent determines more frequent 115634  
meetings are appropriate because of circumstances regarding the 115635  
bank. 115636

(B) Unless prohibited by the articles of incorporation, the 115637  
code of regulations, or, in the case of a committee of the board 115638  
of directors, an order of the board of directors, meetings of the 115639  
board of directors or a committee of the board of directors may be 115640  
held ~~through~~ in any manner permitted by the laws of this state, 115641  
including by communications equipment, if all persons 115642  
participating can communicate with each of the others. 115643  
Participation in a meeting in accordance with this division 115644  
constitutes presence at the meeting. 115645

(C) Minutes shall be kept of all meetings of a state bank's 115646  
board of directors and of any committees of the board of 115647  
directors, and shall be recorded in a readable and reproducible 115648  
form and kept at the bank. The minutes shall show the action of 115649  
the board of directors or any committee of the board of directors 115650  
on loans, discounts, and investments made or authorized. The 115651  
minutes of all committees of the board of directors shall be 115652

submitted to the board of directors for review at each meeting of 115653  
the board of directors. 115654

**Sec. 1105.10.** (A) Once elected or appointed, a director may 115655  
be removed ~~by~~ as follows: 115656

(1) By the board of directors or the superintendent of 115657  
financial institutions if ~~either~~ any of the following applies: 115658

~~(1)~~(a) The director has filed for relief or is a debtor in a 115659  
case filed under Title XI of the United States Code; 115660

~~(2)~~(b) A court has determined the director is incompetent; 115661

(c) The director has been removed in accordance with federal 115662  
law. 115663

(2) By the board of directors for any of the grounds set 115664  
forth in the state bank's code of regulations or bylaws; 115665

(3) By a majority of the disinterested directors if they 115666  
determine the director has a conflict of interest. 115667

(B)(1)(a) Except as provided in division (B)(1)(b) of this 115668  
section, unless the articles of incorporation or the code of 115669  
regulations of the state bank expressly provide that removal of 115670  
members of the board of directors shall require a greater vote, 115671  
the shareholders or members may remove all the directors, all the 115672  
directors of a particular class, or any individual director from 115673  
office, without assigning any cause, by the vote of the holders of 115674  
a majority of the voting power entitling them to elect directors 115675  
in place of those to be removed. 115676

(b) If the shareholders or members have the right to vote 115677  
cumulatively in the election of directors of the bank, unless all 115678  
the directors or all the directors of a particular class are 115679  
removed, the vote of shareholders or members does not remove an 115680  
individual director if the votes cast against the director's 115681  
removal, if cumulatively voted at an election of all the directors 115682

or all the directors of a particular class, as the case may be, 115683  
would be sufficient to elect at least one director. 115684

(2) If one or more directors is removed pursuant to division 115685  
(B)(1) of this section, the shareholders or members may elect a 115686  
new director at the same meeting for the unexpired term of each 115687  
director removed. Failure of the shareholders or members to elect 115688  
a director to fill the unexpired term of any director removed is 115689  
deemed to create a vacancy in the board. 115690

(C) Unless the articles of incorporation or the code of 115691  
regulations otherwise provide, the remaining directors, though 115692  
less than a majority of the whole authorized number of directors, 115693  
may, by the vote of a majority of their number, fill any vacancy 115694  
in the board for the unexpired term. 115695

(1) A vacancy exists if the shareholders or members increase 115696  
the authorized number of directors but fail at the meeting at 115697  
which the increase is authorized, or an adjournment of the 115698  
meeting, to elect the additional directors provided for, or if the 115699  
shareholders or members fail at any time to elect the whole 115700  
authorized number of directors. 115701

(2) The office of a member of the board of directors becomes 115702  
vacant if the director dies ~~or~~, resigns, or is removed. A 115703  
resignation takes effect immediately unless the director specifies 115704  
another time. 115705

(D) If a vacancy created on the board of directors causes the 115706  
number of directors to be less than that fixed by the articles of 115707  
incorporation or code of regulations, the vacancy shall not be 115708  
required to be filled until such time as an appropriate candidate 115709  
is identified and duly appointed or elected. 115710

(E) Notwithstanding divisions (B) and (C) of this section, 115711  
the requirement for a quorum set forth in section 1701.62 of the 115712  
Revised Code applies to a state bank's board of directors. 115713

**Sec. 1105.11.** ~~Any~~ (A) A director, officer, employee, or other institution-affiliated party of a bank who knowingly violates or knowingly permits any of the officers, agents, or employees of the bank to violate any provision of Chapters 1101. to 1127. of the Revised Code shall not be liable personally and individually liable for all direct or indirect damages the bank, its shareholders or members, or any other person sustains in consequence of the a violation of or failure to comply with any provision of Chapters 1101. to 1127. of the Revised Code or the rules adopted under those chapters, including any civil money penalties, unless it can be shown that the director, officer, employee, or other institution-affiliated party knowingly violated or failed to comply with that provision of law or, with respect to a director's liability, that the director knowingly permitted any of the officers, employees, or other institution-affiliated parties to violate or fail to comply with any such provision.

(B) Nothing in this section shall be construed to deprive a director of the defenses set forth in section 1701.59 of the Revised Code.

**Sec. 1107.03.** No state bank shall operate without adequate capital as determined by the superintendent of financial institutions. In evaluating the adequacy of a state bank's capital, the superintendent may consider any of the following:

(A) The nature and volume of the bank's business;

(B) The amount, nature, quality, and liquidity of the bank's assets;

(C) The amount and nature of the bank's liabilities, including those that are not presently due or are contingent;

(D) The amount and nature of the bank's fixed costs;

(E) The history of and prospects for the bank to earn and



retain income; 115744

(F) The quality of the bank's operations, including risk 115745  
management; 115746

(G) The quality of the bank's management; 115747

(H) The nature and quality of the bank's ownership; 115748

(I) Any other factor the superintendent finds to be relevant 115749  
under the circumstances. 115750

**Sec. 1107.05.** (A) A state bank may issue debt securities at 115751  
the times, in the amounts, and subject to the terms approved in 115752  
writing by the superintendent of financial institutions. 115753

(B) ~~The~~ In the case of a stock state bank, the terms of debt 115754  
securities may include either of the following: 115755

(1) Options to subscribe to or purchase the bank's shares at 115756  
not less than par value; 115757

(2) The right to convert the debt securities to the bank's 115758  
shares, if the par value of the shares resulting from the 115759  
conversion does not exceed the value on the bank's books of the 115760  
debt securities being converted. 115761

(C) The terms of any option granted in connection with the 115762  
issuance of debt securities or any right to convert debt 115763  
securities to shares shall not permit or require the holders of 115764  
the debt securities to be held individually responsible for the 115765  
state bank's debts, contracts, or engagements, ~~or for assessments~~ 115766  
~~for restoration of the bank's paid-in capital,~~ on the basis of 115767  
their status as holders of the debt securities. 115768

**Sec. 1107.07.** ~~(A)~~ All stock state bank shares shall have par 115769  
value, whether they are common shares or preferred shares. 115770

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 115771

~~this section:~~ 115772

~~(a) Bank shares still held as treasury shares one year after being acquired are deemed retired and to be authorized and unissued shares.~~ 115773  
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~~(b) Authorized and unissued bank shares that are not issued or reissued and fully paid in one year after being authorized or otherwise becoming authorized and unissued shares are deemed canceled.~~ 115776  
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~~(2) Division (B)(1) of this section does not apply to bank shares authorized or acquired and held as treasury shares for purposes of meeting conversion rights or options, employee stock purchase or ownership plans, mergers, consolidations, other reorganizations, or acquisitions, purchases of real estate the board of directors considers necessary or convenient for transaction of the bank's business, or any other specific purpose, in accordance with division (D) of section 1103.08 or division (A)(1) of section 1103.09 of the Revised Code.~~ 115780  
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~~(C) Preferred shares retired by a bank shall be canceled and not reissued, whether or not provision for cancellation is made in the bank's articles of incorporation.~~ 115789  
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~~(D) Both common shares and preferred shares of a bank shall be assessable, on a pro rata basis, for restoration of the bank's paid in capital.~~ 115792  
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**Sec. 1107.09.** (A) A stock state bank may, with the approval of the bank's board of directors, the holders of a majority of the bank's voting shares, and the superintendent of financial institutions, adopt and carry out plans for the offering or sale of, the grant of, or the grant of options on, the bank's shares to any or all employees, officers, or directors of the bank or any of the bank's subsidiaries or affiliates, or to other parties, or to 115795  
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a trustee on their behalf. For purposes of this section, "other parties" means any person that has provided, or will provide, a service or a benefit to the bank, as determined by the board of directors.

(B) A plan may be adopted under this section for any unissued shares, treasury shares, or shares to be purchased or granted. A plan may provide for the payment or issuance of the shares at one time or in installments or for the establishment of special funds in which employees or other parties approved under division (A) of this section may participate.

(C) Shares otherwise subject to pre-emptive rights may be offered or sold under a plan only when released from pre-emptive rights. Shares authorized for the purpose of carrying out a plan adopted under this section shall, ~~in accordance with division (D) of section 1103.08 of the Revised Code,~~ be deemed released from pre-emptive rights.

**Sec. 1107.11.** (A) Unless otherwise provided in the articles of incorporation, the holders of any class of a stock state bank's shares, other than shares that are limited as to dividend rate and liquidation price, shall, upon the offering or sale for cash of shares of the same class, have the right, during a reasonable time and on reasonable terms fixed by the directors, to purchase the shares in proportion to their respective holdings of shares of that class, at not less than par value, unless the shares offered or sold are any of the following:

(1) Treasury shares;

(2) Released from pre-emptive rights by the affirmative vote or written consent of the holders of either of the following:

(a) Two-thirds of the shares entitled to the pre-emptive rights;

(b) A majority of the shares entitled to the pre-emptive rights, if for offering and sale or granting options to any or all employees of the bank or any of the bank's subsidiaries or to a trustee on their behalf, under a plan adopted under section 1107.09 of the Revised Code;

(3) Offered to shareholders in satisfaction of their pre-emptive rights and not purchased by the shareholders, and thereupon issued or agreed to be issued for a consideration not less than that at which the shares were offered to the shareholders, less reasonable expenses, compensation, or discount paid or allowed for the sale, underwriting, or purchase of the shares.

(B) An action arising from the offering or sale of shares under division (A) of this section shall be brought within two years after the date on which written notice or other communication of the transaction is mailed or otherwise given to the person entitled to bring the action. In no event shall any such action be brought later than four years after the cause of action accrued.

(C) Pre-emptive rights with respect to shares issued by a stock state bank chartered on or after the effective date of this amendment shall be governed by section 1701.15 of the Revised Code.

**Sec. 1107.13.** ~~(A) A~~ With the prior written approval of the superintendent of financial institutions, a stock state bank may purchase its own shares only in the following circumstances:

~~(1) To avoid the issuance of, or to eliminate, fractional shares;~~

~~(2) From a shareholder who, by reason of dissent, is entitled to be paid the fair cash value of the shares;~~

~~(3) With the approval of the superintendent of financial institutions, pursuant to authority in the bank's articles of incorporation to purchase its shares accordance with section 1701.35 of the Revised Code.~~

(B) A stock state bank that acquires shares of its stock shall retire or dispose of the shares at the time and in the manner required by the superintendent.

**Sec. 1107.15.** A stock state bank's board of directors may declare dividends and distributions on the bank's outstanding shares, subject to all of the following conditions:

(A) Except as otherwise provided in division (B) of this section, payment of a dividend or distribution may only be funded from undivided profits or, subject to the approval of the superintendent of financial institutions, from a special reserve created from proceeds from the sale of bank stock.

(B) A dividend or distribution may be funded, in whole or in part, from surplus with the approval of both of the following:

(1) The holders of at least two-thirds of the outstanding shares of each class of the bank's stock;

(2) The superintendent ~~of financial institutions.~~

(C) A dividend or distribution may be paid in treasury shares or in authorized but unissued shares, if the board makes the required transfers to surplus and paid-in capital.

(D) The approval of the superintendent is required for the declaration of dividends and distributions if the total of all dividends and distributions declared on the bank's shares in any year, and not paid in shares, exceeds the total of its net income for that year combined with its retained net income of the preceding two years.

(E) Prior to the declaration of any dividend or distribution

the bank has made all required allocations to reserves for losses 115892  
or contingencies. 115893

**Sec. 1109.01.** (A) A state bank may use, exercise, and enjoy 115894  
all of the powers, rights, and privileges of a corporation as set 115895  
forth in section 1701.13 of the Revised Code, unless otherwise 115896  
provided in its articles of incorporation and except as otherwise 115897  
expressly limited by Chapters 1101. to 1127. of the Revised Code. 115898  
The powers authorized under this division include the power to 115899  
receive any property of any description, or any interest in 115900  
property, by gift, devise, or bequest, and to make donations for 115901  
the public welfare or for charitable, scientific, or educational 115902  
purposes. 115903

(B) A state bank may perform all acts necessary to carry into 115904  
effect the powers authorized by Title XI of the Revised Code and 115905  
the purposes for which the bank was created. 115906

**Sec. 1109.02.** (A) In addition to exercising the powers and 115907  
performing the acts authorized under Chapters 1101. to 1127. of 115908  
the Revised Code, a state bank has and may exercise all powers and 115909  
perform all acts attendant to the business of banking as set forth 115910  
in those chapters. 115911

(B) A state bank has and may exercise all powers, perform all 115912  
acts, and provide all services that are otherwise a part of or 115913  
incidental to the business of banking. 115914

(C) In addition to what is otherwise authorized under 115915  
Chapters 1101. to 1127. of the Revised Code, a state bank has and 115916  
may exercise all powers, perform all acts, and provide all 115917  
services that are permitted for national banks and federal savings 115918  
associations, other than those dealing with interest rates, 115919  
regardless of the date the corresponding parity rule adopted by 115920  
the superintendent of financial institutions under section 1121.05 115921

of the Revised Code takes effect. If a state bank intends to take 115922  
any such action before the adoption of the corresponding parity 115923  
rule, the bank shall provide the superintendent with prior written 115924  
notice of the action and the basis for the action. The 115925  
superintendent, within ninety days after receipt of that notice, 115926  
may prohibit the bank from taking such action if the 115927  
superintendent determines it would be unsafe or unsound for the 115928  
bank. 115929

**Sec. 1109.021.** (A) As used in this section, "portfolio 115930  
assets" and "qualified thrift investments" have the same meanings 115931  
as in 12 U.S.C. 1467a, as amended. 115932

(B) A state bank may elect to operate as a savings and loan 115933  
association by filing a written notice of that election with the 115934  
superintendent of financial institutions. 115935

(C) Upon filing an election notice, a state bank shall be 115936  
considered a savings and loan association if both of the following 115937  
conditions are met: 115938

(1) Its qualified thrift investments equal or exceed 115939  
sixty-five per cent of its portfolio assets. 115940

(2) Its qualified thrift investments continue to equal or 115941  
exceed sixty-five per cent of its assets on a monthly average 115942  
basis in nine out of every twelve months. 115943

(D) A state bank may revoke its election notice at any time 115944  
by submitting a written notice thereof to the superintendent. 115945

**Sec. 1109.03.** (A) No bank shall transact business in this 115946  
state unless its deposit accounts are insured by the federal 115947  
deposit insurance corporation, except a bank that by the terms of 115948  
its articles of incorporation or articles of association is not 115949  
permitted to solicit or accept deposits other than trust funds. 115950  
Each bank whose deposit accounts are insured by the federal 115951

deposit insurance corporation shall maintain that insurance as a 115952  
condition of doing business in this state. 115953

(B) Each bank doing business in this state shall comply with 115954  
the reserve requirements of the "Federal Reserve Act of 1913," as 115955  
amended. 115956

(C) Any bank doing business in this state may become a member 115957  
of the federal reserve system as permitted under federal law and 115958  
do all things necessary to maintain that membership in accordance 115959  
with the "Federal Reserve Act of 1913," as amended. 115960

(D) Any bank doing business in this state may become a member 115961  
of a federal home loan bank and do all things necessary to 115962  
maintain that membership in accordance with the "Federal Home Loan 115963  
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 115964  
bank may purchase and hold stock in a federal home loan bank in 115965  
excess of the amount required for membership, if that purchase and 115966  
holding of stock is consistent with the financial condition of the 115967  
bank and prudent banking practice. 115968

**Sec. 1109.04.** (A) A bank may, in good faith, rely: 115969

(1) On any and all information, agreements, documents, and 115970  
signatures provided by its customers as being true, accurate, 115971  
complete, and authentic and representing what they purport to 115972  
represent; and 115973

(2) That the persons signing have full capacity and complete 115974  
authority to execute and deliver any and all such documents and 115975  
agreements and to act in such capacity as may be represented to 115976  
the bank. 115977

As used in this division, "good faith" has the same meaning 115978  
as in section 1301.201 of the Revised Code. 115979

(B) A bank may, with the customer's consent, provide 115980  
electronically any statement, notice, or report required to be 115981



provided customers under this chapter. A customer's consent may be 115982  
obtained electronically or in writing. 115983

(C) A bank customer may, with the bank's consent, provide 115984  
electronically any notice required to be provided to the bank 115985  
under this chapter. A bank's consent may be obtained 115986  
electronically or in writing. 115987

**Sec. 1109.05.** (A) A bank may receive money on deposit and may 115988  
establish the terms and conditions of each deposit contract. A 115989  
bank may receive demand deposits subject to withdrawal or to 115990  
payment upon the depositor's check, order, or other authorization. 115991

(B) At the time of opening a deposit account, a bank shall 115992  
provide the depositor a statement containing the existing terms 115993  
and conditions of the deposit contract. The statement may be set 115994  
forth on the depositor's signature card, which card may be 115995  
electronic or in writing. Before effecting any change in the terms 115996  
and conditions of a deposit contract, a bank shall ~~send written~~ 115997  
provide notice, in written or electronic form, of the change to 115998  
each depositor with whom the bank has a deposit contract of the 115999  
kind to be changed. Depositors and any other owners of interests 116000  
in deposit accounts shall be bound by all changes banks make in 116001  
their deposit contracts. 116002

(C) For each deposit account a bank shall, at minimum, do 116003  
either of the following: 116004

(1) Periodically ~~send~~ make available to each deposit customer 116005  
a ~~written~~ report, in written or electronic form, of the customer's 116006  
deposit account activity since the last report was provided, 116007  
unless the account is a certificate of deposit with no activity 116008  
except for compounding interest; 116009

(2) Issue a passbook on which deposits, interest, payments, 116010  
and withdrawals can be recorded. 116011

(D) A bank may secure deposits in the manner and to the extent provided or authorized by law or any lawful order of a court having custody of money and ordering money to be deposited.

(E)(1) A bank may serve as a depository for public funds of this state, other states of the United States, political subdivisions of this state and other states of the United States, the United States, agencies of the United States, foreign nations, political subdivisions of foreign nations, multinational organizations, and subdivisions of multinational organizations.

(2)(a) A bank may provide security for the public funds described in division (E)(1) of this section if that is a condition imposed by law for their deposit.

(b) Depositors of public funds that are collateralized by securities pledged by a bank in accordance with Chapter 135. of the Revised Code and any applicable federal law shall have and maintain a first and best lien and security interest in and to such securities, any substitute securities, and the proceeds of those securities, in favor of such depositors.

**Sec. 1109.08.** (A) A bank may provide safes, vaults, safe deposit boxes, night depositories, and other secure receptacles for the uses, purposes, and benefits of its customers, on the terms and conditions the bank prescribes.

(B) A bank may, on the terms and conditions the bank prescribes, receive tangible property and evidence of tangible or intangible property for safekeeping using any of the following:

(1) The bank's safes, vaults, and other secure receptacles;

(2) The safes, vaults, and other secure receptacles of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent of financial institutions;

(3) The bank's own safekeeping system or the safekeeping system of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent;

(4) A recognized title or registration system, on the terms and conditions the bank prescribes.

(C) Unless agreed to in writing by the bank, nothing in this section creates a bailment between a customer and the bank.

**Sec. 1109.10.** If any claim not clearly consistent with the terms of any applicable authority on file with a bank is made to any deposit, safe deposit box, property held in safekeeping, security, obligation, or other property in the bank's possession or control, in whole or in part, by any person, including any depositor, individual, or group of individuals, whether or not authorized to draw on or exercise any right or control with respect to the property, the bank is not required to recognize the claim without one of the following:

(A) A court order, issued by a court of competent jurisdiction and served on the bank, enjoining or restraining the bank from taking any action with respect to the property or instructing the bank to pay some or all of the balance of the account, provide access to the safe deposit box, or deliver the property as provided in the order;

(B) A bond in the form and amount and with sureties satisfactory to the bank, indemnifying the bank against any liabilities, loss, and expenses it might incur because of its recognition of the claim or because of its refusal, due to the claim, to honor or recognize any right with respect to the property.

**Sec. 1109.15.** (A)(1) Subject to the restrictions and limitations of the Revised Code, a state bank may do any of the

following: 116072

(a) Loan money, with or without security, and payable on 116073  
demand, at maturity, in installments, or by any combination of 116074  
these; 116075

(b) Issue, advise, and confirm letters of credit authorizing 116076  
the beneficiaries of the letters to draw upon the bank or its 116077  
correspondents; 116078

(c) Purchase open accounts, whether or not the accounts 116079  
represent an evidence of debt. 116080

(2) Subject to the margin requirements the superintendent of 116081  
financial institutions may prescribe by rule, a state bank may 116082  
make loans secured by stocks, bonds, or other securities. 116083

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 116084  
Revised Code and any rules the superintendent prescribes, a state 116085  
bank may purchase obligations of any kind with or without 116086  
recourse. 116087

(C) A state bank may acquire personal property for lease to 116088  
others, if the transaction, as a whole, has the character of an 116089  
extension of credit. 116090

(D)(1) Subject to division (D)(2) of this section, any other 116091  
restrictions and limitations of the Revised Code, and any 116092  
conditions, restrictions, or requirements established by the 116093  
superintendent, a state bank may enter into a debt suspension 116094  
agreement or debt cancellation contract with a borrower or 116095  
borrowers in connection with any loan or extension of credit. 116096

(2) A state bank shall not offer or finance, directly or 116097  
indirectly, a debt suspension agreement or debt cancellation 116098  
contract requiring a lump sum, single payment for the agreement or 116099  
contract payable at the outset of the agreement or contract, if 116100  
the debt subject to the agreement or contract is secured by one to 116101

four family, residential real property. 116102

(3) For purposes of division (D) of this section, "debt 116103  
cancellation contract" and "debt suspension agreement" have the 116104  
same meanings as in 12 C.F.R part 37, as amended. 116105

~~(E) Unless otherwise expressly agreed in writing, the 116106  
relationship between a bank and its obligor, with respect to any 116107  
extension of credit, is that of a creditor and debtor, and creates 116108  
no fiduciary or other relationship between the parties. 116109~~

Sec. 1109.151. Unless otherwise expressly agreed to in 116110  
writing by the bank, the relationship between a bank and its 116111  
obligor, or a bank and its customer, creates no fiduciary or other 116112  
relationship between the parties or any special duty on the part 116113  
of the bank to the customer or any other party. 116114

**Sec. 1109.16.** (A) The superintendent of financial 116115  
institutions shall adopt rules prescribing standards for 116116  
extensions of credit that are either of the following: 116117

(1) Secured by liens on interests in real estate; 116118

(2) Made for the purpose of financing the construction of 116119  
either a building or improvements to real estate. 116120

(B) In prescribing the standards required by division (A) of 116121  
this section, the superintendent shall consider all of the 116122  
following: 116123

(1) The risk the extensions of credit pose to the federal 116124  
deposit insurance funds; 116125

(2) The need for state banks to operate in a safe and sound 116126  
manner; 116127

(3) The availability of credit; 116128

(4) Any other factors the superintendent considers 116129

appropriate. 116130

(C) In prescribing the standards required by division (A) of 116131  
this section, the superintendent may differentiate among types of 116132  
loans on the basis of any of the following: 116133

(1) Statutory requirements; 116134

(2) Risk to the federal deposit insurance funds; 116135

(3) The safety and soundness of state banks. 116136

(D) The superintendent shall not adversely evaluate an 116137  
investment or a loan made by a state bank, or consider a loan to 116138  
be nonperforming, solely because the loan is secured by or the 116139  
investment is in commercial, residential, or industrial property, 116140  
unless the investment or loan may affect the bank's safety and 116141  
soundness. 116142

**Sec. 1109.17.** (A)(1) A state bank may accept drafts or bills 116143  
of exchange drawn on it and may purchase acceptances of drafts or 116144  
bills of exchange issued by other banks and participations in 116145  
acceptances of drafts or bills of exchange issued by other banks, 116146  
subject to the following limitations: 116147

(a) For acceptances of drafts or bills of exchange described 116148  
in division (B)(1) of this section, the limitations in division 116149  
(B)(2) of this section apply. 116150

(b) For acceptances of drafts or bills of exchange satisfying 116151  
the requirements of division (C)(1) of this section, the 116152  
limitations in division (C)(2) apply. 116153

(c) For all other acceptances of drafts or bills of exchange, 116154  
the limitations on loans and extensions of credit to a person in 116155  
section 1109.22 of the Revised Code apply to both of the 116156  
following: 116157

(i) A state bank's total outstanding obligations for any one 116158

person on acceptances of drafts or bills of exchange that the bank 116159  
has issued and on acceptances of drafts or bills of exchange and 116160  
participations in acceptances of drafts or bills of exchange 116161  
issued by other banks and that the bank has purchased; 116162

(ii) A state bank's total outstanding obligations on 116163  
acceptances of drafts or bills of exchange issued by any one other 116164  
bank. 116165

(2) For purposes of applying the limitations imposed by 116166  
division (A)(1) of this section, a state bank's obligation on an 116167  
acceptance of a draft or bill of exchange does not include the 116168  
portion of an acceptance of a draft or bill of exchange issued by 116169  
the bank that is covered by a participation agreement sold to 116170  
another. 116171

(B)(1) Subject to the limitations in division (B)(2) of this 116172  
section, a state bank may accept drafts or bills of exchange drawn 116173  
upon it having not more than six months' sight to run, exclusive 116174  
of days of grace, that are any of the following: 116175

(a) From transactions involving the importation or 116176  
exportation of goods; 116177

(b) From transactions involving the domestic shipment of 116178  
goods; 116179

(c) Secured at the time of acceptance by a warehouse receipt 116180  
or other documentation conveying or securing title covering 116181  
readily marketable staples. 116182

(2)(a) Except as provided in division (B)(2)(b) of this 116183  
section, no state bank shall accept drafts or bills of exchange, 116184  
or be obligated for a participation share for drafts or bills of 116185  
exchange under division (B)(1) of this section, in an amount equal 116186  
at any time in the aggregate to more than one hundred fifty per 116187  
cent of the bank's capital. 116188

(b) The superintendent of financial institutions, under 116189  
conditions the superintendent may prescribe, may authorize a state 116190  
bank to accept or be obligated for a participation share in drafts 116191  
or bills of exchange under division (B)(1) of this section, in an 116192  
amount not exceeding at any time in the aggregate two hundred per 116193  
cent of the bank's capital. 116194

(3) Notwithstanding division (B)(2) of this section, a state 116195  
bank's aggregate acceptances of drafts or bills of exchange, 116196  
including obligations for a participation share in drafts or bills 116197  
of exchange, under division (B)(1) of this section, that arise 116198  
from domestic transactions shall not exceed fifty per cent of the 116199  
aggregate of all acceptances of drafts or bills of exchange, 116200  
including obligations for a participation share in drafts or bills 116201  
of exchange, the bank is permitted under division (B) of this 116202  
section. 116203

(4) No state bank shall accept drafts or bills of exchange or 116204  
be obligated for a participation share in drafts or bills of 116205  
exchange under division (B)(1) of this section, whether from a 116206  
foreign or domestic transaction, for any one person, partnership, 116207  
corporation, association, or other entity in an amount equal at 116208  
any time in the aggregate to more than ten per cent of the bank's 116209  
capital, unless the bank is secured either by attached documents 116210  
or by some other actual security arising from the same transaction 116211  
as the acceptance. 116212

(C)(1) Subject to the limitations set forth in division 116213  
(C)(2) of this section, a state bank may accept drafts or bills of 116214  
exchange drawn upon it having not more than three months' sight to 116215  
run, exclusive of days of grace, and drawn under conditions the 116216  
superintendent may prescribe, by banks or bankers in foreign 116217  
countries or dependencies or insular possessions of the United 116218  
States, for the purpose of furnishing dollar exchange as required 116219  
by the usages of trade in the respective countries, dependencies, 116220



or insular possessions. 116221

(2)(a) No state bank shall accept drafts or bills of exchange 116222  
under division (C)(1) of this section for any one bank in an 116223  
aggregate amount exceeding ten per cent of the accepting bank's 116224  
capital, unless the draft or bill of exchange is accompanied by 116225  
documents conveying or securing title or other adequate security. 116226

(b) No state bank shall accept drafts or bills of exchange 116227  
under division (C)(1) of this section in an aggregate amount 116228  
exceeding fifty per cent of the accepting bank's capital. 116229

**Sec. 1109.22.** (A) As used in this section: 116230

(1) "Derivative transaction" includes any transaction that is 116231  
a contract, agreement, swap, warrant, note, or option that is 116232  
based, in whole or in part, on the value of, any interest in, or 116233  
any quantitative measure or the occurrence of any event relating 116234  
to, one or more commodities, securities, currencies, interest or 116235  
other rates, indices, or other assets. 116236

(2) "Loans and extensions of credit" shall include all of the 116237  
following: 116238

(a) All direct or indirect advances of funds made on the 116239  
basis of any obligation of a person to repay the funds or 116240  
repayable from specific property pledged by or on behalf of the 116241  
person; 116242

(b) To the extent specified by the superintendent of 116243  
financial institutions, any liability of a bank to advance funds 116244  
to or on behalf of a person pursuant to a contractual commitment; 116245

(c) Any credit exposure to a person arising from a derivative 116246  
transaction between the person and a bank. 116247

(3) "Person" includes an individual; sole proprietorship; 116248  
partnership; joint venture; association; trust; estate; business 116249  
trust; corporation; government; agency, instrumentality, or 116250

political subdivision of a government; limited liability company; 116251  
or any similar entity or organization. 116252

(B) Except as provided in divisions (C), (D), (E), and (F) of 116253  
this section: 116254

(1) The total loans and extensions of credit by a state bank 116255  
to a person outstanding at any one time and not fully secured, as 116256  
determined in a manner consistent with division (B)(2) of this 116257  
section, by collateral having a market value at least equal to the 116258  
amount of the loans and extensions of credit to that person that 116259  
are outstanding shall not exceed fifteen per cent of the 116260  
unimpaired capital of the bank. 116261

(2) The total loans and extensions of credit by a state bank 116262  
to a person outstanding at one time and fully secured by readily 116263  
marketable collateral having a market value, as determined by 116264  
reliable and continuously available price quotations, at least 116265  
equal to the amount of the loans and extensions of credit to that 116266  
person that are outstanding shall not exceed ten per cent of the 116267  
unimpaired capital of the bank. 116268

(3) The limitation set forth in division (B)(2) of this 116269  
section is separate from and in addition to the limitation set 116270  
forth in division (B)(1) of this section. 116271

(4) Notwithstanding the limitations set forth in divisions 116272  
(B)(1) and (2) of this section, any state bank may grant one or 116273  
more loans in an aggregate amount of up to five hundred thousand 116274  
dollars to one person, subject to any applicable restrictions 116275  
under federal law. 116276

(C) No limitation based on capital applies to loans and 116277  
extensions of credit by a bank to a person that are any of the 116278  
following types: 116279

(1) Loans or extensions of credit arising from the discount 116280  
of commercial or business paper evidencing an obligation to the 116281

person negotiating it with recourse;	116282
(2) The purchase of bankers' acceptances of the kinds described in division (B) or (C) of section 1109.17 of the Revised Code and issued by other banks;	116283 116284 116285
(3) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, treasury bills of the United States, or other obligations fully guaranteed as to principal and interest by the United States;	116286 116287 116288 116289
(4) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned, directly or indirectly, by the United States;	116290 116291 116292 116293 116294
(5) Loans or extensions of credit secured by a segregated deposit account in the lending bank;	116295 116296
(6) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of financial institutions, or other agent in charge of the business and property of a financial institution, when the loans or extensions of credit are approved by the superintendent of financial institutions of this state;	116297 116298 116299 116300 116301 116302
(7) Loans or extensions of credit to the student loan marketing association.	116303 116304
(D) A <u>state</u> bank may make loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples subject to the general limitations of division (B) of this section, and may make additional loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples, if all of the following apply:	116305 116306 116307 116308 116309 116310 116311 116312

(1) The market value of the staples securing each additional 116313  
loan or extension of credit at all times equals or exceeds one 116314  
hundred fifteen per cent of the outstanding amount of the loan or 116315  
extension of credit. 116316

(2) The staples are fully covered by insurance whenever it is 116317  
customary to insure staples of that kind. 116318

(3) The total amount of the bank's additional loans and 116319  
extensions of credit outstanding to one person at any time does 116320  
not exceed thirty-five per cent of the bank's capital. 116321

(E) Subject to divisions (E)(1) and (2) of this section, a 116322  
state bank may make loans and extensions of credit arising from 116323  
the discount of negotiable or nonnegotiable installment consumer 116324  
paper. 116325

(1) If the paper carries a full recourse endorsement or 116326  
unconditional guarantee by the person transferring the paper, the 116327  
total amount of the installment consumer paper transferred by one 116328  
person a state bank may hold at one time shall not exceed 116329  
twenty-five per cent of the bank's capital, and the collateral 116330  
requirements of division (B)(2) of this section do not apply. 116331

(2) The limitations set forth in division (B) of this section 116332  
apply only to the loans and extensions of credit of each maker of 116333  
negotiable or nonnegotiable installment consumer paper, and not to 116334  
obligations arising from any full or partial recourse endorsement 116335  
or guarantee by the transferor discounting the consumer paper to 116336  
the state bank, if both of the following apply: 116337

(a) The state bank's files are, or the knowledge of its 116338  
officers of the financial condition of each maker of the consumer 116339  
paper is, reasonably adequate. 116340

(b) An officer of the state bank designated for that purpose 116341  
by the bank's board of directors certifies in writing that the 116342  
bank is relying primarily upon the responsibility of each maker 116343

for payment of the loans or extensions of credit and not upon any 116344  
full or partial recourse endorsement or guarantee by the 116345  
transferor. 116346

(F) Without regard to the collateral requirements of division 116347  
(B) of this section, a state bank may have loans and extensions of 116348  
credit to one person outstanding at one time not exceeding 116349  
twenty-five per cent of the bank's capital of the following types: 116350

(1) Loans and extensions of credit secured by shipping 116351  
documents or instruments transferring or securing title covering 116352  
livestock or giving a lien on livestock, when the market value of 116353  
the livestock securing the obligation is not at any time less than 116354  
one hundred fifteen per cent of the face amount of the note 116355  
covered; 116356

(2) Loans and extensions of credit that arise from the 116357  
discount by dealers in dairy cattle of paper given in payment for 116358  
dairy cattle, if the paper carries a full recourse endorsement or 116359  
unconditional guarantee of the seller, and the loans and 116360  
extensions of credit are secured by the cattle being sold. 116361

(G)(1) The superintendent may adopt rules to administer and 116362  
carry out the purposes of this section, including, but not limited 116363  
to, the following: 116364

(a) Rules defining or further defining terms used in this 116365  
section, including expanding or limiting the definition of 116366  
"person" defined in division (A) of this section; 116367

(b) Rules establishing limits or requirements other than 116368  
those specified in this section for particular classes or 116369  
categories of loans or extensions of credit; 116370

(c) Rules relating to credit exposure arising from derivative 116371  
transactions. 116372

(2) The superintendent may determine when a loan putatively 116373

made to a person is, for purposes of this section, to be 116374  
attributed to another person. 116375

**Sec. 1109.23.** (A) No state bank may extend credit to any of 116376  
its executive officers, directors, or principal shareholders, or 116377  
to any of their related interests, except as authorized by this 116378  
section and, with respect to executive officers, as authorized by 116379  
section 1109.24 of the Revised Code. 116380

(B)(1) A state bank may extend credit to any of its executive 116381  
officers, directors, or principal shareholders, or to any of their 116382  
related interests, only if all of the following apply to the 116383  
extension of credit: 116384

(a) The extension of credit is made on substantially the same 116385  
terms, including interest rates and collateral, as those terms 116386  
prevailing at the time for comparable transactions by the bank 116387  
with persons who are not executive officers, directors, principal 116388  
shareholders, or employees of the bank. 116389

(b) The extension of credit does not involve more than the 116390  
normal risk of repayment or present other unfavorable features. 116391

(c) The bank follows credit underwriting procedures that are 116392  
not less stringent than those applicable to comparable 116393  
transactions by the bank with persons who are not executive 116394  
officers, directors, principal shareholders, or employees of the 116395  
bank. 116396

(2) Nothing in division (B)(1) of this section shall be 116397  
construed to prohibit any extension of credit made pursuant to a 116398  
benefit or compensation program that meets both of the following 116399  
conditions: 116400

(a) The program is ~~widely~~ available to all employees of the 116401  
bank; 116402

(b) The program does not give preference to any officer, 116403

director, or principal shareholder of the bank, or to any related 116404  
interest of an officer, director, or principal shareholder, over 116405  
other employees of the bank. 116406

(C) A state bank may extend credit to any of its executive 116407  
officers, directors, or principal shareholders, or to any of their 116408  
related interests, in an amount that, when aggregated with the 116409  
amount of all outstanding extensions of credit by the bank to the 116410  
executive officer, director, or principal shareholder and that 116411  
person's related interests, would exceed an amount prescribed by 116412  
the superintendent of financial institutions, only if both of the 116413  
following conditions are met: 116414

(1) The extension of credit has been approved in advance by a 116415  
majority vote of the bank's entire board of directors. 116416

(2) The executive officer, director, or principal 116417  
shareholder, who or whose related interest would be obligated on 116418  
the extension of credit, has abstained from participating, 116419  
directly or indirectly, in the deliberations or voting on the 116420  
extension of credit. 116421

(D) A state bank may extend credit to any of its executive 116422  
officers, directors, or principal shareholders, or to any of their 116423  
related interests, only if the extension of credit is in an amount 116424  
that, when aggregated with the amount of all outstanding 116425  
extensions of credit by the bank to the executive officer, 116426  
director, or principal shareholder and that person's related 116427  
interests, would not exceed the limit on loans to a single 116428  
borrower established by section 1109.22 of the Revised Code. 116429

(E)(1) A state bank may extend credit to any of its executive 116430  
officers, directors, or principal shareholders, or to any of their 116431  
related interests, if the extension of credit is in an amount 116432  
that, when aggregated with the amount of all outstanding 116433  
extensions of credit by the bank to all of its executive officers, 116434

directors, principal shareholders, and their related interests, 116435  
would not exceed the bank's unimpaired capital. 116436

(2) The superintendent may prescribe a limit that is more 116437  
stringent than the limit contained in division (E)(1) of this 116438  
section. 116439

(3) The superintendent may make exceptions to division (E)(1) 116440  
of this section for state banks with less than one hundred million 116441  
dollars in deposits, if the superintendent determines that the 116442  
exceptions are important to avoid constricting the availability of 116443  
credit in small communities or to attract directors to those 116444  
banks. In no case may the aggregate amount of all outstanding 116445  
extensions of credit by a state bank to all of its executive 116446  
officers, directors, principal shareholders, and their related 116447  
interests, be more than two times the bank's unimpaired capital. 116448

(F)(1) If any executive officer or director of a state bank 116449  
has an account at the bank, the bank may not pay from that account 116450  
an amount exceeding the funds on deposit in the account. 116451

(2) Division (F)(1) does not prohibit the bank from paying 116452  
funds in accordance with either of the following: 116453

(a) A written, preauthorized, interest-bearing extension of 116454  
credit specifying a method of repayment; 116455

(b) A written preauthorized transfer of funds from another 116456  
account of the executive officer or director at that bank. 116457

(G) No executive officer, director, or principal shareholder 116458  
shall knowingly receive, or knowingly permit any of that person's 116459  
related interests to receive, from a state bank, directly or 116460  
indirectly, any extension of credit not authorized under this 116461  
section. 116462

(H)(1) Subject to division (H)(2) of this section, for 116463  
purposes of this section, any executive officer, director, or 116464



principal shareholder of any company of which the state bank is a 116465  
subsidiary, or of any other subsidiary of that company, is deemed 116466  
to be an executive officer, director, or principal shareholder, 116467  
respectively, of the bank. 116468

(2) The superintendent may make exceptions to the application 116469  
of division (H)(1) of this section for any person who is an 116470  
executive officer or director of a subsidiary of a company that 116471  
controls a state bank, if both of the following apply: 116472

(a) The person does not have authority to participate, and 116473  
does not participate, in major policymaking functions of the bank. 116474

(b) The assets of the subsidiary do not exceed ten per cent 116475  
of the consolidated assets of the company that controls the bank, 116476  
and the subsidiary is not controlled by any other company. 116477

(I) For purposes of this section: 116478

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 116479  
bank. 116480

(2)(a) "Company" means any corporation, limited liability 116481  
company, partnership, business or other trust, association, joint 116482  
venture, pool syndicate, sole proprietorship, unincorporated 116483  
organization, or other business entity. 116484

(b) "Company" does not include either of the following: 116485

(i) A bank, savings bank, or savings association, the 116486  
deposits of which are insured by the federal deposit insurance 116487  
corporation; 116488

(ii) A corporation the majority of the shares of which are 116489  
owned by the United States or by any state of the United States. 116490

(3) "Control" of a company or state bank by a person means 116491  
the person, directly or indirectly, or acting through or in 116492  
concert with one or more persons, meets any of the following: 116493

(a) The person owns, controls, or has the power to vote 116494

twenty-five per cent or more of any class of the company's or, in 116495  
the case of a stock state bank, the bank's voting securities. 116496

(b) The person controls in any manner the election of a 116497  
majority of the company's or state bank's directors. 116498

(c) The person has the power to exercise a controlling 116499  
influence over the company's or state bank's management or 116500  
policies. 116501

(4) "Executive officer" means a person who participates or 116502  
has the authority to participate, other than as a director, in 116503  
major policymaking functions of a company or state bank. 116504

(5) To "extend credit" or to make an "extension of credit" 116505  
means to make or renew any loan, to grant a line of credit, or to 116506  
enter into any similar transaction as a result of which an 116507  
executive officer, director, or principal shareholder, or any of 116508  
that person's related interests, becomes obligated, directly, 116509  
indirectly, or by any means whatsoever, to pay money or its 116510  
equivalent to the state bank. 116511

(6) "Principal shareholder" means a person who, directly or 116512  
indirectly, or acting through or in concert with one or more 116513  
persons, owns, controls, or has the power to vote more than ten 116514  
per cent of any class of voting securities of a stock state bank 116515  
or company, other than a company of which the bank is a 116516  
subsidiary. 116517

(7) "Related interest" of a person means either of the 116518  
following: 116519

(a) Any company controlled by that person; 116520

(b) Any political committee or campaign committee that is 116521  
controlled by that person or the funds or services of which will 116522  
benefit that person. 116523

(8) "Subsidiary" means any company of which a state bank or 116524

company meets any of the following: 116525

(a) The bank or company owns twenty-five per cent or more of 116526  
the voting shares of the company. 116527

(b) The bank or company controls in any manner the election 116528  
of a majority of the directors of the company. 116529

(c) The bank or company has the power, directly or 116530  
indirectly, to exercise a controlling influence with respect to 116531  
the management or policies of the company. 116532

**Sec. 1109.24.** (A) Except as authorized by this section or 116533  
section 1109.23 of the Revised Code, no state bank may extend 116534  
credit in any manner to any of its own executive officers. No 116535  
executive officer of a state bank may become indebted to that bank 116536  
except by means of an extension of credit the bank is authorized 116537  
by this section to make. Any extension of credit made pursuant to 116538  
this section shall be promptly reported to the bank's board of 116539  
directors and may be made only if all of the following apply: 116540

(1) The state bank would be authorized to make the extension 116541  
of credit to other borrowers. 116542

(2) The extension of credit is on terms that are not more 116543  
favorable than those afforded to other non-executive borrowers. 116544

(3) The executive officer has submitted a detailed, current 116545  
financial statement. 116546

(4) The extension of credit is made on the condition that it 116547  
shall become due and payable on demand of the state bank at any 116548  
time when the executive officer is indebted to any other bank or 116549  
banks on account of extensions of credit of any one of the three 116550  
categories referred to in divisions (B), (C), and (D) of this 116551  
section in an aggregate amount greater than the amount of credit 116552  
of the same category the state bank being served as an executive 116553  
officer could extend to the executive officer. 116554

(B) With the specific prior approval of its board of directors, a state bank may make a loan to any of its executive officers if, at the time the loan is made, both of the following apply:

(1) The loan is secured by a first lien on a dwelling that is expected, after the loan is made, to be owned by the executive officer and used as the executive officer's residence.

(2) No other loan by the bank to the executive officer under the authority of this division is outstanding.

(C) A state bank may make extensions of credit to any executive officer of the bank to finance the education of the executive officer's children.

(D) A state bank may make extensions of credit not otherwise specifically authorized by this section to any of the bank's executive officers in an amount prescribed by the superintendent of financial institutions.

(E) Except to the extent permitted by division (D) of this section, a state bank may not extend credit to a partnership in which one or more of the bank's executive officers are partners having, individually or together, a majority interest. For purposes of division (D) of this section, the full amount of the credit extended shall be considered to have been extended to each executive officer of the bank who is a member of the partnership.

~~(F) Whenever an executive officer of a bank becomes indebted to any bank or banks, other than the bank served as an executive officer, on account of extensions of credit of any one of the categories referred to in divisions (B), (C), and (D) of this section in an aggregate amount greater than the aggregate amount of credit of the same category that could lawfully be extended to the executive officer by the bank served as an executive officer, the executive officer shall make a written report to the board of~~

~~directors of the bank stating all of the following:~~ 116586

~~(1) The date and amount of each extension of credit by any other bank or banks to the executive officer;~~ 116587  
116588

~~(2) The security for each extension of credit;~~ 116589

~~(3) The purposes for which the proceeds of the extensions of credit have been or are to be used.~~ 116590  
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~~(G)~~ This section does not prohibit any executive officer of a state bank from endorsing or guaranteeing any loan or other asset previously acquired by the bank in good faith, for the protection of the bank, or incurring any indebtedness to the bank for the purpose of either protecting the bank against loss or giving financial assistance to the bank. 116592  
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~~(H)~~(G) Each state bank shall include with, but not as part of, each report of condition made to the superintendent pursuant to section 1121.21 of the Revised Code, a report of all loans made under the authority of this section by the bank since the bank's previous report of condition. 116598  
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~~(I)~~(H) Each day any extension of credit in violation of this section exists is a continuation of the violation for purposes of section 1121.35 of the Revised Code. 116603  
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**Sec. 1109.25.** (A) No stock state bank shall lend money on the security of shares of its own stock or accept shares of its own stock in satisfaction of a debt, unless necessary to prevent loss on a debt previously contracted in good faith. 116606  
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(B) A stock state bank that accepts shares of its own stock as allowed by division (A) of this section shall retire or dispose of the shares at the time and in the manner required by the superintendent of financial institutions. 116610  
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(C) For purposes of this section, the superintendent may determine that stock of a person that controls a stock state bank, 116614  
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if the stock is not readily marketable, is the functional 116616  
equivalent of stock of the bank and, therefore, subject to 116617  
divisions (A) and (B) of this section. 116618

**Sec. 1109.26.** (A)(1) A state bank may own or hold for not 116619  
more than five years any real estate it acquires by foreclosure, 116620  
conveyance in lieu of foreclosure, or other legal proceedings 116621  
relating to loan security interests or otherwise in satisfaction 116622  
of a debt previously contracted. The superintendent of financial 116623  
institutions may, upon application by a state bank, grant the bank 116624  
the power to hold the real estate for a longer time. 116625

(2) The superintendent may, at any time, require a state bank 116626  
to obtain an independent qualified appraisal of real estate the 116627  
bank owns or holds in accordance with division (A)(1) of this 116628  
section. 116629

(3) Real estate sold on contract, but with title remaining in 116630  
the name of the state bank, shall not be considered real estate 116631  
held by the bank for the purpose of divisions (A)(1) and (2) of 116632  
this section. 116633

(B)(1) A state bank may own or hold for not more than five 116634  
years ~~stock~~ shares of companies either acquired in securing 116635  
satisfaction of a debt previously contracted in good faith or 116636  
taken on a refinancing plan involving an investment that was legal 116637  
at the time it was made. The superintendent may, upon application 116638  
by a state bank, grant the bank the power to hold the ~~stock~~ shares 116639  
for a longer time. 116640

(2) The superintendent may, at any time, require a state bank 116641  
to obtain an independent qualified appraisal of the ~~stock~~ shares 116642  
the bank owns or holds in accordance with ~~this~~ division (B) of 116643  
this section. 116644

(C) The limitations set forth in this section shall not apply 116645

to real estate or shares owned or held by a state bank affiliate, 116646  
except for a company that is a subsidiary of the state bank. 116647

**Sec. 1109.31.** (A) A state bank may purchase, acquire by 116648  
lease, or otherwise invest in the real estate and interests in 116649  
real estate the board of directors considers necessary or 116650  
convenient for transaction of the bank's business, including by 116651  
ownership of ~~stock of a wholly owned subsidiary corporation~~ an 116652  
entity having as its exclusive authority the ownership and 116653  
management of the bank's real estate interests. 116654

(B) A state bank may invest an amount equal to the greater of 116655  
the bank's capital or ten per cent of its total assets in any 116656  
other real estate. This limitation does not apply, however, to 116657  
real estate acquired by foreclosure, conveyance in lieu of 116658  
foreclosure, or other legal proceedings relating to loan security 116659  
interests or otherwise in satisfaction of a debt previously 116660  
contracted. 116661

**Sec. 1109.32.** (A) A state bank may invest in any of the 116662  
following: 116663

(1) Bonds, bills, notes, or other debt securities of the 116664  
United States or for which the full faith and credit of the ~~united~~ 116665  
~~states~~ United States is pledged for payment of principal and 116666  
interest; 116667

(2) Bonds, notes, or other debt securities issued by this 116668  
state, or any state of the United States, that are the direct 116669  
obligation of the issuer and for which the full faith and credit 116670  
of the issuer is pledged to provide payment of the principal and 116671  
interest; 116672

(3) Bonds, notes, or other debt securities of any county, 116673  
municipal corporation, township, school district, improvement 116674  
district, sewer district, or other subdivision of this state or 116675

any other state of the United States, that are the direct 116676  
obligation of the county or the subdivision issuing them and for 116677  
which the full faith and credit of the issuing county or 116678  
subdivision is pledged to provide payment of principal and 116679  
interest; 116680

(4) Bonds or other debt obligations issued or guaranteed by 116681  
agencies or instrumentalities of the United States, regardless of 116682  
the guarantee of payment of principal and interest by the United 116683  
States; 116684

(5) Subject to conditions and restrictions the superintendent 116685  
of financial institutions may prescribe, bonds, debentures, and 116686  
other debt securities issued by any country or multinational 116687  
organization that are the direct obligation of the issuing country 116688  
or multinational organization and for which the full faith and 116689  
credit of the issuing country or multinational organization is 116690  
pledged to provide payment of principal and interest; 116691

(6) Bankers' acceptances of the kinds described in divisions 116692  
(B) and (C) of section 1109.17 of the Revised Code; 116693

(7) Subject to conditions and restrictions the superintendent 116694  
may prescribe, bonds, debentures, and other debt securities and 116695  
obligations of any state or political subdivision of a state, a 116696  
public corporation, or governmental agency that are payable solely 116697  
out of anticipated revenues, commonly referred to as revenue 116698  
bonds; 116699

(8) As defined and restricted by the superintendent, 116700  
marketable obligations evidencing the indebtedness of any 116701  
corporation in the form of bonds, notes, debentures, or equipment 116702  
trust certificates, commonly referred to as investment securities. 116703

(B) In addition to any other provision of this chapter 116704  
authorizing state banks to invest in bonds, debentures, or other 116705  
debt securities, ~~the superintendent~~ a state bank may approve 116706



~~banks' investment~~ invest in bonds, debentures, and other debt 116707  
securities and obligations in which national banks, savings banks, 116708  
and savings associations insured by the federal deposit insurance 116709  
corporation are permitted to invest. 116710

**Sec. 1109.33.** A state bank may apply to the superintendent of 116711  
financial institutions for permission to invest, subject to the 116712  
conditions and requirements prescribed by the superintendent, an 116713  
amount, in the aggregate, not exceeding ten per cent of ~~the~~ a 116714  
stock state bank's paid-in capital and surplus or a mutual state 116715  
bank's retained earnings in the stock of banks or corporations 116716  
chartered or incorporated under the laws of the United States, 116717  
including section 25a of the "Federal Reserve Act of 1913," 12 116718  
U.S.C. 611, as amended, and principally engaged in international 116719  
or foreign banking, or in banking in a dependency or insular 116720  
possession of the United States, either directly or through the 116721  
agency, ownership, or control of local institutions in foreign 116722  
countries, dependencies, or insular possessions. 116723

**Sec. 1109.34.** (A) A state bank may invest in the securities 116724  
of a domestic insurance company organized under Chapter 3907. or 116725  
3925. of the Revised Code, regulated by the superintendent of 116726  
insurance under Title XXXIX of the Revised Code and engaged 116727  
exclusively in the business of reinsuring risks, to the extent 116728  
permitted by and subject to limitations and restrictions imposed 116729  
by the superintendent of financial institutions by rules adopted 116730  
in accordance with Chapter 119. of the Revised Code. 116731

(B)(1) The total amount any state bank may invest in the 116732  
common and preferred stock, obligations, and other securities of 116733  
domestic insurance companies pursuant to division (A) of this 116734  
section shall not exceed ten per cent of the bank's assets. 116735

(2) A state bank may file an application with the 116736

superintendent of financial institutions for permission to invest, 116737  
subject to the conditions and requirements prescribed by the 116738  
superintendent of financial institutions, an amount in excess of 116739  
ten per cent of the bank's capital in the common and preferred 116740  
stock, bonds, debentures, and other obligations of one domestic 116741  
insurance company pursuant to division (A) of this section. 116742

(C) A state bank making investments pursuant to division (A) 116743  
of this section shall report the investments annually on the first 116744  
day of March to the superintendent of financial institutions and 116745  
the superintendent of insurance. The report shall include, for 116746  
each reinsurer in which the bank has made an investment, 116747  
information as to the amount of reinsurance written in this state 116748  
by each line of insurance designated by the superintendent of 116749  
insurance. 116750

**Sec. 1109.35.** (A)(1) As used in ~~this~~ division (A) of this 116751  
section: 116752

(a) "Venture capital firm" means any corporation, 116753  
partnership, proprietorship, limited liability company, or other 116754  
entity, the principal business of which is or will be the making 116755  
of investments in small businesses. 116756

(b) "Small business" means any corporation, partnership, 116757  
proprietorship, limited liability company, or other entity that 116758  
either does not have more than four hundred employees, or would 116759  
qualify as a small business for the purpose of receiving financial 116760  
assistance from small business investment companies licensed under 116761  
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 116762  
U.S.C. 661, as amended, and rules of the small business 116763  
administration. 116764

~~(c) "Shares" means any equity interest, including a limited 116765  
partnership interest and other equity interest in which liability 116766  
is limited to the amount of the investment, but does not include a 116767~~

~~general partnership interest or other interests involving general liability.~~ 116768  
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(2) A stock state bank may invest, in the aggregate, five per cent of its paid-in capital and surplus, and a mutual state bank may invest, in the aggregate, five per cent of its retained earnings, in shares issued by the following: 116770  
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(a) Venture capital firms organized under the laws of the United States or of this state and having an office within this state, if, as a condition of a bank making an investment in a venture capital firm, the firm agrees to use its best efforts to make investments, in an aggregate amount at least equal to the investment to be made by the bank in that venture capital firm, in small businesses having their principal office within this state and having either more than one-half of their assets within this state or more than one-half of their employees employed within this state; 116774  
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(b) Small businesses having more than half of their assets or employees within this state. 116784  
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(B)(1) A state bank may invest in the following: 116786

(a) The stocks, bonds, debentures, notes, or other evidences of indebtedness of any of the following: 116787  
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(i) A community improvement corporation, organized under Chapters 1702. and 1724. of the Revised Code for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area; 116789  
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(ii) A development corporation, organized under Chapter 1726. of the Revised Code to promote agricultural, industrial, and business developments within the state; 116793  
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(iii) A community urban redevelopment corporation, organized under Chapter 1701. or 1702. of the Revised Code and qualified to 116796  
116797

operate under Chapter 1728. of the Revised Code to initiate and 116798  
conduct projects for the clearance, replanning, development, and 116799  
redevelopment of blighted areas within municipal corporations. 116800

(b) Other investments similar to the investments described in 116801  
division (B)(1)(a) of this section and acceptable to the 116802  
superintendent of financial institutions. 116803

(2) A state bank's investment in any one corporation or other 116804  
entity pursuant to division (B)(1) of this section shall not 116805  
exceed five per cent of the bank's capital, unless the 116806  
superintendent determines additional investment does not pose 116807  
significant risk to the bank. A state bank's investments pursuant 116808  
to division (B)(1) of this section shall not in the aggregate 116809  
exceed ten per cent of the bank's capital. 116810

**Sec. 1109.36.** To the extent permitted by and subject to any 116811  
limitations and restrictions the superintendent of financial 116812  
institutions may impose, a state bank may underwrite and deal in 116813  
investments in the form of bonds, notes, debentures, or other debt 116814  
securities that are any of the following: 116815

(A) The direct obligation of or guaranteed by the United 116816  
States; 116817

(B) The direct obligation of or guaranteed by any state of 116818  
the United States or any political subdivision of any state of the 116819  
United States; 116820

(C) Acceptable to the superintendent. 116821

**Sec. 1109.39.** In addition to the specific investments 116822  
authorized in this chapter, a state bank may also invest, in the 116823  
aggregate, no more than ten per cent of its assets in the common 116824  
or preferred stock, obligations, or other securities of any 116825  
corporations, as authorized by the bank's board of directors. 116826

**Sec. 1109.40.** (A) In addition to the other loan and 116827  
investment authority provided for banks in Chapter 1109. of the 116828  
Revised Code, but subject to all other provisions of the Revised 116829  
Code, a state bank may invest up to fifteen per cent of its total 116830  
assets in loans or investments authorized by the bank's board of 116831  
directors. 116832

(B) If a loan or other investment is authorized under more 116833  
than one section of Chapter 1109. of the Revised Code, a state 116834  
bank may designate under which section the loan or investment has 116835  
been or will be made. The loan or investment may be apportioned 116836  
among appropriate categories, and may be moved in whole or in part 116837  
from one category to another. 116838

**Sec. 1109.43.** (A) For purposes of this section: 116839

(1) "Bankers' bank" means a bank organized to engage 116840  
exclusively in providing services to other depository institutions 116841  
and depository institution holding companies and their officers, 116842  
directors, and employees. 116843

(2) "Bankers' bank holding company" means a corporation that 116844  
owns or controls, directly or indirectly, a majority of the shares 116845  
of the capital stock of a bankers' bank, or controls in any manner 116846  
the election of a majority of the directors of a bankers' bank. 116847

(3) "Depository institution" means a bank, savings ~~and loan~~ 116848  
association, savings bank, or credit union. 116849

(B) A state bank may invest, in the aggregate, up to ten per 116850  
cent of its capital in shares of a bankers' ~~bank~~ banks or a 116851  
bankers' bank holding ~~company, or both~~ companies. 116852

(C)(1) The voting shares of a bankers' bank shall be owned by 116853  
twenty or more depository institutions or depository institution 116854  
holding companies, and no depository institution or depository 116855  
institution holding company shall own, directly or indirectly, 116856

more than fifteen per cent of the voting shares of a bankers' bank. 116857  
116858

(2) The voting shares of a bankers' bank shall be owned, 116859  
directly or indirectly, exclusively by depository institutions, 116860  
depository institution holding companies, and persons who hold the 116861  
shares under, or initially acquired them through, a plan for the 116862  
benefit of the bankers' bank's officers and employees. 116863

~~(D) No bank or affiliate of a bank shall, directly, 116864  
indirectly, or acting through one or more other persons, own or 116865  
control or have the power to vote shares of any of the following: 116866~~

~~(1) More than one bankers' bank; 116867~~

~~(2) More than one bankers' bank holding company; 116868~~

~~(3) Both a bankers' bank and a bankers' bank holding company, 116869  
unless the bankers' bank is an affiliate of that bankers' bank 116870  
holding company. 116871~~

**Sec. 1109.44.** (A) A state bank may invest, in the aggregate, 116872  
twenty-five per cent of its assets in the stock, obligations, and 116873  
other securities of bank subsidiary corporations and bank service 116874  
corporations. 116875

(B) A state bank shall obtain the approval of the 116876  
superintendent of financial institutions prior to investing in, 116877  
acquiring, or establishing a bank subsidiary corporation or bank 116878  
service corporation, or performing any new activities in a bank 116879  
subsidiary corporation or bank service corporation. 116880

(C)(1) A bank subsidiary corporation that is a wholly owned 116881  
subsidiary of the state bank may engage in any activities, except 116882  
taking deposits, that are a part or an extension of the business 116883  
of banking. 116884

(2) A bank service corporation shall be owned solely by one 116885  
or more ~~depository institutions~~ banks, and may, at any location, 116886

do any of the following: 116887

(a) Provide clerical, bookkeeping, accounting, statistical, 116888  
or similar services; 116889

(b) Engage in any activities, except taking deposits, that 116890  
all of its owner ~~depository institutions~~ banks are authorized to 116891  
engage in; 116892

(c) Engage in any activity, except taking deposits, the board 116893  
of governors of the federal reserve system has determined to be 116894  
permissible for a ~~bank~~ financial holding company under section 116895  
4~~(e)(8)(k)(1)~~ of the "Bank Holding Company Act of 1956," as 116896  
amended, 70 Stat. 133, 12 U.S.C.A. 1843~~(e)(8)(k)(1)~~. 116897

(D) Bank subsidiary corporations and bank service 116898  
corporations are subject to examination and regulation by the 116899  
superintendent. 116900

(E) ~~Only if the company in which the investment is to be made~~ 116901  
~~qualifies as either a~~ A bank subsidiary corporation or a bank 116902  
service corporation ~~under this section~~ may a ~~bank~~ invest in 116903  
~~securities pursuant to section 1109.39 of the Revised Code or make~~ 116904  
~~investments pursuant to section 1109.40 of the Revised Code that~~ 116905  
~~result in any of the following:~~ 116906

~~(1) The bank, directly or indirectly, or acting through one~~ 116907  
~~or more other persons, owns, controls, or has the power to vote~~ 116908  
~~twenty five per cent or more of any class of voting securities of~~ 116909  
~~the company in which the investment is being made.~~ 116910

~~(2) The bank controls in any manner the election of a~~ 116911  
~~majority of the directors or trustees of the company in which the~~ 116912  
~~investment is being made.~~ 116913

~~(3) As determined by the superintendent after notice and~~ 116914  
~~opportunity for a hearing, the bank directly or indirectly~~ 116915  
~~exercises a controlling influence over the management or policies~~ 116916

of the company in which the investment is being made a lower-tier bank subsidiary corporation or bank service corporation, subject to the requirements of this section. 116917  
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Sec. 1109.441. Only for investments made under section 1109.44 of the Revised Code may a state bank invest in securities pursuant to section 1109.39 of the Revised Code or make investments pursuant to section 1109.40 of the Revised Code that result in any of the following: 116920  
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(A) The state bank, directly or indirectly, or acting through one or more other persons, owning, controlling, or having the power to vote twenty-five per cent or more of any class of voting securities of the company in which the investment is being made; 116925  
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(B) The state bank controlling in any manner the election of a majority of the directors or trustees of the company in which the investment is being made; 116929  
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(C) As determined by the superintendent of financial institutions after notice and opportunity for a hearing, the state bank directly or indirectly exercising a controlling influence over the management or policies of the company in which the investment is being made. 116932  
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Sec. 1109.45. A state bank may invest in the shares of a clearing corporation as defined by section 1308.01 of the Revised Code. 116937  
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Sec. 1109.47. (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 116940  
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(B) Division (A) of this section does not apply to any of the following: 116944  
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(1) Bonds or other obligations enumerated in divisions (A)(1)	116946
to (6) of section 1109.32 of the Revised Code;	116947
(2) Investment in a bank subsidiary corporation engaged	116948
solely in the business of holding title to real estate described	116949
in division (A) of section 1109.31 of the Revised Code;	116950
(3) Obligations or securities, <u>other than stock</u> , of the	116951
federal national mortgage association, the student loan marketing	116952
association, the government national mortgage association, or the	116953
federal home loan mortgage corporation, or their successors;	116954
(4) Common and preferred stock, obligations, and other	116955
securities of one domestic reinsurance company with the written	116956
permission of the superintendent of financial institutions as	116957
required by division (B) of section 1109.34 of the Revised Code;	116958
<u>(5) Shares, obligations, securities, or other interests of</u>	116959
<u>any other issuer with the written approval of the superintendent.</u>	116960
(C) For purposes of this section, no purchase by a <u>state</u> bank	116961
of stock in a federal reserve bank or federal home loan bank is an	116962
investment.	116963
(D) If a state or political subdivision of a state issues	116964
securities, acting solely as a conduit for the transmission of the	116965
proceeds of the sale of the securities to one or more private	116966
entities for economic development purposes and to be repaid solely	116967
by the private entity or entities that received the proceeds of	116968
the sale of the securities, then both of the following apply for	116969
purposes of determining the amount a <u>state</u> bank may invest in	116970
accordance with division (A) of this section:	116971
(1) The securities are obligations of the private entity or	116972
entities in proportion to their receipt of the proceeds.	116973
(2) The securities are not obligations of the issuing state	116974
or political subdivision.	116975

**Sec. 1109.48.** In exercising its investment authority, a state bank shall give equal consideration to investments that involve firms owned and controlled by minorities and firms owned and controlled by women, either alone or in joint venture with other firms, where the investments offer quality, return, and safety comparable to other investments currently available to the bank.

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**Sec. 1109.49.** A state bank investing in the securities of a bank or corporation pursuant to this chapter shall furnish information concerning the financial condition of the bank or corporation to the superintendent of financial institutions upon the superintendent's demand.

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**Sec. 1109.53.** For purposes of this section and sections 1109.54, 1109.55, and 1109.56 of the Revised Code:

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(A)(1) "Affiliate" means any of the following:

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(a) A company that controls the state bank and any other company controlled by the company that controls the state bank;

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(b) A bank subsidiary of the state bank;

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(c) A company that is controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the state bank or any company that controls the state bank;

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(d) A company in which a majority of the directors or trustees constitute a majority of the directors or trustees of the state bank or any company that controls the state bank;

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(e) A company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the state bank or a subsidiary of the state bank;

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(f) An investment company to which the state bank or one of its affiliates is an investment advisor as defined in section 2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-2(a)(20), as amended;

(g) A company the superintendent of financial institutions determines by rule or order to have a relationship with the state bank or one of its subsidiaries or affiliates such that covered transactions by the state bank or its subsidiary with that company may be affected by the relationship to the detriment of the state bank or its subsidiary.

(2) "Affiliate" does not include any of the following:

(a) A company, other than a bank, that is a subsidiary of a state bank, unless a determination is made under division (A)(1)(g) of this section not to exclude the subsidiary company from the definition of affiliate;

(b) A company engaged solely in holding the premises of the state bank;

(c) A company engaged solely in conducting a safe-deposit business;

(d) A company engaged solely in holding obligations of the United States or its agencies or instrumentalities or obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;

(e) A company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for a period of two years from the date the rights are exercised, subject to extensions granted by the superintendent of not more than one year at a time nor three years in the aggregate.

(B) "Aggregate covered transactions" means the amount of the covered transactions about to be engaged in added to the current

amount of all outstanding covered transactions. 117035

(C) "Company" means a corporation, limited liability company, 117036  
partnership, business, trust, association, or similar organization 117037  
and, unless specifically excluded by this section or section 117038  
1109.54, 1109.55, or 1109.56 of the Revised Code, a bank. 117039

(D)(1) "Covered transaction" means, with respect to an 117040  
affiliate of a state bank, any of the following: 117041

(a) A loan or extension of credit to the affiliate; 117042

(b) A purchase of or an investment in securities issued by 117043  
the affiliate; 117044

(c) A purchase of assets, including assets subject to an 117045  
agreement to repurchase, from the affiliate, except the purchase 117046  
of real or personal property as specifically exempted by the 117047  
superintendent by rule or order; 117048

(d) The acceptance of securities issued by the affiliate as 117049  
collateral security for a loan or extension of credit to any 117050  
person or company; 117051

(e) The issuance of a guarantee, acceptance, or letter of 117052  
credit, including an endorsement or standby letter of credit to 117053  
any person or company. 117054

(2) "Covered transaction" does not include any of the 117055  
following: 117056

(a) A transaction with another bank if either of the 117057  
following apply: 117058

(i) One of the banks controls eighty per cent or more of the 117059  
voting shares of the other bank. 117060

(ii) The same company controls eighty per cent or more of the 117061  
voting shares of both banks. 117062

(b) Making deposits in an affiliated bank or affiliated 117063

foreign bank in the ordinary course of correspondent business,	117064
subject to any restrictions the superintendent may prescribe by	117065
rule or order;	117066
(c) Giving immediate credit to an affiliate for uncollected	117067
items received in the ordinary course of business;	117068
(d) Making a loan or extension of credit to, or issuing a	117069
guarantee, acceptance, or letter of credit on behalf of, an	117070
affiliate that is fully secured by one of the following:	117071
(i) Obligations of the United States or its agencies or	117072
instrumentalities;	117073
(ii) Obligations fully guaranteed as to principal and	117074
interest by the United States or its agencies or	117075
instrumentalities;	117076
(iii) A segregated, earmarked deposit account with the <u>state</u>	117077
bank.	117078
(e) Purchasing securities issued by a company engaged solely	117079
in one or more of the following activities:	117080
(i) Holding or operating properties used or to be used wholly	117081
or substantially by any bank subsidiary of a company that controls	117082
the <u>state</u> bank in the operations of the bank subsidiary;	117083
(ii) Conducting a safe-deposit business;	117084
(iii) Furnishing services to or performing services for a	117085
company that controls the <u>state</u> bank or its subsidiaries;	117086
(iv) Liquidating assets acquired from a company that controls	117087
the <u>state</u> bank or its banking subsidiaries.	117088
(f) Purchasing assets having a readily identifiable and	117089
publicly available market quotation and purchased at that market	117090
quotation or purchasing loans on a nonrecourse basis from	117091
affiliated banks;	117092

(g) Purchasing from an affiliate a loan or extension of credit that was originated by the state bank and sold to the affiliate subject to a repurchase agreement or with recourse.

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(E) "Low quality asset" means an asset that is one or more of the following:

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(1) An asset classified as "substandard," "doubtful," or "loss," or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by any of the federal deposit insurance corporation, the federal reserve, the office of the comptroller of the currency, ~~the office of thrift supervision,~~ the division of financial institutions, or the financial institution regulators of other states of the United States;

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(2) An asset in a nonaccrual status;

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(3) An asset on which principal or interest payments are more than thirty days past due;

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(4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.

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(F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.

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(G) "Subsidiary" means, with respect to a specified company, a company that is controlled by the specified company.

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(H)(1) Subject to division (H)(2) of this section, a company or shareholder is deemed to have control over another company, if any of the following apply:

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(a) The company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has the power to vote twenty-five per cent or more of any class of

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voting securities of the other company. 117123

(b) The company or shareholder controls in any manner the 117124  
election of a majority of the directors or trustees of the other 117125  
company. 117126

(c) The superintendent determines, after notice and 117127  
opportunity for a hearing, the company or shareholder, directly or 117128  
indirectly, exercises a controlling influence over the management 117129  
or policies of the other company. 117130

(2) No company shall be found to own or control another 117131  
company by virtue of the ownership or control of securities in a 117132  
fiduciary capacity, except either as provided in divisions 117133  
(A)(1)(c) and (d) of this section or if the company owning or 117134  
controlling the securities is a business trust. 117135

(I) Any transaction by a state bank with any person shall be 117136  
considered a transaction with an affiliate to the extent the 117137  
proceeds of the transaction are used for the benefit of, or 117138  
transferred to, an affiliate. 117139

**Sec. 1109.54.** (A) A state bank and its subsidiaries may 117140  
engage in a covered transaction with an affiliate only if both of 117141  
the following apply: 117142

(1) The aggregate amount of covered transactions by the bank 117143  
and its subsidiaries with the particular affiliate will not exceed 117144  
ten per cent of the bank's capital. 117145

(2) The aggregate amount of all covered transactions by the 117146  
bank and its subsidiaries with all of the bank's affiliates will 117147  
not exceed twenty per cent of the bank's capital. 117148

(B) A state bank and its subsidiaries may not purchase a low 117149  
quality asset from an affiliate unless the bank or its subsidiary, 117150  
pursuant to an independent credit evaluation, committed itself to 117151  
purchase the asset prior to the time the asset was acquired by the 117152

affiliate. 117153

(C) Any covered transactions and any transactions between a 117154  
state bank and an affiliate shall be on terms and conditions that 117155  
are consistent with safe and sound banking practices. 117156

(D) Except as provided in division (E)(4) of this section, 117157  
any loan or extension of credit to, or guarantee, acceptance, or 117158  
letter of credit issued on behalf of, an affiliate by a state bank 117159  
or its subsidiary shall be secured at the time of the transaction 117160  
by collateral having a market value equal to any of the following: 117161

(1) One hundred per cent of the amount of the loan or 117162  
extension of credit, guarantee, acceptance, or letter of credit, 117163  
if the collateral is composed of any of the following: 117164

(a) Obligations of the United States or its agencies or 117165  
instrumentalities; 117166

(b) Obligations fully guaranteed as to principal and interest 117167  
by the United States or its agencies or instrumentalities; 117168

(c) Notes, drafts, bills of exchange, or bankers' acceptances 117169  
described in division (B) or ~~(C)~~(C) of section 1109.17 of the 117170  
Revised Code; 117171

(d) A segregated, earmarked deposit account with the bank. 117172

(2) One hundred ten per cent of the amount of the loan or 117173  
extension of credit, guarantee, acceptance, or letter of credit, 117174  
if the collateral is composed of obligations of any state or 117175  
political subdivision of any state; 117176

(3) One hundred twenty per cent of the amount of the loan or 117177  
extension of credit, guarantee, acceptance, or letter of credit, 117178  
if the collateral is composed of other debt instruments, including 117179  
receivables; 117180

(4) One hundred thirty per cent of the amount of the loan or 117181  
extension of credit, guarantee, acceptance, or letter of credit, 117182



if the collateral is composed of stock, leases, or other real or personal property. 117183  
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(E) For purposes of division (D) of this section: 117185

(1) Any collateral that is subsequently retired or amortized shall be replaced by additional eligible collateral as needed to keep the percentage of the collateral value relative to the amount of the outstanding loan or extension of credit, guarantee, acceptance, or letter of credit equal to the minimum percentage required at the inception of the transaction. 117186  
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(2) A low quality asset is not acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate. 117192  
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(3) The securities issued by an affiliate of the state bank are not acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, that affiliate or any other affiliate of the bank. 117195  
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(4) The collateral requirements set forth in divisions (D) and (E)(1) of this section do not apply to any acceptance that is fully secured by either attached documents or other property that is involved in the transaction and that has an ascertainable market value. 117199  
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**Sec. 1109.55.** (A) A state bank and its subsidiaries may engage in any of the transactions described in division (B) of this section only if one of the following applies: 117204  
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(1) The transaction is on terms and under circumstances, including credit standards, that are substantially the same, or at least as favorable to the bank or its subsidiary, as those prevailing at the time for comparable transactions with or involving other nonaffiliated companies. 117207  
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(2) In the absence of comparable transactions, the 117212

transaction is on terms and under circumstances, including credit standards, that in good faith would be offered to, or would apply to, nonaffiliated companies.

(B) Division (A) of this section applies to all of the following:

(1) A covered transaction with an affiliate;

(2) The sale of securities or other assets to an affiliate, including assets subject to an agreement to repurchase;

(3) The payment of money or the furnishing of services to an affiliate under contract, lease, or otherwise;

(4) Any transaction in which an affiliate acts as an agent or broker or receives a fee for its services to the bank or to any other person.

(C) No state bank or its subsidiary shall do either of the following:

(1) Purchase as fiduciary any securities or other assets from an affiliate unless the purchase is permitted by one of the following:

(a) The instrument creating the fiduciary relationship;

(b) A court order;

(c) The law of the jurisdiction governing the fiduciary relationship.

(2) Whether acting as principal or fiduciary, knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security if a principal underwriter of the security is an affiliate.

Division (C)(2) of this section does not apply if the purchase or acquisition of the securities has been approved, before the securities are initially offered for sale to the

public, by a majority of the directors of the bank who are not 117242  
officers or employees of the bank or any of its affiliates. 117243

(D) No state bank or affiliate or subsidiary of a state bank 117244  
shall publish any advertisement or enter into any agreement 117245  
stating or suggesting the bank shall in any way be responsible for 117246  
the obligations of its affiliates. 117247

(E) For purposes of division (C) of this section: 117248

(1) "Principal underwriter" means any underwriter, in 117249  
connection with a primary distribution of securities, that is any 117250  
of the following: 117251

(a) In privity of contract with the issuer or an affiliated 117252  
person of the issuer; 117253

(b) Acting alone or in concert with one or more other 117254  
persons, initiates or directs the formation of an underwriting 117255  
syndicate; 117256

(c) Allowed a rate of gross commission, spread, or other 117257  
profit greater than the rate allowed another underwriter 117258  
participating in the distribution. 117259

(2) "Security" has the same meaning as in section 3(a)(10) of 117260  
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 117261  
78c(a)(10), as amended. 117262

**Sec. 1109.59.** A state bank may borrow money in any sum 117263  
consistent with safety and soundness. Borrowing by means of the 117264  
issuance of debt securities is subject to the approval of the 117265  
superintendent of financial institutions in accordance with 117266  
section 1107.05 of the Revised Code. 117267

**Sec. 1109.61.** No state bank shall contract to pay, or pay to 117268  
any person, any fees for management or consulting services, 117269  
including fees for legal, accounting, brokerage, or other similar 117270

professional services, that do not have a direct relationship to 117271  
the value of the services rendered or to be rendered, based on 117272  
reasonable costs consistent with current market values for 117273  
services of the kind contracted for. 117274

Sec. 1109.62. A state bank may engage in the business of 117275  
selling insurance through a subsidiary insurance agency subject to 117276  
licensing under the law of this state and the law of every other 117277  
state in which services are provided by the bank or its 117278  
subsidiary. 117279

**Sec. 1109.63.** A state bank may buy, sell, and exchange coin 117280  
and bullion. 117281

**Sec. 1109.64.** Subject to the limitations and restrictions of 117282  
Chapters 1101. to 1127. of the Revised Code, a state bank shall 117283  
have the power to do both of the following: 117284

(A) Operate travel agencies; 117285

(B) Engage in the sale of tickets for passage on common 117286  
carriers, such as airlines, railroads, ships, and buses, to points 117287  
within and outside the United States. 117288

**Sec. 1109.65.** In order to protect its interest in a property, 117289  
a state bank may purchase a tax certificate under section 5721.32 117290  
or 5721.33 of the Revised Code. 117291

**Sec. 1109.69.** (A) Every Unless a longer record retention 117292  
period is required by applicable federal law or regulation, each 117293  
bank shall retain or preserve the following bank records and 117294  
supporting documents for only the following periods of time: 117295

(1) For one year: 117296

(a) Broker's confirmations, invoices, and statements relating 117297

to security transactions of the bank or for or with its customers,	117298
after date of transaction;	117299
(b) Corporate resolutions, partnership authorizations, and	117300
similar authorizations relating to closed accounts, loans that	117301
have been paid, or other completed transactions, after date of	117302
closing, payment, or completion;	117303
(c) Ledger records of safe deposit accounts, after date of	117304
last entry on the ledger;	117305
(d) Night depository records, after their date;	117306
(e) Records relating to closed Christmas club or similar	117307
limited duration special purpose accounts, after date of closing;	117308
(f) Records relating to customer collection accounts, after	117309
date of transaction;	117310
(g) Stop payment orders, after their date;	117311
(h) All records relating to closed consumer credit loans and	117312
discounts, after date of closing;	117313
(i) Deposit tickets relating to demand deposit accounts,	117314
after their date;	117315
(2) For six years:	117316
(a) Deposit and withdrawal tickets relating to open or closed	117317
savings accounts, after their date;	117318
(b) Individual ledger sheets or other records serving the	117319
same purpose that show a zero balance and that relate to demand,	117320
time, or savings deposit accounts, and safekeeping accounts, after	117321
date of last entry, or, where the ledger sheets or other records	117322
show an open balance, after date of transfer of the amount of the	117323
balance to another ledger sheet or record;	117324
(c) Official checks, drafts, money orders, and other	117325
instruments for the payment of money issued by the bank and that	117326

have been canceled, after date of issue;	117327
(d) Records relating to closed escrow accounts, after date of closing;	117328
(e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;	117330
(f) Safe deposit access tickets and correspondence or documents relating to access, after their date;	117334
(g) Lease or contract records relating to closed safe deposit accounts, after date of closing;	117336
(h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after date of closing;	117338
(i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after date of statement, provided the bank has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its customer.	117341
(B) The superintendent of financial institutions may designate a retention period of either one year or six years for any record maintained by a bank but not listed in division (A) of this section. Records that are not listed in division (A) of this section and for which the superintendent has not designated a retention period shall be retained or preserved for six years from the date of completion of the transaction to which the record relates or, if the last entry has been transferred to a new record showing the continuation of a transaction not yet completed, from	117349

the date of the last entry. 117358

(C) The requirements of divisions (A) and (B) of this section 117359  
may be complied with by the preservation of records in the manner 117360  
prescribed in section 1109.68 of the Revised Code. 117361

(D) In construing the terms set forth in division (A) of this 117362  
section, reference may be made to general banking usage. 117363

(E) A bank may dispose of any records that have been retained 117364  
or preserved for the period set forth in divisions (A) and (B) of 117365  
this section. 117366

(F) Any action by or against a bank based on, or the 117367  
determination of which would depend on, the contents of records 117368  
for which a period of retention or preservation is set forth in 117369  
divisions (A) and (B) of this section shall be brought within the 117370  
time for which the record must be retained or preserved. 117371

(G) Where a record may be classified under either division 117372  
(A)(1) or (2) of this section, the record shall be retained or 117373  
preserved for the period set forth in division (A)(2) of this 117374  
section. 117375

(H) The provisions of this section do not apply to those 117376  
records maintained by a bank in its capacity as a trust company. 117377

**Sec. 1111.01.** As used in this chapter: 117378

(A) "Charitable trust" means a charitable remainder annuity 117379  
trust as defined in section 664(d) of the Internal Revenue Code, a 117380  
charitable remainder unitrust as defined in section 664(d) of the 117381  
Internal Revenue Code, a charitable lead or other split interest 117382  
trust subject to the governing instrument requirements of section 117383  
508(e) of the Internal Revenue Code, a pooled income fund as 117384  
defined in section 642(c) of the Internal Revenue Code, a trust 117385  
that is a private foundation as defined in section 509 of the 117386  
Internal Revenue Code, or a trust of which each beneficiary is a 117387

charity. 117388

For purposes of this division and division (B) of this 117389  
section, "Internal Revenue Code" means the "Internal Revenue Code 117390  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 117391

(B) "Charity" means a state university as defined in section 117392  
3345.011 of the Revised Code, a community college as defined in 117393  
section 3354.01 of the Revised Code, a technical college as 117394  
defined in section 3357.01 of the Revised Code, a state community 117395  
college as defined in section 3358.01 of the Revised Code, a 117396  
private college or university that possesses a certificate of 117397  
authorization issued ~~by the Ohio board of regents~~ pursuant to 117398  
Chapter 1713. of the Revised Code, a trust or organization exempt 117399  
from taxation under section 501(c)(3) or section 501(c)(13) of the 117400  
Internal Revenue Code, or a corporation, trust, or organization 117401  
described in section 170(c)(2) of the Internal Revenue Code. The 117402  
term "charities" means more than one trust or organization that is 117403  
a charity. 117404

(C) "Collective investment fund" means a fund established by 117405  
a trust company or an affiliate of a trust company for the 117406  
collective investment of assets held in a fiduciary capacity, 117407  
either alone or with one or more cofiduciaries, by the 117408  
establishing trust company and its affiliates. 117409

(D) "Fiduciary investment company" means a corporation that 117410  
is both of the following: 117411

(1) An investment company; 117412

(2) Incorporated, owned, and operated in accordance with 117413  
rules adopted by the superintendent of financial institutions for 117414  
the investment of funds held by trust companies in a fiduciary 117415  
capacity and for true fiduciary purposes, either alone or with one 117416  
or more cofiduciaries. 117417

(E) "Home" has the same meaning as in section 3721.10 of the 117418



Revised Code. 117419

(F) "Instrument" includes any will, declaration of trust, 117420  
agreement of trust, agency, or custodianship, or court order 117421  
creating a fiduciary relationship. 117422

(G) "Residential facility" has the same meaning as in section 117423  
5123.19 of the Revised Code. 117424

(H) "Investment company" means any investment company as 117425  
defined in section 3 and registered under section 8 of the 117426  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 117427  
and 80a-8, as amended. 117428

(I) "Trust business" means accepting and executing trusts of 117429  
property, serving as a trustee, executor, administrator, guardian, 117430  
receiver, or conservator, and providing fiduciary services as a 117431  
business. "Trust business" does not include any of the following: 117432

(1) Any natural person acting as a trustee, executor, 117433  
administrator, guardian, receiver, or conservator pursuant to 117434  
appointment by a court of competent jurisdiction; 117435

(2) Any natural person serving as a trustee who does not hold 117436  
self out to the public as willing to act as a trustee for hire. 117437  
For purposes of division (I) of this section, the solicitation or 117438  
advertisement of legal or accounting services by a person licensed 117439  
in this state as an attorney or a person holding an Ohio permit to 117440  
practice public accounting issued under division (A) of section 117441  
4701.10 of the Revised Code shall not be considered to be the act 117442  
of holding self out to the public as willing to act as a trustee 117443  
for hire. 117444

(3) A charity, an officer or employee of a charity, or a 117445  
person affiliated with a charity, serving as trustee of a 117446  
charitable trust of which the charity, or another charity with a 117447  
similar purpose, is a beneficiary; 117448

(4) Any natural person, home, or residential facility serving 117449  
as trustee or taking other actions relative to a qualified income 117450  
trust described in section 1917(d)(4)(B) of the "Social Security 117451  
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 117452

(5) Other fiduciary activities the superintendent determines 117453  
are not undertaken as a business. 117454

**Sec. 1111.02.** (A) Except as provided in ~~divisions~~ division 117455  
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 117456  
trust business in this state except a corporation that is one of 117457  
the following: 117458

(1) A corporation licensed under section 1111.06 of the 117459  
Revised Code that is one of the following: 117460

(a) A state bank ~~doing business under authority granted by~~ 117461  
~~the superintendent of financial institutions;~~ 117462

(b) ~~A savings and loan association doing business under~~ 117463  
~~authority granted by the superintendent of financial institutions;~~ 117464

~~(c) A savings bank doing business under authority granted by~~ 117465  
~~the superintendent of financial institutions;~~ 117466

~~(d)~~ A bank authorized to accept and execute trusts and doing 117467  
business under authority granted by the bank chartering authority 117468  
of another state or country; 117469

~~(e)~~ (c) A corporation organized under the laws of another 117470  
state or country and authorized to accept and execute trusts in 117471  
that state or country. 117472

(2) A national bank or federal savings association authorized 117473  
to accept and execute trusts and doing business under authority 117474  
granted by the office of the comptroller of the currency; 117475

~~(3) A savings association authorized to accept and execute~~ 117476  
~~trusts and doing business under authority granted by the office of~~ 117477

~~thrift supervision.~~ 117478

~~(B) This chapter shall not apply to any of the following:~~ 117479

~~(1) A savings and loan association serving as a trustee to the extent authorized by section 1151.191 of the Revised Code;~~ 117480  
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~~(2) A savings bank serving as a trustee to the extent authorized by section 1161.24 of the Revised Code;~~ 117482  
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~~(3) A corporation that is incorporated under the laws of another state or the United States, has its principal place of business in another state, is currently qualified to do and is engaging in trust business in the state where the corporation has its principal place of business, and is doing any of the following:~~ 117484  
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~~(a)(1) Serving as ancillary executor or administrator of property in this state that is in the estate of a decedent, after appointment as executor or administrator of the estate by the courts of the decedent's state of residence;~~ 117490  
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~~(b)(2) As trustee, acquiring, holding, or transferring a security interest in lands or other property in this state, by mortgage, deed of trust, or other instrument, to secure any evidence of indebtedness;~~ 117494  
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~~(c)(3) Certifying to any evidence of indebtedness.~~ 117498

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 117499  
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~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997;~~ 117501  
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~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other~~ 117505  
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~~document executed before July 1, 1997.~~ 117508

**Sec. 1111.03.** (A) Notwithstanding any other provision of the 117509  
Revised Code, any national bank or federal savings association 117510  
that has been granted fiduciary powers by the office of the 117511  
comptroller of the currency ~~or any federal savings association~~ 117512  
~~that has been granted fiduciary powers by the office of thrift~~ 117513  
~~supervision~~ may act in this state as trustee, executor, 117514  
administrator, registrar of stocks and bonds, guardian of estates, 117515  
assignee, receiver, or in any other fiduciary capacity in which 117516  
trust companies qualified and licensed under section 1111.06 of 117517  
the Revised Code are authorized to act in this state. For such 117518  
purpose, a national bank or federal savings association shall have 117519  
the same powers and rights, including but not limited to, the same 117520  
right to make and accept transfers of fiduciary appointments, as 117521  
are granted by the laws of this state to trust companies qualified 117522  
and licensed under section 1111.06 of the Revised Code, and may 117523  
solicit trust business, accept trust deposits, and maintain 117524  
nonbranch trust offices in this state. A national bank or federal 117525  
savings association shall not, by virtue of conducting such trust 117526  
activity in this state, be subject to examination or inspection by 117527  
the superintendent of financial institutions, nor shall it be 117528  
required to obtain any approval, authorization, licenses, or 117529  
certification from, or pay any fee or assessment to, the 117530  
superintendent in order to conduct trust activities in this state. 117531

(B) Notwithstanding the provisions of division (A) of this 117532  
section, section 1111.04, division (B) of section 1111.07, and 117533  
section 1111.08 of the Revised Code shall apply to national banks 117534  
and federal savings associations. 117535

**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust 117536  
business in this state, a trust company shall pledge to the 117537  
treasurer of state interest bearing securities authorized in 117538

division (B) of this section, having a par value, not including 117539  
unaccrued interest, of one hundred thousand dollars, and approved 117540  
by the superintendent of financial institutions. The trust company 117541  
may pledge the securities either by delivery to the treasurer of 117542  
state or by placing the securities with a qualified trustee for 117543  
safekeeping to the account of the treasurer of state, the 117544  
corporate fiduciary, and any other person having an interest in 117545  
the securities under Chapter 1109. of the Revised Code, as their 117546  
respective interests may appear and be asserted by written notice 117547  
to or demand upon the qualified trustee or by order of judgment of 117548  
a court. 117549

(B) Securities pledged by a trust company to satisfy the 117550  
requirements of division (A) of this section shall be one or more 117551  
of the following: 117552

(1) Bonds, notes, or other obligations of or guaranteed by 117553  
the United States or for which the full faith and credit of the 117554  
United States is pledged for the payment of principal and 117555  
interest; 117556

(2) Bonds, notes, debentures, or other obligations or 117557  
securities issued by any agency or instrumentality of the United 117558  
States; 117559

(3) General obligations of this or any other state of the 117560  
United States or any subdivision of this or any other state of the 117561  
United States. 117562

(C) The treasurer of state shall accept delivery of 117563  
securities pursuant to this section when accompanied by the 117564  
superintendent's approval of the securities or the written receipt 117565  
of a qualified trustee describing the securities and showing the 117566  
superintendent's approval of the securities, and shall issue a 117567  
written acknowledgment of the delivery of the securities or the 117568  
qualified trustee's receipt and the superintendent's approval to 117569

the trust company. 117570

(D) The superintendent shall approve securities to be pledged 117571  
by a trust company pursuant to this section if the securities are 117572  
all of the following: 117573

(1) Interest bearing and of the value required by division 117574  
(A) of this section; 117575

(2) Of one or more of the kinds authorized by division (B) of 117576  
this section and not a derivative of or merely an interest in any 117577  
of those securities; 117578

(3) Not in default. 117579

(E) The treasurer of state shall, with the approval of the 117580  
superintendent, permit a trust company to pledge securities in 117581  
substitution for securities pledged pursuant to this section and 117582  
the withdrawal of the securities substituted for so long as the 117583  
securities remaining pledged satisfy the requirements of division 117584  
(A) of this section. The treasurer of state shall permit a trust 117585  
company to collect interest paid on securities pledged pursuant to 117586  
this section so long as the trust company is solvent. The 117587  
treasurer of state shall, with the approval of the superintendent, 117588  
permit a trust company to withdraw securities pledged pursuant to 117589  
this section when the trust company has ceased to solicit or 117590  
engage in trust business in this state. 117591

(F) For purposes of this section, a qualified trustee is a 117592  
federal reserve bank, a federal home loan bank, a trust company as 117593  
defined in section 1101.01 of the Revised Code, or a national bank 117594  
or federal savings association that has pledged securities 117595  
pursuant to this section, is authorized to accept and execute 117596  
trusts, and is doing business under authority granted by the 117597  
office of the comptroller of the currency, ~~or a savings~~ 117598  
~~association that has pledged securities pursuant to this section,~~ 117599  
~~is authorized to accept and execute trusts, and is doing business~~ 117600

~~under authority granted by the office of thrift supervision except~~ 117601  
~~that. However, a national bank or federal savings association~~ 117602  
doing business under authority granted by the office of the 117603  
comptroller of the currency, ~~a savings association doing business~~ 117604  
~~under authority granted by the office of thrift supervision,~~ or a 117605  
trust company may not act as a qualified trustee for securities it 117606  
or any of its affiliates is pledging pursuant to this section. 117607

(G) The superintendent, with the approval of the treasurer of 117608  
state and the attorney general, shall prescribe the form of all 117609  
receipts and acknowledgments provided for by this section, and 117610  
upon request shall furnish a copy of each form, with the 117611  
superintendent's certification attached, to each qualified trustee 117612  
eligible to hold securities for safekeeping under this section. 117613

**Sec. 1111.06.** (A) Any person, other than a national bank with 117614  
trust powers or a federal savings association with trust powers, 117615  
proposing to solicit or engage in trust business in this state 117616  
shall apply to the superintendent of financial institutions to be 117617  
licensed as a trust company. The superintendent shall approve or 117618  
disapprove the application within sixty days after accepting it. 117619

(B) In determining whether to approve or disapprove an 117621  
application for a trust company license, the superintendent shall 117622  
consider all of the following: 117623

(1) Whether the applicant is a corporation described in 117624  
division (A)(1) of section 1111.02 of the Revised Code; 117625

(2) Whether the applicant's articles of incorporation or 117626  
association authorize the applicant to serve as a trustee; 117627

(3) If the applicant is not a state bank, ~~savings and loan~~ 117628  
~~association, or savings bank doing business under authority~~ 117629  
~~granted by the superintendent,~~ whether the applicant is currently 117630

qualified to do and is engaging in trust business in the state or 117631  
country under the laws of which the applicant is organized; 117632

(4) Whether the applicant satisfies the requirements of 117633  
section 1111.05 of the Revised Code; 117634

(5) Whether it is reasonable to believe the applicant will 117635  
comply with applicable laws and observe sound fiduciary standards 117636  
in conducting trust business in this state; 117637

(6) If the applicant is not a state bank, ~~savings and loan~~ 117638  
~~association, or savings bank doing business under authority~~ 117639  
~~granted by the superintendent,~~ whether the applicant is subject to 117640  
comprehensive supervision and regulation of its fiduciary 117641  
activities by appropriate authorities of the state or country 117642  
under the laws of which the applicant is organized. 117643

(C) In approving an application for a trust company license, 117644  
the superintendent may impose any condition the superintendent 117645  
determines to be appropriate. 117646

(D) When an applicant has satisfied all prior conditions 117647  
imposed by the superintendent in approving the applicant's 117648  
application for a trust company license and has pledged securities 117649  
as required by section 1111.04 of the Revised Code, the 117650  
superintendent shall issue the applicant a trust company license. 117651  
A license issued pursuant to this section shall remain in force 117652  
and effect until surrendered by the licensee pursuant to section 117653  
1111.31 of the Revised Code or suspended or revoked by the 117654  
superintendent pursuant to section 1111.32 of the Revised Code. 117655

**Sec. 1111.07.** (A) A trust company's license to solicit or 117656  
engage in trust business in this state is not transferable or 117657  
assignable. 117658

(B) Subject to section 2109.28 of the Revised Code, if any 117659  
trust company enters into a merger or consolidation in which the 117660



trust company is not the surviving corporation, or transfers all 117661  
or substantially all of its assets and liabilities to another 117662  
corporation, the resulting, surviving, or transferee corporation 117663  
shall succeed the trust company as fiduciary as a matter of law 117664  
and without necessity to do anything further, if the resulting, 117665  
surviving, or transferee corporation is a trust company, or a 117666  
national bank or federal savings association authorized to accept 117667  
and execute trusts and doing business under authority granted by 117668  
the office of the comptroller of the currency, ~~or a federal~~ 117669  
~~savings association authorized to accept and execute trusts and~~ 117670  
~~doing business under authority granted by the office of thrift~~ 117671  
~~supervision.~~ If the trust company is not the surviving corporation 117672  
of a merger, enters a consolidation, or after transferring 117673  
substantially all of its assets and liabilities ceases to solicit 117674  
or engage in trust business in this state, the trust company shall 117675  
surrender its trust company license in accordance with section 117676  
1111.31 of the Revised Code. 117677

**Sec. 1111.08.** (A) A trust company, or a national bank or 117678  
federal savings association authorized to accept and execute 117679  
trusts and doing business under authority granted by the office of 117680  
the comptroller of the currency, ~~or a federal savings association~~ 117681  
~~authorized to accept and execute trusts and doing business under~~ 117682  
~~authority granted by the office of thrift supervision~~ may transfer 117683  
all or part of its trust business in this state to another trust 117684  
company, or to a national bank or federal savings association 117685  
authorized to accept and execute trusts and doing business under 117686  
authority granted by the office of the comptroller of the 117687  
currency, ~~or to a federal savings association authorized to accept~~ 117688  
~~and execute trusts and doing business under authority granted by~~ 117689  
~~the office of thrift supervision,~~ if all of the following have 117690  
occurred: 117691

(1) Not less than sixty days before consummation of the 117692

transfer, either the transferor or transferee, or both, for each 117693  
fiduciary account or relationship to be transferred, has given 117694  
written notice, by regular mail to the most recent address shown 117695  
on the records of the transferor, to all of the following that 117696  
apply: 117697

(a) Each court having jurisdiction over the fiduciary account 117698  
or relationship; 117699

(b) Each cofiduciary of the fiduciary account or 117700  
relationship; 117701

(c) Each surviving settlor of the trust; 117702

(d) Each person that, alone or in conjunction with others, 117703  
has the power to remove the trust company as fiduciary or appoint 117704  
a successor fiduciary; 117705

(e) Except in the case of a trust described in section 401(a) 117706  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 117707  
U.S.C.A. 401(a), as amended, each adult beneficiary currently 117708  
receiving or entitled as a matter of right to receive a 117709  
distribution of principal or income from the trust, estate, or 117710  
fund; 117711

(f) In the case of a trust described in section 401(a) of the 117712  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 117713  
401(a), as amended, the employer or employee organization, or 117714  
both, responsible for the maintenance of the trust. 117715

(2) The transferor has filed a certified copy of the 117716  
agreement for the sale with the superintendent of financial 117717  
institutions. 117718

(B)(1) The transfer of a fiduciary account or relationship 117719  
pursuant to division (A) of this section results in the transferee 117720  
being substituted for the transferor as fiduciary as a matter of 117721  
law and without necessity to do anything further. 117722

(2) The transfer of a fiduciary account or relationship pursuant to division (A) of this section does neither of the following: 117723  
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117725

(a) Impair the right of any person that, alone or in conjunction with others, has the power to remove a fiduciary or appoint a successor fiduciary; 117726  
117727  
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(b) Absolve or discharge a transferor from any liability arising out of its breach of any fiduciary duty or obligation to the account prior to the transfer. 117729  
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**Sec. 1111.09.** (A)(1) A trust service office is any location established by a trust company as a place for either of the following: 117732  
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(a) Persons seeking the services of the trust company, or information about those services, to contact representatives of the trust company regarding the trust company's business. 117735  
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(b) The trust company's representatives to contact the trust company's customers, or potential customers, and their representatives. 117738  
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(2) None of the following is a trust service office: 117741

(a) Any location where a trust company conducts its operations but does not provide facilities for contact with its customers or contact by the public with the trust company; 117742  
117743  
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(b) Any location that is the home or place of work or business or used for the convenience of the trust company's customer, potential customer, or a representative of a customer or potential customer where the trust company's representative's contact with its customer, potential customer, or a representative of a customer or potential customer is merely incidental to the purposes for which the location is maintained and to the activities conducted there; 117745  
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(c) Any location where another person, including a financial institution, conducts its business and persons inquiring about trust services are merely referred to a trust company, even if referrals to a particular trust company are by exclusive arrangement and compensated.

(B) A trust company may, consistent with the trust company's safe and sound operation and the law, establish and maintain trust service offices at any location, including the following:

(1) If clearly identified and distinguished, at a location where another person, including a financial institution, also conducts business;

(2) If the trust company is a bank, savings and loan association, or savings bank, at any of its approved banking offices or main office or branches.

(C)(1) A trust company shall give notice in writing to the superintendent of financial institutions prior to establishing, relocating, or closing a trust service office in this state.

(2) A trust company that is a state bank ~~doing business under authority granted by the superintendent~~ also shall give notice in writing to the superintendent prior to establishing, relocating, or closing a trust service office outside this state.

**Sec. ~~1103.01~~ 1113.01.** A stock state banking corporation shall be created, organized, and governed, ~~and~~ its business shall be conducted, and its directors shall be chosen, in all respects in the same manner as is provided by Chapters 1701. and 1704. of the Revised Code, for corporations generally, to the extent that is not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 1111., and Chapters ~~1105-~~ 1114. to 1127. of the Revised Code.

**Sec. ~~1113.01~~ 1113.02.** (A) Five or more natural persons, at least one of whom is a resident of this state, may, with the

approval of the superintendent of financial institutions, 117783  
incorporate a stock state bank. 117784

(B) The persons proposing to incorporate a stock state bank 117785  
shall apply for approval of the proposed bank by submitting the 117786  
application prescribed by the superintendent, which application 117787  
shall include all of the following: 117788

(1) The proposed articles of incorporation and code of 117789  
regulations; 117790

(2) An application for reservation of a name in accordance 117791  
with section 1103.07 of the Revised Code, if reservation is 117792  
desired by the incorporators and has not been previously filed; 117793

(3) The location and a description of the proposed initial 117794  
banking office; 117795

(4) Information to demonstrate the proposed bank will satisfy 117796  
the requirements of division (C) of section 1113.03 and any other 117797  
provision of the Revised Code identified by the superintendent; 117798

(5) Any other information the superintendent requires. 117799

(C) Notwithstanding division (A) of this section, a 117800  
corporation may act as the sole incorporator of a stock state bank 117801  
if either of the following applies: 117802

(1) The corporation is registered with the board of governors 117803  
of the federal reserve system as a bank holding company; 117804

(2) The superintendent determines the corporation is 117805  
intending to form either of the following: 117806

(a) A stock state bank that functions solely in a trust or 117807  
fiduciary capacity and that meets all of the requirements set 117808  
forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 117809  
1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended; 117810

(b) A stock state bank that engages only in credit card 117811  
operations, does not accept demand deposits or deposits that the 117812

depositor may withdraw by check or similar means for payment to 117813  
third parties or others, does not accept any savings or time 117814  
deposit of less than one hundred thousand dollars, maintains only 117815  
one office that accepts deposits, and does not engage in the 117816  
business of making commercial loans. 117817

**Sec. 1113.03.** (A) Within ten days after receipt from the 117818  
superintendent of financial institutions of notice of acceptance 117819  
of an application for approval to incorporate a stock state bank, 117820  
the incorporators shall publish notice of the proposed 117821  
incorporation in a newspaper of general circulation in the county 117822  
where the bank's initial banking office is to be located. The 117823  
incorporators shall publish the notice once a week for two weeks 117824  
and furnish a certified copy of it to the superintendent. The 117825  
notice shall specify the name of the proposed bank, its location, 117826  
the amount of the proposed capital, the names of the 117827  
incorporators, the address of the superintendent, and the date by 117828  
which comments on the application must be filed with the 117829  
superintendent, which date shall be thirty days after the date of 117830  
the first publication of the notice. 117831

(B) If any comments on the application are filed with the 117832  
superintendent within the thirty-day period prescribed in division 117833  
(A) of this section, the superintendent shall determine whether 117834  
the comments are relevant to the requirements for incorporation of 117835  
a stock state bank and, if so, investigate the comments in the 117836  
manner the superintendent considers appropriate. 117837

(C) The superintendent shall examine all of the facts 117838  
connected with the application to determine if all of the 117839  
following requirements are met: 117840

(1) The proposed articles of incorporation and code of 117841  
regulations, application for reservation of name, applicable fees, 117842  
and other items required meet the requirements of the Revised 117843

Code. 117844

(2) The convenience and needs of the public will be served by the proposed bank. 117845  
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(3) The population and economic characteristics of the area primarily to be served afford reasonable promise of adequate support for the proposed bank. 117847  
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(4) The competence, experience, and integrity of the proposed directors and officers are such as to command the confidence of the community and warrant the belief that the business of the proposed bank will be honestly and efficiently conducted. 117850  
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(5) The capital of the proposed bank is adequate in relation to the amount and character of the anticipated business of the bank and the safety of prospective depositors. 117854  
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(D) Within one hundred eighty days following the date of acceptance of the application, the superintendent shall approve or disapprove the incorporation of the proposed bank upon the basis of the examination. In giving approval, the superintendent may impose conditions to be met prior to the issuance of a certificate of authority to commence business under section 1113.09 of the Revised Code. 117857  
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(E) If the superintendent approves the application, the superintendent shall make a certificate to that effect and forward the certificate and the articles of incorporation of the proposed bank to the secretary of state for filing. 117864  
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**Sec. ~~1103.06~~ 1113.04.** (A) A stock state bank's articles of incorporation shall contain all of the following: 117868  
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(1) The name of the bank; 117870

(2) The place in this state where the bank's principal place of business is to be located; 117871  
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(3) The purpose or purposes for which the bank is formed; 117873

(4) The maximum number and the par value of shares the bank 117874  
is authorized to have outstanding and their express terms, if any. 117875  
The articles of incorporation shall not authorize shares without 117876  
par value. If the shares are to be classified, the designation of 117877  
each class, the number and par value of the shares of each class, 117878  
and the express terms, if any, of the shares of each class shall 117879  
be included. 117880

(B) The articles of incorporation may also set forth any 117881  
lawful provision for the purpose of defining, limiting, or 117882  
regulating the exercise of the authority of the stock state bank, 117883  
the incorporators, the directors, the officers, the shareholders, 117884  
or the holders of any class of shares, and any provision that may 117885  
be set forth in the bank's code of regulations. 117886

**Sec. 1113.05.** (A) Before any subscription to shares has been 117887  
received, the incorporators may, by unanimous written action and 117888  
subject to ~~division (E)~~ the requirements of this section, adopt 117889  
amendments to the stock state bank's articles of incorporation or 117890  
amended articles of incorporation to change any provision of, or 117891  
add any provision that may properly be included in, the articles 117892  
of incorporation. 117893

(B) Amended articles of incorporation shall set forth all 117894  
provisions required in, and only provisions that may properly be 117895  
in, original articles of incorporation or amendments to articles 117896  
of incorporation at the time the amended articles of incorporation 117897  
are adopted, and shall state that they supersede the existing 117898  
articles of incorporation. 117899

(C)(1) If the incorporators propose the adoption of any 117900  
amendment to a stock state bank's articles of incorporation or 117901  
amended articles of incorporation, the bank shall send to the 117902  
superintendent of financial institutions a copy of the proposed 117903



amendment or amended articles of incorporation for review and 117904  
approval prior to adoption by the incorporators. 117905

(2) Upon receiving a proposed amendment or amended articles 117906  
of incorporation, the superintendent shall conduct whatever 117907  
examination the superintendent considers necessary to determine if 117908  
both of the following conditions are satisfied: 117909

(a) The proposed amendment or amended articles of 117910  
incorporation comply with the requirements of the Revised Code. 117911

(b) The proposed amendment or amended articles of 117912  
incorporation will not adversely affect the interests of the 117913  
bank's depositors and creditors and the convenience and needs of 117914  
the public. 117915

(3) Within forty-five days after receiving the proposed 117916  
amendment or amended articles of incorporation, the superintendent 117917  
shall notify the bank of the superintendent's approval or 117918  
disapproval unless the superintendent determines additional 117919  
information is required. In that event, the superintendent shall 117920  
request the information in writing within twenty days after the 117921  
date the proposed amendment or amended articles of incorporation 117922  
were received. The bank shall have thirty days to submit the 117923  
information to the superintendent. The superintendent shall notify 117924  
the bank of the superintendent's approval or disapproval of the 117925  
proposed amendment or amended articles of incorporation within 117926  
forty-five days after the date the additional information is 117927  
received. If the proposed amendment or amended articles of 117928  
incorporation are disapproved by the superintendent, the 117929  
superintendent shall notify the bank of the reasons for the 117930  
disapproval. 117931

(4) If the superintendent fails to approve or disapprove the 117932  
proposed amendment or amended articles of incorporation within the 117933  
time period required under division (C)(3) of this section, the 117934

proposed amendment or amended articles of incorporation shall be 117935  
considered approved. 117936

(5) If the proposed amendment or amended articles of 117937  
incorporation are approved, in no event shall that approval be 117938  
construed or represented as an affirmative endorsement of the 117939  
amendment or amended articles of incorporation by the 117940  
superintendent. 117941

(D)(1) Upon their adoption of any approved amendment to a 117942  
stock state bank's articles of incorporation, the incorporators 117943  
shall send to the superintendent ~~of financial institutions~~ a 117944  
certificate, signed by all the incorporators, containing a copy of 117945  
the resolution adopting the amendment and a statement of the 117946  
manner of and basis for its adoption. 117947

(2) Upon their adoption of approved amended articles of 117948  
incorporation, the incorporators shall send to the superintendent 117949  
a copy of the amended articles of incorporation, accompanied by a 117950  
certificate, signed by all the incorporators, containing a copy of 117951  
the resolution adopting the amended articles of incorporation and 117952  
a statement of the manner of and basis for its adoption. 117953

~~(D)~~(E) Upon receiving a certificate required by division 117954  
~~(C)~~(D) of this section, the superintendent shall conduct whatever 117955  
examination the superintendent considers necessary to determine if 117956  
~~both of the following conditions are satisfied:~~ 117957

~~(1) The the manner of and basis for the adoption of the~~ 117958  
~~amendment or amended articles of incorporation and the manner of~~ 117959  
~~and basis for adoption~~ comply with the requirements of the Revised 117960  
Code: 117961

~~(2) The amendment or amended articles of incorporation will~~ 117962  
~~not adversely affect the interests of the bank's depositors and~~ 117963  
~~creditors and the convenience and needs of the public.~~ 117964

~~(E)~~(F)(1) Within ~~sixty~~ thirty days after receiving a 117965

certificate required by division ~~(C)~~(D) of this section, the 117966  
superintendent shall approve or disapprove the amendment or 117967  
amended articles of incorporation. If the superintendent approves 117968  
the amendment or amended articles of incorporation, the 117969  
superintendent shall forward a certificate of that approval, a 117970  
copy of the certificate required by division ~~(C)~~(D) of this 117971  
section, and, ~~in the case of amended articles of incorporation,~~ a 117972  
copy of the amendment or amended articles of incorporation, to the 117973  
secretary of state, who shall file the documents. Upon filing by 117974  
the secretary of state, the amendment or amended articles of 117975  
incorporation shall be effective. 117976

(2) If the superintendent fails to approve or disapprove the 117977  
amendment or amended articles of incorporation within ~~sixty~~ thirty 117978  
days after receiving a certificate required by division ~~(C)~~(D) of 117979  
this section, the bank shall forward a copy of the certificate 117980  
and, ~~in the case of amended articles of incorporation,~~ a copy of 117981  
the amendment or amended articles of incorporation, to the 117982  
secretary of state, who shall file the documents. Upon filing by 117983  
the secretary of state, the amendment or amended articles of 117984  
incorporation shall be effective. 117985

**Sec. 1113.06.** (A) After the secretary of state has filed the 117986  
articles of incorporation and certificate of approval of the 117987  
superintendent of financial institutions, the incorporators, or a 117988  
majority of them, shall order books to be opened for subscription 117989  
to the stock state bank's shares. An installment of not less than 117990  
ten per cent of the subscription price of each share shall be 117991  
payable at the time of making the subscription, and the balance 117992  
shall be payable as soon thereafter as the board of directors 117993  
requires. 117994

(B) When the stock state bank's shares have been fully 117995  
subscribed, the incorporators, or a majority of them, shall 117996

certify this fact in writing to the superintendent. The 117997  
superintendent shall file the certification with the secretary of 117998  
state. 117999

(C) Upon their compliance with division (B) of this section, 118000  
at least a majority of the incorporators shall give not less than 118001  
ten days' notice in writing by mail to the shareholders who have 118002  
not waived the notice to meet at a specified time and place for 118003  
the purpose of adopting a code of regulations, electing directors, 118004  
and transacting any other business authorized by section 1113.08 118005  
of the Revised Code. The shareholders shall meet for those 118006  
purposes at the time and place specified. 118007

(D) The incorporators shall not receive any subscriptions for 118008  
shares after the election of directors. 118009

**Sec. 1113.08.** (A) A stock state bank organized under Chapter 118010  
1113. of the Revised Code shall not accept deposits, incur 118011  
indebtedness, or transact any business except business that is 118012  
incidental to its organization or to the obtaining of 118013  
subscriptions to or payment for its shares until the bank receives 118014  
a certificate of authority to commence business issued by the 118015  
superintendent of financial institutions. 118016

(B) The bank shall file a report with the superintendent when 118017  
it has done everything required before it can be authorized to 118018  
commence business and when the subscriptions for the bank's shares 118019  
have been fully paid in, in the amounts fixed by the 118020  
superintendent. 118021

(C) Upon receipt of the report referred to in division (B) of 118022  
this section, the superintendent shall examine the affairs of the 118023  
bank and determine whether the bank has complied with all 118024  
requirements necessary to entitle it to engage in business. 118025

**Sec. 1113.09.** (A) The superintendent of financial 118026

institutions shall issue a certificate of authority to commence 118027  
business if: 118028

(1) The superintendent is satisfied, based upon the 118029  
examination conducted pursuant to section 1113.08 of the Revised 118030  
Code and any other facts within the knowledge of the 118031  
superintendent, that the stock state bank is otherwise entitled to 118032  
commence business~~+~~. 118033

(2) With respect to a stock state bank that, upon commencing 118034  
business, would be authorized to accept deposits other than trust 118035  
funds, the superintendent has received from the federal deposit 118036  
insurance corporation (FDIC) confirmation that the FDIC has 118037  
approved the bank's application to become an insured bank as 118038  
defined in section 3(h) of the "Federal Deposit Insurance Act," 92 118039  
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 118040  
required to become an insured bank as defined in section 3(h) of 118041  
the "Federal Deposit Insurance Act" if, by the terms of its 118042  
articles of incorporation, it is not permitted to solicit or 118043  
accept deposits other than trust funds. 118044

(B) The bank shall cause the certificate of authority to 118045  
commence business to be published once a week for two successive 118046  
weeks in a newspaper of general circulation in the county where 118047  
the bank's initial banking office is located. 118048

(C) For purposes of this section, "trust funds" means funds 118049  
held in a fiduciary capacity and includes, but is not limited to, 118050  
funds held as trustee, executor, administrator, guardian, or 118051  
agent. 118052

**Sec. ~~1103.11~~ 1113.11.** (A) Each stock state bank shall have a 118053  
code of regulations for its governance as a corporation, the 118054  
conduct of its affairs, and the management of its property. The 118055  
code of regulations shall be consistent with the law of this state 118056  
and the bank's articles of incorporation. 118057

~~(B) A bank's original code of regulations shall be adopted at a meeting of shareholders held for that purpose by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.~~

~~(C) The shareholders may amend a bank's code of regulations or adopt a new code of regulations in any of the following ways:~~

~~(1) At a meeting of shareholders by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal;~~

~~(2) Without a meeting by the written consent of the holders of shares entitling them to exercise two thirds of the voting power of the bank on the proposal;~~

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~

~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~

<del>(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;</del>	118088
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<del>(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;</del>	118090
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<del>(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;</del>	118093
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<del>(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;</del>	118095
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<del>(6) The appointment and authority of an executive and other committees of the directors;</del>	118098
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<del>(7) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and removal of officers;</del>	118100
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<del>(8) Defining, limiting, or regulating the exercise of the authority of the bank, the directors, the officers, or all the shareholders;</del>	118103
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<del>(9) The manner in and conditions upon which a certificated security, and the conditions upon which an uncertificated security, and the shares represented by a certificated or uncertificated security, may be transferred, restrictions on the right to transfer the shares, and reservations of liens on the shares.</del>	118106
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<del>(F) Unless either a bank's articles of incorporation or code of regulations provides otherwise, if the code of regulations is to be amended or a new code of regulations is proposed for adoption without a meeting of the shareholders, at least ten days prior to the last day a shareholder may consent to or deny consent to the proposed amendments or new code of regulations, the</del>	118112
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~~secretary of the bank shall mail a copy of the proposed amendments 118118  
or new code of regulations to each shareholder who would be 118119  
entitled, as of the date of the mailing, to vote on the amendment 118120  
or adoption. 118121~~

~~(G) If the code of regulations is amended or a new code of 118122  
regulations is adopted without a meeting of the shareholders, the 118123  
secretary of the bank shall mail a copy of the amendment or the 118124  
new code of regulations, or notice of the adoption of the 118125  
amendment or new code of regulations, to each shareholder who 118126  
would have been entitled to vote on the amendment or adoption. 118127~~

**Sec. ~~1103.08~~ 1113.12.** (A) After subscriptions to shares have 118128  
been received by the incorporators, the shareholders of a stock 118129  
state bank may, subject to ~~division (H)~~ the requirements of this 118130  
section, adopt amendments to the bank's articles of incorporation 118131  
or adopt amended articles of incorporation to change any provision 118132  
of, or add any provision that may properly be included in, the 118133  
articles of incorporation. 118134

(1) The shareholders may adopt an amendment to the bank's 118135  
articles of incorporation or amended articles of incorporation at 118136  
a meeting held for that purpose, as follows: 118137

(a) By the affirmative vote of the holders of shares 118138  
entitling them to exercise two-thirds of the voting power of the 118139  
bank on the proposal or, if the articles of incorporation provide 118140  
or permit, by the affirmative vote of a greater or lesser 118141  
proportion, but not less than a majority, of the voting power; 118142

(b) When the holders of shares of a particular class are 118143  
entitled to vote as a class, by the affirmative vote of the 118144  
holders of at least two-thirds or, if the articles of 118145  
incorporation provide or permit, a greater or lesser portion, but 118146  
not less than a majority, of the shares of the class. 118147



(2) The shareholders may adopt amended articles of incorporation to consolidate the original articles of incorporation and all previously adopted amendments to the articles of incorporation at a meeting held for that purpose by the affirmative vote of holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.

(3) The shareholders may adopt an amendment to the bank's articles of incorporation or amended articles of incorporation without a meeting by the written consent of all of the holders of shares who would be entitled to vote at a meeting held for that purpose.

(B) Any amendment or amended articles of incorporation of a stock state bank that would eliminate cumulative voting rights, as permitted by section 1701.69 of the Revised Code, shall not be adopted if the votes of a sufficient number of shares are cast against the amendment or amended articles of incorporation that, if cumulatively voted at an election of all directors or all directors of a particular class, would be sufficient, at the time the shareholders vote on the proposal, to elect at least one director.

(C) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to authorize the purchase of the bank's shares, if the amendment states that the superintendent of financial institutions must approve the purchase in writing prior to each purchase of shares.

(D) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to permit the bank to have authorized and unissued shares or treasury shares ~~for any of the following purposes:~~

~~(1) Meeting conversion rights or options;~~

<del>(2) Employee stock purchase or ownership plans;</del>	118179
<del>(3) Mergers, consolidations, or other reorganizations, or acquisitions;</del>	118180
	118181
<del>(4) The purchase of real estate the board of directors considers necessary or convenient for transaction of the bank's business;</del>	118182
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<del>(5) Any other specific purpose.</del>	118185
<del>Shares shall be considered authorized for these purposes only if the shareholder resolutions authorizing the shares specifically state the purposes for which the shares are authorized. Shares authorized specifically for any of these purposes shall not be issued for any other purpose. Shares authorized for these purposes shall be deemed released from pre-emptive rights.</del>	118186
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(E) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.	118192
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	118197
(F)(1) <u>If the shareholders propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the shareholders.</u>	118198
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<u>(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied:</u>	118204
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<u>(a) The proposed amendment or amended articles of</u>	118208

incorporation comply with the requirements of the Revised Code. 118209

(b) The proposed amendment or amended articles of 118210  
incorporation will not adversely affect the interests of the 118211  
bank's depositors and creditors and the convenience and needs of 118212  
the public. 118213

(3) Within forty-five days after receiving the proposed 118214  
amendment or amended articles of incorporation, the superintendent 118215  
shall notify the bank of the superintendent's approval or 118216  
disapproval unless the superintendent determines additional 118217  
information is required. In that event, the superintendent shall 118218  
request the information in writing within twenty days after the 118219  
date the proposed amendment or amended articles of incorporation 118220  
were received. The bank shall have thirty days to submit the 118221  
information to the superintendent. The superintendent shall notify 118222  
the bank of the superintendent's approval or disapproval of the 118223  
proposed amendment or amended articles of incorporation within 118224  
forty-five days after the date the additional information is 118225  
received. If the proposed amendment or amended articles of 118226  
incorporation are disapproved by the superintendent, the 118227  
superintendent shall notify the bank of the reasons for the 118228  
disapproval. 118229

(4) If the superintendent fails to approve or disapprove the 118230  
proposed amendment or amended articles of incorporation within the 118231  
time period required under division (F)(3) of this section, the 118232  
proposed amendment or amended articles of incorporation shall be 118233  
considered approved. 118234

(5) If the proposed amendment or amended articles of 118235  
incorporation are approved, in no event shall that approval be 118236  
construed or represented as an affirmative endorsement of the 118237  
amendment or amended articles of incorporation by the 118238  
superintendent. 118239

(G)(1) Upon adoption by the shareholders of any approved amendment to a stock state bank's articles of incorporation, the bank shall send to the superintendent a certificate containing a copy of the shareholders' resolution adopting the amendment and a statement of the manner of its adoption. If the directors proposed the amendment, the certificate shall include a copy of the resolution adopted by the directors to propose the amendment to the shareholders. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code.

(2) Upon adoption by the shareholders of approved amended articles of incorporation, the bank shall send to the superintendent a copy of the amended articles of incorporation, accompanied by a certificate containing a copy of the shareholders' resolution adopting the amended articles of incorporation and a statement of the manner of its adoption. If the directors proposed the amended articles of incorporation, the certificate shall include a copy of the resolution adopted by the directors to propose the amended articles of incorporation to the shareholders. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code.

~~(G)(H)~~ Upon receiving a certificate required by division ~~(F)(G)~~ of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if ~~both of the following conditions are satisfied:~~

~~(1) The the manner of adoption of the amendment or amended articles of incorporation and the manner of adoption comply complies with the requirements of the Revised Code;~~

~~(2) The amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors and the convenience and needs of the public.~~

~~(H)~~(I)(1) Within ~~sixty~~ thirty days after receiving a 118272  
certificate required by division ~~(F)~~(G) of this section, the 118273  
superintendent shall approve or disapprove the amendment or 118274  
amended articles of incorporation. If the superintendent approves 118275  
the amendment or amended articles of incorporation, the 118276  
superintendent shall forward a certificate of that approval, a 118277  
copy of the certificate required by division ~~(F)~~(G) of this 118278  
section, and, ~~in the case of amended articles of incorporation,~~ a 118279  
copy of the amendment or amended articles of incorporation, to the 118280  
secretary of state, who shall file the documents. Upon filing by 118281  
the secretary of state, the amendment or amended articles of 118282  
incorporation shall be effective. 118283

(2) If the superintendent fails to approve or disapprove the 118284  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118285  
days after receiving a certificate required by division ~~(F)~~(G) of 118286  
this section, the bank shall forward a copy of the certificate 118287  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118288  
the amendment or amended articles of incorporation, to the 118289  
secretary of state, who shall file the documents. Upon filing by 118290  
the secretary of state, the amendment or amended articles of 118291  
incorporation shall be effective. 118292

**Sec. ~~1103.09~~ 1113.13.** (A) After subscriptions to shares have 118293  
been received by the incorporators, the board of directors of a 118294  
stock state bank may, subject to ~~division (F)~~ the requirements of 118295  
this section, adopt amendments to the bank's articles of 118296  
incorporation to do any of the following: 118297

(1) Authorize the shares necessary to meet conversion or 118298  
option rights when all of the following apply: 118299

(a) The bank has issued shares of one class convertible into 118300  
shares of another class or obligations convertible into shares of 118301  
the bank, or has granted options to purchase shares. 118302

(b) The conversion or option rights are set forth in the articles of incorporation or have been approved by the same vote of shareholders as, at the time of the approval, would have been required to amend the articles of incorporation to authorize the shares required for that purpose.

(c) The bank does not have sufficient authorized and unissued shares available to satisfy the conversion or option rights.

(2) Reduce the authorized number of shares of a class by the number of shares of that class that have been redeemed, or have been surrendered to or acquired by the bank upon conversion, exchange, purchase, or otherwise, or to eliminate from the articles of incorporation all references to the shares of a class, and to make any other change required, when all of the authorized shares of that class have been redeemed, or surrendered to or acquired by the bank;

(3) Reduce the authorized number of shares of a class by the number of shares of that class that were canceled, ~~pursuant to section 1107.07 of the Revised Code,~~ for not being issued or reissued and for not being fully paid in within one year after the date they were authorized or otherwise became authorized and unissued shares.

(B) The board of directors of a stock state bank may adopt amended articles of incorporation to consolidate the original articles of incorporation and all previously adopted amendments to the articles of incorporation that are in force at the time.

(C) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.

(D)(1) If the board of directors propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent of financial institutions a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the board. 118334  
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(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied: 118340  
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(a) The proposed amendment or amended articles of incorporation comply with the requirements of the Revised Code. 118344  
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(b) The proposed amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors. 118346  
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(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation within forty-five days after the date the additional information is received. If the proposed amendment or amended articles of incorporation are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 118349  
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(4) If the superintendent fails to approve or disapprove the proposed amendment or amended articles of incorporation within the time period required by division (D)(3) of this section, the proposed amendment or amended articles of incorporation shall be considered approved. 118365  
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 118370  
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(E)(1) Upon adoption by the board of directors of any approved amendment to a stock state bank's articles of incorporation, the bank shall send to the superintendent ~~of financial institutions~~ a certificate containing a copy of the directors' resolution adopting the amendment and a statement of the manner of and basis for its adoption. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118375  
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(2) Upon adoption by the board of directors of approved amended articles of incorporation, the bank shall send to the superintendent a copy of the amended articles of incorporation, accompanied by a certificate containing a copy of the directors' resolution adopting the amended articles of incorporation and a statement of the manner of and basis for its adoption. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118383  
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~~(E)~~(F) Upon receiving a certificate required by division ~~(D)~~(E) of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if ~~both of the following conditions are satisfied:~~ 118392  
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~~(1) The the manner of and basis for adoption of the amendment~~ 118396  
or amended articles of incorporation ~~and the manner of and basis~~ 118397  
~~for adoption~~ comply with the requirements of the Revised Code; 118398

~~(2) The amendment or amended articles of incorporation will~~ 118399  
~~not adversely affect the interests of the bank's depositors and~~ 118400  
~~creditors and the convenience and needs of the public.~~ 118401

~~(F)(G)(1)~~ Within ~~sixty~~ thirty days after receiving a 118402  
certificate required by division ~~(D)~~(E) of this section, the 118403  
superintendent shall approve or disapprove the amendment or 118404  
amended articles of incorporation. If the superintendent approves 118405  
the amendment or amended articles of incorporation, the 118406  
superintendent shall forward a certificate of that approval, a 118407  
copy of the certificate required by division ~~(D)~~(E) of this 118408  
section, and, ~~in the case of amended articles of incorporation,~~ 118409  
a copy of the amendment or amended articles of incorporation, to the 118410  
secretary of state, who shall file the documents. Upon filing by 118411  
the secretary of state, the amendment or amended articles of 118412  
incorporation shall be effective. 118413

(2) If the superintendent fails to approve or disapprove the 118414  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118415  
days after receiving a certificate required by division ~~(D)~~(E) of 118416  
this section, the bank shall forward a copy of the certificate 118417  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118418  
the amendment or amended articles of incorporation, to the 118419  
secretary of state, who shall file the documents. Upon filing by 118420  
the secretary of state, the amendment or amended articles of 118421  
incorporation shall be effective. 118422

**Sec. ~~1103.13~~ 1113.14.** (A) A stock state bank's shareholders 118423  
shall hold an annual meeting in accordance with this section and 118424  
the bank's articles of incorporation and code of regulations. The 118425  
purposes of the annual meeting shall include the election of 118426

directors and the presentation of the financial statements. 118427

(B) The financial statements presented at the annual meeting 118428  
shall satisfy the requirements of one of the following: 118429

(1) The basic financial information required to be made 118430  
available to shareholders of a stock state bank prior to the 118431  
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 118432  
Code; 118433

(2) The financial statements required to be presented at the 118434  
annual meeting of a corporation pursuant to section 1701.38 of the 118435  
Revised Code; 118436

(3) The financial statements required under federal law for a 118437  
bank subject to the registration requirements of section 12 of the 118438  
"Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, 118439  
as amended. 118440

(C) ~~Written notice stating the time, place, and purpose or~~ 118441  
~~purposes of any meeting~~ Meetings of the shareholders shall be 118442  
~~given either by personal delivery or by first class mail not less~~ 118443  
~~than seven nor more than sixty days before the date of the~~ 118444  
~~meeting, unless the articles of incorporation or the code of~~ 118445  
~~regulations specify a longer period, to each shareholder of record~~ 118446  
~~entitled to notice of the meeting. The notice shall be given by or~~ 118447  
~~at the direction of the president, a vice president, the~~ 118448  
~~secretary, any two directors, or any other officer designated by~~ 118449  
~~the bank's code of regulations. If notice is given by mail, the~~ 118450  
~~notice shall be addressed to the shareholder at the address as it~~ 118451  
~~appears on the records of the bank, and shall be deemed to have~~ 118452  
~~been given when deposited in the mail. In computing the period of~~ 118453  
~~time for the giving of notice required under this division, the~~ 118454  
~~date on which the notice is given shall be excluded, and the day~~ 118455  
~~of the meeting shall be included~~ may be called for any of the 118456  
reasons and in the manner set forth in section 1701.40 of the 118457

~~Revised Code. Notice of adjournment of a meeting need not be given~~ 118458  
~~if the time and place to which it is adjourned are fixed and~~ 118459  
~~announced at the meeting~~ any meeting shall be provided in 118460  
accordance with section 1701.41 of the Revised Code. 118461

(D) The requirements of this section shall not apply with 118462  
respect to annual or special meetings of shareholders of a stock 118463  
state bank that is wholly owned, except for directors' qualifying 118464  
shares, if any, by a bank holding company or savings and loan 118465  
holding company. 118466

**Sec. ~~1103.14~~ 1113.15.** (A) Prior to each annual meeting of its 118467  
shareholders, each stock state bank shall make basic financial 118468  
information available to its shareholders in accordance with this 118469  
section unless the bank is either of the following: 118470

(1) Subject to the registration requirements of section 12 of 118471  
the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 118472  
781, as amended. 118473

(2) Wholly owned, except for directors' qualifying shares, by 118474  
a bank holding company. 118475

(B) The basic financial information required to be made 118476  
available under this section shall include, at a minimum, 118477  
information substantially similar to both of the following: 118478

(1) Those portions of the consolidated reports of income made 118479  
to the superintendent of financial institutions for each of the 118480  
two preceding full years covering all of the following: 118481

(a) Sources and disposition of income; 118482

(b) Changes in equity capital; 118483

(c) Allowance for possible loan losses. 118484

(2) The balance sheet portion of the consolidated reports of 118485  
condition made to the superintendent at the end of each of the two 118486

preceding years. 118487

(C) The bank may present the basic financial information in 118488  
any format it determines suitable, including copies of the 118489  
relevant portions of the consolidated reports of condition and 118490  
income or an annual report. 118491

(D) The bank shall make the basic financial information 118492  
available by doing either of the following: 118493

(1) Sending the information to each shareholder prior to, or 118494  
concurrently with, the notice of the annual meeting of 118495  
shareholders; 118496

(2) Including in, or sending with, the notice of the annual 118497  
meeting of shareholders a statement indicating that basic 118498  
financial information concerning the bank for the two years 118499  
preceding the meeting may be obtained from the bank without 118500  
charge, accompanied by the address, telephone number, and name or 118501  
title of the bank employee or officer whom shareholders should 118502  
contact for the information, and promptly mailing, delivering, or 118503  
otherwise sending the information to any shareholder who requests 118504  
it. 118505

**Sec. ~~1103.15~~ 1113.16.** Each Except as otherwise expressly 118506  
provided in the terms for any class of shares issued by a stock 118507  
state bank, every holder of a the bank's voting shares, in 118508  
elections of directors and in deciding other questions at meetings 118509  
of shareholders, is entitled to one vote for each share held and 118510  
shall not accumulate the votes unless otherwise provided in the 118511  
articles of incorporation. Any shareholder eligible to vote may 118512  
vote by proxy authorized in writing. An appointment of a proxy 118513  
shall expire in accordance with division (C) of section 1701.48 of 118514  
the Revised Code. Unless the articles of incorporation, the code 118515  
of regulations, or the contract of subscription otherwise 118516  
provides, a subscriber for authorized shares is a shareholder for 118517

the purposes of this section, but no shares upon which an 118518  
installment of the purchase price is overdue and unpaid shall be 118519  
voted. 118520

**Sec. ~~1103.16~~ 1113.17.** (A) Each stock state bank shall keep 118521  
correct and complete books and records of account, together with 118522  
records of the proceedings, including minutes of any meetings, of 118523  
its incorporators, shareholders, directors, and committees of the 118524  
directors, and records of its shareholders showing their names and 118525  
addresses and the number and class of shares issued or transferred 118526  
of record to or by them from time to time. 118527

(B) Upon request of any shareholder eligible to attend and 118528  
vote at any meeting of the bank's shareholders, the board of 118529  
directors shall produce at the meeting an alphabetically arranged 118530  
list, or classified lists, of the shareholders of record as of the 118531  
applicable record date, showing their respective addresses and the 118532  
number and class of shares held by each, and certified by the 118533  
officer or agent responsible for registering issues and transfers 118534  
of shares. The list or lists, certified by the officer or agent, 118535  
shall be prima facie evidence of the facts shown in the list or 118536  
lists. 118537

(C) Any shareholder of the bank, upon written demand stating 118538  
the specific purpose of the demand, has the right to examine in 118539  
person or by agent or attorney at any reasonable time and for any 118540  
reasonable and proper purpose, the books and records of the bank, 118541  
except books and records of deposit, agency or fiduciary accounts, 118542  
loan records, and other records relating to customer services or 118543  
transactions. 118544

(D) The authority granted under Title XI of the Revised Code 118545  
to inspect the books and records of a stock state bank shall apply 118546  
solely to the superintendent of financial institutions and to the 118547  
shareholders of record of the bank. 118548

Sec. 1114.01. A mutual state bank and the rights and liabilities of its members shall be governed by its articles of incorporation, code of regulations, and bylaws and by this chapter. 118549  
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Sec. 1114.02. (A) Five or more natural persons, at least one of whom is a resident of this state, may, with the approval of the superintendent of financial institutions, incorporate a mutual state bank. 118553  
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(B) The persons proposing to incorporate a mutual state bank shall apply for approval to incorporate the bank by submitting the application prescribed by the superintendent, which application shall include all of the following: 118557  
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(1) The proposed articles of incorporation and code of regulations; 118561  
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(2) An application for reservation of a name in accordance with section 1103.07 of the Revised Code, if reservation is desired by the incorporators and has not been previously filed; 118563  
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(3) The location and a description of the proposed initial banking office; 118566  
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(4) Information to demonstrate the proposed bank will satisfy the requirements of division (C) of section 1114.03 and any other provision of the Revised Code identified by the superintendent; 118568  
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(5) Any other information the superintendent requires. 118571

Sec. 1114.03. (A) Within ten days after receipt from the superintendent of financial institutions of notice of acceptance of an application for approval to incorporate a mutual state bank, the incorporators shall publish notice of the proposed incorporation in a newspaper of general circulation in the county where the bank's initial banking office is to be located. The 118572  
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incorporators shall publish the notice once a week for two weeks 118578  
and furnish a certified copy of it to the superintendent. The 118579  
notice shall specify the name of the proposed bank, its location, 118580  
the amount of the proposed capital, the names of the 118581  
incorporators, the address of the superintendent, and the date by 118582  
which comments on the application must be filed with the 118583  
superintendent, which date shall be thirty days after the date of 118584  
the first publication of the notice. 118585

(B) If any comments on the application are filed with the 118586  
superintendent within the thirty-day period prescribed in division 118587  
(A) of this section, the superintendent shall determine whether 118588  
the comments are relevant to the requirements for incorporation of 118589  
a mutual state bank and, if so, investigate the comments in the 118590  
manner the superintendent considers appropriate. 118591

(C) The superintendent shall examine all of the facts 118592  
connected with the application to determine if all of the 118593  
following requirements are met: 118594

(1) The proposed articles of incorporation and code of 118595  
regulations, application for reservation of name, applicable fees, 118596  
and other items required meet the requirements of the Revised 118597  
Code. 118598

(2) The population and economic characteristics of the area 118599  
primarily to be served afford reasonable promise of adequate 118600  
support for the proposed bank. 118601

(3) The competence, experience, and integrity of the proposed 118602  
directors and officers are such as to command the confidence of 118603  
the community and warrant the belief that the business of the 118604  
proposed bank will be honestly and efficiently conducted. 118605

(4) The capital of the proposed bank is adequate in relation 118606  
to the amount and character of the anticipated business of the 118607

bank and the safety of prospective depositors. 118608

(D) Within one hundred eighty days following the date of 118609  
acceptance of the application, the superintendent shall approve or 118610  
disapprove the incorporation of the proposed bank upon the basis 118611  
of the examination. In giving approval, the superintendent may 118612  
impose conditions to be met prior to the issuance of a certificate 118613  
of authority to commence business under section 1114.07 of the 118614  
Revised Code. 118615

(E) If the superintendent approves the application, the 118616  
superintendent shall make a certificate to that effect and forward 118617  
the certificate and the articles of incorporation of the proposed 118618  
bank to the secretary of state for filing. 118619

**Sec. 1114.04.** (A) A mutual state bank's articles of 118620  
incorporation shall contain all of the following: 118621

(1) The name of the bank; 118622

(2) The place in this state where the bank's principal place 118623  
of business is to be located; 118624

(3) The purpose or purposes for which the bank is formed. 118625

(B) The articles of incorporation may also set forth any 118626  
lawful provision for the purpose of defining, limiting, or 118627  
regulating the exercise of the authority of the bank, the 118628  
incorporators, the directors, the officers, the members, and any 118629  
provision that may be set forth in the bank's code of regulations. 118630

**Sec. 1114.05.** (A) As used in the section, "authorized 118631  
capital" means the initial funding required to organize a mutual 118632  
state bank. 118633

(B) The authorized capital of a mutual state bank shall be of 118634  
such amount as the superintendent of financial institutions may 118635  
determine based upon the amount and character of the anticipated 118636



business of the bank and the safety of prospective depositors. In 118637  
addition, the superintendent may, in the superintendent's 118638  
discretion, fix the amount of the expense fund for operating 118639  
losses to be created by nonrefundable contributions. 118640

(C) The organization of the mutual state bank may be 118641  
completed when a sum equal to five per cent of the authorized 118642  
capital, as determined by the superintendent, is paid in and the 118643  
names and addresses of its officers, its code of regulations, and 118644  
its bylaws have been filed with and approved by the 118645  
superintendent. 118646

(D) Five years after the mutual state bank commences 118647  
business, any remaining balance in the expense fund shall be 118648  
transferred to retained earnings, if the bank is on a profitable 118649  
operating basis as determined by the superintendent. 118650

**Sec. 1114.06.** (A) A mutual state bank organized under this 118651  
chapter shall not accept deposits, incur indebtedness, or transact 118652  
any business other than business that is incidental to its 118653  
organization until the bank receives a certificate of authority to 118654  
commence business issued by the superintendent of financial 118655  
institutions under section 1114.07 of the Revised Code. 118656

(B) The bank shall file a report with the superintendent when 118657  
it has done everything required by the superintendent before it 118658  
can be authorized to commence business. 118659

(C) Upon receipt of the report referred to in division (B) of 118660  
this section, the superintendent shall examine the affairs of the 118661  
bank and determine whether the bank has complied with all of the 118662  
requirements necessary to entitle it to engage in business. 118663

**Sec. 1114.07.** (A) The superintendent of financial 118664  
institutions shall issue a certificate of authority to commence 118665  
business if both of the following conditions are met: 118666

(1) The superintendent is satisfied, based upon the examination conducted pursuant to section 1114.06 of the Revised Code and any other facts within the knowledge of the superintendent, that the mutual state bank is otherwise entitled to commence business. 118667  
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(2) The superintendent has received from the federal deposit insurance corporation written confirmation that it has approved the bank's application to become an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C. 1813(h), as amended. 118672  
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(B) The mutual state bank shall cause the certificate of authority to commence business to be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the bank's initial banking office is located. 118677  
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**Sec. 1114.08.** (A) A depositor of a mutual state bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the terms and conditions set forth in the articles of incorporation, code of regulations, and bylaws of the bank. 118681  
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(B) The code of regulations of a mutual state bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges. 118686  
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(C)(1) Unless otherwise provided in the articles of incorporation or code of regulations, a proxy granted by a depositor to the officers and directors of a mutual state bank shall expire on the date specified in the proxy. If no date is so specified, the authority granted by the proxy shall be perpetual. 118689  
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(2) On and after the effective date of this section, the writing or verifiable communication appointing a proxy shall be separate and distinct from any deposit agreement, loan agreement, 118694  
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or any other agreement, statement, document, or disclosure 118697  
provided by a mutual state bank to a depositor. 118698

Sec. 1114.09. (A) Before any member deposits have been 118699  
received, the incorporators may, by unanimous written action and 118700  
subject to the requirements of this section, adopt amendments to 118701  
the mutual state bank's articles of incorporation or amended 118702  
articles of incorporation to change any provision of, or add any 118703  
provision that may properly be included in, the articles of 118704  
incorporation. 118705

(B) Amended articles of incorporation shall set forth all 118706  
provisions required in, and only provisions that may properly be 118707  
in, original articles of incorporation or amendments to articles 118708  
of incorporation at the time the amended articles of incorporation 118709  
are adopted, and shall state that they supersede the existing 118710  
articles of incorporation. 118711

(C)(1) If the incorporators propose the adoption of any 118712  
amendment to a mutual state bank's articles of incorporation or 118713  
amended articles of incorporation, the bank shall send to the 118714  
superintendent of financial institutions a copy of the proposed 118715  
amendment or amended articles of incorporation for review and 118716  
approval prior to adoption by the incorporators. 118717

(2) Upon receiving a proposed amendment or amended articles 118718  
of incorporation, the superintendent shall conduct whatever 118719  
examination the superintendent considers necessary to determine if 118720  
both of the following conditions are satisfied: 118721

(a) The proposed amendment or amended articles of 118722  
incorporation comply with the requirements of the Revised Code. 118723

(b) The proposed amendment or amended articles of 118724  
incorporation will not adversely affect the interests of the 118725  
bank's depositors and creditors. 118726

(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation within forty-five days after the date the additional information is received. If the proposed amendment or amended articles of incorporation are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval.

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(4) If the superintendent fails to approve or disapprove the proposed amendment or amended articles of incorporation within the time period required under division (C)(3) of this section, the proposed amendment or amended articles of incorporation shall be considered approved.

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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent.

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(D)(1) Upon their adoption of any approved amendment to a mutual state bank's articles of incorporation, the incorporators shall send to the superintendent a certificate, signed by all the incorporators, containing a copy of the resolution adopting the amendment and a statement of the manner of and basis for its

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adoption. 118759

(2) Upon their adoption of approved amended articles of 118760  
incorporation, the incorporators shall send to the superintendent 118761  
a copy of the amended articles of incorporation, accompanied by a 118762  
certificate, signed by all the incorporators, containing a copy of 118763  
the resolution adopting the amended articles of incorporation and 118764  
a statement of the manner of and basis for its adoption. 118765

(E) Upon receiving a certificate required by division (D) of 118766  
this section, the superintendent shall conduct whatever 118767  
examination the superintendent considers necessary to determine if 118768  
the manner of and basis for the adoption of the amendment or 118769  
amended articles of incorporation comply with the requirements of 118770  
the Revised Code. 118771

(F)(1) Within thirty days after receiving a certificate 118772  
required by division (D) of this section, the superintendent shall 118773  
approve or disapprove the amendment or amended articles of 118774  
incorporation. If the superintendent approves the amendment or 118775  
amended articles of incorporation, the superintendent shall 118776  
forward a certificate of that approval, a copy of the certificate 118777  
required by division (D) of this section, and a copy of the 118778  
amendment or amended articles of incorporation to the secretary of 118779  
state, who shall file the documents. Upon filing by the secretary 118780  
of state, the amendment or amended articles of incorporation shall 118781  
be effective. 118782

(2) If the superintendent fails to approve or disapprove the 118783  
amendment or amended articles of incorporation within thirty days 118784  
after receiving a certificate required by division (D) of this 118785  
section, the bank shall forward a copy of the certificate and a 118786  
copy of the amendment or amended articles of incorporation to the 118787  
secretary of state, who shall file the documents. Upon filing by 118788  
the secretary of state, the amendment or amended articles of 118789  
incorporation shall be effective. 118790

Sec. 1114.10. Each mutual state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation.

Sec. 1114.11. (A)(1) The code of regulations of a mutual state bank may provide for the amendment of its articles of incorporation or code of regulations, or the adoption of amended articles of incorporation or code of regulations, at any meeting of the members for which notice has been properly given in accordance with section 1114.12 of the Revised Code. The amendment or amended articles of incorporation or code of regulations shall be adopted by a two-thirds vote of the votes cast in person or by proxy at the meeting or, if the articles of incorporation or code of regulations provide or permit, by the affirmative vote of a greater or lesser proportion, but not less than a majority, of the voting members represented at such meeting. The number of votes that each member may cast shall be determined by the code of regulations.

(2) Unless precluded by its articles of incorporation or code of regulations, a mutual state bank may adopt an amendment to its articles of incorporation or code of regulations, or amended articles of incorporation or code of regulations, at any meeting authorized in writing by a majority of its members of record if all of the following conditions are met:

(a) Notice of the meeting is given in accordance with section 1114.12 of the Revised Code.

(b) The notice of the proposed action to be taken at the meeting is in a form approved by the superintendent of financial institutions.

(c) The proposed action is approved by a two-thirds vote of 118821  
the votes cast authorizing the meeting. 118822

(d) A majority of the members of record are present in person 118823  
or by proxy at the meeting. 118824

(B) The board of directors of a mutual state bank may adopt 118825  
amended articles of incorporation or code of regulations to 118826  
consolidate the original articles of incorporation or code of 118827  
regulations and all previously adopted amendments to the articles 118828  
of incorporation or code of regulations that are in force at the 118829  
time. 118830

(C)(1) Amended articles of incorporation shall set forth all 118831  
provisions required in, and only provisions that may properly be 118832  
in, original articles of incorporation or amendments to articles 118833  
of incorporation at the time the amended articles of incorporation 118834  
are adopted, and shall state that they supersede the existing 118835  
articles of incorporation. 118836

(2) An amended code of regulations shall set forth all 118837  
provisions required in, and only provisions that may properly be 118838  
in, an original code of regulations or amendments to a code of 118839  
regulations at the time the amended code of regulations is 118840  
adopted, and shall state that it supersedes the existing code of 118841  
regulations. 118842

(D)(1) If the members or board of directors propose the 118843  
adoption of any amendment to the mutual state bank's articles of 118844  
incorporation or code of regulations, or amended articles of 118845  
incorporation or amended code of regulations, the bank shall send 118846  
to the superintendent a copy of the proposed amendment, or the 118847  
proposed amended articles of incorporation or code of regulations, 118848  
for review and approval prior to adoption by the members or 118849  
directors. 118850

(2) Upon receiving a proposed amendment or proposed amended 118851

articles of incorporation or code of regulations, the 118852  
superintendent shall conduct whatever examination the 118853  
superintendent considers necessary to determine if both of the 118854  
following conditions are satisfied: 118855

(a) The proposed amendment or amended articles of 118856  
incorporation or code of regulations comply with the requirements 118857  
of the Revised Code. 118858

(b) The proposed amendment or amended articles of 118859  
incorporation or code of regulations will not adversely affect the 118860  
interests of the bank's depositors and creditors. 118861

(3) Within forty-five days after receiving the proposed 118862  
amendment, or the proposed amended articles of incorporation or 118863  
code of regulations, the superintendent shall notify the bank of 118864  
the approval or disapproval unless the superintendent determines 118865  
that additional information is required. In that event, the 118866  
superintendent shall request the information in writing within 118867  
twenty days after the date the proposed amendment, or the proposed 118868  
amended articles of incorporation or code of regulations, was 118869  
received. The bank shall have thirty days to submit the 118870  
information to the superintendent. The superintendent shall notify 118871  
the bank of the superintendent's approval or disapproval of the 118872  
proposed amendment, or the proposed amended articles of 118873  
incorporation or code of regulations, within forty-five days after 118874  
the date the additional information is received. If the proposed 118875  
amendment or proposed amended articles of incorporation or code of 118876  
regulations are disapproved by the superintendent, the 118877  
superintendent shall notify the bank of the reasons for the 118878  
disapproval. 118879

(4) If the superintendent fails to approve or disapprove the 118880  
proposed amendment or proposed amended articles of incorporation 118881  
or code of regulations within the time period required under 118882  
division (D)(3) of this section, the proposed amendment or 118883



proposed amended articles of incorporation or code of regulations 118884  
shall be considered approved. 118885

(5) If the proposed amendment or amended articles of 118886  
incorporation are approved, in no event shall that approval be 118887  
construed or represented as an affirmative endorsement of the 118888  
amendment or amended articles of incorporation by the 118889  
superintendent. 118890

(E)(1) Upon adoption by the members of any approved amendment 118891  
to a mutual state bank's articles of incorporation or code of 118892  
regulations, or approved amended articles of incorporation or code 118893  
of regulations, the bank shall send to the superintendent a 118894  
certificate containing a copy of the members' resolution adopting 118895  
the amendment or amended articles of incorporation or code of 118896  
regulations and a statement of the manner of and basis for its 118897  
adoption. If the board of directors proposed the amendment or the 118898  
amended articles of incorporation or code of regulations, the 118899  
certificate shall include a copy of the resolution adopted by the 118900  
directors to propose the amendment or amended articles of 118901  
incorporation or code of regulations to the members. The 118902  
certificate shall be signed by the bank's authorized 118903  
representatives in accordance with section 1103.19 of the Revised 118904  
Code. 118905

(2) Upon adoption by the board of directors of any approved 118906  
amendment to a mutual state bank's articles of incorporation or 118907  
code of regulations, or approved amended articles of incorporation 118908  
or code of regulations, the bank shall provide to the 118909  
superintendent a copy of the amendment or amended articles of 118910  
incorporation or code of regulations, accompanied by a certificate 118911  
containing a copy of the directors' resolution adopting the 118912  
amendment or amended articles of incorporation or code of 118913  
regulations and a statement of the manner of and basis for its 118914  
adoption. The certificate shall be signed by the bank's authorized 118915

representatives in accordance with section 1103.19 of the Revised Code. 118916  
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(F) Upon receiving a certificate required by division (E) of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if the manner of and basis for adoption of the amendment or amended articles of incorporation or code of regulations comply with the requirements of the Revised Code. 118918  
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(G)(1) Within thirty days after receiving a certificate required by division (E) of this section, the superintendent shall approve or disapprove the amendment or amended articles of incorporation or code of regulations. If the superintendent approves the amendment or amended articles of incorporation or code of regulations, the superintendent shall forward a certificate of that approval, a copy of the certificate required by division (E) of this section, and a copy of the amendment or amended articles of incorporation or code of regulations to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation or code of regulations shall be effective. 118924  
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(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation or code of regulations within thirty days after receiving a certificate required by division (E) of this section, the bank shall forward a copy of the certificate and a copy of the amendment or amended articles of incorporation or code of regulations to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation or code of regulations shall be effective. 118936  
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**Sec. 1114.12.** (A) Whenever members of a mutual state bank are required or authorized to elect directors or to take any other 118945  
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action at a meeting, either annual or special, notice of the 118947  
meeting shall be given in either of the following ways: 118948

(1) By publication, once each week on the same day of the 118949  
week for three consecutive weeks immediately preceding the date of 118950  
the meeting in a newspaper published in and of general circulation 118951  
in the county in which the principal office of the bank is 118952  
located, of a notice containing the name of the bank and the 118953  
purpose, place, date, and hour of the meeting; 118954

(2) By notice served upon or mailed to members as provided in 118955  
section 1701.41 of the Revised Code. 118956

(B) The notice required under division (A) of this section 118957  
shall include a statement that, if a member granted a proxy to the 118958  
officers and directors of the bank, the proxy is revocable at any 118959  
time before the meeting or by attending the meeting and voting in 118960  
person. 118961

**Sec. 1114.16.** In the event of a liquidation or dissolution of 118962  
a mutual state bank, the priority of claims shall be established 118963  
by section 1125.24 of the Revised Code. 118964

**Sec. 1115.01.** (A)(1) A stock state bank may do any of the 118965  
following: 118966

(a) Convert into a national bank or a federal savings 118967  
association if the conversion is approved by both the office of 118968  
the comptroller of the currency and the affirmative vote or 118969  
written consent of the holders of two-thirds, or such other 118970  
proportion not less than a majority as the stock state bank's 118971  
articles of incorporation require, of the outstanding shares of 118972  
each class of the bank's stock; 118973

(b) ~~Convert into a federal savings association if the~~ 118974  
~~conversion is approved by both the office of thrift supervision~~ 118975

~~and the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

~~(e) Convert into a bank, savings bank, or savings and loan association pursuant to section 1151.64 of the Revised Code or the laws of another state if the conversion is approved by both the regulatory authority of the other state and the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the stock state bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

~~(d) Convert into a savings bank pursuant to section 1161.631 of the Revised Code or the laws of another state if the conversion is approved by the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

~~(e) Convert into a bank doing business under authority granted by the bank regulatory authority of another state, pursuant to the laws of that state, if the conversion is approved by the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock.~~

(2) A mutual state bank may do any of the following:

(a) Convert into a national bank or a federal savings association if the conversion is approved by the office of the comptroller of the currency, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be

cast at the meeting at which the plan of conversion is presented 119007  
to the members for adoption; 119008

(b) Convert into a bank, savings bank, or savings association 119009  
pursuant to the laws of another state if the conversion is 119010  
approved by the regulatory authority of the other state, the 119011  
affirmative vote of two-thirds of the mutual state bank's board of 119012  
directors, and the affirmative vote of two-thirds of the total 119013  
outstanding votes eligible to be cast at the meeting at which the 119014  
plan of conversion is presented to the members for adoption. 119015

(B) A state bank that converts into a national bank, a 119016  
federal savings association, or a bank, savings bank, or savings 119017  
association doing business under authority granted by the bank 119018  
regulatory authority of another state, ~~or a federal savings~~ 119019  
~~association~~ shall, immediately upon the conversion being 119020  
effective, file with the superintendent of financial institutions 119021  
all information the superintendent determines is necessary to 119022  
reflect in the state's records that the bank ~~or federal savings~~ 119023  
~~association~~ is no longer a corporation organized and doing 119024  
business under the laws of this state. 119025

~~(B)(1) A national bank, bank doing business under authority~~ 119026  
~~granted by the bank regulatory authority of another state, savings~~ 119027  
~~association, or savings bank may, with the approval of the~~ 119028  
~~superintendent, convert into a state bank.~~ 119029

~~(2) A national bank, bank doing business under authority~~ 119030  
~~granted by the bank regulatory authority of another state, savings~~ 119031  
~~association, or savings bank proposing to convert into a state~~ 119032  
~~bank shall submit to the superintendent an application for the~~ 119033  
~~superintendent's approval of the conversion that includes all of~~ 119034  
~~the following:~~ 119035

~~(a) A plan of conversion;~~ 119036

~~(b) The proposed articles of incorporation and code of~~ 119037

~~regulations of the proposed state bank;~~ 119038

~~(c) An officers' certification that the directors and~~ 119039  
~~shareholders of the national bank, bank doing business under~~ 119040  
~~authority granted by the bank regulatory authority of another~~ 119041  
~~state, savings association, or savings bank have approved the plan~~ 119042  
~~of conversion and the proposed articles of incorporation and code~~ 119043  
~~of regulations in accordance with the applicable state or federal~~ 119044  
~~law and with the bank's, savings association's, or savings bank's~~ 119045  
~~articles of association or incorporation and code of regulations~~ 119046  
~~or bylaws;~~ 119047

~~(d) Any other information the superintendent requires.~~ 119048

~~(3) Within ten business days after receiving an application~~ 119049  
~~required under division (B)(2) of this section, the superintendent~~ 119050  
~~shall determine whether to accept the application. Within ninety~~ 119051  
~~days after accepting an application required under division (B)(2)~~ 119052  
~~of this section, the superintendent shall approve or disapprove~~ 119053  
~~the application. In determining whether to approve the bank's,~~ 119054  
~~savings association's, or savings bank's conversion into a state~~ 119055  
~~bank, the superintendent shall consider all of the following:~~ 119056

~~(a) The adequacy of the capital and paid in capital of the~~ 119057  
~~proposed state bank;~~ 119058

~~(b) Whether the competence, experience, and integrity of each~~ 119059  
~~director, executive officer, and controlling shareholder of the~~ 119060  
~~proposed state bank meet the criteria for acquiring control of a~~ 119061  
~~state bank as provided in section 1115.06 of the Revised Code;~~ 119062

~~(c) Whether the proposed state bank affords reasonable~~ 119063  
~~promise of successful operation;~~ 119064

~~(d) Whether the proposed state bank meets the requirements of~~ 119065  
~~Chapters 1101. to 1127. of the Revised Code.~~ 119066

~~(4) The superintendent may condition an approval of the~~ 119067

~~conversion of a national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank into a state bank in any manner the superintendent considers appropriate.~~

~~(5)(a) If the superintendent approves a conversion of a national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank into a state bank, the superintendent shall forward a certificate of the approval of the conversion and the state bank's articles of incorporation to the secretary of state, and shall issue to the new state bank a certificate of authority to commence business as a state bank.~~

~~(b)(i) In the case of a state bank resulting from the conversion of a savings association organized under Chapter 1151. of the Revised Code or a savings bank organized under Chapter 1161. of the Revised Code, the secretary of state shall file the certificate of the superintendent's approval of the conversion and the state bank's articles of incorporation in a manner reflecting the corporation is no longer doing business under Chapter 1151. or 1161. of the Revised Code.~~

~~(ii) In the case of a state bank resulting from the conversion of a national bank, a bank, savings association, or savings bank doing business under authority granted by the regulatory authority of another state, or a federal savings association, the secretary of state shall file the certificate of the superintendent's approval of the conversion and the state bank's articles of incorporation in a manner reflecting the state bank is newly authorized to do business under the laws of this state.~~

~~(6) The conversion shall be effective on the date indicated in the superintendent's approval. Without further act or deed, the state bank resulting from the conversion shall have all property,~~

~~rights, interests, and powers of its predecessor bank, savings  
association, or savings bank within the limits of the charter of  
the resulting state bank, and all duties, trusts, obligations, and  
liabilities of the predecessor bank, savings association, or  
savings bank shall continue in the state bank resulting from the  
conversion.~~

Sec. 1115.02. A national bank, a bank doing business under  
authority granted by the bank regulatory authority of another  
state, a savings association, a savings bank, or a state or  
federally chartered credit union may, with the approval of the  
superintendent of financial institutions, convert into a stock  
state bank or mutual state bank by submitting an application in  
accordance with rules adopted by the superintendent for this  
purpose.

Sec. 1115.03. (A)(1) A mutual state bank may convert into a  
stock state bank if the conversion is approved by the  
superintendent of financial institutions, the affirmative vote of  
two-thirds of the mutual state bank's board of directors, and the  
affirmative vote of two-thirds of the total outstanding votes  
eligible to be cast at the meeting at which the plan of conversion  
is presented to the members for adoption.

(2) A stock state bank may convert into a mutual state bank  
if the conversion is approved by both the superintendent and the  
affirmative vote or written consent of the holders of two-thirds,  
or such other proportion not less than a majority as the stock  
state bank's article of incorporation require, of the outstanding  
shares of each class of the bank's stock.

(B) A conversion under this section shall be effective on the  
date indicated in the materials filed with the secretary of state  
by the converting bank. Without further act or deed, the bank



resulting from the conversion shall have all the property, rights, interests, and powers of its predecessor bank within the limits of the charter of the resulting bank, and all duties, trusts, obligations, and liabilities of the predecessor bank shall continue in the bank resulting from the conversion.

**Sec. 1115.05.** (A) As used in this section: 119135

(1) "Acquire" or "acquisition" means any of the following transactions or actions: 119136  
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(a) A merger or consolidation with, or purchase of assets from, a bank holding company that has acquired an Ohio bank; 119138  
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(b) The acquisition of the direct or indirect ownership or control of voting shares of an Ohio bank if, after the acquisition, the acquiring bank holding company will directly or indirectly own or control the Ohio bank, unless the superintendent of financial institutions determines, in the superintendent's discretion, due to the nature of the acquisition, it should not be subject to the limitations of this section; 119140  
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(c) The merger or consolidation of an Ohio bank with, or the transfer of assets from an Ohio bank to, another bank, whether previously existing or chartered for the purpose of the transaction; 119147  
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(d) Any other action that results in the direct or indirect control of an Ohio bank. 119151  
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(2) "Ohio bank" means a state bank or a national bank whose principal place of business is in this state. 119153  
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(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this section, a bank or bank holding company whose principal place of business is in this state or any other state may charter or otherwise acquire an Ohio bank, and a bank may acquire banking offices in this state by merger or consolidation with or transfer 119155  
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of assets and liabilities from a bank, savings bank, or savings association that has offices in this state, if, upon consummation of the acquisition, both of the following will apply:

(1) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, does not control more than ten per cent of the total deposits of banks, savings banks, and savings associations in the United States, and either of the following applies:

(a) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, does not control more than thirty per cent of the total deposits of banks, savings banks, and savings associations in this state.

(b) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, controls more than thirty per cent of the total deposits of banks, savings banks, and savings associations in this state, and the superintendent approved the acquisition after determining the anticompetitive effects of the acquisition were clearly outweighed in the public interest by the probable effect of the transaction.

(2) Except in the case of a foreign bank subject to Chapter 1119. of the Revised Code or a bank that by the terms of its articles of incorporation or association is not permitted to solicit or accept deposits other than trust funds, the Ohio bank or any bank that has banking offices in this state will be an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h).

(C)(1) Any bank holding company proposing to charter a state bank under this section shall comply with Chapter 1113. or 1114. of the Revised Code and any rules adopted to implement that

chapter. 119191

(2) If, after the proposed acquisition, the acquiring bank or bank holding company will control an existing state bank the acquiring bank or bank holding company did not control before the acquisition, and the acquisition does not include the merger or consolidation of the existing state bank with another bank, the acquiring bank or bank holding company shall comply with section 1115.06 of the Revised Code and any rules adopted to implement that section. 119192  
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(3) If the proposed acquisition will be accomplished by means of a merger or consolidation with a state bank and the resulting bank of the merger or consolidation will be a state bank, the state bank shall comply with section 1115.11 of the Revised Code and any rules adopted to implement that section. 119200  
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(4) If the proposed acquisition will be accomplished by means of a transfer of assets and liabilities to a state bank, the state bank shall comply with section 1115.14 of the Revised Code and any rules adopted to implement that section. 119205  
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(5) If the proposed acquisition will be accomplished by forming a bank to which the bank to be acquired will transfer assets and liabilities, or with which the bank to be acquired will be merged or consolidated and the resulting bank will be a state bank, the acquiring bank holding company shall comply with section 1115.23 of the Revised Code and any rules adopted to implement that section. 119209  
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~~(D)(1) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings association doing business under authority granted by the superintendent~~ 119216  
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~~pursuant to Chapter 1151. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings association located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1151.052 of the Revised Code.~~

~~(2) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings bank doing business under authority granted by the superintendent pursuant to Chapter 1161. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in Ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings bank located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1161.07 of the Revised Code.~~

**Sec. 1115.06.** (A) As used in this section: 119246

(1) "Control" of a state bank means either of the following: 119247

(a) Power, directly or indirectly, to direct the management or policies of a state bank; 119248  
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(b) Ownership or control of or power to vote twenty-five per cent or more of any class of voting securities of a state bank. 119250  
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(2) "State bank" includes any bank holding company that 119252  
controls a state bank, and any other company that controls a state 119253  
bank and is not a bank holding company. 119254

(B)(1) No person, acting directly or indirectly or through or 119255  
in concert with one or more other persons, shall acquire control 119256  
of a state bank through a purchase, assignment, transfer, pledge, 119257  
or other disposition of voting securities of a state bank unless 119258  
the superintendent of financial institutions has been given sixty 119259  
days' prior written notice of the proposed acquisition and within 119260  
that sixty days the superintendent has not done either of the 119261  
following: 119262

(a) Disapproved the acquisition; 119263

(b) Extended the time during which the superintendent may 119264  
disapprove the acquisition, as provided in division (B)(2) of this 119265  
section. 119266

(2) The superintendent may extend the time during which the 119267  
superintendent may disapprove a proposed acquisition of control, 119268  
as follows: 119269

(a) For an additional thirty days in the discretion of the 119270  
superintendent; 119271

(b) For two additional extensions of not more than forty-five 119272  
days each, if any of the following applies: 119273

(i) The superintendent determines any acquiring party has not 119274  
furnished all of the information required under division (C) of 119275  
this section. 119276

(ii) In the superintendent's judgment, any material 119277  
information submitted is substantially inaccurate. 119278

(iii) The superintendent has been unable to complete the 119279  
investigation of an acquiring person under division (E)(1) of this 119280  
section because of any delay caused by, or the inadequate 119281

cooperation of, that acquiring person. 119282

(iv) The superintendent determines additional time is needed 119283  
to investigate and determine whether any acquiring person has a 119284  
record of failing to comply with the requirements of subchapter II 119285  
of chapter 53 of subtitle IV of Title 31 of the United States 119286  
Code. 119287

(3) An acquisition may be made prior to the expiration of the 119288  
disapproval period if the superintendent issues written notice of 119289  
the superintendent's intent not to disapprove the acquisition of 119290  
control. 119291

(C) ~~Except as the superintendent otherwise provides by rule,~~ 119292  
a A notice required under division (B) of this section shall 119293  
contain the following such information: 119294

~~(1) The identity, personal history, and business background 119295  
and experience of each person by whom or on whose behalf the 119296  
acquisition is to be made, including each person's material 119297  
business activities and affiliations during the past five years; a 119298  
description of any material pending legal or administrative 119299  
proceedings in which each person is a party; and any criminal 119300  
indictment or conviction of each person by a state or federal 119301  
court. 119302~~

~~(2) A statement of the assets and liabilities of each person 119303  
by whom or on whose behalf the acquisition is to be made, as of 119304  
the end of the fiscal year for each of the five years immediately 119305  
preceding the date of the notice, together with related statements 119306  
of income and source and application of funds for each of the 119307  
fiscal years then concluded, all prepared in accordance with 119308  
generally accepted accounting principles consistently applied; and 119309  
an interim statement of the assets and liabilities for each 119310  
person, together with related statements of income and source and 119311  
application of funds, as of a date not more than ninety days prior 119312~~

~~to the date of the filing of the notice.~~ 119313

~~(3) The terms and conditions of the proposed acquisition and  
the manner in which the acquisition is to be made.~~ 119314  
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~~(4) The identity, source, and amount of the funds or other  
consideration used or to be used in making the acquisition and, if  
any part of these funds or other consideration has been or is to  
be borrowed or otherwise obtained for the purpose of making the  
acquisition, a description of the transaction, the names of the  
parties, and any arrangements, agreements, or understandings with  
the parties.~~ 119316  
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~~(5) Any plans or proposals any acquiring person may have to  
liquidate the state bank, to sell its assets or merge it with any  
company, or to make any other major change in its business or  
corporate structure or management.~~ 119323  
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~~(6) The identification of any person employed, retained, or  
to be compensated by an acquiring person, or by any person on an  
acquiring person's behalf, to make solicitations or  
recommendations to shareholders for the purpose of assisting in  
the acquisition, and a brief description of the terms of the  
employment, retainer, or arrangement for compensation.~~ 119327  
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~~(7) Copies of all invitations or tenders or advertisements  
making a tender offer to stockholders for purchase of their stock  
to be used in connection with the proposed acquisition.~~ 119333  
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~~(8) Any additional relevant information in the form as the  
superintendent may require by rule or by specific request in  
connection with any particular notice.~~ 119336  
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(D) Unless the superintendent determines an emergency exists 119339  
or disclosure of a proposed acquisition of control would seriously 119340  
threaten the safety or soundness of the state bank, each person 119341  
who gives a notice required under division (B) of this section 119342  
shall, within a reasonable time after receiving the 119343

superintendent's acceptance of the notice, do both of the 119344  
following: 119345

(1) Publish the name of the state bank proposed to be 119346  
acquired and the name of each person identified in the notice as a 119347  
person by whom or for whom the acquisition is to be made; 119348

(2) Solicit public comment on the proposed acquisition, 119349  
particularly from persons in the geographic area where the state 119350  
bank proposed to be acquired is located, before final 119351  
consideration of the notice by the superintendent. 119352

(E) Upon accepting a notice required under division (B) of 119353  
this section, the superintendent shall do both of the following: 119354

(1) Conduct an investigation of the competence, experience, 119355  
integrity, and financial ability of each person named in the 119356  
notice as a person by whom or for whom the acquisition is to be 119357  
made; 119358

(2) Make an independent determination of the accuracy and 119359  
completeness of all information required to be in the notice. 119360

(F) The superintendent may disapprove any proposed 119361  
acquisition of control if the superintendent finds any of the 119362  
following: 119363

(1) The proposed acquisition of control would result in a 119364  
monopoly or further any combination or conspiracy to monopolize or 119365  
to attempt to monopolize the business of banking in any part of 119366  
this state or any markets served by the state bank. 119367

(2) The effect of the proposed acquisition of control in any 119368  
part of this state and any markets served by the state bank may be 119369  
to substantially lessen competition, tend to create a monopoly, or 119370  
in any other manner restrain trade, and the anticompetitive 119371  
effects of the proposed acquisition of control are not clearly 119372  
outweighed in the public interest by the probable effect of the 119373



acquisition in meeting the convenience and needs of the community 119374  
to be served. 119375

(3) The financial condition of any acquiring person might 119376  
jeopardize the financial stability of the state bank or prejudice 119377  
the interests of the depositors of the state bank. 119378

(4) The competence, experience, or integrity of any acquiring 119379  
person or of any of the proposed management personnel indicates 119380  
that it would not be in the interest of the depositors of the 119381  
state bank, or in the interest of the public, to permit the 119382  
acquiring person to control the state bank. 119383

(5) The acquiring person neglects, fails, or refuses to 119384  
furnish to the superintendent all of the information required by 119385  
the superintendent. 119386

(6) The superintendent determines the proposed transaction 119387  
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 119388  
~~the savings association insurance fund~~ administered by the federal 119389  
deposit insurance corporation. 119390

(G) Within three days after deciding to disapprove any 119391  
proposed acquisition of control of a state bank, the 119392  
superintendent shall notify the acquiring person in writing of the 119393  
disapproval. The notice of disapproval shall provide a statement 119394  
of the basis for the disapproval. 119395

(H) Within ten days after receipt of a notice of the 119396  
disapproval, the acquiring person may, in accordance with Chapter 119397  
119\_ of the Revised Code, request a hearing conducted in 119398  
accordance with that chapter on the proposed acquisition. 119399

(I) Whenever a change in control of a state bank occurs, the 119400  
state bank shall promptly report to the superintendent any changes 119401  
in or replacement of its chief executive officer or of any 119402  
director that occurs in the next twelve-month period, and include 119403  
in the report a statement of the past and current business and 119404

professional affiliations of the new chief executive officer or 119405  
director. 119406

(J)(1) The superintendent may exercise any authority vested 119407  
in the superintendent under Chapter 1121. of the Revised Code in 119408  
the course of conducting any investigation under division (E) of 119409  
this section or any other investigation the superintendent, in the 119410  
superintendent's discretion, considers necessary to determine 119411  
whether any person has filed inaccurate, incomplete, or misleading 119412  
information under this section or otherwise is violating, has 119413  
violated, or is about to violate any provision of this section or 119414  
any rule implementing this section. 119415

(2) Whenever it appears to the superintendent any person is 119416  
violating, has violated, or is about to violate any provision of 119417  
this section or any rule implementing this section, the 119418  
superintendent may, in the superintendent's discretion, apply to 119419  
the court of common pleas of any county in which the state bank is 119420  
doing business for either of the following: 119421

(a) A temporary or permanent injunction or restraining order 119422  
enjoining the person from violating this section or any rule 119423  
implementing this section; 119424

(b) Other equitable relief, including divestiture, that may 119425  
be necessary to prevent violation of this section or of any rule 119426  
implementing this section. 119427

(3)(a) The courts of this state have the same jurisdiction 119428  
and power in connection with the exercise of any authority by the 119429  
superintendent under this section as they have under Chapter 1121. 119430  
of the Revised Code. 119431

(b) The courts of this state have jurisdiction and power to 119432  
issue any injunction or restraining order or grant any equitable 119433  
relief described in division (J)(2) of this section. When a court 119434  
finds it appropriate, the court may grant the injunction, order, 119435

or other equitable relief without requiring the posting of any 119436  
bond. 119437

(K) The resignation, termination of employment or 119438  
participation, divestiture of control, or separation of or by a 119439  
regulated person, including a separation caused by the closing of 119440  
a state bank, shall not affect the jurisdiction and authority of 119441  
the superintendent to issue any notice and otherwise proceed under 119442  
this section against the regulated person, if the notice is issued 119443  
no later than six years after the date of the regulated person's 119444  
resignation, termination of employment or participation, or 119445  
separation from or divestiture of control of a state bank. 119446

For purposes of this division, "regulated person" has the 119447  
same meaning as in section 1121.01 of the Revised Code. 119448

**Sec. 1115.07.** (A) As used in this section: 119449

(1) "Credit outstanding" means any loan, extension of credit, 119450  
issuance of a guarantee, acceptance, or letter of credit, 119451  
including an endorsement or standby letter of credit, or other 119452  
transaction that extends financing to a person or group of 119453  
persons. 119454

(2) "Financial institution" means a state bank, national 119455  
bank, savings bank, savings association, or a bank doing business 119456  
under authority granted by the bank regulatory authority of 119457  
another state of the United States or another country. 119458

(3) "Group of persons" includes any number of persons the 119459  
financial institution reasonably believes are either of the 119460  
following: 119461

(a) Persons who are acting together, in concert, or with one 119462  
another to acquire or control shares of the same stock state bank, 119463  
including an acquisition of shares of the same stock state bank at 119464  
approximately the same time under substantially the same terms. 119465

(b) Persons who have made, or have proposed to make, a joint filing under section 13 of Title I of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding ownership of the shares of the same stock state bank.

(B)(1) Except as provided in division (D) of this section, any financial institution or any affiliate of a financial institution that has credit outstanding to any person or group of persons that is secured, directly or indirectly, by shares of a stock state bank shall file a consolidated report with the superintendent of financial institutions if the credits outstanding are, in the aggregate, secured, directly or indirectly, by twenty-five per cent or more of the outstanding shares of any class of the same stock state bank.

(2) For purposes of division (B)(1) of this section, any shares of the stock state bank held by the financial institution or any of its affiliates as principal shall be included in the calculation of the number of shares in which the financial institution or its affiliates has a security interest.

(C) The report required under division (B)(1) of this section shall be a consolidated report on behalf of the financial institution and all its affiliates, and shall be filed in writing within thirty days after the date on which the financial institution or any of its affiliates first believes the security for any outstanding credit consists of twenty-five per cent or more of the outstanding shares of any class of a stock state bank.

The report shall indicate the number and percentage of shares securing each credit outstanding, the identity of the borrower, and the number of shares held as principal by the financial institution or any of its affiliates. It also shall contain all of the information required in a notice under section 1115.06 of the Revised Code, and any other relevant information the superintendent may require by rule or by specific request in

connection with a particular report. 119498

(D) A financial institution and its affiliates shall not be 119499  
required to report a transaction under this section if either of 119500  
the following applies: 119501

(1) The person or group of persons to whom the credit is 119502  
outstanding has disclosed to the superintendent the amount 119503  
borrowed from the financial institution or its affiliate and the 119504  
security interest of the financial institution or its affiliate in 119505  
connection with a notice given under section 1115.06 of the 119506  
Revised Code or with any other application filed with the 119507  
superintendent, such as an application for an interim bank 119508  
charter. 119509

(2) The transaction involves either of the following: 119510

(a) A person or group of persons that has been the owner of 119511  
record of the shares for at least one year; 119512

(b) Shares issued by a newly chartered stock state bank 119513  
before the ~~state~~ bank's opening. 119514

**Sec. 1115.11.** (A) A state bank may consolidate or merge with 119515  
another state bank, a bank, savings bank, or savings association 119516  
doing business under authority granted by the bank regulatory 119517  
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 119518  
federal savings association, regardless of where it maintains its 119519  
principal place of business, with the approval of all of the 119520  
following: 119521

(1) The directors of both constituent corporations; 119522

(2)(a) The shareholders of each constituent state bank that 119523  
is a stock state bank, by the affirmative vote or written consent 119524  
of the holders of two-thirds, or such other proportion not less 119525  
than a majority as the ~~state~~ bank's articles of incorporation or 119526  
code of regulations provide, of the outstanding shares of each 119527

class of the ~~state~~ bank's stock; 119528

(b) The members of each constituent state bank that is a 119529  
mutual state bank, by the affirmative vote of two-thirds, or such 119530  
other proportion not less than a majority as the bank's articles 119531  
of incorporation or code of regulations provide, of the voting 119532  
members. 119533

(3) The shareholders or members of the other constituent 119534  
bank, savings bank, or savings association as required by the 119535  
applicable state or federal law, articles of incorporation, or 119536  
code of regulations; 119537

(4) One of the following, as applicable: 119538

(a) If the resulting corporation will be a state bank, a 119539  
~~savings bank doing business under authority granted pursuant to 119540~~  
~~Chapter 1161. of the Revised Code, or a savings and loan 119541~~  
~~association doing business under authority granted pursuant to 119542~~  
~~Chapter 1151. of the Revised Code, the superintendent of financial 119543~~  
institutions; 119544

(b) If the resulting corporation will be a national bank or 119545  
federal savings association, the office of the comptroller of the 119546  
currency; 119547

~~(c) If the resulting corporation will be a federal savings 119548~~  
~~association, the director of the office of thrift supervision; 119549~~

~~(d)~~ If the resulting corporation will be a bank, savings 119550  
bank, or savings association doing business under authority 119551  
granted by the regulatory authority of another state, the state 119552  
regulatory authority under which the bank, savings bank, or 119553  
savings association is doing business. 119554

(B) For a merger or consolidation in which the resulting or 119555  
surviving corporation will be a state bank, the constituent 119556  
corporations, in the case of a consolidation, and the constituent 119557

corporation that will be the surviving corporation, in the case of 119558  
a merger, shall file with the superintendent an application for 119559  
the superintendent's approval that includes ~~all of the following:~~ 119560

~~(1) An officers' certification that the transaction has been 119561  
approved by the directors and shareholders of each constituent 119562  
corporation in accordance with the applicable state or federal 119563  
law, articles of incorporation or association, code of 119564  
regulations, or bylaws;~~ 119565

~~(2) A a copy of the consolidation or merger agreement;~~ 119566

~~(3) Any and any other information the superintendent 119567  
requires.~~ 119568

(C) The consolidation or merger agreement required under 119569  
division (B)~~(2)~~ of this section shall include all of the 119570  
following: 119571

(1) The names of the constituent corporations; 119572

(2) The agreement that the named constituent corporations 119573  
will consolidate into a new state bank or the other named 119574  
constituent corporations will merge with or into one specified 119575  
constituent corporation; 119576

(3) Subject to the limitations set forth in section 1103.07 119577  
of the Revised Code, the name of the state bank resulting from the 119578  
consolidation or surviving the merger; 119579

(4) The place in this state where the resulting or surviving 119580  
bank's principal place of business is to be located; 119581

(5) In the case of a consolidation, the contents of the 119582  
resulting bank's articles of incorporation, consistent with 119583  
section ~~1103.06~~ 1113.04 of the Revised Code; 119584

(6) In the case of a merger, any amendment to the surviving 119585  
bank's articles of incorporation; 119586

(7) The names and addresses of the directors of the resulting 119587

or surviving bank; 119588

(8) The terms of the consolidation or merger, how the 119589  
consolidation or merger will be effected, and how ~~any~~ 119590  
consideration provided for, if any, will be distributed to the 119591  
shareholders or members of the constituent corporations. 119592

(D) Within ten business days after receiving an application 119593  
required under division (B) of this section, the superintendent 119594  
shall determine whether to accept the application. If the 119595  
transaction is with a bank, savings bank, or savings association 119596  
doing business under authority granted by a regulatory authority 119597  
other than the superintendent, the superintendent shall notify the 119598  
regulatory authority under which the bank, savings bank, or 119599  
savings association is doing business of the application and 119600  
solicit that regulatory authority's comments. Within ninety days 119601  
after accepting an application required under division (B) of this 119602  
section, the superintendent shall approve or disapprove the 119603  
application. In making that determination, the superintendent 119604  
shall consider all of the following: 119605

(1) Whether the transaction would result in a monopoly or 119606  
would further any combination or conspiracy to monopolize or to 119607  
attempt to monopolize the business of banking in any part of this 119608  
state and any markets served by the resulting or surviving bank; 119609

(2) Whether the effect of the proposed transaction in any 119610  
part of this state and any markets served by the resulting or 119611  
surviving bank may be to substantially lessen competition, tend to 119612  
create a monopoly, or in any other manner restrain trade, unless 119613  
the superintendent finds the anticompetitive effects of the 119614  
transaction would clearly be outweighed in the public interest by 119615  
the probable effect of the transaction in meeting the convenience 119616  
and needs of the community to be served; 119617

(3) The financial and managerial resources and future 119618



prospects of the banks involved; 119619

(4) The convenience and needs of the communities to be 119620  
served; 119621

(5) Whether, upon completion of the transaction, the 119622  
resulting or surviving state bank will meet the requirements of 119623  
Chapters 1101. to 1127. of the Revised Code; 119624

(6) The comments of any regulatory authority notified in 119625  
accordance with division (D) of this section. 119626

(E) The superintendent may condition approval of an 119627  
application under division (D) of this section in any manner the 119628  
superintendent considers appropriate. 119629

(F) Before consummating a consolidation or merger authorized 119630  
under division (A) of this section, a state bank shall deliver to 119631  
the superintendent a certificate of consolidation or merger that 119632  
satisfies the requirements of section 1701.81 of the Revised Code. 119633  
The superintendent shall file the certificate of consolidation or 119634  
merger with the secretary of state and, if the resulting or 119635  
surviving bank of the consolidation or merger is a state bank, 119636  
shall file a certified copy of the superintendent's approval of 119637  
the consolidation or merger with the certificate. 119638

(G) In the case of a consolidation or merger in which the 119639  
resulting or surviving corporation is a state bank, the directors 119640  
and other officers named in the agreement of consolidation or 119641  
merger shall serve until the date fixed in the agreement or 119642  
provided in the resulting or surviving bank's code of regulations 119643  
or by statute for the next annual meeting. 119644

(H)(1) When a consolidation or merger becomes effective, ~~the~~ 119645  
both of the following apply: 119646

(1) The existence of each of the constituent corporations 119647  
ceases as a separate entity, but continues in the resulting or 119648

surviving corporation, within the limits of the charter of the 119649  
resulting or surviving corporation and subject to section 1115.20 119650  
of the Revised Code, without further act or deed ~~and within.~~ 119651

(b) Within the limits of the charter of the resulting or 119652  
surviving corporation, the resulting or surviving corporation has 119653  
all assets and property, the rights, privileges, immunities, 119654  
powers, franchises, and authority, and all obligations and ~~trusts~~ 119655  
fiduciary relationships of each party to the merger or 119656  
consolidation and the duties and liabilities connected with them. 119657  
The 119658

(2) The resulting or surviving corporation shall perform 119659  
every ~~trust or relation~~ fiduciary relationship it has in the same 119660  
manner as if it had itself originally assumed the ~~trust or~~ 119661  
~~relation~~ fiduciary relationship and the obligations and 119662  
liabilities connected with it. 119663

(I) Shareholders of the nonsurviving stock state bank shall 119664  
have a right to dissent and shall be entitled to relief as 119665  
dissenting shareholders under section 1701.85 of the Revised Code 119666  
for those transactions requiring prior shareholder approval under 119667  
division (A)(2) of this section. 119668

**Sec. 1115.111.** (A) Except as provided in division (C) of this 119669  
section, no bank shall pay to any person, other than reasonable 119670  
compensation for services provided in ~~his~~ the person's capacity as 119671  
an employee, any management or consulting fee, including fees for 119672  
legal, accounting, brokerage, or other similar professional 119673  
services, not having a direct relationship to the value of actual 119674  
services rendered, based on reasonable costs consistent with 119675  
current market values for such services. 119676

(B) The records of the bank shall contain adequate 119677  
information to permit a determination as to what services are 119678  
being provided and on what basis they are being priced. At a 119679

minimum the records shall disclose a thorough review by the board 119680  
of directors demonstrating all of the following: 119681

(1) That such fees are paid for specific services provided, 119682  
as detailed in a fee analysis presented to the board; 119683

(2) The basis for the cost for each function or service; 119684

(3) A conclusion by the board of directors that the fees are 119685  
reasonable. 119686

(C) This section does not prevent a bank from paying any of 119687  
the following: 119688

(1) Dividends to shareholders that have been properly 119689  
declared by the bank; 119690

(2) Reasonable compensation to officers and employees of the 119691  
bank for services rendered to the bank in their capacities as 119692  
officers or employees of the bank; 119693

(3) Fees to directors for their attendance at meetings of the 119694  
board of directors, the executive committee, or other committees 119695  
established by the board. 119696

**Sec. 1115.14.** (A) A state bank may transfer assets and 119697  
liabilities to, and acquire assets and liabilities from, another 119698  
state bank, a bank doing business under authority granted by the 119699  
bank regulatory authority of another state, or a national bank, 119700  
savings bank, or savings association, regardless of where it 119701  
maintains its principal place of business, with the approval of 119702  
all of the following: 119703

(1) The directors of both constituent corporations; 119704

(2)(a) If the assets to be transferred equal more than fifty 119705  
per cent of the assets of a transferring or acquiring state bank 119706  
at the time of the transfer and the institution is a stock state 119707  
bank, the shareholders of the state bank by the affirmative vote 119708

or written consent of the holders of two-thirds, or such other 119709  
proportion not less than a majority as the state bank's articles 119710  
of incorporation or code of regulations provide, of the 119711  
outstanding shares of each class of the state bank's stock; 119712

(b) If the assets to be transferred equal more than fifty per 119713  
cent of the assets of a transferring or acquiring state bank at 119714  
the time of the transfer and the institution is a mutual state 119715  
bank, the members of the state bank by the affirmative vote of 119716  
two-thirds, or such other proportion not less than a majority as 119717  
the bank's articles of incorporation or code of regulations 119718  
provide, of the voting members. 119719

(3) The shareholders or members of the other constituent 119720  
bank, savings bank, or savings association as required by the 119721  
applicable state or federal law, the articles of incorporation, or 119722  
the code of regulations; 119723

(4) If the assets to be transferred equal more than fifty per 119724  
cent of the assets of the acquiring state bank, the superintendent 119725  
of financial institutions. 119726

(B) In the case of a transfer of assets and liabilities for 119727  
which the superintendent's approval is required under division 119728  
(A)(4) of this section, the acquiring state bank shall file with 119729  
the superintendent an application that includes all of the 119730  
following: 119731

(1) An officers' certification that the transaction has been 119732  
approved by the directors and shareholders or members of each 119733  
constituent corporation in accordance with the applicable state or 119734  
federal law, articles of incorporation or association, code of 119735  
regulations, or bylaws; 119736

(2) A copy of the transfer agreement; 119737

(3) Any other information the superintendent requires. 119738

(C) The transfer agreement required under division (B)(2) of this section shall include all of the following: 119739  
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(1) The names of the constituent corporations; 119741

(2) The agreement of the named constituent corporations that specified assets and liabilities of one will be transferred to the other in exchange for specified consideration; 119742  
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(3) Any changes to be made in the directors ~~of~~ or officers of the acquiring state bank; 119745  
119746

(4) Any amendments to the acquiring state bank's articles of incorporation; 119747  
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(5) The terms of the transfer, how the transfer will be effected, and how any consideration provided for will be distributed to the transferring corporation or its shareholders or members. 119749  
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(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority that granted the authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the superintendent shall consider all of the following: 119753  
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(1) Whether the transaction would result in a monopoly or would further any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of this state and any markets served by the acquiring bank; 119766  
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- (2) Whether the effect of the proposed transaction in any part of this state and any markets served by the acquiring bank may be to substantially lessen competition, tend to create a monopoly, or in any other manner restrain trade, unless the superintendent finds that the anticompetitive effects of the transaction would clearly be outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served; 119770  
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- (3) The financial and managerial resources and future prospects of the banks involved; 119778  
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- (4) The convenience and needs of the communities to be served; 119780  
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- (5) Whether, upon completion of the transaction, the acquiring state bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 119782  
119783  
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- (6) The comments of any regulatory authority notified in accordance with division (D) of this section. 119785  
119786
- (E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 119787  
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- (F) In the case of a transfer of assets and liabilities involving a state bank that is not the acquiring corporation and that will not continue operations after the transaction, the state bank shall, immediately upon the transfer of assets and liabilities being effective, provide the superintendent with the necessary dissolution certificates and affidavits for the superintendent to file the dissolution with the secretary of state. 119790  
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- (G) When a bank, savings bank, or savings association transfers its assets and liabilities to a state bank, the acquiring state bank shall be possessed of the rights, privileges, 119798  
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and powers of the transferor with respect to the transferred 119801  
assets within the limits of the charter of the acquiring state 119802  
bank. 119803

(H) Shareholders of a stock state bank whose assets have been 119804  
transferred shall have a right to dissent and shall be entitled to 119805  
relief as dissenting shareholders under section 1701.85 of the 119806  
Revised Code for those transactions requiring prior shareholder 119807  
approval under division (A)(2) of this section. 119808

**Sec. 1115.15.** Whenever an emergency, as defined by the 119809  
superintendent of financial institutions, exists with regard to a 119810  
state bank, national bank, savings bank, or savings association 119811  
that warrants, in the opinion of the superintendent and of a 119812  
majority of the members of the respective boards of directors of 119813  
the constituent corporations concerned, an immediate transfer of 119814  
assets and liabilities, the board of directors of a state bank 119815  
may, by majority vote, transfer the assets and liabilities of the 119816  
state bank or acquire the assets and liabilities of another state 119817  
bank or a national bank, savings bank, or savings association 119818  
without the vote or approval of the shareholders of each 119819  
constituent corporation involved in the proposed transfer. No 119820  
transfer pursuant to this section involving a state bank shall be 119821  
made without the written consent of the superintendent. Certified 119822  
copies of all proceedings of its board of directors shall be filed 119823  
with the superintendent by each constituent corporation involved 119824  
in the transfer. A copy of the agreement between the constituent 119825  
corporations shall accompany the copies of the proceedings of the 119826  
boards of directors. 119827

**Sec. 1115.20.** (A) In any transfer, ~~consolidation, or merger~~ 119828  
under this chapter, the rights of creditors shall be preserved 119829  
unimpaired, and, unless otherwise provided, the constituent 119830  
corporations shall be deemed to continue their separate existence 119831

if the continuation is necessary to preserve any creditor's 119832  
rights. 119833

(B) In any consolidation or merger under section 1115.11 of 119834  
the Revised Code, the rights and obligations of the surviving or 119835  
new bank shall be governed by section 1701.82 of the Revised Code. 119836

**Sec. 1115.23.** (A) Any person, singly or jointly with others, 119837  
may, with the approval of the superintendent of financial 119838  
institutions, incorporate an interim bank for the purpose of 119839  
facilitating the creation of a bank holding company, the 119840  
acquisition of or transaction with an existing bank, savings 119841  
association, or savings bank, or any other transaction the 119842  
superintendent may approve. Prior to commencing business, an 119843  
interim bank shall be a party to a reorganization with an existing 119844  
bank, savings association, or savings bank pursuant to this 119845  
chapter. 119846

(B) The person or persons proposing to incorporate an interim 119847  
bank under this section shall make application for approval of the 119848  
proposed interim bank in the manner and form prescribed by the 119849  
superintendent, which shall include delivering to the division of 119850  
financial institutions the items required in divisions (B)(1) and 119851  
(2) of section ~~1113.01~~ 1113.02 of the Revised Code. 119852

(C) Approval of the interim bank pursuant to this section 119853  
does not authorize the interim bank to commence business. Approval 119854  
of the interim bank shall be specifically conditioned on approval 119855  
of the subsequent reorganization. The approval of the interim bank 119856  
becomes void, and the interim bank shall be dissolved, if the 119857  
reorganization is not approved and consummated within one year 119858  
after the approval of the interim bank, unless the superintendent 119859  
grants one or more extensions in writing. If no extension is 119860  
granted or upon the expiration of the last extension granted, the 119861  
interim bank shall provide the superintendent with the necessary 119862



dissolution certificates and affidavits for the superintendent to 119863  
file the dissolution with the secretary of state. 119864

(D) The superintendent shall not disapprove an interim bank 119865  
charter solely because the interim bank's paid-in capital and 119866  
surplus do not aggregate more than five hundred dollars. 119867

**Sec. 1115.24.** (A) As used in this section: 119868

(1) "Applicant" means the person or persons seeking a shelf 119869  
charter under this section. 119870

(2) "Control" has the same meaning as in section 1115.06 of 119871  
the Revised Code and any rules adopted under that section. 119872

(3) "Shelf charter" means the preliminary conditional 119873  
approval of a charter. 119874

(B) The superintendent of financial institutions may, at the 119875  
superintendent's sole discretion, grant a shelf charter to an 119876  
applicant intending or desiring to enter into a transaction 119877  
resulting in any of the following: 119878

(1) Formation of an interim bank under this chapter to be 119879  
used for the transactions contemplated by this section; 119880

(2) Acquisition of control of a designated or undesignated 119881  
state bank; 119882

(3) Acquisition of control of a designated or undesignated 119883  
bank chartered by the banking authority of any other state or the 119884  
United States that the person or persons intend to convert to a 119885  
state bank; 119886

(4) Acquisition of assets from and assumption of liabilities, 119887  
pursuant to this chapter, of a bank or from the federal deposit 119888  
insurance corporation as receiver of a designated or undesignated 119889  
bank headquartered in this state or any other state that the 119890  
person or persons intend to convert to a state bank; 119891

(5) Formation of a de novo bank pursuant to Title XI of the Revised Code. 119892  
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(C) The superintendent shall prescribe the form for an application for a shelf charter. After reviewing an application, the superintendent may require the applicant to submit any additional information or documentation the superintendent considers necessary and appropriate. Factors to be considered by the superintendent shall include all of the following: 119894  
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(1) The availability of adequate capital for the transaction; 119900

(2) The existence of acceptable business plans; 119901

(3) Whether acceptable management, directors, and control persons are identified; 119902  
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(4) Whether all necessary approvals from state and federal agencies have been secured. 119904  
119905

(D)(1) A shelf charter granted under this section, and any final approval for a transaction described in division (B) of this section, shall be subject to such conditions and ongoing requirements as the superintendent considers appropriate. 119906  
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(2) An applicant granted a shelf charter under this section shall not exercise control over the bank or consummate the transaction authorized by the charter until the superintendent gives final approval of the transaction. 119910  
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(E) A shelf charter shall expire twenty-four months after the date it is granted, subject to the following: 119914  
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(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 119916  
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(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 119920  
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(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 119922  
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(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 119924  
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**Sec. 1115.27.** (A) A state bank may merge with any of its affiliates with the approval of all of the following: 119928  
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(1) The directors of all constituent corporations to the merger; 119930  
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(2)(a) The shareholders of each constituent stock state bank by the affirmative vote or written consent of the holders of two-thirds, or any other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the bank's stock; 119932  
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(b) The members of each constituent mutual state bank, by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members. 119938  
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(3) The shareholders or members of each other constituent to the merger as required by the applicable state or federal law, the articles of incorporation, or the code of regulations; 119942  
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(4) The superintendent of financial institutions. 119945

(B) The bank that will be the surviving bank in the merger shall file with the superintendent an application for the superintendent's approval that includes ~~all of the following:~~ 119946  
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~~(1) An officers' certification that the transaction has been approved by the directors and shareholders of each constituent corporation in accordance with the applicable state or federal~~ 119949  
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law, articles of incorporation or association, code of	119952
regulations, or bylaws;	119953
<del>(2)</del> A <u>a</u> copy of the merger agreement;	119954
<del>(3)</del> <u>Any and any</u> other information the superintendent	119955
requires.	119956
(C) The merger agreement required under division (B) <del>(2)</del> of	119957
this section shall include all of the following:	119958
(1) The names of the constituent corporations;	119959
(2) The agreement of the other named constituent corporations	119960
to merge with or into one specified bank;	119961
(3) Subject to the limitations set forth in section 1103.07	119962
of the Revised Code, the name of the bank surviving from the	119963
merger.	119964
(4) The place in this state where the surviving bank's	119965
principal place of business is to be located;	119966
(5) Any amendment to the surviving bank's articles of	119967
incorporation;	119968
(6) The names and addresses of the directors of the surviving	119969
bank;	119970
(7) The terms of the merger, how it will be effected, and how	119971
<del>any</del> consideration, <u>if any</u> , provided for will be distributed to the	119972
shareholders <u>or members</u> of the constituent corporations.	119973
(D) Within ten business days after receiving an application	119974
required under division (B) of this section, the superintendent	119975
shall determine whether to accept the application. Within ninety	119976
days after accepting an application required under division (B) of	119977
this section, the superintendent shall approve or disapprove the	119978
application. In making that determination, the superintendent	119979
shall consider all of the following:	119980

(1) The financial and managerial resources and future prospects of the surviving bank; 119981  
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(2) The convenience and needs of the communities to be served; 119983  
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(3) Whether, upon completion of the merger, the surviving bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 119985  
119986  
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(4) Whether any of the constituents to the merger are subject to limitations that are inconsistent with the merger. 119988  
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(E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 119990  
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(F) Before consummating a merger authorized under division (A) of this section, the bank that is to be the surviving bank of the merger shall deliver to the superintendent a certificate of merger that satisfies the requirements of section 1701.81 of the Revised Code. The superintendent shall file the certificate of merger and a certified copy of the superintendent's approval of the merger with the secretary of state. 119993  
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(G) The directors and other officers named in the agreement of merger shall serve until the date fixed in the agreement or provided in the surviving bank's code of regulations or by statute for the next annual meeting. 120000  
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(H) When a merger authorized by division (A) of this section becomes effective, the existence of each of the constituent corporations ceases as a separate entity, but continues in the surviving bank, within the limits of the charter of the surviving bank and subject to section 1115.20 of the Revised Code. Without further act or deed and within the limits of the charter of the surviving bank, the surviving bank has all assets and property, the rights, privileges, immunities, powers, franchises, and 120004  
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authority, and all obligations and ~~trusts~~ fiduciary relationships 120012  
of each party to the merger and the duties and liabilities 120013  
connected with them. The surviving bank shall perform every ~~trust~~ 120014  
~~or relation~~ fiduciary relationship it has in the same manner as if 120015  
it had itself originally assumed the ~~trust or relation~~ fiduciary 120016  
relationship and the obligations and liabilities connected with 120017  
it. 120018

Sec. 1116.01. As used in this chapter, unless the context 120019  
requires otherwise: 120020

(A) "Acquiree mutual bank" means any state bank, savings 120021  
association, or savings bank that meets both of the following 120022  
conditions: 120023

(1) It is acquired by a mutual holding company as part of, 120024  
and concurrently with, a mutual holding company reorganization. 120025

(2) It is in the mutual form immediately prior to the 120026  
acquisition. 120027

(B) "Reorganization plan" means the plan to reorganize into a 120028  
mutual holding company structure described in section 1116.07 of 120029  
the Revised Code. 120030

(C) "Reorganizing mutual state bank" means a mutual state 120031  
bank that proposes to reorganize into a mutual holding company 120032  
structure in accordance with this chapter. 120033

(D) "Resulting mutual holding company" means a bank holding 120034  
company organized in mutual form under this chapter and, unless 120035  
otherwise indicated, a subsidiary holding company controlled by a 120036  
mutual holding company organized under this chapter. 120037

(E) "Resulting stock state bank" means a stock state bank 120038  
that is organized as a subsidiary of a reorganizing mutual state 120039  
bank to receive a substantial part of the assets and liabilities, 120040  
including all deposit accounts, of the reorganizing mutual state 120041

bank upon consummation of the reorganization. 120042

(F) "Stock bank" means a bank that has an ownership structure 120043  
in the form of shares of stock and is doing business under 120044  
authority granted by the superintendent of financial institutions 120045  
or the bank regulatory authority of another state or the United 120046  
States. 120047

(G) "Subsidiary holding company" means a stock company that 120048  
is controlled by a mutual holding company and that owns the stock 120049  
of a stock state bank whose depositors have membership rights in 120050  
the parent mutual holding company. 120051

Sec. 1116.02. (A) A mutual holding company and any subsidiary 120052  
of a mutual holding company shall be created, organized, and 120053  
governed, and its business shall be conducted, in all respects in 120054  
the same manner as is provided under Chapter 1701. of the Revised 120055  
Code, for corporations generally, to the extent that it is not 120056  
inconsistent with this chapter, Chapters 1101. to 1115., and 120057  
Chapters 1117. to 1127. of the Revised Code or the rules adopted 120058  
under those chapters. 120059

(B) A mutual holding company and any subsidiary of a mutual 120060  
holding company organized under this chapter is subject to all 120061  
powers, remedies, and sanctions provided to the superintendent of 120062  
financial institutions and the division of financial institutions 120063  
by Chapters 1101. to 1127. of the Revised Code. 120064

(C) Notwithstanding division (A) of this section, a nonbank 120065  
subsidiary of a mutual holding company may be organized under the 120066  
general corporate laws of another state of the United States. 120067

Sec. 1116.05. (A) A mutual state bank may, with the approval 120068  
of the superintendent of financial institutions, reorganize to 120069  
become a mutual holding company, in one of the following manners: 120070

(1) By organizing one or more subsidiary stock state banks, 120071

one or more of which may be an interim stock state bank, the 120072  
ownership of which shall be evidenced by shares of stock to be 120073  
owned by the reorganizing mutual state bank and by transferring a 120074  
substantial portion of its assets, all of its insured deposits, 120075  
and part or all of its other liabilities to one or more subsidiary 120076  
stock state banks; 120077

(2) By organizing a first tier subsidiary stock state bank, 120078  
causing that subsidiary to organize a second tier subsidiary stock 120079  
state bank, and transferring, by merger of the reorganizing mutual 120080  
state bank with the second tier subsidiary, a substantial portion 120081  
of its assets, all of its insured deposits, and part or all of its 120082  
other liabilities to the resulting stock state bank at which time 120083  
the first tier subsidiary stock state bank becomes a mutual 120084  
holding company; 120085

(3) In any other manner approved by the superintendent. 120086

(B) As a part of its mutual holding company reorganization, a 120087  
mutual state bank may organize as a subsidiary holding company of 120088  
the mutual holding company, which subsidiary holding company shall 120089  
own all of the outstanding voting stock of the resulting stock 120090  
state bank. 120091

(C) Before reorganizing into a mutual holding company, a 120092  
reorganizing mutual state bank shall do all of the following: 120093

(1) Obtain approval of a reorganization plan by a two-thirds 120094  
vote of the board of directors of the reorganizing mutual state 120095  
bank and any acquiree mutual bank; 120096

(2) Obtain approval of the reorganization plan by a 120097  
two-thirds vote, or such other proportion not less than a majority 120098  
as the reorganizing mutual state bank's or any acquiree mutual 120099  
bank's articles of incorporation or code of regulations provide, 120100  
of the members' votes cast in person or by proxy at the annual 120101  
meeting or at a special meeting of members called by the board of 120102



<u>directors for the purpose of approving the reorganization plan;</u>	120103
<u>(3) File a reorganization application in the form prescribed</u>	120104
<u>by the superintendent that includes all of the following:</u>	120105
<u>(a) An officers' certification that the reorganization plan</u>	120106
<u>has been approved by the directors and members in accordance with</u>	120107
<u>applicable state law, articles of incorporation, code of</u>	120108
<u>regulations, or bylaws;</u>	120109
<u>(b) A copy of the reorganization plan;</u>	120110
<u>(c) Any other information the superintendent requires.</u>	120111
<b><u>Sec. 1116.06. (A) Within ten business days after receipt of</u></b>	120112
<b><u>an application for a mutual holding company reorganization under</u></b>	120113
<b><u>division (C)(3) of section 1116.05 of the Revised Code, the</u></b>	120114
<b><u>superintendent of financial institutions shall do one of the</u></b>	120115
<b><u>following:</u></b>	120116
<u>(1) Accept the application for processing;</u>	120117
<u>(2) Request additional information to complete the</u>	120118
<u>application;</u>	120119
<u>(3) Return the application if it is substantially incomplete.</u>	120120
<u>(B) Within one hundred eighty days after an application is</u>	120121
<u>accepted for processing, the superintendent shall approve or</u>	120122
<u>disapprove the application and, if approved, impose any conditions</u>	120123
<u>the superintendent determines appropriate.</u>	120124
<u>(C) In approving or disapproving an application, the</u>	120125
<u>superintendent, after conducting an appropriate examination or</u>	120126
<u>investigation, shall consider whether:</u>	120127
<u>(1) The reorganizing mutual state bank and any acquiree</u>	120128
<u>mutual bank will operate in a safe, sound, and prudent manner.</u>	120129
<u>(2) The applicant has demonstrated that the reorganization</u>	120130
<u>plan is fair to the members of the reorganizing mutual state bank</u>	120131

and any acquiree mutual bank. 120132

(3) The interests of the reorganizing mutual state bank's 120133  
depositors and creditors and the general public will not be 120134  
jeopardized by the proposed reorganization into a mutual holding 120135  
company; 120136

(4) The proposed reorganization will result in a reorganizing 120137  
mutual state bank or any acquiree state bank that has adequate 120138  
capital, satisfactory management, and good earnings prospects; 120139

(5) A stock issuance proposed in connection with the mutual 120140  
holding company reorganization plan meets the standards 120141  
established by the superintendent and any applicable state and 120142  
federal securities laws; and 120143

(6) The reorganizing mutual state bank or any acquiree mutual 120144  
bank has furnished all information required in the reorganization 120145  
plan and any other information requested by the superintendent 120146  
regarding the proposed reorganization. 120147

**Sec. 1116.07.** Each reorganization plan submitted with a 120148  
mutual holding company reorganization application shall contain a 120149  
description of all significant terms of the proposed 120150  
reorganization and include all of the following: 120151

(A) Any proposed stock issuance plan; 120152

(B) An opinion of counsel, or a ruling from the United States 120153  
internal revenue service and the Ohio department of taxation, as 120154  
to the federal and state tax treatment of the proposed 120155  
reorganization; 120156

(C) A copy of the articles of incorporation and code of 120157  
regulations of the proposed mutual holding company, the resulting 120158  
stock state bank, and any affiliate organizations in the holding 120159  
company structure; 120160

(D) A description of the method of reorganization under this 120161

chapter; 120162

(E) A statement that, upon consummation of the 120163  
reorganization, certain assets and liabilities, including all 120164  
deposit accounts of the reorganizing mutual state bank, shall be 120165  
transferred to the resulting stock state bank, which bank shall 120166  
immediately become a stock state bank subsidiary of the mutual 120167  
holding company or subsidiary holding company; 120168

(F) A summary of the expenses to be incurred in connection 120169  
with the reorganization; 120170

(G) Any other information required by the superintendent of 120171  
financial institutions. 120172

**Sec. 1116.08.** After approving a mutual holding company 120173  
reorganization application, the superintendent of financial 120174  
institutions shall, to effect the reorganization, forward the 120175  
articles of incorporation to the secretary of state for filing. 120176

**Sec. 1116.09.** (A) A mutual holding company shall do all of 120177  
the following: 120178

(1) Confer upon existing and future depositors of the 120179  
resulting stock state bank the same membership rights in the 120180  
mutual holding company as were conferred upon depositors by the 120181  
articles of incorporation or code of regulations of the 120182  
reorganizing mutual state bank in effect immediately prior to the 120183  
reorganization; 120184

(2) Confer upon existing and future depositors of any 120185  
acquiree mutual bank or any bank that is in the mutual form when 120186  
acquired by the mutual holding company, the same membership rights 120187  
in the mutual holding company as were conferred upon depositors by 120188  
the articles of incorporation or code of regulations of the 120189  
acquired mutual bank in effect immediately prior to the 120190  
acquisition, provided that if the acquired mutual bank is merged 120191

into another subsidiary state bank from which the mutual holding company draws members, the depositors of the acquired mutual bank shall receive the same membership rights as the depositors of the subsidiary state bank into which the acquired mutual bank is merged; 120192  
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(3) Confer upon the borrowers of the resulting stock state bank who are borrowers at the time of reorganization the same membership rights in the mutual holding company as were conferred upon them by the articles of incorporation or code of regulations of the reorganizing mutual state bank in effect immediately prior to the reorganization, but not any membership rights in connection with any borrowings made after the reorganization; 120197  
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(4) Confer upon the borrowers of any acquiree mutual bank or any bank that is in the mutual form when acquired by the mutual holding company who are borrowers at the time of the acquisition, the same membership rights in the mutual holding company as were conferred on them by the articles of incorporation or code of regulations of the acquired mutual bank in effect immediately prior to the acquisition, but not any membership rights in connection with any borrowings made after the acquisition; provided, however, that if the acquired mutual bank is merged into another bank from which the mutual holding company draws members, the borrowers of the acquired mutual bank shall instead receive the same grandfathered membership rights as the borrowers of the subsidiary state bank into which the acquired mutual bank is merged. 120204  
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(B) A mutual holding company that acquires a bank in the stock form, other than a resulting stock state bank or an acquiree mutual bank, shall not confer any membership rights upon the depositors and borrowers of the stock bank, unless such stock bank is merged into a subsidiary stock state bank from which the mutual holding company draws its members, in which case the depositors of 120218  
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the stock bank shall receive the same membership rights as other 120224  
depositors of the subsidiary stock state bank into which the stock 120225  
bank is merged. 120226

**Sec. 1116.10.** (A) A mutual holding company and any subsidiary 120227  
holding company shall be governed by a board of directors and in 120228  
accordance with the articles of incorporation and code of 120229  
regulations adopted in connection with the reorganization, or as 120230  
amended in accordance with law or rule after the reorganization. 120231  
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(B) The board of the mutual holding company and any 120233  
subsidiary holding company shall have at least five members who, 120234  
initially, shall consist of the board of directors of the 120235  
reorganizing mutual state bank. Such members, after the formation 120236  
of the mutual holding company and any subsidiary holding company, 120237  
shall continue to serve as directors for the balance of the terms 120238  
to which they were elected. 120239

**Sec. 1116.11.** All assets, rights, obligations, and 120240  
liabilities of a reorganizing mutual state bank that are not 120241  
expressly retained by the mutual holding company shall be 120242  
transferred to the resulting stock state bank. 120243

**Sec. 1116.12.** Each person who holds a deposit account in a 120244  
reorganizing mutual state bank or any acquiree mutual state bank 120245  
immediately before the reorganization shall receive, upon 120246  
consummation of the reorganization, without payment, an identical 120247  
deposit account in the resulting stock state bank or acquiree 120248  
mutual state bank. 120249

**Sec. 1116.13.** The following apply to a reorganization plan 120250  
adopted by the board of directors of the reorganizing mutual state 120251  
bank or any acquiree mutual bank: 120252

(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time. 120253  
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(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later time. 120258  
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**Sec. 1116.16.** (A) A mutual holding company organized under the laws of another state or the United States may, with the approval of the superintendent of financial institutions, convert to a mutual holding company organized under this chapter by submitting an application in accordance with rules adopted by the superintendent under section 111.15 of the Revised Code. 120262  
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(B) State banks existing as of the effective date of this section that are affiliates of a mutual holding company organized under the laws of another state or the United States and that submit an application pursuant to division (A) of this section within one year after the effective date of this section shall be eligible for an expedited review process. 120268  
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**Sec. 1116.18.** Subject to all necessary regulatory notices or approvals, a mutual holding company organized under this chapter may do all of the following: 120274  
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(A) Acquire a bank organized in mutual or stock form by merger of such bank with the subsidiary stock state bank, interim subsidiary stock bank, or subsidiary stock holding company of the mutual holding company; 120277  
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(B) Merge with or acquire another holding company provided that such holding company has, as one of its subsidiaries, a 120281  
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<u>subsidiary banking corporation;</u>	120283
<u>(C) Exercise any power of, or engage in any activity</u>	120284
<u>permitted for, a mutual state bank;</u>	120285
<u>(D) Engage directly or indirectly only in such activities as</u>	120286
<u>are permissible activities for bank holding companies under</u>	120287
<u>applicable state and federal law or regulations;</u>	120288
<u>(E) Invest in the stock of a bank;</u>	120289
<u>(F) Exercise any rights, waive any rights, or take or waive</u>	120290
<u>any other action with respect to any securities of any subsidiary</u>	120291
<u>stock state bank or subsidiary stock holding company that are held</u>	120292
<u>by the mutual holding company.</u>	120293
<b><u>Sec. 1116.19. (A) The board of directors of a mutual holding</u></b>	120294
<b><u>company may from time to time, by a majority vote of the</u></b>	120295
<b><u>directors, do both of the following:</u></b>	120296
<u>(1) Divide equitably any surplus that is in excess of the</u>	120297
<u>amount required for the operations of the mutual holding company</u>	120298
<u>or to maintain the safety and soundness of the mutual holding</u>	120299
<u>company;</u>	120300
<u>(2) Distribute that surplus to the respective depositors of</u>	120301
<u>its subsidiary stock state banks in accordance with their</u>	120302
<u>membership rights.</u>	120303
<u>(B) If the superintendent of financial institutions</u>	120304
<u>determines that the surplus held by a mutual holding company is</u>	120305
<u>excessive, the superintendent may order the board of directors of</u>	120306
<u>the mutual holding company to make the distribution described in</u>	120307
<u>division (A) of this section.</u>	120308
<b><u>Sec. 1116.20. (A) A mutual holding company may establish a</u></b>	120309
<b><u>subsidiary holding company as a direct subsidiary to hold one</u></b>	120310
<b><u>hundred per cent of the stock of its subsidiary stock state bank,</u></b>	120311

provided the subsidiary holding company is not formed and operated 120312  
as a means of evading or frustrating the purposes of this chapter. 120313  
Subject to the approval of the superintendent of financial 120314  
institutions, the subsidiary holding company may be established 120315  
either at the time of the initial mutual holding company 120316  
reorganization or at a subsequent date. 120317

(B) In addition to its powers under Chapters 1107. and 1109. 120318  
of the Revised Code, any subsidiary stock state bank or subsidiary 120319  
holding company may, with the prior approval of the superintendent 120320  
and subject to such rules as the superintendent may prescribe, 120321  
issue one or more classes of securities, including one or more 120322  
classes of common stock or preferred stock, and take any action in 120323  
connection with such issuance or otherwise with respect to any 120324  
such securities; provided, however, that in no event shall the 120325  
mutual holding company hold less than twenty-five per cent of the 120326  
combined voting power of all classes of securities of the 120327  
subsidiary stock holding company or stock state bank that have 120328  
voting power in the election of directors of such stock state 120329  
bank. 120330

(C) Nothing in this section shall prohibit a subsidiary stock 120331  
state bank or subsidiary stock holding company from issuing, in 120332  
connection with an employee stock option or other employee benefit 120333  
plan or with the mutual holding company reorganization or 120334  
subsequent thereto, different classes of common stock to the 120335  
mutual holding company and subsidiary stock state bank or 120336  
subsidiary stock holding company. An issuance of securities may be 120337  
made at the time of the mutual holding company reorganization or 120338  
thereafter, and may be made in connection with the merger or 120339  
acquisition of another bank whether organized in mutual or stock 120340  
form. 120341

**Sec. 1116.21.** A mutual holding company organized under this 120342



chapter may, with the approval of the superintendent of financial 120343  
institutions, convert to a stock holding company by submitting an 120344  
application in accordance with rules adopted by the superintendent 120345  
under section 1121.03 of the Revised Code. 120346

**Sec. 1117.01.** (A) Subject to section 1115.05 and Chapter 120347  
1119. of the Revised Code, a bank, regardless of the location of 120348  
its principal place of business, may establish or acquire and 120349  
maintain a banking office in this state. 120350

(B)(1) With the prior written approval of the superintendent 120351  
of financial institutions obtained in accordance with section 120352  
1117.02 of the Revised Code, a state bank ~~doing business under~~ 120353  
~~authority granted by the superintendent~~ may establish or acquire a 120354  
banking office at any of the following locations: 120355

(a) Any location in this state; 120356

(b) Any location in another state of the United States; 120357

(c) Any location outside the United States. 120358

(2) The superintendent may condition approval of a banking 120359  
office at any location authorized by division (B)(1)(b) or (c) of 120360  
this section on an agreement satisfactory to the superintendent 120361  
providing for the times, method, and reimbursement of expenses for 120362  
examining the banking office. 120363

**Sec. 1117.02.** (A) A bank with its principal place of business 120364  
in this state proposing to establish a banking office shall submit 120365  
an application to the superintendent of financial institutions. 120366  
The superintendent shall determine whether to accept an 120367  
application for processing within ten business days after 120368  
receiving the application. The superintendent shall approve or 120369  
disapprove the application within sixty days after accepting it 120370  
unless approval is withheld under division (E) of this section. 120371

(B) If the superintendent accepts the application, the bank shall, within ten days after receipt of the superintendent's notice of acceptance, publish notice of its proposed banking office in a newspaper of general circulation in the county where the proposed banking office is to be located and in the county where the bank currently maintains its principal place of business. The notice shall state that comments on the proposed banking office must be delivered to the division of financial institutions within fourteen days after the date the notice is published, and shall provide the division's address.

(C) If the superintendent determines any comment delivered to the division regarding a proposed banking office is relevant to the criteria set forth in this section for approval of a banking office, the superintendent shall investigate the comment in any manner the superintendent considers appropriate.

(D) In determining whether to approve a proposed banking office, the superintendent shall consider all of the following:

(1) The adequacy of the bank's management;

(2) The adequacy of the bank's capital ~~and paid-in capital~~;

(3) The effect establishment of the banking office will have on the interests of the bank's depositors and shareholders or members;

(4) The bank's lending record in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with both the safe and sound operation of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 1147, 12 U.S.C. 2901, as amended;

(5) Any other reasonable criteria the superintendent may establish.

(E)(1) If the superintendent determines, upon consideration

of the criteria set forth in division (D) of this section, that 120402  
the banking office should otherwise be approved, but the bank's 120403  
lending record is not satisfactory in helping to meet the credit 120404  
needs of its entire community as prescribed in division (D)(4) of 120405  
this section, the superintendent shall withhold action on the 120406  
application for the banking office and shall notify the bank of 120407  
that decision. The bank shall, within sixty days after receipt of 120408  
the notice from the superintendent, submit to the superintendent a 120409  
written affirmative action lending program, which shall be a 120410  
public record. The superintendent shall, within thirty days after 120411  
receipt of the affirmative action lending program, determine 120412  
whether the program is acceptable. If the program is not 120413  
acceptable, or the bank fails to submit an affirmative action 120414  
lending program within the sixty days, the superintendent shall 120415  
disapprove the banking office. If the affirmative action lending 120416  
program is acceptable, the superintendent shall approve the 120417  
banking office. 120418

(2)(a) In order to determine whether a bank is complying with 120419  
its affirmative action lending program, the superintendent may do 120420  
either of the following: 120421

(i) The superintendent may require the bank to submit 120422  
periodic reports that summarize actions it has taken to implement 120423  
or maintain its affirmative action lending program. The reports 120424  
shall be in a form prescribed by the superintendent, but shall not 120425  
contain any information that identifies an applicant for a loan. 120426  
The reports are public records and shall be made available to any 120427  
person upon request. 120428

(ii) Upon written complaint by any person, or upon the 120429  
superintendent's own initiative, the superintendent may hold a 120430  
public hearing. The superintendent may hold no more than one 120431  
hearing every two years on each affirmative action lending 120432  
program. 120433

(b) If the superintendent determines, as a result of findings made under division (E)(2)(a) of this section, that a bank is not in compliance with its affirmative action lending program, the superintendent shall order the bank to comply within a period of time determined by the superintendent. Failure to comply with that order shall be a violation of a condition imposed by the superintendent for purposes of sections 1121.32, 1121.33, 1121.35, and 1121.41 of the Revised Code.

(3) As used in division (E) of this section, "affirmative action lending program" means a program to remedy any deficiency of a bank in helping to meet the credit needs of its entire community.

**Sec. 1117.04.** A bank proposing to relocate a banking office shall do the following:

(A) If the banking office is to be relocated within a one-mile radius of the banking office's current ~~service area~~ location, the bank shall notify the superintendent of financial institutions and comply with the ~~service area~~ relocation procedures established by the superintendent.

(B) If the banking office is to be relocated outside a one-mile radius of the banking office's current ~~service area~~ location, the bank shall obtain the superintendent's approval for the relocation in accordance with the procedures set forth in section 1117.02 of the Revised Code for establishing a banking office and comply with the banking office closing procedures established by the superintendent.

**Sec. 1117.05.** (A) With the written approval of the superintendent of financial institutions, a bank may contract with one or more other banks, savings banks, and savings associations to provide services to the contracting bank's customers at any or

all of the offices of the other banks, savings banks, and savings associations as if the offices of the other banks, savings banks, and savings associations were offices of the contracting bank.

(B) The superintendent shall determine whether to accept a bank's application for approval of a contract authorized by division (A) of this section within ten business days after receiving a bank's application for the superintendent's approval of the contract. The superintendent shall approve or disapprove the contract within thirty days after accepting the bank's application.

(C) In determining whether to approve or disapprove a contract authorized by division (A) of this section, the superintendent shall consider all of the following:

(1) The adequacy of the management of both the contracting bank and the other banks, savings banks, and savings associations;

(2) The adequacy of the capital ~~and paid-in capital~~ of both the contracting bank and the other banks, savings banks, and savings associations;

(3) The adequacy of the operations and controls of both the contracting bank and the other banks, savings banks, and savings associations;

(4) Whether the contract is being used to avoid application of the criteria for establishing a banking office under section 1117.02 of the Revised Code or any kind of business combination under Chapter 1115. of the Revised Code.

(D) This section does not authorize a contracting bank to establish new deposit accounts, extend credit, or create new banking relationships through offices of the other banks, savings banks, and savings associations.

**Sec. ~~1103.21~~ 1117.07.** (A) In the event of a power failure,

fire, act of God, riot, strike, robbery or attempted robbery, 120494  
epidemic, interruption of communication facilities, or any other 120495  
reason the superintendent of financial institutions approves, or 120496  
in the event of the declaration of the existence of an emergency 120497  
by the governor or another person lawfully exercising the power 120498  
and duties of the office of governor, an officer of a bank, 120499  
designated by the board of directors of the officer's bank, in the 120500  
reasonable and proper exercise of the designated officer's 120501  
discretion may determine not to open one or more of the bank's 120502  
banking offices on any business or banking day, or, if having 120503  
opened, to close one or more of the bank's banking offices during 120504  
the continuation of the occurrence or emergency. In no case shall 120505  
any banking office remain closed for more than ~~forty-eight~~ two 120506  
consecutive ~~hours~~ days, excluding weekends and legal holidays, 120507  
without obtaining the approval of the superintendent ~~or, in the~~ 120508  
~~ease of a national bank, the comptroller of the currency.~~ A 120509  
designated officer closing a banking office pursuant to the 120510  
authority granted under this section shall give as prompt notice 120511  
of the action as conditions permit, and by any means available, to 120512  
the superintendent ~~or the comptroller.~~ 120513

(B) The designated officers of a bank may close any one or 120514  
more or all of the bank's banking offices on any day designated, 120515  
by proclamation of the president of the United States or the 120516  
governor of this state, as a day of mourning, rejoicing, or other 120517  
special observance. In such a case, the bank shall not be required 120518  
to comply with any other provision of the Revised Code regarding 120519  
the closing or reopening of banks or financial institutions. 120520

(C) Any act required or authorized to be performed at a 120521  
banking office that has not been opened or that has been closed 120522  
for any time pursuant to this section, may be performed on the 120523  
next succeeding business day the banking office is reopened for 120524  
business. Any other provision or rule of law notwithstanding, no 120525

liability or loss of rights of any kind on the part of any person, 120526  
firm, or corporation, or of the bank, shall accrue or result 120527  
because of any nonopening or closing authorized by this section. 120528

(D) The right of a bank not to open or to close under this 120529  
section and the protections afforded with respect to that right 120530  
shall be in addition to and not in lieu of any rights or 120531  
protections granted under section 1304.07 of the Revised Code. 120532

**Sec. 1119.11.** (A) When a foreign bank engages in an activity 120533  
or undertakes an action through an agency or branch licensed under 120534  
this chapter, the foreign bank is subject to the same limitations 120535  
on and requirements of engaging in the activity or taking the 120536  
action that apply to a state bank ~~doing business under authority~~ 120537  
~~granted by the superintendent of financial institutions.~~ 120538

(B)(1) A foreign bank licensed to operate an agency shall not 120539  
accept deposits from citizens or residents of the United States or 120540  
exercise fiduciary powers. An account that carries a credit 120541  
balance in connection with the distribution of loan proceeds is 120542  
not a deposit for purposes of this section. 120543

(2) A foreign bank licensed to operate an agency may, in 120544  
addition to conducting all of the permissible activities of a 120545  
representative office set forth in division (B) of section 1119.06 120546  
of the Revised Code, conduct limited banking activities at or 120547  
through a licensed agency, including all of the following: 120548

(a) Lending money; 120549

(b) Maintaining credit balances that are incidental to or 120550  
arise out of the distribution of loan proceeds; 120551

(c) Receiving funds as agent to be forwarded for deposit to 120552  
an existing account at another office authorized to accept 120553  
deposits. 120554

(C) A foreign bank licensed to operate a branch may, in 120555

addition to conducting all of the permissible activities of a 120556  
representative office set forth in division (B) of section 1119.06 120557  
of the Revised Code and all of the permissible activities of an 120558  
agency set forth in division (B)(2) of this section, conduct the 120559  
following activities at or through a licensed branch: 120560

(1) Accepting deposits, the acceptance of which does not 120561  
constitute engaging in domestic retail deposit activities; 120562

(2) If qualified under Chapter 1111. of the Revised Code, 120563  
exercising fiduciary powers; 120564

(3) Other activities authorized for state banks ~~doing~~ 120565  
~~business under authority granted by the superintendent.~~ 120566

(D) Each foreign bank licensed to operate an agency or branch 120567  
shall, in the manner the superintendent of financial institutions 120568  
prescribes, give notice to the agency's or branch's customers that 120569  
deposits with that agency or branch are not insured by the federal 120570  
deposit insurance corporation or otherwise. 120571

**Sec. 1119.17.** (A) Each foreign bank licensed under this 120572  
chapter shall file with the superintendent of financial 120573  
institutions any reports the superintendent may prescribe in the 120574  
form and manner and containing the information the superintendent 120575  
prescribes. 120576

(B) When the superintendent requires banks and trust 120577  
companies to report their income and condition in accordance with 120578  
~~division (A) of~~ section 1121.21 of the Revised Code, the 120579  
superintendent shall require each foreign bank licensed under this 120580  
chapter to report the income and condition of its representative 120581  
offices, agencies, and branches in this state. 120582

**Sec. 1119.23.** (A) If the superintendent of financial 120583  
institutions determines, in accordance with division (A) of 120584  
section 1119.22 of the Revised Code, any of the conditions set 120585



forth in that division exists, the superintendent, in addition to 120586  
having the authority to revoke the foreign bank's license to 120587  
operate a representative office, agency, or branch in accordance 120588  
with section 1119.22 of the Revised Code, also may take possession 120589  
of the foreign bank's business and property in this state and 120590  
appoint a receiver for the liquidation of the foreign bank's 120591  
business and property in this state. 120592

(B) The superintendent's taking possession of and appointing 120593  
a receiver for a foreign bank's business and property in this 120594  
state pursuant to division (A) of this section, and the 120595  
liquidation of the foreign bank's business and property in this 120596  
state, shall, except as provided in divisions (B)(1) and (2) of 120597  
this section, be conducted in accordance with the procedures and 120598  
is subject to the rights, powers, duties, requirements, and 120599  
limitations provided in Chapter 1125. of the Revised Code for 120600  
taking possession of the business and property and liquidation of 120601  
a state bank. 120602

(1) After payment of the expenses of the liquidation and 120603  
claims against the foreign bank arising from its doing business in 120604  
this state in accordance with section 1125.24 of the Revised Code, 120605  
any remaining funds from the liquidation of the foreign bank's 120606  
business and property in this state shall be distributed in the 120607  
following manner: 120608

(a) If the foreign bank's business and property is being 120609  
liquidated in another state of the United States, the receiver 120610  
shall distribute any remaining funds from the liquidation of the 120611  
foreign bank's business and property in this state to the receiver 120612  
in the other state for the payment of expenses of liquidation and 120613  
claims against the foreign bank's business and property in the 120614  
other state. 120615

(b) If the foreign bank's business and property is being 120616  
liquidated in more than one other state of the United States, the 120617

receiver shall equitably distribute any remaining funds from the 120618  
liquidation of the foreign bank's business and property in this 120619  
state among the receivers in the other states for the payment of 120620  
the expenses of liquidation and claims against the foreign bank's 120621  
business and property in the other states. 120622

(c) If there is no liquidation of the business and property 120623  
of the foreign bank occurring in any other state of the United 120624  
States, the receiver shall pay any remaining funds from the 120625  
liquidation of the business and property of the foreign bank in 120626  
this state to the domiciliary receiver of the foreign bank or, if 120627  
there is no domiciliary receiver, to the foreign bank. 120628

(2)(a) When the receiver has completed the liquidation of the 120629  
foreign bank's business and property in this state, the receiver 120630  
shall, with notice to the superintendent, file a petition with the 120631  
court for an order declaring that the foreign bank's business in 120632  
this state is properly wound up in the manner provided in section 120633  
1125.29 of the Revised Code. Upon the filing of a petition as 120634  
provided in this division, the court shall proceed as provided in 120635  
section 1125.29 of the Revised Code. 120636

(b) An order issued by the court pursuant to a petition filed 120637  
in accordance with division (B)(2)(a) of this section shall do all 120638  
things required by section 1125.29 of the Revised Code, but shall 120639  
only declare that the foreign bank's business in this state has 120640  
been properly wound up and shall not declare that the foreign bank 120641  
is dissolved. The court may make whatever additional orders and 120642  
grant whatever additional relief the court determines proper upon 120643  
the evidence submitted. 120644

(c) Once the court issues the order declaring that the 120645  
foreign bank's business in this state is properly wound up, the 120646  
foreign bank shall cease doing business in this state except for 120647  
any further winding up. 120648

(d) Once the court issues the order declaring the foreign bank's business in this state is properly wound up, the receiver shall promptly file a copy of the order, certified by the clerk of the court, with both the secretary of state and the superintendent.

**Sec. 1119.26.** (A) A foreign bank may voluntarily liquidate and surrender its license to operate a representative office, agency, or branch licensed under this chapter only with the consent of the superintendent of financial institutions.

(B) Prior to beginning any liquidation process, the foreign bank must file an application to voluntarily liquidate and surrender its license with the superintendent. The application shall include a plan of liquidation that includes all of the provisions required of a plan for voluntary liquidation of a state bank under division (C) of section 1125.03 of the Revised Code, except that the plan of liquidation shall be limited in scope to the particular representative office, agency, or branch to be liquidated.

(C) After conducting an examination, the superintendent may approve or deny a foreign bank's application to voluntarily liquidate and surrender its license based on the superintendent's evaluation of whether or not the interests of the representative office's, agency's, or branch's creditors or, where applicable, depositors, will suffer by the surrender. The superintendent's approval is subject to any condition the superintendent may determine appropriate under the circumstances.

(D) If the superintendent approves the application to voluntarily liquidate and surrender a license, the foreign bank shall comply with the requirements of divisions (A)(1) and (2) of section 1125.04 of the Revised Code.

(E) During the implementation of the plan of liquidation

pursuant to this section, the superintendent retains the authority 120680  
to supervise the representative office, agency, or branch and may 120681  
conduct any examination relating to either the representative 120682  
office, agency, or branch or the plan of liquidation the 120683  
superintendent considers necessary or appropriate. 120684

(F) If the superintendent has reason to conclude the 120685  
implementation of the plan of liquidation is not being safely or 120686  
expeditiously conducted, the superintendent may do either of the 120687  
following: 120688

(1) Begin revocation proceedings under section 1119.22 of the 120689  
Revised Code; 120690

(2) Take possession of the business and property of the 120691  
representative office, agency, or branch in the same manner, with 120692  
the same effect, and subject to the same rights accorded the 120693  
foreign bank under section 1119.23 of the Revised Code. 120694

(G) The superintendent shall cancel the foreign bank's 120695  
license to operate a representative office, agency, or branch 120696  
under this chapter if the superintendent has approved the 120697  
voluntary liquidation and surrender of the license and both of the 120698  
following conditions have been met: 120699

(1) The plan of liquidation has been completed. 120700

(2) The notifications required by division (D) of this 120701  
section were properly given. 120702

**Sec. 1121.01.** As used in this chapter: 120703

(A) "Financial institution regulatory authority" includes a 120704  
regulator of a business activity in which a bank or trust company 120705  
is engaged, or has applied to engage in, to the extent that the 120706  
regulator has jurisdiction over a bank or trust company engaged in 120707  
that business activity. A bank or trust company is engaged in a 120708  
business activity, and a regulator of that business activity has 120709

jurisdiction over the bank or trust company, whether the bank or 120710  
trust company conducts the activity directly or a subsidiary or 120711  
affiliate of the bank or trust company conducts the activity. 120712

(B) "Regulated person" means any of the following: 120713

(1) A director, officer, or employee of or agent for a bank 120714  
or trust company or a ~~controlling shareholder of~~ person who 120715  
controls a state bank, foreign bank, or trust company~~+. For~~ 120716  
purposes of division (B)(1) of this section, "control" has the 120717  
same meaning as in section 1115.06 of the Revised Code. 120718

(2) A person who is required to obtain, but has not yet 120719  
obtained, the consent of the superintendent of financial 120720  
institutions to acquire control of a state bank pursuant to 120721  
section 1115.06 of the Revised Code; 120722

(3) A person participating in the conduct of the affairs of a 120723  
state bank or trust company. 120724

(C) "Participating in the conduct of the affairs of a bank or 120725  
trust company" means either making decisions or, directly or 120726  
indirectly, taking actions that are management or policymaking in 120727  
nature and generally within the scope of authority of the bank's 120728  
or trust company's board of directors or executive officers. 120729  
Whether a person is or was participating in the conduct of the 120730  
affairs of a bank or trust company is an issue of fact, and not to 120731  
be determined solely on the basis of the person's title, contract, 120732  
or indicia of employment or independent contractor status. 120733

**Sec. 1121.02.** (A) The superintendent of financial 120734  
institutions shall see that the laws and rules relating to ~~banks~~ 120735  
institutions and businesses governed by Chapters 1101. to 1127. of 120736  
the Revised Code are executed and enforced. 120737

(B) The deputy superintendent for banks shall be the 120738  
principal supervisor of state banks and trust companies. In that 120739

position the deputy superintendent for banks shall, 120740  
notwithstanding sections 1121.10 and 1121.11 of the Revised Code, 120741  
be responsible for conducting examinations and preparing 120742  
examination reports under those sections. In addition, the deputy 120743  
superintendent for banks shall, notwithstanding division (A) of 120744  
section 1121.03 and sections 1121.05 and 1121.06 of the Revised 120745  
Code, have the authority to adopt rules and standards in 120746  
accordance with those sections. In performing or exercising any of 120747  
the examination, rule-making, or other regulatory functions, 120748  
powers, or duties vested by this division in the deputy 120749  
superintendent for banks, the deputy superintendent for banks 120750  
shall be subject to the control of the superintendent of financial 120751  
institutions. 120752

**Sec. 1121.05.** (A) Notwithstanding any provisions of the 120753  
Revised Code, except as provided in division (E) of this section, 120754  
the superintendent of financial institutions shall, by rule, grant 120755  
state banks and trust companies doing business under authority 120756  
granted by the superintendent any right, power, privilege, or 120757  
benefit possessed, by virtue of statute, rule, regulation, 120758  
interpretation, or judicial decision, by any of the following: 120759

(1) Banks and trust companies doing business under authority 120760  
granted by the office of the comptroller of the currency or the 120761  
bank regulatory authority of any other state of the United States; 120762

(2) Savings associations doing business under authority 120763  
granted by the ~~superintendent of financial institutions~~, office of 120764  
~~thrift supervision~~, the comptroller of the currency or the savings 120765  
and loan association regulatory authority of any other state of 120766  
the United States; 120767

(3) Savings banks doing business under authority granted by 120768  
the ~~superintendent of financial institutions~~ or the savings bank 120769  
regulatory authority of any other state of the United States; 120770

(4) Credit unions doing business under authority granted by the superintendent of financial institutions, the national credit union administration, or the credit union regulatory authority of any other state of the United States;

(5) Any other banks, savings associations, or credit unions with a principal place of business in the United States doing business under authority granted under laws of the United States;

(6) Any other persons ~~having an office or other place of business in this state and~~ engaging in the business of banking, offering financial products and services, soliciting or accepting deposits, lending money, or buying or selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness ~~with a view to profit whether through an office or other place of business in this state or via the internet, advertising, or other form of solicitation;~~

(7) Small business investment companies licensed under the "Small Business Investment Company Act of 1958," 72 Stat. 689, 15 U.S.C. 661, as amended;

(8) Persons chartered under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended.

(B) The superintendent shall adopt rules authorized by division (A) of this section in accordance with section 111.15 of the Revised Code.

(C) A rule adopted by the superintendent pursuant to the authority of this section becomes effective on the later of the following dates:

(1) The date the superintendent issues the rule;

(2) The date the statute, rule, regulation, interpretation, or judicial decision the superintendent's rule is based on becomes effective.

(D)(1) The superintendent may, upon thirty days' written notice, revoke any rule adopted under the authority of this section. A rule adopted under the authority of this section, and not revoked by the superintendent, enacted into law, or adopted in accordance with Chapter 119. of the Revised Code, lapses and has no further force and effect thirty months after its effective date; however, the superintendent may adopt the rule under section 111.15 of the Revised Code pursuant to this section for an additional thirty-month period.

(2) The superintendent may require a state bank or trust company that has acted in reliance on a rule adopted and later revoked or lapsed under the authority of this section to bring its affected activities in compliance with the law. Unless the activities will or may result in harm to the bank or trust company as determined by the superintendent, the bank or trust company shall be granted a reasonable period of time of not less than one year nor more than two years from the date the rule is revoked or lapsed, to bring its affected activities in compliance with the law. The superintendent may, upon the written request of a state bank or trust company, grant the bank or trust company a longer period of time in which to bring its affected activities in compliance with the law.

(E) The superintendent shall not adopt any rule dealing with interest rates charged under the authority of this section.

**Sec. 1121.06.** (A) Notwithstanding any provision of the Revised Code, if any regulation, rule, interpretation, procedure, or guideline of the office of the comptroller of the currency, federal deposit insurance corporation, federal reserve board, consumer financial protection bureau, national credit union administration, or any other bank regulatory authority of the United States, or the bank regulatory authority of any other state



of the United States, puts a bank or trust company doing business 120832  
under authority granted by the superintendent of financial 120833  
institutions at a disadvantage to ~~a national bank~~ any other type 120834  
of financial institution, the superintendent may adopt a rule that 120835  
reduces or eliminates the disadvantage to a bank or trust company 120836  
doing business under authority granted by the superintendent. 120837

(B) The superintendent shall adopt rules authorized by 120838  
division (A) of this section in accordance with section 111.15 of 120839  
the Revised Code. ~~Chapter 119. of the Revised Code does not apply~~ 120840  
~~to rules adopted under the authority of this section.~~ 120841

(C) A rule adopted by the superintendent pursuant to the 120842  
authority of this section is effective on the later of the 120843  
following dates: 120844

(1) The date the superintendent issues the rule; 120845

(2) The date the regulation, rule, interpretation, procedure, 120846  
or guideline the superintendent's rule is based on becomes 120847  
effective. 120848

(D)(1) The superintendent may, upon thirty days' written 120849  
notice, revoke any rule adopted under the authority of this 120850  
section. A rule adopted under the authority of this section and 120851  
not revoked by the superintendent, enacted into law, or adopted in 120852  
accordance with Chapter 119. of the Revised Code, lapses and has 120853  
no further force and effect thirty months after its effective 120854  
date; however, the superintendent may adopt the rule under section 120855  
111.15 of the Revised Code pursuant to this section for an 120856  
additional thirty-month period. 120857

(2) The superintendent may require a bank or trust company 120858  
that has acted in reliance on a rule adopted and later revoked or 120859  
lapsed under the authority of this section to bring its affected 120860  
activities in compliance with the law. Unless the activities will 120861  
or may result in harm to the bank or trust company as determined 120862

by the superintendent, the bank or trust company shall be granted 120863  
a reasonable period of time of not less than one year nor more 120864  
than two years from the date the rule is revoked or lapsed, to 120865  
bring its affected activities in compliance with the law. The 120866  
superintendent may, upon the written request of a bank or trust 120867  
company, grant the bank or trust company a longer period of time 120868  
in which to bring its affected activities in compliance with the 120869  
law. 120870

**Sec. 1121.10.** (A) As often as the superintendent of financial 120871  
institutions considers necessary, but at least once each 120872  
twenty-four-month cycle, the superintendent, or any deputy or 120873  
examiner appointed by the superintendent for that purpose, shall 120874  
thoroughly examine the records and affairs of each state bank. The 120875  
examination shall include a review of ~~both~~ all of the following: 120876

(1) Compliance with law; 120877

(2) Safety and soundness; 120878

(3) Other matters the superintendent determines. 120879

(B) The superintendent may examine the records and affairs of 120880  
any of the following as the superintendent considers necessary: 120881

(1) Any party to a proposed reorganization for which the 120882  
superintendent's approval is required by section 1115.11 or 120883  
1115.14 of the Revised Code; 120884

(2) Any bank, savings and loan association, or savings bank 120885  
proposing to convert to a bank doing business under authority 120886  
granted by the superintendent for which the superintendent's 120887  
approval is required by section ~~1115.01~~ 1115.02 of the Revised 120888  
Code; 120889

(3) Any person proposing to acquire control of a state bank 120890  
for which the superintendent's approval is required by section 120891  
1115.06 of the Revised Code, or who acquired control of a state 120892

bank without the approval of the superintendent when that approval 120893  
was required by section 1115.06 of the Revised Code, ~~was with~~ 120894  
respect to the state bank of which control is to be, or was, 120895  
acquired; 120896

(4) Any bank proposing to establish or acquire a branch for 120897  
which the superintendent's approval is required by section 1117.02 120898  
of the Revised Code; 120899

(5) Any foreign bank that maintains, or proposes to 120900  
establish, one or more offices in this state; 120901

(6) Any trust company. 120902

(C) The board of directors or holders of a majority of the 120903  
shares of a state bank or trust company may request the 120904  
superintendent conduct a special examination of the records and 120905  
affairs of the bank or trust company. The superintendent has sole 120906  
discretion over the scope and timing of a special examination, and 120907  
may impose restrictions and limitations on the use of the results 120908  
of a special examination in addition to the restrictions and 120909  
limitations otherwise imposed by law. The fee for a special 120910  
examination shall be paid by the bank or trust company examined in 120911  
accordance with section 1121.29 of the Revised Code. 120912

(D) The superintendent may conduct all aspects of an 120913  
examination concurrently or may divide the examination into 120914  
constituent parts and conduct them at various times. 120915

(E) The superintendent shall preserve the report of each 120916  
examination, including related correspondence received and copies 120917  
of related correspondence sent, for ~~twenty~~ ten years after the 120918  
examination date. 120919

**Sec. 1121.12.** An examination of the records and affairs of a 120920  
state bank under section 1121.10 of the Revised Code may include 120921  
the examination of a ~~controlling shareholder of~~ person who, 120922

directly or indirectly, controls the bank that is a bank holding company registered with the federal reserve or a savings and loan holding company, but only to the extent explicitly permitted under this section. To examine the records and affairs of a ~~controlling shareholder~~ person who, directly or indirectly, controls a bank that is a bank holding company registered with the federal reserve or a savings and loan holding company, the superintendent of financial institutions may do one of the following:

(A) Rely on an examination of the bank holding company or savings and loan holding company conducted by a financial institution regulatory authority of another state, the United States, or another country, as provided in division (A)(3) of section 1121.11 of the Revised Code;

(B) Participate with the financial institution regulatory authorities of other states, the United States, and other countries in a joint or coordinated examination of the bank holding company or savings and loan holding company, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) Participation of the examiners of the division of financial institutions will increase the efficiency in regulating financial institutions, and not increase the cost of examination to the bank holding company or savings and loan holding company.

(C) Examine the bank holding company or savings and loan holding company pursuant to an agreement with financial institution regulatory authorities of other states, the United States, or other countries, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) The other financial institution regulatory authority agrees to rely on the superintendent's examination in lieu of conducting its own examination.

(D) Examine the bank holding company or savings and loan holding company if both of the following apply:

(1) The superintendent has reasonable cause to believe that there is a significant risk of imminent material harm to the bank, or to any subsidiary or nonbank affiliate as its affairs relate to the bank, and the examination of the bank holding company or savings and loan holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

(2) Either of the following occurs:

(a) The superintendent, in writing, requests the federal reserve to examine the bank holding company, and within fifteen days the federal reserve does not commence an examination of the bank holding company and notifies the superintendent that the federal reserve does not object to the examination.

(b) The banking commission concurs with the superintendent's determination of both of the following:

(i) There is reasonable cause to believe that there ~~a~~ is a significant risk of imminent material harm to the bank.

(ii) The examination of the bank holding company or savings and loan holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

(E) For purposes of this section, a bank holding company 120984  
includes not only the bank holding company, but also includes any 120985  
nonbank affiliates of the bank holding company that are subject to 120986  
examination by the federal reserve. 120987

**Sec. 1121.13.** An examination of the records and affairs of a 120988  
state bank under section 1121.10 of the Revised Code may include 120989  
the examination of a ~~controlling shareholder of~~ person who, 120990  
directly or indirectly, controls the state bank that and is a 120991  
corporation that is not a bank holding company registered with the 120992  
federal reserve or a savings and loan holding company, as its 120993  
affairs relate to the bank. 120994

**Sec. 1121.15.** (A) The superintendent of financial 120995  
institutions may prescribe the manner and form of keeping the 120996  
books and accounts of state banks, so the books and accounts may 120997  
be as nearly uniform as circumstances permit. 120998

(B) Any person that, by contract or otherwise, performs 120999  
services for a state bank or trust company or a representative 121000  
office, agency, or branch licensed under Chapter 1119. of the 121001  
Revised Code, whether on or off the premises of the bank, trust 121002  
company, representative office, agency, or branch, is subject to 121003  
examination by the superintendent as to the books and records of 121004  
the bank, trust company, representative office, agency, or branch 121005  
in the person's possession, to the same extent as if the services 121006  
were being performed by the bank, trust company, representative 121007  
office, agency, or branch itself. For the purposes of this 121008  
division, "services" includes clerical, bookkeeping, accounting, 121009  
statistical, and other services. A state bank, trust company, 121010  
representative office, agency, or branch shall notify the 121011  
superintendent in writing whenever another person is performing 121012  
services of this kind for the bank, trust company, representative 121013  
office, agency, or branch, or the bank, trust company, 121014

representative office, agency, or branch changes the person 121015  
performing the services. 121016

**Sec. 1121.16.** (A) No state bank, trust company, or regulated 121017  
person shall do any of the following: 121018

(1) Refuse to allow any examination authorized by section 121019  
1121.10 of the Revised Code; 121020

(2) Refuse to give information required by the division of 121021  
financial institutions in the course of or in relation to an 121022  
examination authorized by section 1121.10 of the Revised Code; 121023

(3) Provide false or misleading information in the course of 121024  
or in relation to an examination authorized by section 1121.10 of 121025  
the Revised Code, knowing it to be false or misleading. 121026

(B) If a state bank, trust company, or regulated person 121027  
violates division (A) of this section, the superintendent may do 121028  
any of the following: 121029

(1) Issue a cease and desist order pursuant to section 121030  
1121.32 of the Revised Code, issue a removal or prohibition order 121031  
pursuant to section 1121.33 of the Revised Code, ~~or~~ issue a 121032  
suspension or temporary prohibition order pursuant to section 121033  
1121.34 of the Revised Code, or assess a civil penalty pursuant to 121034  
section 1121.35 of the Revised Code; 121035

(2) Appoint a conservator for the state bank pursuant to 121036  
section 1125.09 of the Revised Code; 121037

(3) Initiate civil or criminal proceedings the superintendent 121038  
considers appropriate. 121039

**Sec. 1121.17.** (A) Accounts and other documents required by 121040  
the superintendent of financial institutions may be signed and 121041  
sworn to or affirmed on behalf of a state bank or trust company by 121042  
any officer or director authorized to do so by the ~~bank to do so~~ 121043

bank's or trust company's board of directors. 121044

(B) When the superintendent requires, any officer, official, 121045  
employee, or director of a state bank or trust company receiving 121046  
any communication from the division of financial institutions 121047  
relative to examination or investigation by the superintendent 121048  
shall submit the communication to the bank's or trust company's 121049  
executive committee or board of directors. 121050

**Sec. 1121.18.** (A) ~~Information leading to, arising from, or~~ 121051  
The superintendent of financial institutions and the 121052  
superintendent's agents and employees shall keep privileged and 121053  
confidential all information obtained in the course by the 121054  
superintendent or the superintendent's agents or employees as a 121055  
result of or arising out of the examination or supervision of a 121056  
bank or any examination conducted pursuant to the authority of 121057  
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 121058  
~~confidential, from required reports, or because of their official~~ 121059  
position. No person, including any person to whom the information 121060  
is disclosed under the authority of this section, shall disclose 121061  
the information leading to, arising from, or obtained in the 121062  
~~course of an examination,~~ except as specifically provided in this 121063  
section. 121064

(B) The superintendent of financial institutions and the 121065  
superintendent's agents and employees may disclose the information 121066  
~~leading to, arising from, or obtained in the course of an~~ 121067  
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 121068  
~~the Revised Code~~ described in division (A) of this section only as 121069  
follows: 121070

(1) To the governor, director of commerce, or deputy director 121071  
of commerce to enable them to act in the interests of the public; 121072

(2) To the banking commission to enable the commission to 121073  
effectively advise the superintendent and take action on any 121074



matter the superintendent presents to the commission; 121075

(3) To financial institution regulatory authorities of this 121076  
and other states, the United States, and other countries to assist 121077  
them in their regulatory duties; 121078

(4) To the directors, executive officers, agents, and parent 121079  
company of the bank or other person examined to assist them in 121080  
conducting the business of the bank or other person examined in a 121081  
safe and sound manner and in compliance with law; 121082

(5) To auditors, attorneys, or similar professionals retained 121083  
by the bank or trust company to assist in conducting the business 121084  
of the bank or trust company, or other person examined, in a safe 121085  
and sound manner and in compliance with the law; 121086

(6) To law enforcement authorities conducting in connection 121087  
with criminal investigations or referrals made by the 121088  
superintendent; 121089

(7) To other state and federal agencies or, in the case of a 121090  
state bank, to the federal home loan bank to which the bank 121091  
belongs, as the superintendent determines necessary and 121092  
appropriate, but only under such conditions and limitations as the 121093  
superintendent, in the superintendent's sole discretion, may 121094  
require. 121095

(C)(1) ~~Information leading to, arising from, or obtained in~~ 121096  
~~the course of an examination of a bank or other person pursuant to~~ 121097  
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 121098  
described in division (A) of this section shall not be 121099  
discoverable from any source, and shall not be introduced into 121100  
evidence, except in the following circumstances: 121101

(a) In connection with criminal proceedings; 121102

(b) When, in the opinion of the superintendent, it is 121103  
appropriate with regard to enforcement actions taken and decisions 121104

made by the superintendent under the authority of Chapters 1101. 121105  
to 1127. of the Revised Code regarding a bank, trust company, or 121106  
other person; 121107

(c) When litigation, penalties, or an enforcement action has 121108  
been initiated by the superintendent in furtherance of the powers, 121109  
duties, and obligations imposed upon the superintendent by 121110  
Chapters 1101. to 1127. of the Revised Code; 121111

(d) When authorized by agreements between the superintendent 121112  
and financial institution regulatory authorities of this and other 121113  
states, the United States, and other countries authorized by 121114  
section 1121.11 of the Revised Code; 121115

(e) When and in the manner authorized in section 1181.25 of 121116  
the Revised Code. 121117

(2) The discovery of information ~~leading to, arising from, or~~ 121118  
~~obtained in the course of an examination~~ pursuant to division 121119  
(C)(1)(b), (c), or (d) of this section shall be limited to 121120  
information that directly relates to the bank, trust company, 121121  
regulated person, or other person who is the subject of the 121122  
enforcement action, decision, penalties, or litigation. 121123

(D) A report of an examination conducted pursuant to section 121124  
1121.10 or 1121.11 of the Revised Code is the property of the 121125  
division of financial institutions. Under no circumstances may the 121126  
bank or other person examined, its directors, officers, employees, 121127  
agents, regulated persons, or contractors, or any person having 121128  
knowledge or possession of a report of examination, or any of its 121129  
contents, disclose or make public in any manner the report of 121130  
examination or its contents. The authority provided in division 121131  
(B)(4) of this section for use of examination information to 121132  
assist in conducting the business of the bank or other person 121133  
examined in a safe and sound manner and in compliance with law 121134  
shall not be construed to authorize disclosure of a report of 121135

examination or any of its contents in conducting business with the 121136  
examined bank's or person's customers, creditors, ~~or~~ shareholders, 121137  
or members, or with other persons. 121138

(E) The superintendent may, in accordance with Chapter 119. 121139  
of the Revised Code, adopt rules to permit a bank, trust company, 121140  
or other person to disclose the information described in division 121141  
(A) of this section in limited circumstances other than those 121142  
specified in this section. 121143

(F) Whoever violates this section shall be removed from 121144  
office, shall be liable, with the violator's bond in damages to 121145  
the person injured by the disclosure of information, and is guilty 121146  
of a felony of the fourth degree. 121147

**Sec. 1121.19.** (A) As used in this section, a "self-assessment 121148  
report" of a bank includes, but is not limited to, all of the 121149  
following: 121150

(1) An evaluation of the bank's loan underwriting standards, 121151  
asset quality, financial reporting to federal or state regulatory 121152  
agencies, and compliance with its policies and with federal or 121153  
state statutory or regulatory requirements; 121154

(2) Any communication related to the report, including 121155  
electronic mails or telephone logs. 121156

(B) A self-assessment report, any portion or contents of the 121157  
report, and any documents, data, compilations, analyses, or other 121158  
information and material generated, created, produced, developed, 121159  
or prepared as part of the self-assessment process, are privileged 121160  
and not admissible or subject to discovery in any civil or 121161  
administrative litigation, action, proceeding, or investigation. 121162

(C) The self-assessment privilege granted by this section to 121163  
a bank and its affiliates applies regardless of whether a bank 121164  
regulator or any other governmental authority in possession of a 121165

self-assessment report or any portion or contents of it 121166  
subsequently discloses it or any portion or contents of it to a 121167  
third party as required or permitted by any state or federal law. 121168

(D) Notwithstanding any applicable state or federal public 121169  
records law, a bank regulator or any other governmental authority 121170  
in possession of a self-assessment report or any portion or 121171  
contents of it shall not disclose the report or any portion or 121172  
contents of it to any person in response to a public records 121173  
request. 121174

**Sec. 1121.21.** ~~(A)(1)~~ Each bank and trust company shall report 121175  
its condition and income to the division of financial institutions 121176  
at the times, in the form, and including the information the 121177  
superintendent of financial institutions prescribes. 121178

~~(2) A bank or trust company shall maintain a summary of its~~ 121180  
~~most recent report of condition and income, in the form prescribed~~ 121181  
~~by the superintendent, in each of its banking or trust service~~ 121182  
~~offices, post notice of the availability of the summary in each~~ 121183  
~~office, and make the summary available to the public without~~ 121184  
~~charge.~~ 121185

~~(B) Any bank or trust company that fails to comply with~~ 121186  
~~division (A)(1) or (2) of this section is subject to a forfeiture~~ 121187  
~~of one hundred dollars for each day the failure continues unless~~ 121188  
~~the bank or trust company corrects the failure within seven days~~ 121189  
~~after receiving the superintendent's notice of the failure.~~ 121190

**Sec. 1121.23.** Whenever the approval of the superintendent of 121191  
financial institutions is required under Chapters 1101. to 1127. 121192  
of the Revised Code, or under an order or supervisory action 121193  
issued or taken under those chapters, for a person to serve as an 121194  
organizer, incorporator, director, executive officer, or 121195

~~controlling shareholder of~~ person who, directly or indirectly 121196  
controls a bank, or to otherwise have a substantial interest in or 121197  
participate in the management of a bank, the superintendent shall 121198  
request the superintendent of the bureau of criminal 121199  
identification and investigation, or a vendor approved by the 121200  
bureau, to conduct a criminal records check based on the person's 121201  
fingerprints in accordance with section 109.572 of the Revised 121202  
Code. The superintendent of financial institutions shall request 121203  
that criminal record information from the federal bureau of 121204  
investigation be obtained as part of the criminal records check. 121205  
Any fee required under division (C)(3) of section 109.572 of the 121206  
Revised Code shall be paid by the person who is the subject of the 121207  
request. 121208

Nothing in this section prohibits the superintendent of 121209  
financial institutions from conditionally approving a person to 121210  
serve as an organizer, incorporator, director, executive officer, 121211  
or person who, directly or indirectly, controls a bank, or to 121212  
otherwise have a substantial interest in or participate in the 121213  
management of a bank, subject to receiving satisfactory results of 121214  
the criminal records check. If the superintendent does not receive 121215  
the results within ninety days after the criminal records check 121216  
was requested, the superintendent may extend the conditional 121217  
approval for not more than ninety days. 121218

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 121219  
Revised Code, a proposed action or transaction is subject to the 121220  
approval of the superintendent of financial institutions or an 121221  
opportunity for the superintendent to disapprove, and if the 121222  
person proposing the action or transaction is required to submit 121223  
an application or notice to the superintendent, then the 121224  
application or notice is not complete and the superintendent shall 121225  
not accept it for processing until the person pays the fee 121226

established pursuant to division (C) of section 1121.29 of the 121227  
Revised Code. 121228

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 121229  
a proposed action or transaction is subject to the approval of the 121230  
superintendent or an opportunity for the superintendent to 121231  
disapprove and the superintendent must make that determination 121232  
within a certain time, and if the person proposing the action or 121233  
transaction is required to submit an application or notice to the 121234  
superintendent, then the time in which the superintendent must 121235  
make the determination does not begin to run until the 121236  
superintendent has determined the application or notice is 121237  
complete and has accepted it for processing. 121238

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 121239  
either of the following: 121240

(a) The superintendent from denying, or issuing a disapproval 121241  
of, an application or notice, prior to the superintendent's 121242  
acceptance of the application or notice for processing, on the 121243  
basis that the person who submitted the application or notice 121244  
failed to include all of the items and address all of the issues 121245  
required for the application or notice, if both of the following 121246  
apply: 121247

(i) The superintendent advised the person that the 121248  
application or notice was incomplete. 121249

(ii) After being advised by the superintendent that the 121250  
application or notice was incomplete, the person did not, within a 121251  
reasonable period of time, complete the application or notice. 121252

(b) The superintendent from denying, or issuing a disapproval 121253  
of, an application or notice on the basis that the person who 121254  
submitted the application or notice failed to provide the 121255  
information necessary for the superintendent to adequately 121256  
consider the application or notice after the superintendent's 121257

acceptance of the application or notice for processing, if both of 121258  
the following apply: 121259

(i) After having begun processing the application or notice, 121260  
the superintendent determined and advised the person that 121261  
additional information was necessary to adequately consider the 121262  
application or notice. 121263

(ii) After being advised by the superintendent that 121264  
additional information was necessary to adequately consider the 121265  
application or notice, the person did not, within a reasonable 121266  
period of time, provide that information. 121267

~~(B)~~(C) A determination by the superintendent that an 121268  
application or notice is complete and is accepted for processing 121269  
means only that the application or notice, on its face, appears to 121270  
include all of the items and to address all of the matters that 121271  
are required. A determination by the superintendent that an 121272  
application or notice is complete and is accepted for processing 121273  
is not an assessment of the substance of the application or 121274  
notice, or of the sufficiency of the information provided. 121275

**Sec. 1121.26.** When considering the impact of a proposed 121276  
action or transaction on the convenience and needs of the 121277  
community to be served, both of the following shall apply: 121278

(A) The superintendent of ~~banks~~ financial institutions shall 121279  
assess whether the facts and circumstances relating to the 121280  
proposed action or transaction reasonably indicate that the 121281  
purpose for the proposed action or transaction is to engage in the 121282  
banking business and provide banking services in the community to 121283  
be served, rather than to raise funds for other purposes or 121284  
otherwise serve a nonbanking purpose. 121285

(B) The superintendent shall not require the person proposing 121286  
the action or transaction to prove any of the following: 121287

(1) There is substantial unmet need for banking services in the community. 121288  
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(2) The person will bring banking services or other particular advantages to the community that are not presently available there. 121290  
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(3) The action or transaction will not adversely affect an existing financial institution in the community. 121293  
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Sec. 1121.29. (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as provided in this section. The superintendent shall make each assessment based on the total assets as shown on the books of the bank, savings and loan association, or savings bank as of the thirty-first day of December of the previous year. The superintendent shall collect the assessment on an annual or periodic basis, as provided by the superintendent. All assessments shall be paid within fourteen days after receiving an invoice for payment of the assessment. 121295  
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(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code. 121308  
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(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the 121317  
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banking commission for confirmation, and forward copies of the 121319  
current year's schedule to banks, savings and loan associations, 121320  
and savings banks doing business under authority granted by the 121321  
superintendent, or their successors in interest. 121322

If during the period between the banking commission's 121323  
confirmation of the schedule of assessments and the completion of 121324  
the fiscal year in which those assessments will be collected, the 121325  
banking commission determines additional money is required to 121326  
adequately fund the operations of the division of financial 121327  
institutions for that fiscal year, the banking commission may, by 121328  
the affirmative vote of two-thirds of its members, increase the 121329  
schedule of assessments for that fiscal year. The superintendent 121330  
shall promptly notify each bank, savings and loan association, and 121331  
savings bank of the increased assessment, and each bank, savings 121332  
and loan association, and savings bank shall pay the increased 121333  
assessment as made and invoiced by the superintendent. 121334

(4) A bank, savings and loan association, or savings bank 121335  
authorized by the superintendent to commence business in the 121336  
period between assessments shall pay the actual reasonable costs 121337  
of the division's examinations and visitations. The bank, savings 121338  
and loan association, or savings bank shall pay the costs within 121339  
fourteen days after receiving an invoice for payment. 121340

(B)(1) Whenever in the judgment of the superintendent the 121341  
condition or conduct of a bank renders it necessary to make 121342  
additional examinations and follow-up visitations within the 121343  
examination cycle beyond the minimum required by division (A) of 121344  
section 1121.10 of the Revised Code, the superintendent shall 121345  
charge the bank for the additional examinations and follow-up 121346  
visitations as provided in division (C) of this section. The bank 121347  
shall pay the fee charged within fourteen days after receiving an 121348  
invoice for payment. 121349

(2) The superintendent shall charge a bank for any 121350

examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations.

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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent.

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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent.

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(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations.

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(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with the division and for any expenses incurred by the division in the publication or serving of required notices.

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(F) Assessments and examination and application fees charged and collected pursuant to this section are not refundable. Any fee charged pursuant to this section shall be paid within fourteen days after receiving an invoice for payment of the fee.

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(G) The superintendent shall pay all assessments and fees charged pursuant to this section and all forfeitures required to be paid to the superintendent into the state treasury to the credit of the banks fund.

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**Sec. 1121.30.** (A) All assessments, fees, charges, and 121382  
forfeitures provided for in Chapters 1101. to 1127. and sections 121383  
1315.01 to 1315.18 of the Revised Code, except civil penalties 121384  
assessed pursuant to section 1121.35 or 1315.152 of the Revised 121385  
Code, shall be paid to the superintendent of financial 121386  
institutions, and the superintendent shall deposit them into the 121387  
state treasury to the credit of the banks fund, which is hereby 121388  
created. 121389

(B) The superintendent may expend or obligate the banks fund 121390  
to defray the costs of the division of financial institutions in 121391  
administering Chapters 1101. to 1127. and sections 1315.01 to 121392  
1315.18 of the Revised Code. The superintendent shall pay from the 121393  
fund all actual and necessary expenses incurred by the 121394  
superintendent, including for any services rendered by the 121395  
department of commerce for the division's administration of 121396  
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 121397  
Revised Code. The fund shall be assessed a proportionate share of 121398  
the administrative costs of the department and the division of 121399  
financial institutions. The proportionate share of the 121400  
administration costs of the division of financial institutions 121401  
shall be determined in accordance with procedures prescribed by 121402  
the superintendent and approved by the director of budget and 121403  
management. The amount assessed for the fund's proportional share 121404  
of the department's administrative costs and the division's 121405  
administrative costs shall be paid from the banks fund to the 121406  
division of administration fund and the division of financial 121407  
institutions fund respectively. 121408

(C) Any money deposited into the state treasury to the credit 121409  
of the banks fund, but not expended or encumbered by the 121410  
superintendent to defray the costs of administering Chapters 1101. 121411  
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 121412  
shall remain in the banks fund for expenditures by the 121413

superintendent in subsequent years and shall not be used for any 121414  
purpose other than as set forth in this section. 121415

**Sec. 1121.33.** (A) The superintendent of financial 121416  
institutions may issue and serve a notice of charges and intent to 121417  
remove a regulated person from office or prohibit a regulated 121418  
person from further participation in the conduct of the affairs of 121419  
a bank or trust company, or both, if, in the opinion of the 121420  
superintendent, all of the following apply: 121421

(1) The regulated person has, directly or indirectly, done 121422  
any of the following: 121423

(a) Violated any of the following: 121424

(i) A law or rule; 121425

(ii) A final cease and desist order; 121426

(iii) A condition imposed in writing by the superintendent in 121427  
connection with granting an application or notice that is subject 121428  
to the superintendent's approval or an opportunity for the 121429  
superintendent to disapprove or other request by a bank, trust 121430  
company, or regulated person; 121431

(iv) A written agreement between a bank or trust company and 121432  
the superintendent, or between the regulated person and the 121433  
superintendent. 121434

(b) Engaged or participated in an unsafe or unsound practice 121435  
in connection with a bank, trust company, or other business 121436  
institution; 121437

(c) Committed or engaged in an act, omission, or practice 121438  
constituting a breach of the regulated person's fiduciary duty as 121439  
a regulated person. 121440

(2) The violation, practice, or breach results in any of the 121441  
following: 121442

(a) A bank, trust company, or other business institution has suffered or will probably suffer substantial financial loss or other damage;	121443 121444 121445
(b) The interests of a bank's depositors or shareholders or trust company's beneficiaries or shareholders have been or could be prejudiced;	121446 121447 121448
(c) The regulated person has received or will receive financial gain or other benefit.	121449 121450
(3) The violation, practice, or breach does either of the following:	121451 121452
(a) Involves personal dishonesty on the part of the regulated person;	121453 121454
(b) Demonstrates willful or continuing disregard by the regulated person for the safety and soundness of a bank, trust company, or business institution.	121455 121456 121457
(B) The notice of charges and intent to remove a regulated person from office or prohibit a regulated person from further participation in the conduct of the affairs of a bank or trust company shall include all of the following:	121458 121459 121460 121461
(1) A statement of the violation or violations, unsafe or unsound practice or practices, or breach or breaches alleged;	121462 121463
(2) A statement of the facts constituting the grounds for the proposed removal or prohibition order;	121464 121465
(3) Notice that the regulated person is entitled to a hearing, in accordance with section 1121.38 of the Revised Code, to determine whether an order removing the regulated person from office, prohibiting the regulated person from further participation in the conduct of the affairs of a bank or trust company, or both, should be issued against the regulated person if the regulated person requests the hearing within thirty days after	121466 121467 121468 121469 121470 121471 121472

service of the notice; 121473

(4) Notice that, if the regulated person makes a timely 121474  
request for a hearing, the regulated person may appear at the 121475  
hearing in person, by attorney, or by presenting positions, 121476  
arguments, and contentions in writing, and at the hearing may 121477  
present evidence and examine witnesses for and against the 121478  
regulated person. 121479

(5) Notice that failure of the regulated person to timely 121480  
request a hearing to determine whether an order removing the 121481  
regulated person from office, prohibiting the regulated person 121482  
from further participation in the conduct of the affairs of a bank 121483  
or trust company, or both, should be issued or to appear at the 121484  
hearing, in person, by attorney, or by writing, is consent by the 121485  
regulated person to the issuance of the order. 121486

(C) The superintendent may issue an order removing the 121487  
regulated person from office or prohibiting the regulated person 121488  
from further participation in the conduct of the affairs of a bank 121489  
or trust company, or both, if either of the following applies: 121490

(1) The regulated person consents to the issuance of the 121491  
order; 121492

(2) Upon the record of the hearing the superintendent finds 121493  
the grounds for the order have been established. 121494

(D) A regulated person who has been removed from office or 121495  
prohibited from further participation in the conduct of the 121496  
affairs of a bank or trust company pursuant to this section or by 121497  
order of the bank regulatory authority of another state or the 121498  
United States shall not, while the removal or prohibition order is 121499  
in effect, continue or commence to hold any office of or 121500  
participate in any manner in the conduct of the affairs of any 121501  
bank or trust company in this state, except as specifically 121502  
permitted by the superintendent or by the bank regulatory 121503

authority of another state or the United States pursuant to 121504  
modification of the order. Participation in the conduct of the 121505  
affairs of a bank or trust company includes doing any of the 121506  
following: 121507

(1) Soliciting, procuring, transferring, attempting to 121508  
transfer, voting, or attempting to vote any proxy, consent, or 121509  
authorization with respect to any voting rights in any bank or 121510  
trust company; 121511

(2) Violating any voting agreement previously approved by the 121512  
superintendent; 121513

(3) Voting for a director of any bank or trust company. 121514

(E) An order issued by the superintendent pursuant to this 121515  
section is effective at the time specified in the order, which, in 121516  
the case of an order issued pursuant to division (C)(2) of this 121517  
section, shall be not less than thirty days after service of the 121518  
order on the regulated person. 121519

(F) An order issued by the superintendent pursuant to this 121520  
section shall remain enforceable and effective as provided in the 121521  
order except to the extent it is stayed, modified, terminated, or 121522  
set aside by action of the superintendent or a reviewing court. 121523

(G) The superintendent shall serve a certified copy of a 121524  
removal or prohibition order issued pursuant to this section on 121525  
any bank or trust company in relation to which the object of the 121526  
removal or prohibition order is a regulated person. 121527

**Sec. 1121.34.** (A)(1) The superintendent of financial 121528  
institutions may issue an order suspending a regulated person from 121529  
office or temporarily prohibiting a regulated person from further 121530  
participation in the conduct of the affairs of a bank or trust 121531  
company, or both, if both of the following apply: 121532

(a) The superintendent serves, or has served, the regulated 121533

person with a notice of charges and intent to remove the regulated 121534  
person or prohibit the regulated person from further participation 121535  
in the conduct of the affairs of a bank or trust company pursuant 121536  
to section 1121.33 of the Revised Code. 121537

(b) The superintendent determines the suspension or temporary 121538  
prohibition is necessary for the protection of a bank or trust 121539  
company or the interests of a bank's depositors or a trust 121540  
company's beneficiaries. 121541

(2) An order issued pursuant to division (A)(1) of this 121542  
section is effective immediately upon service on the regulated 121543  
person, and remains effective and enforceable as provided in the 121544  
order except to the extent it is stayed, modified, terminated, or 121545  
set aside by action of the superintendent or a reviewing court. 121546  
If, upon the record of a hearing, the superintendent determines 121547  
not to issue an order removing a regulated person from office or 121548  
prohibiting a regulated person's further participation in the 121549  
conduct of the affairs of a bank or trust company pursuant to 121550  
section 1121.33 of the Revised Code, the order issued pursuant to 121551  
division (A)(1) of this section is terminated. 121552

(3) Within ten days after being served a suspension or 121553  
temporary prohibition order pursuant to division (A)(1) of this 121554  
section, a regulated person may apply to the court of common pleas 121555  
of the county in which the residence of the regulated person is 121556  
located, or the court of common pleas of Franklin county, for an 121557  
injunction setting aside, limiting, or suspending the enforcement, 121558  
operation, or effectiveness of the suspension or temporary 121559  
prohibition order pending completion of the hearing on the notice 121560  
of charges served on the regulated person pursuant to section 121561  
1121.33 of the Revised Code, and the court has jurisdiction to 121562  
issue the injunction. 121563

(B)(1) Whenever a regulated person is charged in any 121564  
information, indictment, or complaint, authorized by a prosecuting 121565



attorney or a United States attorney, with the commission of or 121566  
participation in a felony or a crime involving an act of fraud, 121567  
dishonesty ~~or~~, breach of trust, theft, or money laundering 121568  
involving a depository institution, the superintendent may suspend 121569  
the regulated person from office or temporarily prohibit the 121570  
regulated person's further participation in the conduct of the 121571  
affairs of a bank or trust company, or both. A suspension or 121572  
temporary prohibition order issued pursuant to division (B)(1) of 121573  
this section is effective immediately upon service on the 121574  
regulated person, and remains effective and enforceable until the 121575  
information, indictment, or complaint is finally disposed of or 121576  
the superintendent terminates the order. 121577

(2) If a judgment of conviction or an agreement to enter a 121578  
pretrial diversion or other similar program is entered against a 121579  
regulated person with respect to the information, indictment, or 121580  
complaint and, in the case of a judgment of conviction, is not 121581  
subject to further appellate review, the superintendent may remove 121582  
the regulated person from office, prohibit the regulated person 121583  
from further participation in the conduct of the affairs of a bank 121584  
or trust company, or both. A removal or prohibition order issued 121585  
pursuant to division (B)(2) of this section is effective 121586  
immediately upon service on the regulated person, and remains 121587  
effective and enforceable as provided in the removal or 121588  
prohibition order except to the extent it is stayed, modified, 121589  
terminated, or set aside by action of the superintendent. 121590

(3) A finding of not guilty or other disposition of the 121591  
information, indictment, or complaint does not preclude the 121592  
superintendent from subsequently instituting proceedings pursuant 121593  
to section 1121.33 of the Revised Code to remove the regulated 121594  
person from office or to prohibit the regulated person from 121595  
further participation in the conduct of the affairs of a bank or 121596  
trust company, or both. 121597

(C) The superintendent shall serve a certified copy of a suspension or temporary prohibition order issued pursuant to division (A) or (B)(1) of this section or a removal or prohibition order issued pursuant to division (B)(2) of this section on any bank or trust company in relation to which the object of the suspension, removal, or prohibition order is a regulated person.

(D) A regulated person who has been suspended, removed from office, or temporarily or otherwise prohibited from further participation in the conduct of the affairs of a bank or trust company pursuant to this section or by order of the bank regulatory authority of another state or the United States shall not, while the suspension, removal, or prohibition order is in effect, continue or commence to hold any office of or participate in any manner in the conduct of the affairs of a bank or trust company in this state, except as specifically permitted by the superintendent or by the bank regulatory authority of another state or the United States pursuant to modification of the suspension, removal, or prohibition order. Participation in the conduct of the affairs of a bank or trust company includes doing any of the following:

(1) Soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any bank or trust company;

(2) Violating any voting agreement previously approved by the superintendent;

(3) Voting for a director of any bank or trust company.

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board

shall be vested in and be exercisable by the director or directors 121629  
on the board not suspended, until the time there is a quorum of 121630  
the board of directors. If all the directors of a bank are 121631  
suspended pursuant to this section, the superintendent shall 121632  
appoint persons to serve temporarily as directors in their place, 121633  
pending termination of the suspensions or until those who have 121634  
been suspended cease to be directors of the bank and their 121635  
successors take office. 121636

**Sec. 1121.38.** (A)(1) An administrative hearing provided for 121637  
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 121638  
Code shall be held in the county in which the principal place of 121639  
business of the bank or trust company or residence of the 121640  
regulated person is located, unless the bank, trust company, or 121641  
regulated person requesting the hearing consents to another place. 121642  
Within ninety days after the hearing, the superintendent of 121643  
financial institutions shall render a decision, which shall 121644  
include findings of fact upon which the decision is predicated, 121645  
and shall issue and serve on the bank, trust company, or regulated 121646  
person the decision and an order consistent with the decision. 121647  
Judicial review of the order is exclusively as provided in 121648  
division (B) of this section. Unless a notice of appeal is filed 121649  
in a court of common pleas within thirty days after service of the 121650  
superintendent's order as provided in division (B) of this 121651  
section, and until the record of the administrative hearing has 121652  
been filed, the superintendent may, at anytime, upon the notice 121653  
and in the manner the superintendent considers proper, modify, 121654  
terminate, or set aside the superintendent's order. After filing 121655  
the record, the superintendent may modify, terminate, or set aside 121656  
the superintendent's order with permission of the court. 121657

(a) A hearing provided for in section 1121.32, 1121.35, or 121658  
1121.41 of the Revised Code shall be confidential, unless the 121659  
superintendent determines that holding an open hearing would be in 121660

the public interest. Within twenty days after service of the 121661  
notice of a hearing, a respondent may file a written request for a 121662  
public hearing with the superintendent. A respondent's failure to 121663  
file such a request constitutes a waiver of any objections to a 121664  
confidential hearing. 121665

(b) A hearing provided for in section 1121.33 of the Revised 121666  
Code shall be an open hearing. Within twenty days after service of 121667  
the notice of a hearing, a respondent may file a written request 121668  
for a confidential hearing with the superintendent. If such a 121669  
request is received by the superintendent, the hearing shall be 121670  
confidential unless the superintendent determines that holding an 121671  
open hearing would be in the public interest. 121672

(2) In the course of, or in connection with, an 121673  
administrative hearing governed by this section, the 121674  
superintendent, or a person designated by the superintendent to 121675  
conduct the hearing, may administer oaths and affirmations, take 121676  
or cause depositions to be taken, and issue, revoke, quash, or 121677  
modify subpoenas and subpoenas duces tecum. At any administrative 121678  
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 121679  
of the Revised Code, the record of which may be the basis of an 121680  
appeal to court, a stenographic record of the testimony and other 121681  
evidence submitted shall be taken at the expense of the division 121682  
of financial institutions. The record shall include all of the 121683  
testimony and other evidence, and any rulings on the admissibility 121684  
thereof, presented at the hearing. The superintendent may adopt 121685  
rules regarding these hearings. The attendance of witnesses and 121686  
the production of documents provided for in this section may be 121687  
required from any place within or outside the state. A party to a 121688  
hearing governed by this section may apply to the court of common 121689  
pleas of Franklin county, or the court of common pleas of the 121690  
county in which the hearing is being conducted or the witness 121691  
resides or carries on business, for enforcement of a subpoena or 121692

subpoena duces tecum issued pursuant to this section, and the courts have jurisdiction and power to order and require compliance with the subpoena. Witnesses subpoenaed under this section shall be paid the fees and mileage provided for under section 119.094 of the Revised Code.

(B)(1) A bank, trust company, or regulated person against whom the superintendent issues an order upon the record of a hearing under the authority of section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code may obtain a review of the order by filing a notice of appeal in the court of common pleas in the county in which the principal place of business of the bank, trust company, or regulated person, or residence of the regulated person, is located, or in the court of common pleas of Franklin county, within thirty days after the date of service of the superintendent's order. The clerk of the court shall promptly transmit a copy of the notice of appeal to the superintendent, ~~and~~. Within thirty days after receiving the notice of appeal, the superintendent shall file a certified copy of the record of the administrative hearing with the clerk of the court. In the event of a private hearing, the record of the administrative hearing shall be filed under seal with the clerk of the court. Upon the filing of the notice of appeal, the court has jurisdiction, which upon the filing of the record of the administrative hearing is exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the superintendent's order.

(2) The commencement of proceedings for judicial review pursuant to division (B) of this section does not, unless specifically ordered by the court, operate as a stay of any order issued by the superintendent. If it appears to the court an unusual hardship to the appellant bank, trust company, or regulated person will result from the execution of the superintendent's order pending determination of the appeal, and

the interests of depositors and the public will not be threatened 121725  
by a stay of the order, the court may grant a stay and fix its 121726  
terms. 121727

(C) The superintendent may, in the sole discretion of the 121728  
superintendent, apply to the court of common pleas of the county 121729  
in which the principal place of business of the bank, trust 121730  
company, or regulated person, or residence of the regulated 121731  
person, is located, or the court of common pleas of Franklin 121732  
county, for the enforcement of an effective and outstanding 121733  
superintendent's order issued under section 1121.32, 1121.33, 121734  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 121735  
has jurisdiction and power to order and require compliance with 121736  
the superintendent's order. In an action by the superintendent 121737  
pursuant to this division to enforce an order assessing a civil 121738  
penalty issued under section 1121.35 of the Revised Code, the 121739  
validity and appropriateness of the civil penalty is not subject 121740  
to review. 121741

(D) No court has jurisdiction to affect, by injunction or 121742  
otherwise, the issuance or enforcement of an order issued under 121743  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 121744  
Revised Code or to review, modify, suspend, terminate, or set 121745  
aside an order issued under section 1121.32, 1121.33, 1121.34, 121746  
1121.35, or 1121.41 of the Revised Code, except as provided in 121747  
this section, in division (G) of section 1121.32 of the Revised 121748  
Code for an order issued pursuant to division (C)(3) or (4) of 121749  
section 1121.32 of the Revised Code, or in division (A)(3) of 121750  
section 1121.34 of the Revised Code for an order issued pursuant 121751  
to division (A)(1) of section 1121.34 of the Revised Code. 121752

(E) Nothing in this section or in any other section of the 121753  
Revised Code or rules implementing this or any other section of 121754  
the Revised Code shall prohibit or limit the superintendent from 121755  
doing any of the following: 121756

(1) Issuing orders pursuant to section 1121.32, 1121.33, 121757  
1121.34, 1121.35, or 1121.41 of the Revised Code; 121758

(2) Individually or contemporaneously taking any other action 121759  
provided by law or rule with respect to a bank, trust company, or 121760  
regulated person; 121761

(3) Taking any action provided by law or rule with respect to 121762  
a bank, trust company, or regulated person, whether alone or in 121763  
conjunction with another regulatory agency or authority. 121764

**Sec. 1121.41.** (A) The superintendent of financial 121765  
institutions may issue and serve a notice of charges and intent to 121766  
issue an order placing a bank or trust company under supervision 121767  
and appointing a supervisor for the bank or trust company, if, in 121768  
the opinion of the superintendent, any of the following applies: 121769

(1) In the case of a bank, any of the conditions listed in 121770  
section 1125.09 of the Revised Code for appointing a conservator 121771  
or in section 1125.18 of the Revised Code for taking possession of 121772  
a bank and appointing a receiver, exists. 121773

(2) In the case of a trust company, any of the conditions 121774  
listed in section 1111.32 of the Revised Code for revoking a 121775  
license to do trust business, exists. 121776

(3) The bank or trust company is in such condition that the 121777  
further transaction of business would be hazardous, financially or 121778  
otherwise, to its shareholders, depositors, its creditors, or the 121779  
public. 121780

(B) The notice of charges and intent to issue an order 121781  
placing a bank or trust company under supervision and appointing a 121782  
supervisor shall include all of the following: 121783

(1) A statement of the alleged basis for the superintendent's 121784  
placing the bank or trust company under supervision and appointing 121785  
a supervisor and the period for supervision; 121786

(2) A statement of the facts supporting the superintendent's placing the bank or trust company under supervision and appointing a supervisor; 121787  
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(3) A statement of the requirements to abate the superintendent's placing the bank or trust company under supervision and appointing a supervisor; 121790  
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(4) A statement, in accordance with division (D) of this section, of actions the bank or trust company would be prohibited from undertaking during the period of supervision without the prior approval of the superintendent or the supervisor appointed by the superintendent; 121793  
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(5) Notice of both of the following: 121798

(a) The bank or trust company is entitled to a hearing, conducted in accordance with section 1121.38 of the Revised Code, to determine whether the superintendent should issue an order placing the bank or trust company under supervision and appointing a supervisor, if the bank or trust company requests the hearing within thirty days after service of the superintendent's notice of charges and intent to issue an order placing the bank or trust company under supervision and appointing a supervisor; 121799  
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(b) Failure to request the hearing in the time allowed, or failure to appear at a hearing timely requested, is consent to the issuance of the order placing the bank or trust company under supervision and appointing a supervisor. 121807  
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(6) Notice that if the bank or trust company makes a timely request for a hearing, all of the following apply: 121811  
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(a) The bank or trust company may appear at the hearing in person, by attorney, or by presenting positions, arguments, and contentions in writing. 121813  
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(b) At the hearing the bank or trust company may present 121816



evidence and examine witnesses for and against the bank or trust company. 121817  
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(c) The hearing will be set for a date within ten days after the superintendent's receipt of the request for the hearing or a later date mutually agreed to by the bank or trust company and the superintendent. 121819  
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(C) The superintendent may issue an order placing the bank or trust company under supervision and appointing a supervisor, if either of the following applies: 121823  
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(1) The bank or trust company consents to the issuance of the order; 121826  
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(2) Upon the record of the hearing the superintendent finds any of the following: 121828  
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(a) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists. 121830  
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(b) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists. 121834  
121835  
121836

(c) The bank or trust company is in such condition that further transaction of business would be hazardous to its shareholders, its depositors, its creditors, or the public. 121837  
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(D) An order placing a bank or trust company under supervision and appointing a supervisor may prohibit the bank or trust company from doing any of the following during the period of supervision without the prior approval of either the superintendent or the supervisor appointed by the superintendent: 121840  
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(1) Disposing of, conveying, or encumbering any of its assets; 121845  
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(2) Withdrawing any of its bank accounts;	121847
(3) Lending any of its funds;	121848
(4) Investing any of its funds;	121849
(5) Transferring any of its property;	121850
(6) Incurring any debt, obligation, or liability;	121851
<u>(7) Taking any other action specified in the order.</u>	121852
(E) An order placing a bank or trust company under supervision and appointing a supervisor is effective at the time specified in the order which, in the case of an order issued pursuant to division (C)(2) of this section, shall not be less than thirty days after service of the order on the bank or trust company.	121853 121854 121855 121856 121857 121858
(F) An order placing a bank or trust company under supervision and appointing a supervisor remains effective and enforceable as provided in the order, except to the extent the order is stayed, modified, terminated, or set aside by action of the superintendent or a reviewing court.	121859 121860 121861 121862 121863
(G) The cost incident to the supervisor's service shall be fixed and determined by the superintendent, and shall be a charge against the assets and funds of the bank or trust company to be allowed and paid as the superintendent determines.	121864 121865 121866 121867
<b>Sec. 1121.43.</b> (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall <del>publish and</del> make available to the public on a monthly basis all of the following:	121868 121869 121870 121871
(1) Any written agreement or other writing for which a violation may be enforced by the superintendent;	121872 121873
(2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;	121874 121875

(3) Any modification or termination of an agreement, other writing, or order made available to the public pursuant to this section. 121876  
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(B)(1) If, in the superintendent's discretion, the superintendent determines that ~~publishing~~ making a written agreement or other writing ~~and making it~~ available to the public pursuant to division (A)(1) of this section would be contrary to the public interest, the superintendent shall not ~~publish the written agreement or other writing or~~ make it available to the public. 121879  
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(2) If the superintendent determines that ~~publishing~~ making a final order ~~and making it~~ available to the public pursuant to division (A)(2) of this section would seriously threaten the safety and soundness of a state bank or trust company, the superintendent may delay ~~the publication~~ making it available for a reasonable time. 121886  
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**Sec. 1121.45.** (A) The superintendent of financial institutions may call and convene a meeting with the regulated persons the superintendent determines to be appropriate at a location within this state and at a date and time established by the superintendent upon notice served in accordance with section 1121.37 of the Revised Code. The regulated persons notified of the meeting shall attend the meeting unless excused by the superintendent for reasonable cause at the superintendent's sole discretion. Failure of a regulated person to attend a meeting called and convened in accordance with this division, unless excused by the superintendent, is grounds for suspending or removing the regulated person from office or imposing civil penalties against the regulated person. 121892  
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(B) If a quorum of the board of directors of a bank or an affiliate of a bank attends a meeting called and convened by the 121905  
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superintendent pursuant to division (A) of this section, they may  
convene a meeting of the board of directors to address matters  
related to the superintendent's meeting, notwithstanding any  
contrary provision of the bank's articles of incorporation, code  
of regulations, or bylaws related to notice of a board of  
directors meeting.

(C) The records of any meeting called and convened in  
accordance with division (A) of this section and the discussions,  
information, and documentation presented at the meeting are, in  
the possession of any person, confidential and privileged  
information and shall not be disclosed except as provided in  
section 1121.18 of the Revised Code.

**Sec. 1121.47.** (A) The superintendent of financial  
institutions may do both of the following:

(1) Summon and compel, by order or subpoena, witnesses to  
appear before the superintendent, deputy superintendent, examiner,  
~~or~~ attorney examiner, or such other person designated by the  
superintendent and testify under oath regarding the affairs of a  
bank or trust company or, in relation to matters concerning a  
state bank, foreign bank, or trust company, a regulated person;

(2) Compel, by order or subpoena, the production of any  
record, book, paper, document, item, or other thing pertaining to  
a bank or trust company or, in relation to matters concerning a  
state bank, foreign bank, or trust company, a regulated person.

(B) The superintendent shall serve an order or subpoena  
issued pursuant to division (A) of this section in any manner  
provided by section 1121.37 of the Revised Code.

(C) If a person fails to comply with an order or subpoena of  
the superintendent or refuses to testify to any matter regarding  
which the person is lawfully interrogated before the division of

financial institutions, on application of the superintendent, the 121937  
court of common pleas of the county in which the person resides or 121938  
in which the principal place of business of the person is located, 121939  
or a judge of the court, shall compel compliance by attachment 121940  
proceedings as for contempt in the case of noncompliance with a 121941  
subpoena issued from the court or refusal to testify in the court. 121942  
Failure of a regulated person to comply fully with an order or 121943  
subpoena issued under the authority of this section shall be 121944  
grounds for removing the regulated person from office, prohibiting 121945  
the regulated person from participating directly or indirectly in 121946  
the affairs of a bank or trust company, or imposing civil 121947  
penalties against the regulated person. 121948

**Sec. 1121.48.** (A) All suits and court proceedings brought by 121949  
the superintendent of financial institutions shall be brought in 121950  
the name of the state upon the superintendent's relation, and 121951  
shall be conducted by the attorney general or a designee of the 121952  
attorney general. 121953

(B) A suit or court proceeding brought by the superintendent 121954  
may be prosecuted in the court of common pleas of Franklin county, 121955  
or of any other county in which the defendant or any of the 121956  
defendants resides or may be found. 121957

(C) In all suits or court proceedings brought by the 121958  
superintendent, the writ may be sent by regular mail to the 121959  
sheriff of any county, and the sheriff may return the writ by 121960  
regular mail. The sheriff shall be allowed the same mileage and 121961  
fees for the service as would be allowed if the writ had been 121962  
issued from and made returnable to the court of common pleas of 121963  
the sheriff's county. 121964

**Sec. 1121.50.** (A) As used in this section, "independent 121965  
auditor" means an external, unaffiliated auditor who has a 121966

certified public accounting designation that qualifies the person 121967  
to provide an auditor's report. 121968

(B) The superintendent of financial institutions may, when 121969  
circumstances warrant, require a bank or trust company to have an 121970  
independent auditor conduct agreed upon procedures prescribed by 121971  
the superintendent. The independent auditor shall be retained, and 121972  
the expense of the agreed upon procedures shall be paid, by the 121973  
bank or trust company. The agreed upon procedures shall be 121974  
conducted in accordance with standards established by the American 121975  
institute of certified public accountants. 121976

~~(B)~~(C) The board of directors of the bank or trust company 121977  
shall, within sixty days after receipt of the report prepared by 121978  
the independent auditor for the agreed upon procedures conducted 121979  
pursuant to this section, prepare a response to the report and 121980  
file the report and the board's response with the superintendent. 121981  
A report and response filed with the superintendent pursuant to 121982  
this section may be disclosed only as provided in section 1121.18 121983  
of the Revised Code. 121984

**Sec. 1121.52.** (A) If a state bank is undercapitalized, the 121985  
superintendent of financial institutions shall notify the bank of 121986  
the fact of the undercapitalization. The superintendent may 121987  
require the bank to submit a written capital restoration plan to 121988  
the superintendent within forty-five days after the bank receives 121989  
that notice, unless the superintendent authorizes in writing a 121990  
longer period of time. 121991

(B) A capital restoration plan required under this section 121992  
shall specify all of the following: 121993

(1) The steps the state bank will take to become adequately 121994  
capitalized; 121995

(2) The levels of capital to be attained during the time 121996

<u>frame in which the plan will be in effect;</u>	121997
<u>(3) The types and levels of activities in which the bank will engage;</u>	121998
	121999
<u>(4) Any other information the superintendent may require.</u>	122000
<u>(C) The superintendent shall approve a capital restoration plan submitted under this section if the superintendent determines that the plan meets both of the following conditions:</u>	122001
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	122003
<u>(1) It is based on realistic assumptions and is likely to succeed in restoring the bank's capital.</u>	122004
	122005
<u>(2) It would not appreciably increase the risk, including credit risk and interest rate risk, to which the bank is exposed.</u>	122006
	122007
<u>(D) If the superintendent fails to approve a state bank's capital restoration plan, the superintendent shall notify the bank and require it to submit a revised plan within a time period specified by the superintendent. Upon serving that notice, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule.</u>	122008
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<u>(E) Both of the following apply to any state bank that has submitted and is operating under a capital restoration plan approved under this section:</u>	122016
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	122018
<u>(1) The bank shall not be required to submit an additional capital restoration plan based on a revised calculation of its capital measures unless specifically required to do so by the superintendent. A state bank that is notified that it must submit a new or revised plan shall file a written plan with the superintendent within thirty days after the bank receives the notice, unless the superintendent authorizes in writing a different period of time.</u>	122019
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(2) The bank may, after prior written notice to and approval 122027  
by the superintendent, amend its capital restoration plan to 122028  
reflect a change in circumstance. Until such time as a proposed 122029  
amendment is approved by the superintendent, the bank shall 122030  
implement the plan in its current form. 122031

(F)(1) If an undercapitalized bank fails to submit a capital 122032  
restoration plan required under this section within the designated 122033  
period of time, upon expiration of that period, the superintendent 122034  
may immediately appoint a conservator for the bank or take any 122035  
other action authorized under section 1121.32, 1121.33, 1121.34, 122036  
1121.35, 1121.41, or 1121.46 of the Revised Code or any other law 122037  
or rule. 122038

(2) If an undercapitalized bank fails, in any material 122039  
respect, to implement a capital restoration plan required under 122040  
this section, the superintendent may immediately appoint a 122041  
conservator for the bank or take any other action authorized under 122042  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 122043  
Revised Code or any other law or rule. 122044

(G) Nothing in this section prohibits the superintendent from 122045  
requiring a state bank to submit a capital restoration plan at any 122046  
other time the superintendent considers necessary. 122047

**Sec. 1121.56.** Neither the superintendent of financial 122048  
institutions ~~nor~~, any employee, agent, or contractor of the 122049  
division of financial institutions, or any supervisor appointed by 122050  
the superintendent under this chapter is liable in any civil, 122051  
criminal, or administrative proceeding for any mistake of judgment 122052  
or discretion in any action taken, or any omission made, in good 122053  
faith within the scope of the person's official capacity as 122054  
assigned by the superintendent. 122055

**Sec. 1123.01.** (A) There is hereby created in the division of 122056



financial institutions a banking commission which shall consist of 122057  
~~seven~~ nine members. The deputy superintendent for banks shall be a 122058  
member of the commission and its chairperson. The governor, with 122059  
the advice and consent of the senate, shall appoint the remaining 122060  
~~six~~ eight members. 122061

(B) After the second Monday in January of each year, the 122062  
governor shall appoint two members. Terms of office shall be for 122063  
~~three~~ four years commencing on the first day of February and 122064  
ending on the thirty-first day of January. Each member shall hold 122065  
office from the date appointed until the end of the term for which 122066  
appointed. In the case of a vacancy in the office of any member, 122067  
the governor shall appoint a successor who shall hold office for 122068  
the remainder of the term for which the successor's predecessor 122069  
was appointed. Any member shall continue in office subsequent to 122070  
the expiration date of the member's term until the member's 122071  
successor is appointed, or until sixty days have elapsed, 122072  
whichever occurs first. 122073

(C) No person appointed as a member of the commission may 122074  
serve more than two consecutive full terms. However, a member may 122075  
serve two consecutive full terms following the remainder of a term 122076  
for which the member was appointed to fill a vacancy. 122077

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 122078  
to the commission shall be, at the time of appointment, executive 122079  
officers of state banks ~~transacting business under authority~~ 122080  
~~granted by the superintendent of financial institutions~~, and ~~four~~ 122081  
all of the ~~six~~ members appointed to the commission shall have 122082  
banking experience as a director or officer of a bank, savings 122083  
bank, or savings association insured by the federal deposit 122084  
insurance corporation, a bank holding company, or a savings and 122085  
loan holding company. The membership of the commission shall be 122086  
representative of the banking industry as a whole, including 122087  
representatives of banks of various asset sizes and ownership 122088

structures, as determined by the governor after consultation with 122089  
the superintendent of financial institutions ~~from time to time.~~ 122090

(2) No person who has been convicted of, or has pleaded 122091  
guilty to, a felony involving an act of fraud, dishonesty or, 122092  
breach of trust, theft, or money laundering shall take or hold 122093  
office as a member of the banking commission. 122094

(E) The members of the commission shall receive no salary, 122095  
but their expenses incurred in the performance of their duties 122096  
shall be paid from funds appropriated for that purpose. 122097

(F) The governor may remove any of the ~~six~~ eight members 122098  
appointed to the commission whenever in the governor's judgment 122099  
the public interest requires removal. Upon removing a member of 122100  
the commission, the governor shall file with the superintendent a 122101  
statement of the cause for the removal. 122102

**Sec. 1123.02.** (A) The banking commission shall hold regular 122103  
meetings at the times and places it fixes, and shall meet at any 122104  
time on call of the deputy superintendent for banks upon two days' 122105  
notice unless the commission by resolution provides for a shorter 122106  
notice. 122107

(B)(1) A majority of the full commission constitutes a 122108  
quorum, and action taken by a majority of those present at a 122109  
meeting at which there is a quorum constitutes the action of the 122110  
commission. 122111

(2) Notwithstanding division (B)(1) of this section, a 122112  
meeting of the commission may be held by teleconference if 122113  
provisions are made for public attendance at a specific location 122114  
connected with the teleconference. 122115

(C) No member shall participate before the commission in a 122116  
proceeding involving any bank of which the member is, or was at 122117  
any time in the preceding twelve months, a member of the board of 122118

directors, an officer, an employee, or a shareholder. A member may 122119  
refrain from participating in a proceeding before the commission 122120  
for any other cause the member considers sufficient. 122121

(D) The commission may, by a majority vote of those present 122122  
at a meeting at which there is a quorum, adopt and amend bylaws 122123  
and rules the commission, in its judgment, considers necessary and 122124  
proper. The commission shall select one of its members as 122125  
secretary, who shall keep a record of all its proceedings. 122126

**Sec. 1123.03.** The banking commission shall do all of the 122127  
following: 122128

(A) Make recommendations to the deputy superintendent for 122129  
banks and the superintendent of financial institutions on the 122130  
business of banking; 122131

(B) Consider and make recommendations on any matter the 122132  
superintendent or deputy superintendent submits to the commission 122133  
for that purpose; 122134

(C) Pass upon and determine any matter the superintendent or 122135  
deputy superintendent submits to the commission for determination; 122136

(D) Consider and determine whether to confirm the annual 122137  
schedule of assessments proposed by the superintendent in 122138  
accordance with section 1121.29 of the Revised Code; 122139

(E) Determine whether to increase the schedule of assessments 122140  
as provided in division (A)(3) of section 1121.29 of the Revised 122141  
Code; 122142

(F) Determine, as provided in division (D) of section 1121.12 122143  
of the Revised Code, both of the following: 122144

(1) Whether there is reasonable cause to believe that there 122145  
is a significant risk of imminent material harm to the bank; 122146

(2) Whether the examination of the bank holding company is 122147

necessary to fully determine the risk to the bank, or to determine 122148  
how best to address the risk to the bank. 122149

**Sec. 1125.01.** (A) As used in this chapter, "court" means the 122150  
court of common pleas of the county in which the principal place 122151  
of business of a state bank, as set forth in its articles of 122152  
incorporation, is located or of any other county determined by the 122153  
superintendent of financial institutions to be appropriate under 122154  
the circumstances. 122155

(B) The court shall have exclusive original jurisdiction of 122156  
any action or proceeding relating to or arising out of the taking 122157  
of possession of the property and business of a state bank under 122158  
this chapter, whether before or after the bank is wound up and 122159  
dissolved, as well as any action or other proceeding brought under 122160  
this chapter. 122161

(C) Whenever the approval of the court is required for any 122162  
act under this chapter, that approval may be given with or without 122163  
a hearing held upon whatever notice, if any, the court may direct, 122164  
unless otherwise provided in this chapter. At a hearing, the 122165  
court, by order, may approve the actions petitioned. 122166

**Sec. 1125.03.** (A) A state bank may proceed with a voluntary 122167  
liquidation and be closed only with both the consent of the 122168  
superintendent of financial institutions and the prior approval of 122169  
the shareholders or members of the bank by a vote as provided for 122170  
in its articles of incorporation, if not less than a majority. 122171

(B) Prior to instituting a voluntary liquidation, a state 122172  
bank shall submit to the superintendent an application for 122173  
approval of its plan of voluntary liquidation and evidence 122174  
satisfactory to the superintendent that the plan has been properly 122175  
adopted by the bank and approved by its shareholders or members. 122176

(C) A state bank's plan of voluntary liquidation shall 122177

include provisions for all of the following:	122178
(1) The settlement of all debts and liabilities, including	122179
the claims of account holders, owed by the bank;	122180
(2) The distribution of the bank's assets that remain after	122181
the settlement of debts and liabilities to all persons entitled to	122182
them;	122183
(3) The disposition or maintenance of any remaining or	122184
unclaimed funds, real or personal property, either tangible or	122185
intangible, or other assets, whether in trust or otherwise,	122186
including the contents of safe deposit boxes or vaults;	122187
(4) The retention of the bank's records in accordance with	122188
section 1109.69 of the Revised Code;	122189
(5) The date upon which the bank shall cease doing any	122190
banking business and surrender its banking license to the	122191
superintendent.	122192
(D) Upon receipt of a plan of voluntary liquidation, the	122193
superintendent shall make an examination of the bank and shall	122194
consent to or deny an application for approval of a plan based	122195
upon the superintendent's evaluation of whether or not the	122196
interests of the bank's depositors and creditors will suffer by	122197
the liquidation.	122198
(E) The superintendent's consent to an application for	122199
approval of a plan of voluntary liquidation may be subject to any	122200
condition the superintendent determines appropriate under the	122201
circumstances.	122202
<b>Sec. 1125.04.</b> (A) If the superintendent of financial	122203
institutions consents to a voluntary liquidation, the	122204
superintendent shall cause a certified copy of the consent to be	122205
filed in the office of the secretary of state, and the <u>state</u> bank	122206
to be liquidated shall do both of the following:	122207

(1) Publish a notice of the voluntary liquidation once a week 122208  
for four consecutive weeks in a newspaper of general circulation 122209  
in the county in which the bank's principal place of business is 122210  
located; 122211

(2) Give written notice of the voluntary liquidation, either 122212  
personally or by mail, to all known creditors of and all known 122213  
claimants against the bank. 122214

(B) Compliance with the notice and publication requirements 122215  
of division (A) of this section satisfies any duplicate or similar 122216  
notice and publication requirements of Chapter 1701. of the 122217  
Revised Code. 122218

**Sec. 1125.05.** (A) A voluntary liquidation of a state bank 122219  
shall be conducted only with the continued supervision of the 122220  
superintendent of financial institutions. The superintendent may 122221  
conduct any additional examinations of the bank the superintendent 122222  
considers necessary or appropriate. 122223

(B) If the superintendent has reason to conclude the 122224  
liquidation of a state bank is not being safely or expeditiously 122225  
conducted, the superintendent may take possession of the business 122226  
and property of the bank in the same manner, with the same effect, 122227  
and subject to the same rights accorded the bank as if the 122228  
superintendent had taken possession under the receivership 122229  
provisions of this chapter. The superintendent may proceed to 122230  
liquidate the affairs of the bank in the same manner as otherwise 122231  
provided in this chapter. 122232

**Sec. 1125.06.** Upon completion of a voluntary liquidation, the 122233  
liquidated state bank shall submit to the superintendent of 122234  
financial institutions all documents required under Chapter 1701. 122235  
of the Revised Code for a dissolution. The superintendent shall 122236  
consent to the dissolution, and shall cause a certified copy of 122237

the consent to be filed, along with the bank's dissolution 122238  
documents, in the office of the secretary of state. 122239

**Sec. 1125.09.** The superintendent of financial institutions 122240  
may appoint a conservator to take possession of the property and 122241  
business of a state bank and to retain possession until the bank 122242  
resumes business or a receiver is appointed, as provided for in 122243  
this chapter, if the superintendent finds any one or more of the 122244  
following conditions: 122245

(A) The bank is in an unsafe or unsound condition to continue 122246  
the business of banking. 122247

(B) The bank is insolvent, in that it has ceased to pay its 122248  
debts in the ordinary course of business, it is incapable of 122249  
paying its debts as they mature, or it has liabilities in excess 122250  
of its assets. 122251

(C) The bank has committed a violation of law that has caused 122252  
or that threatens substantial injury to any of the public, the 122253  
banking industry, or the bank's depositors or other creditors. 122254

(D) The bank has refused to submit its records of account, 122255  
papers, or affairs to the inspection or examination of any federal 122256  
agency or the superintendent. 122257

(E) The bank has failed to pay its deposits or obligations in 122258  
accordance with the terms under which the deposits were taken or 122259  
the obligations were incurred. 122260

(F) A majority of the board of directors of the bank or a 122261  
majority of its shareholders or members has requested the 122262  
superintendent to appoint a conservator to take possession of the 122263  
bank. 122264

(G) Either all positions on the board of directors of the 122265  
bank are vacant or all of the directors then in office are 122266  
incapacitated or otherwise unable to perform their 122267

responsibilities. 122268

(H) The bank has violated any court order, statute, rule, or 122269  
regulation, or its articles of incorporation, and the 122270  
superintendent determines the continued control of its own affairs 122271  
threatens injury to any of the public, the banking industry, or 122272  
the bank's depositors or other creditors. 122273

(I) The bank's status as an insured institution has been 122274  
terminated by the federal deposit insurance corporation. 122275

**Sec. 1125.10.** (A) If it appears to the superintendent of 122276  
financial institutions that any one or more of the conditions set 122277  
forth in section 1125.09 of the Revised Code exists as to any 122278  
state bank, the superintendent may appoint a conservator, which 122279  
appointment may include the superintendent, and thereafter may 122280  
dismiss or replace the conservator as the superintendent 122281  
determines necessary or advisable. The superintendent may fix the 122282  
compensation to be paid the conservator and the amount of the bond 122283  
or other security, if any, to be required. 122284

(B) The superintendent may, from time to time, appoint one or 122285  
more special deputy superintendents as agent or agents to assist 122286  
in the duties of conservatorship. 122287

(C) The superintendent, any special deputy superintendents, 122288  
or a conservator may employ and procure whatever assistance or 122289  
advice is necessary in the conservatorship of the bank, and, for 122290  
that purpose, may retain officers or employees of the bank as 122291  
needed. 122292

(D) The superintendent may terminate the conservatorship at 122293  
any time, and may appoint a receiver for liquidation of the bank 122294  
on any of the grounds provided in this chapter for appointment of 122295  
a receiver. 122296

(E) All expenses of a conservatorship shall be paid out of 122297



the assets of the bank, and shall be a lien on the bank's assets, 122298  
which lien shall be prior to any other lien. 122299

**Sec. 1125.11.** (A) Upon the appointment of a conservator, the 122300  
superintendent of financial institutions shall file a certified 122301  
copy of the certificate of appointment in the office of the 122302  
secretary of state, and thereafter no person shall obtain a lien 122303  
or charge upon any assets of the state bank for any payment, 122304  
advance, clearance, or liability thereafter made or incurred, nor 122305  
shall the directors, officers, or agents of the bank thereafter 122306  
have authority to act on behalf of the bank or to convey, 122307  
transfer, assign, pledge, mortgage, or encumber any of the bank's 122308  
assets. 122309

(B) The filing of the certificate of appointment in 122310  
accordance with this section shall not be a condition to either 122311  
the superintendent's taking possession of the property and 122312  
business of a state bank or appointing a conservator for a state 122313  
bank. 122314

**Sec. 1125.12.** (A) A conservator, under the supervision of the 122315  
superintendent of financial institutions and subject to any 122316  
limitations imposed by the superintendent, shall have all of the 122317  
following powers: 122318

(1) To take possession of all books, records of account, and 122319  
assets of the state bank; 122320

(2) To have and exercise, in the name and on behalf of the 122321  
bank, all the rights, powers, and authority of the officers and 122322  
directors of the bank and all voting rights of its shareholders or 122323  
members; 122324

(3) To collect all debts, claims, and judgments belonging to 122325  
the bank and to take any other action, including the lending of 122326  
money, necessary to the operation of the bank during the 122327

conservatorship;	122328
(4) To execute in the name of the bank any instrument	122329
necessary or proper to effectuate the conservator's powers or	122330
perform its duties as conservator;	122331
(5) To initiate, pursue, compromise, and defend litigation	122332
involving any right, claim, interest, or liability of the bank;	122333
(6) To exercise all fiduciary functions of the bank as of the	122334
date of appointment as conservator;	122335
(7) To borrow money as necessary in the operation of the	122336
bank, and to secure those borrowings by the pledge or mortgage of	122337
the assets of the bank;	122338
(8) To abandon or convey title to any holder of a deed of	122339
trust, mortgage, or similar lien against property in which the	122340
bank has an interest, whenever the conservator determines that	122341
continuing to claim that interest is burdensome and of no	122342
advantage to the bank or its account holders, creditors, <del>or</del>	122343
shareholders, <u>or members</u> ;	122344
(9) If done <u>in good faith</u> within the ordinary course of	122345
business or financial affairs of the bank and according to	122346
ordinary business terms, to sell any and all assets, to compromise	122347
any debt, claim, obligation, or judgment due to the bank, to	122348
discontinue any pending action or other proceeding, and to	122349
implement a restructuring of the bank in accordance with this	122350
chapter.	122351
(B) Title to any assets of the bank does not vest in the	122352
conservator.	122353
<b>Sec. 1125.13.</b> During the period of the conservatorship, all	122354
of the following apply:	122355
(A) The conservator may permit the <u>state</u> bank to continue to	122356
conduct its usual business, including the acceptance of deposits.	122357

(B) The obligations of the state bank shall continue to bear interest at the rate contracted.

(C) The conservator shall make whatever reports to the superintendent of financial institutions the superintendent may from time to time require.

**Sec. 1125.14.** (A) The conservator shall evaluate the business and assets of the state bank and, after conducting whatever investigations the circumstances may require, shall recommend to the superintendent of financial institutions that either the conservatorship of the bank be terminated or the superintendent appoint a receiver and the bank be liquidated as otherwise provided in this chapter. The conservator shall consult with the board of directors of the bank before making the recommendation.

(B) The conservator of the bank may submit a plan to the superintendent for approval to restructure the bank in a manner designed to return the bank to the control of its shareholders or members. As part of the plan, the conservator may take any steps the superintendent approves regarding the management, operations, or assets of the bank, including the sale of some or all of the bank's assets. The conservator shall consult with the board of directors of the bank regarding any proposed sale of all or substantially all of the bank's assets.

(C) The superintendent may require the conservator to submit the plan to the shareholders or members of the bank as provided in division (D) of this section or to submit a new or revised plan for consideration by the superintendent.

(D) If the conservator's plan is submitted to the shareholders or members pursuant to division (C) of this section, the superintendent shall designate the contents of notice of the vote that is to be forwarded from the conservator to the

shareholders or members and shall designate the date upon which 122389  
notice is to be forwarded. The date of the shareholder or member 122390  
vote shall be determined by the superintendent, but shall not 122391  
occur earlier than seven days or later than forty-five days after 122392  
the date of the notice. 122393

If the majority of the shareholders or members do not approve 122394  
the plan, the superintendent may request submission of a new plan 122395  
or proceed to appoint a receiver without regard to the grounds for 122396  
appointment of a receiver as otherwise provided in this chapter. 122397  
If the majority of the shareholders or members approve the plan, 122398  
the superintendent may terminate the conservatorship, and the 122399  
shareholders or members shall elect directors to manage the bank. 122400

(E) The superintendent, at any time, including after the date 122401  
notice of a vote is provided to shareholders or members of the 122402  
bank under division (D) of this section, may revoke a previously 122403  
approved plan of the conservator and either provide for, or 122404  
request submission of, a new plan or proceed with receivership 122405  
under this chapter. 122406

**Sec. 1125.17.** This chapter provides the full and exclusive 122407  
powers and procedures for the liquidation of state banks under the 122408  
laws of this state, and no receiver or other liquidating agent 122409  
shall be appointed for that purpose except as expressly provided 122410  
in this chapter. 122411

**Sec. 1125.18.** The superintendent of financial institutions 122412  
may take possession of the property and business of a state bank 122413  
if the superintendent finds any one or more of the following 122414  
conditions: 122415

(A) The bank is in an unsafe or unsound condition to continue 122416  
the business of banking. 122417

(B) The bank is insolvent, in that it has ceased to pay its 122418

debts in the ordinary course of business, it is incapable of 122419  
paying its debts as they mature, or it has liabilities in excess 122420  
of its assets. 122421

(C) The bank has refused to submit its records or affairs to 122422  
the inspection or examination of any federal bank regulatory 122423  
agency or the superintendent. 122424

(D) The bank has failed to pay its deposits or obligations in 122425  
accordance with the terms under which the deposits were taken or 122426  
the obligations were incurred. 122427

(E) A majority of the board of directors of the bank has 122428  
requested the superintendent to appoint a receiver to take 122429  
possession of the bank for the benefit of account holders, 122430  
creditors, ~~or~~ shareholders, or members. 122431

(F) The bank has violated any order of a court or of the 122432  
superintendent, any statute, rule, or regulation, or its articles 122433  
of incorporation, and the superintendent determines the continued 122434  
control of its own affairs threatens injury to any of the public, 122435  
the banking industry, or the bank's depositors or other creditors. 122436

(G) The bank's status as an insured institution has been 122437  
terminated by the federal deposit insurance corporation. 122438

(H) The (1) In the case of a stock state bank, the bank has 122439  
an impairment of paid-in capital. 122440

(2) In the case of a mutual state bank, the bank has an 122441  
impairment of retained earnings. 122442

**Sec. 1125.19.** (A) Upon issuing a written finding that any one 122443  
or more of the conditions set forth in section 1125.18 of the 122444  
Revised Code for taking possession of a state bank exists and 122445  
taking possession of the state bank, the superintendent of 122446  
financial institutions shall file a certified copy of the finding 122447  
and the notice of possession with the court. 122448

(B) Upon the appointment of a receiver, the superintendent shall file a certified copy of the certificate of appointment in the office of the secretary of state and with the court.

(C) After the superintendent files the finding of the superintendent or the certificate of appointment of the receiver, whichever occurs first, no person shall obtain a lien or charge upon any assets of the bank for any payment, advance, clearance, or liability thereafter incurred, nor shall the directors, officers, or agents of the bank have authority to act on behalf of the bank or to convey, transfer, assign, pledge, mortgage, or encumber any assets of the bank.

(D) Upon taking possession of the bank, the superintendent shall post or cause to be posted an appropriate notice of closing at the main entrance of each of the bank's banking offices.

(E) Neither filing nor posting of notice in accordance with this section shall be a condition to either the superintendent's taking possession of the property and business of a state bank or appointing a receiver for a state bank.

**Sec. 1125.20.** (A) If it appears to the superintendent of financial institutions that any one or more of the conditions set forth in section 1125.18 of the Revised Code exists as to any state bank, the superintendent shall tender appointment as receiver to the federal deposit insurance corporation if any deposits in the state bank are insured by the federal deposit insurance corporation, and may tender appointment as receiver to the federal deposit insurance corporation in any other case. Upon acceptance of the appointment as receiver, the federal deposit insurance corporation shall not be required to post a bond. In addition to the powers of a receiver set forth in this chapter, the federal deposit insurance corporation, as receiver, may exercise any other liquidation or receivership powers authorized

by state or federal law for a receiver of a bank. 122480

(B) If the federal deposit insurance corporation declines to 122481  
accept the tendered appointment or if the superintendent is not 122482  
required to tender appointment as receiver to the federal deposit 122483  
insurance corporation, the superintendent may appoint, and 122484  
thereafter dismiss or replace, any other receiver, including the 122485  
superintendent, the superintendent determines to be necessary or 122486  
advisable. The superintendent may fix the compensation to be paid 122487  
the receiver and the amount of the bond or other security, if any, 122488  
to be required. 122489

(C) The superintendent may, from time to time, appoint one or 122490  
more special deputy superintendents as agent or agents to assist 122491  
in the duties of receivership or of liquidation and distribution. 122492  
No agent so appointed shall be subject to section 1181.05 of the 122493  
Revised Code. 122494

(D) The superintendent, any special deputy superintendents, 122495  
or a receiver may employ and procure whatever assistance or advice 122496  
is necessary in the receivership or liquidation and distribution 122497  
of the assets of the bank, and, for that purpose, may retain 122498  
officers or employees of the bank as needed. 122499

(E) All expenses of a receivership and liquidation shall be 122500  
paid out of the assets of the bank, and shall be a lien on the 122501  
bank's assets, which lien shall be prior to any other lien. 122502

**Sec. 1125.21.** Upon the superintendent of financial 122503  
institutions' appointment of a receiver, title to all of the state 122504  
bank's assets shall vest in the receiver without the execution of 122505  
any instrument of conveyance, assignment, transfer, or 122506  
endorsement. 122507

**Sec. 1125.22.** (A) A receiver shall have all of the following 122508  
powers: 122509

- (1) To take possession of all books, records of account, and assets of the state bank; 122510  
122511
- (2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 122512  
122513  
122514
- (3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 122515  
122516  
122517
- (4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 122518  
122519
- (5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 122520  
122521
- (6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 122522  
122523  
122524
- (7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 122525  
122526  
122527  
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122529  
122530
- (8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 122531  
122532  
122533  
122534  
122535
- (9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 122536  
122537
- (10) To distribute assets in accordance with this chapter; 122538
- (11) To take any other action incident to the powers set 122539



forth in division (A) of this section. 122540

(B) Unless specifically indicated to the contrary, the powers 122541  
conferred upon a receiver under this section may be exercised 122542  
without court approval. However, nothing in this section shall be 122543  
construed to prevent a receiver from obtaining court approval when 122544  
the receiver determines approval is appropriate under the 122545  
circumstances. 122546

**Sec. 1125.23.** (A) The receiver shall promptly cause notice of 122547  
the claims procedure to be published once a month for two 122548  
consecutive months in a local newspaper of general circulation and 122549  
to be mailed to each person whose name appears as a creditor upon 122550  
the books of the state bank, at the last address of record. 122551

(B)(1) All parties having claims of any kind against the 122552  
bank, including prior judgments and claims of security, 122553  
preference, priority, and offset, shall present their claims 122554  
substantiated by legal proof to the receiver within one hundred 122555  
eighty days after the date of the first publication of notice of 122556  
the claims procedure or after actual receipt of notice of the 122557  
claims procedure, whichever occurs first. 122558

(2) Within one hundred eighty days after receipt of a claim, 122559  
the receiver shall notify the claimant in writing whether the 122560  
claim has been allowed or disallowed. The receiver may reject any 122561  
claim in whole or in part, or may reject any claim of security, 122562  
preference, priority, or offset against the bank. Any claimant 122563  
whose claim has been rejected by the receiver shall petition the 122564  
court for a hearing on the claim within sixty days after the date 122565  
the notice was mailed or be forever barred from asserting the 122566  
rejected claim. 122567

(C) Any claims filed after the claim period and subsequently 122568  
accepted by the receiver or allowed by the court, shall be 122569  
entitled to share in the distribution of assets only to the extent 122570

of the undistributed assets in the hands of the receiver on the 122571  
date the claims are accepted or allowed. 122572

**Sec. 1125.24.** (A) All claims against the state bank's estate 122573  
and expenses, proved to the receiver's satisfaction or approved by 122574  
the court, shall be paid in the following order: 122575

(1) Expenses of liquidation and receivership, including money 122576  
borrowed under authority of division (A)(6) of section 1125.22 or 122577  
division (A)(7) of section 1125.12 of the Revised Code and 122578  
interest on it, and claims for fees and assessments due the 122579  
superintendent of financial institutions; 122580

(2) Claims given priorities under other provisions of state 122581  
or federal law; 122582

(3) Wages and, salaries, or commissions, including vacation, 122583  
severance, and sick leave pay, of officers and employees earned 122584  
during the one-month period preceding the date of the bank's 122585  
closing in an amount, before applicable taxes and other 122586  
withholdings, that does not exceed one thousand dollars for any 122587  
one person; 122588

(4) Deposit obligations; 122589

(5) Other general liabilities; 122590

(6) Obligations subordinated to deposits and other general 122591  
liabilities. 122592

(B) Interest shall be given the same priority as the claim on 122593  
which it is based, but no interest shall be paid on any claim 122594  
until the principal of all claims within the same class has been 122595  
paid or provided for in full. 122596

(C) Any funds remaining after satisfying the requirements of 122597  
divisions (A) and (B) of this section shall be paid to the 122598  
shareholders or members. 122599

(D) Payment on claims shall be made pro rata among claims of 122600  
the kind specified in each class set forth in division (A) of this 122601  
section. 122602

(E) Subject to the approval of the court, the receiver may 122603  
designate a separate class of claims consisting only of every 122604  
unsecured claim that is less than, or reduced to, an amount the 122605  
court approves for payment as reasonable and necessary for 122606  
administrative convenience. 122607

(F) Subject to the approval of the court, the receiver may 122608  
make periodic and interim liquidating dividends or payments. 122609

**Sec. 1125.25.** (A) Within one hundred days after the date of 122610  
the closing of a state bank, a receiver may reject any executory 122611  
contract to which the bank is a party without any further 122612  
liability on the part of the bank or the receiver. The receiver's 122613  
election to reject an executory contract creates no claim for 122614  
compensation other than compensation accrued to the date of 122615  
termination or for actual damages. 122616

(B) A receiver may ratify and assign any executory contract 122617  
to which the bank is a party notwithstanding the existence of a 122618  
provision in the contract permitting the termination of the 122619  
executory contract, or prohibiting, conditioning, or requiring 122620  
consent to any assignment of the executory contract, upon the 122621  
insolvency of the bank or the appointment of a receiver. 122622

**Sec. 1125.26.** Whenever the federal deposit insurance 122623  
corporation pays or makes available for payment the insured 122624  
deposit liabilities of a state bank, the federal deposit insurance 122625  
corporation, whether or not it acts as receiver, shall be 122626  
subrogated to the extent of the payments to all rights of 122627  
depositors against the bank. 122628

**Sec. 1125.27.** (A) The receiver may appoint a successor to all 122629  
rights, obligations, assets, deposits, agreements, and trusts held 122630  
by the closed state bank as trustee, administrator, executor, 122631  
guardian, agent, or in any other fiduciary or representative 122632  
capacity. The successor's duties and obligations commence upon 122633  
appointment to the same extent they are binding upon the former 122634  
bank and as though the successor had originally assumed the duties 122635  
and obligations. Specifically, the successor shall succeed to and 122636  
be entitled to administer all trusteeships, administrations, 122637  
executorships, guardianships, agencies, and all other fiduciary or 122638  
representative proceedings to which the closed bank is named or 122639  
appointed in wills, whenever probated, or to which it is appointed 122640  
by any other instrument, court order, or operation of law. 122641

(B) Within sixty days after appointment, the successor shall 122642  
give written notice, insofar as practicable, to all interested 122643  
parties named in the books and records of the bank or in trust 122644  
documents held by it, that the successor has been appointed in 122645  
accordance with state law. 122646

(C) Nothing in this section shall be construed to impair any 122647  
right of the grantor or beneficiaries of trust assets to secure 122648  
the appointment of a substituted trustee or manager. 122649

**Sec. 1125.28.** (A) The filing with the court of the finding of 122650  
the superintendent of financial institutions or the certificate of 122651  
appointment of the receiver, whichever occurs first, operates as 122652  
an automatic stay from the date of the filing, subject to the 122653  
court granting a motion for relief from the stay, applicable to 122654  
all ~~entities~~ persons, of both of the following: 122655

(1) The commencement or continuation, including the issuance 122656  
or employment of process, of a judicial, administrative, or other 122657  
action or proceeding against the state bank that was or could have 122658

been commenced before the filing; 122659

(2) The enforcement against the bank of a judgment or other 122660  
claim obtained before the filing, including claims of security, 122661  
preference, priority, and offset. 122662

(B) Upon the filing with the court of the finding of the 122663  
superintendent or the certificate of appointment of the receiver, 122664  
whichever occurs first, any other pending judicial, 122665  
administrative, or other action or proceeding against the bank 122666  
shall, upon motion of the receiver, be consolidated into one 122667  
action or transferred as a separate matter before the presiding 122668  
judge of the court having jurisdiction of the receivership, 122669  
subject, however, to the automatic stay provided in division (A) 122670  
of this section. Subject to the receiver's option to have an 122671  
action later consolidated or transferred, any action commenced 122672  
after the superintendent's filing shall be filed as a separate 122673  
matter before the presiding judge in the court having jurisdiction 122674  
over the receivership. 122675

(C) The superintendent, prior to the appointment of a 122676  
receiver, or the receiver, after its appointment, shall be the 122677  
only party named in an action involving a state bank subject to 122678  
this chapter. 122679

(D) Any action seeking to enjoin the superintendent's order 122680  
appointing a receiver of a state bank shall be brought prior to 122681  
the date the receiver sells all or substantially all of the assets 122682  
of the bank, prior to the date the receiver transfers all or 122683  
substantially all of the insured deposits to an assuming 122684  
institution, or within ten days after the issuance of the order, 122685  
whichever is earliest. 122686

**Sec. 1125.29.** (A) When a receiver has completed the 122687  
liquidation of a state bank, the receiver shall, with notice to 122688  
the superintendent of financial institutions, petition the court 122689

for an order declaring the bank properly wound up and dissolved. 122690

(B) After whatever notice and hearing, if any, the court may 122691  
direct, the court may make an order declaring the bank properly 122692  
wound up and dissolved. The order shall do both of the following, 122693  
to the extent applicable: 122694

(1) Declare all of the following: 122695

(a) The bank has been properly wound up. 122696

(b) All known assets of the bank have been distributed 122697  
according to the distribution priorities set forth in this 122698  
chapter. 122699

(c) The bank is dissolved. 122700

(2) If there are known debts or liabilities, describe the 122701  
provision made for their payment, setting forth whatever 122702  
information may be necessary to enable the creditor or other 122703  
person to whom payment is to be made to appear and claim payment 122704  
of the debt or liability. 122705

(C) The order shall confirm a plan by the receiver for the 122706  
disposition or maintenance of any remaining real or personal 122707  
property or other assets, whether held in trust or otherwise and 122708  
including the contents of safe deposit boxes or vaults, held by 122709  
the bank for its account holders, creditors, lessees, ~~or~~ 122710  
shareholders, or members. The plan shall include written notice to 122711  
all known owners or beneficiaries of the assets, to be sent by 122712  
first class mail to each individual's address as shown on the 122713  
records of the bank. 122714

(D) The court may make whatever additional orders and grant 122715  
whatever further relief it determines proper upon the evidence 122716  
submitted. 122717

(E) Once the order is made declaring the bank dissolved, the 122718  
corporate existence of the bank shall cease, except for purposes 122719

of any necessary additional winding up. 122720

(F) Once the order is made declaring the bank dissolved, the 122721  
receiver shall promptly file a copy of the order, certified by the 122722  
clerk of the court, with both the secretary of state and the 122723  
superintendent. 122724

**Sec. 1125.30.** Subject to the approval of the court, the 122725  
receiver may destroy the records of the state bank in accordance 122726  
with section 1109.69 of the Revised Code after the receiver 122727  
determines there is no further need for them. However, the 122728  
receiver shall not destroy the records earlier than six months 122729  
after the date the bank is declared dissolved by the court. 122730

**Sec. 1125.33.** (A) No damages may be awarded in a proceeding 122731  
brought pursuant to this chapter challenging any action by the 122732  
superintendent of financial institutions, special deputy 122733  
superintendent, receiver, or conservator, or any employee of any 122734  
of them, or any person retained for services under this chapter. 122735  
Any action for damages shall be brought in the court as a separate 122736  
action. 122737

(B) The superintendent, special deputy superintendent, 122738  
receiver, conservator, or any employee of any of them, or any 122739  
person retained for services under this chapter, is not subject to 122740  
any civil liability or penalty, or to any criminal prosecution, 122741  
for any error in judgment or discretion made in good faith in any 122742  
action taken or omitted in an official capacity under this 122743  
chapter. 122744

(C) The superintendent, special deputy superintendent, 122745  
receiver, conservator, or any employee of any of them, or any 122746  
person retained for services under this chapter, is not liable in 122747  
damages for any action or failure to act unless it is proved by 122748  
clear and convincing evidence in court that the action or failure 122749

to act involved an act or omission undertaken with deliberate 122750  
intent to cause injury to any of the state bank, its shareholders, 122751  
its members, its depositors, or its creditors, or undertaken with 122752  
reckless disregard for the best interests of any of the bank, its 122753  
shareholders, its members, its depositors, its creditors, or the 122754  
public. 122755

**Sec. 1181.01.** The superintendent of financial institutions 122756  
shall be the chief executive officer of the division of financial 122757  
institutions. 122758

(A) The superintendent shall have at least five years of 122759  
experience in the financial services industry or in the 122760  
examination or regulation of financial institutions. 122761

(B) The superintendent shall appoint a deputy superintendent 122762  
for banks, ~~a deputy superintendent for savings and loan~~ 122763  
~~associations and savings banks, and a deputy superintendent for~~ 122764  
~~credit unions. Each deputy superintendent who shall have possess~~ 122765  
at least one of the following qualifications prior to the deputy 122766  
superintendent's appointment: 122767

(1) Not less than five years of experience in that particular 122768  
industry or at least five years of experience in the examination 122769  
or regulation of banks, savings and loan associations, savings 122770  
banks, or credit unions as a senior level officer in a bank, 122771  
savings and loan association, or savings bank, a bank holding 122772  
company, or a savings and loan holding company or as a senior 122773  
level manager or senior professional with a primary business of, 122774  
or professional focus on, auditing or providing professional 122775  
advice to such institutions; 122776

(2) Not less than five years of experience as a senior level 122777  
supervisor in the examination or regulation of banks, savings and 122778  
loan associations, or savings banks; 122779



(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 122780  
122781  
122782

(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122783  
122784  
122785

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 122786  
122787  
122788  
122789

(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 122790  
122791

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 122792  
122793  
122794

(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall ~~have~~ possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122795  
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122797  
122798

(1) Not less than five years of experience ~~in~~ as an owner, officer, or senior level manager of one or more ~~of the~~ consumer finance companies ~~regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies,~~ as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 122799  
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(2) Not less than five years of experience as a senior level 122810

supervisor in the examination or regulation of consumer finance 122811  
companies; 122812

(3) Not less than a total of five years of experience in any 122813  
combination of the positions described in divisions (D)(1) and (2) 122814  
of this section. 122815

(E) The deputy superintendents appointed by the 122816  
superintendent of financial institutions pursuant to this section 122817  
shall serve in the unclassified civil service. 122818

**Sec. 1181.02.** The superintendent of financial institutions 122819  
may appoint and employ such assistants, clerks, examiners, and 122820  
other employees, and such professionals and agents, as the prompt 122821  
execution of the duties of the superintendent's office requires, 122822  
and may employ attorney examiners if the superintendent considers 122823  
such assistants necessary. 122824

**Sec. 1181.03.** (A) Before entering upon the discharge of the 122825  
duties of the office of the superintendent of financial 122826  
institutions, the superintendent shall give bond to the state in 122827  
the sum of one million dollars with sureties approved by the 122828  
governor and conditioned on the faithful discharge of the official 122829  
duties of the office. The bond, with the approval of the governor 122830  
and with the superintendent's oath of office endorsed on it, shall 122831  
be filed with the office of the secretary of state. 122832

(B) Before entering upon the discharge of the duties of their 122833  
respective offices, the deputy superintendent for banks, ~~the~~ 122834  
~~deputy superintendent for savings and loan associations and~~ 122835  
~~savings banks,~~ the deputy superintendent for credit unions, and 122836  
the deputy superintendent for consumer finance shall each give 122837  
bond to the state in the sum of five hundred thousand dollars with 122838  
sureties approved by the superintendent and conditioned on the 122839  
faithful performance of their respective duties. The bonds shall 122840

be filed with the office of the secretary of state. 122841

(C) The superintendent shall require of each other employee 122842  
and each agent of the division of financial institutions a bond, 122843  
conditioned on the faithful performance of each employee's and 122844  
agent's respective duties, in an amount not less than five 122845  
thousand dollars that the superintendent determines to be 122846  
acceptable. The bonds may, in the discretion of the 122847  
superintendent, be individual, schedule, or blanket bonds. The 122848  
bonds shall be filed with the office of the secretary of state. 122849

(D) The division shall pay the cost or premium of the bonds 122850  
required by this section from funds appropriated to the division 122851  
for that purpose. 122852

**Sec. 1181.04.** Neither the superintendent of financial 122853  
institutions nor any employee, agent, or contractor of the 122854  
division of financial institutions shall be liable in any civil, 122855  
criminal, or administrative proceeding for any mistake of judgment 122856  
or discretion in any action taken, or any omission made by the 122857  
superintendent ~~or~~, employee, agent, or contractor if done in good 122858  
faith within the scope of the person's official capacity as 122859  
assigned by the superintendent. 122860

**Sec. 1181.05.** (A) As used in this section, "consumer finance 122861  
company" means any person required to be licensed or registered 122862  
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 122863  
1315.21 to 1315.30 of the Revised Code. 122864

(B) Neither the superintendent of financial institutions nor 122865  
any other employee of the division of financial institutions shall 122866  
do any of the following: ~~be interested~~ have a business or 122867  
investment interest, directly or indirectly, in any state bank, 122868  
~~savings and loan association, savings bank~~ trust company, credit 122869  
union, or consumer finance company, that is under the supervision 122870

of the superintendent of financial institutions or in any 122871  
affiliate of any such financial institution or company; directly 122872  
or indirectly borrow money from any such financial institution or 122873  
company; serve as a director or officer of or be employed by any 122874  
such financial institution or company; or own an equity interest 122875  
in any such financial institution or company or in any of its 122876  
affiliates. For purposes of this section, an equity interest does 122877  
not include the ownership of an account in a mutual savings and 122878  
loan association or in a savings bank that does not have permanent 122879  
stock or the ownership of a share account in a credit union. 122880

(C) Subject to division (G) of this section, an employee of 122881  
the division of financial institutions may retain any extension of 122882  
credit that otherwise would be prohibited by division (B) of this 122883  
section if both of the following apply: 122884

(1) The employee obtained the extension of credit prior to 122885  
October 29, 1995, or the commencement of the employee's employment 122886  
with the division, or as a result of a change in the employee's 122887  
marital status, the consummation of a merger, acquisition, 122888  
transfer of assets, or other change in corporate ownership beyond 122889  
the employee's control, or the sale of the extension of credit in 122890  
the secondary market or other business transaction beyond the 122891  
employee's control. 122892

(2) The employee liquidates the extension of credit under its 122893  
original terms and without renegotiation. 122894

If the employee chooses to retain the extension of credit, 122895  
the employee shall immediately provide written notice of the 122896  
retention to the employee's supervisor. Thereafter, the employee 122897  
shall be disqualified from participating in any decision, 122898  
examination, audit, or other action that may affect that 122899  
particular creditor. 122900

(D) Subject to division (G) of this section, an employee of 122901

the division of financial institutions may retain any ownership of 122902  
or beneficial interest in the securities of a financial 122903  
institution or consumer finance company that is under the 122904  
supervision of the division of financial institutions, or of a 122905  
holding company or subsidiary of such a financial institution or 122906  
company, which ownership or beneficial interest otherwise would be 122907  
prohibited by division (B) of this section, if the ownership or 122908  
beneficial interest is acquired by the employee through 122909  
inheritance or gift, prior to October 29, 1995, or the 122910  
commencement of the employee's employment with the division, or as 122911  
a result of a change in the employee's marital status or the 122912  
consummation of a merger, acquisition, transfer of assets, or 122913  
other change in ~~corporate~~ ownership beyond the employee's control. 122914

If the employee chooses to retain the ownership or beneficial 122915  
interest, the employee shall immediately provide written notice of 122916  
the retention to the employee's supervisor. Thereafter, the 122917  
employee shall be disqualified from participating in any decision, 122918  
examination, audit, or other action that may affect the issuer of 122919  
the securities. However, if the ownership of or beneficial 122920  
interest in the securities and the subsequent disqualification 122921  
required by this division impair the employee's ability to perform 122922  
the employee's duties, the employee may be ordered to divest self 122923  
of the ownership of or beneficial interest in the securities or to 122924  
resign. 122925

(E) Notwithstanding division (B) of this section, an employee 122926  
of the division of financial institutions may have an indirect 122927  
interest in the securities of a financial institution or consumer 122928  
finance company that is under the supervision of the division of 122929  
financial institutions, which interest arises through ownership of 122930  
or beneficial interest in the securities of a publicly held mutual 122931  
fund or investment trust, if the employee owns or has a beneficial 122932  
interest in less than five per cent of the securities of the 122933

mutual fund or investment trust, and the mutual fund or investment 122934  
trust is not advised or sponsored by a financial institution or 122935  
consumer finance company that is under the supervision of the 122936  
division of financial institutions. If the mutual fund or 122937  
investment trust is subsequently advised or sponsored by a 122938  
financial institution or consumer finance company that is under 122939  
the supervision of the division of financial institutions, the 122940  
employee shall immediately provide written notice of the ownership 122941  
of or beneficial interest in the securities to the employee's 122942  
supervisor. Thereafter, the employee shall be disqualified from 122943  
participating in any decision, examination, audit, or other action 122944  
that may affect the financial institution or consumer finance 122945  
company. However, if the ownership of or beneficial interest in 122946  
the securities and the subsequent disqualification required by 122947  
this division impair the employee's ability to perform the 122948  
employee's duties, the employee may be ordered to divest self of 122949  
the ownership of or beneficial interest in the securities or to 122950  
resign. 122951

(F)(1) For purposes of this section, the interests of an 122952  
employee's spouse or dependent child arising through the ownership 122953  
or control of securities shall be considered the interests of the 122954  
employee, unless the employee can demonstrate to the satisfaction 122955  
of the superintendent that the interests are solely the financial 122956  
interest and responsibility of the spouse or dependent child, the 122957  
interests are not in any way derived from the income, assets, or 122958  
activity of the employee, and any financial or economic benefit 122959  
from the interests is for the personal use of the spouse or 122960  
dependent child. 122961

(2) If an employee's spouse or dependent child obtains 122962  
interests arising through the ownership or control of securities 122963  
and, pursuant to division (F)(1) of this section, the interests 122964  
are not considered the interests of the employee, the employee 122965

shall immediately provide written notice of the interests to the 122966  
employee's supervisor. Thereafter, the employee shall be 122967  
disqualified from participating in any decision, examination, 122968  
audit, or other action that may affect the issuer of the 122969  
securities. 122970

(G) For purposes of divisions (C) and (D) of this section, 122971  
both of the following apply: 122972

(1) With respect to any employee of the former division of 122973  
consumer finance who, on the first day of the first pay period 122974  
commencing after ~~the effective date of this section~~ September 26, 122975  
1996, becomes an employee of the division of financial 122976  
institutions, the employee's employment with the division of 122977  
financial institutions is deemed to commence on the first day of 122978  
the first pay period commencing after ~~the effective date of this~~ 122979  
~~section~~ September 26, 1996. 122980

(2) With respect to any employee who, on October 29, 1995, 122981  
became an employee of the division of financial institutions, the 122982  
employee may, notwithstanding divisions (C) and (D) of this 122983  
section, retain any extension of credit by a consumer finance 122984  
company that was obtained at any time prior to the first day of 122985  
the first pay period commencing after ~~the effective date of this~~ 122986  
~~section~~ September 26, 1996, or retain any ownership of or 122987  
beneficial interest in the securities of a consumer finance 122988  
company, or of a holding company or subsidiary of such a company, 122989  
that was acquired at any time prior to the first day of the first 122990  
pay period commencing after ~~the effective date of this section~~ 122991  
September 26, 1996. If the employee chooses to retain the 122992  
extension of credit or the ownership or beneficial interest, the 122993  
employee shall comply with divisions (C) and (D) of this section. 122994

**Sec. 1181.06.** There is hereby created in the state treasury 122995  
the financial institutions fund. The fund shall receive 122996

assessments on the banks fund established under section 1121.30 of 122997  
the Revised Code, ~~the savings institutions fund established under~~ 122998  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 122999  
established under section 1733.321 of the Revised Code, and the 123000  
consumer finance fund established under section 1321.21 of the 123001  
Revised Code in accordance with procedures prescribed by the 123002  
superintendent of financial institutions and approved by the 123003  
director of budget and management. Such assessments shall be in 123004  
addition to any assessments on these funds required under division 123005  
(G) of section 121.08 of the Revised Code. All operating expenses 123006  
of the division of financial institutions shall be paid from the 123007  
financial institutions fund. Money in the fund shall be used only 123008  
for that purpose. 123009

**Sec. 1181.07.** The state shall furnish the superintendent of 123010  
financial institutions suitable facilities for conducting the 123011  
business of the superintendent's office at the seat of government 123012  
and in any other ~~city of~~ location within the state where it is 123013  
necessary to keep a resident examiner. 123014

**Sec. 1181.10.** The seal of the superintendent of financial 123015  
institutions shall be ~~one and three fourths inches in diameter and~~ 123016  
~~shall be~~ surrounded by the words: "The superintendent of financial 123017  
institutions of the state of Ohio." 123018

The seal shall have engraved on it the coat of arms of the 123019  
state, as described in section 5.04 of the Revised Code, and shall 123020  
contain the words and devices mentioned in this section and no 123021  
other. 123022

**Sec. 1181.11.** Copies of all certificates, records, and papers 123023  
in the office of the superintendent of financial institutions, 123024  
including the records of the banking commission, the former 123025  
savings and loan associations and savings banks board, and the 123026



credit union council, duly certified by the superintendent or, in 123027  
the absence of the superintendent, a deputy superintendent having 123028  
jurisdiction over the records, and authenticated by the 123029  
superintendent's seal of office, shall be evidence, in all courts 123030  
of this state, of every matter which could be proved by the 123031  
production of the original. 123032

**Sec. 1181.21.** (A) As used in this section, "consumer finance 123033  
company" has the same meaning as in section 1181.05 of the Revised 123034  
Code. 123035

(B) The superintendent of financial institutions shall see 123036  
that the laws relating to consumer finance companies are executed 123037  
and enforced. 123038

(C) The deputy superintendent for consumer finance shall be 123039  
the principal supervisor of consumer finance companies. In that 123040  
position the deputy superintendent for consumer finance shall, 123041  
notwithstanding section 1321.421, division (A) of section 1321.76, 123042  
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 123043  
the Revised Code, be responsible for conducting examinations and 123044  
preparing examination reports under those sections and under 123045  
Chapter 4712. of the Revised Code. In addition, the deputy 123046  
superintendent for consumer finance shall, notwithstanding 123047  
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 123048  
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 123049  
authority to adopt rules and standards in accordance with those 123050  
sections. In performing or exercising any of the examination, 123051  
rule-making, or other regulatory functions, powers, or duties 123052  
vested by this division in the deputy superintendent for consumer 123053  
finance, the deputy superintendent for consumer finance shall be 123054  
subject to the control of the superintendent of financial 123055  
institutions and the director of commerce. 123056

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 123057  
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 123058  
1733.32, 1733.327, and 4727.18 of the Revised Code, the 123059  
superintendent of financial institutions may, in the 123060  
superintendent's discretion, introduce into evidence or disclose, 123061  
or authorize to be introduced into evidence or disclosed, 123062  
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 123063  
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 123064  
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 123065  
confidential, or otherwise not ~~public information or~~ a public 123066  
record, ~~provided that the superintendent acts only as provided in~~ 123067  
~~those sections or~~ in the following circumstances: 123068

~~(A) When in the opinion of~~ (1) In connection with any civil, 123069  
criminal, or administrative investigation or examination conducted 123070  
by the superintendent, ~~it is appropriate with regard to any~~ 123071  
~~enforcement actions taken and decisions made by the superintendent~~ 123072  
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 123073  
of the Revised Code or Title XI of the Revised Code or by any 123074  
other financial institution regulatory authority, any state or 123075  
federal attorney general or prosecuting attorney, or any local, 123076  
state, or federal law enforcement agency; 123077

~~(B) When~~ (2) In connection with any civil or criminal 123078  
litigation has been or administrative enforcement action initiated 123079  
or to be initiated by the superintendent in furtherance of the 123080  
powers, duties, and obligations imposed upon the superintendent by 123081  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 123082  
the Revised Code or Title XI of the Revised Code; 123083

~~(C) When in the opinion of the superintendent, it is~~ 123084  
~~appropriate with regard to enforcement actions taken or decisions~~ 123085  
~~made by other financial institution regulatory authorities to whom~~ 123086  
~~the superintendent has provided the information pursuant to~~ 123087

authority in (3) To administer licensing and registration under 123088  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 123089  
the Revised Code or Title XI of the Revised Code through the 123090  
nationwide mortgage licensing system and registry as defined in 123091  
section 1322.01 of the Revised Code. 123092

(B) If the superintendent has reason to believe that any 123093  
privileged, confidential, or other nonpublic information provided 123094  
pursuant to this section may be disclosed by the intended 123095  
recipient, the superintendent shall seek a protective order or 123096  
enter into an agreement to protect that information. 123097

(C) All reports and other information made available under 123098  
this chapter remain the property of the superintendent. Except as 123099  
otherwise provided in this section, no person, agency, or other 123100  
authority to whom the information is made available, or any 123101  
officer, director, or employee thereof, shall disclose such 123102  
information except in published statistical material that does not 123103  
disclose, either directly or when used in conjunction with 123104  
publicly available information, the affairs of any individual or 123105  
entity. 123106

(D) The superintendent shall not be considered to have waived 123107  
any privilege applicable to any information by transferring that 123108  
information to, or permitting that information to be used by, any 123109  
federal or state agency or any other person as permitted under 123110  
this chapter or Chapter 1121. of the Revised Code. 123111

**Sec. 1349.16.** (A) As used in this section, "financial 123112  
institution" includes every bank as defined in section 1101.01 of 123113  
the Revised Code, ~~savings and loan association as defined in~~ 123114  
~~section 1151.01 of the Revised Code, savings bank as defined in~~ 123115  
~~section 1161.01 of the Revised Code,~~ and credit union organized or 123116  
qualified as such under sections 1733.01 to 1733.45 of the Revised 123117  
Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 123118

U.S.C.A. 1752, as amended. 123119

(B) Before opening or authorizing signatory power over a 123120  
checking account intended for personal, family, or household 123121  
purposes, a financial institution: 123122

(1) Shall require the applicant to provide ~~his~~ the 123123  
applicant's current address and a valid driver's or commercial 123124  
driver's license or identification card issued by the registrar of 123125  
motor vehicles or a deputy registrar under section 4507.50 of the 123126  
Revised Code. If the applicant does not have a valid driver's or 123127  
commercial driver's license or identification card, the applicant 123128  
may provide an identification document that includes ~~his~~ the 123129  
applicant's full name, birthdate, and signature. 123130

(2) May require the applicant to provide relevant information 123131  
in addition to the information specified in division (B)(1) of 123132  
this section. 123133

(C) Every person that issues or prints checks, bills of 123134  
exchange, or other drafts for use with a checking account intended 123135  
for personal, family, or household purposes opened on or after 123136  
October 16, 1990 shall print the date on which the checking 123137  
account was opened on the face of each check, bill of exchange, or 123138  
other draft. 123139

(D) This section does not apply to temporary checks furnished 123140  
at the time a checking account is opened. 123141

(E) This section does not create any civil cause of action 123142  
against a financial institution, its directors, trustees, 123143  
officers, employees, agents, representatives, or other persons 123144  
acting on its behalf, or against any person that issues or prints 123145  
checks, bills of exchange, or other drafts, for failure to comply 123146  
with this section. 123147

**Sec. 1509.07.** (A)(1) Except as provided in division (A)(2) of 123148

this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 123181  
until the owner provides proof of the required insurance coverage. 123182

(B)(1) Except as otherwise provided in this section, an owner 123183  
of any well, before being issued a permit under section 1509.06 of 123184  
the Revised Code or before operating or producing from a well, 123185  
shall execute and file with the division of oil and gas resources 123186  
management a surety bond conditioned on compliance with the 123187  
restoration requirements of section 1509.072, the plugging 123188  
requirements of section 1509.12, the permit provisions of section 123189  
1509.13 of the Revised Code, and all rules and orders of the chief 123190  
relating thereto, in an amount set by rule of the chief. 123191

(2) The owner may deposit with the chief, instead of a surety 123192  
bond, cash in an amount equal to the surety bond as prescribed 123193  
pursuant to this section or negotiable certificates of deposit or 123194  
irrevocable letters of credit, issued by any bank organized or 123195  
transacting business in this state ~~or by any savings and loan~~ 123196  
~~association as defined in section 1151.01 of the Revised Code,~~ 123197  
having a cash value equal to or greater than the amount of the 123198  
surety bond as prescribed pursuant to this section. Cash or 123199  
certificates of deposit shall be deposited upon the same terms as 123200  
those upon which surety bonds may be deposited. If certificates of 123201  
deposit are deposited with the chief instead of a surety bond, the 123202  
chief shall require the bank ~~or savings and loan association~~ that 123203  
issued any such certificate to pledge securities of a cash value 123204  
equal to the amount of the certificate that is in excess of the 123205  
amount insured by any of the agencies and instrumentalities 123206  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123207  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123208  
it, including at least the federal deposit insurance corporation, 123209  
~~bank insurance fund, and savings association insurance fund.~~ The 123210  
securities shall be security for the repayment of the certificate 123211  
of deposit. 123212

Immediately upon a deposit of cash, certificates of deposit, 123213  
or letters of credit with the chief, the chief shall deliver them 123214  
to the treasurer of state who shall hold them in trust for the 123215  
purposes for which they have been deposited. 123216

(3) Instead of a surety bond, the chief may accept proof of 123217  
financial responsibility consisting of a sworn financial statement 123218  
showing a net financial worth within this state equal to twice the 123219  
amount of the bond for which it substitutes and, as may be 123220  
required by the chief, a list of producing properties of the owner 123221  
within this state or other evidence showing ability and intent to 123222  
comply with the law and rules concerning restoration and plugging 123223  
that may be required by rule of the chief. The owner of an exempt 123224  
Mississippian well is not required to file scheduled updates of 123225  
the financial documents, but shall file updates of those documents 123226  
if requested to do so by the chief. The owner of a nonexempt 123227  
Mississippian well shall file updates of the financial documents 123228  
in accordance with a schedule established by rule of the chief. 123229  
The chief, upon determining that an owner for whom the chief has 123230  
accepted proof of financial responsibility instead of bond cannot 123231  
demonstrate financial responsibility, shall order that the owner 123232  
execute and file a bond or deposit cash, certificates of deposit, 123233  
or irrevocable letters of credit as required by this section for 123234  
the wells specified in the order within ten days of receipt of the 123235  
order. If the order is not complied with, all wells of the owner 123236  
that are specified in the order and for which no bond is filed or 123237  
cash, certificates of deposit, or letters of credit are deposited 123238  
shall be plugged. No owner shall fail or refuse to plug such a 123239  
well. Each day on which such a well remains unplugged thereafter 123240  
constitutes a separate offense. 123241

(4) The surety bond provided for in this section shall be 123242  
executed by a surety company authorized to do business in this 123243  
state. 123244

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.225.** (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in



lieu of a surety bond, cash in an amount equal to the surety bond 123276  
as prescribed in this section, or negotiable certificates of 123277  
deposit issued by any bank organized or transacting business in 123278  
this state, ~~or certificates of deposit issued by any building and~~ 123279  
~~loan association as defined in section 1151.01 of the Revised~~ 123280  
~~Code,~~ having a cash value equal to or greater than the amount of 123281  
the surety bond as prescribed in this section. Cash or 123282  
certificates of deposit shall be deposited upon the same terms as 123283  
those upon which surety bonds may be deposited. If certificates of 123284  
deposit are deposited with the chief in lieu of a surety bond, the 123285  
chief shall require the bank ~~or building and loan association~~ that 123286  
issued any such certificate to pledge securities of a cash value 123287  
equal to the amount of the certificate that is in excess of the 123288  
amount insured by any of the agencies and instrumentalities 123289  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123290  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123291  
it, including at least the federal deposit insurance corporation, 123292  
~~bank insurance fund, and savings association insurance fund.~~ 123293

Such securities shall be security for the repayment of the 123294  
certificate of deposit. Immediately upon a deposit of cash or 123295  
certificates with the chief, the chief shall deliver it to the 123296  
treasurer of state who shall hold it in trust for the purposes for 123297  
which it has been deposited. 123298

(B) The surety bond provided for in this section shall be 123299  
executed by a surety company authorized to do business in this 123300  
state. The chief shall not approve any bond until it is personally 123301  
signed and acknowledged by both principal and surety, or as to 123302  
either by an attorney in fact, with a certified copy of the power 123303  
of attorney attached thereto. The chief shall not approve the bond 123304  
unless there is attached a certificate of the superintendent of 123305  
insurance that the company is authorized to transact a fidelity 123306  
and surety business in this state. All bonds shall be given in a 123307

form to be prescribed by the chief. 123308

(C) If a registered transporter is found liable for a 123309  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 123310  
Code or a rule, order, or term or condition of a certificate 123311  
involving, in any case, damage or injury to persons or property, 123312  
or both, the court may order the forfeiture of any portion of the 123313  
bond, cash, or other securities required by this section in full 123314  
or partial payment of damages to the person to whom the damages 123315  
are due. The treasurer of state and the chief shall deliver the 123316  
bond or any cash or other securities deposited in lieu of bond, as 123317  
specified in the court's order, to the person to whom the damages 123318  
are due; however, execution against the bond, cash, or other 123319  
securities, if necessary, is the responsibility of the person to 123320  
whom the damages are due. The chief shall not release the bond, 123321  
cash, or securities required by this section except by court order 123322  
or until the registration is terminated. 123323

**Sec. 1510.09.** (A) There is hereby established a fund for any 123324  
marketing program that is established by the technical advisory 123325  
council under this chapter. The fund shall be in the custody of 123326  
the treasurer of state, but shall not be part of the state 123327  
treasury. Except as authorized in division (B) of this section, 123328  
all money collected pursuant to section 1510.08 of the Revised 123329  
Code for the marketing program shall be paid into the fund for the 123330  
marketing program and shall be disbursed only pursuant to a 123331  
voucher signed by the chairperson of the council for use in 123332  
defraying the costs of administration of the marketing program and 123333  
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 123334  
Revised Code. 123335

(B) In lieu of deposits in the fund established under 123336  
division (A) of this section, the operating committee of a 123337  
marketing program established under this chapter may deposit all 123338

money collected pursuant to section 1510.08 of the Revised Code 123339  
with a bank ~~or a savings and loan association~~ as defined in 123340  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 123341  
money collected pursuant to section 1510.08 of the Revised Code 123342  
for the marketing program and deposited pursuant to this division 123343  
also shall be used only in defraying the costs of administration 123344  
of the marketing program and for carrying out sections 1510.02, 123345  
1510.03, and 1510.11 of the Revised Code. 123346

(C) The operating committee shall establish a fiscal year for 123347  
its marketing program, shall publish an activity and financial 123348  
report within sixty days of the end of each fiscal year, and shall 123349  
make the report available to each producer who pays an assessment 123350  
or otherwise contributes to the marketing program that the 123351  
committee administers and to other interested persons. 123352

(D) In addition to the report required by division (C) of 123353  
this section, an operating committee that deposits money in 123354  
accordance with division (B) of this section shall annually submit 123355  
to the council a financial statement prepared by a certified 123356  
public accountant holding valid certification from the Ohio board 123357  
of accountancy issued pursuant to Chapter 4701. of the Revised 123358  
Code. The operating committee shall file the financial statement 123359  
with the council not more than one hundred fifty days after the 123360  
end of each fiscal year. 123361

**Sec. 1514.04.** (A) Upon receipt of notification from the chief 123362  
of the division of mineral resources management of the chief's 123363  
intent to issue an order granting a surface or in-stream mining 123364  
permit to the applicant, the applicant shall file a surety bond, 123365  
cash, an irrevocable letter of credit, or certificates of deposit 123366  
in the amount, unless otherwise provided by rule, of ten thousand 123367  
dollars. If the amount of land to be affected is more than twenty 123368  
acres, the applicant also shall file a surety bond, cash, an 123369

irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars per acre of land to be affected that exceeds twenty acres. Upon receipt of notification from the chief of the chief's intent to issue an order granting an amendment to a surface or in-stream mining permit, the applicant shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount required in this division.

In the case of a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the first year of operation under the permit. In the case of an amendment to a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the balance of the period until the next anniversary date of the permit.

In the case of an in-stream mining permit, the bond shall be filed based on the number of acres of land within the limits of the in-stream mining permit for the entire permit period. In the case of an amendment to an in-stream mining permit, the bond shall be filed based on the number of any additional acres of land to be affected within the limits of the in-stream mining permit.

(B) A surety bond filed pursuant to this section and sections 1514.02 and 1514.03 of the Revised Code shall be upon the form that the chief prescribes and provides and shall be signed by the operator as principal and by a surety company authorized to transact business in the state as surety. The bond shall be payable to the state and shall be conditioned upon the faithful performance by the operator of all things to be done and performed by the operator as provided in this chapter and the rules and orders of the chief adopted or issued pursuant thereto.

The operator may deposit with the chief, in lieu of a surety

bond, cash in an amount equal to the surety bond as prescribed in 123401  
this section, or an irrevocable letter of credit or negotiable 123402  
certificates of deposit issued by any bank organized or 123403  
transacting business in this state, ~~or an irrevocable letter of~~ 123404  
~~credit or certificates of deposit issued by any savings and loan~~ 123405  
~~association as defined in section 1151.01 of the Revised Code,~~ 123406  
having a cash value equal to or greater than the amount of the 123407  
surety bond as prescribed in this section. Cash or certificates of 123408  
deposit shall be deposited upon the same terms as the terms upon 123409  
which surety bonds may be deposited. If one or more certificates 123410  
of deposit are deposited with the chief in lieu of a surety bond, 123411  
the chief shall require the bank ~~or savings and loan association~~ 123412  
that issued any such certificate to pledge securities of a cash 123413  
value equal to the amount of the certificate, or certificates, 123414  
that is in excess of the amount insured by the federal deposit 123415  
insurance corporation. The securities shall be security for the 123416  
repayment of the certificate of deposit. 123417

(C) Immediately upon a deposit of cash, a letter of credit, 123418  
or certificates with the chief, the chief shall deliver it to the 123419  
treasurer of state who shall hold it in trust for the purposes for 123420  
which it has been deposited. The treasurer of state shall be 123421  
responsible for the safekeeping of such deposits. An operator 123422  
making a deposit of cash, a letter of credit, or certificates of 123423  
deposit may withdraw and receive from the treasurer of state, on 123424  
the written order of the chief, all or any part of the cash, 123425  
letter of credit, or certificates in the possession of the 123426  
treasurer of state, upon depositing with the treasurer of state 123427  
cash, or an irrevocable letter of credit, or negotiable 123428  
certificates of deposit issued by any bank organized or 123429  
transacting business in this state, ~~or an irrevocable letter of~~ 123430  
~~credit or certificates of deposit issued by any savings and loan~~ 123431  
~~association,~~ equal in value to the value of the cash, letter of 123432  
credit, or certificates withdrawn. An operator may demand and 123433

receive from the treasurer of state all interest or other income 123434  
from any certificates as it becomes due. If certificates deposited 123435  
with and in the possession of the treasurer of state mature or are 123436  
called for payment by the issuer thereof, the treasurer of state, 123437  
at the request of the operator who deposited them, shall convert 123438  
the proceeds of the redemption or payment of the certificates into 123439  
such other negotiable certificates of deposit issued by any bank 123440  
organized or transacting business in this state, ~~such other~~ 123441  
~~certificates of deposit issued by any savings and loan~~ 123442  
~~association,~~ or cash, as may be designated by the operator. 123443

(D) A governmental agency, as defined in division (A) of 123444  
section 1514.022 of the Revised Code, or a board or commission 123445  
that derives its authority from a governmental agency shall not 123446  
require a surface or in-stream mining operator to file a surety 123447  
bond or any other form of financial assurance for the reclamation 123448  
of land to be affected by a surface or in-stream mining operation 123449  
authorized under this chapter. 123450

**Sec. 1707.03.** (A) As used in this section, "exempt" means 123451  
that, except in the case of securities the right to buy, sell, or 123452  
deal in which has been suspended or revoked under an existing 123453  
order of the division of securities under section 1707.13 of the 123454  
Revised Code or under a cease and desist order under division (G) 123455  
of section 1707.23 of the Revised Code, transactions in securities 123456  
may be carried on and completed without compliance with sections 123457  
1707.08 to 1707.11 of the Revised Code. 123458

(B) A sale of securities made by or on behalf of a bona fide 123459  
owner, neither the issuer nor a dealer, is exempt if the sale is 123460  
made in good faith and not for the purpose of avoiding this 123461  
chapter and is not made in the course of repeated and successive 123462  
transactions of a similar character. Any sale of securities over a 123463  
stock exchange that is lawfully conducted in this state and 123464

regularly open for public patronage and that has been established 123465  
and operated for a period of at least five years prior to the sale 123466  
at a commission not exceeding the commission regularly charged in 123467  
such transactions also is exempt. 123468

(C) The sale of securities by executors, administrators, 123469  
receivers, trustees, or anyone acting in a fiduciary capacity is 123470  
exempt, where such relationship was created by law, by a will, or 123471  
by judicial authority, and where such sales are subject to 123472  
approval by, or are made in pursuance to authority granted by, any 123473  
court of competent jurisdiction or are otherwise authorized and 123474  
lawfully made by such fiduciary. 123475

(D) A sale to the issuer, to a dealer, or to an institutional 123476  
investor is exempt. 123477

(E) A sale in good faith, and not for the purpose of avoiding 123478  
this chapter, by a pledgee of a security pledged for a bona fide 123479  
debt is exempt. 123480

(F) The sale at public auction by a corporation of shares of 123481  
its stock because of delinquency in payment for the shares is 123482  
exempt. 123483

(G)(1) The giving of any conversion right with, or on account 123484  
of the purchase of, any security that is exempt, is the subject 123485  
matter of an exempt transaction, has been registered by 123486  
description, by coordination, or by qualification, or is the 123487  
subject matter of a transaction that has been registered by 123488  
description is exempt. 123489

(2) The giving of any subscription right, warrant, or option 123490  
to purchase a security or right to receive a security upon 123491  
exchange, which security is exempt at the time the right, warrant, 123492  
or option to purchase or right to receive is given, is the subject 123493  
matter of an exempt transaction, is registered by description, by 123494  
coordination, or by qualification, or is the subject matter of a 123495

transaction that has been registered by description is exempt. 123496

(3) The giving of any subscription right or any warrant or 123497  
option to purchase a security, which right, warrant, or option 123498  
expressly provides that it shall not be exercisable except for a 123499  
security that at the time of the exercise is exempt, is the 123500  
subject matter of an exempt transaction, is registered by 123501  
description, by coordination, or by qualification, or at such time 123502  
is the subject matter of a transaction that has been registered by 123503  
description is exempt. 123504

(H) The sale of notes, bonds, or other evidences of 123505  
indebtedness that are secured by a mortgage lien upon real estate, 123506  
leasehold estate other than oil, gas, or mining leasehold, or 123507  
tangible personal property, or which evidence of indebtedness is 123508  
due under or based upon a conditional-sale contract, if all such 123509  
notes, bonds, or other evidences of indebtedness are sold to a 123510  
single purchaser at a single sale, is exempt. 123511

(I) The delivery of securities by the issuer on the exercise 123512  
of conversion rights, the sale of securities by the issuer on 123513  
exercise of subscription rights or of warrants or options to 123514  
purchase securities, the delivery of voting-trust certificates for 123515  
securities deposited under a voting-trust agreement, the delivery 123516  
of deposited securities on surrender of voting-trust certificates, 123517  
and the delivery of final certificates on surrender of interim 123518  
certificates are exempt; but the sale of securities on exercise of 123519  
subscription rights, warrants, or options is not an exempt 123520  
transaction unless those rights, warrants, or options when granted 123521  
were the subject matter of an exempt transaction under division 123522  
(G) of this section or were registered by description, by 123523  
coordination, or by qualification. 123524

(J) The sale of securities by a bank, savings and loan 123525  
association, savings bank, or credit union organized under the 123526  
laws of the United States or of this state is exempt if at a 123527



profit to that seller of not more than two per cent of the total 123528  
sale price of the securities. 123529

(K)(1) The distribution by a corporation of its securities to 123530  
its security holders as a share dividend or other distribution out 123531  
of earnings or surplus is exempt. 123532

(2) The exchange or distribution by the issuer of any of its 123533  
securities or of the securities of any of the issuer's wholly 123534  
owned subsidiaries exclusively with or to its existing security 123535  
holders, if no commission or other remuneration is given directly 123536  
or indirectly for soliciting the exchange, is exempt. 123537

(3) The sale of preorganization subscriptions for shares of 123538  
stock of a corporation prior to the incorporation of the 123539  
corporation is exempt, when the sale is evidenced by a written 123540  
agreement, no remuneration is given, or promised, directly or 123541  
indirectly, for or in connection with the sale of those 123542  
securities, and no consideration is received, directly or 123543  
indirectly, by any person from the purchasers of those securities 123544  
until registration by qualification, by coordination, or by 123545  
description of those securities is made under this chapter. 123546

(L) The issuance of securities in exchange for one or more 123547  
bona fide outstanding securities, claims, or property interests, 123548  
not including securities sold for a consideration payable in whole 123549  
or in part in cash, under a plan of reorganization, 123550  
recapitalization, or refinancing approved by a court pursuant to 123551  
the Bankruptcy Act of the United States or to any other federal 123552  
act giving any federal court jurisdiction over such plan of 123553  
reorganization, or under a plan of reorganization approved by a 123554  
court of competent jurisdiction of any state of the United States 123555  
is exempt. As used in this division, "reorganization," 123556  
"recapitalization," and "refinancing" have the same meanings as in 123557  
section 1707.04 of the Revised Code. 123558

(M) A sale by a licensed dealer, acting either as principal 123559  
or as agent, of securities issued and outstanding before the sale 123560  
is exempt, unless the sale is of one or more of the following: 123561

(1) Securities constituting the whole or a part of an unsold 123562  
allotment to or subscription by a dealer as an underwriter or 123563  
other participant in the distribution of those securities by the 123564  
issuer, whether that distribution is direct or through an 123565  
underwriter, provided that, if the issuer is such by reason of 123566  
owning one-fourth or more of those securities, the dealer has 123567  
knowledge of this fact or reasonable cause to believe this fact; 123568

(2) Any class of shares issued by a corporation when the 123569  
number of beneficial owners of that class is less than 123570  
twenty-five, with the record owner of securities being deemed the 123571  
beneficial owner for this purpose, in the absence of actual 123572  
knowledge to the contrary; 123573

(3) Securities that within one year were purchased outside 123574  
this state or within one year were transported into this state, if 123575  
the dealer has knowledge or reasonable cause to believe, before 123576  
the sale of those securities, that within one year they were 123577  
purchased outside this state or within one year were transported 123578  
into this state; but such a sale of those securities is exempt if 123579  
any of the following occurs: 123580

(a) A recognized securities manual contains the names of the 123581  
issuer's officers and directors, a balance sheet of the issuer as 123582  
of a date within eighteen months, and a profit and loss statement 123583  
for either the fiscal year preceding that date or the most recent 123584  
year of operations; 123585

(b) Those securities, or securities of the same class, within 123586  
one year were registered or qualified under section 1707.09 or 123587  
1707.091 of the Revised Code, and that registration or 123588  
qualification is in full force and effect; 123589

(c) The sale is made by a licensed dealer on behalf of the bona fide owner of those securities in accordance with division (B) of this section;

(d) Those securities were transported into Ohio in a transaction of the type described in division (L), (K), or (I) of this section, or in a transaction registered under division (A) of section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this section, "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or who participates directly or indirectly in any such undertaking or in the underwriting thereof, but "underwriter" does not include a person whose interest is limited to a discount, commission, or profit from the underwriter or from a dealer that is not in excess of the customary distributors' or sellers' discount, commission, or profit; and "issuer" includes any person or any group of persons acting in concert in the sale of such securities, owning beneficially one-fourth or more of the outstanding securities of the class involved in the transactions in question, with the record owner of securities being deemed the beneficial owner for this purpose, in the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all securities issued or sold by the issuer in reliance upon this exemption during the period of one year ending with the date of the sale does not exceed ten. A sale of securities registered under this chapter or sold pursuant to an exemption under this chapter other than this exemption shall not be integrated with a

sale pursuant to this exemption in computing the number of 123621  
purchasers under this exemption. 123622

(c) No advertisement, article, notice, or other communication 123623  
published in any newspaper, magazine, or similar medium or 123624  
broadcast over television or radio is used in connection with the 123625  
sale, but the use of an offering circular or other communication 123626  
delivered by the issuer to selected individuals does not destroy 123627  
this exemption. 123628

(d) The issuer reasonably believes after reasonable 123629  
investigation that the purchaser is purchasing for investment. 123630

(e) The aggregate commission, discount, and other 123631  
remuneration, excluding legal, accounting, and printing fees, paid 123632  
or given directly or indirectly does not exceed ten per cent of 123633  
the initial offering price. 123634

(f) Any such commission, discount, or other remuneration for 123635  
sales in this state is paid or given only to dealers or 123636  
salespersons registered pursuant to this chapter. 123637

(2) For the purposes of division (0)(1) of this section, each 123638  
of the following is deemed to be a single purchaser of a security: 123639  
husband and wife, a child and its parent or guardian when the 123640  
parent or guardian holds the security for the benefit of the 123641  
child, a corporation, a limited liability company, a partnership, 123642  
an association or other unincorporated entity, a joint-stock 123643  
company, or a trust, but only if the corporation, limited 123644  
liability company, partnership, association, entity, joint-stock 123645  
company, or trust was not formed for the purpose of purchasing the 123646  
security. 123647

(3) As used in division (0)(1) of this section, "equity 123648  
security" means any stock or similar security of a corporation or 123649  
any membership interest in a limited liability company; or any 123650  
security convertible, with or without consideration, into such a 123651

security, or carrying any warrant or right to subscribe to or 123652  
purchase such a security; or any such warrant or right; or any 123653  
other security that the division considers necessary or 123654  
appropriate, by such rules as it may prescribe in the public 123655  
interest or for the protection of investors, to treat as an equity 123656  
security. 123657

(P) The sale of securities representing interests in or under 123658  
profit-sharing or participation agreements relating to oil or gas 123659  
wells located in this state, or representing interests in or under 123660  
oil or gas leases of real estate situated in this state, is exempt 123661  
if the securities are issued by an individual, partnership, 123662  
limited partnership, partnership association, syndicate, pool, 123663  
trust or trust fund, or other unincorporated association and if 123664  
each of the following conditions is complied with: 123665

(1) The beneficial owners of the securities do not, and will 123666  
not after the sale, exceed five natural persons; 123667

(2) The securities constitute or represent interests in not 123668  
more than one oil or gas well; 123669

(3) A certificate or other instrument in writing is furnished 123670  
to each purchaser of the securities at or before the consummation 123671  
of the sale, disclosing the maximum commission, compensation for 123672  
services, cost of lease, and expenses with respect to the sale of 123673  
such interests and with respect to the promotion, development, and 123674  
management of the oil or gas well, and the total of that 123675  
commission, compensation, costs, and expenses does not exceed 123676  
twenty-five per cent of the aggregate interests in the oil or gas 123677  
well, exclusive of any landowner's rental or royalty; 123678

(4) The sale is made in good faith and not for the purpose of 123679  
avoiding this chapter. 123680

(Q) The sale of any security is exempt if all of the 123681  
following conditions are satisfied: 123682

(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act. 123683  
123684  
123685

(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of the initial offering price. 123686  
123687  
123688  
123689

(3) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered under this chapter. 123690  
123691  
123692

(4) The issuer or dealer files with the division of securities, not later than sixty days after the sale, a report setting forth the name and address of the issuer, the total amount of the securities sold under this division, the number of persons to whom the securities were sold, the price at which the securities were sold, and the commissions or discounts paid or given. 123693  
123694  
123695  
123696  
123697  
123698  
123699

(5) The issuer pays a filing fee of one hundred dollars for the first filing and fifty dollars for every subsequent filing during each calendar year. 123700  
123701  
123702

(R) A sale of a money order, travelers' check, or other instrument for the transmission of money by a person qualified to engage in such business under ~~section 1109.60~~ or Chapter 1315. of the Revised Code is exempt. 123703  
123704  
123705  
123706

(S) A sale by a licensed dealer of securities that are in the process of registration under the Securities Act of 1933, unless exempt under that act, and that are in the process of registration, if registration is required under this chapter, is exempt, provided that no sale of that nature shall be consummated prior to the registration by description or qualification of the securities. 123707  
123708  
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123712  
123713

(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act

of 1933 and offered and sold in compliance with section 5 of that 123746  
act; 123747

(b) At least twenty days prior to the date on which a meeting 123748  
of the security holders is held or the earliest date on which 123749  
corporate action may be taken when no meeting is held, there is 123750  
submitted to the security holders, by that person, or by the 123751  
person whose securities are to be issued in the transaction, 123752  
information substantially equivalent to the information that would 123753  
be required to be included in a proxy statement or information 123754  
statement prepared by or on behalf of the management of an issuer 123755  
subject to section 14(a) or 14(c) of the Securities Exchange Act 123756  
of 1934. 123757

(V) The sale of any security is exempt if the division by 123758  
rule finds that registration is not necessary or appropriate in 123759  
the public interest or for the protection of investors. 123760

(W) Any offer or sale of securities made in reliance on the 123761  
exemptions provided by Rule 505 of Regulation D made pursuant to 123762  
the Securities Act of 1933 and the conditions and definitions 123763  
provided by Rules 501 to 503 thereunder is exempt if the offer or 123764  
sale satisfies all of the following conditions: 123765

(1) No commission or other remuneration is given, directly or 123766  
indirectly, to any person for soliciting or selling to any person 123767  
in this state in reliance on the exemption under this division, 123768  
except to dealers licensed in this state. 123769

(2)(a) Unless the cause for disqualification is waived under 123770  
division (W)(2)(b) of this section, no exemption under this 123771  
section is available for the securities of an issuer unless the 123772  
issuer did not know and in the exercise of reasonable care could 123773  
not have known that any of the following applies to any of the 123774  
persons described in Rule 262(a) to (c) of Regulation A under the 123775  
Securities Act of 1933: 123776



(i) The person has filed an application for registration or 123777  
qualification that is the subject of an effective order entered 123778  
against the issuer, its officers, directors, general partners, 123779  
controlling persons or affiliates thereof, pursuant to the law of 123780  
any state within five years before the filing of a notice required 123781  
under division (W)(3) of this section denying effectiveness to, or 123782  
suspending or revoking the effectiveness of, the registration 123783  
statement. 123784

(ii) The person has been convicted of any offense in 123785  
connection with the offer, sale, or purchase of any security or 123786  
franchise, or any felony involving fraud or deceit, including, but 123787  
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 123788  
to defraud. 123789

(iii) The person is subject to an effective administrative 123790  
order or judgment that was entered by a state securities 123791  
administrator within five years before the filing of a notice 123792  
required under division (W)(3) of this section and that prohibits, 123793  
denies, or revokes the use of any exemption from securities 123794  
registration, prohibits the transaction of business by the person 123795  
as a dealer, or is based on fraud, deceit, an untrue statement of 123796  
a material fact, or an omission to state a material fact. 123797

(iv) The person is subject to any order, judgment, or decree 123798  
of any court entered within five years before the filing of a 123799  
notice required under division (W)(3) of this section, 123800  
temporarily, preliminarily, or permanently restraining or 123801  
enjoining the person from engaging in or continuing any conduct or 123802  
practice in connection with the offer, sale, or purchase of any 123803  
security, or the making of any false filing with any state. 123804

(b)(i) Any disqualification under this division involving a 123805  
dealer may be waived if the dealer is or continues to be licensed 123806  
in this state as a dealer after notifying the commissioner of the 123807  
act or event causing disqualification. 123808

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission. 123840

(Y) The offer or sale of securities by an issuer is exempt 123841  
provided that all of the following apply: 123842

(1) The sale of securities is made only to persons who are, 123843  
or who the issuer reasonably believes are, accredited investors as 123844  
defined in Rule 501 of Regulation D under the Securities Act of 123845  
1933. 123846

(2) The issuer reasonably believes that all purchasers are 123847  
purchasing for investment and not with a view to or for sale in 123848  
connection with a distribution of the security. Any resale of a 123849  
security sold in reliance on this exemption within twelve months 123850  
of sale shall be presumed to be with a view to distribution and 123851  
not for investment, except a resale to which any of the following 123852  
applies: 123853

(a) The resale is pursuant to a registration statement 123854  
effective under section 1707.09 or 1707.091 of the Revised Code. 123855

(b) The resale is to an accredited investor, as defined in 123856  
Rule 501 of Regulation D under the Securities Act of 1933. 123857

(c) The resale is to an institutional investor pursuant to 123858  
the exemptions under division (B) or (D) of this section. 123859

(3) The exemption under this division is not available to an 123860  
issuer that is in the development stage and that either has no 123861  
specific business plan or purpose or has indicated that its 123862  
business plan is to engage in a merger or acquisition with an 123863  
unidentified company or companies, or other entities or persons. 123864

(4) The exemption under this division is not available to an 123865  
issuer, if the issuer, any of the issuer's predecessors, any 123866  
affiliated issuer, any of the issuer's directors, officers, 123867  
general partners, or beneficial owners of ten per cent or more of 123868  
any class of its equity securities, any of the issuer's promoters 123869

presently connected with the issuer in any capacity, any 123870  
underwriter of the securities to be offered, or any partner, 123871  
director, or officer of such underwriter: 123872

(a) Within the past five years, has filed a registration 123873  
statement that is the subject of a currently effective 123874  
registration stop order entered by any state securities 123875  
administrator or the securities and exchange commission; 123876

(b) Within the past five years, has been convicted of any 123877  
criminal offense in connection with the offer, purchase, or sale 123878  
of any security, or involving fraud or deceit; 123879

(c) Is currently subject to any state or federal 123880  
administrative enforcement order or judgment, entered within the 123881  
past five years, finding fraud or deceit in connection with the 123882  
purchase or sale of any security; 123883

(d) Is currently subject to any order, judgment, or decree of 123884  
any court of competent jurisdiction, entered within the past five 123885  
years, that temporarily, preliminarily, or permanently restrains 123886  
or enjoins the party from engaging in or continuing to engage in 123887  
any conduct or practice involving fraud or deceit in connection 123888  
with the purchase or sale of any security. 123889

(5) Division (Y)(4) of this section is inapplicable if any of 123890  
the following applies: 123891

(a) The party subject to the disqualification is licensed or 123892  
registered to conduct securities business in the state in which 123893  
the order, judgment, or decree creating the disqualification was 123894  
entered against the party described in division (Y)(4) of this 123895  
section. 123896

(b) Before the first offer is made under this exemption, the 123897  
state securities administrator, or the court or regulatory 123898  
authority that entered the order, judgment, or decree, waives the 123899  
disqualification. 123900

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

following applies: 123931

(a) The information is delivered through an electronic 123932  
database that is restricted to persons that are accredited 123933  
investors as defined in Rule 501 of Regulation D under the 123934  
Securities Act of 1933. 123935

(b) The information is delivered after the issuer reasonably 123936  
believes that the prospective purchaser is an accredited investor 123937  
as defined in Rule 501 of Regulation D under the Securities Act of 123938  
1933. 123939

(8) No telephone solicitation shall be done, unless prior to 123940  
placing the telephone call, the issuer reasonably believes that 123941  
the prospective purchaser to be solicited is an accredited 123942  
investor as defined in Rule 501 of Regulation D under the 123943  
Securities Act of 1933. 123944

(9) Dissemination of the general announcement described in 123945  
division (Y)(6) of this section to persons that are not accredited 123946  
investors, as defined in Rule 501 of Regulation D under the 123947  
Securities Act of 1933, does not disqualify the issuer from 123948  
claiming an exemption under this division. 123949

(10) The issuer shall file with the division notice of the 123950  
offering of securities within fifteen days after notice of the 123951  
offering is made or a general announcement is made in this state. 123952  
The filing shall be on forms adopted by the division and shall 123953  
include a copy of the general announcement, if one is made 123954  
regarding the proposed offering, and copies of any offering 123955  
materials, circulars, or prospectuses. A filing fee of one hundred 123956  
dollars also shall be included. 123957

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 123958  
court shall be selected, be compensated, give bond, and have 123959  
powers and duties as follows: 123960

(A) There shall be a clerk of the court who is appointed or  
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton  
county, Miami county, Montgomery county, Portage county, and Wayne  
county municipal courts and through December 31, 2008, the  
Cuyahoga Falls municipal court, if the population of the territory  
equals or exceeds one hundred thousand at the regular municipal  
election immediately preceding the expiration of the term of the  
present clerk, the clerk shall be nominated and elected by the  
qualified electors of the territory in the manner that is provided  
for the nomination and election of judges in section 1901.07 of  
the Revised Code.

The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in  
semimonthly installments, that the board of county commissioners  
prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, 123993  
the clerks of courts of Portage county and Wayne county shall be 123994  
the clerks, respectively, of the Portage county and Wayne county 123995  
municipal courts and may appoint a chief deputy clerk for each 123996  
branch that is established pursuant to section 1901.311 of the 123997  
Revised Code and assistant clerks as the judges of the municipal 123998  
court determine are necessary, all of whom shall receive the 123999  
compensation that the legislative authority prescribes. The clerks 124000  
of courts of Portage county and Wayne county, acting as the clerks 124001  
of the Portage county and Wayne county municipal courts and 124002  
assuming the duties of these offices, shall receive compensation 124003  
payable from the county treasury in semimonthly installments at 124004  
one-fourth the rate that is prescribed for the clerks of courts of 124005  
common pleas as determined in accordance with the population of 124006  
the county and the rates set forth in sections 325.08 and 325.18 124007  
of the Revised Code. 124008

(d) In the Montgomery county and Miami county municipal 124009  
courts, the clerks of courts of Montgomery county and Miami county 124010  
shall be the clerks, respectively, of the Montgomery county and 124011  
Miami county municipal courts. The clerks of courts of Montgomery 124012  
county and Miami county, acting as the clerks of the Montgomery 124013  
county and Miami county municipal courts and assuming the duties 124014  
of these offices, shall receive compensation at one-fourth the 124015  
rate that is prescribed for the clerks of courts of common pleas 124016  
as determined in accordance with the population of the county and 124017  
the rates set forth in sections 325.08 and 325.18 of the Revised 124018  
Code. This compensation shall be paid from the county treasury in 124019  
semimonthly installments and is in addition to the annual 124020  
compensation that is received for the performance of the duties of 124021  
the clerks of courts of Montgomery county and Miami county, as 124022  
provided in sections 325.08 and 325.18 of the Revised Code. 124023

(e) Except as otherwise provided in division (A)(1)(e) of 124024



this section, in the Akron municipal court, candidates for 124025  
election to the office of clerk of the court shall be nominated by 124026  
primary election. The primary election shall be held on the day 124027  
specified in the charter of the city of Akron for the nomination 124028  
of municipal officers. Notwithstanding any contrary provision of 124029  
section 3513.05 or 3513.257 of the Revised Code, the declarations 124030  
of candidacy and petitions of partisan candidates and the 124031  
nominating petitions of independent candidates for the office of 124032  
clerk of the Akron municipal court shall be signed by at least 124033  
fifty qualified electors of the territory of the court. 124034

The candidates shall file a declaration of candidacy and 124035  
petition, or a nominating petition, whichever is applicable, not 124036  
later than four p.m. of the ninetieth day before the day of the 124037  
primary election, in the form prescribed by section 3513.07 or 124038  
3513.261 of the Revised Code. The declaration of candidacy and 124039  
petition, or the nominating petition, shall conform to the 124040  
applicable requirements of section 3513.05 or 3513.257 of the 124041  
Revised Code. 124042

If no valid declaration of candidacy and petition is filed by 124043  
any person for nomination as a candidate of a particular political 124044  
party for election to the office of clerk of the Akron municipal 124045  
court, a primary election shall not be held for the purpose of 124046  
nominating a candidate of that party for election to that office. 124047  
If only one person files a valid declaration of candidacy and 124048  
petition for nomination as a candidate of a particular political 124049  
party for election to that office, a primary election shall not be 124050  
held for the purpose of nominating a candidate of that party for 124051  
election to that office, and the candidate shall be issued a 124052  
certificate of nomination in the manner set forth in section 124053  
3513.02 of the Revised Code. 124054

Declarations of candidacy and petitions, nominating 124055  
petitions, and certificates of nomination for the office of clerk 124056

of the Akron municipal court shall contain a designation of the 124057  
term for which the candidate seeks election. At the following 124058  
regular municipal election, all candidates for the office shall be 124059  
submitted to the qualified electors of the territory of the court 124060  
in the manner that is provided in section 1901.07 of the Revised 124061  
Code for the election of the judges of the court. The clerk so 124062  
elected shall hold office for a term of six years, which term 124063  
shall commence on the first day of January following the clerk's 124064  
election and continue until the clerk's successor is elected and 124065  
qualified. 124066

(f) Except as otherwise provided in division (A)(1)(f) of 124067  
this section, in the Barberton municipal court, candidates for 124068  
election to the office of clerk of the court shall be nominated by 124069  
primary election. The primary election shall be held on the day 124070  
specified in the charter of the city of Barberton for the 124071  
nomination of municipal officers. Notwithstanding any contrary 124072  
provision of section 3513.05 or 3513.257 of the Revised Code, the 124073  
declarations of candidacy and petitions of partisan candidates and 124074  
the nominating petitions of independent candidates for the office 124075  
of clerk of the Barberton municipal court shall be signed by at 124076  
least fifty qualified electors of the territory of the court. 124077

The candidates shall file a declaration of candidacy and 124078  
petition, or a nominating petition, whichever is applicable, not 124079  
later than four p.m. of the ninetieth day before the day of the 124080  
primary election, in the form prescribed by section 3513.07 or 124081  
3513.261 of the Revised Code. The declaration of candidacy and 124082  
petition, or the nominating petition, shall conform to the 124083  
applicable requirements of section 3513.05 or 3513.257 of the 124084  
Revised Code. 124085

If no valid declaration of candidacy and petition is filed by 124086  
any person for nomination as a candidate of a particular political 124087  
party for election to the office of clerk of the Barberton 124088

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 124121

The candidates shall file a declaration of candidacy and 124122  
petition, or a nominating petition, whichever is applicable, not 124123  
later than four p.m. of the ninetieth day before the day of the 124124  
primary election, in the form prescribed by section 3513.07 or 124125  
3513.261 of the Revised Code. The declaration of candidacy and 124126  
petition, or the nominating petition, shall conform to the 124127  
applicable requirements of section 3513.05 or 3513.257 of the 124128  
Revised Code. 124129

If no valid declaration of candidacy and petition is filed by 124130  
any person for nomination as a candidate of a particular political 124131  
party for election to the office of clerk of the Cuyahoga Falls 124132  
municipal court, a primary election shall not be held for the 124133  
purpose of nominating a candidate of that party for election to 124134  
that office. If only one person files a valid declaration of 124135  
candidacy and petition for nomination as a candidate of a 124136  
particular political party for election to that office, a primary 124137  
election shall not be held for the purpose of nominating a 124138  
candidate of that party for election to that office, and the 124139  
candidate shall be issued a certificate of nomination in the 124140  
manner set forth in section 3513.02 of the Revised Code. 124141

Declarations of candidacy and petitions, nominating 124142  
petitions, and certificates of nomination for the office of clerk 124143  
of the Cuyahoga Falls municipal court shall contain a designation 124144  
of the term for which the candidate seeks election. At the 124145  
following regular municipal election, all candidates for the 124146  
office shall be submitted to the qualified electors of the 124147  
territory of the court in the manner that is provided in section 124148  
1901.07 of the Revised Code for the election of the judges of the 124149  
court. The clerk so elected shall hold office for a term of six 124150  
years, which term shall commence on the first day of January 124151  
following the clerk's election and continue until the clerk's 124152

successor is elected and qualified. 124153

(ii) Division (A)(1)(g)(i) of this section shall have no 124154  
effect after December 31, 2008. 124155

(h) Except as otherwise provided in division (A)(1)(h) of 124156  
this section, in the Toledo municipal court, candidates for 124157  
election to the office of clerk of the court shall be nominated by 124158  
primary election. The primary election shall be held on the day 124159  
specified in the charter of the city of Toledo for the nomination 124160  
of municipal officers. Notwithstanding any contrary provision of 124161  
section 3513.05 or 3513.257 of the Revised Code, the declarations 124162  
of candidacy and petitions of partisan candidates and the 124163  
nominating petitions of independent candidates for the office of 124164  
clerk of the Toledo municipal court shall be signed by at least 124165  
fifty qualified electors of the territory of the court. 124166

The candidates shall file a declaration of candidacy and 124167  
petition, or a nominating petition, whichever is applicable, not 124168  
later than four p.m. of the ninetieth day before the day of the 124169  
primary election, in the form prescribed by section 3513.07 or 124170  
3513.261 of the Revised Code. The declaration of candidacy and 124171  
petition, or the nominating petition, shall conform to the 124172  
applicable requirements of section 3513.05 or 3513.257 of the 124173  
Revised Code. 124174

If no valid declaration of candidacy and petition is filed by 124175  
any person for nomination as a candidate of a particular political 124176  
party for election to the office of clerk of the Toledo municipal 124177  
court, a primary election shall not be held for the purpose of 124178  
nominating a candidate of that party for election to that office. 124179  
If only one person files a valid declaration of candidacy and 124180  
petition for nomination as a candidate of a particular political 124181  
party for election to that office, a primary election shall not be 124182  
held for the purpose of nominating a candidate of that party for 124183  
election to that office, and the candidate shall be issued a 124184

certificate of nomination in the manner set forth in section 124185  
3513.02 of the Revised Code. 124186

Declarations of candidacy and petitions, nominating 124187  
petitions, and certificates of nomination for the office of clerk 124188  
of the Toledo municipal court shall contain a designation of the 124189  
term for which the candidate seeks election. At the following 124190  
regular municipal election, all candidates for the office shall be 124191  
submitted to the qualified electors of the territory of the court 124192  
in the manner that is provided in section 1901.07 of the Revised 124193  
Code for the election of the judges of the court. The clerk so 124194  
elected shall hold office for a term of six years, which term 124195  
shall commence on the first day of January following the clerk's 124196  
election and continue until the clerk's successor is elected and 124197  
qualified. 124198

(2)(a) Except for the Alliance, Auglaize county, Brown 124199  
county, Columbiana county, Holmes county, Putnam county, Sandusky 124200  
county, Lorain, Massillon, and Youngstown municipal courts, in a 124201  
municipal court for which the population of the territory is less 124202  
than one hundred thousand, the clerk shall be appointed by the 124203  
court, and the clerk shall hold office until the clerk's successor 124204  
is appointed and qualified. 124205

(b) In the Alliance, Lorain, Massillon, and Youngstown 124206  
municipal courts, the clerk shall be elected for a term of office 124207  
as described in division (A)(1)(a) of this section. 124208

(c) In the Auglaize county, Brown county, Holmes county, 124209  
Putnam county, and Sandusky county municipal courts, the clerks of 124210  
courts of Auglaize county, Brown county, Holmes county, Putnam 124211  
county, and Sandusky county shall be the clerks, respectively, of 124212  
the Auglaize county, Brown county, Holmes county, Putnam county, 124213  
and Sandusky county municipal courts and may appoint a chief 124214  
deputy clerk for each branch office that is established pursuant 124215  
to section 1901.311 of the Revised Code, and assistant clerks as 124216

the judge of the court determines are necessary, all of whom shall 124217  
receive the compensation that the legislative authority 124218  
prescribes. The clerks of courts of Auglaize county, Brown county, 124219  
Holmes county, Putnam county, and Sandusky county, acting as the 124220  
clerks of the Auglaize county, Brown county, Holmes county, Putnam 124221  
county, and Sandusky county municipal courts and assuming the 124222  
duties of these offices, shall receive compensation payable from 124223  
the county treasury in semimonthly installments at one-fourth the 124224  
rate that is prescribed for the clerks of courts of common pleas 124225  
as determined in accordance with the population of the county and 124226  
the rates set forth in sections 325.08 and 325.18 of the Revised 124227  
Code. 124228

(d) In the Columbiana county municipal court, the clerk of 124229  
courts of Columbiana county shall be the clerk of the municipal 124230  
court, may appoint a chief deputy clerk for each branch office 124231  
that is established pursuant to section 1901.311 of the Revised 124232  
Code, and may appoint any assistant clerks that the judges of the 124233  
court determine are necessary. All of the chief deputy clerks and 124234  
assistant clerks shall receive the compensation that the 124235  
legislative authority prescribes. The clerk of courts of 124236  
Columbiana county, acting as the clerk of the Columbiana county 124237  
municipal court and assuming the duties of that office, shall 124238  
receive in either biweekly installments or semimonthly 124239  
installments, as determined by the payroll administrator, 124240  
compensation payable from the county treasury at one-fourth the 124241  
rate that is prescribed for the clerks of courts of common pleas 124242  
as determined in accordance with the population of the county and 124243  
the rates set forth in sections 325.08 and 325.18 of the Revised 124244  
Code. 124245

(3) During the temporary absence of the clerk due to illness, 124246  
vacation, or other proper cause, the court may appoint a temporary 124247  
clerk, who shall be paid the same compensation, have the same 124248

authority, and perform the same duties as the clerk. 124249

(B) Except in the Hamilton county, Montgomery county, Miami 124250  
county, Portage county, and Wayne county municipal courts, if a 124251  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 124252  
Massillon, or Youngstown municipal court or occurs in the office 124253  
of the clerk of a municipal court for which the population of the 124254  
territory equals or exceeds one hundred thousand because the clerk 124255  
ceases to hold the office before the end of the clerk's term or 124256  
because a clerk-elect fails to take office, the vacancy shall be 124257  
filled, until a successor is elected and qualified, by a person 124258  
chosen by the residents of the territory of the court who are 124259  
members of the county central committee of the political party by 124260  
which the last occupant of that office or the clerk-elect was 124261  
nominated. Not less than five nor more than fifteen days after a 124262  
vacancy occurs, those members of that county central committee 124263  
shall meet to make an appointment to fill the vacancy. At least 124264  
four days before the date of the meeting, the chairperson or a 124265  
secretary of the county central committee shall notify each such 124266  
member of that county central committee by first class mail of the 124267  
date, time, and place of the meeting and its purpose. A majority 124268  
of all such members of that county central committee constitutes a 124269  
quorum, and a majority of the quorum is required to make the 124270  
appointment. If the office so vacated was occupied or was to be 124271  
occupied by a person not nominated at a primary election, or if 124272  
the appointment was not made by the committee members in 124273  
accordance with this division, the court shall make an appointment 124274  
to fill the vacancy. A successor shall be elected to fill the 124275  
office for the unexpired term at the first municipal election that 124276  
is held more than one hundred thirty-five days after the vacancy 124277  
occurred. 124278

(C)(1) In a municipal court, other than the Auglaize county, 124279  
the Brown county, the Columbiana county, the Holmes county, the 124280



Putnam county, the Sandusky county, and the Lorain municipal 124281  
courts, for which the population of the territory is less than one 124282  
hundred thousand, the clerk of the municipal court shall receive 124283  
the annual compensation that the presiding judge of the court 124284  
prescribes, if the revenue of the court for the preceding calendar 124285  
year, as certified by the auditor or chief fiscal officer of the 124286  
municipal corporation in which the court is located or, in the 124287  
case of a county-operated municipal court, the county auditor, is 124288  
equal to or greater than the expenditures, including any debt 124289  
charges, for the operation of the court payable under this chapter 124290  
from the city treasury or, in the case of a county-operated 124291  
municipal court, the county treasury for that calendar year, as 124292  
also certified by the auditor or chief fiscal officer. If the 124293  
revenue of a municipal court, other than the Auglaize county, the 124294  
Brown county, the Columbiana county, the Putnam county, the 124295  
Sandusky county, and the Lorain municipal courts, for which the 124296  
population of the territory is less than one hundred thousand for 124297  
the preceding calendar year as so certified is not equal to or 124298  
greater than those expenditures for the operation of the court for 124299  
that calendar year as so certified, the clerk of a municipal court 124300  
shall receive the annual compensation that the legislative 124301  
authority prescribes. As used in this division, "revenue" means 124302  
the total of all costs and fees that are collected and paid to the 124303  
city treasury or, in a county-operated municipal court, the county 124304  
treasury by the clerk of the municipal court under division (F) of 124305  
this section and all interest received and paid to the city 124306  
treasury or, in a county-operated municipal court, the county 124307  
treasury in relation to the costs and fees under division (G) of 124308  
this section. 124309

(2) In a municipal court, other than the Hamilton county, 124310  
Montgomery county, Miami county, Portage county, and Wayne county 124311  
municipal courts, for which the population of the territory is one 124312  
hundred thousand or more, and in the Lorain municipal court, the 124313

clerk of the municipal court shall receive annual compensation in 124314  
a sum equal to eighty-five per cent of the salary of a judge of 124315  
the court. 124316

(3) The compensation of a clerk described in division (C)(1) 124317  
or (2) of this section and of the clerk of the Columbiana county 124318  
municipal court is payable in either semimonthly installments or 124319  
biweekly installments, as determined by the payroll administrator, 124320  
from the same sources and in the same manner as provided in 124321  
section 1901.11 of the Revised Code, except that the compensation 124322  
of the clerk of the Carroll county municipal court is payable in 124323  
biweekly installments. 124324

(D) Before entering upon the duties of the clerk's office, 124325  
the clerk of a municipal court shall give bond of not less than 124326  
six thousand dollars to be determined by the judges of the court, 124327  
conditioned upon the faithful performance of the clerk's duties. 124328

(E) The clerk of a municipal court may do all of the 124329  
following: administer oaths, take affidavits, and issue executions 124330  
upon any judgment rendered in the court, including a judgment for 124331  
unpaid costs; issue, sign, and attach the seal of the court to all 124332  
writs, process, subpoenas, and papers issuing out of the court; 124333  
and approve all bonds, sureties, recognizances, and undertakings 124334  
fixed by any judge of the court or by law. The clerk may refuse to 124335  
accept for filing any pleading or paper submitted for filing by a 124336  
person who has been found to be a vexatious litigator under 124337  
section 2323.52 of the Revised Code and who has failed to obtain 124338  
leave to proceed under that section. The clerk shall do all of the 124339  
following: file and safely keep all journals, records, books, and 124340  
papers belonging or appertaining to the court; record the 124341  
proceedings of the court; perform all other duties that the judges 124342  
of the court may prescribe; and keep a book showing all receipts 124343  
and disbursements, which book shall be open for public inspection 124344  
at all times. 124345

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 124379  
of the Revised Code, in the Hamilton county, Lawrence county, and 124380  
Ottawa county municipal courts, the clerk shall pay fifty per cent 124381  
of the fines received for violation of municipal ordinances and 124382  
fifty per cent of the fines received for violation of township 124383  
resolutions adopted pursuant to section 503.52 or 503.53 or 124384  
Chapter 504. of the Revised Code into the treasury of the county. 124385  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 124386  
Code and to any other section of the Revised Code that requires a 124387  
specific manner of disbursement of any moneys received by a 124388  
municipal court, the clerk shall pay all fines collected for the 124389  
violation of state laws into the county treasury. Except in a 124390  
county-operated municipal court, the clerk shall pay all costs and 124391  
fees the disbursement of which is not otherwise provided for in 124392  
the Revised Code into the city treasury. The clerk of a 124393  
county-operated municipal court shall pay the costs and fees the 124394  
disbursement of which is not otherwise provided for in the Revised 124395  
Code into the county treasury. Moneys deposited as security for 124396  
costs shall be retained pending the litigation. The clerk shall 124397  
keep a separate account of all receipts and disbursements in civil 124398  
and criminal cases, which shall be a permanent public record of 124399  
the office. On the expiration of the term of the clerk, the clerk 124400  
shall deliver the records to the clerk's successor. The clerk 124401  
shall have other powers and duties as are prescribed by rule or 124402  
order of the court. 124403

(G) All moneys paid into a municipal court shall be noted on 124404  
the record of the case in which they are paid and shall be 124405  
deposited in a state or national bank, ~~or a domestic savings and~~ 124406  
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 124407  
Revised Code, that is selected by the clerk. Any interest received 124408  
upon the deposits shall be paid into the city treasury, except 124409  
that, in a county-operated municipal court, the interest shall be 124410  
paid into the treasury of the county in which the court is 124411

located. 124412

On the first Monday in January of each year, the clerk shall 124413  
make a list of the titles of all cases in the court that were 124414  
finally determined more than one year past in which there remains 124415  
unclaimed in the possession of the clerk any funds, or any part of 124416  
a deposit for security of costs not consumed by the costs in the 124417  
case. The clerk shall give notice of the moneys to the parties who 124418  
are entitled to the moneys or to their attorneys of record. All 124419  
the moneys remaining unclaimed on the first day of April of each 124420  
year shall be paid by the clerk to the city treasurer, except 124421  
that, in a county-operated municipal court, the moneys shall be 124422  
paid to the treasurer of the county in which the court is located. 124423  
The treasurer shall pay any part of the moneys at any time to the 124424  
person who has the right to the moneys upon proper certification 124425  
of the clerk. 124426

(H) Deputy clerks of a municipal court other than the Carroll 124427  
county municipal court may be appointed by the clerk and shall 124428  
receive the compensation, payable in either biweekly installments 124429  
or semimonthly installments, as determined by the payroll 124430  
administrator, out of the city treasury, that the clerk may 124431  
prescribe, except that the compensation of any deputy clerk of a 124432  
county-operated municipal court shall be paid out of the treasury 124433  
of the county in which the court is located. The judge of the 124434  
Carroll county municipal court may appoint deputy clerks for the 124435  
court, and the deputy clerks shall receive the compensation, 124436  
payable in biweekly installments out of the county treasury, that 124437  
the judge may prescribe. Each deputy clerk shall take an oath of 124438  
office before entering upon the duties of the deputy clerk's 124439  
office and, when so qualified, may perform the duties appertaining 124440  
to the office of the clerk. The clerk may require any of the 124441  
deputy clerks to give bond of not less than three thousand 124442  
dollars, conditioned for the faithful performance of the deputy 124443

clerk's duties. 124444

(I) For the purposes of this section, whenever the population 124445  
of the territory of a municipal court falls below one hundred 124446  
thousand but not below ninety thousand, and the population of the 124447  
territory prior to the most recent regular federal census exceeded 124448  
one hundred thousand, the legislative authority of the municipal 124449  
corporation may declare, by resolution, that the territory shall 124450  
be considered to have a population of at least one hundred 124451  
thousand. 124452

(J) The clerk or a deputy clerk shall be in attendance at all 124453  
sessions of the municipal court, although not necessarily in the 124454  
courtroom, and may administer oaths to witnesses and jurors and 124455  
receive verdicts. 124456

**Sec. 2335.25.** Each clerk of a court of record, the sheriff, 124457  
and the prosecuting attorney shall enter in a journal or cashbook, 124458  
provided at the expense of the county, an accurate account of all 124459  
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 124460  
prosecuting attorney's official capacity, on the days of the 124461  
receipt, and in the order of time so received, with a minute of 124462  
the date and suit, or other matter, on account of which the money 124463  
was received. The cashbook shall be a public record of the office, 124464  
and shall, on the expiration of the term of each such officer, be 124465  
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 124466  
shall be the receiver of all moneys payable into ~~his~~ the clerk's 124467  
office, whether collected by public officers of court or tendered 124468  
by other persons, and, on request, shall pay the moneys to the 124469  
persons entitled to receive them. 124470

The clerk of the court of common pleas or of the county court 124471  
may deposit moneys payable into ~~his~~ the clerk's office in a bank 124472  
~~or a building and loan association~~, as defined in section ~~1151.01~~ 124473  
1101.01 of the Revised Code, subject to section 131.11 of the 124474

Revised Code. Any interest received upon the deposits shall be 124475  
paid into the treasury of the county for which the clerk performs 124476  
~~his~~ official duties. 124477

**Sec. 3351.07.** (A) For the purposes of this chapter, "approved 124478  
lender" means any bank as defined in section 1101.01 of the 124479  
Revised Code, ~~any domestic savings and loan association as defined~~ 124480  
~~in section 1151.01 of the Revised Code,~~ any credit union as 124481  
defined in section 1733.01 of the Revised Code, any federal credit 124482  
union established pursuant to federal law, any insurance company 124483  
organized or authorized to do business in this state, any pension 124484  
fund eligible under the "Higher Education Amendments of 1968," 82 124485  
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 124486  
operation designated under division (B) of this section, or any 124487  
secondary market operation established pursuant to the "Education 124488  
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 124489  
or under the laws of any state. 124490

(B) The governor may designate one nonprofit corporation 124491  
secondary market operation to be the single nonprofit private 124492  
agency designated by the state under the "Higher Education Act of 124493  
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 124494  
designation in effect on ~~the effective date of this amendment~~ 124495  
October 16, 2009, expires December 31, 2009. Each designation 124496  
after ~~the effective date of this amendment~~ October 16, 2009, shall 124497  
be made by competitive selection and shall be valid for one year. 124498  
The controlling board shall not waive the competitive selection 124499  
requirement. 124500

(C) The nonprofit corporation designated by the governor 124501  
under division (B) of this section as the private agency secondary 124502  
market operation shall be considered to be an agency of the state, 124503  
in accordance with section 435(d)(1)(F) of the "Higher Education 124504  
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 124505

amended, exclusively for the purpose of functioning as a secondary 124506  
student loan market. The corporation shall be considered a state 124507  
agency only for the purposes of this division and no other 124508  
division or section of the Revised Code regarding state agencies 124509  
shall apply to the corporation. No liability or obligation 124510  
incurred by the corporation shall be considered to be a liability 124511  
or debt of the state, nor shall the state be construed to act as 124512  
guarantor of any debt of the corporation. 124513

(D) The nonprofit corporation designated under division (B) 124514  
of this section shall designate a separate nonprofit corporation 124515  
to operate exclusively for charitable and educational purposes, 124516  
complementing and supplementing the designating corporation's 124517  
secondary market operation for student loans authorized under the 124518  
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 124519  
as amended, and promoting the general health and welfare of the 124520  
state, the public interest, and a public purpose through improving 124521  
student assistance programs by expanding access to higher 124522  
education financing programs for students and families in need of 124523  
student financial aid. In furtherance of such purposes, the 124524  
separate nonprofit corporation may do all of the following: 124525

(1) Assist educational institutions in establishing financial 124526  
aid programs to help students obtain an economical education; 124527

(2) Encourage financial institutions to increase educational 124528  
opportunities by making funds available to both students and 124529  
educational institutions; 124530

(3) Make available financial aid that supplements the 124531  
financial assistance provided by eligible and approved lenders 124532  
under state and federal programs; 124533

(4) Develop and administer programs that do all of the 124534  
following: 124535

(a) Provide financial aid and incidental student financial 124536



aid information to students and their parents or other persons 124537  
responsible for paying educational costs of those students at 124538  
educational institutions; 124539

(b) Provide financial aid and information relating to it to 124540  
and through educational institutions, enabling those institutions 124541  
to assist students financially in obtaining an education and fully 124542  
expanding their intellectual capacity and skills; 124543

(c) Better enable financial institutions to participate in 124544  
student loan programs and other forms of financial aid, assisting 124545  
students and educational institutions to increase education 124546  
excellence and accessibility. 124547

(E) The nonprofit corporation designated under authority of 124548  
division (D) of this section shall do both of the following: 124549

(1) Establish the criteria, standards, terms, and conditions 124550  
for participation by students, parents, educational institutions, 124551  
and financial institutions in that corporation's programs; 124552

(2) Provide the governor a report of its programs and a copy 124553  
of its audited financial statements not later than one hundred 124554  
eighty days after the end of each fiscal year of the corporation. 124555

No liability, obligation, or debt incurred by the corporation 124556  
designated under authority of division (D) of this section or by 124557  
any person under that corporation's programs shall be, or be 124558  
considered to be, a liability, obligation, or debt of, or a pledge 124559  
of the faith and credit of, the state, any political subdivision 124560  
of the state, or any state-supported or state-assisted institution 124561  
of higher education, nor shall the state or any political 124562  
subdivision of the state or any state-supported or state-assisted 124563  
institution of higher education be or be construed to act as an 124564  
obligor under or guarantor of any liability, obligation, or debt 124565  
of that corporation or of any person under that corporation's 124566  
programs or incur or be construed to have incurred any other 124567

liability, obligation, or debt as a result of any acts of the corporation. 124568  
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(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 124570  
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**Sec. 3767.41.** (A) As used in this section: 124575

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 124576  
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 124587  
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 124595  
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(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, daycare, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not

limited to, air quality, electrical hazards, elevators, 124630  
emergency/fire exits, flammable materials, garbage and debris, 124631  
handrail hazards, infestation, and lead-based paint, as defined in 124632  
24 C.F.R. 5.703(f). 124633

(3) "Abate" or "abatement" in connection with any building 124634  
means the removal or correction of any conditions that constitute 124635  
a public nuisance and the making of any other improvements that 124636  
are needed to effect a rehabilitation of the building that is 124637  
consistent with maintaining safe and habitable conditions over its 124638  
remaining useful life. "Abatement" does not include the closing or 124639  
boarding up of any building that is found to be a public nuisance. 124640

(4) "Interested party" means any owner, mortgagee, 124641  
lienholder, tenant, or person that possesses an interest of record 124642  
in any property that becomes subject to the jurisdiction of a 124643  
court pursuant to this section, and any applicant for the 124644  
appointment of a receiver pursuant to this section. 124645

(5) "Neighbor" means any owner of property, including, but 124646  
not limited to, any person who is purchasing property by land 124647  
installment contract or under a duly executed purchase contract, 124648  
that is located within five hundred feet of any property that 124649  
becomes subject to the jurisdiction of a court pursuant to this 124650  
section, and any occupant of a building that is so located. 124651

(6) "Tenant" has the same meaning as in section 5321.01 of 124652  
the Revised Code. 124653

(7) "Subsidized housing" means a property consisting of more 124654  
than four dwelling units that, in whole or in part, receives 124655  
project-based assistance pursuant to a contract under any of the 124656  
following federal housing programs: 124657

(a) The new construction or substantial rehabilitation 124658  
program under section 8(b)(2) of the "United States Housing Act of 124659  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 124660

that program was in effect immediately before the first day of 124661  
October, 1983; 124662

(b) The moderate rehabilitation program under section 8(e)(2) 124663  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124664  
Stat. 888, 42 U.S.C. 1437f(e)(2); 124665

(c) The loan management assistance program under section 8 of 124666  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124667  
Stat. 888, 42 U.S.C. 1437f; 124668

(d) The rent supplement program under section 101 of the 124669  
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 124670  
79 Stat. 667, 12 U.S.C. 1701s; 124671

(e) Section 8 of the "United States Housing Act of 1937," 124672  
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 124673  
conversion from assistance under section 101 of the "Housing and 124674  
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 124675  
12 U.S.C. 1701s; 124676

(f) The program of supportive housing for the elderly under 124677  
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 124678  
Stat. 654, 12 U.S.C. 1701q; 124679

(g) The program of supportive housing for persons with 124680  
disabilities under section 811 of the "National Affordable Housing 124681  
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 124682

(h) The rental assistance program under section 521 of the 124683  
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 124684  
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 124685  
1490a. 124686

(8) "Project-based assistance" means the assistance is 124687  
attached to the property and provides rental assistance only on 124688  
behalf of tenants who reside in that property. 124689

(9) "Landlord" has the same meaning as in section 5321.01 of 124690

the Revised Code. 124691

(B)(1)(a) In any civil action to enforce any local building, 124692  
housing, air pollution, sanitation, health, fire, zoning, or 124693  
safety code, ordinance, resolution, or regulation applicable to 124694  
buildings, that is commenced in a court of common pleas, municipal 124695  
court, housing or environmental division of a municipal court, or 124696  
county court, or in any civil action for abatement commenced in a 124697  
court of common pleas, municipal court, housing or environmental 124698  
division of a municipal court, or county court, by a municipal 124699  
corporation or township in which the building involved is located, 124700  
by any neighbor, tenant, or by a nonprofit corporation that is 124701  
duly organized and has as one of its goals the improvement of 124702  
housing conditions in the county or municipal corporation in which 124703  
the building involved is located, if a building is alleged to be a 124704  
public nuisance, the municipal corporation, township, neighbor, 124705  
tenant, or nonprofit corporation may apply in its complaint for an 124706  
injunction or other order as described in division (C)(1) of this 124707  
section, or for the relief described in division (C)(2) of this 124708  
section, including, if necessary, the appointment of a receiver as 124709  
described in divisions (C)(2) and (3) of this section, or for both 124710  
such an injunction or other order and such relief. The municipal 124711  
corporation, township, neighbor, tenant, or nonprofit corporation 124712  
commencing the action is not liable for the costs, expenses, and 124713  
fees of any receiver appointed pursuant to divisions (C)(2) and 124714  
(3) of this section. 124715

(b) Prior to commencing a civil action for abatement when the 124716  
property alleged to be a public nuisance is subsidized housing, 124717  
the municipal corporation, township, neighbor, tenant, or 124718  
nonprofit corporation commencing the action shall provide the 124719  
landlord of that property with written notice that specifies one 124720  
or more defective conditions that constitute a public nuisance as 124721  
that term applies to subsidized housing and states that if the 124722

landlord fails to remedy the condition within sixty days of the 124723  
service of the notice, a claim pursuant to this section may be 124724  
brought on the basis that the property constitutes a public 124725  
nuisance in subsidized housing. Any party authorized to bring an 124726  
action against the landlord shall make reasonable attempts to 124727  
serve the notice in the manner prescribed in the Rules of Civil 124728  
Procedure to the landlord or the landlord's agent for the property 124729  
at the property's management office, or at the place where the 124730  
tenants normally pay or send rent. If the landlord is not the 124731  
owner of record, the party bringing the action shall make a 124732  
reasonable attempt to serve the owner. If the owner does not 124733  
receive service the person bringing the action shall certify the 124734  
attempts to serve the owner. 124735

(2)(a) In a civil action described in division (B)(1) of this 124736  
section, a copy of the complaint and a notice of the date and time 124737  
of a hearing on the complaint shall be served upon the owner of 124738  
the building and all other interested parties in accordance with 124739  
the Rules of Civil Procedure. If certified mail service, personal 124740  
service, or residence service of the complaint and notice is 124741  
refused or certified mail service of the complaint and notice is 124742  
not claimed, and if the municipal corporation, township, neighbor, 124743  
tenant, or nonprofit corporation commencing the action makes a 124744  
written request for ordinary mail service of the complaint and 124745  
notice, or uses publication service, in accordance with the Rules 124746  
of Civil Procedure, then a copy of the complaint and notice shall 124747  
be posted in a conspicuous place on the building. 124748

(b) The judge in a civil action described in division (B)(1) 124749  
of this section shall conduct a hearing at least twenty-eight days 124750  
after the owner of the building and the other interested parties 124751  
have been served with a copy of the complaint and the notice of 124752  
the date and time of the hearing in accordance with division 124753  
(B)(2)(a) of this section. 124754

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,



unless the judge, for good cause shown, extends the time for compliance. 124788  
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(2) If the judge in a civil action described in division 124790  
(B)(1) of this section finds at the hearing required by division 124791  
(B)(2) of this section that the building involved is a public 124792  
nuisance, if the judge additionally determines that the owner of 124793  
the building previously has been afforded a reasonable opportunity 124794  
to abate the public nuisance and has refused or failed to do so, 124795  
and if the complaint of the municipal corporation, township, 124796  
neighbor, tenant, or nonprofit corporation commencing the action 124797  
requested relief as described in this division, then the judge 124798  
shall offer any mortgagee, lienholder, or other interested party 124799  
associated with the property on which the building is located, in 124800  
the order of the priority of interest in title, the opportunity to 124801  
undertake the work and to furnish the materials necessary to abate 124802  
the public nuisance. Prior to selecting any interested party, the 124803  
judge shall require the interested party to demonstrate the 124804  
ability to promptly undertake the work and furnish the materials 124805  
required, to provide the judge with a viable financial and 124806  
construction plan for the rehabilitation of the building as 124807  
described in division (D) of this section, and to post security 124808  
for the performance of the work and the furnishing of the 124809  
materials. 124810

If the judge determines, at the hearing, that no interested 124811  
party is willing or able to undertake the work and to furnish the 124812  
materials necessary to abate the public nuisance, or if the judge 124813  
determines, at any time after the hearing, that any party who is 124814  
undertaking corrective work pursuant to this division cannot or 124815  
will not proceed, or has not proceeded with due diligence, the 124816  
judge may appoint a receiver pursuant to division (C)(3) of this 124817  
section to take possession and control of the building. 124818

(3)(a) The judge in a civil action described in division 124819

(B)(1) of this section shall not appoint any person as a receiver 124820  
unless the person first has provided the judge with a viable 124821  
financial and construction plan for the rehabilitation of the 124822  
building involved as described in division (D) of this section and 124823  
has demonstrated the capacity and expertise to perform the 124824  
required work and to furnish the required materials in a 124825  
satisfactory manner. An appointed receiver may be a financial 124826  
institution that possesses an interest of record in the building 124827  
or the property on which it is located, a nonprofit corporation as 124828  
described in divisions (B)(1) and (C)(3)(b) of this section, 124829  
including, but not limited to, a nonprofit corporation that 124830  
commenced the action described in division (B)(1) of this section, 124831  
or any other qualified property manager. 124832

(b) To be eligible for appointment as a receiver, no part of 124833  
the net earnings of a nonprofit corporation shall inure to the 124834  
benefit of any private shareholder or individual. Membership on 124835  
the board of trustees of a nonprofit corporation appointed as a 124836  
receiver does not constitute the holding of a public office or 124837  
employment within the meaning of sections 731.02 and 731.12 or any 124838  
other section of the Revised Code and does not constitute a direct 124839  
or indirect interest in a contract or expenditure of money by any 124840  
municipal corporation. A member of a board of trustees of a 124841  
nonprofit corporation appointed as a receiver shall not be 124842  
disqualified from holding any public office or employment, and 124843  
shall not forfeit any public office or employment, by reason of 124844  
membership on the board of trustees, notwithstanding any law to 124845  
the contrary. 124846

(D) Prior to ordering any work to be undertaken, or the 124847  
furnishing of any materials, to abate a public nuisance under this 124848  
section, the judge in a civil action described in division (B)(1) 124849  
of this section shall review the submitted financial and 124850  
construction plan for the rehabilitation of the building involved 124851

and, if it specifies all of the following, shall approve that 124852  
plan: 124853

(1) The estimated cost of the labor, materials, and any other 124854  
development costs that are required to abate the public nuisance; 124855

(2) The estimated income and expenses of the building and the 124856  
property on which it is located after the furnishing of the 124857  
materials and the completion of the repairs and improvements; 124858

(3) The terms, conditions, and availability of any financing 124859  
that is necessary to perform the work and to furnish the 124860  
materials; 124861

(4) If repair and rehabilitation of the building are found 124862  
not to be feasible, the cost of demolition of the building or of 124863  
the portions of the building that constitute the public nuisance. 124864

(E) Upon the written request of any of the interested parties 124865  
to have a building, or portions of a building, that constitute a 124866  
public nuisance demolished because repair and rehabilitation of 124867  
the building are found not to be feasible, the judge may order the 124868  
demolition. However, the demolition shall not be ordered unless 124869  
the requesting interested parties have paid the costs of 124870  
demolition and, if any, of the receivership, and, if any, all 124871  
notes, certificates, mortgages, and fees of the receivership. 124872

(F) Before proceeding with the duties of receiver, any 124873  
receiver appointed by the judge in a civil action described in 124874  
division (B)(1) of this section may be required by the judge to 124875  
post a bond in an amount fixed by the judge, but not exceeding the 124876  
value of the building involved as determined by the judge. 124877

The judge may empower the receiver to do any or all of the 124878  
following: 124879

(1) Take possession and control of the building and the 124880  
property on which it is located, operate and manage the building 124881

and the property, establish and collect rents and income, lease	124882
and rent the building and the property, and evict tenants;	124883
(2) Pay all expenses of operating and conserving the building	124884
and the property, including, but not limited to, the cost of	124885
electricity, gas, water, sewerage, heating fuel, repairs and	124886
supplies, custodian services, taxes and assessments, and insurance	124887
premiums, and hire and pay reasonable compensation to a managing	124888
agent;	124889
(3) Pay pre-receivership mortgages or installments of them	124890
and other liens;	124891
(4) Perform or enter into contracts for the performance of	124892
all work and the furnishing of materials necessary to abate, and	124893
obtain financing for the abatement of, the public nuisance;	124894
(5) Pursuant to court order, remove and dispose of any	124895
personal property abandoned, stored, or otherwise located in or on	124896
the building and the property that creates a dangerous or unsafe	124897
condition or that constitutes a violation of any local building,	124898
housing, air pollution, sanitation, health, fire, zoning, or	124899
safety code, ordinance, or regulation;	124900
(6) Obtain mortgage insurance for any receiver's mortgage	124901
from any agency of the federal government;	124902
(7) Enter into any agreement and do those things necessary to	124903
maintain and preserve the building and the property and comply	124904
with all local building, housing, air pollution, sanitation,	124905
health, fire, zoning, or safety codes, ordinances, resolutions,	124906
and regulations;	124907
(8) Give the custody of the building and the property, and	124908
the opportunity to abate the nuisance and operate the property, to	124909
its owner or any mortgagee or lienholder of record;	124910
(9) Issue notes and secure them by a mortgage bearing	124911

interest, and upon terms and conditions, that the judge approves. 124912  
When sold or transferred by the receiver in return for valuable 124913  
consideration in money, material, labor, or services, the notes or 124914  
certificates shall be freely transferable. Any mortgages granted 124915  
by the receiver shall be superior to any claims of the receiver. 124916  
Priority among the receiver's mortgages shall be determined by the 124917  
order in which they are recorded. 124918

(G) A receiver appointed pursuant to this section is not 124919  
personally liable except for misfeasance, malfeasance, or 124920  
nonfeasance in the performance of the functions of the office of 124921  
receiver. 124922

(H)(1) The judge in a civil action described in division 124923  
(B)(1) of this section may assess as court costs, the expenses 124924  
described in division (F)(2) of this section, and may approve 124925  
receiver's fees to the extent that they are not covered by the 124926  
income from the property. Subject to that limitation, a receiver 124927  
appointed pursuant to divisions (C)(2) and (3) of this section is 124928  
entitled to receive fees in the same manner and to the same extent 124929  
as receivers appointed in actions to foreclose mortgages. 124930

(2)(a) Pursuant to the police powers vested in the state, all 124931  
expenditures of a mortgagee, lienholder, or other interested party 124932  
that has been selected pursuant to division (C)(2) of this section 124933  
to undertake the work and to furnish the materials necessary to 124934  
abate a public nuisance, and any expenditures in connection with 124935  
the foreclosure of the lien created by this division, is a first 124936  
lien upon the building involved and the property on which it is 124937  
located and is superior to all prior and subsequent liens or other 124938  
encumbrances associated with the building or the property, 124939  
including, but not limited to, those for taxes and assessments, 124940  
upon the occurrence of both of the following: 124941

(i) The prior approval of the expenditures by, and the entry 124942  
of a judgment to that effect by, the judge in the civil action 124943

described in division (B)(1) of this section; 124944

(ii) The recordation of a certified copy of the judgment 124945  
entry and a sufficient description of the property on which the 124946  
building is located with the county recorder in the county in 124947  
which the property is located within sixty days after the date of 124948  
the entry of the judgment. 124949

(b) Pursuant to the police powers vested in the state, all 124950  
expenses and other amounts paid in accordance with division (F) of 124951  
this section by a receiver appointed pursuant to divisions (C)(2) 124952  
and (3) of this section, the amounts of any notes issued by the 124953  
receiver in accordance with division (F) of this section, all 124954  
mortgages granted by the receiver in accordance with that 124955  
division, the fees of the receiver approved pursuant to division 124956  
(H)(1) of this section, and any amounts expended in connection 124957  
with the foreclosure of a mortgage granted by the receiver in 124958  
accordance with division (F) of this section or with the 124959  
foreclosure of the lien created by this division, are a first lien 124960  
upon the building involved and the property on which it is located 124961  
and are superior to all prior and subsequent liens or other 124962  
encumbrances associated with the building or the property, 124963  
including, but not limited to, those for taxes and assessments, 124964  
upon the occurrence of both of the following: 124965

(i) The approval of the expenses, amounts, or fees by, and 124966  
the entry of a judgment to that effect by, the judge in the civil 124967  
action described in division (B)(1) of this section; or the 124968  
approval of the mortgages in accordance with division (F)(9) of 124969  
this section by, and the entry of a judgment to that effect by, 124970  
that judge; 124971

(ii) The recordation of a certified copy of the judgment 124972  
entry and a sufficient description of the property on which the 124973  
building is located, or, in the case of a mortgage, the 124974  
recordation of the mortgage, a certified copy of the judgment 124975

entry, and such a description, with the county recorder of the 124976  
county in which the property is located within sixty days after 124977  
the date of the entry of the judgment. 124978

(c) Priority among the liens described in divisions (H)(2)(a) 124979  
and (b) of this section shall be determined as described in 124980  
division (I) of this section. Additionally, the creation pursuant 124981  
to this section of a mortgage lien that is prior to or superior to 124982  
any mortgage of record at the time the mortgage lien is so 124983  
created, does not disqualify the mortgage of record as a legal 124984  
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 124985  
the Revised Code. 124986

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 124987  
and (3) of this section files with the judge in the civil action 124988  
described in division (B)(1) of this section a report indicating 124989  
that the public nuisance has been abated, if the judge confirms 124990  
that the receiver has abated the public nuisance, and if the 124991  
receiver or any interested party requests the judge to enter an 124992  
order directing the receiver to sell the building and the property 124993  
on which it is located, the judge may enter that order after 124994  
holding a hearing as described in division (I)(2) of this section 124995  
and otherwise complying with that division. 124996

(2)(a) The receiver or interested party requesting an order 124997  
as described in division (I)(1) of this section shall cause a 124998  
notice of the date and time of a hearing on the request to be 124999  
served on the owner of the building involved and all other 125000  
interested parties in accordance with division (B)(2)(a) of this 125001  
section. The judge in the civil action described in division 125002  
(B)(1) of this section shall conduct the scheduled hearing. At the 125003  
hearing, if the owner or any interested party objects to the sale 125004  
of the building and the property, the burden of proof shall be 125005  
upon the objecting person to establish, by a preponderance of the 125006  
evidence, that the benefits of not selling the building and the 125007

property outweigh the benefits of selling them. If the judge 125008  
determines that there is no objecting person, or if the judge 125009  
determines that there is one or more objecting persons but no 125010  
objecting person has sustained the burden of proof specified in 125011  
this division, the judge may enter an order directing the receiver 125012  
to offer the building and the property for sale upon terms and 125013  
conditions that the judge shall specify. 125014

(b) In any sale of subsidized housing that is ordered 125015  
pursuant to this section, the judge shall specify that the 125016  
subsidized housing not be conveyed unless that conveyance complies 125017  
with applicable federal law and applicable program contracts for 125018  
that housing. Any such conveyance shall be subject to the 125019  
condition that the purchaser enter into a contract with the 125020  
department of housing and urban development or the rural housing 125021  
service of the federal department of agriculture under which the 125022  
property continues to be subsidized housing and the owner 125023  
continues to operate that property as subsidized housing unless 125024  
the secretary of housing and urban development or the 125025  
administrator of the rural housing service terminates that 125026  
property's contract prior to or upon the conveyance of the 125027  
property. 125028

(3) If a sale of a building and the property on which it is 125029  
located is ordered pursuant to divisions (I)(1) and (2) of this 125030  
section and if the sale occurs in accordance with the terms and 125031  
conditions specified by the judge in the judge's order of sale, 125032  
then the receiver shall distribute the proceeds of the sale and 125033  
the balance of any funds that the receiver may possess, after the 125034  
payment of the costs of the sale, in the following order of 125035  
priority and in the described manner: 125036

(a) First, in satisfaction of any notes issued by the 125037  
receiver pursuant to division (F) of this section, in their order 125038  
of priority; 125039



(b) Second, any unreimbursed expenses and other amounts paid 125040  
in accordance with division (F) of this section by the receiver, 125041  
and the fees of the receiver approved pursuant to division (H)(1) 125042  
of this section; 125043

(c) Third, all expenditures of a mortgagee, lienholder, or 125044  
other interested party that has been selected pursuant to division 125045  
(C)(2) of this section to undertake the work and to furnish the 125046  
materials necessary to abate a public nuisance, provided that the 125047  
expenditures were approved as described in division (H)(2)(a) of 125048  
this section and provided that, if any such interested party 125049  
subsequently became the receiver, its expenditures shall be paid 125050  
prior to the expenditures of any of the other interested parties 125051  
so selected; 125052

(d) Fourth, the amount due for delinquent taxes, assessments, 125053  
charges, penalties, and interest owed to this state or a political 125054  
subdivision of this state, provided that, if the amount available 125055  
for distribution pursuant to division (I)(3)(d) of this section is 125056  
insufficient to pay the entire amount of those taxes, assessments, 125057  
charges, penalties, and interest, the proceeds and remaining funds 125058  
shall be paid to each claimant in proportion to the amount of 125059  
those taxes, assessments, charges, penalties, and interest that 125060  
each is due. 125061

(e) The amount of any pre-receivership mortgages, liens, or 125062  
other encumbrances, in their order of priority. 125063

(4) Following a distribution in accordance with division 125064  
(I)(3) of this section, the receiver shall request the judge in 125065  
the civil action described in division (B)(1) of this section to 125066  
enter an order terminating the receivership. If the judge 125067  
determines that the sale of the building and the property on which 125068  
it is located occurred in accordance with the terms and conditions 125069  
specified by the judge in the judge's order of sale under division 125070  
(I)(2) of this section and that the receiver distributed the 125071

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 125103  
assessments, charges, penalties, and interest owed to this state 125104  
or any political subdivision of this state, that could not be 125105  
satisfied from the proceeds of the sale and the remaining funds in 125106  
the receiver's possession pursuant to the distribution under 125107  
division (I)(3) of this section. All other liens and encumbrances 125108  
with respect to the building and the property shall survive the 125109  
sale, including, but not limited to, a federal tax lien notice 125110  
properly filed in accordance with section 317.09 of the Revised 125111  
Code prior to the time of the sale, and the easements and 125112  
covenants of record running with the property that were created 125113  
prior to the time of the sale. 125114

(L)(1) Nothing in this section shall be construed as a 125115  
limitation upon the powers granted to a court of common pleas, a 125116  
municipal court or a housing or environmental division of a 125117  
municipal court under Chapter 1901. of the Revised Code, or a 125118  
county court under Chapter 1907. of the Revised Code. 125119

(2) The monetary and other limitations specified in Chapters 125120  
1901. and 1907. of the Revised Code upon the jurisdiction of 125121  
municipal and county courts, and of housing or environmental 125122  
divisions of municipal courts, in civil actions do not operate as 125123  
limitations upon any of the following: 125124

(a) Expenditures of a mortgagee, lienholder, or other 125125  
interested party that has been selected pursuant to division 125126  
(C)(2) of this section to undertake the work and to furnish the 125127  
materials necessary to abate a public nuisance; 125128

(b) Any notes issued by a receiver pursuant to division (F) 125129  
of this section; 125130

(c) Any mortgage granted by a receiver in accordance with 125131  
division (F) of this section; 125132

(d) Expenditures in connection with the foreclosure of a 125133

mortgage granted by a receiver in accordance with division (F) of 125134  
this section; 125135

(e) The enforcement of an order of a judge entered pursuant 125136  
to this section; 125137

(f) The actions that may be taken pursuant to this section by 125138  
a receiver or a mortgagee, lienholder, or other interested party 125139  
that has been selected pursuant to division (C)(2) of this section 125140  
to undertake the work and to furnish the materials necessary to 125141  
abate a public nuisance. 125142

(3) A judge in a civil action described in division (B)(1) of 125143  
this section, or the judge's successor in office, has continuing 125144  
jurisdiction to review the condition of any building that was 125145  
determined to be a public nuisance pursuant to this section. 125146

(4) Nothing in this section shall be construed to limit or 125147  
prohibit a municipal corporation or township that has filed with 125148  
the superintendent of insurance a certified copy of an adopted 125149  
resolution, ordinance, or regulation authorizing the procedures 125150  
described in divisions (C) and (D) of section 3929.86 of the 125151  
Revised Code from receiving insurance proceeds under section 125152  
3929.86 of the Revised Code. 125153

**Sec. 4303.293.** (A) Any person making application concerning a 125154  
permit to conduct a business for which a permit is required under 125155  
this chapter shall list on the application the name and address of 125156  
each person having a legal or beneficial interest in the ownership 125157  
of the business, including contracts for purchase on an 125158  
installment basis. If any person is a corporation or limited 125159  
liability company, the applicant shall list the names of each 125160  
officer of the corporation; the names of each officer of the 125161  
limited liability company, if the limited liability company has 125162  
officers, and the names of the managing members of the company or 125163  
the managers of the company, if the management of the company is 125164

not reserved to its members; the names of each person owning or 125165  
controlling five per cent or more of the capital stock of the 125166  
corporation; and the names of each person owning or controlling 125167  
five per cent or more of either the voting interests or membership 125168  
interests in the limited liability company. If any person is a 125169  
partnership or association, the applicant shall list the names of 125170  
each partner or member of the association. Any person having a 125171  
legal or beneficial interest in the ownership of the business, 125172  
other than a bank as defined in section 1101.01 of the Revised 125173  
Code ~~or a building and loan association as defined in section~~ 125174  
~~1151.01 of the Revised Code~~, shall notify the division of liquor 125175  
control of the interest, including contracts for purchase on an 125176  
installment basis, occurring after the application for, or the 125177  
issuance of, the permit. The notification shall be given within 125178  
fifteen days of the change. Whenever the person to whom a permit 125179  
has been issued is a corporation or limited liability company and 125180  
any transfer of that corporation's stock or that limited liability 125181  
company's membership interests is proposed such that, following 125182  
the transfer, the owner of the majority or plurality of shares of 125183  
stock in the corporation would change or the owner of the majority 125184  
or plurality of the limited liability company's membership 125185  
interests would change, the proposed transfer of stock or 125186  
membership interests shall be considered a proposed transfer of 125187  
ownership of the permit, and application shall be made to the 125188  
division of liquor control for a transfer of ownership. The 125189  
application shall be subject to the notice and hearing 125190  
requirements of section 4303.26 of the Revised Code and to the 125191  
restrictions imposed by section 4303.29 and division (A)(1) of 125192  
section 4303.292 of the Revised Code. 125193

(B) Whoever violates this section is guilty of a misdemeanor 125194  
of the first degree. 125195

**Sec. 5814.01.** As used in sections 5814.01 to 5814.10 of the 125196

Revised Code, unless the context otherwise requires:	125197
(A) "Benefit plan" means any plan of an employer for the benefit of any employee, any plan for the benefit of any partner, or any plan for the benefit of a proprietor, and includes, but is not limited to, any pension, retirement, death benefit, deferred compensation, employment agency, stock bonus, option, or profit-sharing contract, plan, system, account, or trust.	125198 125199 125200 125201 125202 125203
(B) "Broker" means a person that is lawfully engaged in the business of effecting transactions in securities for the account of others. A "broker" includes a financial institution that effects such transactions and a person who is lawfully engaged in buying and selling securities for the person's own account, through a broker or otherwise, as a part of a regular business.	125204 125205 125206 125207 125208 125209
(C) "Court" means the probate court.	125210
(D) "The custodial property" includes:	125211
(1) All securities, money, life or endowment insurance policies, annuity contracts, benefit plans, real estate, tangible and intangible personal property, proceeds of a life or endowment insurance policy, an annuity contract, or a benefit plan, and other types of property under the supervision of the same custodian for the same minor as a consequence of a transfer or transfers made to the minor, a gift or gifts made to the minor, or a purchase made by the custodian for the minor, in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code;	125212 125213 125214 125215 125216 125217 125218 125219 125220
(2) The income from the custodial property;	125221
(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, or other disposition of the securities, money, life or endowment insurance policies, annuity contracts, benefit plans, real estate, tangible and intangible personal property, proceeds of a life or endowment	125222 125223 125224 125225 125226

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 125227  
125228

(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 125229  
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 125232  
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 125238  
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 125241  
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 125248  
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 125251  
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 125254  
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.



(P) "Trust company" means a financial institution that is 125288  
authorized to exercise trust powers. 125289

(Q) "Administrator" includes an "administrator with the will 125290  
annexed. 125291

**Section 130.22.** That existing sections 102.02, 109.572, 125292  
111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 125293  
135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 125294  
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1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the 125321  
Revised Code are hereby repealed. 125322

**Section 130.23.** That sections 1105.06, 1107.01, 1109.60, 125323  
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1165.30, 1165.33, 1181.16, 1181.17, and 1181.18 of the Revised 125370  
Code are hereby repealed. 125371

**Section 130.24.** Notwithstanding section 1123.01 of the 125372  
Revised Code, as amended by this act, both of the following apply: 125373

(A) The appointed members who are serving on the Banking 125374  
Commission as of the effective date of this section shall serve 125375  
until the end of the term for which the member was appointed. The 125376  
terms of office set forth in division (B) of that section and the 125377  
qualifications for membership set forth in division (D) of that 125378  
section shall first apply to the members appointed on or after the 125379  
effective date of this section. 125380

(B) The Banking Commission shall, on the effective date of 125381  
this section, additionally consist of the six members appointed to 125382

the Savings and Loan Associations and Savings Banks Board under 125383  
section 1181.16 of the Revised Code. Each such member shall serve 125384  
until the end of the term for which the member was appointed. 125385

**Section 130.25.** CASH TRANSFER FROM SAVINGS INSTITUTIONS FUND 125386

On the effective date of this section, or as soon as possible 125387  
thereafter, the Director of Budget and Management, upon the 125388  
written request of the Director of Commerce, may transfer the cash 125389  
balance in the Savings Institutions Fund (Fund 5450) to the Banks 125390  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 125391  
hereby abolished. 125392

**Section 130.26.** Sections 130.21, 130.22, 130.23, 130.24, 125393  
130.25, and 130.26 of this act, except for sections 135.182, 125394  
1121.24, 1121.29, 1121.30, and 1123.03 of the Revised Code, take 125395  
effect January 1, 2018. Sections 135.182, 1121.24, 1121.29, 125396  
1121.30, and 1123.03 of the Revised Code, as amended or enacted by 125397  
Sections 130.21 and 130.22 of this act, take effect at the 125398  
earliest time permitted by law. 125399

**Section 130.27.** Section 1121.02 of the Revised Code is 125400  
presented in this act as a composite of the section as amended by 125401  
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 125402  
Assembly. The General Assembly, applying the principle stated in 125403  
division (B) of section 1.52 of the Revised Code that amendments 125404  
are to be harmonized if reasonably capable of simultaneous 125405  
operation, finds that the composite is the resulting version of 125406  
the section in effect prior to the effective date of the section 125407  
as presented in this act. 125408

**Section 135.10.** That sections 173.501, 173.521, 173.542, 125409  
1347.08, 2317.54, 4715.36, 5101.60, 5101.99, 5123.61, and 5126.31 125410  
be amended; sections 5101.61 (5101.63), 5101.611 (5101.64), 125411

5101.612 (5101.631), 5101.62 (5101.65), 5101.622 (5101.652), 125412  
5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 125413  
(5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 125414  
(5101.70), 5101.691 (5101.701), 5101.692 (5101.702), 5101.70 125415  
(5101.71), 5101.71 (5101.61), and 5101.72 (5101.611) be amended 125416  
for the purpose of adopting new section numbers as indicated in 125417  
parentheses; and new section 5101.62 and sections 5101.632, 125418  
5101.73, 5101.74, and 5101.741 of the Revised Code be enacted to 125419  
read as follows: 125420

**Sec. 173.501.** (A) As used in this section: 125421

"Nursing facility" has the same meaning as in section 5165.01 125422  
of the Revised Code. 125423

"PACE provider" has the same meaning as in the "Social 125424  
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 125425

(B) The department of aging shall establish a home first 125426  
component of the PACE program under which eligible individuals may 125427  
be enrolled in the PACE program in accordance with this section. 125428  
An individual is eligible for the PACE program's home first 125429  
component if both of the following apply: 125430

(1) The individual has been determined to be eligible for the 125431  
PACE program. 125432

(2) At least one of the following applies: 125433

(a) The individual has been admitted to a nursing facility. 125434

(b) A physician has determined and documented in writing that 125435  
the individual has a medical condition that, unless the individual 125436  
is enrolled in home and community-based services such as the PACE 125437  
program, will require the individual to be admitted to a nursing 125438  
facility within thirty days of the physician's determination. 125439

(c) The individual has been hospitalized and a physician has 125440  
determined and documented in writing that, unless the individual 125441

is enrolled in home and community-based services such as the PACE 125442  
program, the individual is to be transported directly from the 125443  
hospital to a nursing facility and admitted. 125444

(d) Both of the following apply: 125445

(i) The individual is the subject of a report made under 125446  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 125447  
neglect, or exploitation or such a report referred to a county 125448  
department of job and family services under section 5126.31 of the 125449  
Revised Code or has made a request to a county department for 125450  
protective services as defined in section 5101.60 of the Revised 125451  
Code. 125452

(ii) A county department of job and family services and an 125453  
area agency on aging have jointly documented in writing that, 125454  
unless the individual is enrolled in home and community-based 125455  
services such as the PACE program, the individual should be 125456  
admitted to a nursing facility. 125457

(C) Each month, the department of aging shall identify 125458  
individuals who are eligible for the home first component of the 125459  
PACE program. When the department identifies such an individual, 125460  
the department shall notify the PACE provider serving the area in 125461  
which the individual resides. The PACE provider shall determine 125462  
whether the PACE program is appropriate for the individual and 125463  
whether the individual would rather participate in the PACE 125464  
program than continue or begin to reside in a nursing facility. If 125465  
the PACE provider determines that the PACE program is appropriate 125466  
for the individual and the individual would rather participate in 125467  
the PACE program than continue or begin to reside in a nursing 125468  
facility, the PACE provider shall so notify the department of 125469  
aging. On receipt of the notice from the PACE provider, the 125470  
department of aging shall approve the individual's enrollment in 125471  
the PACE program in accordance with priorities established in 125472  
rules adopted under section 173.50 of the Revised Code. 125473

**Sec. 173.521.** (A) Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible for the PASSPORT program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the PASSPORT program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised

Code. 125504

(ii) A county department of job and family services and an 125505  
area agency on aging have jointly documented in writing that, 125506  
unless the individual is enrolled in home and community-based 125507  
services such as the PASSPORT program, the individual should be 125508  
admitted to a nursing facility. 125509

(B) Each month, each area agency on aging shall identify 125510  
individuals residing in the area that the agency serves who are 125511  
eligible for the home first component of the PASSPORT program. 125512  
When an area agency on aging identifies such an individual, the 125513  
agency shall notify the long-term care consultation program 125514  
administrator serving the area in which the individual resides. 125515  
The administrator shall determine whether the PASSPORT program is 125516  
appropriate for the individual and whether the individual would 125517  
rather participate in the PASSPORT program than continue or begin 125518  
to reside in a nursing facility. If the administrator determines 125519  
that the PASSPORT program is appropriate for the individual and 125520  
the individual would rather participate in the PASSPORT program 125521  
than continue or begin to reside in a nursing facility, the 125522  
administrator shall so notify the department of aging. On receipt 125523  
of the notice from the administrator, the department shall approve 125524  
the individual's enrollment in the medicaid-funded component of 125525  
the PASSPORT program regardless of the unified waiting list 125526  
established under section 173.55 of the Revised Code, unless the 125527  
enrollment would cause the component to exceed any limit on the 125528  
number of individuals who may be enrolled in the component as set 125529  
by the United States secretary of health and human services in the 125530  
PASSPORT waiver. 125531

**Sec. 173.542.** (A) Unless the medicaid-funded component of the 125532  
assisted living program is terminated pursuant to division (C) of 125533  
section 173.54 of the Revised Code, the department of aging shall 125534



establish a home first component of the assisted living program 125535  
under which eligible individuals may be enrolled in the 125536  
medicaid-funded component of the assisted living program in 125537  
accordance with this section. An individual is eligible for the 125538  
assisted living program's home first component if both of the 125539  
following apply: 125540

(1) The individual has been determined to be eligible for the 125541  
medicaid-funded component of the assisted living program. 125542

(2) At least one of the following applies: 125543

(a) The individual has been admitted to a nursing facility. 125544

(b) A physician has determined and documented in writing that 125545  
the individual has a medical condition that, unless the individual 125546  
is enrolled in home and community-based services such as the 125547  
assisted living program, will require the individual to be 125548  
admitted to a nursing facility within thirty days of the 125549  
physician's determination. 125550

(c) The individual has been hospitalized and a physician has 125551  
determined and documented in writing that, unless the individual 125552  
is enrolled in home and community-based services such as the 125553  
assisted living program, the individual is to be transported 125554  
directly from the hospital to a nursing facility and admitted. 125555

(d) Both of the following apply: 125556

(i) The individual is the subject of a report made under 125557  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 125558  
neglect, or exploitation or such a report referred to a county 125559  
department of job and family services under section 5126.31 of the 125560  
Revised Code or has made a request to a county department for 125561  
protective services as defined in section 5101.60 of the Revised 125562  
Code. 125563

(ii) A county department of job and family services and an 125564

area agency on aging have jointly documented in writing that, 125565  
unless the individual is enrolled in home and community-based 125566  
services such as the assisted living program, the individual 125567  
should be admitted to a nursing facility. 125568

(B) Each month, each area agency on aging shall identify 125569  
individuals residing in the area that the area agency on aging 125570  
serves who are eligible for the home first component of the 125571  
assisted living program. When an area agency on aging identifies 125572  
such an individual and determines that there is a vacancy in a 125573  
residential care facility participating in the medicaid-funded 125574  
component of the assisted living program that is acceptable to the 125575  
individual, the agency shall notify the long-term care 125576  
consultation program administrator serving the area in which the 125577  
individual resides. The administrator shall determine whether the 125578  
assisted living program is appropriate for the individual and 125579  
whether the individual would rather participate in the assisted 125580  
living program than continue or begin to reside in a nursing 125581  
facility. If the administrator determines that the assisted living 125582  
program is appropriate for the individual and the individual would 125583  
rather participate in the assisted living program than continue or 125584  
begin to reside in a nursing facility, the administrator shall so 125585  
notify the department of aging. On receipt of the notice from the 125586  
administrator, the department shall approve the individual's 125587  
enrollment in the medicaid-funded component of the assisted living 125588  
program regardless of the unified waiting list established under 125589  
section 173.55 of the Revised Code, unless the enrollment would 125590  
cause the component to exceed any limit on the number of 125591  
individuals who may participate in the component as set by the 125592  
United States secretary of health and human services in the 125593  
assisted living waiver. 125594

**Sec. 1347.08.** (A) Every state or local agency that maintains 125595  
a personal information system, upon the request and the proper 125596

identification of any person who is the subject of personal 125597  
information in the system, shall: 125598

(1) Inform the person of the existence of any personal 125599  
information in the system of which the person is the subject; 125600

(2) Except as provided in divisions (C) and (E)(2) of this 125601  
section, permit the person, the person's legal guardian, or an 125602  
attorney who presents a signed written authorization made by the 125603  
person, to inspect all personal information in the system of which 125604  
the person is the subject; 125605

(3) Inform the person about the types of uses made of the 125606  
personal information, including the identity of any users usually 125607  
granted access to the system. 125608

(B) Any person who wishes to exercise a right provided by 125609  
this section may be accompanied by another individual of the 125610  
person's choice. 125611

(C)(1) A state or local agency, upon request, shall disclose 125612  
medical, psychiatric, or psychological information to a person who 125613  
is the subject of the information or to the person's legal 125614  
guardian, unless a physician, psychiatrist, or psychologist 125615  
determines for the agency that the disclosure of the information 125616  
is likely to have an adverse effect on the person, in which case 125617  
the information shall be released to a physician, psychiatrist, or 125618  
psychologist who is designated by the person or by the person's 125619  
legal guardian. 125620

(2) Upon the signed written request of either a licensed 125621  
attorney at law or a licensed physician designated by the inmate, 125622  
together with the signed written request of an inmate of a 125623  
correctional institution under the administration of the 125624  
department of rehabilitation and correction, the department shall 125625  
disclose medical information to the designated attorney or 125626

physician as provided in division (C) of section 5120.21 of the Revised Code. 125627  
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(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency. 125629  
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(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section. 125638  
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(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code. 125645  
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(F) This section does not apply to any of the following: 125653

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code; 125654  
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(2) Information contained in the putative father registry 125657

established by section 3107.062 of the Revised Code, regardless of 125658  
whether the information is held by the department of job and 125659  
family services or, pursuant to section 3111.69 of the Revised 125660  
Code, the office of child support in the department or a child 125661  
support enforcement agency; 125662

(3) Papers, records, and books that pertain to an adoption 125663  
and that are subject to inspection in accordance with section 125664  
3107.17 of the Revised Code; 125665

(4) Records specified in division (A) of section 3107.52 of 125666  
the Revised Code; 125667

(5) Records that identify an individual described in division 125668  
(A)(1) of section 3721.031 of the Revised Code, or that would tend 125669  
to identify such an individual; 125670

(6) Files and records that have been expunged under division 125671  
(D)(1) or (2) of section 3721.23 of the Revised Code; 125672

(7) Records that identify an individual described in division 125673  
(A)(1) of section 3721.25 of the Revised Code, or that would tend 125674  
to identify such an individual; 125675

(8) Records that identify an individual described in division 125676  
(A)(1) of section 5165.88 of the Revised Code, or that would tend 125677  
to identify such an individual; 125678

(9) Test materials, examinations, or evaluation tools used in 125679  
an examination for licensure as a nursing home administrator that 125680  
the board of executives of long-term services and supports 125681  
administers under section 4751.04 of the Revised Code or contracts 125682  
under that section with a private or government entity to 125683  
administer; 125684

(10) Information contained in a database established and 125685  
maintained pursuant to section 5101.13 of the Revised Code; 125686

(11) Information contained in a database established and 125687

maintained pursuant to section ~~5101.612~~ 5101.631 of the Revised Code. 125688  
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**Sec. 2317.54.** No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program. 125690  
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Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent. 125699  
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(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures. 125712  
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(B) The person making the consent acknowledges that such 125718

disclosure of information has been made and that all questions 125719  
asked about the procedure or procedures have been answered in a 125720  
satisfactory manner. 125721

(C) The consent is signed by the patient for whom the 125722  
procedure is to be performed, or, if the patient for any reason 125723  
including, but not limited to, competence, minority, or the fact 125724  
that, at the latest time that the consent is needed, the patient 125725  
is under the influence of alcohol, hallucinogens, or drugs, lacks 125726  
legal capacity to consent, by a person who has legal authority to 125727  
consent on behalf of such patient in such circumstances, including 125728  
either of the following: 125729

(1) The parent, whether the parent is an adult or a minor, of 125730  
the parent's minor child; 125731

(2) An adult whom the parent of the minor child has given 125732  
written authorization to consent to a surgical or medical 125733  
procedure or course of procedures for the parent's minor child. 125734

Any use of a consent form that fulfills the requirements 125735  
stated in divisions (A), (B), and (C) of this section has no 125736  
effect on the common law rights and liabilities, including the 125737  
right of a physician to obtain the oral or implied consent of a 125738  
patient to a medical procedure, that may exist as between 125739  
physicians and patients on July 28, 1975. 125740

As used in this section the term "hospital" has the same 125741  
meaning as in section 2305.113 of the Revised Code; "home health 125742  
agency" has the same meaning as in section ~~5101.61~~ 3701.881 of the 125743  
Revised Code; "ambulatory surgical facility" has the meaning as in 125744  
division (A) of section 3702.30 of the Revised Code; and "hospice 125745  
care program" and "pediatric respite care program" have the same 125746  
meanings as in section 3712.01 of the Revised Code. The provisions 125747  
of this division apply to hospitals, doctors of medicine, doctors 125748  
of osteopathic medicine, and doctors of podiatric medicine. 125749

Sec. 4715.36. As used in this section and sections 4715.361 125750  
to 4715.374 of the Revised Code: 125751

(A) "Accredited dental hygiene school" means a dental hygiene 125752  
school accredited by the American dental association commission on 125753  
dental accreditation or a dental hygiene school whose educational 125754  
standards are recognized by the American dental association 125755  
commission on dental accreditation and approved by the state 125756  
dental board. 125757

(B) "Authorizing dentist" means a dentist who authorizes a 125758  
dental hygienist to perform dental hygiene services under section 125759  
4715.365 of the Revised Code. 125760

(C) "Clinical evaluation" means a diagnosis and treatment 125761  
plan formulated for an individual patient by a dentist. 125762

(D) "Dentist" means an individual licensed under this chapter 125763  
to practice dentistry. 125764

(E) "Dental hygienist" means an individual licensed under 125765  
this chapter to practice as a dental hygienist. 125766

(F) "Dental hygiene services" means the prophylactic, 125767  
preventive, and other procedures that dentists are authorized by 125768  
this chapter and rules of the state dental board to assign to 125769  
dental hygienists, except for procedures while a patient is 125770  
anesthetized, definitive root planing, definitive subgingival 125771  
curettage, the administration of local anesthesia, and the 125772  
procedures specified in rules adopted by the board as described in 125773  
division (C)(4) of section 4715.22 of the Revised Code. 125774

(G) "Facility" means any of the following: 125775

(1) A health care facility, as defined in section 4715.22 of 125776  
the Revised Code; 125777

(2) A state correctional institution, as defined in section 125778  
2967.01 of the Revised Code; 125779



- (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center; 125780  
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- (4) A residential facility licensed under section 5123.19 of the Revised Code; 125784  
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- (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 125786  
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- (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 125790  
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- (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 125794  
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- (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code; 125797  
125798
- (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code; 125799  
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- (10) A foster home, as defined in section 5103.02 of the Revised Code; 125801  
125802
- (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code; 125803  
125804
- (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~5101.61~~ 3701.881 of the Revised Code; 125805  
125806  
125807
- (13) A dispensary; 125808
- (14) A health care facility, such as a clinic or hospital, of 125809

the United States department of veterans affairs; 125810

(15) The residence of one or more individuals enrolled in a 125811  
home and community-based services medicaid waiver component, as 125812  
defined in section 5166.01 of the Revised Code; 125813

(16) A facility operated by the board of health of a city or 125814  
general health district or the authority having the duties of a 125815  
board of health under section 3709.05 of the Revised Code; 125816

(17) A women, infants, and children clinic; 125817

(18) A mobile dental unit located at any location listed in 125818  
divisions (G)(1) to (17) of this section; 125819

(19) Any other location, as specified by the state dental 125820  
board in rules adopted under section 4715.372 of the Revised Code, 125821  
that is in an area designated as a dental health resource shortage 125822  
area pursuant to section 3702.87 of the Revised Code and provides 125823  
health care services to individuals who are medicaid recipients 125824  
and to indigent and uninsured persons, as defined in section 125825  
2305.234 of the Revised Code. 125826

**Sec. 5101.60.** As used in sections 5101.60 to ~~5101.71~~ 5101.73 125827  
of the Revised Code: 125828

(A) "Abandonment" means desertion of an adult by a caretaker 125829  
without having made provision for transfer of the adult's care. 125830

(B) "Abuse" means the infliction upon an adult by self or 125831  
others of injury, unreasonable confinement, intimidation, or cruel 125832  
punishment with resulting physical harm, pain, or mental anguish. 125833

~~(B)~~(C) "Adult" means any person sixty years of age or older 125834  
within this state who is handicapped by the infirmities of aging 125835  
or who has a physical or mental impairment which prevents the 125836  
person from providing for the person's own care or protection, and 125837  
who resides in an independent living arrangement. ~~An "independent~~ 125838  
~~living arrangement" is a domicile of a person's own choosing,~~ 125839

~~including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.~~

~~(C)(D)~~ "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult ~~on~~ by any of the following means:

(1) On a voluntary basis, ~~by~~ i

(2) By contract, ~~through~~ i

(3) Through receipt of payment for care, ~~as~~ i

(4) As a result of a family relationship, ~~or by~~ i

(5) By order of a court of competent jurisdiction.

~~(D)(F)~~ "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.

(G) "Court" means the probate court in the county where an adult resides.

~~(E)(H)~~ "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

~~(F)(I)~~ "Emergency services" means protective services

furnished to an adult in an emergency. 125870

~~(G)~~(J) "Exploitation" means the unlawful or improper act of a 125871  
~~caretaker~~ person using, in one or more transactions, an adult or 125872  
an adult's resources for monetary or personal benefit, profit, or 125873  
gain when the ~~caretaker~~ person obtained or exerted control over 125874  
the adult or the adult's resources in any of the following ways: 125875

(1) Without the adult's consent or the consent of the person 125876  
authorized to give consent on the adult's behalf; 125877

(2) Beyond the scope of the express or implied consent of the 125878  
adult or the person authorized to give consent on the adult's 125879  
behalf; 125880

(3) By deception; 125881

(4) By threat; 125882

(5) By intimidation. 125883

~~(H)~~(K) "In need of protective services" means an adult known 125884  
or suspected to be suffering from abuse, neglect, or exploitation 125885  
to an extent that either life is endangered or physical harm, 125886  
mental anguish, or mental illness results or is likely to result. 125887

~~(I)~~(L) "Incapacitated person" means a person who is impaired 125888  
for any reason to the extent that the person lacks sufficient 125889  
understanding or capacity to make and carry out reasonable 125890  
decisions concerning the person's self or resources, with or 125891  
without the assistance of a caretaker. Refusal to consent to the 125892  
provision of services shall not be the sole determinative that the 125893  
person is incapacitated. ~~"Reasonable decisions" are decisions made~~ 125894  
~~in daily living which facilitate the provision of food, shelter,~~ 125895  
~~clothing, and health care necessary for life support.~~ 125896

~~(J)~~(M) "Independent living arrangement" means a domicile of a 125897  
person's own choosing, including, but not limited to, a private 125898  
home, apartment, trailer, or rooming house. "Independent living 125899

arrangement" includes a residential facility licensed under 125900  
section 5119.22 of the Revised Code that provides accommodations, 125901  
supervision, and personal care services for three to sixteen 125902  
unrelated adults, but does not include any other institution or 125903  
facility licensed by the state or a facility in which a person 125904  
resides as a result of voluntary, civil, or criminal commitment. 125905

(N) "Mental illness" means a substantial disorder of thought, 125906  
mood, perception, orientation, or memory that grossly impairs 125907  
judgment, behavior, capacity to recognize reality, or ability to 125908  
meet the ordinary demands of life. 125909

~~(K)~~(O) "Neglect" means any of the failure following: 125910

(1) Failure of an adult to provide for self the goods or 125911  
services necessary to avoid physical harm, mental anguish, or 125912  
mental illness ~~or the failure;~~ 125913

(2) Failure of a caretaker to provide such goods or services; 125914  
125915

(3) Abandonment. 125916

~~(L)~~(P) "Outpatient health facility" means a facility where 125917  
medical care and preventive, diagnostic, therapeutic, 125918  
rehabilitative, or palliative items or services are provided to 125919  
outpatients by or under the direction of a physician or dentist. 125920

(Q) "Peace officer" means a peace officer as defined in 125921  
section 2935.01 of the Revised Code. 125922

~~(M)~~(R) "Physical harm" means bodily pain, injury, impairment, 125923  
or disease suffered by an adult. 125924

~~(N)~~(S) "Protective services" means services provided by the 125925  
county department of job and family services or its designated 125926  
agency to an adult who has been determined by evaluation to 125927  
require such services for the prevention, correction, or 125928  
discontinuance of an act of as well as conditions resulting from 125929

abuse, neglect, or exploitation. Protective services may include, 125930  
but are not limited to, case work services, medical care, mental 125931  
health services, legal services, fiscal management, home health 125932  
care, homemaker services, housing-related services, guardianship 125933  
services, and placement services as well as the provision of such 125934  
commodities as food, clothing, and shelter. 125935

~~(O)~~(T) "Reasonable decisions" means decisions made in daily 125936  
living that facilitate the provision of food, shelter, clothing, 125937  
and health care necessary for life support. 125938

(U) "Senior service provider" means a person who provides 125939  
care or specialized services to an adult, except that it does not 125940  
include the state long-term care ombudsman or a regional long-term 125941  
care ombudsman. 125942

(V) "Working day" means Monday, Tuesday, Wednesday, Thursday, 125943  
and Friday, except when such day is a holiday as defined in 125944  
section 1.14 of the Revised Code. 125945

**Sec. ~~5101.71~~ 5101.61.** (A) The county departments of job and 125946  
family services shall implement sections 5101.60 to 5101.71 of the 125947  
Revised Code. ~~The department of job and family services shall 125948~~  
~~provide a program of ongoing, comprehensive, formal training 125949~~  
~~regarding the implementation of sections 5101.60 to 5101.71 of the 125950~~  
~~Revised Code and require all adult protective services caseworkers 125951~~  
~~and their supervisors to undergo the training. Training shall not 125952~~  
~~be limited to the procedures for implementing section 5101.62 of 125953~~  
~~the Revised Code. The department of job and family services shall 125954~~  
~~adopt any rules it deems necessary regarding the training. 125955~~

(B) The director of job and family services may adopt rules 125956  
in accordance with section 111.15 of the Revised Code to carry out 125957  
the purposes of sections 5101.60 to 5101.71 of the Revised Code. 125958  
The rules adopted pursuant to this division may include a 125959  
requirement that the county departments provide on forms 125960

prescribed by the rules a plan of proposed expenditures, and a 125961  
report of actual expenditures, of funds necessary to implement 125962  
sections 5101.60 to 5101.71 of the Revised Code and other 125963  
requirements for intake procedures, investigations, case 125964  
management, and the provision of protective services. 125965

**Sec. ~~5101.72~~ 5101.611.** The department of job and family 125966  
services may reimburse county departments of job and family 125967  
services, local law enforcement agencies, and county prosecutors 125968  
for all or part of the costs they incur in implementing sections 125969  
5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of 125970  
job and family services shall adopt internal management rules in 125971  
accordance with section 111.15 of the Revised Code that provide 125972  
for reimbursement of county departments of job and family 125973  
services, local law enforcement agencies, and county prosecutors 125974  
under this section. 125975

The director shall adopt internal management rules in 125976  
accordance with section 111.15 of the Revised Code that do both of 125977  
the following: 125978

(A) Implement sections 5101.60 to 5101.71 of the Revised 125979  
Code; 125980

(B) Require the county departments, local law enforcement 125981  
agencies, and county prosecutors to collect and submit to the 125982  
department, or ensure that a designated agency collects and 125983  
submits to the department, data concerning the implementation of 125984  
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. 125985

**Sec. 5101.62.** The department of job and family services shall 125986  
do all of the following: 125987

(A) Provide a program of ongoing, comprehensive, formal 125988  
training on the implementation of sections 5101.60 to 5101.73 of 125989  
the Revised Code and require all protective services caseworkers 125990

<u>and their supervisors to undergo the training;</u>	125991
<u>(B) Develop and make available educational materials for</u>	125992
<u>individuals who are required under section 5101.63 of the Revised</u>	125993
<u>Code to make reports of abuse, neglect, and exploitation;</u>	125994
<u>(C) Facilitate ongoing cooperation among state agencies on</u>	125995
<u>issues pertaining to the abuse, neglect, or exploitation of</u>	125996
<u>adults.</u>	125997
<del>Sec. 5101.61 5101.63. (A) As used in this section:</del>	125998
<del>(1) "Senior service provider" means any person who provides</del>	125999
<del>care or services to a person who is an adult as defined in</del>	126000
<del>division (B) of section 5101.60 of the Revised Code.</del>	126001
<del>(2) "Ambulatory health facility" means a nonprofit, public or</del>	126002
<del>proprietary freestanding organization or a unit of such an agency</del>	126003
<del>or organization that:</del>	126004
<del>(a) Provides preventive, diagnostic, therapeutic,</del>	126005
<del>rehabilitative, or palliative items or services furnished to an</del>	126006
<del>outpatient or ambulatory patient, by or under the direction of a</del>	126007
<del>physician or dentist in a facility which is not a part of a</del>	126008
<del>hospital, but which is organized and operated to provide medical</del>	126009
<del>care to outpatients;</del>	126010
<del>(b) Has health and medical care policies which are developed</del>	126011
<del>with the advice of, and with the provision of review of such</del>	126012
<del>policies, an advisory committee of professional personnel,</del>	126013
<del>including one or more physicians, one or more dentists, if dental</del>	126014
<del>care is provided, and one or more registered nurses;</del>	126015
<del>(c) Has a medical director, a dental director, if dental care</del>	126016
<del>is provided, and a nursing director responsible for the execution</del>	126017
<del>of such policies, and has physicians, dentists, nursing, and</del>	126018
<del>ancillary staff appropriate to the scope of services provided;</del>	126019
<del>(d) Requires that the health care and medical care of every</del>	126020



~~patient be under the supervision of a physician, provides for 126021  
medical care in a case of emergency, has in effect a written 126022  
agreement with one or more hospitals and other centers or clinics, 126023  
and has an established patient referral system to other resources, 126024  
and a utilization review plan and program; 126025~~

~~(e) Maintains clinical records on all patients; 126026~~

~~(f) Provides nursing services and other therapeutic services 126027  
in accordance with programs and policies, with such services 126028  
supervised by a registered professional nurse, and has a 126029  
registered professional nurse on duty at all times of clinical 126030  
operations; 126031~~

~~(g) Provides approved methods and procedures for the 126032  
dispensing and administration of drugs and biologicals; 126033~~

~~(h) Has established an accounting and record keeping system 126034  
to determine reasonable and allowable costs; 126035~~

~~(i) "Ambulatory health facilities" also includes an 126036  
alcoholism treatment facility approved by the joint commission on 126037  
accreditation of healthcare organizations as an alcoholism 126038  
treatment facility or certified by the department of mental health 126039  
and addiction services, and such facility shall comply with other 126040  
provisions of this division not inconsistent with such 126041  
accreditation or certification. 126042~~

~~(3) "Community mental health facility" means a facility which 126043  
provides community mental health services and is included in the 126044  
comprehensive mental health plan for the alcohol, drug addiction, 126045  
and mental health service district in which it is located. 126046~~

~~(4) "Community mental health service" means services, other 126047  
than inpatient services, provided by a community mental health 126048  
facility. 126049~~

~~(5) "Home health agency" means an institution or a distinct 126050~~

~~part of an institution operated in this state which:~~ 126051

~~(a) Is primarily engaged in providing home health services;~~ 126052

~~(b) Has home health policies which are established by a group~~ 126053  
~~of professional personnel, including one or more duly licensed~~ 126054  
~~doctors of medicine or osteopathy and one or more registered~~ 126055  
~~professional nurses, to govern the home health services it~~ 126056  
~~provides and which includes a requirement that every patient must~~ 126057  
~~be under the care of a duly licensed doctor of medicine or~~ 126058  
~~osteopathy;~~ 126059

~~(c) Is under the supervision of a duly licensed doctor of~~ 126060  
~~medicine or doctor of osteopathy or a registered professional~~ 126061  
~~nurse who is responsible for the execution of such home health~~ 126062  
~~policies;~~ 126063

~~(d) Maintains comprehensive records on all patients;~~ 126064

~~(e) Is operated by the state, a political subdivision, or an~~ 126065  
~~agency of either, or is operated not for profit in this state and~~ 126066  
~~is licensed or registered, if required, pursuant to law by the~~ 126067  
~~appropriate department of the state, county, or municipality in~~ 126068  
~~which it furnishes services; or is operated for profit in this~~ 126069  
~~state, meets all the requirements specified in divisions (A)(5)(a)~~ 126070  
~~to (d) of this section, and is certified under Title XVIII of the~~ 126071  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 126072  
~~amended.~~ 126073

~~(6) "Home health service" means the following items and~~ 126074  
~~services, provided, except as provided in division (A)(6)(g) of~~ 126075  
~~this section, on a visiting basis in a place of residence used as~~ 126076  
~~the patient's home:~~ 126077

~~(a) Nursing care provided by or under the supervision of a~~ 126078  
~~registered professional nurse;~~ 126079

~~(b) Physical, occupational, or speech therapy ordered by the~~ 126080

<del>patient's attending physician;</del>	126081
<del>(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;</del>	126082 126083 126084
<del>(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;</del>	126085 126086 126087
<del>(e) Medical supplies and the use of medical appliances;</del>	126088
<del>(f) Medical services of interns and residents in training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;</del>	126089 126090 126091 126092
<del>(g) Any of the foregoing items and services which:</del>	126093
<del>(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;</del>	126094 126095 126096
<del>(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.</del>	126097 126098 126099 126100 126101
<del>Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for</del>	126102 126103 126104 126105 126106 126107 126108 126109 126110

~~the aging, as defined in section 3721.01 of the Revised Code, any 126111  
senior service provider, any peace officer, coroner, member of the 126112  
clergy, any employee of a community mental health facility, and 126113  
any person engaged in professional counseling, social work, or 126114  
marriage and family therapy (1) Any individual listed in division 126115  
(A)(2) of this section having reasonable cause to believe that an 126116  
adult is being abused, neglected, or exploited, or is in a 126117  
condition which is the result of abuse, neglect, or exploitation 126118  
shall immediately report such belief to the county department of 126119  
job and family services. This section does not apply to employees 126120  
of any hospital or public hospital as defined in section 5122.01 126121  
of the Revised Code. 126122~~

(2) All of the following are subject to division (A)(1) of 126123  
this section: 126124

(a) An attorney admitted to the practice of law in this 126125  
state; 126126

(b) An individual authorized under Chapter 4731. of the 126127  
Revised Code to practice medicine and surgery, osteopathic 126128  
medicine and surgery, or podiatric medicine and surgery; 126129

(c) An individual licensed under Chapter 4734. of the Revised 126130  
Code as a chiropractor; 126131

(d) An individual licensed under Chapter 4715. of the Revised 126132  
Code as a dentist; 126133

(e) An individual licensed under Chapter 4723. of the Revised 126134  
Code as a registered nurse or licensed practical nurse; 126135

(f) An individual licensed under Chapter 4732. of the Revised 126136  
Code as a psychologist; 126137

(g) An individual licensed under Chapter 4757. of the Revised 126138  
Code as a social worker, independent social worker, professional 126139  
counselor, professional clinical counselor, marriage and family 126140

<u>therapist, or independent marriage and family therapist;</u>	126141
<u>(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;</u>	126142
	126143
<u>(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;</u>	126144
	126145
	126146
<u>(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;</u>	126147
	126148
<u>(k) An employee of an outpatient health facility;</u>	126149
<u>(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;</u>	126150
	126151
<u>(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;</u>	126152
	126153
<u>(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;</u>	126154
	126155
<u>(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;</u>	126156
	126157
	126158
	126159
<u>(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;</u>	126160
	126161
	126162
	126163
<u>(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;</u>	126164
	126165
<u>(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;</u>	126166
	126167
<u>(s) An individual who is a firefighter for a lawfully constituted fire department;</u>	126168
	126169

<u>(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;</u>	126170 126171 126172
<u>(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;</u>	126173 126174 126175
<u>(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;</u>	126176 126177
<u>(w) A peace officer;</u>	126178
<u>(x) A coroner;</u>	126179
<u>(y) A member of the clergy;</u>	126180
<u>(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;</u>	126181 126182 126183
<u>(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;</u>	126184 126185
<u>(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;</u>	126186 126187
<u>(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;</u>	126188 126189 126190
<u>(dd) An investment adviser, as defined in section 1707.01 of the Revised Code;</u>	126191 126192
<u>(ee) A financial planner accredited by a national accreditation agency;</u>	126193 126194
<u>(ff) Any other individual who is a senior service provider.</u>	126195
(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause <del>reports</del> <u>a report</u> to be made of such belief to the <u>county</u>	126196 126197 126198

department of job and family services. 126199

(C) The reports made under this section shall be made orally 126200  
or in writing except that oral reports shall be followed by a 126201  
written report if a written report is requested by the department. 126202  
Written reports shall include: 126203

(1) The name, address, and approximate age of the adult who 126204  
is the subject of the report; 126205

(2) The name and address of the individual responsible for 126206  
the adult's care, if any individual is, and if the individual is 126207  
known; 126208

(3) The nature and extent of the alleged abuse, neglect, or 126209  
exploitation of the adult; 126210

(4) The basis of the reporter's belief that the adult has 126211  
been abused, neglected, or exploited. 126212

(D) Any person with reasonable cause to believe that an adult 126213  
is suffering abuse, neglect, or exploitation who makes a report 126214  
pursuant to this section or who testifies in any administrative or 126215  
judicial proceeding arising from such a report, or any employee of 126216  
the state or any of its subdivisions who is discharging 126217  
responsibilities under section ~~5101.62~~ 5101.65 of the Revised Code 126218  
shall be immune from civil or criminal liability on account of 126219  
such investigation, report, or testimony, except liability for 126220  
perjury, unless the person has acted in bad faith or with 126221  
malicious purpose. 126222

(E) No employer or any other person with the authority to do 126223  
so shall ~~discharge~~ do any of the following as a result of an 126224  
employee's having filed a report under this section: 126225

(1) Discharge, demote, transfer, or prepare a negative work 126226  
performance evaluation, ~~or reduce;~~ 126227

(2) Reduce benefits, pay, or work privileges, ~~or take;~~ 126228

(3) Take any other action detrimental to an employee or in 126229  
any way retaliate against ~~an~~ the employee ~~as a result of the~~ 126230  
~~employee's having filed a report under this section.~~ 126231

(F) The written or oral report provided for in this section 126232  
and the investigatory report provided for in section ~~5101.62~~ 126233  
5101.65 of the Revised Code are confidential and are not public 126234  
records, as defined in section 149.43 of the Revised Code. In 126235  
accordance with rules adopted by the department of job and family 126236  
services, information contained in the report shall upon request 126237  
be made available to the adult who is the subject of the report 126238  
and to legal counsel for the adult. If it determines that there is 126239  
a risk of harm to a person who makes a report under this section 126240  
or to the adult who is the subject of the report, the county 126241  
department of job and family services may redact the name and 126242  
identifying information related to the person who made the report. 126243

(G) The county department of job and family services shall be 126244  
available to receive the written or oral report provided for in 126245  
this section twenty-four hours a day and seven days a week. 126246

**Sec. ~~5101.612~~ 5101.631.** (A) The department of job and family 126247  
services shall establish and maintain a uniform statewide 126248  
automated adult protective services information system. The 126249  
information system shall contain records regarding all of the 126250  
following: 126251

(1) All reports of abuse, neglect, or exploitation of adults 126252  
made to county departments of job and family services under 126253  
section ~~5101.61~~ 5101.63 of the Revised Code; 126254

(2) Investigations conducted under section ~~5101.62~~ 5101.65 of 126255  
the Revised Code; 126256

(3) Protective services provided to adults pursuant to 126257  
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code; 126258



(4) Any other information related to adults in need of protective services that state or federal law, regulation, or rule requires the department or a county department to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis. The department shall promptly notify all county departments of the initiation and completion of statewide implementation of the information system.

(C)(1) The department shall, upon request, release information in the information system to county departments conducting investigations pursuant to section 5101.65 of the Revised Code and to local law enforcement agencies conducting criminal investigations. The department may release information in the information system to law enforcement agencies through the Ohio law enforcement gateway established under section 109.57 of the Revised Code. Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes authorized by this section and rules adopted by the department.

(2) Except as provided in division (C)(3)(1) of this section and in rules adopted by the department pursuant to that division+

~~(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.~~

~~(2) No, no~~ person shall knowingly do either of the following:

(a) Access or use information contained in the information system;

(b) Disclose information obtained from the information system.

~~(3) Information contained in the information system may be~~

~~accessed or used only in a manner, to the extent, and for the~~ 126289  
~~purposes, authorized by rules adopted by the department.~~ 126290

Sec. 5101.632. Each entity that employs or is responsible for 126291  
licensing or regulating the individuals required under section 126292  
5101.63 of the Revised Code to make reports of abuse, neglect, or 126293  
exploitation of adults shall ensure that the individuals have 126294  
access to the educational materials developed under division (B) 126295  
of section 5101.62 of the Revised Code. 126296

~~Sec. 5101.611~~ 5101.64. (A) If a county department of job and 126297  
family services knows or has reasonable cause to believe that the 126298  
subject of a report made under section ~~5101.61~~ 5101.63 of the 126299  
Revised Code or of an investigation conducted under ~~sections~~ 126300  
~~5101.62 to 5101.64~~ section 5101.65 of the Revised Code is an 126301  
individual with a developmental disability as defined in section 126302  
5126.01 of the Revised Code, the county department shall refer the 126303  
case to the county board of developmental disabilities of that 126304  
county for review pursuant to section 5126.31 of the Revised Code. 126305

If a county board of developmental disabilities refers a case 126306  
to the county department of job and family services in accordance 126307  
with section 5126.31, the county department of job and family 126308  
services shall proceed with the case in accordance with sections 126309  
5101.60 to 5101.71 of the Revised Code. 126310

(B) If a county department of job and family services knows 126311  
or has reasonable cause to believe that the subject of a report 126312  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126313  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126314  
5101.65 of the Revised Code is a resident of a long-term care 126315  
facility, as defined in section 173.14 of the Revised Code, the 126316  
department shall refer the case to the office of the state 126317  
long-term care ombudsman program for review pursuant to section 126318

173.19 of the Revised Code. 126319

If the state ombudsman or regional long-term care ombudsman 126320  
program refers a case to the county department of job and family 126321  
services in accordance with rules adopted pursuant to section 126322  
173.20 of the Revised Code, the county department shall proceed 126323  
with the case in accordance with sections 5101.60 to 5101.71 of 126324  
the Revised Code. 126325

(C) If a county department of job and family services knows 126326  
or has reasonable cause to believe that the subject of a report 126327  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126328  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126329  
5101.65 of the Revised Code is a resident of a nursing home, as 126330  
defined in section 3721.01 of the Revised Code, and has allegedly 126331  
been abused, neglected, or exploited by an employee of the nursing 126332  
home, the department shall refer the case to the department of 126333  
health for investigation pursuant to section 3721.031 of the 126334  
Revised Code. 126335

(D) If a county department of job and family services knows 126336  
or has reasonable cause to believe that the subject of a report 126337  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126338  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126339  
5101.65 of the Revised Code is a child, as defined in section 126340  
5153.01 of the Revised Code, the department shall refer the case 126341  
to the public children services agency of that county. 126342

(E) If a county department of job and family services knows 126343  
or has reasonable cause to believe that the subject of a report 126344  
made under section 5101.63 of the Revised Code or of an 126345  
investigation conducted under section 5101.65 of the Revised Code 126346  
is being or has been criminally exploited, the department shall 126347  
notify a local law enforcement agency with jurisdiction over the 126348  
area where the subject resides. 126349

(F) A referral by the county department of job and family services of a case to another public regulatory agency or investigatory entity pursuant to this section shall be made in accordance with rules adopted by the department of job and family services.

**Sec. ~~5101.62~~ 5101.65.** The county department of job and family services or its designee shall be responsible for the investigation of all reports provided for in section 173.20 or ~~5101.61~~ 5101.63 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services.

Investigation of the report provided for in section ~~5101.61~~ 5101.63 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days.

Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult's alleged abuse, neglect, or exploitation.

The department shall give written notice of the intent of the investigation and an explanation of the notice in language reasonably understandable to the adult who is the subject of the investigation, at the time of the initial interview with that person.

Upon completion of the investigation, the department shall determine from its findings whether or not the adult who is the

subject of the report is in need of protective services. No adult 126381  
shall be determined to be abused, neglected, or in need of 126382  
protective services for the sole reason that, in lieu of medical 126383  
treatment, the adult relies on or is being furnished spiritual 126384  
treatment through prayer alone in accordance with the tenets and 126385  
practices of a church or religious denomination of which the adult 126386  
is a member or adherent. The department shall write a report which 126387  
confirms or denies the need for protective services and states why 126388  
it reached this conclusion. 126389

**Sec. ~~5101.63~~ 5101.651.** If, during the course of an 126390  
investigation conducted under section ~~5101.62~~ 5101.65 of the 126391  
Revised Code, any person, including the adult who is the subject 126392  
of the investigation, denies or obstructs access to the residence 126393  
of the adult, the county department of job and family services may 126394  
file a petition in court for a temporary restraining order to 126395  
prevent the interference or obstruction. The court shall issue a 126396  
temporary restraining order to prevent the interference or 126397  
obstruction if it finds there is reasonable cause to believe that 126398  
the adult is being or has been abused, neglected, or exploited and 126399  
access to the person's residence has been denied or obstructed. 126400  
Such a finding is prima-facie evidence that immediate and 126401  
irreparable injury, loss, or damage will result, so that notice is 126402  
not required. After obtaining an order restraining the obstruction 126403  
of or interference with the access of the protective services 126404  
representative, the representative may be accompanied to the 126405  
residence by a peace officer. 126406

**Sec. ~~5101.622~~ 5101.652.** The county department of job and 126407  
family services may enter into an agreement or contract with 126408  
another person or government entity to perform the following 126409  
duties: 126410

(A) In accordance with division (G) of section ~~5101.61~~ 126411

5101.63 of the Revised Code, receive reports made under that section; 126412  
126413

(B) Perform the county department's duties under section 126414  
~~5101.62~~ 5101.65 of the Revised Code; 126415

(C) Petition the court pursuant to section ~~5101.65~~ 5101.68 or 126416  
~~5101.69~~ 5101.70 of the Revised Code for an order authorizing the 126417  
provision of protective services. 126418

**Sec. ~~5101.64~~ 5101.66.** Any person who requests or consents to 126419  
receive protective services shall receive such services only after 126420  
an investigation and determination of a need for protective 126421  
services, ~~which.~~ The investigation shall be performed in the same 126422  
manner as the investigation of a report pursuant to ~~sections~~ 126423  
~~5101.62 and 5101.63~~ section 5101.65 of the Revised Code. If the 126424  
person withdraws consent, the protective services shall be 126425  
terminated. 126426

**Sec. ~~5101.65~~ 5101.68.** If the county department of job and 126427  
family services determines that an adult is in need of protective 126428  
services and is an incapacitated person, the department may 126429  
petition the court for an order authorizing the provision of 126430  
protective services. If the adult is in need of protective 126431  
services as a result of exploitation, the county prosecutor may 126432  
file the petition. The petition shall state the specific facts 126433  
alleging the abuse, neglect, or exploitation and shall include a 126434  
proposed protective service plan. Any plan for protective services 126435  
shall be specified in the petition. 126436

**Sec. ~~5101.66~~ 5101.681.** Notice of a petition for the provision 126437  
of court-ordered protective services as provided for in section 126438  
~~5101.65~~ 5101.68 of the Revised Code shall be personally served 126439  
upon the adult who is the subject of the petition at least five 126440  
working days prior to the date set for the hearing as provided in 126441

section ~~5101.67~~ 5101.682 of the Revised Code. Notice shall be 126442  
given either orally ~~and~~ or in writing in language reasonably 126443  
understandable to the adult. The notice shall include the names of 126444  
all petitioners, the basis of the belief that protective services 126445  
are needed, the rights of the adult in the court proceedings, and 126446  
the consequences of a court order for protective services. The 126447  
adult shall be informed of ~~his~~ the right to counsel and ~~his~~ the 126448  
right to appointed counsel if ~~he~~ the adult is indigent and if 126449  
appointed counsel is requested. Written notice by certified mail 126450  
shall also be given to the adult's guardian, legal counsel, 126451  
caretaker, and spouse, if any, or if ~~he~~ the adult has none of 126452  
these, to ~~his~~ the adult's adult children or next of kin, if any, 126453  
or to any other person as the court may require. The adult who is 126454  
the subject of the petition may not waive notice as provided in 126455  
this section. 126456

**Sec. ~~5101.67~~ 5101.682.** (A) The court shall hold a hearing on 126457  
the petition as provided in section ~~5101.65~~ 5101.68 of the Revised 126458  
Code within fourteen days after its filing. The adult who is the 126459  
subject of the petition shall have the right to be present at the 126460  
hearing, present evidence, and examine and cross-examine 126461  
witnesses. The adult shall be represented by counsel unless the 126462  
right to counsel is knowingly waived. If the adult is indigent, 126463  
the court shall appoint counsel to represent the adult. If the 126464  
court determines that the adult lacks the capacity to waive the 126465  
right to counsel, the court shall appoint counsel to represent the 126466  
adult's interests. 126467

(B) If the court finds, on the basis of clear and convincing 126468  
evidence, that the adult has been abused, neglected, or exploited, 126469  
is in need of protective services, and is incapacitated, and no 126470  
person authorized by law or by court order is available to give 126471  
consent, it shall issue an order requiring the provision of 126472  
protective services only if they are available locally. 126473

(C) If the court orders placement under this section it shall 126474  
give consideration to the choice of residence of the adult. The 126475  
court may order placement in settings which have been approved by 126476  
the department of job and family services as meeting at least 126477  
minimum community standards for safety, security, and the 126478  
requirements of daily living. The court shall not order an 126479  
institutional placement unless it has made a specific finding 126480  
entered in the record that no less restrictive alternative can be 126481  
found to meet the needs of the individual. No individual may be 126482  
committed to a hospital or public hospital as defined in section 126483  
5122.01 of the Revised Code pursuant to this section. 126484

(D) The placement of an adult pursuant to court order as 126485  
provided in this section shall not be changed unless the court 126486  
authorized the transfer of placement after finding compelling 126487  
reasons to justify the transfer. Unless the court finds that an 126488  
emergency exists, the court shall notify the adult of a transfer 126489  
at least thirty days prior to the actual transfer. 126490

(E) A court order provided for in this section shall remain 126491  
in effect for no longer than six months. Thereafter, the county 126492  
department of job and family services shall review the adult's 126493  
need for continued services and, if the department determines that 126494  
there is a continued need, it shall apply for a renewal of the 126495  
order for additional periods of no longer than one year each. The 126496  
adult who is the subject of the court-ordered services may 126497  
petition for modification of the order at any time. 126498

**Sec. ~~5101.68~~ 5101.69.** (A) If an adult has consented to the 126499  
provision of protective services but any other person refuses to 126500  
allow such provision, the county department of ~~human~~ job and 126501  
family services or the county prosecutor may petition the court 126502  
for a temporary restraining order to restrain the person from 126503  
interfering with the provision of protective services for the 126504



adult. 126505

(B) The petition shall state specific facts sufficient to 126506  
demonstrate the need for protective services, the consent of the 126507  
adult, and the refusal of some other person to allow the provision 126508  
of these services. 126509

(C) Notice of the petition shall be given in language 126510  
reasonably understandable to the person alleged to be interfering 126511  
with the provision of services; 126512

(D) The court shall hold a hearing on the petition within 126513  
fourteen days after its filing. If the court finds that the 126514  
protective services are necessary, that the adult has consented to 126515  
the ~~provisions~~ provision of such services, and that the person who 126516  
is the subject of the petition has prevented such provision, the 126517  
court shall issue a temporary restraining order to restrain the 126518  
person from interfering with the provision of protective services 126519  
to the adult. 126520

**Sec. ~~5101.69~~ 5101.70.** (A) Upon petition by the county 126521  
department of job and family services ~~or its, the department's~~ 126522  
designee, or the county prosecutor, the court may issue an order 126523  
authorizing the provision of protective services on an emergency 126524  
basis to an adult. The petition for any emergency order shall 126525  
include all of the following: 126526

(1) The name, age, and address of the adult in need of 126527  
protective services; 126528

(2) The nature of the emergency; 126529

(3) The proposed protective services; 126530

(4) The petitioner's reasonable belief, together with facts 126531  
supportive thereof, as to the existence of the circumstances 126532  
described in divisions (D)(1) to (3) of this section; 126533

(5) Facts showing the petitioner's attempts to obtain the 126534

adult's consent to the protective services. 126535

(B) Notice of the filing and contents of the petition 126536  
provided for in division (A) of this section, the rights of the 126537  
person in the hearing provided for in division (C) of this 126538  
section, and the possible consequences of a court order, shall be 126539  
given to the adult. Notice shall also be given to the spouse of 126540  
the adult or, if the adult has none, to the adult's adult children 126541  
or next of kin, and the adult's guardian, if any, if the 126542  
guardian's whereabouts are known. The notice shall be given in 126543  
language reasonably understandable to its recipients at least 126544  
twenty-four hours prior to the hearing provided for in this 126545  
section. The court may waive the twenty-four hours' notice 126546  
requirement upon a showing that both of the following are the 126547  
case: 126548

(1) Immediate and irreparable physical harm or immediate and 126549  
irreparable financial harm to the adult or others will result from 126550  
the twenty-four hour delay; 126551

(2) Reasonable attempts have been made to notify the adult, 126552  
the adult's spouse, or, if the adult has none, the adult's adult 126553  
children or next of kin, if any, and the adult's guardian, if any, 126554  
if the guardian's whereabouts are known. 126555

Notice of the court's determination shall be given to all 126556  
persons receiving notice of the filing of the petition provided 126557  
for in this division. 126558

(C) Upon receipt of a petition for an order for emergency 126559  
services, the court shall hold a hearing no sooner than 126560  
twenty-four and no later than seventy-two hours after the notice 126561  
provided for in division (B) of this section has been given, 126562  
unless the court has waived the notice. The adult who is the 126563  
subject of the petition shall have the right to be present at the 126564  
hearing, present evidence, and examine and cross-examine 126565

witnesses. 126566

(D) The court shall issue an order authorizing the provision 126567  
of protective services on an emergency basis if it finds, on the 126568  
basis of clear and convincing evidence, all of the following: 126569

(1) The adult is an incapacitated person; 126570

(2) An emergency exists; 126571

(3) No person authorized by law or court order to give 126572  
consent for the adult is available or willing to consent to 126573  
emergency services. 126574

(E) In issuing an emergency order, the court shall adhere to 126575  
the following limitations: 126576

(1) The court shall order only such protective services as 126577  
are necessary and available locally to remove the conditions 126578  
creating the emergency, and the court shall specifically designate 126579  
those protective services the adult shall receive; 126580

(2) The court shall not order any change of residence under 126581  
this section unless the court specifically finds that a change of 126582  
residence is necessary; 126583

(3) The court may order emergency services only for fourteen 126584  
days. The county department ~~or its~~, the department's designee, or 126585  
the county prosecutor may petition the court for a renewal of the 126586  
order for a fourteen-day period upon a showing that continuation 126587  
of the order is necessary to remove the emergency. 126588

(4) In its order the court shall authorize the director of 126589  
the county department, the director's designee, or a 126590  
representative of the department's designee to give consent for 126591  
the person for the approved emergency services until the 126592  
expiration of the order; 126593

(5) The court shall not order a person to a hospital or 126594  
public hospital as defined in section 5122.01 of the Revised Code. 126595

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department ~~or its~~, the department's designee, or the county prosecutor may petition the court for an order to continue protective services, pursuant to section ~~5101.65~~ 5101.68 of the Revised Code. After the filing of the petition, the county department or its designee may continue to provide protective services pending a hearing by the court.

**Sec. ~~5101.691~~ 5101.701.** (A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) of section ~~5101.692~~ 5101.702 of the Revised Code, to an adult on an emergency basis if all of the following are the case:

(1) The court receives notice from the county department of job and family services, an authorized employee of the county department, the department's designee, or an authorized employee of the department's designee, that the county department, designee, or employee believes an emergency order is needed as described in this section.

(2) There is reasonable cause to believe that the adult is incapacitated.

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

(B)(1) The judge or magistrate shall journalize any order issued under this section.

(2) An order issued under this section shall be in effect for

not longer than twenty-four hours, except that if the day 126626  
following the day on which the order is issued is not a working 126627  
day, the order shall remain in effect until the next working day. 126628

(C)(1) Except as provided in division (C)(2) of this section, 126629  
not later than twenty-four hours after an order is issued under 126630  
this section, a petition shall be filed with the court in 126631  
accordance with division (A) of section ~~5101.69~~ 5101.70 of the 126632  
Revised Code. 126633

(2) If the day following the day on which the order was 126634  
issued is not a working day, the petition shall be filed with the 126635  
court on the next working day. 126636

(3) Except as provided in section ~~5101.692~~ 5101.702 of the 126637  
Revised Code, proceedings on the petition shall be conducted in 126638  
accordance with section ~~5101.69~~ 5101.70 of the Revised Code. 126639

**Sec. ~~5101.692~~ 5101.702.** (A) If an order is issued pursuant to 126640  
section ~~5101.691~~ 5101.701 of the Revised Code, the court shall 126641  
hold a hearing not later than twenty-four hours after the issuance 126642  
to determine whether there is probable cause for the order, except 126643  
that if the day following the day on which the order is issued is 126644  
not a working day, the court shall hold the hearing on the next 126645  
working day. 126646

(B) At the hearing, the court: 126647

(1) Shall determine whether protective services are the least 126648  
restrictive alternative available for meeting the adult's needs; 126649

(2) May issue temporary orders to protect the adult from 126650  
immediate and irreparable physical harm or immediate and 126651  
irreparable financial harm, including, but not limited to, 126652  
temporary protection orders, evaluations, and orders requiring a 126653  
party to vacate the adult's place of residence or legal 126654  
settlement; 126655

(3) May order emergency services; 126656

(4) May freeze the financial assets of the adult. 126657

(C) A temporary order issued pursuant to division (B)(2) of 126658  
this section is effective for thirty days. The court may renew the 126659  
order for an additional thirty-day period. 126660

Information contained in the order may be entered into the 126661  
law enforcement automated data system. 126662

**Sec. ~~5101.70~~ 5101.71.** (A) If it appears that an adult in need 126663  
of protective services has the financial means sufficient to pay 126664  
for such services, the county department of job and family 126665  
services shall make an evaluation regarding such means. If the 126666  
evaluation establishes that the adult has such financial means, 126667  
the department shall initiate procedures for reimbursement 126668  
pursuant to rules ~~promulgated by the department~~ adopted under 126669  
section 5101.61 of the Revised Code. If the evaluation establishes 126670  
that the adult does not have such financial means, the services 126671  
shall be provided in accordance with the policies and procedures 126672  
established by the department of job and family services for the 126673  
provision of welfare assistance. An adult shall not be required to 126674  
pay for court-ordered protective services unless the court 126675  
determines ~~upon a showing by the department~~ that the adult is 126676  
financially able to pay and the court orders the adult to pay. 126677

(B) Whenever the county department of job and family services 126678  
or the county prosecutor has petitioned the court to authorize the 126679  
provision of protective services and the adult who is the subject 126680  
of the petition is indigent, the court shall appoint legal 126681  
counsel. 126682

**Sec. 5101.73.** If, during the course of an investigation by a 126683  
local law enforcement agency of criminal exploitation, any person, 126684  
including the adult who is the alleged victim, denies or obstructs 126685

access to the residence of the adult, the county prosecutor may 126686  
file a petition in court for a temporary restraining order to 126687  
prevent the interference or obstruction. The court shall issue a 126688  
temporary restraining order to prevent the interference or 126689  
obstruction if it finds there is reasonable cause to believe that 126690  
the adult is being or has been abused, neglected, or exploited and 126691  
access to the person's residence has been denied or obstructed. 126692  
Such a finding is prima facie evidence that immediate and 126693  
irreparable injury, loss, or damage will result, so that notice is 126694  
not required. After obtaining an order restraining the obstruction 126695  
of or interference with the access of the local law enforcement 126696  
agency representative, the representative may be accompanied to 126697  
the residence by a peace officer. 126698

Sec. 5101.74. (A) There is hereby created the elder abuse 126699  
commission. The commission shall consist of the following members: 126700

(1) The following members, appointed by the attorney general: 126701

(a) One representative of the AARP; 126702

(b) One representative of the buckeye state sheriffs' 126703  
association; 126704

(c) One representative of the county commissioners' 126705  
association of Ohio; 126706

(d) One representative of the Ohio association of area 126707  
agencies on aging; 126708

(e) One representative of the board of nursing; 126709

(f) One representative of the Ohio coalition for adult 126710  
protective services; 126711

(g) One person who represents the interests of elder abuse 126712  
victims; 126713

(h) One person who represents the interests of elderly 126714

<u>persons;</u>	126715
<u>(i) One representative of the Ohio domestic violence network;</u>	126716
<u>(j) One representative of the Ohio prosecuting attorneys</u> <u>association;</u>	126717 126718
<u>(k) One representative of the Ohio victim witness</u> <u>association;</u>	126719 126720
<u>(l) One representative of the Ohio association of chiefs of</u> <u>police;</u>	126721 126722
<u>(m) One representative of the Ohio association of probate</u> <u>judges;</u>	126723 126724
<u>(n) One representative of the Ohio job and family services</u> <u>directors' association;</u>	126725 126726
<u>(o) One representative of the Ohio bankers league;</u>	126727
<u>(p) One representative of the Ohio credit union league;</u>	126728
<u>(q) Two representatives of national organizations that focus</u> <u>on elder abuse or sexual violence.</u>	126729 126730
<u>(2) The following ex officio members:</u>	126731
<u>(a) The attorney general or the attorney general's designee;</u>	126732
<u>(b) The chief justice of the supreme court of Ohio or the</u> <u>chief justice's designee;</u>	126733 126734
<u>(c) The governor or the governor's designee;</u>	126735
<u>(d) The director of aging or the director's designee;</u>	126736
<u>(e) The director of job and family services or the director's</u> <u>designee;</u>	126737 126738
<u>(f) The director of health or the director's designee;</u>	126739
<u>(g) The director of mental health and addiction services or</u> <u>the director's designee;</u>	126740 126741



<u>(h) The director of developmental disabilities or the director's designee;</u>	126742
	126743
<u>(i) The superintendent of insurance or the superintendent's designee;</u>	126744
	126745
<u>(j) The director of public safety or the director's designee;</u>	126746
<u>(k) The state long-term care ombudsman or the ombudsman's designee;</u>	126747
	126748
<u>(l) One member of the house of representatives, appointed by the speaker of the house of representatives;</u>	126749
	126750
<u>(m) One member of the senate, appointed by the president of the senate.</u>	126751
	126752
<u>(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.</u>	126753
	126754
	126755
<u>(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.</u>	126756
	126757
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	126763
<u>(D) Members shall serve without compensation, but may be reimbursed for mileage and other actual and necessary expenses incurred in the performance of their official duties.</u>	126764
	126765
	126766
<u>(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.</u>	126767
	126768
<u>Sec. 5101.741. (A) The elder abuse commission shall formulate and recommend strategies on all of the following:</u>	126769
	126770

<u>(1) Increasing awareness of and improving education on elder abuse;</u>	126771
	126772
<u>(2) Increasing research on elder abuse;</u>	126773
<u>(3) Improving policy, funding, and programming related to elder abuse;</u>	126774
	126775
<u>(4) Improving the judicial response to elder abuse victims;</u>	126776
<u>(5) Identifying ways to coordinate statewide efforts to address elder abuse.</u>	126777
	126778
<u>(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations.</u>	126779
	126780
	126781
	126782
<u>(C) The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under divisions (A) and (B) of this section.</u>	126783
	126784
	126785
	126786
	126787
<u>(D) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code.</u>	126788
	126789
	126790
<b>Sec. 5101.99.</b> (A) Whoever violates division (A) <del>or (B)</del> of section <del>5101.61</del> <u>5101.63</u> of the Revised Code shall be fined not more than five hundred dollars.	126791
	126792
	126793
(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.	126794
	126795
(C) Whoever violates section 5101.133 or division (C)(2) of section <del>5101.612</del> <u>5101.631</u> of the Revised Code is guilty of a misdemeanor of the fourth degree.	126796
	126797
	126798

Sec. 5123.61. (A) As used in this section: 126799

(1) "Law enforcement agency" means the state highway patrol, 126800  
the police department of a municipal corporation, or a county 126801  
sheriff. 126802

(2) "Abuse" has the same meaning as in section 5123.50 of the 126803  
Revised Code, except that it includes a misappropriation, as 126804  
defined in that section. 126805

(3) "Neglect" has the same meaning as in section 5123.50 of 126806  
the Revised Code. 126807

(B) The department of developmental disabilities shall 126808  
establish a registry office for the purpose of maintaining reports 126809  
of abuse, neglect, and other major unusual incidents made to the 126810  
department under this section and reports received from county 126811  
boards of developmental disabilities under section 5126.31 of the 126812  
Revised Code. The department shall establish committees to review 126813  
reports of abuse, neglect, and other major unusual incidents. 126814

(C)(1) Any person listed in division (C)(2) of this section, 126815  
having reason to believe that an individual with a developmental 126816  
disability has suffered or faces a substantial risk of suffering 126817  
any wound, injury, disability, or condition of such a nature as to 126818  
reasonably indicate abuse or neglect of that individual, shall 126819  
immediately report or cause reports to be made of such information 126820  
to the entity specified in this division. Except as provided in 126821  
section 5120.173 of the Revised Code or as otherwise provided in 126822  
this division, the person making the report shall make it to a law 126823  
enforcement agency or to the county board of developmental 126824  
disabilities. If the report concerns a resident of a facility 126825  
operated by the department of developmental disabilities the 126826  
report shall be made either to a law enforcement agency or to the 126827  
department. If the report concerns any act or omission of an 126828  
employee of a county board of developmental disabilities, the 126829

report immediately shall be made to the department and to the 126830  
county board. 126831

(2) All of the following persons are required to make a 126832  
report under division (C)(1) of this section: 126833

(a) Any physician, including a hospital intern or resident, 126834  
any dentist, podiatrist, chiropractor, practitioner of a limited 126835  
branch of medicine as specified in section 4731.15 of the Revised 126836  
Code, hospital administrator or employee of a hospital, nurse 126837  
licensed under Chapter 4723. of the Revised Code, employee of an 126838  
~~ambulatory~~ outpatient health facility as defined in section 126839  
~~5101.61~~ 5101.60 of the Revised Code, employee of a home health 126840  
agency, employee of a residential facility licensed under section 126841  
5119.34 of the Revised Code that provides accommodations, 126842  
supervision, and personal care services for three to sixteen 126843  
unrelated adults, or employee of a community mental health 126844  
facility; 126845

(b) Any school teacher or school authority, licensed 126846  
professional clinical counselor, licensed professional counselor, 126847  
independent social worker, social worker, independent marriage and 126848  
family therapist, marriage and family therapist, psychologist, 126849  
attorney, peace officer, coroner, or residents' rights advocate as 126850  
defined in section 3721.10 of the Revised Code; 126851

(c) A superintendent, board member, or employee of a county 126852  
board of developmental disabilities; an administrator, board 126853  
member, or employee of a residential facility licensed under 126854  
section 5123.19 of the Revised Code; an administrator, board 126855  
member, or employee of any other public or private provider of 126856  
services to an individual with a developmental disability, or any 126857  
developmental disabilities employee, as defined in section 5123.50 126858  
of the Revised Code; 126859

(d) A member of a citizen's advisory council established at 126860

an institution or branch institution of the department of 126861  
developmental disabilities under section 5123.092 of the Revised 126862  
Code; 126863

(e) A member of the clergy who is employed in a position that 126864  
includes providing specialized services to an individual with a 126865  
developmental disability, while acting in an official or 126866  
professional capacity in that position, or a person who is 126867  
employed in a position that includes providing specialized 126868  
services to an individual with a developmental disability and who, 126869  
while acting in an official or professional capacity, renders 126870  
spiritual treatment through prayer in accordance with the tenets 126871  
of an organized religion. 126872

(3)(a) The reporting requirements of this division do not 126873  
apply to employees of the Ohio protection and advocacy system. 126874

(b) An attorney or physician is not required to make a report 126875  
pursuant to division (C)(1) of this section concerning any 126876  
communication the attorney or physician receives from a client or 126877  
patient in an attorney-client or physician-patient relationship, 126878  
if, in accordance with division (A) or (B) of section 2317.02 of 126879  
the Revised Code, the attorney or physician could not testify with 126880  
respect to that communication in a civil or criminal proceeding, 126881  
except that the client or patient is deemed to have waived any 126882  
testimonial privilege under division (A) or (B) of section 2317.02 126883  
of the Revised Code with respect to that communication and the 126884  
attorney or physician shall make a report pursuant to division 126885  
(C)(1) of this section, if both of the following apply: 126886

(i) The client or patient, at the time of the communication, 126887  
is an individual with a developmental disability. 126888

(ii) The attorney or physician knows or suspects, as a result 126889  
of the communication or any observations made during that 126890  
communication, that the client or patient has suffered or faces a 126891

substantial risk of suffering any wound, injury, disability, or 126892  
condition of a nature that reasonably indicates abuse or neglect 126893  
of the client or patient. 126894

(4) Any person who fails to make a report required under 126895  
division (C) of this section and who is a developmental 126896  
disabilities employee, as defined in section 5123.50 of the 126897  
Revised Code, shall be eligible to be included in the registry 126898  
regarding misappropriation, abuse, neglect, or other specified 126899  
misconduct by developmental disabilities employees established 126900  
under section 5123.52 of the Revised Code. 126901

(D) The reports required under division (C) of this section 126902  
shall be made forthwith by telephone or in person and shall be 126903  
followed by a written report. The reports shall contain the 126904  
following: 126905

(1) The names and addresses of the individual with a 126906  
developmental disability and the individual's custodian, if known; 126907

(2) The age of the individual with a developmental 126908  
disability; 126909

(3) Any other information that would assist in the 126910  
investigation of the report. 126911

(E) When a physician performing services as a member of the 126912  
staff of a hospital or similar institution has reason to believe 126913  
that an individual with a developmental disability has suffered 126914  
injury, abuse, or physical neglect, the physician shall notify the 126915  
person in charge of the institution or that person's designated 126916  
delegate, who shall make the necessary reports. 126917

(F) Any person having reasonable cause to believe that an 126918  
individual with a developmental disability has suffered or faces a 126919  
substantial risk of suffering abuse or neglect may report or cause 126920  
a report to be made of that belief to the entity specified in this 126921  
division. Except as provided in section 5120.173 of the Revised 126922

Code or as otherwise provided in this division, the person making 126923  
the report shall make it to a law enforcement agency or the county 126924  
board of developmental disabilities. If the individual is a 126925  
resident of a facility operated by the department of developmental 126926  
disabilities, the report shall be made to a law enforcement agency 126927  
or to the department. If the report concerns any act or omission 126928  
of an employee of a county board of developmental disabilities, 126929  
the report immediately shall be made to the department and to the 126930  
county board. 126931

(G)(1) Upon the receipt of a report concerning the possible 126932  
abuse or neglect of an individual with a developmental disability, 126933  
the law enforcement agency shall inform the county board of 126934  
developmental disabilities or, if the individual is a resident of 126935  
a facility operated by the department of developmental 126936  
disabilities, the department. 126937

(2) On receipt of a report under this section that includes 126938  
an allegation of action or inaction that may constitute a crime 126939  
under federal law or the law of this state, the department of 126940  
developmental disabilities shall notify the law enforcement 126941  
agency. 126942

(3) When a county board of developmental disabilities 126943  
receives a report under this section that includes an allegation 126944  
of action or inaction that may constitute a crime under federal 126945  
law or the law of this state, the superintendent of the board or 126946  
an individual the superintendent designates under division (H) of 126947  
this section shall notify the law enforcement agency. The 126948  
superintendent or individual shall notify the department of 126949  
developmental disabilities when it receives any report under this 126950  
section. 126951

(4) When a county board of developmental disabilities 126952  
receives a report under this section and believes that the degree 126953  
of risk to the person is such that the report is an emergency, the 126954

superintendent of the board or an employee of the board the 126955  
superintendent designates shall attempt a face-to-face contact 126956  
with the individual with a developmental disability who allegedly 126957  
is the victim within one hour of the board's receipt of the 126958  
report. 126959

(H) The superintendent of the board may designate an 126960  
individual to be responsible for notifying the law enforcement 126961  
agency and the department when the county board receives a report 126962  
under this section. 126963

(I) An adult with a developmental disability about whom a 126964  
report is made may be removed from the adult's place of residence 126965  
only by law enforcement officers who consider that the adult's 126966  
immediate removal is essential to protect the adult from further 126967  
injury or abuse or in accordance with the order of a court made 126968  
pursuant to section 5126.33 of the Revised Code. 126969

(J) A law enforcement agency shall investigate each report of 126970  
abuse or neglect it receives under this section. In addition, the 126971  
department, in cooperation with law enforcement officials, shall 126972  
investigate each report regarding a resident of a facility 126973  
operated by the department to determine the circumstances 126974  
surrounding the injury, the cause of the injury, and the person 126975  
responsible. The investigation shall be in accordance with the 126976  
memorandum of understanding prepared under section 5126.058 of the 126977  
Revised Code. The department shall determine, with the registry 126978  
office which shall be maintained by the department, whether prior 126979  
reports have been made concerning an adult with a developmental 126980  
disability or other principals in the case. If the department 126981  
finds that the report involves action or inaction that may 126982  
constitute a crime under federal law or the law of this state, it 126983  
shall submit a report of its investigation, in writing, to the law 126984  
enforcement agency. If the individual with a developmental 126985  
disability is an adult, with the consent of the adult, the 126986



department shall provide such protective services as are necessary 126987  
to protect the adult. The law enforcement agency shall make a 126988  
written report of its findings to the department. 126989

If the individual with a developmental disability is an adult 126990  
and is not a resident of a facility operated by the department, 126991  
the county board of developmental disabilities shall review the 126992  
report of abuse or neglect in accordance with sections 5126.30 to 126993  
5126.33 of the Revised Code and the law enforcement agency shall 126994  
make the written report of its findings to the county board. 126995

(K) Any person or any hospital, institution, school, health 126996  
department, or agency participating in the making of reports 126997  
pursuant to this section, any person participating as a witness in 126998  
an administrative or judicial proceeding resulting from the 126999  
reports, or any person or governmental entity that discharges 127000  
responsibilities under sections 5126.31 to 5126.33 of the Revised 127001  
Code shall be immune from any civil or criminal liability that 127002  
might otherwise be incurred or imposed as a result of such actions 127003  
except liability for perjury, unless the person or governmental 127004  
entity has acted in bad faith or with malicious purpose. 127005

(L) No employer or any person with the authority to do so 127006  
shall discharge, demote, transfer, prepare a negative work 127007  
performance evaluation, reduce pay or benefits, terminate work 127008  
privileges, or take any other action detrimental to an employee or 127009  
retaliate against an employee as a result of the employee's having 127010  
made a report under this section. This division does not preclude 127011  
an employer or person with authority from taking action with 127012  
regard to an employee who has made a report under this section if 127013  
there is another reasonable basis for the action. 127014

(M) Reports made under this section are not public records as 127015  
defined in section 149.43 of the Revised Code. Information 127016  
contained in the reports on request shall be made available to the 127017  
individual who is the subject of the report, to the individual's 127018

legal counsel, and to agencies authorized to receive information 127019  
in the report by the department or by a county board of 127020  
developmental disabilities. 127021

(N) Notwithstanding section 4731.22 of the Revised Code, the 127022  
physician-patient privilege shall not be a ground for excluding 127023  
evidence regarding the injuries or physical neglect of an 127024  
individual with a developmental disability or the cause thereof in 127025  
any judicial proceeding resulting from a report submitted pursuant 127026  
to this section. 127027

**Sec. 5126.31.** (A) A county board of developmental 127028  
disabilities shall review reports of abuse and neglect made under 127029  
section 5123.61 of the Revised Code and reports referred to it 127030  
under section ~~5101.61~~ 5101.64 of the Revised Code to determine 127031  
whether the individual who is the subject of the report is an 127032  
adult with a developmental disability in need of services to deal 127033  
with the abuse or neglect. The county board shall give notice of 127034  
each report to the registry office of the department of 127035  
developmental disabilities established pursuant to section 5123.61 127036  
of the Revised Code on the first working day after receipt of the 127037  
report. If the report alleges that there is a substantial risk to 127038  
the adult of immediate physical harm or death, the county board 127039  
shall initiate review within twenty-four hours of its receipt of 127040  
the report. If the county board determines that the individual is 127041  
sixty years of age or older but does not have a developmental 127042  
disability, it shall refer the case to the county department of 127043  
job and family services. If the county board determines that the 127044  
individual is an adult with a developmental disability, it shall 127045  
continue its review of the case. 127046

(B) For each review over which the county board retains 127047  
responsibility under division (A) of this section, it shall do all 127048  
of the following: 127049

- (1) Give both written and oral notice of the purpose of the review to the adult and, if any, to the adult's legal counsel or caretaker, in simple and clear language;
- (2) Visit the adult, in the adult's residence if possible, and explain the notice given under division (B)(1) of this section;
- (3) Request from the registry office any prior reports concerning the adult or other principals in the case;
- (4) Consult, if feasible, with the person who made the report under section ~~5101.61~~ 5101.63 or 5123.61 of the Revised Code and with any agencies or persons who have information about the alleged abuse or neglect;
- (5) Cooperate fully with the law enforcement agency responsible for investigating the report and for filing any resulting criminal charges and, on request, turn over evidence to the agency;
- (6) Determine whether the adult needs services, and prepare a written report stating reasons for the determination. No adult shall be determined to be abused, neglected, or in need of services for the sole reason that, in lieu of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the adult is a member or adherent.
- (C) The county board shall arrange for the provision of services for the prevention, correction or discontinuance of abuse or neglect or of a condition resulting from abuse or neglect for any adult who has been determined to need the services and consents to receive them. These services may include, but are not limited to, service and support administration, fiscal management, medical, mental health, home health care, homemaker, legal, and

residential services and the provision of temporary accommodations 127081  
and necessities such as food and clothing. The services do not 127082  
include acting as a guardian, trustee, or protector as defined in 127083  
section 5123.55 of the Revised Code. If the provision of 127084  
residential services would require expenditures by the department 127085  
of developmental disabilities, the county board shall obtain the 127086  
approval of the department prior to arranging the residential 127087  
services. 127088

To arrange services, the county board shall: 127089

(1) Develop an individualized service plan identifying the 127090  
types of services required for the adult, the goals for the 127091  
services, and the persons or agencies that will provide them; 127092

(2) In accordance with rules established by the director of 127093  
developmental disabilities, obtain the consent of the adult or the 127094  
adult's guardian to the provision of any of these services and 127095  
obtain the signature of the adult or guardian on the 127096  
individualized service plan. An adult who has been found 127097  
incompetent under Chapter 2111. of the Revised Code may consent to 127098  
services. If the county board is unable to obtain consent, it may 127099  
seek, if the adult is incapacitated, a court order pursuant to 127100  
section 5126.33 of the Revised Code authorizing the board to 127101  
arrange these services. 127102

(D) The county board shall ensure that the adult receives the 127103  
services arranged by the board from the provider and shall have 127104  
the services terminated if the adult withdraws consent. 127105

(E) On completion of a review, the county board shall submit 127106  
a written report to the registry office established under section 127107  
5123.61 of the Revised Code. If the report includes a finding that 127108  
an individual with a developmental disability is a victim of 127109  
action or inaction that may constitute a crime under federal law 127110  
or the law of this state, the board shall submit the report to the 127111

law enforcement agency responsible for investigating the report. 127112  
Reports prepared under this section are not public records as 127113  
defined in section 149.43 of the Revised Code. 127114

**Section 135.11.** That existing sections 173.501, 173.521, 127115  
173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 127116  
5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 127117  
5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 127118  
5101.72, 5101.99, 5123.61, and 5126.31 and section 5101.621 of the 127119  
Revised Code are hereby repealed. 127120

**Section 135.12.** Sections 135.10 and 135.11 of this act take 127121  
effect one year after the effective date of this act. 127122

**Section 201.10.** Except as otherwise provided in this act, all 127123  
appropriation items in this act are appropriated out of any moneys 127124  
in the state treasury to the credit of the designated fund that 127125  
are not otherwise appropriated. For all appropriations made in 127126  
this act, the amounts in the first column are for fiscal year 2018 127127  
and the amounts in the second column are for fiscal year 2019. 127128  
127129

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 127130  
Dedicated Purpose Fund Group 127131  
4J80 889601 CPA Education \$ 325,000 \$ 325,000 127132  
Assistance  
4K90 889609 Operating Expenses \$ 1,141,957 \$ 1,236,965 127133  
TOTAL DPF Dedicated Purpose Fund 127134  
Group \$ 1,466,957 \$ 1,561,965 127135  
TOTAL ALL BUDGET FUND GROUPS \$ 1,466,957 \$ 1,561,965 127136

**Section 205.10.** ADJ ADJUTANT GENERAL 127138  
General Revenue Fund 127139

GRF	745401	Ohio Military Reserve	\$	12,123	\$	12,123	127140
GRF	745404	Air National Guard	\$	1,812,069	\$	1,812,069	127141
GRF	745407	National Guard	\$	394,000	\$	394,000	127142
		Benefits					
GRF	745409	Central	\$	2,768,392	\$	2,768,392	127143
		Administration					
GRF	745499	Army National Guard	\$	3,687,577	\$	3,687,577	127144
TOTAL GRF		General Revenue Fund	\$	8,674,161	\$	8,674,161	127145
		Dedicated Purpose Fund Group					127146
5340	745612	Property Operations	\$	900,000	\$	900,000	127147
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	127148
		Activities					
5360	745620	Camp Perry and	\$	871,400	\$	871,400	127149
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	190,000	\$	190,000	127150
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	127151
		Distinction					
5RV0	745630	Ohio Military	\$	1,000,000	\$	1,000,000	127152
		Facilities Support					
5U80	745613	Community Match	\$	350,000	\$	350,000	127153
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	3,445,000	\$	3,445,000	127154
		Group					
		Federal Fund Group					127155
3420	745616	Army National Guard	\$	26,202,215	\$	26,202,215	127156
		Service Agreement					
3E80	745628	Air National Guard	\$	16,107,196	\$	16,107,196	127157
		Operations and					

	Maintenance				
3R80 745603	Counter Drug	\$	15,000	\$	15,000 127158
	Operations				
TOTAL FED	Federal Fund Group	\$	42,324,411	\$	42,324,411 127159
TOTAL ALL	BUDGET FUND GROUPS	\$	54,443,572	\$	54,443,572 127160

**Section 205.20. NATIONAL GUARD BENEFITS** 127162

The foregoing appropriation item 745407, National Guard 127163  
 Benefits, shall be used for purposes of sections 5919.31 and 127164  
 5919.33 of the Revised Code, and for administrative costs of the 127165  
 associated programs. 127166

If necessary, in order to pay benefits in a timely manner 127167  
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 127168  
 Adjutant General may request the Director of Budget and Management 127169  
 transfer appropriation from any appropriation item used by the 127170  
 Adjutant General to appropriation item 745407, National Guard 127171  
 Benefits. Such amounts are hereby appropriated. The Adjutant 127172  
 General may subsequently seek Controlling Board approval to 127173  
 restore the appropriation in the appropriation item from which 127174  
 such a transfer was made. 127175

For active duty members of the Ohio National Guard who died 127176  
 after October 7, 2001, while performing active duty, the death 127177  
 benefit, pursuant to section 5919.33 of the Revised Code, shall be 127178  
 paid to the beneficiary or beneficiaries designated on the 127179  
 member's Servicemembers' Group Life Insurance Policy. 127180

**STATE ACTIVE DUTY COSTS** 127181

Of the foregoing appropriation item 745409, Central 127182  
 Administration, \$50,000 in each fiscal year shall be used for the 127183  
 purpose of paying expenses related to state active duty of members 127184  
 of the Ohio organized militia, in accordance with a proclamation 127185  
 of the Governor. Expenses include, but are not limited to, the 127186  
 cost of equipment, supplies, and services, as determined by the 127187

Adjutant General's Department. On June 1 of each fiscal year, if 127188  
it is determined by the Adjutant General that any portion of this 127189  
\$50,000 in that fiscal year will not be used for state active duty 127190  
expenses, those amounts may be encumbered by the Adjutant General 127191  
for maintenance expenses. If before the end of that fiscal year, 127192  
state active duty expenses occur, these encumbrances should be 127193  
canceled by the Adjutant General to pay for expenses related to 127194  
state active duty. 127195

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE OHIO 127196  
MILITARY FACILITIES FUND 127197

On July 1 of each fiscal year, or as soon as possible 127198  
thereafter, the Director of Budget and Management shall transfer 127199  
\$1,000,000 cash from the General Revenue Fund to the Ohio Military 127200  
Facilities Fund (Fund 5RV0). 127201

The foregoing appropriation item 745630, Ohio Military 127202  
Facilities Support, shall be used by the Ohio Military Facilities 127203  
Commission exclusively to finance or assist in the financing of 127204  
infrastructure capital improvements at Wright-Patterson Air Force 127205  
Base in preparation for future federal Defense Base Closure and 127206  
Realignment Commission (BRAC) actions. 127207

CYBER RANGE 127208

The Adjutant General's Department, in conjunction and 127209  
collaboration with the Department of Administrative Services, the 127210  
Department of Public Safety, the Department of Higher Education, 127211  
and the Department of Education shall establish and maintain a 127212  
cyber range. The Adjutant General's Department may work with 127213  
federal agencies to assist in accomplishing this objective. The 127214  
cyber range shall: (1) provide cyber training and education to 127215  
K-12 students, higher education students, Ohio National Guardsmen, 127216  
federal employees, and state and local government employees, and 127217  
(2) provide for emergency preparedness exercises and training. The 127218



state agencies identified in this paragraph may procure any 127219  
 necessary goods and services including, but not limited to, 127220  
 contracted services, hardware, networking services, maintenance 127221  
 costs, and the training and management costs of a cyber range. 127222  
 These state agencies shall determine the amount of funds each 127223  
 agency will contribute from available funds and appropriations 127224  
 enacted herein in order to establish and maintain a cyber range. 127225

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 127226

General Revenue Fund 127227

GRF	100413	Enterprise Data Center	\$	7,564,900	\$	7,564,300	127228
		Solutions Lease Rental					
		Payments					
GRF	100414	MARCS Lease Rental	\$	6,764,700	\$	6,766,800	127229
		Payments					
GRF	100415	OAKS Lease Rental	\$	15,251,600	\$	15,344,800	127230
		Payments					
GRF	100416	STARS Lease Rental	\$	8,664,100	\$	8,628,500	127231
		Payments					
GRF	100447	Administrative	\$	98,017,500	\$	91,862,900	127232
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	1,000,000	\$	1,000,000	127233
GRF	100456	State IT Services	\$	1,770,736	\$	1,770,736	127234
GRF	100457	Equal Opportunity	\$	2,212,396	\$	2,212,396	127235
		Services					
GRF	100459	Ohio Business Gateway	\$	3,988,358	\$	3,988,358	127236
GRF	100461	Pay For Success	\$	500,000	\$	500,000	127237
		Contracting					
GRF	100469	Aronoff Center	\$	270,000	\$	270,000	127238
		Building Maintenance					
GRF	130321	State Agency Support	\$	20,000,000	\$	20,000,000	127239

Services

TOTAL GRF General Revenue Fund	\$	166,004,290	\$	159,908,790	127240
Dedicated Purpose Fund Group					127241
5L70 100610 Professional Development	\$	1,650,000	\$	1,650,000	127242
5MV0 100662 Theater Equipment Maintenance	\$	50,000	\$	50,000	127243
5NM0 100663 911 Program	\$	505,421	\$	505,421	127244
5V60 100619 Employee Educational Development	\$	900,000	\$	900,000	127245
TOTAL DPF Dedicated Purpose Fund Group	\$	3,105,421	\$	3,105,421	127246
Internal Service Activity Fund Group					127247
1120 100616 DAS Administration	\$	7,900,000	\$	7,900,000	127248
1150 100632 Central Service Agency	\$	1,227,255	\$	975,025	127249
1170 100644 General Services Division - Operating	\$	12,000,000	\$	12,000,000	127250
1220 100637 Fleet Management	\$	9,750,000	\$	11,000,000	127251
1250 100622 Human Resources Division - Operating	\$	16,500,000	\$	16,500,000	127252
1250 100657 Benefits Communication	\$	615,521	\$	615,521	127253
1280 100620 Office of Collective Bargaining	\$	4,100,000	\$	4,200,000	127254
1300 100606 Risk Management Reserve	\$	12,763,978	\$	12,763,978	127255
1320 100631 DAS Building Management	\$	51,384,799	\$	51,384,799	127256
1330 100607 IT Services Delivery	\$	127,132,306	\$	126,732,306	127257
1880 100649 Equal Opportunity Division - Operating	\$	1,219,082	\$	1,264,515	127258
2100 100612 State Printing	\$	26,000,000	\$	26,000,000	127259
2290 100630 IT Governance	\$	33,457,000	\$	31,977,000	127260

2290 100640	Consolidated IT Purchases	\$ 15,078,000	\$ 15,348,000	127261
4270 100602	Investment Recovery	\$ 1,662,341	\$ 1,662,341	127262
4N60 100617	Major IT Purchases	\$ 120,000,000	\$ 120,000,000	127263
5C20 100605	MARCS Administration	\$ 20,015,704	\$ 21,319,640	127264
5EB0 100635	OAKS Support Organization	\$ 27,500,000	\$ 31,000,000	127265
5EB0 100656	OAKS Updates and Developments	\$ 6,357,000	\$ 6,357,000	127266
5JQ0 100658	Professionals Licensing System	\$ 990,000	\$ 4,234,482	127267
5KZ0 100659	Building Improvement	\$ 4,391,700	\$ 2,558,281	127268
5LJ0 100661	IT Development	\$ 9,000,000	\$ 9,000,000	127269
5PC0 100665	Enterprise Applications	\$ 83,436,960	\$ 85,391,790	127270
TOTAL ISA	Internal Service Activity			127271
Fund Group		\$ 592,481,646	\$ 600,184,678	127272
Federal Fund Group				127273
3AJ0 100623	Information Technology Grants	\$ 2,487,909	\$ 740,493	127274
TOTAL FED	Federal Fund Group	\$ 2,487,909	\$ 740,493	127275
TOTAL ALL BUDGET FUND GROUPS		\$ 764,079,266	\$ 763,939,382	127276

**Section 207.20.** ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS 127278  
127279

The foregoing appropriation item 100413, Enterprise Data Center Solutions Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of S.B. 310 of the 131st General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions information 127280  
127281  
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technology initiative. If it is determined that additional 127288  
appropriations are necessary for this purpose, the amounts are 127289  
hereby appropriated. 127290

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 127291

The foregoing appropriation item 100414, MARCS Lease Rental 127292  
Payments, shall be used for payments during the period from July 127293  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127294  
entered into under Chapter 125. of the Revised Code, as 127295  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 127296  
General Assembly, with respect to financing the costs associated 127297  
with the acquisition, development, installation, and 127298  
implementation of the Multi-Agency Radio Communications System 127299  
(MARCS) upgrade. If it is determined that additional 127300  
appropriations are necessary for this purpose, the amounts are 127301  
hereby appropriated. 127302

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 127303

The foregoing appropriation item 100415, OAKS Lease Rental 127304  
Payments, shall be used for payments during the period from July 127305  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127306  
entered into under Chapter 125. of the Revised Code, as 127307  
supplemented by Section 701.20 of S.B. 310 of the 131st General 127308  
Assembly and other prior acts of the General Assembly, with 127309  
respect to financing the costs associated with the acquisition, 127310  
development, installation, and implementation of the Ohio 127311  
Administrative Knowledge System. If it is determined that 127312  
additional appropriations are necessary for this purpose, the 127313  
amounts are hereby appropriated. 127314

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 127315  
PAYMENTS 127316

The foregoing appropriation item 100416, STARS Lease Rental 127317  
Payments, shall be used for payments during the period from July 127318

1, 2017, through June 30, 2019, pursuant to leases and agreements 127319  
entered into under Chapter 125. of the Revised Code, as 127320  
supplemented by Section 701.30 of S.B. 310 of the 131st General 127321  
Assembly and other prior acts of the General Assembly, with 127322  
respect to financing the costs associated with the acquisition, 127323  
development, installation, and implementation of the State 127324  
Taxation Accounting and Revenue System (STARS). If it is 127325  
determined that additional appropriations are necessary for this 127326  
purpose, the amounts are hereby appropriated. 127327

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 127328

The foregoing appropriation item 100447, Administrative 127329  
Buildings Lease Rental Bond Payments, shall be used to meet all 127330  
payments during the period from July 1, 2017, through June 30, 127331  
2019, by the Department of Administrative Services pursuant to 127332  
leases and agreements under Chapters 152. and 154. of the Revised 127333  
Code. These appropriations are the source of funds pledged for 127334  
bond service charges on related obligations issued under Chapters 127335  
152. and 154. of the Revised Code. 127336

PAY FOR SUCCESS CONTRACTING 127337

The foregoing appropriation item 100461, Pay For Success 127338  
Contracting, shall be used by the Director of Administrative 127339  
Services for the Pay For Success Contracting Program created in 127340  
section 125.66 of the Revised Code. 127341

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 127342

The Director of Administrative Services, in consultation with 127343  
the Multi-Agency Radio Communication System (MARCS) Steering 127344  
Committee and the Director of Budget and Management, shall 127345  
determine the share of debt service payments attributable to 127346  
spending for MARCS components that are not specific to any one 127347  
agency and that shall be charged to the Public Safety - Highway 127348  
Purposes Fund (Fund 5TM0). Such share of debt service payments 127349

shall be calculated for MARCS capital disbursements made beginning 127350  
July 1, 1997. Within thirty days of any payment made from 127351  
appropriation item 100447, Administrative Buildings Lease Rental 127352  
Bond Payments, the Director of Administrative Services shall 127353  
certify to the Director of Budget and Management the amount of 127354  
this share. The Director of Budget and Management shall transfer 127355  
such amounts to the General Revenue Fund from the Public Safety - 127356  
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 127357  
of the Revised Code. 127358

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 127359  
FUND 127360

Following the conveyance of the Michael V. DiSalle Government 127361  
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 127362  
General Assembly, the Director of Budget and Management may adjust 127363  
FY 2018 and FY 2019 General Revenue Fund appropriations of the 127364  
Department of Administrative Services and other state agencies to 127365  
reflect accurately the rental amounts agencies will pay the lessor 127366  
of the Michael V. DiSalle Government Center for space that is 127367  
supported by the General Revenue Fund and that heretofore was paid 127368  
by the Department of Administrative Services. Total General 127369  
Revenue Fund appropriations may decrease but may not increase as a 127370  
result of the appropriation adjustments made under this section. 127371

The foregoing appropriation item 130321, State Agency Support 127372  
Services, also may be used to provide funding for the cost of 127373  
property appraisals or building studies that the Department of 127374  
Administrative Services may be required to obtain for property 127375  
that is being sold by the state or property under consideration to 127376  
be renovated or purchased by the state. 127377

Notwithstanding section 125.28 of the Revised Code, the 127378  
foregoing appropriation item 130321, State Agency Support 127379  
Services, also may be used to pay the operating expenses of state 127380  
facilities maintained by the Department of Administrative Services 127381

that are not billed to building tenants, or other costs associated 127382  
with the Voinovich Center in Youngstown, Ohio. These expenses may 127383  
include, but are not limited to, the costs for vacant space and 127384  
space undergoing renovation, and the rent expenses of tenants that 127385  
are relocated because of building renovations. These payments may 127386  
be processed by the Department of Administrative Services through 127387  
intrastate transfer vouchers and placed into the Building 127388  
Management Fund (Fund 1320). 127389

At least once per year, the portion of appropriation item 127390  
130321, State Agency Support Services, that is not used for the 127391  
regular expenses of the appropriation item may be processed by the 127392  
Department of Administrative Services through intrastate transfer 127393  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 127394

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 127395

Upon the request of the Director of Administrative Services, 127396  
the Director of Budget and Management may transfer unobligated 127397  
cash in the MARCS Administration Fund (Fund 5C20) to the General 127398  
Revenue Fund to reimburse the General Revenue Fund for lease 127399  
rental payments made on behalf of the MARCS upgrade. 127400

**Section 207.30.** PROFESSIONAL DEVELOPMENT FUND 127401

The foregoing appropriation item 100610, Professional 127402  
Development, shall be used to make payments from the Professional 127403  
Development Fund (Fund 5L70) under section 124.182 of the Revised 127404  
Code. If it is determined by the Director of Budget and Management 127405  
that additional amounts are necessary, the amounts are hereby 127406  
appropriated. 127407

911 PROGRAM 127408

The foregoing appropriation item 100663, 911 Program, shall 127409  
be used by the Department of Administrative Services to pay the 127410  
administrative and marketing and educational costs of the 127411

Statewide Emergency Services Internet Protocol Network program. 127412

EMPLOYEE EDUCATIONAL DEVELOPMENT 127413

The foregoing appropriation item 100619, Employee Educational 127414  
Development, shall be used to make payments from the Employee 127415  
Educational Development Fund (Fund 5V60) under section 124.86 of 127416  
the Revised Code. The fund shall be used to pay the costs of 127417  
administering educational programs under existing collective 127418  
bargaining agreements with District 1199, the Health Care and 127419  
Social Service Union, Service Employees International Union; State 127420  
Council of Professional Educators; Ohio Education Association and 127421  
National Education Association; the Fraternal Order of Police Ohio 127422  
Labor Council, Unit 2; and the Ohio State Troopers Association, 127423  
Units 1 and 15. 127424

If it is determined by the Director of Budget and Management 127425  
that additional amounts are necessary, the amounts are hereby 127426  
appropriated. 127427

**Section 207.40.** CENTRAL SERVICE AGENCY FUND 127428

The foregoing appropriation item 100632, Central Service 127429  
Agency, shall be used to purchase the equipment, products, and 127430  
services that are needed to maintain existing automated 127431  
applications for the professional licensing boards and the Casino 127432  
Control Commission to support board licensing functions in fiscal 127433  
year 2018 until these functions are replaced by the Ohio 127434  
Professionals Licensing System. The Department of Administrative 127435  
Services shall establish charges for recovering the costs of 127436  
carrying out these functions. The charges shall be billed to the 127437  
professional licensing boards and the Casino Control Commission, 127438  
and deposited via intrastate transfer vouchers to the credit of 127439  
the Central Service Agency Fund (Fund 1150). 127440

Upon implementation of the replacement Ohio Professionals 127441



Licensing System and the decommissioning of the existing automated 127442  
applications, the Director of Budget and Management may transfer 127443  
any cash balances that remain in the Central Service Agency Fund 127444  
(Fund 1150) and that are attributable to the operation of the 127445  
existing automated applications to the Professions Licensing 127446  
System Fund (Fund 5JQ0). 127447

GENERAL SERVICE CHARGES 127448

The Department of Administrative Services, with the approval 127449  
of the Director of Budget and Management, shall establish charges 127450  
for recovering the costs of administering the programs funded by 127451  
the General Services Fund (Fund 1170) and the State Printing Fund 127452  
(Fund 2100). 127453

COLLECTIVE BARGAINING ARBITRATION EXPENSES 127454

The Department of Administrative Services may seek 127455  
reimbursement from state agencies for the actual costs and 127456  
expenses the Department incurs in the collective bargaining 127457  
arbitration process. The reimbursements shall be processed through 127458  
intrastate transfer vouchers and credited to the Collective 127459  
Bargaining Fund (Fund 1280). 127460

EQUAL OPPORTUNITY PROGRAM 127461

The Department of Administrative Services, with the approval 127462  
of the Director of Budget and Management, shall establish charges 127463  
for recovering the costs of administering the activities supported 127464  
by the State EEO Fund (Fund 1880). These charges shall be 127465  
deposited to the credit of Fund 1880 upon payment made by state 127466  
agencies, state-supported or state-assisted institutions of higher 127467  
education, and tax-supported agencies, municipal corporations, and 127468  
other political subdivisions of the state, for services rendered. 127469

CONSOLIDATED IT PURCHASES 127470

The foregoing appropriation item 100640, Consolidated IT 127471

Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to \$14,000,000 in cash during the FY 2018-FY 2019 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board

Operating Fund (Fund 5C60), and the Casino Control Commission - 127503  
Operating Fund (Fund 5HS0), to the Professions Licensing System 127504  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 127505  
in proportion to the number of current licenses issued by the 127506  
licensing boards and commissions that use each fund, and for the 127507  
Casino Control Commission, the number of current and anticipated 127508  
licenses. The transferred amounts shall be used by the Director of 127509  
Administrative Services for the initial acquisition and 127510  
development of the Professions Licensing System. The transferred 127511  
amounts are hereby appropriated to appropriation item 100658, 127512  
Professionals Licensing System. The unobligated, unexpended amount 127513  
of the cash transferred in FY 2018 is hereby reappropriated for 127514  
the same purpose in FY 2019. 127515

Effective with the implementation of the replacement 127516  
licensing system, the Department of Administrative Services shall 127517  
establish charges for recovering the costs of ongoing maintenance 127518  
of the system that are not otherwise recovered under section 127519  
125.18 of the Revised Code. The charges shall be billed to state 127520  
agencies, boards, and commissions using the state's enterprise 127521  
electronic licensing system and deposited via intrastate transfer 127522  
vouchers to the credit of the Professions Licensing System Fund 127523  
(Fund 5JQ0), which is hereby created in the state treasury. 127524

Notwithstanding any provision of the Revised Code to the 127525  
contrary, the Department of Administrative Services may assess a 127526  
transaction fee to an individual who uses the state's enterprise 127527  
electronic licensing system operated by the Department to apply 127528  
for or renew a license or registration in an amount determined by 127529  
the Department not to exceed three dollars and fifty cents. The 127530  
Director of Administrative Services may collect the fee or require 127531  
a state agency for which the system is being operated to collect 127532  
the fee. Amounts received under this division shall be deposited 127533  
in the Professions Licensing System Fund (Fund 5JQ0) and used to 127534

operate the electronic licensing system. 127535

BUILDING IMPROVEMENT FUND 127536

The foregoing appropriation item 100659, Building 127537  
Improvement, shall be used to make payments from the Building 127538  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 127539  
required in facilities maintained by the Department of 127540  
Administrative Services. The Department of Administrative Services 127541  
shall conduct or contract for regular assessments of these 127542  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 127543  
the cost of the repairs and improvements that are recommended to 127544  
occur within the next five years, with the following exception 127545  
described below. 127546

Upon request of the Director of Administrative Services, the 127547  
Director of Budget and Management may permit a cash transfer from 127548  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 127549  
of operating and maintaining facilities managed by the Department 127550  
of Administrative Services that are not charged to tenants during 127551  
the same fiscal year. 127552

Should the cash balance in Fund 1320 be determined to be 127553  
sufficient, the Director of Administrative Services may request 127554  
that the Director of Budget and Management transfer cash from Fund 127555  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 127556  
under this section plus applicable interest. 127557

INFORMATION TECHNOLOGY DEVELOPMENT 127558

The foregoing appropriation item 100661, IT Development, 127559  
shall be used by the Department of Administrative Services to pay 127560  
the costs of modernizing the state's information technology 127561  
management and investment practices away from a limited, 127562  
agency-specific focus in favor of a statewide methodology 127563  
supporting development of enterprise solutions. 127564

Notwithstanding any provision of law to the contrary, the 127565

Department of Administrative Services, with the approval of the 127566  
Director of Budget and Management, may charge state agencies an 127567  
information technology development assessment based on state 127568  
agencies' information technology expenditures or other 127569  
methodology. The revenue from this assessment shall be deposited 127570  
into the Information Technology Development Fund (Fund 5LJ0), 127571  
which is hereby created. 127572

ENTERPRISE APPLICATIONS 127573

The foregoing appropriation item 100665, Enterprise 127574  
Applications, shall be used for the operation and management of 127575  
information technology applications that support state agencies' 127576  
objectives. Charges billed to benefiting agencies shall be 127577  
deposited to the credit of the Enterprise Application Fund (Fund 127578  
5PC0), which is hereby created in the state treasury. 127579

CASH TRANSFER TO THE MARCS ADMINISTRATION FUND FROM THE GRF 127580

Upon the request of the Director of Administrative Services, 127581  
the Director of Budget and Management shall transfer up to 127582  
\$1,000,000 in cash in each fiscal year from the General Revenue 127583  
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 127584  
eliminate MARCS subscriber fees paid by villages, townships, 127585  
municipal corporations, counties, and regional public safety and 127586  
first response agencies classified as Tier 1 subscribers by the 127587  
MARCS Steering Committee. 127588

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 127589

The Director of Administrative Services shall determine and 127590  
implement strategies that benefit the enterprise by improving 127591  
efficiency, reducing costs or enhancing capacity of information 127592  
technology (IT) services. Such improvements and efficiencies may 127593  
result in the consolidation and transfer of such services. As 127594  
determined to be necessary for successful implementation of this 127595

section and notwithstanding any provision of law to the contrary, 127596  
the Director of Administrative Services may request the Director 127597  
of Budget and Management to consolidate or transfer IT-specific 127598  
budget authority between agencies or within an agency as necessary 127599  
to implement enterprise IT cost containment strategies and related 127600  
efficiencies. Once the Director of Budget and Management is 127601  
satisfied that the proposed initiative is cost advantageous to the 127602  
enterprise, the Director of Budget and Management may transfer 127603  
appropriations, funds and cash as needed to implement the proposed 127604  
initiative. The establishment of any new fund or additional 127605  
appropriation as a result of this section shall be subject to 127606  
Controlling Board approval. 127607

The Director of Budget and Management and the Director of 127608  
Administrative Services may transfer any employees, assets, and 127609  
liabilities, including, but not limited to, records, contracts, 127610  
and agreements in order to facilitate the improvements determined 127611  
in accordance with this section. 127612

**Section 207.60. PAY FOR SUCCESS CONTRACTING PROGRAM** 127613

(A) As used in this section, "social service intermediary" 127614  
has the same meaning as in section 125.66 of the Revised Code. 127615

(B) Not later than six months after the effective date of 127616  
this section, the Director of Administrative Services shall, in 127617  
consultation with the Department of Health and as part of the Pay 127618  
for Success Contracting Program established under section 125.66 127619  
of the Revised Code, contract with one or more social service 127620  
intermediaries to administer one or two pilot projects intended to 127621  
do both of the following: 127622

(1) Reduce the incidence of infant mortality, low-birthweight 127623  
births, premature births, and stillbirths in the urban and rural 127624  
communities of this state that are specified by the Director of 127625  
Health under section 3701.142 of the Revised Code; 127626

(2) Promote equity in birth outcomes among infants of  
different races in this state. 127627  
127628

**Section 209.10.** AGE DEPARTMENT OF AGING 127629

General Revenue Fund 127630

GRF 490321 Operating Expenses \$ 1,500,000 \$ 1,500,000 127631

GRF 490410 Long-Term Care \$ 470,286 \$ 470,286 127632

Ombudsman

GRF 490411 Senior Community \$ 6,997,038 \$ 6,997,038 127633

Services

GRF 490414 Alzheimer's Respite \$ 2,495,245 \$ 2,495,245 127634

GRF 490506 National Senior \$ 237,792 \$ 237,792 127635

Service Corps

GRF 656423 Long-Term Care Budget \$ 3,500,000 \$ 3,500,000 127636

- State

TOTAL GRF General Revenue Fund \$ 15,200,361 \$ 15,200,361 127637

Dedicated Purpose Fund Group 127638

4800 490606 Senior Community \$ 372,523 \$ 372,523 127639

Outreach and  
Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 127640

Care Ombudsman  
Program

5BA0 490620 Ombudsman Support \$ 1,500,000 \$ 1,500,000 127641

5K90 490613 Long-Term Care \$ 1,350,000 \$ 1,350,000 127642

Consumers Guide

5MT0 490627 Board of Executives \$ 800,000 \$ 800,000 127643

of Long-Term Services  
and Supports

5T40 656625 Health Care Grants - \$ 200,000 \$ 200,000 127644

State

5TI0 656624 Provider \$ 120,000 \$ 120,000 127645

Certification					
5W10	490616	Resident Services	\$	344,700 \$ 344,700	127646
Coordinator Program					
TOTAL DPF Dedicated Purpose					127647
Fund Group			\$	5,687,223 \$ 5,687,223	127648
Federal Fund Group					127649
3220	490618	Federal Aging Grants	\$	8,700,000 \$ 8,700,000	127650
3C40	656623	Long Term Care Budget	\$	3,500,000 \$ 3,500,000	127651
- Federal					
3M40	490612	Federal Independence	\$	58,655,080 \$ 58,655,080	127652
Services					
TOTAL FED Federal Fund Group			\$	70,855,080 \$ 70,855,080	127653
TOTAL ALL BUDGET FUND GROUPS			\$	91,742,664 \$ 91,742,664	127654

**Section 209.20. LONG-TERM CARE** 127656

Pursuant to an interagency agreement, the Department of 127657  
 Medicaid may designate the Department of Aging to perform 127658  
 assessments under section 5165.04 of the Revised Code. The 127659  
 Department of Aging shall provide long-term care consultations 127660  
 under section 173.42 of the Revised Code to assist individuals in 127661  
 planning for their long-term health care needs. 127662

The Department of Aging shall administer the Medicaid 127663  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 127664  
 Program, and PACE as delegated by the Department of Medicaid in an 127665  
 interagency agreement. 127666

**PERFORMANCE-BASED REIMBURSEMENT** 127667

The Department of Aging may design and utilize a payment 127668  
 method for PASSPORT administrative agency operations that includes 127669  
 a pay-for-performance incentive component that is earned by a 127670  
 PASSPORT administrative agency when defined consumer and policy 127671  
 outcomes are achieved. 127672



Section 209.30. MYCARE OHIO 127673

The authority of the Office of the State Long Term Care 127674  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 127675  
Code extends to MyCare Ohio during the period of the federal 127676  
financial alignment demonstration program. 127677

SENIOR COMMUNITY SERVICES 127678

The foregoing appropriation item 490411, Senior Community 127679  
Services, may be used for programs, services, and activities 127680  
designated by the Department of Aging, including, but not limited 127681  
to, home-delivered and congregate meals, transportation services, 127682  
personal care services, respite services, adult day services, home 127683  
repair, care coordination, prevention and disease self-management, 127684  
and decision support systems. The Department may also use these 127685  
funds to provide grants to community organizations to support and 127686  
expand evidence-based/informed programming. Service priority shall 127687  
be given to low income, frail, and/or cognitively impaired persons 127688  
60 years of age and over. 127689

NATIONAL SENIOR SERVICE CORPS 127690

The foregoing appropriation item 490506, National Senior 127691  
Service Corps, may be used by the Department of Aging to fund 127692  
grants to organizations that receive federal funds from the 127693  
Corporation for National and Community Service to support the 127694  
following Senior Corps programs: the Foster Grandparents Program, 127695  
the Senior Companion Program, and the Retired Senior Volunteer 127696  
Program. A recipient of these grant funds shall use the funds to 127697  
support priorities established by the Department and the Ohio 127698  
State Office of the Corporation for National and Community 127699  
Service. Neither the Department nor any area agencies on aging 127700  
that are involved in the distribution of these funds to 127701  
lower-tiered grant recipients may use any portion of these funds 127702  
to cover administrative costs. 127703

**Section 209.40.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 127704  
127705

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it. 127706  
127707  
127708  
127709  
127710

**Section 209.50.** ASSISTED LIVING PROGRAM WORKGROUP 127711

(A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following: 127712  
127713  
127714  
127715

(1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House: 127716  
127717  
127718

(a) The Aging and Long-Term Care Committee; 127719

(b) The Health Committee; 127720

(c) The Finance Subcommittee on Health and Human Services. 127721

(2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section; 127722  
127723  
127724  
127725

(3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate: 127726  
127727  
127728

(a) The Health, Human Services, and Medicaid Committee; 127729

(b) The full Finance Committee; 127730

(c) The Finance - Health and Medicaid Subcommittee. 127731

(4) One member of the Senate appointed by the Minority Leader	127732
of the Senate from among the members of the minority party serving	127733
on any of the standing committees specified in division (A)(3) of	127734
this section;	127735
(5) The Executive Director of the Office of Health	127736
Transformation;	127737
(6) The Medicaid Director;	127738
(7) The Director of Aging;	127739
(8) The Director of Health;	127740
(9) One representative of each of the following	127741
organizations, appointed by the chief executive of the	127742
organization:	127743
(a) Leadingage Ohio;	127744
(b) The Ohio Assisted Living Association;	127745
(c) The Ohio Association of Area Agencies on Aging;	127746
(d) The Ohio Health Care Association.	127747
(B) Appointments to the workgroup shall be made not later	127748
than sixty days after the effective date of this section. A member	127749
of the workgroup may designate another individual to serve on the	127750
workgroup in the member's place for one or more sessions. Members	127751
shall serve without compensation or reimbursement, except to the	127752
extent that serving on the workgroup is part of their usual job	127753
duties.	127754
(C) The Medicaid Director and Director of Aging shall serve	127755
as co-chairpersons of the workgroup. The Departments of Medicaid	127756
and Aging shall provide the workgroup any administrative	127757
assistance the workgroup needs.	127758
(D) In conducting a review of the Assisted Living Program,	127759
the workgroup shall do both of the following:	127760

(1) Identify potential barriers to enrollment in the Program 127761  
and providers' participation in the Program, including barriers 127762  
related to all of the following: 127763

(a) Payment rates for assisted living services provided under 127764  
the Program; 127765

(b) The tier levels to which enrollees are assigned under the 127766  
Program and the use of the tier levels in setting the Program's 127767  
payment rates; 127768

(c) The statutory and administrative requirements that 127769  
providers must meet to participate in the Program; 127770

(d) Other issues the workgroup determines are barriers. 127771

(2) Determine the feasibility and desirability of making 127772  
community-based services that are similar to assisted living 127773  
services available under other programs that the Department of 127774  
Aging currently administers or under a new program. 127775

(E) Each state agency and advocacy organization represented 127776  
on the workgroup shall make available to the workgroup any 127777  
relevant federal or state data concerning, or assessments of, 127778  
providers of assisted living services that the agency or 127779  
organization possesses and is needed for the workgroup to complete 127780  
its review. The workgroup shall use the data and assessments only 127781  
for the purpose of its review. 127782

(F)(1) The workgroup shall complete a report of its review 127783  
not later than July 1, 2018. The report shall include the 127784  
workgroup's recommendations regarding assisted living services. 127785  
The workgroup may not recommend that different types of facilities 127786  
be allowed to be providers under the Assisted Living Program in 127787  
addition to residential care facilities licensed under Chapter 127788  
3721. of the Revised Code. If the workgroup recommends that a new 127789  
program be created, the workgroup shall include all of the 127790  
following in the report: 127791

(a) A name for the new program and its services that distinguishes them from the Assisted Living Program and assisted living services;

(b) Potential sources of funding for the new program that do not reduce any current or future federal or state funds available for the Assisted Living Program;

(c) A determination of whether a new Medicaid waiver would be needed for the new program.

(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(G) On submission of the report, the workgroup shall cease to exist.

**Section 209.60. PAYMENT RATES FOR ASSISTED LIVING PROGRAM**

As used in this section, "Assisted Living program" has the same meaning as in section 173.51 of the Revised Code.

Both of the following apply to assisted living services provided under the Medicaid-funded component of the Assisted Living program during the period beginning July 1, 2017, and ending June 30, 2019:

(A) A new rate-setting methodology for the services shall not be established or implemented.

(B) The Medicaid payment rates for the services shall not exceed the Medicaid payment rates for the services in effect on June 30, 2017.

**Section 209.70. PAYMENT RATES FOR PERSONAL CARE AIDE SERVICES UNDER THE PASSPORT PROGRAM**

As used in this section, "PASSPORT program" has the same meaning as in section 173.51 of the Revised Code. 127821  
 127822

Both of the following apply to the Medicaid payment rates for personal care aide services provided under the Medicaid-funded component of the PASSPORT program during the period beginning July 1, 2017, and ending June 30, 2019: 127823  
 127824  
 127825  
 127826

(A) The rates shall not be restructured. 127827

(B) The rates shall not exceed the Medicaid payment rates for those services in effect on June 30, 2017. 127828  
 127829

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE** 127830

General Revenue Fund 127831

GRF 700401 Animal Health Programs \$ 3,635,383 \$ 3,733,443 127832

GRF 700403 Dairy Division \$ 1,186,843 \$ 1,186,843 127833

GRF 700404 Ohio Proud \$ 19,700 \$ 49,250 127834

GRF 700406 Consumer Protection \$ 1,193,796 \$ 1,326,771 127835

Lab

GRF 700407 Food Safety \$ 1,305,698 \$ 1,305,698 127836

GRF 700409 Farmland Preservation \$ 75,029 \$ 75,029 127837

GRF 700410 Plant Industry \$ 147,750 \$ 147,750 127838

GRF 700412 Weights and Measures \$ 211,871 \$ 605,871 127839

GRF 700415 Poultry Inspection \$ 596,389 \$ 596,389 127840

GRF 700418 Livestock Regulation \$ 757,752 \$ 1,151,752 127841

Program

GRF 700424 Livestock Testing and \$ 91,106 \$ 91,106 127842

Inspections

GRF 700426 Dangerous and \$ 808,909 \$ 808,909 127843

Restricted Animals

GRF 700427 High Volume Breeder \$ 908,672 \$ 1,253,422 127844

Kennel Control

GRF 700428 Soil and Water \$ 3,564,715 \$ 3,564,715 127845

		Division				
GRF 700499	Meat Inspection	\$	4,499,034	\$	4,499,034	127846
	Program - State Share					
GRF 700501	County Agricultural Societies	\$	385,544	\$	385,544	127847
GRF 700509	Soil and Water District Support	\$	2,632,929	\$	3,432,929	127848
TOTAL GRF	General Revenue Fund	\$	22,021,120	\$	24,214,455	127849
	Dedicated Purpose Fund Group					127850
4900 700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	127851
4940 700612	Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	127852
4960 700626	Ohio Grape Industries	\$	1,100,000	\$	1,100,000	127853
4970 700627	Grain Warehouse Program	\$	450,000	\$	450,000	127854
4C90 700605	Commercial Feed and Seed	\$	1,975,571	\$	1,975,571	127855
4D20 700609	Auction Education	\$	50,000	\$	50,000	127856
4E40 700606	Utility Radiological Safety	\$	140,176	\$	140,176	127857
4P70 700610	Food Safety Inspection	\$	993,743	\$	993,743	127858
4R00 700636	Ohio Proud Marketing	\$	60,500	\$	30,500	127859
4R20 700637	Dairy Industry Inspection	\$	1,852,950	\$	1,852,950	127860
4T60 700611	Poultry and Meat Inspection	\$	160,000	\$	160,000	127861
5780 700620	Ride Inspection	\$	1,351,974	\$	1,351,974	127862
5B80 700629	Auctioneers	\$	361,450	\$	361,450	127863
5BV0 700660	Heidelberg Water	\$	250,000	\$	250,000	127864

		Quality Lab					
5BV0	700661	Soil and Water	\$	8,600,000	\$	8,000,000	127865
		Districts					
5FC0	700648	Plant Pest Program	\$	1,400,000	\$	1,400,000	127866
5H20	700608	Metrology Lab and	\$	1,175,000	\$	925,000	127867
		Scale Certification					
5L80	700604	Livestock Management	\$	500,000	\$	332,000	127868
		Program					
5MA0	700657	Dangerous and	\$	19,000	\$	19,000	127869
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	626,415	\$	320,000	127870
		and Kennels					
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	127871
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	127872
6520	700634	Animal, Consumer, and	\$	5,305,734	\$	5,066,896	127873
		ATL Labs					
6690	700635	Pesticide,	\$	5,200,000	\$	5,200,000	127874
		Fertilizer, and Lime					
		Inspection Program					
TOTAL DPF		Dedicated Purpose					127875
Fund Group			\$	32,398,013	\$	30,804,760	127876
Internal Service Activity		Fund Group					127877
5DA0	700644	Laboratory	\$	1,204,626	\$	1,204,626	127878
		Administration					
		Support					
5GH0	700655	Administrative	\$	5,374,048	\$	5,374,048	127879
		Support					
TOTAL ISA		Internal Service Activity					127880
Fund Group			\$	6,578,674		6,578,674	127881
Capital Projects		Fund Group					127882
7057	700632	Clean Ohio	\$	610,000	\$	610,000	127883
		Agricultural Easement					



Operating			
TOTAL CPF Capital Projects Fund	\$	610,000	\$ 610,000 127884
Group			
Federal Fund Group			127885
3260 700618 Meat Inspection	\$	5,194,424	\$ 5,194,424 127886
Program - Federal			
Share			
3360 700617 Ohio Farm Loan -	\$	360,000	\$ 360,000 127887
Revolving			
3820 700601 Federal Cooperative	\$	7,000,000	\$ 7,000,000 127888
Contracts			
3AB0 700641 Agricultural Easement	\$	350,000	\$ 350,000 127889
3J40 700607 Federal	\$	1,209,234	\$ 1,209,234 127890
Administrative			
Programs			
3R20 700614 Federal Plant	\$	6,095,972	\$ 6,095,972 127891
Industry			
TOTAL FED Federal Fund Group	\$	20,209,630	\$ 20,209,630 127892
TOTAL ALL BUDGET FUND GROUPS	\$	81,817,437	\$ 82,417,519 127893
<b>Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS</b>			127895
The foregoing appropriation item 700426, Dangerous and			127896
Restricted Animals, shall be used to administer the Dangerous and			127897
Restricted Wild Animal Permitting Program.			127898
COUNTY AGRICULTURAL SOCIETIES			127899
The foregoing appropriation item 700501, County Agricultural			127900
Societies, shall be used to reimburse county and independent			127901
agricultural societies for expenses related to Junior Fair			127902
activities.			127903
SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE			127904
BASIN			127905

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				127938
Dedicated Purpose Fund Group				127939
4Z90	898602	Small Business	\$ 400,000 \$	400,000 127940
Ombudsman				
5700	898601	Operating Expenses	\$ 200,000 \$	200,000 127941
5A00	898603	Small Business	\$ 450,000 \$	450,000 127942
Assistance				
TOTAL DPF Dedicated Purpose Fund				\$ 1,050,000 \$ 1,050,000 127943
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 1,050,000 \$ 1,050,000 127944
 <b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b>				127946
AUTHORITY TRUST ACCOUNT				127947
Notwithstanding any other provision of law to the contrary,				127948
the Air Quality Development Authority may reimburse the Air				127949
Quality Development Authority trust account established under				127950
section 3706.10 of the Revised Code from all operating funds of				127951
the agency for expenses pertaining to the administration and				127952
shared costs incurred by the Air Quality Development Authority in				127953
the execution of responsibilities as prescribed in Chapter 3706.				127954
of the Revised Code. The reimbursement shall be made by voucher				127955
and completed in accordance with the administrative indirect costs				127956
allocation plan approved by the Office of Budget and Management.				127957
 <b>Section 215.10. ARC ARCHITECTS BOARDS</b>				127958
Dedicated Purpose Fund Group				127959
4K90	891609	Operating	\$ 576,916 \$	604,765 127960
TOTAL DPF Dedicated Purpose Fund				127961
Group				\$ 576,916 \$ 604,765 127962
TOTAL ALL BUDGET FUND GROUPS				\$ 576,916 \$ 604,765 127963
 <b>Section 217.10. ART OHIO ARTS COUNCIL</b>				127965

General Revenue Fund					127966	
GRF 370321	Operating Expenses	\$	1,848,129	\$	1,848,129	127967
GRF 370502	State Program	\$	12,755,750	\$	12,755,750	127968
Subsidies						
TOTAL GRF	General Revenue Fund	\$	14,603,879	\$	14,603,879	127969
Dedicated Purpose Fund Group						127970
4600 370602	Arts Council Program	\$	325,000	\$	325,000	127971
Support						
4B70 370603	Percent for Art	\$	225,000	\$	225,000	127972
Acquisitions						
TOTAL DPF	Dedicated Purpose Fund	\$	550,000	\$	550,000	127973
Group						
Federal Fund Group						127974
3140 370601	Federal Support	\$	1,250,000	\$	1,250,000	127975
TOTAL FED	Federal Fund Group	\$	1,250,000	\$	1,250,000	127976
TOTAL ALL BUDGET FUND GROUPS		\$	16,403,879	\$	16,403,879	127977
FEDERAL SUPPORT						127978
Notwithstanding any provision of law to the contrary, the						127979
foregoing appropriation item 370601, Federal Support, shall be						127980
used by the Ohio Arts Council for subsidies only, and not for its						127981
administrative costs, unless the Council is required to use a						127982
portion of the funds for administrative costs under conditions of						127983
the federal grant.						127984
<b>Section 219.10. ATH ATHLETIC COMMISSION</b>						127985
Dedicated Purpose Fund Group						127986
4K90 175609	Operating Expenses	\$	326,525	\$	326,525	127987
TOTAL DPF	Dedicated Purpose Fund	\$	326,525	\$	326,525	127988
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	326,525	\$	326,525	127989
<b>Section 221.10. AGO ATTORNEY GENERAL</b>						127991

General Revenue Fund				127992
GRF	055321	Operating Expenses	\$ 43,114,169 \$	43,114,169 127993
GRF	055405	Law-Related Education	\$ 70,000 \$	70,000 127994
GRF	055406	BCIRS Lease Rental	\$ 3,255,800 \$	3,161,000 127995
Payments				
GRF	055411	County Sheriffs' Pay	\$ 903,000 \$	949,000 127996
Supplement				
GRF	055415	County Prosecutors'	\$ 1,078,000 \$	1,132,000 127997
Pay Supplement				
GRF	055501	Rape Crisis Centers	\$ 1,500,000 \$	1,500,000 127998
TOTAL GRF	General Revenue Fund		\$ 49,920,969 \$	49,926,169 127999
Dedicated Purpose Fund Group				128000
1060	055612	Attorney General	\$ 65,318,182 \$	61,818,182 128001
Operating				
4020	055616	Victims of Crime	\$ 20,624,291 \$	20,624,291 128002
4170	055621	Domestic Violence	\$ 25,000 \$	25,000 128003
Shelter				
4180	055615	Charitable	\$ 8,286,000 \$	8,286,000 128004
Foundations				
4190	055623	Claims Section	\$ 57,439,892 \$	57,439,892 128005
4200	055603	Attorney General	\$ 2,432,925 \$	2,432,925 128006
Antitrust				
4210	055617	Police Officers'	\$ 2,944,355 \$	1,500,000 128007
Training Academy Fee				
4L60	055606	DARE Programs	\$ 3,814,289 \$	3,814,289 128008
4Y70	055608	Title Defect Recision	\$ 613,751 \$	613,751 128009
4Z20	055609	BCI Asset Forfeiture	\$ 2,500,000 \$	2,500,000 128010
and Cost				
Reimbursement				
5900	055633	Peace Officer Private	\$ 95,325 \$	95,325 128011
Security Training				
5A90	055618	Telemarketing Fraud	\$ 10,000 \$	10,000 128012

		Enforcement					
5L50	055619	Law Enforcement	\$	9,377,803	\$	0	128013
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	128014
		Training - Casino					
5MP0	055657	Peace Officer	\$	325,000	\$	325,000	128015
		Training Commission					
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	128016
		Enforcement Trust					
5TW0	055602	Domestic Violence	\$	100,000	\$	100,000	128017
		Program					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	128018
		Enforcement					
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728	128019
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000	128020
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					128021
Group			\$	190,890,950	\$	176,568,792	128022
Internal Service Activity Fund Group							128023
1950	055660	Workers' Compensation	\$	8,778,072	\$	8,778,072	128024
		Section					
TOTAL ISA		Internal Service Activity	\$	8,778,072	\$	8,778,072	128025
Fund Group							
Holding Account Fund Group							128026
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	128027
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	128028
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	128029

R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	128030
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	128031
TOTAL HLD Holding Account							128032
Fund Group			\$	8,250,000	\$	8,250,000	128033
Federal Fund Group							128034
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	128035
3830	055634	Crime Victims Assistance	\$	70,000,000	\$	70,000,000	128036
3E50	055638	Attorney General Pass-Through Funds	\$	2,320,999	\$	2,320,999	128037
3FV0	055656	Crime Victim Compensation	\$	3,155,000	\$	3,155,000	128038
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	128039
TOTAL FED Federal Fund Group			\$	87,237,417	\$	87,237,417	128040
TOTAL ALL BUDGET FUND GROUPS			\$	345,077,408	\$	330,760,450	128041

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 128043  
 SCIENCE 128044

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.

COUNTY SHERIFFS' PAY SUPPLEMENT 128052

The foregoing appropriation item 055411, County Sheriffs' Pay 128053

Supplement, shall be used for the purpose of supplementing the 128054  
annual compensation of county sheriffs as required by section 128055  
325.06 of the Revised Code. 128056

At the request of the Attorney General, the Director of 128057  
Budget and Management may transfer appropriation from 128058  
appropriation item 055321, Operating Expenses, to appropriation 128059  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 128060  
transferred shall be used to supplement the annual compensation of 128061  
county sheriffs as required by section 325.06 of the Revised Code. 128062

COUNTY PROSECUTORS' PAY SUPPLEMENT 128063

The foregoing appropriation item 055415, County Prosecutors' 128064  
Pay Supplement, shall be used for the purpose of supplementing the 128065  
annual compensation of certain county prosecutors as required by 128066  
section 325.111 of the Revised Code. 128067

At the request of the Attorney General, the Director of 128068  
Budget and Management may transfer appropriation from 128069  
appropriation item 055321, Operating Expenses, to appropriation 128070  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 128071  
so transferred shall be used to supplement the annual compensation 128072  
of county prosecutors as required by section 325.111 of the 128073  
Revised Code. 128074

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 128075  
PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT 128076  
FUND 128077

On July 1, 2017, or as soon as possible thereafter, the 128078  
Director of Budget and Management shall transfer \$3,500,000 cash 128079  
from the Controlling Board Emergency Purposes/Contingencies Fund 128080  
(Fund 5KM0) to the Attorney General Reimbursement Fund (Fund 128081  
1060). 128082

ATTORNEY GENERAL OPERATING 128083



Of the foregoing appropriation item 055612, Attorney General 128084  
Operating, \$2,000,000 in fiscal year 2018 shall be used by the 128085  
Attorney General to fund criminal laboratory case work primarily 128086  
related to opioid or other criminal cases submitted to the Bureau 128087  
of Criminal Investigation. 128088

Of the foregoing appropriation item 055612, Attorney General 128089  
Operating, \$1,500,000 in fiscal year 2018 shall be used to support 128090  
each public forensic laboratory in Ohio that is accredited in 128091  
chemistry by The American Society of Crime Laboratory 128092  
Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ 128093  
National Accreditation Board (ANAB) to perform chemistry 128094  
laboratory work. The Attorney General shall distribute the funds 128095  
directly to such laboratories based on the recommendation of the 128096  
Forensic Science Institute of Ohio, provided that no accredited 128097  
laboratory shall receive less than \$100,000. 128098

DOMESTIC VIOLENCE PROGRAM 128099

On July 1 of each fiscal year, or as soon as possible 128100  
thereafter, the Director of Budget and Management shall transfer 128101  
\$100,000 cash from the General Revenue Fund to the Domestic 128102  
Violence Program Fund (Fund 5TW0). 128103

The foregoing appropriation item 055602, Domestic Violence 128104  
Program, shall be used as described in section 109.46 of the 128105  
Revised Code. 128106

WORKERS' COMPENSATION SECTION 128107

The Workers' Compensation Fund (Fund 1950) is entitled to 128108  
receive quarterly payments from the Bureau of Workers' 128109  
Compensation and the Ohio Industrial Commission to fund legal 128110  
services provided to the Bureau of Workers' Compensation and the 128111  
Ohio Industrial Commission during the fiscal year. 128112

In addition, the Bureau of Workers' Compensation shall 128113  
transfer payments for the support of the Workers' Compensation 128114

Fraud Unit.	128115
All amounts shall be mutually agreed upon by the Attorney	128116
General, the Bureau of Workers' Compensation, and the Ohio	128117
Industrial Commission.	128118
GENERAL HOLDING ACCOUNT	128119
The foregoing appropriation item 055631, General Holding	128120
Account, shall be used to distribute moneys under the terms of	128121
relevant court orders or other settlements received in a variety	128122
of cases involving the Office of the Attorney General. If it is	128123
determined that additional amounts are necessary for this purpose,	128124
the amounts are hereby appropriated.	128125
ANTITRUST SETTLEMENTS	128126
The foregoing appropriation item 055632, Antitrust	128127
Settlements, shall be used to distribute moneys under the terms of	128128
relevant court orders or other out of court settlements in	128129
antitrust cases or antitrust matters involving the Office of the	128130
Attorney General. If it is determined that additional amounts are	128131
necessary for this purpose, the amounts are hereby appropriated.	128132
CONSUMER FRAUDS	128133
The foregoing appropriation item 055630, Consumer Frauds,	128134
shall be used for distribution of moneys from court-ordered	128135
judgments against sellers in actions brought by the Office of the	128136
Attorney General under sections 1334.08 and 4549.48 and division	128137
(B) of section 1345.07 of the Revised Code. These moneys shall be	128138
used to provide restitution to consumers victimized by the fraud	128139
that generated the court-ordered judgments. If it is determined	128140
that additional amounts are necessary for this purpose, the	128141
amounts are hereby appropriated.	128142
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	128143
The foregoing appropriation item 055601, Organized Crime	128144

Commission Distributions, shall be used by the Organized Crime 128145  
Investigations Commission, as provided by section 177.011 of the 128146  
Revised Code, to reimburse political subdivisions for the expenses 128147  
the political subdivisions incur when their law enforcement 128148  
officers participate in an organized crime task force. If it is 128149  
determined that additional amounts are necessary for this purpose, 128150  
the amounts are hereby appropriated. 128151

COLLECTION PAYMENT REDISTRIBUTION 128152

The foregoing appropriation item 055650, Collection Payment 128153  
Redistribution, shall be used for the purpose of allocating the 128154  
revenue where debtors mistakenly paid the client agencies instead 128155  
of the Attorney General's Collections Enforcement Section. If it 128156  
is determined that additional amounts are necessary for this 128157  
purpose, the amounts are hereby appropriated. 128158

**Section 223.10.** AUD AUDITOR OF STATE 128159

General Revenue Fund 128160

GRF	070321	Operating Expenses	\$	29,728,875	\$	29,728,875	128161
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GRF	070403	Fiscal	\$	821,905	\$	821,905	128162
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Watch/Emergency  
Technical Assistance

GRF	070409	School District	\$	1,000,000	\$	1,000,000	128163
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Performance Audits

TOTAL GRF	General Revenue Fund	\$	31,550,780	\$	31,550,780	128164
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Dedicated Purpose Fund Group 128165

1090	070601	Public Audit Expense	\$	10,803,057	\$	10,803,057	128166
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- Intrastate

4220	070602	Public Audit Expense	\$	37,306,649	\$	38,806,649	128167
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- Local Government

5840	070603	Training Program	\$	483,564	\$	483,564	128168
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5JZ0	070606	LEAP Revolving Loans	\$	410,952	\$	410,952	128169
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6750 070605	Uniform Accounting	\$	3,398,351	\$	3,398,351	128170
	Network					
TOTAL DPF Dedicated Purpose Fund						128171
Group		\$	52,402,573	\$	53,902,573	128172
TOTAL ALL BUDGET FUND GROUPS						128173
SCHOOL DISTRICT PERFORMANCE AUDITS						128174
The foregoing appropriation item 070409, School District						128175
Performance Audits, shall be used by the Auditor of State, in						128176
consultation with the Department of Education and the Office of						128177
Budget and Management, for expenses incurred in the Auditor of						128178
State's role relating to fiscal caution, fiscal watch, and fiscal						128179
emergency activities pursuant to section 3316.042 of the Revised						128180
Code.						128181
<b>Section 225.10.</b> BRB BOARD OF BARBER EXAMINERS						128182
Dedicated Purpose Fund Group						128183
4K90 877609	Operating Expenses	\$	433,805	\$	0	128184
TOTAL DPF Dedicated Purpose Fund						128185
Group						
TOTAL ALL BUDGET FUND GROUPS						128186
<b>Section 229.10.</b> OBM OFFICE OF BUDGET AND MANAGEMENT						128188
General Revenue Fund						128189
GRF 042321	Budget Development	\$	3,153,203	\$	3,193,580	128190
	and Implementation					
GRF 042416	Office of Health	\$	408,206	\$	422,004	128191
	Transformation					
GRF 042420	Ohio Institute of	\$	738,750	\$	738,750	128192
	Technology					
GRF 042425	Shared Services	\$	1,359,300	\$	1,305,125	128193
	Development					
GRF 042435	Gubernatorial	\$	0	\$	221,625	128194

Transition			
TOTAL GRF General Revenue Fund	\$	5,659,459	\$ 5,881,084 128195
Internal Service Activity Fund Group			128196
1050 042603 Financial Management	\$	15,624,379	\$ 16,044,968 128197
1050 042620 Shared Services	\$	7,326,179	\$ 7,493,986 128198
Operating			
TOTAL ISA Internal Service Activity			128199
Fund Group	\$	22,950,558	\$ 23,538,954 128200
Fiduciary Fund Group			128201
5EH0 042604 Forgery Recovery	\$	30,000	\$ 30,000 128202
TOTAL FID Fiduciary Fund Group	\$	30,000	\$ 30,000 128203
Federal Fund Group			128204
3CM0 042606 Office of Health	\$	414,422	\$ 428,430 128205
Transformation - Federal			
TOTAL FED Federal Fund Group	\$	414,422	\$ 428,430 128206
TOTAL ALL BUDGET FUND GROUPS	\$	29,054,439	\$ 29,878,468 128207

**Section 229.20. AUDIT COSTS** 128209

All centralized audit costs associated with either Single 128210  
 Audit Schedules or financial statements prepared in conformance 128211  
 with generally accepted accounting principles for the state shall 128212  
 be paid from the foregoing appropriation item 042603, Financial 128213  
 Management. 128214

Costs associated with the audit of the Auditor of State shall 128215  
 be paid from the foregoing appropriation item 042321, Budget 128216  
 Development and Implementation. 128217

**SHARED SERVICES** 128218

The foregoing appropriation items 042425, Shared Services 128219  
 Development, and 042620, Shared Services Operating, shall be used 128220  
 by the Director of Budget and Management to support the Shared 128221

Services program pursuant to division (D) of section 126.21 of the Revised Code. 128222  
128223

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 128224  
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INTERNAL AUDIT 128232

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 128233  
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FORGERY RECOVERY 128241

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated. 128242  
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128250

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 128251

General Revenue Fund					128252	
GRF 874100	Personal Services	\$	2,719,226	\$	2,663,160	128253
GRF 874320	Maintenance and Equipment	\$	1,389,932	\$	1,389,932	128254
TOTAL GRF	General Revenue Fund	\$	4,109,158	\$	4,053,092	128255
Dedicated Purpose Fund Group						128256
2080 874601	Underground Parking Garage Operations	\$	3,805,165	\$	3,940,446	128257
4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000	128258
TOTAL DPF	Dedicated Purpose Fund Group	\$	3,811,165	\$	3,946,446	128259 128260
Internal Service Activity Fund Group						128261
4S70 874602	Statehouse Gift Shop/Events	\$	775,000	\$	775,000	128262
TOTAL ISA	Internal Service Activity Fund Group	\$	775,000	\$	775,000	128263 128264
TOTAL ALL BUDGET FUND GROUPS		\$	8,695,323	\$	8,774,538	128265

**MAINTENANCE AND EQUIPMENT**

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up

to the unexpended, unencumbered balance of the foregoing 128278  
appropriation item 874320, Maintenance and Equipment, at the end 128279  
of fiscal year 2018 to be reappropriated to fiscal year 2019. The 128280  
amount certified is hereby appropriated to the same appropriation 128281  
item for fiscal year 2019. 128282

UNDERGROUND PARKING GARAGE FUND 128283

Notwithstanding division (G) of section 105.41 of the Revised 128284  
Code and any other provision to the contrary, moneys in the 128285  
Underground Parking Garage Fund (Fund 2080) may be used for 128286  
personnel and operating costs related to the operations of the 128287  
Statehouse and the Statehouse Underground Parking Garage. 128288

HOUSE AND SENATE PARKING REIMBURSEMENT 128289

On July 1 of each fiscal year, or as soon as possible 128290  
thereafter, the Director of Budget and Management shall transfer 128291  
\$500,000 cash from the General Revenue Fund to the Underground 128292  
Parking Garage Fund (Fund 2080). The amounts transferred under 128293  
this section shall be used to reimburse the Capitol Square Review 128294  
and Advisory Board for legislative parking costs. 128295

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 128296  
SCHOOLS 128297

Dedicated Purpose Fund Group 128298  
4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 128299  
TOTAL DPF Dedicated Purpose Fund \$ 540,260 \$ 540,260 128300  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 540,260 \$ 540,260 128301

**Section 233.20.** The State Board of Career Colleges and 128303  
Schools shall refund all student disclosure course fees charged to 128304  
schools by the Board under paragraph (B) of rule 3332-1-22.1 of 128305  
the Administrative Code and collected since January 2017. Private 128306  
career schools, as defined in section 3332.01 of the Revised Code, 128307



shall refund the respective amount received under this section to 128308  
each student who paid the fee. 128309

**Section 235.10. CAC CASINO CONTROL COMMISSION 128310**

Dedicated Purpose Fund Group 128311

5HS0 955321 Operating Expenses \$ 13,327,155 \$ 13,659,745 128312

5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 128313

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 13,577,155 \$ 13,909,745 128314

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,577,155 \$ 13,909,745 128315

**Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 128317**

Dedicated Purpose Fund Group 128318

4K90 930609 Operating Expenses \$ 547,999 \$ 561,739 128319

TOTAL DPF Dedicated Purpose Fund \$ 547,999 \$ 561,739 128320

Group

TOTAL ALL BUDGET FUND GROUPS \$ 547,999 \$ 561,739 128321

**Section 239.10. CHR STATE CHIROPRACTIC BOARD 128323**

Dedicated Purpose Fund Group 128324

4K90 878609 Operating Expenses \$ 646,000 \$ 646,700 128325

TOTAL DPF Dedicated Purpose Fund \$ 646,000 \$ 646,700 128326

Group

TOTAL ALL BUDGET FUND GROUPS \$ 646,000 \$ 646,700 128327

**Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 128329**

General Revenue Fund 128330

GRF 876321 Operating Expenses \$ 5,039,359 \$ 5,599,288 128331

TOTAL GRF General Revenue Fund \$ 5,039,359 \$ 5,599,288 128332

Internal Service Activity Fund Group 128333

2170	876604	Operations Support	\$	4,000	\$	4,000	128334
TOTAL ISA Internal Service Activity							128335
Fund Group			\$	4,000	\$	4,000	128336
Federal Fund Group							128337
3340	876601	Federal Programs	\$	3,581,649	\$	3,319,965	128338
TOTAL FED Federal Special Revenue							128339
Fund Group			\$	3,581,649	\$	3,319,965	128340
TOTAL ALL BUDGET FUND GROUPS							128341

**Section 243.10. COM DEPARTMENT OF COMMERCE** 128343

Dedicated Purpose Fund Group							128344
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	128345
Recovery							
4H90	800608	Cemeteries	\$	343,249	\$	295,244	128346
4X20	800619	Financial Institutions	\$	1,717,044	\$	1,717,044	128347
5430	800602	Unclaimed	\$	7,984,977	\$	7,984,977	128348
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	128349
5440	800612	Banks	\$	9,677,471	\$	9,677,471	128350
5460	800610	Fire Marshal	\$	17,297,687	\$	17,297,687	128351
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	128352
5470	800603	Real Estate	\$	69,655	\$	69,655	128353
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	128354
5490	800614	Real Estate	\$	3,750,000	\$	3,584,329	128355
5500	800617	Securities	\$	5,216,985	\$	5,284,994	128356
5520	800604	Credit Union	\$	3,600,000	\$	3,675,000	128357
5530	800607	Consumer Finance	\$	4,548,563	\$	4,628,963	128358
5560	800615	Industrial Compliance	\$	30,500,000	\$	30,237,983	128359
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	128360
Departments							
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	128361

		Education					
5GK0	800609	Securities Investor	\$	682,150	\$	682,150	128362
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	128363
5LC0	800644	Liquor JobsOhio	\$	276,817	\$	276,817	128364
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	8,810,087	\$	8,352,353	128365
		Services					
5LP0	800646	Liquor Regulatory	\$	9,562,022	\$	9,067,080	128366
		Operating Expenses					
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	128367
		Officers' Dependent					
		Fund					
5SY0	800650	Medical Marijuana	\$	1,121,279	\$	1,135,692	128368
		Control Program					
5X60	800623	Video Service	\$	412,693	\$	412,693	128369
6530	800629	UST Registration/Permit	\$	2,301,714	\$	2,301,714	128370
		Fee					
6A40	800630	Real Estate	\$	778,175	\$	722,672	128371
		Appraiser-Operating					
TOTAL DPF		Dedicated Purpose					128372
Fund Group			\$	184,502,892	\$	183,256,842	128373
		Internal Service Activity Fund Group					128374
1630	800620	Division of	\$	8,043,364	\$	8,043,364	128375
		Administration					
1630	800637	Information Technology	\$	9,780,626	\$	9,540,704	128376
TOTAL ISA		Internal Service Activity					128377
Fund Group			\$	17,823,990	\$	17,584,068	128378
		Federal Fund Group					128379
3480	800622	Underground Storage	\$	1,186,180	\$	1,186,180	128380
		Tanks					
3480	800624	Leaking Underground	\$	1,950,000	\$	1,950,000	128381

Storage Tanks

TOTAL FED Federal Fund Group	\$	3,136,180	\$	3,136,180	128382
TOTAL ALL BUDGET FUND GROUPS	\$	205,463,062	\$	203,977,090	128383

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 128385

The foregoing appropriation item 800625, Unclaimed 128386  
Funds-Claims, shall be used to pay claims under section 169.08 of 128387  
the Revised Code. If it is determined by the Director of Commerce 128388  
that additional appropriation amounts are necessary to make such 128389  
payments, the Director of Commerce may request that the Director 128390  
of Budget and Management increase such amounts. Such amounts are 128391  
hereby appropriated. 128392

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 128393

The foregoing appropriation item 800631, Real Estate 128394  
Appraiser Recovery, shall be used to pay settlements, judgments, 128395  
and court orders under section 4763.16 of the Revised Code. If it 128396  
is determined by the Director of Commerce that additional 128397  
appropriation amounts are necessary to make such payments, the 128398  
Director of Commerce may request that the Director of Budget and 128399  
Management increase such amounts. Such amounts are hereby 128400  
appropriated. 128401

The foregoing appropriation item 800611, Real Estate 128402  
Recovery, shall be used to pay settlements, judgments, and court 128403  
orders under section 4735.12 of the Revised Code. If it is 128404  
determined by the Director of Commerce that additional 128405  
appropriation amounts are necessary to make such payments, the 128406  
Director of Commerce may request that the Director of Budget and 128407  
Management increase such amounts. Such amounts are hereby 128408  
appropriated. 128409

FIRE DEPARTMENT GRANTS 128410

(A) The foregoing appropriation item 800639, Fire Department 128411

Grants, shall be used to make annual grants to the following 128412  
eligible recipients: volunteer fire departments, fire departments 128413  
that serve one or more small municipalities or small townships, 128414  
joint fire districts comprised of fire departments that primarily 128415  
serve small municipalities or small townships, local units of 128416  
government responsible for such fire departments, and local units 128417  
of government responsible for the provision of fire protection 128418  
services for small municipalities or small townships. For the 128419  
purposes of these grants, a private fire company, as that phrase 128420  
is defined in section 9.60 of the Revised Code, that is providing 128421  
fire protection services under a contract to a political 128422  
subdivision of the state, is an additional eligible recipient for 128423  
a training grant. 128424

Eligible recipients that consist of small municipalities or 128425  
small townships that all intend to contract with the same fire 128426  
department or private fire company for fire protection services 128427  
may jointly apply and be considered for a grant. If a joint 128428  
applicant is awarded a grant, the State Fire Marshal shall, if 128429  
feasible, proportionately award the grant and any equipment 128430  
purchased with grant funds to each of the joint applicants based 128431  
upon each applicant's contribution to and demonstrated need for 128432  
fire protection services. For the purpose of this grant program, 128433  
an eligible recipient or any firefighting entity that is 128434  
contracted to serve an eligible recipient may only file, be listed 128435  
as joint applicant, or be designated as a service provider on one 128436  
grant application per fiscal year. 128437

If the grant awarded to joint applicants is an equipment 128438  
grant and the equipment to be purchased cannot be readily 128439  
distributed or possessed by multiple recipients, each of the joint 128440  
applicants shall be awarded by the State Fire Marshal an ownership 128441  
interest in the equipment so purchased in proportion to each 128442  
applicant's contribution to and demonstrated need for fire 128443

protection services. The joint applicants shall then mutually 128444  
agree on how the equipment is to be maintained, operated, stored, 128445  
or disposed of. If, for any reason, the joint applicants cannot 128446  
agree as to how jointly owned equipment is to be maintained, 128447  
operated, stored, or disposed of or any of the joint applicants no 128448  
longer maintain a contract with the same fire protection service 128449  
provider as the other applicants, then the joint applicants shall, 128450  
with the assistance of the State Fire Marshal, mutually agree as 128451  
to how the jointly owned equipment is to be maintained, operated, 128452  
stored, disposed of, or owned. If the joint applicants cannot 128453  
agree how the grant equipment is to be maintained, operated, 128454  
stored, disposed of, or owned, the State Fire Marshal may, in its 128455  
discretion, require all of the equipment acquired by the joint 128456  
applicants with grant funds to be returned to the State Fire 128457  
Marshal. The State Fire Marshal may then award the returned 128458  
equipment to any eligible recipients. For this paragraph only, an 128459  
"equipment grant" also includes a MARCS Grant. 128460

(B) Except as otherwise provided in this section, the grants 128461  
shall be used by recipients to purchase firefighting or rescue 128462  
equipment or gear or similar items, to provide full or partial 128463  
reimbursement for the documented costs of firefighter training, 128464  
or, at the discretion of the State Fire Marshal, to cover fire 128465  
department costs for providing fire protection services in that 128466  
grant recipient's jurisdiction. 128467

(1) Of the foregoing appropriation item 800639, Fire 128468  
Department Grants, up to \$1,000,000 per fiscal year may be used to 128469  
pay for the State Fire Marshal's costs of providing firefighter I 128470  
certification classes or other firefighter classes approved by the 128471  
State Fire Marshal at no cost to selected students attending the 128472  
Ohio Fire Academy or other class providers approved by the State 128473  
Fire Marshal. The State Fire Marshal may establish the 128474  
qualifications and selection processes for students to attend such 128475

classes by written policy, and such students shall be considered 128476  
eligible recipients of fire department grants for the purposes of 128477  
this portion of the grant program. 128478

(2) Of the foregoing appropriation item 800639, Fire 128479  
Department Grants, up to \$3,000,000 in each fiscal year may be 128480  
used for MARCS Grants. MARCS Grants may be used for the payment of 128481  
user access fees by the eligible recipient to access MARCS. 128482

For purposes of this section, a MARCS Grant is a grant for 128483  
systems, equipment, or services that are a part of, integrated 128484  
into, or otherwise interoperable with the Multi-Agency Radio 128485  
Communication System (MARCS) operated by the state. 128486

MARCS Grant awards may be up to \$50,000 in each fiscal year 128487  
per eligible recipient. Each eligible recipient may only apply, as 128488  
a separate entity or as a part of a joint application, for one 128489  
MARCS Grant per fiscal year. The State Fire Marshal may give a 128490  
preference in the awarding of MARCS Grants to grants that will 128491  
enhance the overall interoperability and effectiveness of 128492  
emergency communication networks in the geographic region that 128493  
includes and that is adjacent to the applicant. Eligible 128494  
recipients that are or were awarded fire department grants that 128495  
are not MARCS Grants may also apply for and receive MARCS Grants 128496  
in accordance with criteria for the awarding of grant funds 128497  
established by the State Fire Marshal. 128498

(3) Grant awards for firefighting or rescue equipment or gear 128499  
or for fire department costs of providing fire protection services 128500  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 128501  
fiscal year if an eligible entity serves a jurisdiction in which 128502  
the Governor declared a natural disaster during the preceding or 128503  
current fiscal year in which the grant was awarded. In addition to 128504  
any grant funds awarded for rescue equipment or gear, or for fire 128505  
department costs associated with the provision of fire protection 128506  
services, an eligible entity may receive a grant for up to \$15,000 128507

per fiscal year for full or partial reimbursement of the 128508  
documented costs of firefighter training. For each fiscal year, 128509  
the State Fire Marshal shall determine the total amounts to be 128510  
allocated for each eligible purpose. 128511

(C) The grants shall be administered by the State Fire 128512  
Marshal in accordance with rules the State Fire Marshal adopts as 128513  
part of the state fire code adopted pursuant to section 3737.82 of 128514  
the Revised Code that are necessary for the administration and 128515  
operation of the grant program. The rules may further define the 128516  
entities eligible to receive grants and establish criteria for the 128517  
awarding and expenditure of grant funds, including methods the 128518  
State Fire Marshal may use to verify the proper use of grant funds 128519  
or to obtain reimbursement for or the return of equipment for 128520  
improperly used grant funds. To the extent consistent with this 128521  
section and until the rules are updated, the existing rules in the 128522  
state fire code adopted pursuant to section 3737.82 of the Revised 128523  
Code for fire department grants under this section apply to MARCS 128524  
Grants. Any amounts in appropriation item 800639, Fire Department 128525  
Grants, in excess of the amount allocated for these grants may be 128526  
used for the administration of the grant program. 128527

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 128528

Upon the written request of the Director of Commerce, the 128529  
Director of Budget and Management may transfer up to \$500,000 in 128530  
cash from the Real Estate Recovery Fund (Fund 5480) and up to 128531  
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 128532  
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 128533  
5490) during the biennium ending June 30, 2019. 128534

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND 128535

Upon the written request of the Director of Commerce, the 128536  
Director of Budget and Management may transfer up to \$300,000 in 128537  
cash from the State Fire Marshal Fund (Fund 5460) to the Small 128538



Government Fire Department Services Revolving Loan Fund (Fund 128539  
5F10) during the biennium ending June 30, 2019. 128540

Of the foregoing appropriation item 800635, Small Government 128541  
Fire Departments, \$150,000 in fiscal year 2018 shall be used to 128542  
provide a loan for fire training center equipment to a fire 128543  
training center that received an appropriation in S.B. 310 of the 128544  
131st General Assembly. 128545

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL** 128546

Dedicated Purpose Fund Group 128547

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 128548

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 128549

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 128550

**Section 247.10. CEB CONTROLLING BOARD** 128552

Internal Service Activity Fund Group 128553

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 128554

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 128555

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 128556

**Section 247.20. FEDERAL SHARE** 128558

In transferring appropriations to or from appropriation items 128559  
that have federal shares identified in this act, the Controlling 128560  
Board shall add or subtract corresponding amounts of federal 128561  
matching funds at the percentages indicated by the state and 128562  
federal division of the appropriations in this act. Such changes 128563  
are hereby appropriated. 128564

DISASTER SERVICES 128565

The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

**Section 249.10. COS COSMETOLOGY AND BARBER BOARD**

Dedicated Purpose Fund Group					128590
4K90 879609 Operating Expenses	\$	4,462,105	\$	5,348,760	128591
TOTAL DPF Dedicated Purpose Fund Group	\$	4,462,105	\$	5,348,760	128592
TOTAL ALL BUDGET FUND GROUPS	\$	4,462,105	\$	5,348,760	128593

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE**

128595

AND FAMILY THERAPIST BOARD				128596
Dedicated Purpose Fund Group				128597
4K90 899609 Operating Expenses	\$	1,518,224	\$	1,625,312 128598
TOTAL DPF Dedicated Purpose Fund Group	\$	1,518,224	\$	1,625,312 128599
TOTAL ALL BUDGET FUND GROUPS	\$	1,518,224	\$	1,625,312 128600

**Section 253.10. CLA COURT OF CLAIMS** 128602

General Revenue Fund				128603
GRF 015321 Operating Expenses	\$	2,536,419	\$	2,536,419 128604
GRF 015403 Public Records	\$	518,700	\$	539,280 128605
Adjudication				
TOTAL GRF General Revenue Fund	\$	3,055,119	\$	3,075,699 128606
Dedicated Purpose Fund Group				128607
5K20 015603 CLA Victims of Crime	\$	462,515	\$	480,463 128608
TOTAL DPF Dedicated Purpose Fund Group	\$	462,515	\$	480,463 128609
TOTAL ALL BUDGET FUND GROUPS	\$	3,517,634	\$	3,556,162 128610

**PUBLIC RECORDS ADJUDICATION** 128611

The foregoing appropriation item 015403, Public Records 128612  
 Adjudication, shall be used by the Court of Claims to perform its 128613  
 duties and responsibilities as directed by S.B. 321 of the 131st 128614  
 General Assembly. 128615

**Section 255.10. DEN STATE DENTAL BOARD** 128616

Dedicated Purpose Fund Group				128617
4K90 880609 Operating Expenses	\$	1,754,868	\$	1,830,082 128618
TOTAL DPF Dedicated Purpose Fund Group	\$	1,754,868	\$	1,830,082 128619
TOTAL ALL BUDGET FUND GROUPS	\$	1,754,868	\$	1,830,082 128620

<b>Section 257.10. BDP BOARD OF DEPOSIT</b>				128622
Dedicated Purpose Fund Group				128623
4M20 974601	Board of Deposit	\$ 1,876,000	\$ 1,876,000	128624
TOTAL DPF Dedicated Purpose Fund				128625
Group				
TOTAL ALL BUDGET FUND GROUPS				128626
BOARD OF DEPOSIT EXPENSE FUND				128627
Upon receiving certification of expenses from the Treasurer				128628
of State, the Director of Budget and Management shall transfer				128629
cash from the Investment Earnings Redistribution Fund (Fund 6080)				128630
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				128631
shall be used pursuant to section 135.02 of the Revised Code to				128632
pay for any and all necessary expenses of the Board of Deposit or				128633
for banking charges and fees required for the operation of the				128634
State of Ohio Regular Account.				128635
<b>Section 259.10. DEV DEVELOPMENT SERVICES AGENCY</b>				128636
General Revenue Fund				128637
GRF 195402	Coal Research and	\$ 230,884	\$ 230,884	128638
Development Program				
GRF 195405	Minority Business	\$ 1,696,358	\$ 1,696,358	128639
Development				
GRF 195415	Business Development	\$ 3,258,564	\$ 3,258,564	128640
Services				
GRF 195426	Redevelopment	\$ 837,250	\$ 1,083,500	128641
Assistance				
GRF 195453	Technology Programs	\$ 14,524,956	\$ 14,274,956	128642
and Grants				
GRF 195454	Small Business and	\$ 3,750,066	\$ 3,750,066	128643
Export Assistance				
GRF 195455	Appalachia Assistance	\$ 5,662,518	\$ 5,662,518	128644

GRF	195497	CDBG Operating Match	\$	1,037,402	\$	1,037,402	128645
GRF	195503	Local Development Projects	\$	150,000	\$	150,000	128646
GRF	195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000	128647
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	6,319,500	\$	7,820,600	128648
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	87,015,000	\$	95,039,900	128649
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	11,092,900	\$	12,380,400	128650
TOTAL GRF		General Revenue Fund	\$	135,825,398	\$	146,635,148	128651
		Dedicated Purpose Fund Group					128652
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	128653
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	128654
4F20	195639	State Special Projects	\$	102,104	\$	102,104	128655
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	128656
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	128657
5CG0	195679	Alternative Fuel Transportation	\$	2,000,000	\$	2,000,000	128658

5HR0	195622	Defense Development Assistance	\$	1,250,000	\$	1,250,000	128659
5HR0	195662	Incumbent Workforce Training Vouchers	\$	1,250,000	\$	1,250,000	128660
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	128661
5KN0	195640	Local Government Innovation	\$	5,275,000	\$	5,275,000	128662
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000	128663
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	128664
5M50	195660	Advanced Energy Loan Programs	\$	10,000,000	\$	10,000,000	128665
5MH0	195644	SiteOhio Administration	\$	25,000	\$	25,000	128666
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	128667
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	128668
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	128669
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	128670
6460	195638	Low- and Moderate-Income Housing Programs	\$	53,000,000	\$	53,000,000	128671
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	128672
TOTAL	DPF	Dedicated Purpose Fund Group	\$	463,977,571	\$	463,977,571	128673

Internal Service Activity Fund Group				128674
1350	195684	Development Services	\$ 10,800,000 \$	10,800,000 128675
		Operations		
6850	195636	Development Services	\$ 700,000 \$	700,000 128676
		Reimbursable		
		Expenditures		
TOTAL ISA Internal Service Activity Fund Group				\$ 11,500,000 \$ 11,500,000 128677
Facilities Establishment Fund Group				128678
5S90	195628	Capital Access Loan	\$ 2,500,000 \$	2,500,000 128679
		Program		
7009	195664	Innovation Ohio	\$ 5,000,000 \$	5,000,000 128680
7010	195665	Research and	\$ 5,000,000 \$	5,000,000 128681
		Development		
7037	195615	Facilities	\$ 25,000,000 \$	25,000,000 128682
		Establishment		
TOTAL FCE Facilities Establishment Fund Group				\$ 37,500,000 \$ 37,500,000 128683
Bond Research and Development Fund Group				128684
7011	195686	Third Frontier Tax	\$ 750,000 \$	750,000 128685
		Exempt - Operating		
7011	195687	Third Frontier	\$ 20,000,000 \$	20,000,000 128686
		Research and		
		Development Projects		
7014	195620	Third Frontier	\$ 1,710,000 \$	1,710,000 128687
		Taxable - Operating		
7014	195692	Research and	\$ 90,850,250 \$	90,850,250 128688
		Development Taxable		
		Bond Projects		
TOTAL BRD Bond Research and Development Fund Group				\$ 113,310,250 \$ 113,310,250 128689
Capital Projects Fund Group				128690

7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	0	128691
TOTAL CPF Capital Projects Fund							
Group							
							128693
3080	195603	Housing Assistance Programs	\$	12,000,000	\$	12,000,000	128694
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	128695
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	128696
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	128697
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	128698
3080	195672	Manufacturing Extension Partnership	\$	5,500,000	\$	5,500,000	128699
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	128700
3080	195696	State Trade and Export Promotion	\$	800,000	\$	800,000	128701
3350	195610	Energy Programs	\$	200,000	\$	200,000	128702
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	128703
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	128704
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	128705
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	128706
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000	128707



	Assistance Block					
	Grant					
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000 128708
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000 128709
	Block Grant					
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000 128710
TOTAL	FED	Federal Fund Group	\$	373,226,779	\$	373,226,779 128711
TOTAL	ALL BUDGET FUND GROUPS		\$	1,135,939,998	\$	1,146,149,748 128712

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 128714

The foregoing appropriation item 195402, Coal Research and 128715  
Development Program, shall be used for the operating expenses of 128716  
the Community Services Division in support of the Ohio Coal 128717  
Development Office. 128718

MINORITY BUSINESS DEVELOPMENT 128719

The foregoing appropriation item 195405, Minority Business 128720  
Development, shall be used to support the activities of the 128721  
Minority Business Development Division, including providing grants 128722  
to local nonprofit organizations to support economic development 128723  
activities that promote minority business development, in 128724  
conjunction with local organizations funded through appropriation 128725  
item 195454, Small Business and Export Assistance. 128726

BUSINESS DEVELOPMENT SERVICES 128727

The foregoing appropriation item 195415, Business Development 128728  
Services, shall be used for the operating expenses of the Business 128729  
Services Division and the regional economic development offices. 128730

REDEVELOPMENT ASSISTANCE 128731

The foregoing appropriation item 195426, Redevelopment 128732  
Assistance, shall be used to fund the costs of administering the 128733  
energy, redevelopment, and other revitalization programs that may 128734  
be implemented by the Development Services Agency, and may be used 128735

to match federal grant funding. 128736

TECHNOLOGY PROGRAMS AND GRANTS 128737

Of the foregoing appropriation item 195453, Technology 128738  
Programs and Grants, up to \$547,341 in each fiscal year shall be 128739  
used for operating expenses incurred in administering the Ohio 128740  
Third Frontier pursuant to sections 184.10 to 184.20 of the 128741  
Revised Code; up to \$10,500,000 in each fiscal year shall be used 128742  
pursuant to sections 122.28 to 122.36 of the Revised Code, of 128743  
which not more than ten per cent shall be used for operating 128744  
expenses incurred in administering the program. 128745

SMALL BUSINESS AND EXPORT ASSISTANCE 128746

The foregoing appropriation item 195454, Small Business and 128747  
Export Assistance, may be used to provide a range of business 128748  
assistance, including grants to local organizations to support 128749  
economic development activities that promote small business 128750  
development, entrepreneurship, and exports of Ohio's goods and 128751  
services, in conjunction with local organizations funded through 128752  
appropriation item 195405, Minority Business Development. The 128753  
foregoing appropriation item shall also be used as matching funds 128754  
for grants from the United States Small Business Administration 128755  
and other federal agencies, pursuant to Public Law No. 96-302 as 128756  
amended by Public Law No. 98-395, and regulations and policy 128757  
guidelines for the programs pursuant thereto. 128758

Of the foregoing appropriation item 195454, Small Business 128759  
and Export Assistance, \$250,000 in each fiscal year shall be 128760  
allocated to Lumos Innovation. 128761

APPALACHIA ASSISTANCE 128762

The foregoing appropriation item 195455, Appalachia 128763  
Assistance, may be used for the administrative costs of planning 128764  
and liaison activities for the Governor's Office of Appalachia, to 128765  
provide financial assistance to projects in Ohio's Appalachian 128766

counties, to support four local development districts, and to pay 128767  
dues for the Appalachian Regional Commission. These funds may be 128768  
used to match federal funds from the Appalachian Regional 128769  
Commission. Programs funded through the foregoing appropriation 128770  
item shall be identified and recommended by the local development 128771  
districts and approved by the Governor's Office of Appalachia. The 128772  
Development Services Agency shall conduct compliance and 128773  
regulatory review of the programs recommended by the local 128774  
development districts. Moneys allocated under the foregoing 128775  
appropriation item may be used to fund projects including, but not 128776  
limited to, those designated by the local development districts as 128777  
community investment and rapid response projects. 128778

Of the foregoing appropriation item 195455, Appalachia 128779  
Assistance, in each fiscal year, \$170,000 shall be allocated to 128780  
the Ohio Valley Regional Development Commission, \$170,000 shall be 128781  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 128782  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 128783  
Development District, and \$70,000 shall be allocated to the 128784  
Eastgate Regional Council of Governments. Local development 128785  
districts receiving funding under this section shall use the funds 128786  
for the implementation and administration of programs and duties 128787  
under section 107.21 of the Revised Code. 128788

Of the foregoing appropriation item 195455, Appalachia 128789  
Assistance, \$100,000 in each fiscal year shall be allocated to the 128790  
iBELIEVE Foundation to provide opportunities for Appalachian youth 128791  
to develop twenty-first century skills, including leadership, 128792  
communication, and problem-solving for college access and 128793  
retention. 128794

CDBG OPERATING MATCH 128795

The foregoing appropriation item 195497, CDBG Operating 128796  
Match, shall be used as matching funds for grants from the United 128797  
States Department of Housing and Urban Development pursuant to the 128798

Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.	128799 128800
LOCAL DEVELOPMENT PROJECTS	128801
The foregoing appropriation item 195503, Local Development Projects, shall be allocated to Cleveland Neighborhood Progress to support the Community Financial Centers Pilot Program.	128802 128803 128804
OHIO-ISRAEL AGRICULTURAL INITIATIVE	128805
The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.	128806 128807 128808
Of the foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, \$50,000 in each fiscal year shall be used to support the Cleantech component of the Ohio-Israel Agricultural Initiative.	128809 128810 128811 128812
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	128813 128814
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.07 of the Revised Code.	128815 128816 128817 128818 128819
THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	128820 128821
The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.10 of the Revised Code.	128822 128823 128824 128825 128826 128827
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	128828

SERVICE	128829
The foregoing appropriation item 195912, Job Ready Site	128830
Development General Obligation Bond Debt Service, shall be used to	128831
pay all debt service and related financing costs during the period	128832
from July 1, 2017, through June 30, 2019, on obligations issued	128833
under sections 151.01 and 151.11 of the Revised Code.	128834
<b>Section 259.30. MINORITY BUSINESS BONDING FUND</b>	128835
Notwithstanding Chapters 122., 169., and 175. of the Revised	128836
Code, the Director of Development Services may, upon the	128837
recommendation of the Minority Development Financing Advisory	128838
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal	128839
year 2019 biennium of unclaimed funds administered by the Director	128840
of Commerce and allocated to the Minority Business Bonding Program	128841
under section 169.05 of the Revised Code.	128842
If needed for the payment of losses arising from the Minority	128843
Business Bonding Program, the Director of Budget and Management	128844
may, at the request of the Director of Development Services,	128845
request that the Director of Commerce transfer unclaimed funds	128846
that have been reported by holders of unclaimed funds under	128847
section 169.05 of the Revised Code to the Minority Bonding Fund	128848
(Fund 4490). The transfer of unclaimed funds shall only occur	128849
after proceeds of the initial transfer of \$2,700,000 by the	128850
Controlling Board to the Minority Business Bonding Program have	128851
been used for that purpose. If expenditures are required for	128852
payment of losses arising from the Minority Business Bonding	128853
Program, such expenditures shall be made from appropriation item	128854
195658, Minority Business Bonding Contingency in the Minority	128855
Business Bonding Fund, and such amounts are hereby appropriated.	128856
BUSINESS ASSISTANCE PROGRAMS	128857
The foregoing appropriation item 195649, Business Assistance	128858

Programs, shall be used for administrative expenses associated 128859  
with the operation of loan incentives within the Office of 128860  
Strategic Business Investments. 128861

STATE SPECIAL PROJECTS 128862

The State Special Projects Fund (Fund 4F20), may be used for 128863  
the deposit of private-sector funds from utility companies and for 128864  
the deposit of other miscellaneous state funds. State moneys so 128865  
deposited may also be used to match federal grants and to support 128866  
low-income energy assistance programs. 128867

MINORITY BUSINESS ENTERPRISE LOAN 128868

All repayments from the Minority Development Financing 128869  
Advisory Board Loan Program shall be deposited in the State 128870  
Treasury to the credit of the Minority Business Enterprise Loan 128871  
Fund (Fund 4W10). 128872

DEFENSE DEVELOPMENT ASSISTANCE 128873

The foregoing appropriation item 195622, Defense Development 128874  
Assistance, shall be allocated to Development Projects, Inc., for 128875  
economic development programs and the creation of new jobs to 128876  
leverage and support mission gains at Department of Defense and 128877  
related facilities in Ohio by working with future base realignment 128878  
and closure activities and ongoing Department of Defense 128879  
efficiency and partnership initiatives, assisting efforts to 128880  
secure Department of Defense support contracts for Ohio companies, 128881  
assessing and supporting regional job training and workforce 128882  
development needs generated by the Department of Defense and the 128883  
Ohio aerospace industry, promoting technology transfer to Ohio 128884  
businesses, and for expanding job training and economic 128885  
development programs in human performance and cyber security 128886  
related initiatives. 128887

On July 1, 2018, or as soon as possible thereafter, the 128888  
Director of Development Services may request that the Director of 128889

Budget and Management reappropriate any expended, unencumbered 128890  
balance of the prior fiscal year's appropriation to the foregoing 128891  
appropriation item 195622, Defense Development Assistance, for 128892  
fiscal year 2019. The Director of Budget and Management may 128893  
request additional information necessary for evaluating the 128894  
request, and the Director of Development Services shall provide 128895  
the requested information to the Director of Budget and 128896  
Management. Based on the information provided by the Director of 128897  
Development Services, the Director of Budget and Management shall 128898  
determine the amount to be reappropriated, and that amount is 128899  
hereby reappropriated for fiscal year 2019. 128900

INCUMBENT WORKFORCE TRAINING VOUCHERS 128901

The foregoing appropriation item 195662, Incumbent Workforce 128902  
Training Vouchers, shall be used to support the Incumbent 128903  
Workforce Training Voucher Program. 128904

The Incumbent Workforce Training Voucher Program shall 128905  
conform to guidelines for the operation of the program, including, 128906  
but not limited to, the following: 128907

(A) A requirement that a training voucher under the program 128908  
shall not exceed \$6,000 per worker per year; 128909

(B) A provision for an employer of an eligible employee to 128910  
apply for a voucher on behalf of the eligible employee; 128911

(C) A provision for an eligible employee to apply directly 128912  
for a training voucher with the pre-approval of the employee's 128913  
employer; and 128914

(D) A requirement that an employee participating in the 128915  
program, or the employee's employer, shall pay for not less than 128916  
thirty-three per cent of the training costs under the program. 128917

On July 1, 2018, or as soon as possible thereafter, the 128918  
Director of Development Services may request that the Director of 128919

Budget and Management reappropriate any expended, unencumbered 128920  
balance of the prior fiscal year's appropriation to the foregoing 128921  
appropriation item 195662, Incumbent Workforce Training Vouchers, 128922  
for fiscal year 2019. The Director of Budget and Management may 128923  
request additional information necessary for evaluating the 128924  
request, and the Director of Development Services shall provide 128925  
the requested information to the Director of Budget and 128926  
Management. Based on the information provided by the Director of 128927  
Development Services, the Director of Budget and Management shall 128928  
determine the amount to be reappropriated, and that amount is 128929  
hereby reappropriated for fiscal year 2019. 128930

TAX INCENTIVES OPERATING 128931

On July 1, 2017, or as soon as possible thereafter, the 128932  
Director of Budget and Management shall transfer \$700,000 cash 128933  
from Fund 5MK0 to Fund 5JR0. 128934

LOCAL GOVERNMENT INNOVATION FUND 128935

The foregoing appropriation item 195640, Local Government 128936  
Innovation, shall be used for the purposes of making loans and 128937  
grants to political subdivisions under the Local Government 128938  
Innovation Program in accordance with sections 189.01 to 189.10 of 128939  
the Revised Code. Of the foregoing appropriation item 195640, 128940  
Local Government Innovation, up to \$275,000 in each fiscal year 128941  
shall be used for administrative costs. 128942

ADVANCED ENERGY LOAN PROGRAMS 128943

The foregoing appropriation item 195660, Advanced Energy Loan 128944  
Programs, shall be used to provide financial assistance to 128945  
customers for eligible advanced energy projects for residential, 128946  
commercial, and industrial business, local government, educational 128947  
institution, nonprofit, and agriculture customers. The 128948  
appropriation item may be used to match federal grant funding and 128949  
to pay for the program's administrative costs as provided in 128950



sections 4928.61 to 4928.63 of the Revised Code and rules adopted 128951  
by the Director of Development Services. 128952

On July 1, 2017, or as soon as possible thereafter, the 128953  
Director of Budget and Management shall transfer cash in an amount 128954  
equal to the unexpended, unencumbered balance of the Advanced 128955  
Energy Research and Development Taxable Fund (Fund 7004), from 128956  
Fund 7004 to the Advanced Energy Fund (Fund 5M50). 128957

TRAVEL AND TOURISM COOPERATIVE PROJECTS 128958

The foregoing appropriation item 195690, Travel and Tourism 128959  
Cooperative Projects, shall be used for the marketing and 128960  
promotion of travel and tourism in Ohio. The Travel and Tourism 128961  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 128962  
leveraged private sector paid advertising dollars received in 128963  
tourism marketing assistance and co-op programs. 128964

VOLUME CAP ADMINISTRATION 128965

The foregoing appropriation item 195654, Volume Cap 128966  
Administration, shall be used for expenses related to the 128967  
administration of the Volume Cap Program. Revenues received by the 128968  
Volume Cap Administration Fund (Fund 6170) shall consist of 128969  
application fees, forfeited deposits, and interest earned from the 128970  
custodial account held by the Treasurer of State. 128971

**Section 259.40.** DEVELOPMENT SERVICES OPERATIONS 128972

The Director of Development Services may assess offices of 128973  
the agency for the cost of central service operations. An 128974  
assessment shall contain the characteristics of administrative 128975  
ease and uniform application. A division's payments shall be 128976  
credited to the Supportive Services Fund (Fund 1350) using an 128977  
intrastate transfer voucher. 128978

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 128979

The foregoing appropriation item 195636, Development Services 128980

Reimbursable Expenditures, shall be used for reimbursable costs 128981  
incurred by the agency. Revenues to the General Reimbursement Fund 128982  
(Fund 6850) shall consist of moneys charged for administrative 128983  
costs that are not central service costs and repayments of loans, 128984  
including the interest thereon, made from the Water and Sewer Fund 128985  
(Fund 4440). 128986

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 128987

The foregoing appropriation item 195628, Capital Access Loan 128988  
Program, shall be used for operating, program, and administrative 128989  
expenses of the program. Funds of the Capital Access Loan Program 128990  
shall be used to assist participating financial institutions in 128991  
making program loans to eligible businesses that face barriers in 128992  
accessing working capital and obtaining fixed-asset financing. 128993

The Director of Budget and Management may transfer an amount 128994  
not to exceed \$1,000,000 cash in each fiscal year from the 128995  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 128996  
Access Loan Fund (Fund 5S90). 128997

**INNOVATION OHIO** 128998

The foregoing appropriation item 195664, Innovation Ohio, 128999  
shall be used to provide for Innovation Ohio purposes, including 129000  
loan guarantees and loans under Chapter 166. and particularly 129001  
sections 166.12 to 166.16 of the Revised Code. 129002

**RESEARCH AND DEVELOPMENT** 129003

The foregoing appropriation item 195665, Research and 129004  
Development, shall be used to provide for research and development 129005  
purposes, including loans, under Chapter 166. and particularly 129006  
sections 166.17 to 166.21 of the Revised Code. 129007

**FACILITIES ESTABLISHMENT** 129008

The foregoing appropriation item 195615, Facilities 129009  
Establishment, shall be used for the purposes of the Facilities 129010

Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code. 129011  
Code. 129012

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 129013

Notwithstanding Chapter 166. of the Revised Code, an amount 129014  
not to exceed \$3,500,000 in cash in each fiscal year may be 129015  
transferred from the Facilities Establishment Fund (Fund 7037) to 129016  
the Business Assistance Fund (Fund 4510). The transfer is subject 129017  
to Controlling Board approval under division (B) of section 166.03 129018  
of the Revised Code. 129019

Notwithstanding Chapter 166. of the Revised Code, the 129020  
Director of Budget and Management may transfer an amount not to 129021  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 129022  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 129023  
Loan Fund (Fund 4W10). 129024

Notwithstanding Chapter 166. of the Revised Code, the 129025  
Director of Budget and Management may transfer an amount not to 129026  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 129027  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 129028  
(Fund 5S90). 129029

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 129030

The foregoing appropriation items 195686, Third Frontier Tax 129031  
Exempt - Operating, and 195620, Third Frontier Taxable - 129032  
Operating, shall be used for operating expenses incurred by the 129033  
Development Services Agency in administering projects pursuant to 129034  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 129035  
paid from appropriation item 195686 shall be limited to the 129036  
administration of projects funded from the Third Frontier Research 129037  
& Development Fund (Fund 7011) and operating expenses paid from 129038  
appropriation item 195620 shall be limited to the administration 129039  
of projects funded from the Third Frontier Research & Development 129040

Taxable Bond Project Fund (Fund 7014).	129041
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS	129042
	129043
The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used by the Development Services Agency to fund selected projects which may include the Ohio Tech Internship Program. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.	129044
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TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	129053
The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	129054
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In fiscal year 2019, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2019. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to	129060
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be reappropriated, and those amounts are hereby reappropriated for 129072  
fiscal year 2019. 129073

**Section 259.70.** CLEAN OHIO REVITALIZATION OPERATING 129074

The foregoing appropriation item 195663, Clean Ohio 129075  
Revitalization Operating, shall be used by the Development 129076  
Services Agency in administering Clean Ohio Revitalization Fund 129077  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 129078  
Revised Code. 129079

**Section 259.80.** HEAP WEATHERIZATION 129080

Not later than April 1, 2018, the Director of Development 129081  
Services shall submit a completed waiver request in accordance 129082  
with section 96.83 of Title 45 of the Code of Federal Regulations 129083  
to the United States Department of Health and Human Services and 129084  
any other applicable federal agencies for the state to expend 129085  
twenty-five per cent of federal Low-Income Home Energy Assistance 129086  
Program funds from the Home Energy Assistance Block Grant for 129087  
weatherization services as allowed by section 96.83(a) of Title 45 129088  
of the Code of Federal Regulations to the United States Department 129089  
of Health and Human Services. 129090

Upon approval of the necessary waiver from the federal 129091  
government and not sooner than July 1, 2018, twenty-five per cent 129092  
of the federal funds deposited to the credit of the Home Energy 129093  
Assistance Block Grant Fund (Fund 3K90) shall be expended from 129094  
appropriation item 195614, HEAP Weatherization, to provide home 129095  
weatherization services in the state as determined by the Director 129096  
of Development Services. This procedure shall be repeated by the 129097  
Director of Development Services in FY 2019 by following the same 129098  
deadlines but in the year 2019. 129099

**Section 259.90.** The Development Services Agency, the 129100

Department of Mental Health and Addiction Services, and the Ohio State University shall collaborate to develop a web site and an application for mobile devices that provide resources and information regarding opioid addiction treatment services.

**Section 259.100.** LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM

On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 195546, Lakes in Economic Distress Revolving Loan Program, to be reappropriated in fiscal year 2018. The amount certified is hereby reappropriated to the foregoing appropriation item in fiscal year 2018 for the same purpose or to support stormwater drainage infrastructure improvements at the Buckeye Lake Dam or a stormwater drainage study at the Buckeye Lake Dam.

On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount equaling the unexpended, unencumbered balance of the portion of the foregoing appropriation item 195407, Travel and Tourism, that was earmarked for grants to assist businesses and other entities adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the Director of Natural Resources pursuant to section 122.641 of the Revised Code. The amount certified is hereby reappropriated to the foregoing appropriation item in fiscal year 2018 for the same purpose.

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES  
General Revenue Fund

GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	129130
GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	20,323,000	\$	19,426,900	129131
GRF	322420	Screening & Early Identification	\$	330,999	\$	330,999	129132
GRF	322421	Part C Early Intervention	\$	10,943,260	\$	10,943,260	129133
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	129134
GRF	322451	Family Support Services	\$	5,843,767	\$	5,843,767	129135
GRF	322501	County Boards Subsidies	\$	43,487,041	\$	43,487,041	129136
GRF	322507	County Board Case Management	\$	2,462,500	\$	2,462,500	129137
GRF	322508	Employment First Initiative	\$	2,766,237	\$	2,766,237	129138
GRF	322509	Community Supports & Rental Assistance	\$	738,750	\$	738,750	129139
GRF	653321	Medicaid Program Support - State	\$	7,654,859	\$	7,654,859	129140
GRF	653407	Medicaid Services	\$	581,525,649	\$	581,525,649	129141
TOTAL GRF		General Revenue Fund	\$	679,457,985	\$	678,561,885	129142
		Dedicated Purpose Fund Group					129143
5GE0	320606	Central Office Operating Expenses	\$	13,339,487	\$	13,339,487	129144
5QM0	320607	System Transformation Supports	\$	1,000,000	\$	0	129145
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	129146
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	129147

5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	129148
4890	653632	Developmental Centers	\$	10,718,092	\$	10,718,092	129149
		Direct Care Services					
5EV0	653627	Medicaid Program	\$	1,500,000	\$	1,500,000	129150
		Support					
5GE0	653606	ICF/IID and Waiver	\$	28,848,468	\$	39,614,603	129151
		Match					
5S20	653622	Medicaid	\$	20,032,154	\$	20,032,154	129152
		Administration &					
		Oversight					
5Z10	653624	County Board Waiver	\$	340,210,215	\$	374,726,690	129153
		Match					
TOTAL DPF		Dedicated Purpose Fund	\$	417,798,416	\$	462,081,026	129154
		Group					
		Internal Service Activity Fund Group					129155
1520	653609	DC and Residential	\$	17,000,000	\$	9,000,000	129156
		Facilities Operating					
		Services					
TOTAL ISA		Internal Service Activity	\$	17,000,000	\$	9,000,000	129157
		Fund Group					
		Federal Fund Group					129158
3250	322612	Community Social	\$	27,677,572	\$	27,677,572	129159
		Service Programs					
3A40	653654	Medicaid Services	\$	1,668,184,149	\$	1,718,457,466	129160
3A40	653655	Medicaid Support	\$	61,000,000	\$	62,000,000	129161
3A50	320613	Developmental	\$	3,324,187	\$	3,324,187	129162
		Disabilities Council					
TOTAL FED		Federal Fund Group	\$	1,760,185,908	\$	1,811,459,225	129163
TOTAL ALL BUDGET		FUND GROUPS	\$	2,874,442,309	\$	2,961,102,136	129164
		<b>Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES</b>					129166
		LEASE-RENTAL BOND PAYMENTS					129167



The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 129176

At the discretion of the Director of Developmental Disabilities, the foregoing appropriation item 322420, Screening and Early Identification, shall be used for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

Of the foregoing appropriation item 322420, Screening and Early Identification, \$30,000 in each fiscal year shall be distributed to the Preble County Board of Developmental Disabilities for the Play and Language for Autistic Youngsters Project.

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 129188

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2018 and fiscal year 2019:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of

county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

**Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS**

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with

representatives of county boards, the amount of funds to 129228  
distribute for these purposes and the criteria for distributing 129229  
the funds. 129230

(B) In collaboration with the county's family and children 129231  
first council, a county board of developmental disabilities may 129232  
transfer portions of funds received under this section, to a 129233  
flexible funding pool in accordance with the section of this act 129234  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 129235

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 129236

The foregoing appropriation item 322508, Employment First 129237  
Initiative, shall be used to increase employment opportunities for 129238  
individuals with developmental disabilities through the Employment 129239  
First Initiative in accordance with section 5123.022 of the 129240  
Revised Code. 129241

Of the foregoing appropriation item, 322508, Employment First 129242  
Initiative, the Director of Developmental Disabilities shall 129243  
transfer, in each fiscal year, to the Opportunities for Ohioans 129244  
with Disabilities Agency an amount agreed upon by the Director of 129245  
Developmental Disabilities and the Executive Director of the 129246  
Opportunities for Ohioans with Disabilities Agency. The transfer 129247  
shall be made via an intrastate transfer voucher. The transferred 129248  
funds shall be used to support the Employment First Initiative. 129249  
The Opportunities for Ohioans with Disabilities Agency shall use 129250  
the funds transferred as state matching funds to obtain available 129251  
federal grant dollars for vocational rehabilitation services. Any 129252  
federal match dollars received by the Opportunities for Ohioans 129253  
with Disabilities Agency shall be used for the initiative. The 129254  
Director of Developmental Disabilities and the Executive Director 129255  
of the Opportunities for Ohioans with Disabilities Agency shall 129256  
enter into an interagency agreement in accordance with section 129257  
3304.181 of the Revised Code that will specify the 129258

responsibilities of each agency under the initiative. Under the 129259  
interagency agreement, the Opportunities for Ohioans with 129260  
Disabilities Agency shall retain responsibility for eligibility 129261  
determination, order of selection, plan approval, plan amendment, 129262  
and release of vendor payments. 129263

The remainder of appropriation item 322508, Employment First 129264  
Initiative, shall be used to develop a long-term, sustainable 129265  
system that places individuals with developmental disabilities in 129266  
community employment, as defined in section 5123.022 of the 129267  
Revised Code. 129268

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 129269

The foregoing appropriation item 322509, Community Supports 129270  
and Rental Assistance, may be used by the Director of 129271  
Developmental Disabilities to provide funding to county boards of 129272  
developmental disabilities for rental assistance to individuals 129273  
with developmental disabilities receiving home and community-based 129274  
services as defined in section 5123.01 of the Revised Code 129275  
pursuant to section 5124.60 of the Revised Code or section 5124.69 129276  
of the Revised Code and individuals with developmental 129277  
disabilities who enroll in a Medicaid waiver component providing 129278  
home and community-based services after receiving preadmission 129279  
counseling pursuant to section 5124.68 of the Revised Code. The 129280  
Director shall establish the methodology for determining the 129281  
amount and distribution of such funding. 129282

**Section 261.80. MEDICAID SERVICES** 129283

(A) As used in this section: 129284

(1) "Home and community-based services" has the same meaning 129285  
as in section 5123.01 of the Revised Code. 129286

(2) "ICF/IID services" has the same meaning as in section 129287  
5124.01 of the Revised Code. 129288

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	129289
(1) Home and community-based services;	129290
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	129291
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	129292
(4) ICF/IID services;	129293
(5) Up to \$3,000,000 in each fiscal year shall be used to increase employment opportunities for Medicaid-eligible individuals with developmental disabilities through the Employment First Initiative;	129294
(6) Up to \$14,000,000 in each fiscal year may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations, notwithstanding section 5126.18 of the Revised Code. The Director of Developmental Disabilities shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds; and	129295
(7) Other programs as identified by the Director of Developmental Disabilities.	129296
<b>Section 261.90. CENTRAL OFFICE OPERATING EXPENSES</b>	129297
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided	129298
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to the Ohio Center for Autism and Low Incidence to establish a 129319  
lifespan autism hub to support families and professionals. 129320

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 129321  
SERVICES 129322

Any county funds received by the Department of Developmental 129323  
Disabilities from county boards of developmental disabilities for 129324  
active treatment shall be deposited in the Developmental 129325  
Disabilities Operating Fund (Fund 4890). 129326

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS 129327

The foregoing appropriation item 320607, System 129328  
Transformation Supports, may be used by the Director of 129329  
Developmental Disabilities as follows: 129330

(A) To purchase one or more residential facility beds for the 129331  
purpose of reducing the number of beds that are certified for 129332  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129333  
shall establish priorities for the purchase of beds which may 129334  
include beds located in a building in which a nursing facility is 129335  
also located and beds which are in a residential facility of 129336  
sixteen beds or greater. The purchase price of a bed shall be the 129337  
price the Director determines is reasonable based on the 129338  
established priorities. Division (B) of section 127.16 of the 129339  
Revised Code shall not apply to a purchase made under this 129340  
section. 129341

(B) To fund other system transformation initiatives 129342  
identified by the Director. 129343

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS 129344

The foregoing appropriation item 322612, Community Social 129345  
Service Programs, may be used by the Director of Developmental 129346  
Disabilities to purchase one or more residential facility beds for 129347

the purpose of reducing the number of beds that are certified for 129348  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129349  
shall establish priorities for the purchase of beds which may 129350  
include beds located in a building in which a nursing facility is 129351  
also located and beds which are in a residential facility of 129352  
sixteen beds or greater. The purchase price of a bed shall be the 129353  
price the Director determines is reasonable based on the 129354  
established priorities. Division (B) of section 127.16 of the 129355  
Revised Code shall not apply to a purchase made under this 129356  
section. 129357

**Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES** 129358

As used in this section, "home and community-based services" 129359  
has the same meaning as in section 5123.01 of the Revised Code. 129360

The Director of Developmental Disabilities shall establish a 129361  
methodology to be used in fiscal year 2018 and fiscal year 2019 to 129362  
estimate the quarterly amount each county board of developmental 129363  
disabilities is to pay of the nonfederal share of home and 129364  
community-based services that section 5126.0510 of the Revised 129365  
Code requires county boards to pay. Each quarter, the Director 129366  
shall submit to a county board written notice of the amount the 129367  
county board is to pay for that quarter. The notice shall specify 129368  
when the payment is due. 129369

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT** 129370

If a county board of developmental disabilities does not 129371  
fully pay any amount owed to the Department of Developmental 129372  
Disabilities by the due date established by the Department, the 129373  
Director of Developmental Disabilities may withhold the amount the 129374  
county board did not pay from any amounts due to the county board. 129375  
The Director may use any appropriation item or fund used by the 129376  
Department to transfer cash to any other fund used by the 129377

Department in an amount equal to the amount owed the Department 129378  
that the county board did not pay. Transfers under this section 129379  
shall be made using an intrastate transfer voucher. 129380

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 129381**

Developmental centers of the Department of Developmental 129382  
Disabilities may provide services to persons with developmental 129383  
disabilities living in the community or to providers of services 129384  
to these persons. The Department may develop a method for recovery 129385  
of all costs associated with the provision of these services. 129386

**Section 261.160. ODODD INNOVATIVE PILOT PROJECTS 129387**

(A) In fiscal year 2018 and fiscal year 2019, the Director of 129388  
Developmental Disabilities may authorize the continuation or 129389  
implementation of one or more innovative pilot projects that, in 129390  
the judgment of the Director, are likely to assist in promoting 129391  
the objectives of Chapter 5123. or 5126. of the Revised Code. 129392  
Subject to division (B) of this section and notwithstanding any 129393  
provision of Chapters 5123. and 5126. of the Revised Code and any 129394  
rule adopted under either chapter, a pilot project authorized by 129395  
the Director may be continued or implemented in a manner 129396  
inconsistent with one or more provisions of either chapter or one 129397  
or more rules adopted under either chapter. Before authorizing a 129398  
pilot program, the Director shall consult with entities interested 129399  
in the issue of developmental disabilities, including the Ohio 129400  
Provider Resource Association, Ohio Association of County Boards 129401  
of Developmental Disabilities, Ohio Health Care Association/Ohio 129402  
Centers for Intellectual Disabilities, the Values and Faith 129403  
Alliance, and ARC of Ohio. 129404

(B) The Director may not authorize a pilot project to be 129405  
implemented in a manner that would cause the state to be out of 129406  
compliance with any requirements for a program funded in whole or 129407



in part with federal funds.	129408
<b>Section 261.165.</b> FISCAL YEAR 2018 AND FISCAL YEAR 2019	129409
MEDICAID RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2	129410
(A) As used in this section:	129411
(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.	129412 129413 129414 129415 129416
(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	129417 129418
(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:	129419 129420
(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2017, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.	129421 129422 129423 129424
(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2018 or fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.	129425 129426 129427 129428 129429 129430 129431
(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018 or fiscal year 2019.	129432 129433 129434
(2) This section does not apply to an ICF/IID in peer group 3.	129435 129436

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2018 and fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2018 and fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2018 and fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for the fiscal years with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated 129468  
under division (B)(2) of section 5124.21 of the Revised Code, the 129469  
ICF/IID's efficiency incentive for indirect care costs shall be 129470  
the following: 129471

(i) In the case of an ICF/IID in peer group 1, \$3.69; 129472

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 129473

(e) In place of the maximum rate for indirect care costs 129474  
established for the ICF/IID's peer group under division (C) of 129475  
section 5124.21 of the Revised Code, the maximum rate for indirect 129476  
care costs for the ICF/IID's peer group shall be an amount the 129477  
Department shall determine in accordance with division (E) of this 129478  
section. 129479

(f) In place of the inflation adjustment otherwise calculated 129480  
under division (D)(1) of section 5124.21 of the Revised Code for 129481  
the purpose of division (B)(1) of that section only, an inflation 129482  
adjustment of 1.014 shall be used. 129483

(g) In place of the inflation adjustment otherwise made under 129484  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 129485  
actual, allowable, per Medicaid day other protected costs, 129486  
excluding the franchise permit fee, from the following calendar 129487  
year shall be multiplied by 1.014: 129488

(i) For the fiscal year 2018 rate, calendar year 2016; 129489

(ii) For the fiscal year 2019 rate, calendar year 2017. 129490

(h) After all of the modifications specified in divisions 129491  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 129492  
total per Medicaid day rate shall be increased by 3.04% to reflect 129493  
direct support personnel costs. 129494

(3) The fiscal year 2018 and fiscal year 2019 initial total 129495  
per Medicaid day rate for a new ICF/IID to which this section 129496  
applies shall be the ICF/IID's initial total per Medicaid day rate 129497

determined for the ICF/IID in accordance with section 5124.151 of 129498  
the Revised Code for the fiscal years with the following 129499  
modifications: 129500

(a) In place of the amount determined under division (B)(1) 129501  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129502  
per Medicaid day rate for capital costs shall be the median rate 129503  
for all ICFs/IID determined under section 5124.17 of the Revised 129504  
Code with the modification made under division (C)(2)(a) of this 129505  
section. 129506

(b) In place of the amount determined under division 129507  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 129508  
cost or resident assessment data for the new ICF/IID, the new 129509  
ICF/IID's initial per Medicaid day rate for direct care costs 129510  
shall be determined as follows: 129511

(i) Determine the median of the costs per case-mix units of 129512  
each peer group; 129513

(ii) Multiply the median determined under division 129514  
(C)(3)(a)(i) of this section by the median annual average case-mix 129515  
score for the new ICF/IID's peer group for calendar year 2016 (in 129516  
the case of the fiscal year 2018 rate) and calendar year 2017 (in 129517  
the case of the fiscal year 2019 rate); 129518

(iii) Multiply the product determined under division 129519  
(C)(3)(a)(ii) of this section by 1.014. 129520

(c) In place of the amount determined under division (B)(3) 129521  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129522  
per Medicaid day rate for indirect care costs shall be the amount 129523  
of the maximum rate for indirect costs determined for the 129524  
ICF/IID's peer group under division (E) of this section. 129525

(d) In place of the amount determined under division (B)(4) 129526  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129527  
per Medicaid day rate for other protected costs shall be 115% of 129528

the median rate for ICFs/IID determined under section 5124.23 of 129529  
the Revised Code with the modification made under division 129530  
(C)(2)(g) of this section. 129531

(e) After all of the modifications specified in divisions 129532  
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 129533  
initial total per Medicaid day rate shall be increased by 3.04% to 129534  
reflect direct support personnel costs. 129535

(D) A new ICF/IID's initial total modified per Medicaid day 129536  
rate for fiscal year 2018 or fiscal year 2019 as determined under 129537  
division (C)(3) of this section shall be adjusted at the 129538  
applicable time specified in division (D) of section 5124.151 of 129539  
the Revised Code. If the adjustment affects the ICF/IID's rate for 129540  
ICF/IID services provided during fiscal year 2018 or fiscal year 129541  
2019, the modifications specified in division (C)(2) of this 129542  
section apply to the adjustment. 129543

(E) In determining the amount of the maximum rate for 129544  
indirect costs for the purposes of divisions (C)(2)(e) and 129545  
(C)(3)(c) of this section, the Department shall strive to the 129546  
greatest extent possible to do both of the following: 129547

(1) Avoid rate reductions under division (F)(1) of this 129548  
section; 129549

(2) Have the amount so determined result in payment of all 129550  
desk-reviewed, actual, allowable indirect care costs for the same 129551  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 129552  
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 129553  
days for May 2017 in the case of the fiscal year 2018 rate and as 129554  
of July 1, 2018, based on Medicaid days for May 2018 in the case 129555  
of the fiscal year 2019 rate. 129556

(F)(1) If the mean total per Medicaid day rate for all 129557  
ICFs/IID to which this section applies, as determined under 129558  
division (C) of this section as of the first day of the fiscal 129559

year for which the rate is being determined and weighted by 129560  
Medicaid days for May of the fiscal year immediately preceding the 129561  
fiscal year for which the rate is being determined is other than 129562  
the amount determined under division (F)(2) of this section, the 129563  
Department shall adjust, for the fiscal year for which the rate is 129564  
being determined, the total per Medicaid day rate for each ICF/IID 129565  
to which this section applies by a percentage that is equal to the 129566  
percentage by which the mean total per Medicaid day rate is 129567  
greater or less than the amount determined under division (F)(2) 129568  
of this section. 129569

(2) The amount to be used for the purpose of division (F)(1) 129570  
of this section shall be not less than \$290.10. The Department, in 129571  
its sole discretion, may use a larger amount for the purpose of 129572  
that division. In determining whether to use a larger amount, the 129573  
Department may consider any of the following: 129574

(a) The reduction in the total Medicaid-certified capacity of 129575  
all ICFs/IID that occurs in the fiscal year immediately preceding 129576  
the fiscal year for which the rate is being determined, and the 129577  
reduction that is projected to occur in the fiscal year for which 129578  
the rate is being determined, as a result of either of the 129579  
following: 129580

(i) A downsizing pursuant to a plan approved by the 129581  
Department under section 5123.042 of the Revised Code; 129582

(ii) A conversion of beds to providing home and 129583  
community-based services under the Individual Options waiver 129584  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 129585

(b) The increase in Medicaid payments made for ICF/IID 129586  
services provided during the fiscal year immediately preceding the 129587  
fiscal year for which the rate is being determined, and the 129588  
increase that is projected to occur in the fiscal year for which 129589  
the rate is being determined, as a result of the modifications to 129590

the payment rates made under section 5124.101 of the Revised Code;	129591
(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;	129592 129593
(d) Other factors the Department determines to be relevant.	129594
(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.	129595 129596 129597 129598 129599 129600
<b>Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES</b>	129601
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	129602 129603 129604
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	129605 129606 129607 129608
(1) Medicaid covers the ICF/IID services.	129609
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	129610 129611
(a) The Medicaid recipient is eligible for the ICF/IID services;	129612 129613
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	129614 129615 129616 129617
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or	129618 129619

supported by a county board of developmental disabilities. 129620

(4) The provider of the ICF/IID services has a valid Medicaid 129621  
provider agreement for the services for the time that the services 129622  
are provided. 129623

(C) When required by division (B) of this section to pay the 129624  
nonfederal share of a claim, the Director of Developmental 129625  
Disabilities shall use the following funds to pay the claim: 129626

(1) Funds available from appropriation item 322501, County 129627  
Boards Subsidies, that the Director allocates to the county board 129628  
that initiated or supported the Medicaid certification of the 129629  
ICF/IID that provided the ICF/IID services for which the claim is 129630  
made; 129631

(2) If the amount of funds used pursuant to division (C)(1) 129632  
of this section is insufficient to pay the claim in full, an 129633  
amount of funds that are needed to make up the difference and 129634  
available from amounts the Director allocates to other county 129635  
boards from appropriation item 322501, County Boards Subsidies. 129636

**Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 129637**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 129638

(A) As used in this section: 129639

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 129640  
that converted some or all of its beds to providing home and 129641  
community-based services under the IO Waiver pursuant to section 129642  
5124.60 of the Revised Code. 129643

(2) "Developmental center" and "ICF/IID" have the same 129644  
meanings as in section 5124.01 of the Revised Code. 129645

(3) "IO Waiver" means the Medicaid waiver component, as 129646  
defined in section 5166.01 of the Revised Code, known as 129647  
Individual Options. 129648



(4) "Medicaid provider" has the same meaning as in section 129649  
5164.01 of the Revised Code. 129650

(5) "Public hospital" has the same meaning as in section 129651  
5122.01 of the Revised Code. 129652

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 129653  
whom all of the following apply: 129654

(a) The enrollee resided in a developmental center, converted 129655  
facility, or public hospital immediately before enrolling in the 129656  
IO Wavier. 129657

(b) The enrollee did not receive before July 1, 2011, routine 129658  
homemaker/personal care services from the Medicaid provider that 129659  
is to be paid the Medicaid rate authorized by this section for 129660  
providing such services to the enrollee during the period 129661  
specified in division (C) of this section. 129662

(c) The Director of Developmental Disabilities has determined 129663  
that the enrollee's special circumstances (including the 129664  
enrollee's diagnosis, service needs, or length of stay at the 129665  
developmental center, converted facility, or public hospital) 129666  
warrants paying the Medicaid rate authorized by this section. 129667

(B) The total Medicaid payment rate for each fifteen minutes 129668  
of routine homemaker/personal care services that a Medicaid 129669  
provider provides to a qualifying IO enrollee during the period 129670  
specified in division (C) of this section shall be fifty-two cents 129671  
higher than the Medicaid payment rate in effect on the day the 129672  
services are provided for each fifteen minutes of routine 129673  
homemaker/personal care services that a Medicaid provider provides 129674  
to an IO enrollee who is not a qualifying IO enrollee. 129675

(C) Division (B) of this section applies to the first twelve 129676  
months, consecutive or otherwise, that a Medicaid provider, during 129677  
the period beginning July 1, 2017, and ending June 30, 2019, 129678  
provides routine homemaker/personal care services to a qualifying 129679

IO enrollee. 129680

(D) Of the foregoing appropriation items 653407, Medicaid 129681  
Services, and 653654, Medicaid Services, portions shall be used to 129682  
pay the Medicaid payment rate determined in accordance with this 129683  
section for routine homemaker/personal care services provided to 129684  
qualifying IO enrollees. 129685

**Section 261.220.** UPDATING AUTHORIZING STATUTE CITATIONS 129686

As used in this section, "authorizing statute" means a 129687  
Revised Code section or provision of a Revised Code section that 129688  
is cited in the Ohio Administrative Code as the statute that 129689  
authorizes the adoption of a rule. 129690

The Director of Developmental Disabilities is not required to 129691  
amend any rule for the sole purpose of updating the citation in 129692  
the Ohio Administrative Code to the rule's authorizing statute to 129693  
reflect that this act renumbers the authorizing statute or 129694  
relocates it to another Revised Code section. Such citations shall 129695  
be updated as the Director amends the rules for other purposes. 129696

**Section 263.10.** OBD OHIO BOARD OF DIETETICS 129697

Dedicated Purpose Fund Group 129698

4K90 860609	Operating Expenses	\$	234,381	\$	0	129699
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TOTAL DPF	Dedicated Purpose Fund	\$	234,381	\$	0	129700
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	234,381	\$	0	129701
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**Section 265.10.** EDU DEPARTMENT OF EDUCATION 129703

General Revenue Fund 129704

GRF 200321	Operating Expenses	\$	14,753,021	\$	14,753,021	129705
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GRF 200408	Early Childhood	\$	67,768,341	\$	67,768,341	129706
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Education

GRF 200420	Information Technology Development and Support	\$ 3,886,773	\$ 3,886,773	129707
GRF 200421	Alternative Education Programs	\$ 5,655,543	\$ 3,246,396	129708
GRF 200422	School Management Assistance	\$ 2,120,015	\$ 2,156,544	129709
GRF 200424	Policy Analysis	\$ 437,716	\$ 437,716	129710
GRF 200426	Ohio Educational Computer Network	\$ 15,957,000	\$ 15,957,000	129711
GRF 200427	Academic Standards	\$ 3,897,436	\$ 3,897,436	129712
GRF 200437	Student Assessment	\$ 59,159,287	\$ 59,225,042	129713
GRF 200439	Accountability/Report Cards	\$ 6,500,000	\$ 6,600,000	129714
GRF 200442	Child Care Licensing	\$ 1,852,200	\$ 1,887,863	129715
GRF 200446	Education Management Information System	\$ 7,974,367	\$ 8,020,414	129716
GRF 200448	Educator Preparation	\$ 1,560,384	\$ 1,560,384	129717
GRF 200455	Community Schools and Choice Programs	\$ 4,535,845	\$ 4,685,028	129718
GRF 200465	Education Technology Resources	\$ 5,179,107	\$ 5,179,107	129719
GRF 200471	Office of Innovation	\$ 738,750	\$ 738,750	129720
GRF 200502	Pupil Transportation	\$ 549,238,753	\$ 529,629,809	129721
GRF 200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500	129722
GRF 200511	Auxiliary Services	\$ 150,594,178	\$ 150,594,178	129723
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 68,034,790	\$ 68,034,790	129724
GRF 200540	Special Education Enhancements	\$ 152,350,000	\$ 152,350,000	129725
GRF 200545	Career-Technical Education Enhancements	\$ 10,978,066	\$ 9,912,892	129726

GRF 200550	Foundation Funding	\$ 6,835,528,851	\$ 6,976,812,828	129727
GRF 200566	Literacy Improvement	\$ 738,750	\$ 1,231,250	129728
GRF 200572	Adult Education Programs	\$ 7,533,216	\$ 8,702,475	129729
GRF 200573	EdChoice Expansion	\$ 37,824,000	\$ 46,984,500	129730
GRF 200574	Half-Mill Maintenance Equalization	\$ 18,715,000	\$ 18,912,000	129731
GRF 200576	Adaptive Sports Program	\$ 50,000	\$ 50,000	129732
GRF 200597	Education Program Support	\$ 3,050,000	\$ 3,050,000	129733
GRF 657401	Medicaid in Schools	\$ 295,500	\$ 295,500	129734
TOTAL GRF General Revenue Fund				129735
Dedicated Purpose Fund Group				129736
4520 200638	Charges and Reimbursements	\$ 1,000,000	\$ 1,000,000	129737
4540 200610	High School Equivalency	\$ 1,187,065	\$ 0	129738
4550 200608	Commodity Foods	\$ 16,000,000	\$ 16,000,000	129739
4L20 200681	Teacher Certification and Licensure	\$ 16,002,297	\$ 16,002,297	129740
5980 200659	Auxiliary Services Reimbursement	\$ 2,930,000	\$ 2,930,000	129741
5H30 200687	School District Solvency Assistance	\$ 8,000,000	\$ 8,000,000	129742
5KX0 200691	Ohio School Sponsorship Program	\$ 828,600	\$ 828,600	129743
5MM0 200677	Child Nutrition Refunds	\$ 550,000	\$ 550,000	129744
5U20 200685	National Education Statistics	\$ 150,000	\$ 150,000	129745
6200 200615	Educational Improvement Grants	\$ 500,000	\$ 500,000	129746

TOTAL DPF Dedicated Purpose Fund Group	\$	47,147,962	\$	45,960,897	129747
Internal Service Activity Fund Group					129748
1380 200606 Information Technology Development and Support	\$	7,047,645	\$	7,047,645	129749
4R70 200695 Indirect Operational Support	\$	7,856,766	\$	7,856,766	129750
4V70 200633 Interagency Program Support	\$	500,000	\$	500,000	129751
TOTAL ISA Internal Service Activity Fund Group	\$	15,404,411	\$	15,404,411	129752
State Lottery Fund Group					129753
7017 200612 Foundation Funding	\$	1,085,060,000	\$	1,100,660,000	129754
7017 200629 Community Connectors	\$	8,000,000	\$	8,000,000	129755
7017 200648 Straight A Fund	\$	5,000,000	\$	5,000,000	129756
7017 200684 Community School Facilities	\$	18,000,000	\$	18,000,000	129757
TOTAL SLF State Lottery Fund Group	\$	1,116,060,000	\$	1,131,660,000	129758
Federal Fund Group					129759
3670 200607 School Food Services	\$	10,080,635	\$	10,280,635	129760
3700 200624 Education of Exceptional Children	\$	2,000,000	\$	2,000,000	129761
3AF0 657601 Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	129762
3AN0 200671 School Improvement Grants	\$	25,000,000	\$	25,000,000	129763
3C50 200661 Early Childhood Education	\$	12,555,000	\$	12,555,000	129764
3D20 200667 Math Science Partnerships	\$	7,000,000	\$	7,000,000	129765

3EH0	200620	Migrant Education	\$	2,500,000	\$	2,500,000	129766
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	129767
3GE0	200674	Summer Food Service Program	\$	14,856,635	\$	14,856,635	129768
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,677,340	\$	4,677,340	129769
3HF0	200649	Federal Education Grants	\$	6,364,327	\$	6,364,327	129770
3L60	200617	Federal School Lunch	\$	394,612,000	\$	406,450,000	129771
3L70	200618	Federal School Breakfast	\$	142,688,750	\$	154,103,850	129772
3L80	200619	Child/Adult Food Programs	\$	106,913,755	\$	106,913,755	129773
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	129774
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	129775
3M20	200680	Individuals with Disabilities Education Act	\$	445,000,000	\$	445,000,000	129776
3T40	200613	Public Charter Schools	\$	14,200,000	\$	14,200,000	129777
3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000	129778
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000	129779
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411	129780
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	129781
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000	129782
3Z30	200645	Consolidated Federal	\$	10,168,964	\$	10,168,964	129783

Grant Administration

TOTAL FED Federal Fund Group	\$ 2,004,032,717	\$ 2,027,485,817	129784
TOTAL ALL BUDGET FUND GROUPS	\$11,228,515,479	\$11,396,034,662	129785

**Section 265.20. OPERATING EXPENSES** 129787

A portion of the foregoing appropriation item 200321, 129788  
Operating Expenses, shall be used by the Department of Education 129789  
to provide matching funds related to career-technical education 129790  
under 20 U.S.C. 2321. 129791

**EARLY CHILDHOOD EDUCATION** 129792

The Department of Education shall distribute the foregoing 129793  
appropriation item 200408, Early Childhood Education, to pay the 129794  
costs of early childhood education programs. The Department shall 129795  
distribute such funds directly to qualifying providers. 129796

(A) As used in this section: 129797

(1) "Provider" means a city, local, exempted village, or 129798  
joint vocational school district; an educational service center; a 129799  
community school sponsored by an exemplary sponsor; a chartered 129800  
nonpublic school; an early childhood education child care provider 129801  
licensed under Chapter 5104. of the Revised Code that participates 129802  
in and meets at least the third highest tier of the Step Up to 129803  
Quality program established pursuant to section 5104.29 of the 129804  
Revised Code; or a combination of entities described in this 129805  
paragraph. 129806

(2) In the case of a city, local, or exempted village school 129807  
district or early childhood education child care provider licensed 129808  
under Chapter 5104. of the Revised Code, "new eligible provider" 129809  
means a provider that did not receive state funding for Early 129810  
Childhood Education in the previous fiscal year or demonstrates a 129811  
need for early childhood programs as defined in division (D) of 129812  
this section. 129813

(3) In the case of a community school, "new eligible provider" means any of the following: 129814  
129815

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year; 129816  
129817  
129818  
129819  
129820  
129821

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 129822  
129823

(i) It has received, on its most recent report card, either of the following: 129824  
129825

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 129826  
129827  
129828  
129829  
129830

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 129831  
129832  
129833  
129834

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 129835  
129836

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 129837  
129838

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori 129839  
129840  
129841  
129842  
129843



Internationale as its primary method of instruction, as authorized 129844  
by division (A) of section 3314.06 of the Revised Code, that did 129845  
not receive state funding for Early Childhood Education in the 129846  
previous year or demonstrates a need for early childhood programs 129847  
as defined in division (D) of this section. 129848

(4)(a) "Eligible child" means a child who is at least four 129849  
years of age as of the district entry date for kindergarten, is 129850  
not of the age to be eligible for kindergarten, and whose family 129851  
earns not more than two hundred per cent of the federal poverty 129852  
guidelines as defined in division (A)(3) of section 5101.46 of the 129853  
Revised Code. Children with an Individualized Education Program 129854  
and where the Early Childhood Education program is the least 129855  
restrictive environment may be enrolled on their fourth birthday. 129856

(b) If funds remain in the program once awards have been made 129857  
for all eligible children under division (A)(4)(a) of this 129858  
section, a child who is at least three years of age as of the 129859  
district entry date for kindergarten, is not of age to be eligible 129860  
for kindergarten, and whose family earns not more than two hundred 129861  
per cent of the federal poverty guidelines shall be considered an 129862  
eligible child. 129863

(5) "Early learning program standards" means early learning 129864  
program standards for school readiness developed by the Department 129865  
to assess the operation of early learning and development 129866  
programs. 129867

(6) "Early learning and development programs" has the same 129868  
meaning as section 5104.29 of the Revised Code. 129869

(B) In each fiscal year, up to two per cent of the total 129870  
appropriation may be used by the Department for program support 129871  
and technical assistance. The Department shall distribute the 129872  
remainder of the appropriation in each fiscal year to serve 129873  
eligible children. 129874

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2018, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 263.20 of Am. Sub. H.B. 64 of the 131st General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2019, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers to support early learning and development programs operating in smaller communities and early learning and development programs that are either rated in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code at the third highest tier or higher or comply with division (H)(1) of this section.

(a) The Department shall distribute the new or remaining

funds to existing providers of early childhood education programs 129907  
or any new eligible providers to serve additional eligible 129908  
children based on community economic disadvantage, limited access 129909  
to high quality preschool or childcare services, and demonstration 129910  
of high quality preschool services as determined by the Department 129911  
using the following weighted factors to rank the quality of 129912  
programs: 129913

(i) The program's Step Up to Quality program rating under 129914  
section 5104.29 of the Revised Code; 129915

(ii) The program's compliance with rules adopted by the 129916  
Department; 129917

(iii) The program's use of collaborative practices. 129918

In order to determine where in the state there is limited 129919  
access to high quality preschool and childcare services, the 129920  
Department shall identify the number of preschool and childcare 129921  
services that are rated three stars or higher in the Step Up to 129922  
Quality program established pursuant to section 5104.29 of the 129923  
Revised Code by service delivery area school district. 129924

(b) The Department shall assess the effectiveness of programs 129925  
that receive funds under division (E) of this section using the 129926  
following factors: 129927

(i) The percentage of kindergarteners who attended the 129928  
program and who perform above the emerging readiness level on the 129929  
kindergarten readiness assessment administered under section 129930  
3301.0715 of the Revised Code; 129931

(ii) The percentage of third graders who attended the program 129932  
and who score proficient or higher on the reading portion of the 129933  
English language arts assessment prescribed in division (A)(1)(a) 129934  
of section 3301.0710 of the Revised Code; 129935

(iii) The performance of children attending the program on 129936

the early learning assessment required under the Step Up to Quality program under section 5104.29 of the Revised Code. 129937  
129938

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section. 129939  
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(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program. 129946  
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All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified. 129949  
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(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early 129960  
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childhood education program shall propose and implement a 129969  
corrective action plan that has been approved by the Department. 129970  
The approved corrective action plan shall be signed by the chief 129971  
executive officer and the executive of the official governing body 129972  
of the provider. The corrective action plan shall include a 129973  
schedule for monitoring by the Department. Such monitoring may 129974  
include monthly reports, inspections, a timeline for correction of 129975  
deficiencies, and technical assistance to be provided by the 129976  
Department or obtained by the early childhood education program. 129977  
The Department may withhold funding pending corrective action. If 129978  
an early childhood education program fails to satisfactorily 129979  
complete a corrective action plan, the Department may deny 129980  
expansion funding to the program or withdraw all or part of the 129981  
funding to the program and establish a new eligible provider 129982  
through a selection process established by the Department. 129983

(H)(1) If the early childhood education program is licensed 129984  
by the Department of Education and is not highly rated, as 129985  
determined by the Director of Job and Family Services, under the 129986  
Step Up to Quality program established pursuant to section 5104.29 129987  
of the Revised Code, the program shall do all of the following: 129988

(a) Meet teacher qualification requirements prescribed by 129989  
section 3301.311 of the Revised Code; 129990

(b) Align curriculum to the early learning content standards 129991  
developed by the Department; 129992

(c) Meet any child or program assessment requirements 129993  
prescribed by the Department; 129994

(d) Require teachers, except teachers enrolled and working to 129995  
obtain a degree pursuant to section 3301.311 of the Revised Code, 129996  
to attend a minimum of twenty hours every two years of 129997  
professional development as prescribed by the Department; 129998

(e) Document and report child progress as prescribed by the 129999

Department;	130000
(f) Meet and report compliance with the early learning program standards as prescribed by the Department;	130001 130002
(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.	130003 130004
(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.	130005 130006 130007 130008 130009
(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.	130010 130011 130012 130013 130014 130015 130016 130017 130018 130019 130020 130021 130022 130023 130024 130025 130026 130027 130028 130029 130030

(J) Each provider shall develop a sliding fee scale based on 130031  
family incomes and shall charge families who earn more than two 130032  
hundred per cent of the federal poverty guidelines, as defined in 130033  
division (A)(3) of section 5101.46 of the Revised Code, for the 130034  
early childhood education program. 130035

The Department shall conduct an annual survey of each 130036  
provider to determine whether the provider charges families 130037  
tuition or fees, the amount families are charged relative to 130038  
family income levels, and the number of families and students 130039  
charged tuition and fees for the early childhood program. 130040

(K) If an early childhood education program voluntarily 130041  
waives its right for funding, or has its funding eliminated for 130042  
not meeting financial standards or the early learning program 130043  
standards, the provider shall transfer control of title to 130044  
property, equipment, and remaining supplies obtained through the 130045  
program to providers designated by the Department and return any 130046  
unexpended funds to the Department along with any reports 130047  
prescribed by the Department. The funding made available from a 130048  
program that waives its right for funding or has its funding 130049  
eliminated or reduced may be used by the Department for new grant 130050  
awards or expansion grants. The Department may award new grants or 130051  
expansion grants to eligible providers who apply. The eligible 130052  
providers who apply must do so in accordance with the selection 130053  
process established by the Department. 130054

(L) Eligible expenditures for the Early Childhood Education 130055  
Program shall be claimed each fiscal year to help meet the state's 130056  
TANF maintenance of effort requirement. The Superintendent of 130057  
Public Instruction and the Director of Job and Family Services 130058  
shall enter into an interagency agreement to carry out the 130059  
requirements under this division, which shall include developing 130060  
reporting guidelines for these expenditures. 130061

(M)(1) The Department of Education and the Department of Job 130062

and Family Services shall continue to work toward establishing the 130063  
following in common between early childhood education programs and 130064  
publicly funded child care: 130065

(a) An application; 130066

(b) Program eligibility; 130067

(c) Funding; 130068

(d) An attendance policy; 130069

(e) An attendance tracking system. 130070

(2) In accordance with section 5104.34 of the Revised Code, 130071  
eligible families may receive publicly funded child care beyond 130072  
the standard early childhood schedule defined in division (I) of 130073  
this section. 130074

(3) All providers, agencies, and school districts 130075  
participating in the early childhood education program or 130076  
providing care to eligible families beyond the standard early 130077  
childhood schedule shall follow the common policies established 130078  
under this division. 130079

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 130080  
PROGRAM 130081

Of the foregoing appropriation item 200408, Early Childhood 130082  
Education, a portion in each fiscal year may be used by the 130083  
Department of Education to establish a pilot program that employs 130084  
one or more parent choice models to deliver early childhood 130085  
education to eligible children. 130086

If the Department establishes any such pilot program, the 130087  
Department shall designate one or more geographical areas within 130088  
the state in which to operate the pilot program. The Department 130089  
may consider designating areas with multiple providers of 130090  
high-quality early childhood education programs that have a 130091  
capacity to serve additional eligible children for the purpose of 130092



identifying potential obstacles to implementing a parent choice 130093  
model. Each parent participating in the pilot program may choose 130094  
an early childhood education program from among all providers 130095  
within the designated area. 130096

The Department shall establish procedures for implementation 130097  
of the pilot program, including a process for parents to apply for 130098  
the program. Except as otherwise provided in the Department's 130099  
procedures, the Department and providers shall operate in 130100  
accordance with this section in implementing the pilot program. 130101  
However, the Department may expand the definition of "eligible 130102  
child" to include in the pilot program a child who is at least 130103  
three years of age as of the district entry date for kindergarten 130104  
and has one or more additional risk factors including, but not 130105  
limited to, "exited Help Me Grow Home Visiting," "exited Early 130106  
Intervention and not eligible for preschool special education," or 130107  
currently placed in foster care, so long as the child meets all 130108  
other eligibility requirements of this section. 130109

The Department of Education shall collaborate with the 130110  
departments of Job and Family Services, Developmental 130111  
Disabilities, Health, and Mental Health and Addiction Services, as 130112  
needed, in establishing any pilot program. The Department of 130113  
Education also may select a non-state entity, which may include an 130114  
educational service center, a county department of job and family 130115  
services, a childcare resource and referral agency, or a county 130116  
family and children first council established under section 121.37 130117  
of the Revised Code, to partner with the Department on the pilot 130118  
program. 130119

As part of the pilot program, the Department may set aside a 130120  
portion of the funds for an evaluation of the pilot program. 130121

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND** 130122  
**SUPPORT** 130123

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 265.40. ALTERNATIVE EDUCATION PROGRAMS**

Of the foregoing appropriation item 200421, Alternative Education Programs, \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$350,000 in each fiscal year may be used to support the clearinghouse for the identification of and intervention for at-risk students required under section 3301.28 of the Revised Code.

The remainder of appropriation item 200421, Alternative Education Programs, shall be used for implementation grants and for competitive matching grants to school districts for alternative educational programs for at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are truant or disruptive, or those on probation

or on parole from a Department of Youth Services facility. Grants 130155  
shall be awarded only to programs in which the grant will not 130156  
serve as the program's primary source of funding. Grants may be 130157  
awarded for one or two years, and the Department of Education may 130158  
limit awards to programs that utilize evidence-based strategies 130159  
that meet the standard of strong, moderate, or promising evidence, 130160  
as defined by the Every Student Succeeds Act. These grants shall 130161  
be administered by the Department of Education. 130162

The Department of Education may waive compliance with any 130163  
minimum education standard established under section 3301.07 of 130164  
the Revised Code for any alternative school that receives a grant 130165  
under this section on the grounds that the waiver will enable the 130166  
program to more effectively educate students enrolled in the 130167  
alternative school. 130168

Of the foregoing appropriation item 200421, Alternative 130169  
Education Programs, a portion may be used for program 130170  
administration, monitoring, technical assistance, support, 130171  
research, and evaluation. 130172

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 130173

The foregoing appropriation item 200422, School Management 130174  
Assistance, shall be used by the Department of Education to 130175  
provide fiscal technical assistance and inservice education for 130176  
school district management personnel and to administer, monitor, 130177  
and implement the fiscal caution, fiscal watch, and fiscal 130178  
emergency provisions under Chapter 3316. of the Revised Code. 130179

**Section 265.60. POLICY ANALYSIS** 130180

The foregoing appropriation item 200424, Policy Analysis, 130181  
shall be used by the Department of Education to support a system 130182  
of administrative, statistical, and legislative education 130183  
information to be used for policy analysis. Staff supported by 130184

this appropriation shall administer the development of reports, 130185  
analyses, and briefings to inform education policymakers of 130186  
current trends in education practice, efficient and effective use 130187  
of resources, and evaluation of programs to improve education 130188  
results. A portion of these funds shall be used to maintain a 130189  
longitudinal database to support the assessment of the impact of 130190  
policies and programs on Ohio's education and workforce 130191  
development systems. The research efforts supported by this 130192  
appropriation item shall be used to supply information and 130193  
analysis of data to and in consultation with the General Assembly 130194  
and other state policymakers, including the Office of Budget and 130195  
Management and the Legislative Service Commission. 130196

Of the foregoing appropriation item, 200424, Policy Analysis, 130197  
a portion may be used by the Department to support the development 130198  
and implementation of an evidence-based clearinghouse to support 130199  
school improvement strategies as part of the Every Student 130200  
Succeeds Act. 130201

The Department may use funding from this appropriation item 130202  
to purchase or contract for the development of software systems or 130203  
contract for policy studies that will assist in the provision and 130204  
analysis of policy-related information. Funding from this 130205  
appropriation item also may be used to monitor and enhance quality 130206  
assurance for research-based policy analysis and program 130207  
evaluation to enhance the effective use of education information 130208  
to inform education policymakers. 130209

**Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK** 130210

The foregoing appropriation item 200426, Ohio Educational 130211  
Computer Network, shall be used by the Department of Education to 130212  
maintain a system of information technology throughout Ohio and to 130213  
provide technical assistance for such a system in support of the 130214  
P-16 State Education Technology Plan developed under section 130215

3353.09 of the Revised Code. 130216

Of the foregoing appropriation item 200426, Ohio Educational 130217  
Computer Network, up to \$10,000,000 in each fiscal year shall be 130218  
used by the Department to support connection of all public school 130219  
buildings and participating chartered nonpublic schools to the 130220  
state's education network, to each other, and to the Internet. In 130221  
each fiscal year, the Department shall use these funds to assist 130222  
information technology centers or school districts with the 130223  
operational costs associated with this connectivity. The 130224  
Department shall develop a formula and guidelines for the 130225  
distribution of these funds to information technology centers or 130226  
individual school districts. As used in this section, "public 130227  
school building" means a school building of any city, local, 130228  
exempted village, or joint vocational school district, any 130229  
community school established under Chapter 3314. of the Revised 130230  
Code, any college preparatory boarding school established under 130231  
Chapter 3328. of the Revised Code, any STEM school established 130232  
under Chapter 3326. of the Revised Code, any educational service 130233  
center building used for instructional purposes, the Ohio School 130234  
for the Deaf and the Ohio School for the Blind, high schools 130235  
chartered by the Ohio Department of Youth Services, or high 130236  
schools operated by Ohio Department of Rehabilitation and 130237  
Corrections' Ohio Central School System. 130238

Of the foregoing appropriation item 200426, Ohio Educational 130239  
Computer Network, up to \$5,000,000 in each fiscal year shall be 130240  
used, through a formula and guidelines devised by the Department, 130241  
to support the activities of designated information technology 130242  
centers, as defined by State Board of Education rules, to provide 130243  
school districts and chartered nonpublic schools with 130244  
computer-based student and teacher instructional and 130245  
administrative information services, including approved 130246  
computerized financial accounting, to ensure the effective 130247

operation of local automated administrative and instructional 130248  
systems, and to monitor and support the quality of data submitted 130249  
to the Department. 130250

The remainder of appropriation item 200426, Ohio Educational 130251  
Computer Network, shall be used to support the work of the 130252  
development, maintenance, and operation of a network of uniform 130253  
and compatible computer-based information and instructional 130254  
systems as well as the teacher student linkage/roster verification 130255  
process and the eTranscript/student records exchange initiative. 130256  
This technical assistance shall include, but not be restricted to, 130257  
development and maintenance of adequate computer software systems 130258  
to support network activities. In order to improve the efficiency 130259  
of network activities, the Department and information technology 130260  
centers may jointly purchase equipment, materials, and services 130261  
from funds provided under this appropriation for use by the 130262  
network and, when considered practical by the Department, may 130263  
utilize the services of appropriate state purchasing agencies. 130264

**Section 265.80. ACADEMIC STANDARDS** 130265

The foregoing appropriation item 200427, Academic Standards, 130266  
shall be used by the Department of Education to develop and 130267  
communicate to school districts academic content standards and 130268  
curriculum models and to develop professional development programs 130269  
and other tools on the new content standards and model curriculum. 130270  
The Department shall utilize educational service centers, 130271  
consistent with requirements of section 3312.01 of the Revised 130272  
Code, in the development and delivery of professional development 130273  
programs supported under this section. 130274

**Section 265.90. STUDENT ASSESSMENT** 130275

Of the foregoing appropriation item 200437, Student 130276  
Assessment, up to \$2,760,000 in each fiscal year may be used to 130277

support the assessments required under section 3301.0715 of the Revised Code. 130278  
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The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code. 130280  
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DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT 130289  
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In fiscal year 2018 and fiscal year 2019, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. 130291  
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**Section 265.100.** ACCOUNTABILITY/REPORT CARDS 130304

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in 130305  
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the use of data as it relates to improving student achievement. 130309  
This training may include teacher and administrator professional 130310  
development in the use of data to improve instruction and student 130311  
learning, and teacher and administrator training in understanding 130312  
teacher value-added reports and how they can be used as a 130313  
component in measuring teacher and administrator effectiveness. A 130314  
portion of this funding shall be provided to educational service 130315  
centers to support training and professional development under 130316  
this section consistent with section 3312.01 of the Revised Code. 130317

The remainder of appropriation item 200439, 130318  
Accountability/Report Cards, shall be used by the Department of 130319  
Education to incorporate a statewide value-added progress 130320  
dimension into performance ratings for school districts and for 130321  
the development of an accountability system that includes the 130322  
preparation and distribution of school report cards, funding and 130323  
expenditure accountability reports under sections 3302.03 and 130324  
3302.031 of the Revised Code, the development and maintenance of 130325  
teacher value-added reports, the teacher student linkage/roster 130326  
verification process, and the performance management section of 130327  
the Department's web site required by section 3302.26 of the 130328  
Revised Code. 130329

CHILD CARE LICENSING 130330

The foregoing appropriation item 200442, Child Care 130331  
Licensing, shall be used by the Department of Education to license 130332  
and to inspect preschool and school-age child care programs under 130333  
sections 3301.52 to 3301.59 of the Revised Code. 130334

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 130335

The foregoing appropriation item 200446, Education Management 130336  
Information System, shall be used by the Department of Education 130337  
to improve the Education Management Information System (EMIS). 130338



Of the foregoing appropriation item 200446, Education 130339  
Management Information System, up to \$725,000 in each fiscal year 130340  
shall be distributed to designated information technology centers 130341  
for costs relating to processing, storing, and transferring data 130342  
for the effective operation of the EMIS. These costs may include, 130343  
but are not limited to, personnel, hardware, software development, 130344  
communications connectivity, professional development, and support 130345  
services, and to provide services to participate in the State 130346  
Education Technology Plan developed under section 3353.09 of the 130347  
Revised Code. 130348

Of the foregoing appropriation item 200446, Education 130349  
Management Information System, up to \$400,000 in each fiscal year 130350  
shall be used to support grants to information technology centers 130351  
to provide professional development opportunities to district and 130352  
school personnel related to the EMIS, with a focus placed on data 130353  
submission and data quality. 130354

The remainder of appropriation item 200446, Education 130355  
Management Information System, shall be used to develop and 130356  
support the data definitions and standards adopted by the 130357  
Education Management Information System Advisory Board, including 130358  
the ongoing development and maintenance of the data dictionary and 130359  
data warehouse. In addition, such funds shall be used to support 130360  
the development and implementation of data standards; the design, 130361  
development, and implementation of a new data exchange system; and 130362  
responsibilities related to the school report cards prescribed by 130363  
section 3302.03 of the Revised Code and value-added progress 130364  
dimension calculations. 130365

Any provider of software meeting the standards approved by 130366  
the Education Management Information System Advisory Board shall 130367  
be designated as an approved vendor and may enter into contracts 130368  
with local school districts, community schools, STEMS schools, 130369  
information technology centers, or other educational entities for 130370

the purpose of collecting and managing data required under Ohio's 130371  
education management information system (EMIS) laws. On an annual 130372  
basis, the Department shall convene an advisory group of school 130373  
districts, community schools, and other education-related entities 130374  
to review EMIS data definitions and data format standards. The 130375  
advisory group shall recommend changes and enhancements based upon 130376  
surveys of its members, education agencies in other states, and 130377  
current industry practices, to reflect best practices, align with 130378  
federal initiatives, and meet the needs of school districts. 130379

School districts, STEM schools, and community schools not 130380  
implementing a uniform set of data definitions and data format 130381  
standards for EMIS purposes shall have all EMIS funding withheld 130382  
until they are in compliance. 130383

**Section 265.120. EDUCATOR PREPARATION** 130384

Of the foregoing appropriation item 200448, Educator 130385  
Preparation, up to \$500,000 in each fiscal year may be used by the 130386  
Department of Education to monitor and support Ohio's State System 130387  
of Support, as defined by the Every Student Succeeds Act. 130388

Of the foregoing appropriation item 200448, Educator 130389  
Preparation, up to \$100,000 in each fiscal year may be used by the 130390  
Department to support the Educator Standards Board under section 130391  
3319.61 of the Revised Code and reforms under sections 3302.042, 130392  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 130393  
3319.58 of the Revised Code. 130394

The remainder of the foregoing appropriation item 200448, 130395  
Educator Preparation, may be used for implementation of teacher 130396  
and principal evaluation systems, including incorporation of 130397  
student growth as a metric in those systems, and teacher 130398  
value-added reports. 130399

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 130400

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES**

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$2,500,000 in each fiscal year shall be used for the Union Catalog and InfoOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, based on a formula developed in consultation with Ohio's educational television stations and educational

technology centers. 130432

The remainder of the foregoing appropriation item 200465, 130433  
Education Technology Resources, may be used to support training, 130434  
technical support, guidance, and assistance with compliance 130435  
reporting to school districts and public libraries applying for 130436  
federal E-Rate funds; for oversight and guidance of school 130437  
district technology plans; and for support to district technology 130438  
personnel. Funds may also be used to support the 130439  
eTranscript/student records exchange initiative between the 130440  
Department of Education and the Department of Higher Education, 130441  
the internet safety training for teachers and administrators 130442  
required under the "Protecting Children in the 21st Century Act," 130443  
Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 130444  
for students in grades kindergarten through eight aligned to state 130445  
and national standards that, at a minimum, includes a focus on 130446  
online safety skills such as safety with personally identifiable 130447  
information, social media platforms, cyber-bullying prevention, 130448  
digital identity theft, hacking, and plagiarism. Such a program of 130449  
study shall provide the electronic data necessary for E-rate 130450  
compliance reporting at the student, classroom, and district 130451  
levels. 130452

**Section 265.150. PUPIL TRANSPORTATION** 130453

Of the foregoing appropriation item 200502, Pupil 130454  
Transportation, up to \$838,930 in each fiscal year may be used by 130455  
the Department of Education for training prospective and 130456  
experienced school bus drivers in accordance with training 130457  
programs prescribed by the Department. 130458

Of the foregoing appropriation item 200502, Pupil 130459  
Transportation, up to \$60,469,220 in each fiscal year may be used 130460  
by the Department for special education transportation 130461  
reimbursements to school districts and county DD boards for 130462

transportation operating costs as provided in divisions (C) and 130463  
(F) of section 3317.024 of the Revised Code. 130464

Of the foregoing appropriation item 200502, Pupil 130465  
Transportation, up to \$2,500,000 in each fiscal year may be used 130466  
by the Department to reimburse school districts that make payments 130467  
to parents in lieu of transportation under section 3327.02 of the 130468  
Revised Code and whose transportation is not funded under division 130469  
(C) of section 3317.024 of the Revised Code. If the parent, 130470  
guardian, or other person in charge of a pupil accepts the offer 130471  
of payment in lieu of providing transportation, the school 130472  
district shall pay that parent, guardian, or other person an 130473  
amount that shall be not less than \$250 and not more than the 130474  
amount determined by the Department as the average cost of pupil 130475  
transportation for the previous school year. Payment may be 130476  
prorated if the time period involved is only a part of the school 130477  
year. 130478

The remainder of the foregoing appropriation item 200502, 130479  
Pupil Transportation, shall be used to distribute the amounts 130480  
calculated for transportation aid under divisions (E), (F), and 130481  
(G) of section 3317.0212 of the Revised Code and division (D)(2) 130482  
of section 3314.091 of the Revised Code. 130483

**Section 265.160. SCHOOL LUNCH MATCH** 130484

The foregoing appropriation item 200505, School Lunch Match, 130485  
shall be used to provide matching funds to obtain federal funds 130486  
for the school lunch program. 130487

Any remaining appropriation after providing matching funds 130488  
for the school lunch program may be used to partially reimburse 130489  
school buildings within school districts that are required to have 130490  
a school breakfast program under section 3313.813 of the Revised 130491  
Code, at a rate decided by the Department. 130492

**Section 265.170. AUXILIARY SERVICES** 130493

Of the foregoing appropriation item 200511, Auxiliary 130494  
Services, up to \$2,600,000 in each fiscal year may be used for 130495  
payment of the College Credit Plus Program for nonpublic secondary 130496  
school participants. The Department of Education shall distribute 130497  
these funds according to rule 3333-1-65.8 of the Administrative 130498  
Code, adopted by the Department of Higher Education pursuant to 130499  
division (A) of section 3365.071 of the Revised Code. 130500

The remainder of the foregoing appropriation item 200511, 130501  
Auxiliary Services, shall be used by the Department for the 130502  
purpose of implementing section 3317.06 of the Revised Code. 130503

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 130504

The foregoing appropriation item 200532, Nonpublic 130505  
Administrative Cost Reimbursement, shall be used by the Department 130506  
of Education for the purpose of implementing section 3317.063 of 130507  
the Revised Code. Notwithstanding section 3317.063 of the Revised 130508  
Code, payments made by the Department for this purpose shall not 130509  
exceed four hundred five dollars per student for each school year. 130510

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 130511

Of the foregoing appropriation item 200540, Special Education 130512  
Enhancements, up to \$33,000,000 in each fiscal year shall be used 130513  
to fund special education and related services at county boards of 130514  
developmental disabilities for eligible students under section 130515  
3317.20 of the Revised Code and at institutions for eligible 130516  
students under section 3317.201 of the Revised Code. If necessary, 130517  
the Department of Education shall proportionately reduce the 130518  
amount calculated for each county board of developmental 130519  
disabilities and institution so as not to exceed the amount 130520  
appropriated in each fiscal year. 130521

Of the foregoing appropriation item 200540, Special Education 130522  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 130523  
for parent mentoring programs. 130524

Of the foregoing appropriation item 200540, Special Education 130525  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 130526  
school psychology interns. 130527

Of the foregoing appropriation item 200540, Special Education 130528  
Enhancements, the Department shall transfer \$3,000,000 in each 130529  
fiscal year to the Opportunities for Ohioans with Disabilities 130530  
Agency. The transfer shall be made via an intrastate transfer 130531  
voucher. The transferred funds shall be used by the Opportunities 130532  
for Ohioans with Disabilities Agency as state matching funds to 130533  
draw down available federal funding for vocational rehabilitation 130534  
services. Total project funding shall be used to hire dedicated 130535  
vocational rehabilitation counselors who shall work directly with 130536  
school districts to provide transition services for students with 130537  
disabilities. Services shall include vocational rehabilitation 130538  
services such as person-centered career planning, summer work 130539  
experiences, job placement, and retention services for mutually 130540  
eligible students with disabilities. 130541

The Superintendent of Public Instruction and the Executive 130542  
Director of the Opportunities for Ohioans with Disabilities Agency 130543  
shall enter into an interagency agreement that shall specify the 130544  
responsibilities of each agency under the program. Under the 130545  
interagency agreement, the Opportunities for Ohioans with 130546  
Disabilities Agency shall retain responsibility for all 130547  
nondelegable functions, including eligibility and order of 130548  
selection determination, individualized plan for employment (IPE) 130549  
approval, IPE amendments, case closure, and release of vendor 130550  
payments. 130551

Of the foregoing appropriation item 200540, Special Education 130552  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 130553

by the Department of Education to build capacity to deliver a 130554  
regional system of training, support, coordination, and direct 130555  
service for secondary transition services for students with 130556  
disabilities beginning at fourteen years of age. These special 130557  
education enhancements shall support all students with 130558  
disabilities, regardless of partner agency eligibility 130559  
requirements, to provide stand-alone direct secondary transition 130560  
services by school districts. Secondary transition services shall 130561  
include, but not be limited to, job exploration counseling, 130562  
work-based learning experiences, counseling on opportunities for 130563  
enrollment in comprehensive transition or post-secondary 130564  
educational programs at institutions of higher education, 130565  
workplace readiness training to develop occupational skills, 130566  
social skills and independent living skills, and instruction in 130567  
self-advocacy. Regional training shall support the expansion of 130568  
transition to work endorsement opportunities for middle school and 130569  
secondary level special education intervention specialists in 130570  
order to develop the necessary skills and competencies to meet the 130571  
secondary transition needs of students with disabilities beginning 130572  
at fourteen years of age. 130573

The remainder of appropriation item 200540, Special Education 130574  
Enhancements, shall be distributed by the Department of Education 130575  
to school districts and institutions, as defined in section 130576  
3323.091 of the Revised Code, for preschool special education 130577  
funding under section 3317.0213 of the Revised Code. 130578

The Department may reimburse school districts and 130579  
institutions for services provided by instructional assistants, 130580  
related services, as defined in rule 3301-51-11 of the 130581  
Administrative Code, physical therapy services provided by a 130582  
licensed physical therapist or physical therapist assistant under 130583  
the supervision of a licensed physical therapist, as required 130584  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 130585



Administrative Code, and occupational therapy services provided by 130586  
a licensed occupational therapist or occupational therapy 130587  
assistant under the supervision of a licensed occupational 130588  
therapist, as required under Chapter 4755. of the Revised Code and 130589  
Chapter 4755-7 of the Administrative Code. Nothing in this section 130590  
authorizes occupational therapy assistants or physical therapist 130591  
assistants to generate or manage their own caseloads. 130592

The Department shall require school districts, educational 130593  
service centers, county DD boards, and institutions serving 130594  
preschool children with disabilities to adhere to Ohio's early 130595  
learning program standards, participate in the Step Up to Quality 130596  
program established pursuant to section 5104.29 of the Revised 130597  
Code, and document child progress using research-based indicators 130598  
prescribed by the Department and report results annually. The 130599  
reporting dates and method shall be determined by the Department. 130600  
Effective July 1, 2018, all programs shall be rated through the 130601  
Step Up to Quality program. 130602

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 130603

Of the foregoing appropriation item 200545, Career-Technical 130604  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 130605  
be used to support career connections activities. This may 130606  
include, but shall not be limited to, development and promotion of 130607  
career pathways. 130608

Of the foregoing appropriation item 200545, Career-Technical 130609  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 130610  
be used to fund secondary career-technical education at 130611  
institutions, the Ohio School for the Deaf, and the Ohio State 130612  
School for the Blind using a grant-based methodology, 130613  
notwithstanding section 3317.05 of the Revised Code. 130614

Of the foregoing appropriation item 200545, Career-Technical 130615  
Education Enhancements, up to \$1,872,948 in fiscal year 2018 and 130616

\$936,474 in fiscal year 2019 shall be used by the Department of 130617  
Education to fund competitive grants to tech prep consortia that 130618  
expand the number of students enrolled in tech prep programs. 130619  
These grant funds shall be used to directly support expanded tech 130620  
prep programs provided to students enrolled in school districts, 130621  
including joint vocational school districts, and affiliated higher 130622  
education institutions. This support may include the purchase of 130623  
equipment. 130624

Of the foregoing appropriation item 200545, Career-Technical 130625  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 130626  
be used by the Department to support existing High Schools That 130627  
Work (HSTW) sites, develop and support new sites, fund technical 130628  
assistance, and support regional centers and middle school 130629  
programs. The purpose of HSTW is to combine challenging academic 130630  
courses and modern career-technical studies to raise the academic 130631  
achievement of students. HSTW provides intensive technical 130632  
assistance, focused staff development, targeted assessment 130633  
services, and ongoing communications and networking opportunities. 130634

Of the foregoing appropriation item 200545, Career-Technical 130635  
Education Enhancements, up to \$600,000 in each fiscal year shall 130636  
be used by the Department to enable students in agricultural 130637  
programs to enroll in a fifth quarter of instruction based on the 130638  
agricultural education model of delivering work-based learning 130639  
through supervised agricultural experience. The Department shall 130640  
determine eligibility criteria and the reporting process for the 130641  
Agriculture 5th Quarter Project and shall fund as many programs as 130642  
possible given the set-aside. The eligibility criteria developed 130643  
by the Department shall allow these funds to support supervised 130644  
agricultural experience that occurs anytime outside of the regular 130645  
school day. 130646

Of the foregoing appropriation item 200545, Career-Technical 130647  
Education Enhancements, up to \$550,000 in each fiscal year may be 130648

used to support career planning and reporting through the Ohio Means Jobs web site. 130649  
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department of Education's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded. 130651  
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$162,200 in fiscal year 2018 and up to \$162,000 in fiscal year 2019 shall be distributed to the Cleveland Municipal School District and the Cincinnati City School District to be used for a VoAg program in one at-risk nonvocational school in each district. The amount distributed to the Cleveland Municipal School District shall be equal to \$78,600 130674  
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in fiscal year 2018 and \$78,500 in fiscal year 2019 minus the 130681  
funding allocated to the district under division (A)(8) of section 130682  
3317.022 of the Revised Code for the students participating in the 130683  
program. The amount distributed to the Cincinnati City School 130684  
District shall be equal to \$83,600 in fiscal year 2018 and \$83,500 130685  
in fiscal year 2019 minus the funding allocated to the district 130686  
under division (A)(8) of section 3317.022 of the Revised Code for 130687  
the students participating in the program. 130688

Of the foregoing appropriation item 200545, Career-Technical 130689  
Education Enhancements, \$128,500 in fiscal year 2018 shall be used 130690  
to support the Ottawa County Business Advisory Council's Career 130691  
Development Roadmap Program. 130692

**Section 265.210. FOUNDATION FUNDING** 130693

Of the foregoing appropriation item 200550, Foundation 130694  
Funding, up to \$40,000,000 in each fiscal year shall be used to 130695  
provide additional state aid to school districts, joint vocational 130696  
school districts, community schools, and STEM schools for special 130697  
education students under division (C)(3) of section 3314.08, 130698  
section 3317.0214, division (B) of section 3317.16, and section 130699  
3326.34 of the Revised Code, except that the Controlling Board may 130700  
increase these amounts if presented with such a request from the 130701  
Department of Education at the final meeting of the fiscal year. 130702

Of the foregoing appropriation item 200550, Foundation 130703  
Funding, up to \$3,800,000 in each fiscal year shall be used to 130704  
fund gifted education at educational service centers. The 130705  
Department shall distribute the funding through the unit-based 130706  
funding methodology in place under division (L) of section 130707  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 130708  
and (C) of section 3317.053 of the Revised Code as they existed 130709  
prior to fiscal year 2010. 130710

Of the foregoing appropriation item 200550, Foundation 130711

Funding, up to \$39,000,000 in each fiscal year shall be reserved 130712  
to fund the state reimbursement of educational service centers 130713  
under the section of this act entitled "EDUCATIONAL SERVICE 130714  
CENTERS FUNDING." 130715

Of the foregoing appropriation item 200550, Foundation 130716  
Funding, up to \$8,198,297 in each fiscal year shall be distributed 130717  
to educational service centers for School Improvement Initiatives 130718  
and for the provision of technical assistance to schools and 130719  
districts. The Department may distribute these funds through a 130720  
competitive grant process. 130721

Of the foregoing appropriation item 200550, Foundation 130722  
Funding, up to \$10,000,000 in each fiscal year shall be reserved 130723  
for payments under section 3317.028 of the Revised Code. If this 130724  
amount is not sufficient, the Department shall prorate the payment 130725  
amounts so that the aggregate amount allocated in this paragraph 130726  
is not exceeded. 130727

Of the foregoing appropriation item 200550, Foundation 130728  
Funding, up to \$28,600,000 in fiscal year 2018 and up to 130729  
\$26,400,000 in fiscal year 2019 shall be used to support school 130730  
choice programs. 130731

Of the portion of the funds distributed to the Cleveland 130732  
Municipal School District under this section, up to \$15,400,000 in 130733  
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 130734  
to operate the school choice program in the Cleveland Municipal 130735  
School District under sections 3313.974 to 3313.979 of the Revised 130736  
Code. Notwithstanding divisions (B) and (C) of section 3313.978 130737  
and division (C) of section 3313.979 of the Revised Code, up to 130738  
\$1,000,000 in each fiscal year of this amount shall be used by the 130739  
Cleveland Municipal School District to provide tutorial assistance 130740  
as provided in division (H) of section 3313.974 of the Revised 130741  
Code. The Cleveland Municipal School District shall report the use 130742  
of these funds in the district's three-year continuous improvement 130743

plan as described in section 3302.04 of the Revised Code in a 130744  
manner approved by the Department. 130745

Of the foregoing appropriation item 200550, Foundation 130746  
Funding, up to \$1,500,000 in each fiscal year may be used for 130747  
payment of the College Credit Plus Program for students instructed 130748  
at home pursuant to section 3321.04 of the Revised Code. 130749

Of the foregoing appropriation item 200550, Foundation 130750  
Funding, an amount shall be available in each fiscal year to be 130751  
paid to joint vocational school districts in accordance with 130752  
division (A) of section 3317.16 of the Revised Code, and the 130753  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 130754  
VOCATIONAL SCHOOL DISTRICTS." 130755

Of the foregoing appropriation item 200550, Foundation 130756  
Funding, up to \$700,000 in each fiscal year shall be used by the 130757  
Department for a program to pay for educational services for youth 130758  
who have been assigned by a juvenile court or other authorized 130759  
agency to any of the facilities described in division (A) of the 130760  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 130761

Of the foregoing appropriation item 200550, Foundation 130762  
Funding, a portion may be used to pay college-preparatory boarding 130763  
schools the per pupil boarding amount pursuant to section 3328.34 130764  
of the Revised Code. 130765

Of the foregoing appropriation item 200550, Foundation 130766  
Funding, up to \$2,000,000 in each fiscal year shall be used for 130767  
the Bright New Leaders for Ohio Schools Program created and 130768  
implemented by the nonprofit corporation incorporated pursuant to 130769  
section 3319.271 of the Revised Code, to provide an alternative 130770  
path for individuals to receive training and development in the 130771  
administration of primary and secondary education and leadership, 130772  
enable those individuals to earn degrees and obtain licenses in 130773  
public school administration, and promote the placement of those 130774

individuals in public schools that have a poverty percentage 130775  
greater than fifty per cent. 130776

Of the foregoing appropriation item 200550, Foundation 130777  
Funding, a portion in each fiscal year shall be used to pay 130778  
community schools and STEM schools the amounts calculated for the 130779  
graduation and third-grade reading bonuses under sections 3314.085 130780  
and 3326.41 of the Revised Code. 130781

Of the foregoing appropriation item 200550, Foundation 130782  
Funding, up to \$2,000,000 in each fiscal year may be used by the 130783  
Department for duties and activities related to the establishment 130784  
of academic distress commissions under section 3302.10 of the 130785  
Revised Code. A portion of the funds may be used as matching funds 130786  
for any monetary contributions made by a school district for which 130787  
an academic distress commission is established or by the 130788  
district's local community to support innovative education 130789  
programs or a high-quality school accelerator as provided for in 130790  
section 3302.10 of the Revised Code. 130791

The remainder of appropriation item 200550, Foundation 130792  
Funding, shall be used to distribute the amounts calculated for 130793  
formula aid under section 3317.022 of the Revised Code, the 130794  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 130795  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, and the section of 130796  
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 130797  
VILLAGE SCHOOL DISTRICTS." 130798

Appropriation items 200502, Pupil Transportation, 200540, 130799  
Special Education Enhancements, and 200550, Foundation Funding, 130800  
other than specific set-asides, are collectively used in each 130801  
fiscal year to pay state formula aid obligations for school 130802  
districts, community schools, STEM schools, college preparatory 130803  
boarding schools, and joint vocational school districts under this 130804  
act. The first priority of these appropriation items, with the 130805  
exception of specific set-asides, is to fund state formula aid 130806

obligations. It may be necessary to reallocate funds among these 130807  
appropriation items or use excess funds from other general revenue 130808  
fund appropriation items in the Department of Education's budget 130809  
in each fiscal year in order to meet state formula aid 130810  
obligations. If it is determined that it is necessary to transfer 130811  
funds among these appropriation items or to transfer funds from 130812  
other General Revenue Fund appropriations in the Department's 130813  
budget to meet state formula aid obligations, the Superintendent 130814  
of Public Instruction shall seek approval from the Director of 130815  
Budget and Management to transfer funds as needed. 130816

The Superintendent of Public Instruction shall make payments, 130817  
transfers, and deductions, as authorized by Title XXXIII of the 130818  
Revised Code in amounts substantially equal to those made in the 130819  
prior year, or otherwise, at the discretion of the Superintendent, 130820  
until at least the effective date of the amendments and enactments 130821  
made to Title XXXIII by this act. Any funds paid to districts or 130822  
schools under this section shall be credited toward the annual 130823  
funds calculated for the district or school after the changes made 130824  
to Title XXXIII in this act are effective. Upon the effective date 130825  
of changes made to Title XXXIII in this act, funds shall be 130826  
calculated as an annual amount. 130827

**Section 265.220. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 130828  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 130829**

(A) The Department of Education shall distribute funds within 130830  
appropriation item 200550, Foundation Funding, for temporary 130831  
transitional aid in each fiscal year to each qualifying city, 130832  
local, and exempted village school district. 130833

(1) For fiscal years 2018 and 2019, the Department shall pay 130834  
temporary transitional aid to each city, local, and exempted 130835  
village school district according to the following formula: 130836

(The district's transitional aid guarantee base x the district's 130837



transitional aid guarantee base percentage) - the district's	130838
foundation funding for the guarantee	130839
If the computation made under this division results in a	130840
negative number, the district's funding under this division shall	130841
be zero.	130842
(2) As used in this section, "foundation funding for the	130843
guarantee" for each city, local, and exempted village school	130844
district, for fiscal year 2018, equals the sum of the following	130845
amounts for that fiscal year:	130846
(a) The opportunity grant under division (A)(1) of section	130847
3317.022 of the Revised Code;	130848
(b) Targeted assistance funds under division (A)(2) of	130849
section 3317.022 of the Revised Code;	130850
(c) Additional state aid for special education and related	130851
services under division (A)(3) of section 3317.022 of the Revised	130852
Code;	130853
(d) Kindergarten through third grade literacy funds under	130854
division (A)(4) of section 3317.022 of the Revised Code;	130855
(e) Economically disadvantaged funds under division (A)(5) of	130856
section 3317.022 of the Revised Code;	130857
(f) Limited English proficiency funds under division (A)(6)	130858
of section 3317.022 of the Revised Code;	130859
(g) Gifted identification and unit funds under division	130860
(A)(7) of section 3317.022 of the Revised Code;	130861
(h) Capacity aid funds under division (A)(10) of section	130862
3317.022 of the Revised Code;	130863
(i) Transportation funds under divisions (E) and (F) of	130864
section 3317.0212 of the Revised Code and division (D)(2) of	130865
section 3314.091 of the Revised Code;	130866
(j) Transportation supplement funds under division (G) of	130867

section 3317.0212 of the Revised Code.	130868
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	130869
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	130871
	130872
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	130873
	130874
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	130875
	130876
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130877
	130878
	130879
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130880
	130881
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130882
	130883
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130884
	130885
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130886
	130887
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130888
	130889
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	130890
	130891
	130892
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	130893
	130894
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district,	130895
	130896

for fiscal year 2018, equals the sum of the following amounts	130897
computed for the district for fiscal year 2017 after any	130898
reductions made for fiscal year 2017 under division (B) of Section	130899
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	130900
(a) The opportunity grant under division (A)(1) of section	130901
3317.022 of the Revised Code;	130902
(b) Targeted assistance funds under division (A)(2) of	130903
section 3317.022 of the Revised Code;	130904
(c) Additional state aid for special education and related	130905
services under division (A)(3) of section 3317.022 of the Revised	130906
Code;	130907
(d) Kindergarten through third grade literacy funds under	130908
division (A)(4) of section 3317.022 of the Revised Code;	130909
(e) Economically disadvantaged funds under division (A)(5) of	130910
section 3317.022 of the Revised Code;	130911
(f) Limited English proficiency funds under division (A)(6)	130912
of section 3317.022 of the Revised Code;	130913
(g) Gifted identification and unit funds under division	130914
(A)(7) of section 3317.022 of the Revised Code;	130915
(h) Capacity aid funds under division (A)(10) of section	130916
3317.022 of the Revised Code;	130917
(i) Transportation funds under divisions (E) and (F) of	130918
section 3317.0212 of the Revised Code and division (D)(2) of	130919
section 3314.091 of the Revised Code;	130920
(j) Transportation supplement funds under division (G) of	130921
section 3317.0212 of the Revised Code;	130922
(k) Temporary transitional aid under division (A) of Section	130923
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	130924
(5) As used in this section, the "transitional aid guarantee	130925

base" for each city, local, and exempted village school district, 130926  
for fiscal year 2019, equals the transitional aid guarantee base 130927  
for fiscal year 2018 computed for the district pursuant to 130928  
division (A)(4) of this section. 130929

(6) The "transitional aid guarantee base percentage" for each 130930  
city, local, and exempted village school district, for fiscal 130931  
years 2018 and 2019, shall be computed as follows: 130932

(a) Calculate each district's total ADM percentage change in 130933  
accordance with the following formula: 130934

(The district's total ADM for fiscal year 2016 / the district's 130935  
total ADM for fiscal year 2011) - 1 130936

For purposes of this calculation, "total ADM for fiscal year 130937  
2011" means the lesser of the following: 130938

(i) The average daily membership used to derive formula ADM 130939  
for funding purposes in fiscal year 2011; 130940

(ii) The district's average daily membership reported in 130941  
October 2010 under division (A) of the version of section 3317.03 130942  
of the Revised Code in effect for that fiscal year, and as 130943  
verified by the Superintendent of Public Instruction and adjusted 130944  
if so ordered under division (K) of that section. 130945

(b) Determine the district's transitional aid guarantee base 130946  
percentage as follows: 130947

(i) If the district's total ADM percentage change calculated 130948  
in division (A)(6)(a) of this section equals a decrease of ten per 130949  
cent or more, then the district's transitional aid guarantee base 130950  
percentage shall be equal to ninety-five per cent. 130951

(ii) If the district's total ADM percentage change calculated 130952  
in division (A)(6)(a) of this section equals a decrease of less 130953  
than ten per cent but more than five per cent, then the district's 130954  
transitional aid guarantee base percentage shall be equal to the 130955

district's total ADM percentage change calculated in division 130956  
(A)(6)(a) of this section plus one hundred five per cent. 130957

(iii) If the district's total ADM percentage change 130958  
calculated in division (A)(6)(a) of this section equals a decrease 130959  
of five per cent or less, no change, or an increase of any amount, 130960  
then the district's transitional aid guarantee base percentage 130961  
shall be equal to one hundred per cent. 130962

(7) The Department of Education shall adjust, as necessary, 130963  
the transitional aid guarantee base of any local school district 130964  
that participates in the establishment of a joint vocational 130965  
school district that begins receiving payments under section 130966  
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 130967  
2019 but does not receive payments for the prior fiscal year. The 130968  
Department shall adjust any such local school district's guarantee 130969  
base according to the amounts received by the district in the 130970  
prior fiscal year for career-technical education students who 130971  
attend the newly established joint vocational school district. 130972

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 130973  
in fiscal years 2018 and 2019, no city, local, or exempted village 130974  
school district shall be allocated foundation funding subject to 130975  
the limitation for the current fiscal year that is greater than 130976  
1.055 times the district's limitation base for the current fiscal 130977  
year, except as provided in division (B)(8) of this section. 130978

(2) As used in this section, "foundation funding subject to 130979  
the limitation" for each city, local, and exempted village school 130980  
district, for fiscal year 2018, equals the sum of the following 130981  
amounts for that fiscal year: 130982

(a) The opportunity grant under division (A)(1) of section 130983  
3317.022 of the Revised Code; 130984

(b) Targeted assistance funds under division (A)(2) of 130985  
section 3317.022 of the Revised Code; 130986

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130987 130988 130989
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130990 130991
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130992 130993
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130994 130995
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130996 130997
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130998 130999
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131000 131001 131002
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131003 131004
(k) Temporary transitional aid under division (A) of this section.	131005 131006
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	131007 131008 131009 131010
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131011 131012
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131013 131014
(c) Additional state aid for special education and related	131015

services under division (A)(3) of section 3317.022 of the Revised Code;	131016 131017
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131018 131019
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131020 131021
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131022 131023
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131024 131025
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131026 131027
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131028 131029 131030
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131031 131032
(k) Temporary transitional aid under division (A) of this section.	131033 131034
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	131035 131036 131037 131038 131039 131040
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131041 131042
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131043 131044

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131045 131046 131047
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131048 131049
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131050 131051
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131052 131053
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131054 131055
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131056 131057
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131058 131059 131060
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131061 131062
(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	131063 131064
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	131065 131066 131067 131068 131069
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131070 131071
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131072 131073



(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131074 131075 131076
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131077 131078
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131079 131080
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131081 131082
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131083 131084
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131085 131086
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131087 131088 131089
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131090 131091
(k) Temporary transitional aid under division (A) of this section;	131092 131093
(l) The cap offset amount computed under the section of this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	131094 131095 131096
(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according	131097 131098 131099 131100 131101 131102 131103

to the amounts received by the district in the prior fiscal year 131104  
for career-technical education students who attend the newly 131105  
established joint vocational school district. 131106

(7) For fiscal year 2018 and fiscal year 2019, the Department 131107  
shall reduce a district's payments under divisions (A)(1), (2), 131108  
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 131109  
Code proportionately as necessary in order to comply with this 131110  
division. If those amounts are insufficient, the Department shall 131111  
proportionately reduce a district's payments under division (A)(3) 131112  
of section 3317.022 of the Revised Code and divisions (E), (F), 131113  
and (G) of section 3317.0212 of the Revised Code. 131114

(8)(a) For purposes of division (B)(8) of this section, 131115  
"eligible school district" shall have the same meaning as in 131116  
division (F)(1) of section 3317.017 of the Revised Code. 131117

(b) Notwithstanding any provision of law to the contrary, an 131118  
eligible school district shall not be allocated foundation funding 131119  
subject to the limitation in the current fiscal year that is 131120  
greater than the greater of the amounts described in divisions 131121  
(B)(8)(b)(i) and (ii) of this section: 131122

(i) The amount calculated for the district for the current 131123  
fiscal year under division (B)(1) of this section; 131124

(ii) The lesser of the amounts described in divisions 131125  
(B)(8)(b)(ii)(I) and (II) of this section: 131126

(I) The district's foundation funding subject to the 131127  
limitation for the current fiscal year; 131128

(II) The district's limitation base for the current fiscal 131129  
year plus the district's taxes charged and payable against all 131130  
property on the tax list of real and public utility property for 131131  
tax year 2015 minus the district's taxes charged and payable 131132  
against all property on the tax list of real and public utility 131133  
property for tax year 2016. 131134

<b>Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT</b>	131135
VOCATIONAL SCHOOL DISTRICTS	131136
(A) The Department of Education shall distribute funds within	131137
appropriation item 200550, Foundation Funding, for temporary	131138
transitional aid in each fiscal year to each qualifying joint	131139
vocational school district.	131140
(1) For fiscal years 2018 and 2019, the Department shall pay	131141
temporary transitional aid to each joint vocational school	131142
district according to the following formula:	131143
(The district's transitional aid guarantee base x the district's	131144
transitional aid guarantee base percentage) - the district's	131145
foundation funding for the guarantee	131146
If the computation made under this division results in a	131147
negative number, the district's funding under this division shall	131148
be zero.	131149
(2) As used in this section, "foundation funding for the	131150
guarantee" for each joint vocational school district, for fiscal	131151
year 2018, equals the sum of the following amounts for that fiscal	131152
year:	131153
(a) The opportunity grant under division (A)(1) of section	131154
3317.16 of the Revised Code;	131155
(b) Additional state aid for special education and related	131156
services under division (A)(2) of section 3317.16 of the Revised	131157
Code;	131158
(c) Economically disadvantaged funds under division (A)(3) of	131159
section 3317.16 of the Revised Code;	131160
(d) Limited English proficiency funds under division (A)(4)	131161
of section 3317.16 of the Revised Code.	131162
(3) As used in this section, "foundation funding for the	131163
guarantee" for each joint vocational school district, for fiscal	131164

year 2019, equals the sum of the following amounts for that fiscal year: 131165  
131166

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 131167  
131168

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131169  
131170  
131171

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131172  
131173

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code. 131174  
131175

(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: 131176  
131177  
131178  
131179  
131180  
131181

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 131182  
131183

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131184  
131185  
131186

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131187  
131188

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 131189  
131190

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 131191  
131192

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 131193  
131194

2019, equals the transitional aid guarantee base for fiscal year 131195  
2018 computed for the district pursuant to division (A)(4) of this 131196  
section. 131197

(6) The "transitional aid guarantee base percentage" for a 131198  
joint vocational school district, for fiscal year 2018 and fiscal 131199  
year 2019, shall be computed as follows: 131200

(a) Calculate each district's formula ADM percentage change 131201  
in accordance with the following formula: 131202

(The district's formula ADM for fiscal year 2016 / the district's 131203  
formula ADM for fiscal year 2011) - 1 131204

(b) Determine the district's transitional aid guarantee base 131205  
percentage as follows: 131206

(i) If the district's formula ADM percentage change 131207  
calculated in division (A)(6)(a) of this section equals a decrease 131208  
of ten per cent or more, then the district's transitional aid 131209  
guarantee base percentage shall be equal to ninety-five per cent. 131210

(ii) If the district's formula ADM percentage change 131211  
calculated in division (A)(6)(a) of this section equals a decrease 131212  
of less than ten per cent but more than five per cent, then the 131213  
district's transitional aid guarantee base percentage shall be 131214  
equal to the district's formula ADM percentage change calculated 131215  
in division (A)(6)(a) of this section plus one hundred five per 131216  
cent. 131217

(iii) If the district's formula ADM percentage change 131218  
calculated in division (A)(6)(a) of this section equals a decrease 131219  
of five per cent or less, no change, or an increase of any amount, 131220  
then the district's transitional aid guarantee base percentage 131221  
shall be equal to one hundred per cent. 131222

(7) The Department of Education shall establish, as 131223  
necessary, the transitional aid guarantee base of any joint 131224  
vocational school district that begins receiving payments under 131225

section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 131226  
year 2019 but does not receive such payments for the prior fiscal 131227  
year. The Department shall establish any such joint vocational 131228  
school district's guarantee base as an amount equal to the 131229  
absolute value of the sum of the associated adjustments of any 131230  
local school district's guarantee bases under division (A)(7) of 131231  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 131232  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 131233

(B)(1) Notwithstanding division (A) of section 3317.16 of the 131234  
Revised Code in fiscal years 2018 and 2019, no joint vocational 131235  
school district shall be allocated foundation funding subject to 131236  
the limitation for the current fiscal year that is greater than 131237  
1.055 times the district's limitation base for the current fiscal 131238  
year. 131239

(2) As used in this section, "foundation funding subject to 131240  
the limitation" for each joint vocational school district, for 131241  
fiscal year 2018, equals the sum of the following amounts for that 131242  
fiscal year: 131243

(a) The opportunity grant under division (A)(1) of section 131244  
3317.16 of the Revised Code; 131245

(b) Additional state aid for special education and related 131246  
services under division (A)(2) of section 3317.16 of the Revised 131247  
Code; 131248

(c) Economically disadvantaged funds under division (A)(3) of 131249  
section 3317.16 of the Revised Code; 131250

(d) Limited English proficiency funds under division (A)(4) 131251  
of section 3317.16 of the Revised Code; 131252

(e) Temporary transitional aid under division (A) of this 131253  
section. 131254

(3) As used in this section, "foundation funding subject to 131255

the limitation" for each joint vocational school district, for	131256
fiscal year 2019, equals the sum of the following amounts for that	131257
fiscal year:	131258
(a) The opportunity grant under division (A)(1) of section	131259
3317.16 of the Revised Code;	131260
(b) Additional state aid for special education and related	131261
services under division (A)(2) of section 3317.16 of the Revised	131262
Code;	131263
(c) Economically disadvantaged funds under division (A)(3) of	131264
section 3317.16 of the Revised Code;	131265
(d) Limited English proficiency funds under division (A)(4)	131266
of section 3317.16 of the Revised Code;	131267
(e) Temporary transitional aid under division (A) of this	131268
section.	131269
(4) As used in this section, the "limitation base" for each	131270
joint vocational school district, for fiscal year 2018, equals the	131271
sum of the following amounts computed for the district for fiscal	131272
year 2017 after any reductions made for fiscal year 2017 under	131273
division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st	131274
General Assembly:	131275
(a) The opportunity grant under division (A)(1) of section	131276
3317.16 of the Revised Code;	131277
(b) Additional state aid for special education and related	131278
services under division (A)(2) of section 3317.16 of the Revised	131279
Code;	131280
(c) Economically disadvantaged funds under division (A)(3) of	131281
section 3317.16 of the Revised Code;	131282
(d) Limited English proficiency funds under division (A)(4)	131283
of section 3317.16 of the Revised Code;	131284
(e) Temporary transitional aid under division (A) of Section	131285

263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 131286

(5) As used in this section, the "limitation base" for each 131287  
joint vocational school district, for fiscal year 2019, equals the 131288  
sum of the following amounts computed for the district for fiscal 131289  
year 2018 after any reductions made for fiscal year 2018 under 131290  
division (B) of this section: 131291

(a) The opportunity grant under division (A)(1) of section 131292  
3317.16 of the Revised Code; 131293

(b) Additional state aid for special education and related 131294  
services under division (A)(2) of section 3317.16 of the Revised 131295  
Code; 131296

(c) Economically disadvantaged funds under division (A)(3) of 131297  
section 3317.16 of the Revised Code; 131298

(d) Limited English proficiency funds under division (A)(4) 131299  
of section 3317.16 of the Revised Code; 131300

(e) Temporary transitional aid under division (A) of this 131301  
section. 131302

(6) The Department of Education shall establish, as 131303  
necessary, the limitation base of any joint vocational school 131304  
district that begins receiving payments under section 3317.16 of 131305  
the Revised Code for fiscal year 2018 or fiscal year 2019 but does 131306  
not receive such payments for the prior fiscal year. The 131307  
Department shall establish any such joint vocational school 131308  
district's limitation base as an amount equal to the absolute 131309  
value of the sum of the associated adjustments of any local school 131310  
district's limitation base under division (B)(6) of the section of 131311  
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 131312  
EXEMPTED VILLAGE SCHOOL DISTRICTS." 131313

(7) For fiscal year 2018 and fiscal year 2019, the Department 131314  
shall reduce a district's payments under divisions (A)(1), (3), 131315



and (4) of section 3317.16 of the Revised Code proportionately as 131316  
necessary in order to comply with this division. If those amounts 131317  
are insufficient, the Department shall proportionately reduce a 131318  
district's payments under division (A)(2) of section 3317.16 of 131319  
the Revised Code. 131320

**Section 265.233.** CAP OFFSET AMOUNT FOR CITY, LOCAL, AND 131321  
EXEMPTED VILLAGE SCHOOL DISTRICTS 131322

(A) For purposes of this section: 131323

(1) A district's "combined state aid for fiscal year 2017" 131324  
means the sum of: 131325

(a) The sum of the district's payments for fiscal year 2017 131326  
under sections 3317.022 and 3317.0212 of the Revised Code after 131327  
any amounts are added or subtracted under Section 263.230 of Am. 131328  
Sub. H.B. 64 of the 131st General Assembly; 131329

(b) The district's payments under division (C)(1) of section 131330  
5709.92 of the Revised Code for fiscal year 2017. 131331

(2) A district's "combined state aid for fiscal year 2018" 131332  
means the sum of: 131333

(a) The sum of the district's payments for fiscal year 2018 131334  
under sections 3317.022 and 3317.0212 of the Revised Code after 131335  
any amounts are added or subtracted under the section of this act 131336  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131337  
VILLAGE SCHOOL DISTRICTS"; 131338

(b) The district's payments under division (C)(2) of section 131339  
5709.92 of the Revised Code for fiscal year 2018. 131340

(3) An "eligible school district" is a city, local, or 131341  
exempted village school district that meets both of the following 131342  
criteria: 131343

(a) The sum of the amounts calculated for the school district 131344

under section 3317.022 and 3317.0212 of the Revised Code is 131345  
limited by division (B)(1) of the section of this act entitled 131346  
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 131347  
SCHOOL DISTRICTS" for fiscal year 2018; 131348

(b) The district's combined state aid for fiscal year 2017 131349  
minus the district's combined state aid for fiscal year 2018 is 131350  
greater than zero. 131351

(B) For fiscal year 2018, the Department of Education shall 131352  
compute and pay a cap offset amount to each eligible school 131353  
district equal to the lesser of the amounts calculated in 131354  
divisions (B)(1) and (2) of this section: 131355

(1) The district's combined state aid for fiscal year 2017 131356  
minus the district's combined state aid for fiscal year 2018; 131357

(2) The absolute value of the difference between the sum of 131358  
the amounts calculated under sections 3317.022 and 3317.0212 of 131359  
the Revised Code for the district before and after application of 131360  
the limitation under division (B)(1) of the section of this act 131361  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131362  
VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. 131363

**Section 265.240. LITERACY IMPROVEMENT** 131364

The foregoing appropriation item 200566, Literacy 131365  
Improvement, shall be used by the Department of Education to 131366  
support early literacy activities to align state, local, and 131367  
federal efforts in order to bolster all students' reading success. 131368  
Funds shall be distributed to educational service centers to 131369  
establish and support regional literacy professional development 131370  
teams. A portion of the funds may be used by the Department for 131371  
program administration, monitoring, technical assistance, support, 131372  
research, and evaluation. 131373

**Section 265.250. ADULT EDUCATION PROGRAMS** 131374

The foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code; to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code; and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under section 3313.902 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

Of the foregoing appropriation item 200572, Adult Education Programs, a portion may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

**Section 265.260. EDCHOICE EXPANSION**

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

**HALF-MILL MAINTENANCE EQUALIZATION**

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

**ADAPTIVE SPORTS PROGRAM**

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

**Section 265.270. EDUCATION PROGRAM SUPPORT**

Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.

Of the foregoing appropriation item 200597, Education Program 131436  
Support, \$500,000 in each fiscal year shall be used as matching 131437  
funds to support efforts by the Accelerate Great Schools 131438  
public-private partnership to increase the number of 131439  
high-performing schools in Cincinnati, to attract and develop 131440  
excellent school leaders and teachers, and to engage families and 131441  
communities in fostering educational improvement. 131442

Of the foregoing appropriation item 200597, Education Program 131443  
Support, \$250,000 in each fiscal year shall be distributed to The 131444  
Childhood League Center to provide intensive early intervention 131445  
and educational services in Franklin County, to support the Play 131446  
and Language for Autistic Youngsters (PLAY) Project in underserved 131447  
counties, and to provide services and training for providers and 131448  
families. 131449

Of the foregoing appropriation item 200597, Education Program 131450  
Support, up to \$150,000 in each fiscal year shall be used for a 131451  
pilot program to demonstrate that cognitive artificial 131452  
intelligence can create a comprehensive learning solution to 131453  
improve student performance and reduce academic performance gaps 131454  
in a district severely challenged by poverty and other at-risk 131455  
demographic factors. 131456

Of the foregoing appropriation item 200597, Education Program 131457  
Support, \$50,000 in each fiscal year shall be used to prepare 131458  
students for careers in culinary arts and restaurant management 131459  
under the Ohio ProStart school restaurant program. 131460

Of the foregoing appropriation item 200597, Education Program 131461  
Support, \$100,000 in each fiscal year shall support the Supporting 131462  
Partnerships to Assure Ready Kids (SPARK) program in Ohio. 131463

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM** 131464

The foregoing appropriation item, 657401, Medicaid in Schools 131465

Program, shall be used by the Department of Education to support 131466  
the Medicaid in Schools Program. 131467

**Section 265.290. HIGH SCHOOL EQUIVALENCY** 131468

The foregoing appropriation item 200610, High School 131469  
Equivalency, shall be used in conjunction with appropriation item 131470  
200572, Adult Education Programs. 131471

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE** 131472

The foregoing appropriation item 200681, Teacher 131473  
Certification and Licensure, shall be used by the Department of 131474  
Education in each year of the biennium to administer and support 131475  
teacher certification and licensure activities. Notwithstanding 131476  
section 3319.51 of the Revised Code, a portion of the foregoing 131477  
appropriation may also be used for implementation of teacher and 131478  
principal evaluation systems, including incorporation of student 131479  
growth as a metric in those systems, and teacher value-added 131480  
reports. 131481

**Section 265.310. AUXILIARY SERVICES REIMBURSEMENT** 131482

Notwithstanding section 3317.064 of the Revised Code, if the 131483  
unexpended, unencumbered cash balance is sufficient, the Treasurer 131484  
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 131485  
days after the effective date of this section, and \$1,500,000 in 131486  
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 131487  
Personnel Unemployment Compensation Fund to the Auxiliary Services 131488  
Reimbursement Fund (Fund 5980) used by the Department of 131489  
Education. 131490

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 131491

(A) Of the foregoing appropriation item 200687, School 131492  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 131493

be allocated to the School District Shared Resource Account and 131494  
\$5,000,000 in each fiscal year shall be allocated to the 131495  
Catastrophic Expenditures Account. These funds shall be used to 131496  
provide assistance and grants to school districts to enable them 131497  
to remain solvent under section 3316.20 of the Revised Code. 131498  
Assistance and grants shall be subject to approval by the 131499  
Controlling Board. Except as provided under division (C) of this 131500  
section, any required reimbursements from school districts for 131501  
solvency assistance shall be made to the appropriate account in 131502  
the School District Solvency Assistance Fund (Fund 5H30). 131503

(B) Notwithstanding any provision of law to the contrary, 131504  
upon the request of the Superintendent of Public Instruction, the 131505  
Director of Budget and Management may make transfers to the School 131506  
District Solvency Assistance Fund (Fund 5H30) from any fund used 131507  
by the Department of Education or the General Revenue Fund to 131508  
maintain sufficient cash balances in Fund 5H30 in fiscal years 131509  
2018 and 2019. Any cash transferred is hereby appropriated. The 131510  
transferred cash may be used by the Department to provide 131511  
assistance and grants to school districts to enable them to remain 131512  
solvent and to pay unforeseeable expenses of a temporary or 131513  
emergency nature that the school district is unable to pay from 131514  
existing resources. The Director shall notify the members of the 131515  
Controlling Board of any such transfers. 131516

(C) If the cash balance of the School District Solvency 131517  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 131518  
assistance in fiscal years 2018 and 2019, at the request of the 131519  
Superintendent of Public Instruction, and with the approval of the 131520  
Controlling Board, the Director of Budget and Management may 131521  
transfer cash from the Lottery Profits Education Reserve Fund 131522  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 131523  
school districts to enable them to remain solvent and to pay 131524  
unforeseeable expenses of a temporary nature that they are unable 131525

to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018.

**Section 265.330. LOTTERY PROFITS EDUCATION FUND**

The foregoing appropriation item 200612, Foundation Funding, shall be used in conjunction with appropriation item 200550, Foundation Funding, to provide state foundation payments to school districts.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding, and appropriation item 200612, Foundation Funding. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

**COMMUNITY CONNECTORS PROGRAM**

The foregoing appropriation item 200629, Community Connectors, shall be used by the Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and



other criteria as determined by the Superintendent. Eligible 131557  
school districts shall partner with members of the business 131558  
community, civic organizations, or the faith-based community to 131559  
provide sustainable career advising and mentoring services. Upon 131560  
the request of the Superintendent of Public Instruction and the 131561  
approval of the Director of Budget and Management, an amount equal 131562  
to the unexpended, unencumbered portion of the foregoing 131563  
appropriation item 200629, Community Connectors, at the end of 131564  
fiscal year 2018 is hereby reappropriated to the Department for 131565  
the same purpose for fiscal year 2019. 131566

Notwithstanding any provision of law to the contrary, grants 131567  
awarded under this section may be used by grant recipients for 131568  
grant-related expenses for a period not to exceed three years from 131569  
the date of the award, according to guidelines established by the 131570  
Superintendent. 131571

STRAIGHT A FUND 131572

Of the foregoing appropriation 200648, Straight A Fund, up to 131573  
\$500,000 in each fiscal year shall be used for the Bright New 131574  
Leaders for Ohio Schools Program. These funds shall be used in 131575  
conjunction with the amount earmarked for the Program from the 131576  
foregoing appropriation item 200550, Foundation Funding. 131577

The remainder of the foregoing appropriation item 200648, 131578  
Straight A Fund, shall be used by the Department to make 131579  
competitive grants in accordance with the section of this act 131580  
entitled "STRAIGHT A PROGRAM." 131581

COMMUNITY SCHOOL FACILITIES 131582

The foregoing appropriation item 200684, Community School 131583  
Facilities, shall be used to pay each community school established 131584  
under Chapter 3314. of the Revised Code and each STEM school 131585  
established under Chapter 3326. of the Revised Code an amount 131586  
equal to \$25 in each fiscal year for each full-time equivalent 131587

pupil in an internet- or computer-based community school and \$200 131588  
in each fiscal year for each full-time equivalent pupil in all 131589  
other community or STEM schools for assistance with the cost 131590  
associated with facilities. If the amount appropriated is not 131591  
sufficient, the Department shall prorate the amounts so that the 131592  
aggregate amount appropriated is not exceeded. 131593

**Section 265.340. STRAIGHT A PROGRAM** 131594

(A) The Straight A Program is hereby created for fiscal years 131595  
2018 and 2019 to provide grants to city, local, exempted village, 131596  
and joint vocational school districts, educational service 131597  
centers, community schools established under Chapter 3314., STEM 131598  
schools established under Chapter 3326., college-preparatory 131599  
boarding schools established under Chapter 3328. of the Revised 131600  
Code, individual school buildings, education consortia (which may 131601  
represent a partnership among school districts, school buildings, 131602  
community schools, STEM schools, institutions of higher education, 131603  
educational service centers, county boards of developmental 131604  
disabilities that provide special education and related services 131605  
to children with disabilities, businesses, nonprofit 131606  
organizations, or innovation incubators), institutions of higher 131607  
education, and private or governmental entities partnering with 131608  
one or more of the educational entities identified in this 131609  
division for projects that aim to achieve significant advancement 131610  
in one or more of the following goals: 131611

(1) Increased student achievement or, in the case of an 131612  
educational service center, increased student achievement in the 131613  
educational service center's client school districts or other 131614  
schools or school districts that are members of the consortium; 131615

(2) Spending reduction in the five-year fiscal forecast 131616  
required under section 5705.391 of the Revised Code or positive 131617  
performance on other fiscal measures established by the governing 131618

board created under division (B)(1) of this section for the 131619  
purpose of redirecting the cost savings to support educational 131620  
programming; 131621

(3) Use of a shared services delivery model that demonstrates 131622  
increased efficiency and effectiveness, long-term sustainability, 131623  
and scalability; 131624

(4) New career and job pathways for underserved students from 131625  
rural and urban areas that enhance access to employment in 131626  
high-demand fields, including software and mobile application 131627  
development, through innovative programs and partnerships between 131628  
schools, institutions of higher education, and employers. 131629

(B)(1) Grants shall be awarded by a nine-member governing 131630  
board consisting of the Superintendent of Public Instruction, or 131631  
the Superintendent's designee, four members appointed by the 131632  
Governor, two members appointed by the Speaker of the House of 131633  
Representatives, and two members appointed by the President of the 131634  
Senate. The Department of Education shall provide administrative 131635  
support to the board. No member shall be compensated for the 131636  
member's service on the board. 131637

(2) The board shall select grant advisors with fiscal 131638  
expertise, education expertise, workforce development expertise, 131639  
and technology or high-demand careers expertise. These advisors 131640  
shall evaluate proposals from grant applicants and advise the 131641  
staff administering the program. No advisor shall be compensated 131642  
for this service. 131643

(3) The board shall issue an annual report to the Governor, 131644  
the Speaker of the House of Representatives, the President of the 131645  
Senate, and the chairpersons of the House and Senate committees 131646  
that primarily deal with education regarding the types of grants 131647  
awarded, the grant recipients, and the effectiveness of the grant 131648  
program. 131649

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals. The timeline shall include an initial application period of at least sixty days in duration. The board may establish any additional guidelines for applications it considers necessary. The board also shall designate allowable uses of grant funds.

(5) With the approval of the board, the Department of Education shall establish a system for evaluating and scoring the grant applications received under this section.

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, or demonstrate new career and job pathways for underserved students from rural and urban areas, as reflected in the goal described in division (A)(4) of this section, over applicants that do not demonstrate cost savings or demonstrate new career and job pathways for underserved students from rural and urban areas.

(C) The board may award the following types of grants to achieve one or more of the goals specified in division (A) of this section:

(1) Innovation grants, which shall be used to implement a new idea or modification to existing processes;

(2) Replication grants, which shall be used to replicate a project implemented by an existing or previous grantee that the board has designated as successful and suitable for replication, in accordance with criteria established by the board.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact; 131681  
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(2) An explanation of how the project will be self-sustaining. 131684  
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(3) A description of quantifiable results of the project that can be benchmarked. 131686  
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(4) If the project is aimed at achieving the goal described in division (A)(2) of this section, a description of the educational programming that the cost savings obtained from the project will be used to support. 131688  
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(5) If grant funds will be used to purchase technology, equipment, or other capital assets, an explanation of how the purchase will benefit students and promote their educational success. 131692  
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If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, institution of higher education, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium. 131696  
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(E)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section shall not exceed \$1,000,000, unless the applicant is an education consortium 131705  
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described in division (A) of this section. 131712

(2) If the board issues a "hold" or "edit" decision for an 131713  
application, it shall, upon returning the application to the 131714  
applicant, specify the process for reconsideration of the 131715  
application. An applicant may work with the grant advisors and 131716  
staff to modify or improve a grant application. 131717

(F) Upon deciding to award a grant to an applicant, the board 131718  
shall enter into a grant agreement with the applicant that 131719  
includes all of the following: 131720

(1) The content of the applicant's proposal as outlined under 131721  
division (C) of this section; 131722

(2) The project's deliverables and a timetable for their 131723  
completion; 131724

(3) Conditions for receiving grant funding, which may include 131725  
authority for the applicant to use the first year of the grant for 131726  
planning purposes; 131727

(4) Conditions for receiving funding in future years if the 131728  
contract is a multi-year contract; 131729

(5) A provision specifying that funding will be returned to 131730  
the board if the applicant fails to implement the agreement. 131731

(6) A provision specifying that the agreement may be amended 131732  
by mutual agreement between the board and the applicant; 131733

(7) If determined beneficial by the board, designation of an 131734  
existing or previous grantee to act as a mentor for the applicant 131735  
during the first year of the grant. If so designated, the 131736  
agreement shall require the applicant to pay a portion of the 131737  
grant to the grantee for serving as a mentor. 131738

(G) Each grant awarded under this section shall be subject to 131739  
approval by the Controlling Board prior to execution of the grant 131740  
agreement. 131741

(H) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code.

(I) At the discretion of the board, a portion of appropriation item 200648, Straight A Fund, may be used by the Department of Education to administer the Straight A Program.

(J) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board.

**Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.

(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,030,000,000 in fiscal year 2017.

(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,092,060,000 in fiscal year 2018.

(E) Notwithstanding any provision of law to the contrary, in

fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING**

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-five dollars times its student count, and to the governing board of each other center, state funds equal to twenty-three dollars times its student count.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts by reducing the per-pupil amount paid for students in the educational service center's student count attributable to a "big-eight school district," as defined in section 3314.02 of the Revised Code, so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2017, shall be prohibited from entering into such an agreement during the period from July 1, 2017, through June 30, 2019.

**Section 265.370.** On July 1, 2017, or as soon as possible thereafter, the Superintendent of Public Instruction shall certify



to the Director of Budget and Management the unexpended, 131802  
unencumbered cash balances of the Neglected and Delinquent 131803  
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 131804  
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 131805  
School Climate Transformation Fund (Fund 3GP0), the Project Aware 131806  
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 131807  
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 131808  
3H90). Upon receipt of certification from the Superintendent, the 131809  
Director may transfer the cash balances of those funds to the 131810  
Department of Education Federal Education Grants Fund (Fund 3HF0). 131811

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 131812  
ASSESSMENT OF EDUCATION PROGRESS 131813

The General Assembly intends for the Superintendent of Public 131814  
Instruction to provide for school district participation in the 131815  
administration of the National Assessment of Education Progress in 131816  
accordance with section 3301.27 of the Revised Code. Each school 131817  
and school district selected for participation by the 131818  
Superintendent shall participate. 131819

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 131820  
STUDENTS 131821

(A) As used in this section: 131822

(1) "IEP" has the same meaning as in section 3323.01 of the 131823  
Revised Code. 131824

(2) "SBH student" means a student receiving special education 131825  
and related services for severe behavior disabilities pursuant to 131826  
an IEP. 131827

(B) This section applies only to a community school 131828  
established under Chapter 3314. of the Revised Code that in each 131829  
of fiscal years 2018 and 2019 enrolls a number of SBH students 131830

equal to at least fifty per cent of the total number of students 131831  
enrolled in the school in the applicable fiscal year. 131832

(C) In addition to any state foundation payments made, in 131833  
each of fiscal years 2018 and 2019, the Department of Education 131834  
shall pay to a community school to which this section applies a 131835  
subsidy equal to the difference between the aggregate amount 131836  
calculated and paid in that fiscal year to the community school 131837  
for special education and related services additional weighted 131838  
costs for the SBH students enrolled in the school and the 131839  
aggregate amount that would have been calculated for the school 131840  
for special education and related services additional weighted 131841  
costs for those same students in fiscal year 2001. If the 131842  
difference is a negative number, the amount of the subsidy shall 131843  
be zero. 131844

(D) The amount of any subsidy paid to a community school 131845  
under this section shall not be deducted from the school district 131846  
in which any of the students enrolled in the community school are 131847  
entitled to attend school under section 3313.64 or 3313.65 of the 131848  
Revised Code. The amount of any subsidy paid to a community school 131849  
under this section shall be paid from funds appropriated to the 131850  
Department in appropriation item 200550, Foundation Funding. 131851

**Section 265.400. EARMARK ACCOUNTABILITY** 131852

At the request of the Superintendent of Public Instruction, 131853  
any entity that receives a budget earmark under the Department of 131854  
Education shall submit annually to the chairpersons of the 131855  
committees of the House of Representatives and the Senate 131856  
primarily concerned with education and education funding and to 131857  
the Department a report that includes a description of the 131858  
services supported by the funds, a description of the results 131859  
achieved by those services, an analysis of the effectiveness of 131860  
the program, and an opinion as to the program's applicability to 131861

other school districts. For an earmarked entity that received 131862  
state funds from an earmark in the prior fiscal year, no funds 131863  
shall be provided by the Department to an earmarked entity for a 131864  
fiscal year until its report for the prior fiscal year has been 131865  
submitted. 131866

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 131867

A community school established under Chapter 3314. of the 131868  
Revised Code that was open for operation as a community school as 131869  
of May 1, 2005, may operate from or in any home, as defined in 131870  
section 3313.64 of the Revised Code, located in the state, 131871  
regardless of when the community school's operations from or in a 131872  
particular home began. 131873

**Section 265.420. USE OF VOLUNTEERS** 131874

The Department of Education may utilize the services of 131875  
volunteers to accomplish any of the purposes of the Department. 131876  
The Superintendent of Public Instruction shall approve for what 131877  
purposes volunteers may be used and for these purposes may 131878  
recruit, train, and oversee the services of volunteers. The 131879  
Superintendent may reimburse volunteers for necessary and 131880  
appropriate expenses in accordance with state guidelines and may 131881  
designate volunteers as state employees for the purpose of motor 131882  
vehicle accident liability insurance under section 9.83 of the 131883  
Revised Code, for immunity under section 9.86 of the Revised Code, 131884  
and for indemnification from liability incurred in the performance 131885  
of their duties under section 9.87 of the Revised Code. 131886

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 131887  
**REIMBURSEMENTS** 131888

(A) Except as expressly required under a court judgment not 131889  
subject to further appeals, or a settlement agreement with a 131890

school district executed on or before June 1, 2009, in the case of 131891  
a school district for which the formula ADM for fiscal year 2005, 131892  
as reported for that fiscal year under division (A) of section 131893  
3317.03 of the Revised Code, was reduced based on enrollment 131894  
reports for community schools, made under section 3314.08 of the 131895  
Revised Code, regarding students entitled to attend school in the 131896  
district, which reduction of formula ADM resulted in a reduction 131897  
of foundation funding or transitional aid funding for fiscal year 131898  
2005, 2006, or 2007, no school district, except a district named 131899  
in the court's judgment or the settlement agreement, shall have a 131900  
legal claim for reimbursement of the amount of such reduction in 131901  
foundation funding or transitional aid funding, and the state 131902  
shall not have liability for reimbursement of the amount of such 131903  
reduction in foundation funding or transitional aid funding. 131904

(B) As used in this section: 131905

(1) "Community school" means a community school established 131906  
under Chapter 3314. of the Revised Code. 131907

(2) "Entitled to attend school" means entitled to attend 131908  
school in a school district under section 3313.64 or 3313.65 of 131909  
the Revised Code. 131910

(3) "Foundation funding" means payments calculated for the 131911  
respective fiscal year under Chapter 3317. of the Revised Code. 131912

(4) "Transitional aid funding" means payments calculated for 131913  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 131914  
of the 125th General Assembly, as subsequently amended; Section 131915  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 131916  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 131917  
of the 127th General Assembly. 131918

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 131919

In collaboration with the County Family and Children First 131920

Council, a city, local, or exempted village school district, 131921  
community school, STEM school, joint vocational school district, 131922  
educational service center, or county board of developmental 131923  
disabilities that receives allocations from the Department of 131924  
Education from appropriation item 200550, Foundation Funding, or 131925  
appropriation item 200540, Special Education Enhancements, may 131926  
transfer portions of those allocations to a flexible funding pool 131927  
authorized by the Section of this act entitled "FAMILY AND 131928  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 131929  
maintenance of effort or for federal or state funding matching 131930  
requirements shall not be transferred unless the allocation may 131931  
still be used to meet such requirements. 131932

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 131933

(A) As used in this section: 131934

(1) The following are "participating residential treatment 131935  
centers": 131936

(a) Private residential treatment facilities that have 131937  
entered into a contract with the Department of Youth Services to 131938  
provide services to children placed at the facility by the 131939  
Department and which, in fiscal year 2018 or fiscal year 2019 or 131940  
both, the Department pays through appropriation item 470401, 131941  
RECLAIM Ohio; 131942

(b) Abraxas, in Shelby; 131943

(c) Paint Creek, in Bainbridge; 131944

(d) F.I.R.S.T., in Mansfield. 131945

(2) "Education program" means an elementary or secondary 131946  
education program or a special education program and related 131947  
services. 131948

(3) "Served child" means any child receiving an education 131949  
program pursuant to division (B) of this section. 131950

(4) "School district responsible for tuition" means a city, 131951  
exempted village, or local school district that, if tuition 131952  
payment for a child by a school district is required under law 131953  
that existed in fiscal year 1998, is the school district required 131954  
to pay that tuition. 131955

(5) "Residential child" means a child who resides in a 131956  
participating residential treatment center and who is receiving an 131957  
educational program under division (B) of this section. 131958

(B) A youth who is a resident of the state and has been 131959  
assigned by a juvenile court or other authorized agency to a 131960  
residential treatment facility specified in division (A) of this 131961  
section shall be enrolled in an approved educational program 131962  
located in or near the facility. Approval of the educational 131963  
program shall be contingent upon compliance with the criteria 131964  
established for such programs by the Department of Education. The 131965  
educational program shall be provided by a school district or 131966  
educational service center, or by the residential facility itself. 131967  
Maximum flexibility shall be given to the residential treatment 131968  
facility to determine the provider. In the event that a voluntary 131969  
agreement cannot be reached and the residential facility does not 131970  
choose to provide the educational program, the educational service 131971  
center in the county in which the facility is located shall 131972  
provide the educational program at the treatment center to 131973  
children under twenty-two years of age residing in the treatment 131974  
center. 131975

(C) Any school district responsible for tuition for a 131976  
residential child shall, notwithstanding any conflicting provision 131977  
of the Revised Code regarding tuition payment, pay tuition for the 131978  
child for fiscal year 2018 and fiscal year 2019 to the education 131979  
program provider and in the amount specified in this division. If 131980  
there is no school district responsible for tuition for a 131981  
residential child and if the participating residential treatment 131982

center to which the child is assigned is located in the city, 131983  
exempted village, or local school district that, if the child were 131984  
not a resident of that treatment center, would be the school 131985  
district where the child is entitled to attend school under 131986  
sections 3313.64 and 3313.65 of the Revised Code, that school 131987  
district, notwithstanding any conflicting provision of the Revised 131988  
Code, shall pay tuition for the child for fiscal year 2018 and 131989  
fiscal year 2019 under this division unless that school district 131990  
is providing the educational program to the child under division 131991  
(B) of this section. 131992

A tuition payment under this division shall be made to the 131993  
school district, educational service center, or residential 131994  
treatment facility providing the educational program to the child. 131995

The amount of tuition paid shall be: 131996

(1) The amount of tuition determined for the district under 131997  
division (A) of section 3317.08 of the Revised Code; 131998

(2) In addition, for any student receiving special education 131999  
pursuant to an individualized education program as defined in 132000  
section 3323.01 of the Revised Code, a payment for excess costs. 132001  
This payment shall equal the actual cost to the school district, 132002  
educational service center, or residential treatment facility of 132003  
providing special education and related services to the student 132004  
pursuant to the student's individualized education program, minus 132005  
the tuition paid for the child under division (C)(1) of this 132006  
section. 132007

A school district paying tuition under this division shall 132008  
not include the child for whom tuition is paid in the district's 132009  
average daily membership certified under division (A) of section 132010  
3317.03 of the Revised Code. 132011

(D) In each of fiscal years 2018 and 2019, the Department of 132012  
Education shall reimburse, from appropriations made for the 132013

purpose, a school district, educational service center, or 132014  
residential treatment facility, whichever is providing the 132015  
service, that has demonstrated that it is in compliance with the 132016  
funding criteria for each served child for whom a school district 132017  
must pay tuition under division (C) of this section. The amount of 132018  
the reimbursement shall be the amount appropriated for this 132019  
purpose divided by the full-time equivalent number of children for 132020  
whom reimbursement is to be made. 132021

(E) Funds provided to a school district, educational service 132022  
center, or residential treatment facility under this section shall 132023  
be used to supplement, not supplant, funds from other public 132024  
sources for which the school district, service center, or 132025  
residential treatment facility is entitled or eligible. 132026

(F) The Department of Education shall track the utilization 132027  
of funds provided to school districts, educational service 132028  
centers, and residential treatment facilities under this section 132029  
and monitor the effect of the funding on the educational programs 132030  
they provide in participating residential treatment facilities. 132031  
The Department shall monitor the programs for educational 132032  
accountability. 132033

**Section 265.460.** (A) The Superintendent of Public Instruction 132034  
may form partnerships with Ohio's business community, including 132035  
the Ohio Business Roundtable, to create and implement initiatives 132036  
that connect students with the business community in an effort to 132037  
increase student engagement and job readiness through internships, 132038  
work study, and site-based learning experiences. 132039

(B) If the Superintendent forms a partnership pursuant to 132040  
division (A) of this section, the initiatives created and 132041  
implemented through that partnership shall do all of the 132042  
following: 132043

(1) Support the career connection learning strategies 132044



described in division (B)(2) of section 3301.079 of the Revised Code; 132045  
132046

(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code; 132047  
132048  
132049  
132050

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code. 132051  
132052

**Section 265.470.** The Department of Education shall provide assistance to the State Board of Education for the purposes of updating the statewide plan on subject area competency, including credit by examination, pursuant to division (J)(2) of section 3313.603 of the Revised Code, to reduce barriers to student participation in credit flexibility options. 132053  
132054  
132055  
132056  
132057  
132058

Upon completion, the Department shall inform students, parents, and schools of the updated plan. 132059  
132060

**Section 265.480.** The Department of Education shall conduct a study to determine the appropriate amounts of funding for each category and sub-category of students identified as gifted under Chapter 3324. of the Revised Code, as well as the most appropriate method for funding gifted education courses and programs. The study shall include, but not be limited to, costs for effective and appropriate identification, staffing, professional development, technology, materials, and supplies at the district level. The Department shall emphasize adequate funding and delivery of services for smaller, rural school districts, including statewide support needed for this population. 132061  
132062  
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Not later than May 1, 2018, the Department shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of 132072  
132073  
132074

Representatives, the Director and members of the Joint Education 132075  
Oversight Committee, and the members of the primary and secondary 132076  
education committees of the Senate and the House of 132077  
Representatives. 132078

**Section 265.490.** Upon receipt of federal funds under Title 132079  
IV, Part A, Student Support and Academic Enrichment Grants, and 132080  
after payments are made pursuant to education programs included in 132081  
this block grant program, the Department shall direct any unused 132082  
funds to cover all or part of the cost of Advanced Placement tests 132083  
and International Baccalaureate registration and exam fees for 132084  
low-income students. 132085

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 132086

General Revenue Fund 132087

GRF 051321	Operating Expenses	\$	418,613	\$	435,221	132088
TOTAL GRF	General Revenue Fund	\$	418,613	\$	435,221	132089

Dedicated Purpose Fund Group 132090

4P20 051601	Operating Support	\$	199,460	\$	199,460	132091
TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	132092

Group

TOTAL ALL BUDGET FUND GROUPS		\$	618,073	\$	634,681	132093
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**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 132095  
DIRECTORS 132096

Dedicated Purpose Fund Group 132097

4K90 881609	Operating Expenses	\$	791,253	\$	843,973	132098
TOTAL DPF	Dedicated Purpose Fund	\$	791,253	\$	843,973	132099

Group

TOTAL ALL BUDGET FUND GROUPS		\$	791,253	\$	843,973	132100
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**Section 271.10.** PAY EMPLOYEE BENEFITS FUNDS 132102

Fiduciary Fund Group					132103
1240 995673	Payroll Deductions	\$ 760,000,000	\$ 780,000,000		132104
8060 995666	Accrued Leave Fund	\$ 70,000,000	\$ 71,930,634		132105
8070 995667	Disability Fund	\$ 22,136,000	\$ 22,689,000		132106
8080 995668	State Employee Health Benefit Fund	\$ 842,858,402	\$ 926,309,037		132107
8090 995669	Dependent Care Spending Account	\$ 3,406,139	\$ 3,484,478		132108
8100 995670	Life Insurance Investment Fund	\$ 1,632,004	\$ 1,700,545		132109
8110 995671	Parental Leave Benefit Fund	\$ 3,952,606	\$ 4,084,972		132110
8130 995672	Health Care Spending Account	\$ 11,043,565	\$ 11,341,741		132111
TOTAL FID	Fiduciary Fund Group	\$ 1,715,028,716	\$ 1,821,540,407		132112
TOTAL ALL BUDGET	FUND GROUPS	\$ 1,715,028,716	\$ 1,821,540,407		132113

**Section 271.20. PAYROLL DEDUCTION FUND** 132115

The foregoing appropriation item 995673, Payroll Deductions, 132116  
shall be used to make payments from the Payroll Deduction Fund 132117  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 132118  
is determined by the Director of Budget and Management that 132119  
additional amounts are necessary, the amounts are hereby 132120  
appropriated. 132121

**ACCRUED LEAVE LIABILITY FUND** 132122

The foregoing appropriation item 995666, Accrued Leave Fund, 132123  
shall be used to make payments from the Accrued Leave Liability 132124  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 132125  
If it is determined by the Director of Budget and Management that 132126  
additional amounts are necessary, the amounts are hereby 132127  
appropriated. 132128

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 132129

The foregoing appropriation item 995667, Disability Fund, 132130  
shall be used to make payments from the State Employee Disability 132131  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 132132  
Revised Code. If it is determined by the Director of Budget and 132133  
Management that additional amounts are necessary, the amounts are 132134  
hereby appropriated. 132135

STATE EMPLOYEE HEALTH BENEFIT FUND 132136

The foregoing appropriation item 995668, State Employee 132137  
Health Benefit Fund, shall be used to make payments from the State 132138  
Employee Health Benefit Fund (Fund 8080) pursuant to section 132139  
124.87 of the Revised Code. If it is determined by the Director of 132140  
Budget and Management that additional amounts are necessary, the 132141  
amounts are hereby appropriated. 132142

DEPENDENT CARE SPENDING FUND 132143

The foregoing appropriation item 995669, Dependent Care 132144  
Spending Account, shall be used to make payments from the 132145  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 132146  
dependent care expenses pursuant to section 124.822 of the Revised 132147  
Code. If it is determined by the Director of Budget and Management 132148  
that additional amounts are necessary, the amounts are hereby 132149  
appropriated. 132150

LIFE INSURANCE INVESTMENT FUND 132151

The foregoing appropriation item 995670, Life Insurance 132152  
Investment Fund, shall be used to make payments from the Life 132153  
Insurance Investment Fund (Fund 8100) for the costs and expenses 132154  
of the state's life insurance benefit program pursuant to section 132155  
125.212 of the Revised Code. If it is determined by the Director 132156  
of Budget and Management that additional amounts are necessary, 132157  
the amounts are hereby appropriated. 132158

PARENTAL LEAVE BENEFIT FUND 132159

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**HEALTH CARE SPENDING ACCOUNT FUND**

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD**

General Revenue Fund					132177
GRF 125321 Operating Expenses	\$	3,804,336	\$	3,828,961	132178
TOTAL GRF General Revenue Fund	\$	3,804,336	\$	3,828,961	132179
Dedicated Purpose Fund Group					132180
5720 125603 Training and Publications	\$	141,000	\$	131,000	132181
TOTAL DPF Dedicated Purpose Fund Group	\$	141,000	\$	131,000	132182
TOTAL ALL BUDGET FUND GROUPS	\$	3,945,336	\$	3,959,961	132183

**Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS**

Dedicated Purpose Fund Group					132186
4K90 892609 Operating Expenses	\$	1,123,966	\$	1,227,821	132187

TOTAL DPF Dedicated Purpose Fund	\$	1,123,966	\$	1,227,821	132188
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,123,966	\$	1,227,821	132189
<b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>					132191
General Revenue Fund					132192
GRF 715502 Auto Emissions	\$	9,778,253	\$	9,770,800	132193
E-Check Program					
TOTAL GRF General Revenue Fund	\$	9,778,253	\$	9,770,800	132194
Dedicated Purpose Fund Group					132195
4D50 715618 Recycled State	\$	50,000	\$	50,000	132196
Materials					
4J00 715638 Underground Injection	\$	408,004	\$	408,004	132197
Control					
4K20 715648 Clean Air - Non Title	\$	4,205,800	\$	4,896,690	132198
V					
4K30 715649 Solid Waste	\$	13,130,050	\$	13,130,050	132199
4K40 715650 Surface Water	\$	9,990,000	\$	10,705,000	132200
Protection					
4K50 715651 Drinking Water	\$	7,512,528	\$	7,797,557	132201
Protection					
4P50 715654 Cozart Landfill	\$	10,000	\$	10,000	132202
4R50 715656 Scrap Tire Management	\$	2,277,786	\$	2,277,786	132203
4R90 715658 Voluntary Action	\$	963,847	\$	948,139	132204
Program					
4T30 715659 Clean Air - Title V	\$	9,860,800	\$	9,944,120	132205
Permit Program					
5000 715608 Immediate Removal	\$	825,710	\$	825,509	132206
Special Account					
5030 715621 Hazardous Waste	\$	4,853,470	\$	4,980,458	132207
Facility Management					
5050 715623 Hazardous Waste	\$	11,406,593	\$	11,787,426	132208

		Cleanup					
5050	715698	Response and	\$	3,750,000	\$	3,750,000	132209
		Investigations					
5320	715646	Recycling and Litter	\$	4,698,000	\$	4,698,000	132210
		Control					
5410	715670	Site Specific Cleanup	\$	2,283,719	\$	2,285,357	132211
5420	715671	Risk Management	\$	214,826	\$	214,826	132212
		Reporting					
5860	715637	Scrap Tire Market	\$	1,000,000	\$	1,000,000	132213
		Development					
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172	132214
		Control					
5BC0	715624	Surface Water	\$	5,731,967	\$	5,731,967	132215
5BC0	715672	Air Pollution Control	\$	6,000,000	\$	6,000,000	132216
5BC0	715673	Drinking and Ground	\$	3,324,235	\$	3,324,235	132217
		Water					
5BC0	715676	Assistance and	\$	1,812,000	\$	1,862,000	132218
		Prevention					
5BC0	715677	Laboratory	\$	2,500,000	\$	2,500,000	132219
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	132220
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	132221
		Agencies					
5BC0	715692	Administration	\$	13,302,000	\$	13,302,000	132222
5BC0	715694	Environmental	\$	100,000	\$	100,000	132223
		Resource Coordination					
5BT0	715679	C&DD Groundwater	\$	320,000	\$	320,000	132224
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	1,344,450	\$	1,367,016	132225
5H40	715664	Groundwater Support	\$	302,489	\$	302,489	132226
5PZ0	715696	Drinking Water Loan	\$	800,000	\$	800,000	132227
		Fee					
5Y30	715685	Surface Water	\$	500,000	\$	500,000	132228
		Improvement					

6440	715631	Emergency Response	\$	332,403	\$	352,430	132229
		Radiological Safety					
6760	715642	Water Pollution	\$	2,137,237	\$	2,061,832	132230
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	2,725,000	\$	2,725,000	132231
		Administration					
6780	715635	Air Toxic Release	\$	133,636	\$	76,437	132232
6790	715636	Emergency Planning	\$	2,747,391	\$	2,747,391	132233
6960	715643	Air Pollution Control	\$	950,400	\$	1,001,800	132234
		Administration					
6990	715644	Water Pollution	\$	750,000	\$	457,100	132235
		Control					
		Administration					
6A10	715645	Environmental	\$	1,100,000	\$	1,100,000	132236
		Education					
TOTAL DPF Dedicated Purpose Fund			\$	128,120,391	\$	130,106,669	132237
Group							
Internal Service Activity Fund Group							132238
1990	715602	Laboratory Services	\$	705,239	\$	705,239	132239
2190	715604	Central Support	\$	6,814,000	\$	6,858,000	132240
		Indirect					
4A10	715640	Operating Expenses	\$	1,350,000	\$	1,350,000	132241
TOTAL ISA Internal Service Activity			\$	8,869,239	\$	8,913,239	132242
Fund Group							
Capital Projects Fund Group							132243
5S10	715607	Clean Ohio	\$	363,700	\$	0	132244
		Revitalization					
		Operating					
TOTAL CPF Capital Projects Fund			\$	363,700	\$	0	132245
Group							
Federal Fund Group							132246



3530	715612	Public Water Supply	\$	2,113,020	\$	2,113,020	132247
3570	715619	Air Pollution Control	\$	6,140,203	\$	6,140,203	132248
		- Federal					
3620	715605	Underground Injection	\$	102,859	\$	102,859	132249
		Control - Federal					
3BU0	715684	Water Quality	\$	14,183,989	\$	14,183,989	132250
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	132251
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,900,000	\$	2,900,000	132252
		Operating					
3F30	715632	Federally Supported	\$	5,250,000	\$	5,250,000	132253
		Cleanup and Response					
3T30	715669	Drinking Water State	\$	2,809,470	\$	2,809,470	132254
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	450,000	\$	450,000	132255
TOTAL FED		Federal Fund Group	\$	34,149,541	\$	34,149,541	132256
TOTAL ALL BUDGET FUND GROUPS			\$	181,281,124	\$	182,940,249	132257

**Section 277.20. AREAWIDE PLANNING AGENCIES** 132259

The Director of Environmental Protection Agency may award 132260  
grants from appropriation item 715687, Areawide Planning Agencies, 132261  
to areawide planning agencies engaged in areawide water quality 132262  
management and planning activities in accordance with Section 208 132263  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 132264

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 132265  
BUSINESS ASSISTANCE FUND 132266

On July 1, 2017, or as soon as possible thereafter, the 132267  
Director of Budget and Management may transfer \$1,500,000 cash 132268  
from the Small Business Assistance Fund (Fund 5A00) used by the 132269  
Air Quality Development Authority to the Title V Clean Air Fund 132270  
(Fund 4T30) used by the Environmental Protection Agency. 132271

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 132272  
TIRE MANAGEMENT FUND 132273

The Director of Budget and Management, in consultation with 132274  
the Director of Environmental Protection, shall establish a 132275  
schedule of cash transfers totaling up to \$3,000,000 from the 132276  
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 132277  
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 132278  
2019. 132279

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 132280  
PROGRAM 132281

On January 1, 2018, the Asbestos Abatement Licensure and 132282  
Certification Program is transferred from the Department of Health 132283  
to the Environmental Protection Agency. For the purposes of the 132284  
transfer, all of the following apply: 132285

(A) All rules, orders, and determinations of the Department 132286  
related to the Program shall continue in effect as the rules, 132287  
orders, and determinations of the Agency until rules for the 132288  
Program are adopted and become effective for the Agency. If 132289  
necessary to ensure the integrity of the numbering system of the 132290  
Administrative Code, the Director of the Legislative Service 132291  
Commission shall renumber the rules to reflect their transfer to 132292  
the Agency. 132293

Any licenses, certificates, permits, registrations, 132294  
approvals, or endorsements issued before January 1, 2018, by the 132295  
Department of Health related to the Program shall continue in 132296  
effect as if issued by the Agency. 132297

(B) Any business commenced but not completed by the Director 132298  
of Health relating to the Program on the effective date of the 132299  
amendment of the statutes governing the Program by this act shall 132300  
be completed by the Director of Environmental Protection. Any 132301  
validation, cure, right, privilege, remedy, obligation, or 132302

liability is not lost or impaired solely by reason of the transfer 132303  
required by this act and shall be administered by the Director of 132304  
Environmental Protection in accordance with this act. 132305

(C) All of the orders and determinations of the Director of 132306  
Health relating to the Program continue in effect as orders and 132307  
determinations of the Director of Environmental Protection until 132308  
modified or rescinded by the Director of Environmental Protection. 132309

(D) Subject to the layoff provisions of sections 124.321 to 132310  
124.328 of the Revised Code or the applicable collective 132311  
bargaining agreement, all of the employees of the Department of 132312  
Health working full-time for the Program are transferred to the 132313  
Agency and retain their same positions. The Director of 132314  
Environmental Protection may assign, reassign, classify, 132315  
reclassify, transfer, reduce, promote, or demote any employees 132316  
transferred from the Department who are not subject to Chapter 132317  
4117. of the Revised Code. 132318

Any employment records and actions, including personnel 132319  
actions, disciplinary actions, performance improvement plans, and 132320  
performance evaluations transfer with the employee. Absent 132321  
authorization from the employee, the Department is not to transfer 132322  
to the Agency any medical documentation regarding the employee in 132323  
its possession. These employees will be subject to the policies, 132324  
procedures, and work rules of the Agency. 132325

(E) All equipment and assets relating to the Program are 132326  
transferred from the Department to the Agency. 132327

(F) Whenever the Department or Director of Health, in 132328  
relation to the Program, is referred to in any law, contract, or 132329  
other document, the reference shall be deemed to refer to the 132330  
Agency or its Director, whichever is appropriate in context. 132331

(G) Any action or proceeding pending on the effective date of 132332  
the amendment of the statutes governing the Program by this act is 132333

not affected by the transfer of the functions of that Program by 132334  
this act and shall be prosecuted or defended in the name of the 132335  
Director of Environmental Protection or the Agency, whichever is 132336  
appropriate in context. In all such actions and proceedings, the 132337  
Director of Environmental Protection or the Agency, whichever is 132338  
appropriate in context, upon application to the court, shall be 132339  
substituted as a party. 132340

(H) The Directors of Health and Environmental Protection may 132341  
enter into a memorandum of understanding in order to facilitate 132342  
the transfer of the Program. 132343

(I) On January 1, 2018, or as soon as possible thereafter, 132344  
the Director of Budget and Management may transfer up to \$400,000 132345  
cash from the General Operations Fund (Fund 4700) used by the 132346  
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 132347  
in section 3704.035 of the Revised Code and used by the Agency. 132348  
Upon completion of the transfer, the Director of Budget and 132349  
Management shall cancel any existing encumbrances against Fund 132350  
4700 appropriation item 440647, Fee Supported Programs, related to 132351  
the Program, and reestablish them against Fund 4K20, appropriation 132352  
item 715648, Clean Air - Non-Title V. The reestablished 132353  
encumbrance amounts are hereby appropriated. 132354

CLEAN OHIO REVITALIZATION OPERATING 132355

On July 1, 2018, or as soon as possible thereafter, the 132356  
Director of Environmental Protection may request that the Director 132357  
of Budget and Management reappropriate any unexpended, 132358  
unencumbered balance of the prior fiscal year's appropriation to 132359  
the foregoing appropriation item 715607, Clean Ohio Revitalization 132360  
Operating, for fiscal year 2019. The Director of Budget and 132361  
Management may request additional information necessary for 132362  
evaluating the request, and the Director of Environmental 132363  
Protection shall provide the requested information to the Director 132364  
of Budget and Management. Based on the information provided by the 132365

Director of Environmental Protection, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2019.

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**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 132369

General Revenue Fund 132370

GRF 172321	Operating Expenses	\$	611,308	\$	611,308	132371
TOTAL GRF	General Revenue Fund	\$	611,308	\$	611,308	132372
TOTAL ALL BUDGET FUND GROUPS		\$	611,308	\$	611,308	132373

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 132375

General Revenue Fund 132376

GRF 935401	Statehouse News	\$	319,665	\$	319,665	132377
	Bureau					

GRF 935402	Ohio Government	\$	1,430,308	\$	1,430,308	132378
	Telecommunications					
	Services					

GRF 935410	Content Development,	\$	3,897,738	\$	3,897,738	132379
	Acquisition, and					
	Distribution					

GRF 935430	Broadcast Education	\$	3,736,111	\$	3,736,111	132380
	Operating					

TOTAL GRF	General Revenue Fund	\$	9,383,822	\$	9,383,822	132381
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Dedicated Purpose Fund Group 132382

5FK0 935608	Media Services	\$	95,000	\$	95,000	132383
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TOTAL DPF	Dedicated Purpose Fund	\$	95,000	\$	95,000	132384
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Group

Internal Service Activity Fund Group 132385

4F30 935603	Affiliate Services	\$	4,000	\$	4,000	132386
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4T20 935605	Government	\$	7,000	\$	7,000	132387
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Television/Telecommunications

Operating

TOTAL ISA Internal Service Activity				132388	
Fund Group	\$	11,000	\$	11,000	132389
TOTAL ALL BUDGET FUND GROUPS	\$	9,489,822	\$	9,489,822	132390

**Section 281.20. STATEHOUSE NEWS BUREAU** 132392

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 132393  
132394  
132395

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 132396

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 132397  
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132400  
132401  
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132403

**CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION** 132404

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 132405  
132406  
132407  
132408  
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Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$992,978 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state share index calculated by the Department of Education. 132410  
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Of the foregoing appropriation item 935410, Content 132419  
 Development, Acquisition, and Distribution, up to \$2,614,284 in 132420  
 each fiscal year shall be distributed by the Broadcast Educational 132421  
 Media Commission to Ohio's qualified public educational television 132422  
 stations and educational radio stations to support their 132423  
 operations. The funds shall be distributed pursuant to an 132424  
 allocation formula used by the Ohio Educational Telecommunications 132425  
 Network Commission unless a substitute formula is developed by the 132426  
 Broadcast Educational Media Commission in consultation with Ohio's 132427  
 qualified public educational television stations and educational 132428  
 radio stations. 132429

Of the foregoing appropriation item 935410, Content 132430  
 Development, Acquisition, and Distribution, up to \$290,476 in each 132431  
 fiscal year shall be distributed by the Broadcast Educational 132432  
 Media Commission to Ohio's qualified radio reading services to 132433  
 support their operations. The funds shall be distributed pursuant 132434  
 to an allocation formula used by the Ohio Educational 132435  
 Telecommunications Network Commission unless a substitute formula 132436  
 is developed by the Broadcast Educational Media Commission in 132437  
 consultation with Ohio's qualified radio reading services. 132438

**Section 283.10. ETH OHIO ETHICS COMMISSION 132439**

General Revenue Fund 132440  
 GRF 146321 Operating Expenses \$ 1,435,386 \$ 1,698,446 132441  
 TOTAL GRF General Revenue Fund \$ 1,435,386 \$ 1,698,446 132442  
 Dedicated Purpose Fund Group 132443  
 4M60 146601 Operating Support \$ 862,026 \$ 650,000 132444  
 TOTAL DPF Dedicated Purpose Fund \$ 862,026 \$ 650,000 132445  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 2,297,412 \$ 2,348,446 132446

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 132448**

General Revenue Fund				132449
GRF 723403 Junior Fair Subsidy	\$	375,000	\$ 375,000	132450
TOTAL GRF General Revenue Fund	\$	375,000	\$ 375,000	132451
Dedicated Purpose Fund Group				132452
4N20 723602 Ohio State Fair	\$	375,000	\$ 375,000	132453
Harness Racing				
5060 723601 Operating Expenses	\$	14,413,166	\$ 14,913,166	132454
5060 723604 Grounds Maintenance	\$	300,000	\$ 300,000	132455
and Repairs				
TOTAL DPF Dedicated Purpose Fund	\$	15,088,166	\$ 15,588,166	132456
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	15,463,166	\$ 15,963,166	132457
STATE FAIR RESERVE				132458
The General Manager of the Expositions Commission, in				132459
consultation with the Director of Budget and Management, may				132460
submit a request to the Controlling Board to use available amounts				132461
in the State Fair Reserve Fund (Fund 6400) if revenues from either				132462
the 2017 or the 2018 Ohio State Fair are unexpectedly low.				132463
On July 1 of each fiscal year, or as soon as possible				132464
thereafter, the Director of Budget and Management, in consultation				132465
with the General Manager of the Expositions Commission, may				132466
determine that the Ohio Expositions Fund (Fund 5060) has a cash				132467
balance in excess of the anticipated operating costs of the				132468
Exposition Commission in that fiscal year. Notwithstanding section				132469
991.04 of the Revised Code, the Director of Budget and Management				132470
may transfer an amount up to the excess cash from Fund 5060 to				132471
Fund 6400 in each fiscal year.				132472
GROUPS MAINTENANCE AND REPAIRS				132473
The foregoing appropriation item 723604, Grounds Maintenance				132474
and Repairs, shall be used for maintenance and repairs on the				132475
grounds of the Ohio Expo Center.				132476



<b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>				132477
General Revenue Fund				132478
GRF	230321	Operating Expenses	\$ 6,500,000 \$ 6,500,000	132479
GRF	230401	Cultural Facilities	\$ 30,500,000 \$ 32,431,200	132480
Lease Rental Bond Payments				
GRF	230458	State Construction Management Services	\$ 1,750,000 \$ 1,500,000	132481
GRF	230908	Common Schools General Obligation Bond Debt Service	\$ 373,134,900 \$ 402,025,700	132482
TOTAL GRF	General Revenue Fund		\$ 411,884,900 \$ 442,456,900	132483
Internal Service Activity Fund Group				132484
1310	230639	State Construction Management Operations	\$ 8,500,000 \$ 8,750,000	132485
TOTAL ISA	Internal Service Activity Fund Group		\$ 8,500,000 \$ 8,750,000	132486
TOTAL ALL BUDGET FUND GROUPS			\$ 420,384,900 \$ 451,206,900	132487
<b>Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND</b>				132489
PAYMENTS				132490
The foregoing appropriation item 230401, Cultural Facilities				132491
Lease Rental Bond Payments shall be used to meet all payments				132492
during the period from July 1, 2017, through June 30, 2019, by the				132493
Ohio Facilities Construction Commission under the primary leases				132494
and agreements for cultural and sports facilities made under				132495
Chapters 152. and 154. of the Revised Code. These appropriations				132496
are the source of funds pledged for bond service charges on				132497
related obligations issued under Chapters 152. and 154. of the				132498
Revised Code.				132499
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE				132500

The foregoing appropriation item 230908, Common Schools 132501  
General Obligation Bond Debt Service, shall be used to pay all 132502  
debt service and related financing costs during the period from 132503  
July 1, 2017, through June 30, 2019, on obligations issued under 132504  
sections 151.01 and 151.03 of the Revised Code. 132505

**Section 287.30. COMMUNITY PROJECT ADMINISTRATION** 132506

The foregoing appropriation item 230458, State Construction 132507  
Management Services, shall be used by the Ohio Facilities 132508  
Construction Commission in administering Cultural and Sports 132509  
Facilities Building Fund (Fund 7030) projects pursuant to section 132510  
123.201 of the Revised Code. 132511

**SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION** 132512

At the request of the Executive Director of the Ohio 132513  
Facilities Construction Commission, the Director of Budget and 132514  
Management may cancel encumbrances for school district projects 132515  
from a previous biennium if the district has not raised its local 132516  
share of project costs within thirteen months of receiving 132517  
Controlling Board approval under section 3318.05 or 3318.41 of the 132518  
Revised Code. The Executive Director of the Ohio Facilities 132519  
Construction Commission shall certify the amounts of the canceled 132520  
encumbrances to the Director of Budget and Management on a 132521  
quarterly basis. The amounts of the canceled encumbrances are 132522  
hereby appropriated. 132523

**Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND** 132524  
**APPROPRIATIONS** 132525

On July 1, 2017, or as soon as possible thereafter, the 132526  
Executive Director of the Ohio Facilities Construction Commission 132527  
shall certify to the Director of Budget and Management the amount 132528  
of cash receipts and related investment income, irrevocable 132529  
letters of credit from a bank, or certification of the 132530

availability of funds that have been received from a county or a 132531  
municipal corporation for deposit into the Capital Donations Fund 132532  
(Fund 5A10) and that are related to an anticipated project. These 132533  
amounts are hereby appropriated to appropriation item C37146, 132534  
Capital Donations. Prior to certifying these amounts to the 132535  
Director, the Executive Director shall make a written agreement 132536  
with the participating entity on the necessary cash flows required 132537  
for the anticipated construction or equipment acquisition project. 132538

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 132539  
MAINTENANCE LEVY 132540

The Ohio Facilities Construction Commission shall amend the 132541  
project agreement between the Commission and a school district 132542  
that is participating in the Accelerated Urban School Building 132543  
Assistance Program on the effective date of this section, if the 132544  
Commission determines that it is necessary to do so in order to 132545  
comply with division (B)(3)(c) of section 3318.38 of the Revised 132546  
Code. 132547

**Section 287.60.** Notwithstanding any other provision of law to 132548  
the contrary, the Ohio Facilities Construction Commission may 132549  
determine the amount of funding available for disbursement in a 132550  
given fiscal year for any project approved under sections 3318.01 132551  
to 3318.20 of the Revised Code in order to keep aggregate state 132552  
capital spending within approved limits and may take actions 132553  
including, but not limited to, determining the schedule for design 132554  
or bidding of approved projects, to ensure appropriate and 132555  
supportable cash flow. 132556

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 132557  
DISTRICT 132558

Notwithstanding division (B) of section 3318.40 of the 132559  
Revised Code, the Ohio Facilities Construction Commission may 132560

provide assistance to at least one joint vocational school 132561  
 district each fiscal year for the acquisition of classroom 132562  
 facilities in accordance with sections 3318.40 to 3318.45 of the 132563  
 Revised Code. 132564

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 132565

General Revenue Fund 132566

GRF 040321	Operating Expenses	\$	2,894,068	\$	2,894,068	132567
TOTAL GRF	General Revenue Fund	\$	2,894,068	\$	2,894,068	132568

Internal Service Activity Fund Group 132569

5AK0 040607	Government Relations	\$	313,870	\$	313,870	132570
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TOTAL ISA Internal Service Activity 132571

Fund Group		\$	313,870	\$	313,870	132572
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TOTAL ALL BUDGET FUND GROUPS		\$	3,207,938	\$	3,207,938	132573
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GOVERNMENT RELATIONS 132574

A portion of the foregoing appropriation item 040607, 132575  
 Government Relations, may be used to support Ohio's membership in 132576  
 national or regional associations. 132577

The Office of the Governor may charge any state agency of the 132578  
 executive branch using an intrastate transfer voucher such amounts 132579  
 necessary to defray the costs incurred for the conduct of 132580  
 governmental relations associated with issues that can be 132581  
 attributed to the agency. Amounts collected shall be deposited in 132582  
 the Government Relations Fund (Fund 5AK0). 132583

**Section 291.10.** DOH DEPARTMENT OF HEALTH 132584

General Revenue Fund 132585

GRF 440413	Local Health	\$	1,500,000	\$	1,500,000	132586
	Departments					

GRF 440416	Mothers and Children	\$	4,361,595	\$	4,361,595	132587
	Safety Net Services					

GRF 440431	Free Clinic Safety Net Services	\$	430,766	\$	430,766	132588
GRF 440438	Breast and Cervical Cancer Screening	\$	648,695	\$	648,695	132589
GRF 440444	AIDS Prevention and Treatment	\$	2,489,621	\$	3,489,621	132590
GRF 440451	Public Health Laboratory	\$	3,700,430	\$	3,700,430	132591
GRF 440452	Child and Family Health Services Match	\$	589,938	\$	589,938	132592
GRF 440453	Health Care Quality Assurance	\$	5,110,548	\$	5,110,548	132593
GRF 440454	Environmental Health/Radiation Protection	\$	1,191,289	\$	1,191,289	132594
GRF 440459	Help Me Grow	\$	20,289,198	\$	20,289,198	132595
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,381,749	\$	2,381,749	132596
GRF 440472	Alcohol Testing	\$	950,000	\$	950,000	132597
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	1,000,000	\$	1,000,000	132598
GRF 440474	Infant Vitality	\$	7,009,938	\$	7,009,938	132599
GRF 440477	Emergency Preparation and Response	\$	1,970,000	\$	1,970,000	132600
GRF 440482	Chronic Disease/Health Promotion	\$	3,725,984	\$	3,725,984	132601
GRF 440483	Infectious Disease Prevention and Control	\$	5,081,659	\$	5,081,659	132602
GRF 440505	Medically Handicapped Children	\$	10,512,451	\$	10,512,451	132603
GRF 440507	Targeted Health Care Services-Over 21	\$	1,074,058	\$	1,074,058	132604

GRF 654453	Medicaid - Health Care	\$	3,644,500	\$	3,644,500	132605
	Quality Assurance					
TOTAL GRF	General Revenue Fund	\$	77,662,419	\$	78,662,419	132606
	Highway Safety Fund Group					132607
4T40 440603	Child Highway Safety	\$	300,000	\$	300,000	132608
TOTAL HSF	Highway Safety Fund Group	\$	300,000	\$	300,000	132609
	Dedicated Purpose Fund Group					132610
4700 440647	Fee Supported	\$	26,630,900	\$	26,678,120	132611
	Programs					
4710 440619	Certificate of Need	\$	878,433	\$	878,433	132612
4730 440622	Lab Operating	\$	6,900,000	\$	6,900,000	132613
	Expenses					
4770 440627	Medically Handicapped	\$	2,500,000	\$	2,500,000	132614
	Children Audit					
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	132615
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824	132616
	Control					
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000	132617
	Certificate					
4G00 440637	Birth Certificate	\$	15,000	\$	15,000	132618
	Surcharge					
4L30 440609	HIV Care and	\$	17,500,000	\$	17,500,000	132619
	Miscellaneous					
	Expenses					
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000	132620
	Repayment					
4V60 440641	Save Our Sight	\$	2,750,000	\$	2,750,000	132621
5B50 440616	Quality, Monitoring,	\$	736,194	\$	736,194	132622
	and Inspection					
5BX0 440656	Tobacco Use	\$	4,500,000	\$	4,500,000	132623
	Prevention					
5CN0 440645	Choose Life	\$	150,000	\$	60,000	132624

5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	132625
5ED0	440651	Smoke Free Indoor Air	\$	500,000	\$	500,000	132626
5G40	440639	Adoption Services	\$	20,000	\$	20,000	132627
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	132628
5QH0	440661	Dental Hygienist Resource Shortage Area	\$	5,000	\$	5,000	132629
5QJ0	440662	Dental Hygienist Loan Repayments	\$	135,000	\$	135,000	132630
5SH0	440520	Children's Wish Grant Program	\$	150,000	\$	150,000	132631
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	132632
6100	440626	Radiation Emergency Response	\$	1,210,000	\$	1,300,000	132633
6660	440607	Medically Handicapped Children - County Assessments	\$	21,739,617	\$	21,739,617	132634
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	132635
TOTAL DPF		Dedicated Purpose Fund Group	\$	92,929,007	\$	92,976,227	132636
		Internal Service Activity Fund Group					132637
1420	440646	Agency Health Services	\$	3,750,000	\$	3,750,000	132638
2110	440613	Central Support Indirect Costs	\$	25,000,000	\$	25,000,000	132639
TOTAL ISA		Internal Service Activity Fund Group	\$	28,750,000	\$	28,750,000	132640
		Holding Account Fund Group					132641
R014	440631	Vital Statistics	\$	44,986	\$	44,986	132642
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	132643

		Reconciliation, and				
		Audit Settlements				
TOTAL HLD	Group	Holding Account Fund	\$	64,986	\$	64,986 132644
Federal Fund	Group					132645
3200 440601	Maternal Child Health	Block Grant	\$	23,500,000	\$	23,500,000 132646
3870 440602	Preventive Health	Block Grant	\$	8,000,000	\$	8,000,000 132647
3890 440604	Women, Infants, and	Children	\$	230,000,000	\$	230,000,000 132648
3910 440606	Medicare Survey and	Certification	\$	16,000,000	\$	16,000,000 132649
3920 440618	Federal Public Health	Programs	\$	88,198,791	\$	88,198,791 132650
3GD0 654601	Medicaid Program	Support	\$	23,630,029	\$	24,340,949 132651
3GN0 440660	Public Health	Emergency Preparedness	\$	25,000,000	\$	25,000,000 132652
TOTAL FED	Federal Fund	Group	\$	414,328,820	\$	415,039,740 132653
TOTAL ALL	BUDGET FUND	GROUPS	\$	614,035,232	\$	615,793,372 132654

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 132656

Of the foregoing appropriation item 440416, Mothers and 132657  
 Children Safety Net Services, \$200,000 in each fiscal year shall 132658  
 be used to assist families with hearing impaired children under 132659  
 twenty-one years of age in purchasing hearing aids and hearing 132660  
 assistive technology. The Director of Health shall adopt rules 132661  
 governing the distribution of these funds, including rules that do 132662  
 both of the following: (1) establish eligibility criteria to 132663  
 include families with incomes at or below four hundred per cent of 132664  
 the federal poverty guidelines as defined in section 5101.46 of 132665



the Revised Code, and (2) develop a sliding scale of disbursements 132666  
under this section based on family income. The Director may adopt 132667  
other rules as necessary to implement this section. Rules adopted 132668  
under this section shall be adopted in accordance with Chapter 132669  
119. of the Revised Code. 132670

AIDS PREVENTION AND TREATMENT 132671

The foregoing appropriation item 440444, AIDS Prevention and 132672  
Treatment, shall be used to administer educational and other 132673  
prevention initiatives. 132674

FQHC PRIMARY CARE WORKFORCE INITIATIVE 132675

The foregoing appropriation item 440465, FQHC Primary Care 132676  
Workforce Initiative, shall be provided to the Ohio Association of 132677  
Community Health Centers to administer the FQHC Primary Care 132678  
Workforce Initiative. The Initiative shall provide medical, 132679  
dental, behavioral health, physician assistant, and advanced 132680  
practice nursing students with clinical rotations through 132681  
federally qualified health centers. 132682

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 132683

Of the foregoing appropriation item 440473, Tobacco 132684  
Prevention Cessation and Enforcement, \$500,000 in each fiscal year 132685  
shall be used to award grants in accordance with the section of 132686  
this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 132687

INFANT VITALITY 132688

The foregoing appropriation item 440474, Infant Vitality, 132689  
shall be used to fund a multi-pronged population health approach 132690  
to address infant mortality. This approach may include the 132691  
following: increasing awareness; supporting data collection; 132692  
analysis and interpretation to inform decision-making and ensure 132693  
accountability; targeting resources where the need is greatest; 132694  
and implementing quality improvement science and programming that 132695

is evidence-based or based on emerging practices. Measurable 132696  
interventions may include activities related to safe sleep, 132697  
community engagement, Centering Pregnancy, newborn screening, safe 132698  
birth spacing, gestational diabetes, smoking cessation, 132699  
breastfeeding, care coordination, and progesterone. 132700

EMERGENCY PREPARATION AND RESPONSE 132701

The foregoing appropriation item 440477, Emergency 132702  
Preparation and Response, shall be used to support public health 132703  
emergency preparedness and response efforts at the state level or 132704  
at a regional sub-level within the state, and may also be used to 132705  
support data infrastructure projects related to public health 132706  
emergency preparedness/response. 132707

CHRONIC DISEASE/HEALTH PROMOTION 132708

Of the foregoing appropriation item 440482, Chronic 132709  
Disease/Health Promotion, \$250,000 in each fiscal year shall be 132710  
made available to organizations that are exempt from federal 132711  
income taxation under section 501(c)(3) of the Internal Revenue 132712  
Code of 1986, as amended, that are providing the Diabetes 132713  
Prevention Program. The Diabetes Prevention Program means the 132714  
evidence-based program recognized by the U.S. Centers for Disease 132715  
Control and Prevention that has been proven to prevent or delay 132716  
the onset of type 2 diabetes by fifty per cent. An organization 132717  
meeting the criteria may receive up to \$40,000 per year to assist 132718  
in the expansion of the Diabetes Prevention Program to additional 132719  
communities in the state. 132720

TARGETED HEALTH CARE SERVICES-OVER 21 132721

The foregoing appropriation item 440507, Targeted Health Care 132722  
Services-Over 21, shall be used to administer the Cystic Fibrosis 132723  
Program and to implement the Hemophilia Insurance Premium Payment 132724  
Program. The Department of Health shall expend \$100,000 in each 132725  
fiscal year to implement the Hemophilia Insurance Premium Payment 132726

Program. 132727

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program. 132728  
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The Department shall expend all of these funds. 132734

FEE SUPPORTED PROGRAMS 132735

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies to local health departments on a per capita basis. 132736  
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CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL SUPPORT INDIRECT COSTS FUND 132740  
132741

On July 1, 2018, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$400,000 cash from the General Operations Fund (Fund 4700) to the Central Support Indirect Costs Fund (Fund 2110). Any transferred cash is hereby appropriated. 132742  
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MEDICALLY HANDICAPPED CHILDREN AUDIT 132747

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, 132748  
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and Ohio residents who are twenty-one or more years of age and who 132757  
are suffering from cystic fibrosis or hemophilia. Moneys may also 132758  
be expended for administrative expenses incurred in operating the 132759  
Medically Handicapped Children's Program. 132760

GENETICS SERVICES 132761

The foregoing appropriation item 440608, Genetics Services, 132762  
shall be used by the Department of Health to administer programs 132763  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 132764  
None of these funds shall be used to counsel or refer for 132765  
abortion, except in the case of a medical emergency. 132766

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 132767

The foregoing appropriation item 440607, Medically 132768  
Handicapped Children - County Assessments, shall be used to make 132769  
payments under division (F) of section 3701.023 of the Revised 132770  
Code. 132771

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 132772

(A) The Department of Health shall create the Moms Quit for 132773  
Two Grant Program. Recognizing the significant health risks posed 132774  
to women and their children by tobacco use during and after 132775  
pregnancy, the Department shall award grants to private, nonprofit 132776  
entities or government entities that demonstrate the ability to 132777  
deliver evidence-based tobacco cessation interventions to women 132778  
who reside in communities that have the highest incidence of 132779  
infant mortality, as determined by the Director of Health, and who 132780  
are pregnant or live with children. Funds awarded under this 132781  
section shall not be used to provide tobacco cessation 132782  
interventions to women who are eligible for Medicaid. The 132783  
Department may adopt any rules it considers necessary to 132784  
administer the Program. 132785

(B) The Department shall create a grant application and 132786

develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public on the Department's internet web site.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2018 and fiscal year 2019, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information; 132818  
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(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application; 132820  
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(3) Completes the required in-person training within forty-five days of submitting the complete application. 132822  
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(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region. 132824  
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**Section 291.60.** CENTRAL INTAKE AND REFERRAL SYSTEM FOR HOME VISITING AND PART C EARLY INTERVENTION SERVICES 132830  
132831

The Department of Health and Department of Developmental Disabilities shall immediately rescind any request for proposals that they have issued for a person or governmental entity to operate the central intake and referral system that must be created and implemented under section 3701.611 of the Revised Code. The departments shall issue a new request for proposals in accordance with section 3701.611 of the Revised Code, as amended by this act. 132832  
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**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 132840

Dedicated Purpose Fund Group 132841

4610 372601	Operating Expenses	\$	12,500	\$	12,500	132842
TOTAL DPF	Dedicated Purpose Fund Group	\$	12,500	\$	12,500	132843
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	132844

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 132846

General Revenue Fund				132847
GRF 148321 Operating Expenses	\$	425,289	\$ 425,289	132848
TOTAL GRF General Revenue Fund	\$	425,289	\$ 425,289	132849
Dedicated Purpose Fund Group				132850
6010 148602 Special Initiatives	\$	24,558	\$ 24,558	132851
TOTAL DPF Dedicated Purpose				132852
Fund Group	\$	24,558	\$ 24,558	132853
TOTAL ALL BUDGET FUND GROUPS	\$	449,847	\$ 449,847	132854
 <b>Section 297.10. OHS OHIO HISTORY CONNECTION</b>				132856
General Revenue Fund				132857
GRF 360501 Education and Collections	\$	4,155,712	\$ 4,155,712	132858
GRF 360502 Site and Museum Operations	\$	5,851,970	\$ 5,851,970	132859
GRF 360504 Ohio Preservation Office	\$	285,650	\$ 285,650	132860
GRF 360505 National Afro-American Museum	\$	492,500	\$ 492,500	132861
GRF 360506 Hayes Presidential Center	\$	492,500	\$ 492,500	132862
GRF 360508 State Historical Grants	\$	500,000	\$ 500,000	132863
GRF 360509 Outreach and Partnership	\$	157,989	\$ 157,989	132864
TOTAL GRF General Revenue Fund	\$	11,936,321	\$ 11,936,321	132865
Dedicated Purpose Fund Group				132866
5KL0 360602 Ohio History Tax Check-off	\$	150,000	\$ 150,000	132867
5PD0 360603 Ohio History License Plate	\$	10,000	\$ 10,000	132868
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$ 160,000	132869





Partnership, \$70,000 in each fiscal year shall be distributed to 132899  
the Ohio World War I Centennial Working Group. 132900

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 132901

General Revenue Fund 132902

GRF 025321 Operating Expenses \$ 23,756,565 \$ 23,756,565 132903

TOTAL GRF General Revenue Fund \$ 23,756,565 \$ 23,756,565 132904

Internal Service Activity Fund Group 132905

1030 025601 House of \$ 1,433,664 \$ 1,433,664 132906

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 132907

TOTAL Internal Service Activity 132908

Fund Group \$ 1,471,513 \$ 1,471,513 132909

TOTAL ALL BUDGET FUND GROUPS \$ 25,228,078 \$ 25,228,078 132910

OPERATING EXPENSES 132911

On July 1, 2017, or as soon as possible thereafter, the Chief 132912  
Administrative Officer of the House of Representatives may certify 132913  
to the Director of Budget and Management an amount up to the 132914  
unexpended, unencumbered balance of the foregoing appropriation 132915  
item 025321, Operating Expenses, at the end of fiscal year 2017 to 132916  
be reappropriated to fiscal year 2018. The amount certified is 132917  
hereby reappropriated to the same appropriation item for fiscal 132918  
year 2018. 132919

On July 1, 2018, or as soon as possible thereafter, the Chief 132920  
Administrative Officer of the House of Representatives may certify 132921  
to the Director of Budget and Management an amount up to the 132922  
unexpended, unencumbered balance of the foregoing appropriation 132923  
item 025321, Operating Expenses, at the end of fiscal year 2018 to 132924  
be reappropriated to fiscal year 2019. The amount certified is 132925  
hereby reappropriated to the same appropriation item for fiscal 132926

year 2019.				132927
HOUSE REIMBURSEMENT				132928
If it is determined by the Chief Administrative Officer of				132929
the House of Representatives that additional appropriations are				132930
necessary for the foregoing appropriation item 025601, House				132931
Reimbursement, the amounts are hereby appropriated.				132932
<b>Section 301.10.</b> HFA OHIO HOUSING FINANCE AGENCY				132933
Dedicated Purpose Fund Group				132934
5AZ0 997601 Housing Finance Agency	\$	12,176,000	\$ 12,176,000	132935
Personal Services				
TOTAL DPF Dedicated Purpose Fund	\$	12,176,000	\$ 12,176,000	132936
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,176,000	\$ 12,176,000	132937
<b>Section 303.10.</b> IGO OFFICE OF THE INSPECTOR GENERAL				132939
General Revenue Fund				132940
GRF 965321 Operating Expenses	\$	1,380,557	\$ 1,380,557	132941
TOTAL GRF General Revenue Fund	\$	1,380,557	\$ 1,380,557	132942
Internal Service Activity Fund Group				132943
5FA0 965603 Deputy Inspector	\$	400,000	\$ 400,000	132944
General for ODOT				
5FT0 965604 Deputy Inspector	\$	425,000	\$ 425,000	132945
General for BWC/OIC				
TOTAL ISA Internal Service Activity				132946
Fund Group	\$	825,000	\$ 825,000	132947
TOTAL ALL BUDGET FUND GROUPS	\$	2,205,557	\$ 2,205,557	132948
<b>Section 305.10.</b> INS DEPARTMENT OF INSURANCE				132950
Dedicated Purpose Fund Group				132951
5540 820601 Operating Expenses -	\$	180,000	\$ 180,000	132952

		OSHIIP				
5540	820606	Operating Expenses	\$	26,737,840	\$	26,737,840 132953
5550	820605	Examination	\$	8,127,549	\$	8,127,549 132954
5PT0	820613	Captive Insurance	\$	850,000	\$	850,000 132955
		Regulation & Supervision				
TOTAL DPF	Dedicated Purpose					132956
Fund Group			\$	35,895,389	\$	35,895,389 132957
Federal Fund Group						132958
3U50	820602	OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150 132959
TOTAL FED	Federal Fund Group		\$	2,793,150	\$	2,793,150 132960
TOTAL ALL BUDGET FUND GROUPS			\$	38,688,539	\$	38,688,539 132961
		MARKET CONDUCT EXAMINATION				132962
		When conducting a market conduct examination of any insurer				132963
		doing business in this state, the Superintendent of Insurance may				132964
		assess the costs of the examination against the insurer. The				132965
		Superintendent may enter into consent agreements to impose				132966
		administrative assessments or fines for conduct discovered that				132967
		may be violations of statutes or rules administered by the				132968
		Superintendent. All costs, assessments, or fines collected shall				132969
		be deposited to the credit of the Department of Insurance				132970
		Operating Fund (Fund 5540).				132971
		EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				132972
		The Director of Budget and Management, at the request of the				132973
		Superintendent of Insurance, may transfer cash from the Department				132974
		of Insurance Operating Fund (Fund 5540), established by section				132975
		3901.021 of the Revised Code, to the Superintendent's Examination				132976
		Fund (Fund 5550), established by section 3901.071 of the Revised				132977
		Code, only for expenses incurred in examining domestic fraternal				132978
		benefit societies as required by section 3921.28 of the Revised				132979
		Code.				132980

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 132981  
AND SUPERVISION 132982

When funds from captive insurance company application fees, 132983  
reimbursements from captive insurance companies for examinations, 132984  
and other sources have accrued to the Captive Insurance Regulation 132985  
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 132986  
sufficient to sustain operations, the Director of Budget and 132987  
Management, in consultation with the Superintendent of Insurance, 132988  
shall establish a schedule for repaying the amounts previously 132989  
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 132990  
Fund 5540. 132991

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 132992

General Revenue Fund 132993

GRF 600321 Program Support \$ 29,500,000 \$ 29,500,000 132994

GRF 600410 TANF State Maintenance \$ 150,593,630 \$ 150,593,630 132995  
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 132996  
State/Maintenance of  
Effort

GRF 600416 Information Technology \$ 67,115,048 \$ 67,556,647 132997  
Projects

GRF 600420 Child Support Programs \$ 6,678,500 \$ 6,678,500 132998

GRF 600421 Family Assistance \$ 3,151,323 \$ 3,151,323 132999  
Programs

GRF 600423 Families and Children \$ 16,719,491 \$ 16,719,491 133000  
Programs

GRF 600445 Unemployment Insurance \$ 21,167,170 \$ 21,167,170 133001  
Administration

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 133002

GRF 600503 Job and Family Services \$ 2,000,000 \$ 2,000,000 133003  
Program Support

GRF 600511	Disability Financial Assistance	\$	3,988,186	\$	0	133004
GRF 600521	Family Assistance - Local	\$	45,440,760	\$	45,440,760	133005
GRF 600523	Family and Children Services	\$	64,918,993	\$	64,918,993	133006
GRF 600528	Adoption Services	\$	29,369,773	\$	29,369,773	133007
GRF 600533	Child, Family, and Community Protection Services	\$	28,500,000	\$	28,500,000	133008
GRF 600534	Adult Protective Services	\$	2,890,000	\$	2,890,000	133009
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	133010
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	133011
GRF 600546	Healthy Food Financing Initiative	\$	250,000	\$	250,000	133012
GRF 655425	Medicaid Program Support	\$	7,000,000	\$	7,000,000	133013
GRF 655522	Medicaid Program Support - Local	\$	37,693,950	\$	37,693,950	133014
GRF 655523	Medicaid Program Support - Local Transportation	\$	43,080,495	\$	0	133015
TOTAL GRF	General Revenue Fund	\$	809,261,190	\$	762,634,108	133016
	Dedicated Purpose Fund Group					133017
1980 600647	Children's Trust Fund	\$	5,000,000	\$	5,000,000	133018
4A80 600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000	133019
4A90 600607	Unemployment Compensation Administration Fund	\$	14,000,000	\$	14,000,000	133020

4E70	600604	Family and Children Services Collections	\$	650,000	\$	650,000	133021
4F10	600609	Family and Children Activities	\$	708,000	\$	708,000	133022
5DM0	600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000	133023
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	133024
5HC0	600695	Unemployment Compensation Interest	\$	1,000,000	\$	1,000,000	133025
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	133026
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	133027
5RX0	600699	Workforce Development Projects	\$	2,000,000	\$	2,000,000	133028
5RY0	600698	Human Services Project	\$	2,500,000	\$	2,750,000	133029
5U60	600663	Family and Children Support	\$	3,000,000	\$	3,000,000	133030
TOTAL DPF		Dedicated Purpose Fund Group	\$	80,458,000	\$	80,708,000	133031
		Internal Service Activity Fund Group					133032
5HL0	600602	State and County Shared Services	\$	2,000,000	\$	2,000,000	133033
TOTAL ISA		Internal Service Activity Fund Group	\$	2,000,000	\$	2,000,000	133034
		Fiduciary Fund Group					133035
1920	600646	Child Support Intercept - Federal	\$	110,000,000	\$	110,000,000	133036
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	133037
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	133038

Intercept					
TOTAL FID Fiduciary Fund Group	\$	125,000,000	\$	125,000,000	133039
Holding Account Fund Group					133040
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	133041
Settlements					
TOTAL HLD Holding Account Fund Group	\$	500,000	\$	500,000	133042
Federal Fund Group					133043
3270 600606 Child Welfare	\$	27,500,000	\$	27,500,000	133044
3310 600615 Veterans Programs	\$	7,000,000	\$	7,000,000	133045
3310 600624 Employment Services Programs	\$	26,000,000	\$	26,000,000	133046
3310 600686 Workforce Programs	\$	5,800,000	\$	5,800,000	133047
3840 600610 Food Assistance Programs	\$	145,000,000	\$	145,000,000	133048
3850 600614 Refugee Services	\$	12,000,000	\$	12,000,000	133049
3950 600616 Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	133050
3960 600620 Social Services Block Grant	\$	42,000,000	\$	42,000,000	133051
3970 600626 Child Support - Federal	\$	175,000,000	\$	175,000,000	133052
3980 600627 Adoption Program - Federal	\$	175,000,000	\$	175,000,000	133053
3A20 600641 Emergency Food Distribution	\$	4,000,000	\$	4,000,000	133054
3AW0 600675 Fatherhood Commission	\$	3,000,000	\$	3,000,000	133055
3D30 600648 Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	133056
3F01 655624 Medicaid Program Support - Federal	\$	180,000,000	\$	172,491,905	133057
3H70 600617 Child Care Federal	\$	231,000,000	\$	232,000,000	133058

3N00 600628	Foster Care Program - Federal	\$ 240,000,000	\$ 240,000,000	133059
3S50 600622	Child Support Projects	\$ 534,050	\$ 534,050	133060
3V00 600688	Workforce Innovation and Opportunity Act Programs	\$ 108,000,000	\$ 108,000,000	133061
3V40 600632	Trade Programs	\$ 15,000,000	\$ 15,000,000	133062
3V40 600678	Federal Unemployment Programs	\$ 85,814,212	\$ 80,814,212	133063
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 5,000,000	\$ 5,000,000	133064
3V60 600689	TANF Block Grant	\$ 836,437,504	\$ 848,935,211	133065
TOTAL FED	Federal Fund Group	\$ 2,327,585,766	\$ 2,328,575,378	133066
TOTAL ALL BUDGET	FUND GROUPS	\$ 3,344,804,956	\$ 3,299,417,486	133067

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 133069

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 133070  
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 133074  
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(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 133078  
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(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure 133082  
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county administrative funds are expended from the proper 133085  
appropriation item: 133086

(1) Appropriation item 600521, Family Assistance - Local, and 133087  
appropriation item 655522, Medicaid Program Support - Local; and 133088

(2) Appropriation item 655523, Medicaid Program Support - 133089  
Local Transportation, and appropriation item 655522, Medicaid 133090  
Program Support - Local. 133091

(E) If receipts credited to the Medicaid Program Support Fund 133092  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 133093  
(Fund 3840) exceed the amounts appropriated, the Director of Job 133094  
and Family Services shall request the Director of Budget and 133095  
Management to authorize expenditures from those funds in excess of 133096  
the amounts appropriated. Upon approval of the Director of Budget 133097  
and Management, the additional amounts are hereby appropriated. 133098

**Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM** 133099

Of the foregoing appropriation item 600689, TANF Block Grant, 133100  
\$10,000,000 in each fiscal year shall be used to support a kinship 133101  
caregiver child care program. Under the program, public children 133102  
services agencies shall receive an allocation through which child 133103  
care assistance may be made available to kinship caregivers. The 133104  
Director of Job and Family Services shall develop rules to 133105  
implement the program and demonstrate outcomes. 133106

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 133107

The Director of Job and Family Services is not required to 133108  
amend rules regarding the Food Stamp Program to change the name of 133109  
the program to the Supplemental Nutrition Assistance Program. The 133110  
Director may refer to the program as the Food Stamp Program, the 133111  
Supplemental Nutrition Assistance Program, or the Food Assistance 133112  
Program in rules and documents of the Department of Job and Family 133113  
Services. 133114

**Section 307.35.** HEALTHY FOOD FINANCING INITIATIVE 133115

The foregoing appropriation item 600546, Healthy Food 133116  
Financing Initiative, shall be used by the Director of Job and 133117  
Family Services to support healthy food access in underserved 133118  
communities in urban and rural Low and Moderate Income Areas, as 133119  
defined by either the United States Department of Agriculture 133120  
(USDA), as identified in the USDA's Food Access Research Atlas, or 133121  
through a methodology that has been adopted for use by another 133122  
governmental or philanthropic healthy food initiative. 133123

The Director of Job and Family Services, in cooperation with 133124  
the Director of Health and with the approval of the Director of 133125  
the Governor's Office of Health Transformation, shall contract 133126  
with the Finance Fund Capital Corporation to administer a Healthy 133127  
Food Financing Initiative. The Finance Fund Capital Corporation 133128  
shall demonstrate a capacity to administer grant and loan programs 133129  
in accordance with state and federal rules and accounting 133130  
principles, and shall partner with one or more entities with 133131  
demonstrable experience in healthy food access-related policy 133132  
matters. 133133

The Director of Job and Family Services shall, not later than 133134  
December 31, 2018, provide to the Governor, Speaker of the House 133135  
of Representatives, President of the Senate, and Minority Leaders 133136  
of the House of Representatives and Senate a written progress 133137  
report on the Healthy Food Financing Initiative, including, but 133138  
not limited to, state funds granted or loaned, the number of new 133139  
or retained jobs associated with related projects, the health 133140  
impact of the initiative and the number and location of healthy 133141  
food access projects established or in development. 133142

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 133143

Of the foregoing appropriation items 600410, TANF State 133144

Maintenance of Effort, 600658, Public Assistance Activities, and 133145  
600689, TANF Block Grant, a total of \$16,550,000 in each fiscal 133146  
year shall be used to provide funds to the Ohio Association of 133147  
Food Banks to purchase and distribute food products. 133148

Notwithstanding section 5101.46 of the Revised Code and any 133149  
other provision in this bill, including funds designated for the 133150  
Ohio Association of Food Banks in this section, in fiscal year 133151  
2018 and fiscal year 2019, the Director of Job and Family Services 133152  
shall provide assistance from eligible funds to the Ohio 133153  
Association of Food Banks in an amount not less than \$19,050,000 133154  
in each fiscal year. 133155

Eligible nonfederal expenditures made by member food banks of 133156  
the Association shall be counted by the Department of Job and 133157  
Family Services toward the TANF maintenance of effort requirements 133158  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 133159  
shall enter into an agreement with the Ohio Association of Food 133160  
Banks, in accordance with sections 5101.80 and 5101.801 of the 133161  
Revised Code, to carry out the requirements under this section. 133162

**Section 307.45. UNAFFILIATED FOOD BANKS** 133163

Of the foregoing appropriation item 600689, TANF Block Grant, 133164  
\$500,000 in each fiscal year shall be provided to food banks or 133165  
food pantries unaffiliated with the Ohio Association of Food 133166  
Banks. 133167

**Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 133168

The foregoing appropriation item 600658, Public Assistance 133169  
Activities, shall be used by the Department of Job and Family 133170  
Services to meet the TANF maintenance of effort requirements of 42 133171  
U.S.C. 609(a)(7). When the state is assured that it will meet the 133172  
maintenance of effort requirement, the Department of Job and 133173  
Family Services may use funds from appropriation item 600658, 133174

Public Assistance Activities, to support public assistance 133175  
activities. 133176

**Section 307.60.** FOOD STAMPS TRANSFER 133177

On July 1, 2017, or as soon as possible thereafter, the 133178  
Director of Budget and Management may transfer up to \$1,000,000 133179  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 133180  
3840), to the Food Assistance Fund (Fund 5ES0). 133181

**Section 307.70.** GOVERNOR'S OFFICE OF FAITH-BASED AND 133182  
COMMUNITY INITIATIVES 133183

Of the foregoing appropriation item 600689, TANF Block Grant, 133184  
up to \$6,540,000 in each fiscal year shall be used, in accordance 133185  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 133186  
support to programs or organizations that provide services that 133187  
align with the mission and goals of the Governor's Office of 133188  
Faith-Based and Community Initiatives, as outlined in section 133189  
107.12 of the Revised Code, and that further at least one of the 133190  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 133191

**Section 307.80.** INDEPENDENT LIVING INITIATIVE 133192

Of the foregoing appropriation item 600689, TANF Block Grant, 133193  
up to \$2,000,000 in each fiscal year shall be used, in accordance 133194  
with sections 5101.80 and 5101.801 of the Revised Code, to support 133195  
the Independent Living Initiative, including life skills training 133196  
and work supports for older children in foster care and those who 133197  
have recently aged out of foster care. 133198

**Section 307.90.** OHIO COMMISSION ON FATHERHOOD 133199

Of the foregoing appropriation item 600689, TANF Block Grant, 133200  
\$1,000,000 in each fiscal year shall be provided to the Ohio 133201  
Commission on Fatherhood. 133202

**Section 307.93.** OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 133203

Of the foregoing appropriation item 600689, TANF Block Grant, 133204  
\$1,000,000 in each fiscal year shall be provided, in accordance 133205  
with sections 5101.80 and 5101.801 of the Revised Code, to the 133206  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 133207  
summer programs that protect at-risk children and enable youth to 133208  
become responsible adults. 133209

**Section 307.100.** FAMILIES AND CHILDREN PROGRAMS 133210

Of the foregoing appropriation item 600423, Families and 133211  
Children Programs, \$2,000,000 in each fiscal year shall be used by 133212  
the Office of Families and Children to fund Predictive Analytics 133213  
to use current and historical data to predict future outcomes and 133214  
behaviors in high-risk foster care children. 133215

Of the foregoing appropriation item 600423, Families and 133216  
Children Programs, \$750,000 in each fiscal year shall be used to 133217  
support the Star House Youth Drop-In Center to provide services 133218  
for homeless youth. 133219

**Section 307.110.** FAMILY AND CHILDREN SERVICES 133220

Of the foregoing appropriation item 600523, Family and 133221  
Children Services, up to \$3,200,000 shall be used to match 133222  
eligible federal Title IV-B ESSA funds and federal Title IV-E 133223  
Chafee funds allocated to public children services agencies. 133224

Of the foregoing appropriation item 600523, Family and 133225  
Children Services, \$150,000 in each fiscal year shall be provided 133226  
to children's crisis care facilities as defined in section 5103.13 133227  
of the Revised Code. The Director of Job and Family Services shall 133228  
allocate funds based on the number of children at each facility. A 133229  
children's crisis care facility may decline to receive funds 133230  
provided under this section. A children's crisis care facility 133231

that accepts funds provided under this section shall use the funds 133232  
in accordance with section 5103.13 of the Revised Code and the 133233  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 133234

Of the foregoing appropriation item, 600523, Family and 133235  
Children Services, not less than \$60,040,010 in each fiscal year 133236  
shall be provided to public children services agencies. Of that 133237  
amount, \$8,800,000 in each fiscal year shall be used to provide an 133238  
initial allocation of \$100,000 to each county and the remainder 133239  
shall be provided using the formula in section 5101.14 of the 133240  
Revised Code. 133241

**Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 133242

In collaboration with the county family and children first 133243  
council, a county department of job and family services or public 133244  
children services agency that receives an allocation from the 133245  
Department of Job and Family Services from the foregoing 133246  
appropriation item 600523, Family and Children Services, or 133247  
600533, Child, Family, and Community Protection Services, may 133248  
transfer a portion of either or both allocations to a flexible 133249  
funding pool as authorized by the section of this act titled 133250  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 133251

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION** 133252  
**SERVICES** 133253

(A) The foregoing appropriation item 600533, Child, Family, 133254  
and Community Protection Services, shall be distributed to county 133255  
departments of job and family services. County departments shall 133256  
use the funds distributed to them under this section as follows, 133257  
in accordance with the written plan of cooperation entered into 133258  
under section 307.983 of the Revised Code: 133259

(1) To assist individuals in achieving or maintaining 133260  
self-sufficiency, including by reducing or preventing dependency 133261

among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES**

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

**Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND**

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also

consist of earned federal revenue the final disposition of which 133291  
is unknown. 133292

**Section 307.160.** ADOPTION ASSISTANCE LOAN 133293

The Department of Job and Family Services may use the State 133294  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 133295  
of adoption assistance loans pursuant to section 3107.018 of the 133296  
Revised Code. The amounts of any adoption assistance loans are 133297  
hereby appropriated. 133298

**Section 307.170.** EARLY CHILDHOOD EDUCATION 133299

Of the foregoing appropriation item 600696, Early Childhood 133300  
Education, not less than \$13,000,000 in each fiscal year shall be 133301  
used to implement the Department of Job and Family Service's 2016 133302  
Ohio Child Care Market Rate Survey for licensed child care 133303  
programs that are rated in the quality rating and improvement 133304  
system. In implementing the survey for rated programs, the 133305  
Department shall do both of the following: 133306

(A) Ensure that reimbursement rates for each rating tier are 133307  
not lower than the reimbursement rates for each corresponding 133308  
rating tier that were in effect on December 31, 2016; 133309

(B) Place all counties included in the survey in the 133310  
reimbursement category in which they are designated in the survey. 133311

The remainder of appropriation item 600696, Early Childhood 133312  
Education, shall be used to fund the changes made to reimbursement 133313  
rate categories and increases to enhanced rates that were made in 133314  
the FY 2016-FY 2017 biennium. 133315

**Section 307.180.** CASH TRANSFER FROM THE UNEMPLOYMENT 133316  
INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT 133317  
COMPENSATION ADMINISTRATION FUND 133318



On July 1, 2017, or as soon as possible thereafter, the 133319  
Director of Job and Family Services shall certify to the Director 133320  
of Budget and Management the cash balance of the Unemployment 133321  
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 133322  
certification, the Director of Budget and Management may transfer 133323  
the amount certified to the Unemployment Compensation 133324  
Administration Fund (Fund 4A90). 133325

**Section 307.190. VICTIMS OF HUMAN TRAFFICKING** 133326

The foregoing appropriation item 600660, Victims of Human 133327  
Trafficking, shall be used to provide treatment, care, 133328  
rehabilitation, education, housing, and assistance for victims of 133329  
trafficking in persons as specified in section 5101.87 of the 133330  
Revised Code. If receipts credited to the Victims of Human 133331  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 133332  
the fund, the Director of Job and Family Services may request the 133333  
Director of Budget and Management to authorize expenditures from 133334  
the fund in excess of the amounts appropriated. Upon the approval 133335  
of the Director of Budget and Management, the additional amounts 133336  
are hereby appropriated. 133337

**Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 133338

The Fiduciary Fund Group and Holding Account Fund Group shall 133339  
be used to hold revenues until the appropriate fund is determined 133340  
or until the revenues are directed to the appropriate governmental 133341  
agency other than the Department of Job and Family Services. Any 133342  
Department of Job and Family Services refunds or reconciliations 133343  
received or held by the Department of Medicaid shall be 133344  
transferred or credited to the Refunds and Audit Settlement Fund 133345  
(Fund R012). If receipts credited to the Support Intercept - 133346  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 133347  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 133348

Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 307.210.** COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT PROGRAM

During the period that begins July 1, 2017, and ends on the effective date of the enactment by this act of section 5116.01 of the Revised Code, the Comprehensive Case Management and Employment Program created under Section 305.190 of Am. Sub. H.B. 64 of the 131st General Assembly shall continue in operation as enacted by that act with the following modification: the minimum age for participation in the program is reduced to fourteen. Beginning with the effective date of section 5116.01 of the Revised Code, as enacted by this act, the Comprehensive Case Management and Employment Program shall begin operation in accordance with Chapter 5116. of the Revised Code.

**Section 307.220.** JOB AND FAMILY SERVICES PROGRAM SUPPORT

The foregoing appropriation item 600503, Job and Family Services Program Support, shall be used by the Director of Job and Family Services, in collaboration with the Chancellor of Higher Education, as state match for the Supplemental Nutrition Assistance Program Employment and Training program funded by the United States Department of Agriculture's Food and Nutrition Service. Moneys shall be used to fund programs that provide nondegree credit short-term certificates.

The Director of Job and Family Services, in collaboration

with the Chancellor of Higher Education, shall do the following: 133379

(A) Convene a skills-based Supplemental Nutrition Assistance 133380  
Program Employment and Training program planning committee to 133381  
develop a plan for the expansion of the program, which shall at 133382  
least include representatives of community colleges, local 133383  
workforce development boards, and nonprofit organizations that 133384  
provide employment and training services for low-income 133385  
individuals; 133386

(B) Identify workforce development, adult basic education, 133387  
and higher education programs and resources that could serve as 133388  
potential providers of education, training, and support services; 133389

(C) Identify resources that could be reimbursed by funds from 133390  
the United States Department of Agriculture and develop guidance 133391  
on leveraging eligible state, local, and philanthropic resources 133392  
to qualify for Supplemental Nutrition Assistance Program 133393  
Employment and Training program federal match. The guidance shall 133394  
include a description of the process to participate in the 133395  
Supplemental Nutrition Assistance Program Employment and Training 133396  
program, and a description of a system of tracking participant 133397  
eligibility, enrollment, continued participation, and outcomes. 133398

(D) Incorporate the plan to expand a skills-based 133399  
Supplemental Nutrition Assistance Program Employment and Training 133400  
program into the annual state Supplemental Nutrition Assistance 133401  
Program Employment and Training plan submitted to the United 133402  
States Department of Agriculture. 133403

**Section 307.230. HEALTHIER BUCKEYE GRANT PILOT PROGRAM** 133404

The Director of Job and Family Services shall permit 133405  
individuals and organizations receiving grant awards under the 133406  
Healthier Buckeye Grant Pilot Program established under Section 133407  
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 133408

those grant awards through December 31, 2017. 133409

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 133410

General Revenue Fund 133411

GRF 029321 Operating Expenses \$ 504,569 \$ 504,569 133412

TOTAL GRF General Revenue Fund \$ 504,569 \$ 504,569 133413

TOTAL ALL BUDGET FUND GROUPS \$ 504,569 \$ 504,569 133414

OPERATING GUIDANCE 133415

The Legislative Service Commission shall act as fiscal agent 133416  
for the Joint Committee on Agency Rule Review. Members of the 133417  
Committee shall be paid in accordance with section 101.35 of the 133418  
Revised Code. 133419

OPERATING EXPENSES 133420

On July 1, 2017, or as soon as possible thereafter, the 133421  
Executive Director of the Joint Committee on Agency Rule Review 133422  
may certify to the Director of Budget and Management an amount up 133423  
to the unexpended, unencumbered balance of the foregoing 133424  
appropriation item 029321, Operating Expenses, at the end of 133425  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133426  
amount certified is hereby reappropriated to the same 133427  
appropriation item for fiscal year 2018. 133428

On July 1, 2018, or as soon as possible thereafter, the 133429  
Executive Director of the Joint Committee on Agency Rule Review 133430  
may certify to the Director of Budget and Management an amount up 133431  
to the unexpended, unencumbered balance of the foregoing 133432  
appropriation item 029321, Operating Expenses, at the end of 133433  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133434  
amount certified is hereby reappropriated to the same 133435  
appropriation item for fiscal year 2019. 133436

**Section 311.10.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 133437

General Revenue Fund				133438
GRF 047321 Operating Expenses	\$	350,000	\$ 350,000	133439
TOTAL GRF General Revenue Fund	\$	350,000	\$ 350,000	133440
TOTAL ALL BUDGET FUND GROUPS	\$	350,000	\$ 350,000	133441

OPERATING EXPENSES 133442

The foregoing appropriation item 047321, Operating Expenses, 133443  
shall be used to support expenses related to the Joint Education 133444  
Oversight Committee under section 103.45 to 103.50 of the Revised 133445  
Code. 133446

On July 1, 2018, or as soon as possible thereafter, the Joint 133447  
Education Oversight Committee may certify to the Director of 133448  
Budget and Management an amount up to the unexpended, unencumbered 133449  
balance of the foregoing appropriation item 047321, Operating 133450  
Expenses, at the end of fiscal year 2018 to be reappropriated to 133451  
fiscal year 2019. The amount certified is hereby reappropriated to 133452  
the same appropriation item for fiscal year 2019. 133453

**Section 311.20.** (A) The Joint Education Oversight Committee, 133454  
established under section 103.45 of the Revised Code, shall 133455  
develop legislative recommendations for creating a joint 133456  
transportation district pilot program, under which: 133457

(1) At least two school districts may create a joint 133458  
transportation district for the purpose of sharing school 133459  
transportation services; 133460

(2) The member districts of the joint transportation district 133461  
shall adopt staggered starting and ending times for the school 133462  
day. 133463

(B) Not later than six months after the effective date of 133464  
this section, the Joint Education Oversight Committee shall submit 133465  
its recommendations to the General Assembly in accordance with 133466  
section 101.68 of the Revised Code. 133467

<b>Section 313.10.</b>	JMO JOINT MEDICAID OVERSIGHT COMMITTEE				133468	
General Revenue Fund					133469	
GRF 048321	Operating Expenses	\$	346,085	\$	510,760	133470
TOTAL GRF	General Revenue Fund	\$	346,085	\$	510,760	133471
TOTAL ALL BUDGET FUND GROUPS		\$	346,085	\$	510,760	133472
OPERATING EXPENSES						133473
The foregoing appropriation item 048321, Operating Expenses,						133474
shall be used to support expenses related to the Joint Medicaid						133475
Oversight Committee created by section 103.41 of the Revised Code.						133476
On July 1, 2017, or as soon as possible thereafter, the						133477
Executive Director of the Joint Medicaid Oversight Committee may						133478
certify to the Director of Budget and Management an amount up to						133479
the unexpended, unencumbered balance of the foregoing						133480
appropriation item 048321, Operating Expenses, at the end of						133481
fiscal year 2017 to be reappropriated to fiscal year 2018. The						133482
amount certified is hereby reappropriated to the same						133483
appropriation item for fiscal year 2018.						133484
On July 1, 2018, or as soon as possible thereafter, the						133485
Executive Director of the Joint Medicaid Oversight Committee may						133486
certify to the Director of Budget and Management an amount up to						133487
the unexpended, unencumbered balance of the foregoing						133488
appropriation item 048321, Operating Expenses, at the end of						133489
fiscal year 2018 to be reappropriated to fiscal year 2019. The						133490
amount certified is hereby reappropriated to the same						133491
appropriation item for fiscal year 2019.						133492
The Legislative Service Commission shall act as fiscal agent						133493
for the Joint Medicaid Oversight Committee.						133494
<b>Section 313.20.</b>	HEALTH COVERAGE STUDIES					133495
(A) The Joint Medicaid Oversight Committee shall enter into a						133496

contract with an entity to conduct a study to determine whether a high-risk pool is an appropriate mechanism for providing health coverage to uninsured residents of this state.

The contract shall require the entity to prepare a report of its findings from the study. Not later than one year after the effective date of this section, the entity shall submit a copy of its report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

(B)(1) The Joint Medicaid Oversight Committee shall enter into a contract with an entity to conduct a study to determine the feasibility of simultaneously implementing both of the following in this state:

(a) A plan that is similar to the Healthy Indiana Plan established under the laws of the state of Indiana;

(b) A high-risk pool that provides health coverage to uninsured residents of this state.

(2) The contract entered into under division (B)(1) of this section shall require the entity to prepare a report of its findings from the study. Not later than one year after the effective date of this section, the entity shall submit a copy of its report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

**Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO**

General Revenue Fund				133520
GRF 018321 Operating Expenses	\$	794,859	\$ 794,859	133521
TOTAL GRF General Revenue Fund	\$	794,859	\$ 794,859	133522
Dedicated Purpose Fund Group				133523
4030 018601 Ohio Jury	\$	408,282	\$ 431,346	133524
Instructions				
TOTAL DPF Dedicated Purpose Fund	\$	408,282	\$ 431,346	133525





GRF	005409	Ohio Courts	\$	3,350,000	\$	3,350,000	133553
		Technology Initiative					
TOTAL GRF		General Revenue Fund	\$	166,111,608	\$	174,504,475	133554
		Dedicated Purpose Fund Group					133555
4C80	005605	Attorney Services	\$	8,166,646	\$	8,122,279	133556
5HT0	005617	Court Interpreter	\$	8,670	\$	9,537	133557
		Certification					
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000	133558
		Program					
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	133559
6720	005601	Continuing Judicial	\$	100,000	\$	100,000	133560
		Education					
6A80	005606	Supreme Court	\$	1,457,461	\$	1,477,098	133561
		Admissions					
TOTAL DPF		Dedicated Purpose Fund	\$	10,088,777	\$	10,064,914	133562
		Group					
		Fiduciary Fund Group					133563
5JY0	005620	County Law Library	\$	357,500	\$	357,500	133564
		Resources Boards					
TOTAL FID		Fiduciary Fund Group	\$	357,500	\$	357,500	133565
		Federal Fund Group					133566
3J00	005603	Federal Grants	\$	1,705,708	\$	1,528,315	133567
TOTAL FED		Federal Fund Group	\$	1,705,708	\$	1,528,315	133568
TOTAL ALL BUDGET FUND GROUPS			\$	178,263,593	\$	186,455,204	133569

**Section 317.20. LAW-RELATED EDUCATION** 133571

The foregoing appropriation item 005406, Law-Related 133572  
Education, shall be distributed directly to the Ohio Center for 133573  
Law-Related Education for the purposes of providing continuing 133574  
citizenship education activities to primary and secondary 133575  
students, expanding delinquency prevention programs, increasing 133576  
activities for at-risk youth, and accessing additional public and 133577

private money for new programs. 133578

OHIO COURTS TECHNOLOGY INITIATIVE 133579

The foregoing appropriation item 005409, Ohio Courts 133580  
Technology Initiative, shall be used to fund an initiative by the 133581  
Supreme Court to facilitate the exchange of information and 133582  
warehousing of data by and between Ohio courts and other justice 133583  
system partners through the creation of an Ohio Courts Network, 133584  
the delivery of technology services to courts throughout the 133585  
state, including the provision of hardware, software, and the 133586  
development and implementation of educational and training 133587  
programs for judges and court personnel, and operation of the 133588  
Commission on Technology and the Courts by the Supreme Court for 133589  
the promulgation of statewide rules, policies, and uniform 133590  
standards, and to aid in the orderly adoption and comprehensive 133591  
use of technology in Ohio courts. 133592

ATTORNEY SERVICES 133593

The Attorney Services Fund (Fund 4C80) shall consist of money 133594  
received by the Supreme Court (The Judiciary) pursuant to the 133595  
Rules for the Government of the Bar of Ohio. In addition to 133596  
funding other activities considered appropriate by the Supreme 133597  
Court, the foregoing appropriation item 005605, Attorney Services, 133598  
may be used to compensate employees and to fund appropriate 133599  
activities of the following offices established by the Supreme 133600  
Court: the Office of Disciplinary Counsel, the Board of 133601  
Commissioners on Grievances and Discipline, the Clients' Security 133602  
Fund, and the Attorney Services Division. If it is determined by 133603  
the Administrative Director of the Supreme Court that additional 133604  
appropriations are necessary, the amounts are hereby appropriated. 133605

No money in Fund 4C80 shall be transferred to any other fund 133606  
by the Director of Budget and Management or the Controlling Board. 133607  
Interest earned on money in Fund 4C80 shall be credited to the 133608

fund. 133609

COURT INTERPRETER CERTIFICATION 133610

The Court Interpreter Certification Fund (Fund 5HT0) shall 133611  
consist of money received by the Supreme Court (The Judiciary) 133612  
pursuant to Rules 80 through 87 of the Rules of Superintendence 133613  
for the Courts of Ohio. The foregoing appropriation item 005617, 133614  
Court Interpreter Certification, shall be used to provide 133615  
training, to provide the written examination, and to pay language 133616  
experts to rate, or grade, the oral examinations of those applying 133617  
to become certified court interpreters. If it is determined by the 133618  
Administrative Director that additional appropriations are 133619  
necessary, the amounts are hereby appropriated. 133620

No money in Fund 5HT0 shall be transferred to any other fund 133621  
by the Director of Budget and Management or the Controlling Board. 133622  
Interest earned on money in Fund 5HT0 shall be credited to the 133623  
fund. 133624

CIVIL JUSTICE PROGRAM 133625

The Civil Justice Program Fund (Fund 5SP0) shall consist of 133626  
(1) \$50 voluntary donations made as part of the biennium attorney 133627  
registration process and (2) \$150 increase in the *pro hac vice* 133628  
fees for out-of-state attorneys pursuant to Government of the Bar 133629  
Rule amendments. The foregoing appropriation item 005626, Civil 133630  
Justice Program, shall be used by the Supreme Court of Ohio for 133631  
grants to not-for-profit organizations and agencies dedicated to 133632  
providing civil legal aid to underserved populations, to fund 133633  
innovative programs directed at this purpose, and to increase 133634  
access to judicial service to that population. 133635

No money in Fund 5SP0 shall be transferred to any other fund 133636  
by the Director of Budget and Management or the Controlling Board. 133637  
Interest earned on money in Fund 5SP0 shall be credited to the 133638  
fund. 133639

GRANTS AND AWARDS 133640

The Grants and Awards Fund (Fund 5T80) shall consist of 133641  
grants and other money awarded to the Supreme Court (The 133642  
Judiciary) by the State Justice Institute, the Division of 133643  
Criminal Justice Services, or other entities. The foregoing 133644  
appropriation item 005609, Grants and Awards, shall be used in a 133645  
manner consistent with the purpose of the grant or award. If it is 133646  
determined by the Administrative Director of the Supreme Court 133647  
that additional appropriations are necessary, the amounts are 133648  
hereby appropriated. 133649

No money in Fund 5T80 shall be transferred to any other fund 133650  
by the Director of Budget and Management or the Controlling Board. 133651  
Interest earned on money in Fund 5T80 shall be credited or 133652  
transferred to the General Revenue Fund. 133653

JUDICIARY/SUPREME COURT EDUCATION 133654

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 133655  
consist of fees paid for attending judicial and public education 133656  
on the law, reimbursement of costs for judicial and public 133657  
education on the law, and other gifts and grants received for the 133658  
purpose of judicial and public education on the law. The foregoing 133659  
appropriation item 005601, Judiciary/Supreme Court Education, 133660  
shall be used to pay expenses for judicial education courses for 133661  
judges, court personnel, and those who serve the courts, and for 133662  
public education on the law. If it is determined by the 133663  
Administrative Director of the Supreme Court that additional 133664  
appropriations are necessary, the amounts are hereby appropriated. 133665

No money in Fund 6720 shall be transferred to any other fund 133666  
by the Director of Budget and Management or the Controlling Board. 133667  
Interest earned on money in Fund 6720 shall be credited to the 133668  
fund. 133669

SUPREME COURT ADMISSIONS 133670

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARD

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

**Section 319.10. LEC LAKE ERIE COMMISSION**

Dedicated Purpose Fund Group					133717
4C00 780601 Lake Erie Protection	\$	568,000	\$	571,000	133718
TOTAL DPF Dedicated Purpose Fund Group	\$	568,000	\$	571,000	133720
TOTAL ALL BUDGET FUND GROUPS	\$	568,000	\$	571,000	133721

**CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND**

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

Fund	Fund Name	User	FY 2018	FY 2019	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	133729
6690	Pesticide,	Department of	\$25,000	\$25,000	133730

	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	133731
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	133732
	Indirect	Natural Resources			

On July 1, 2017, or as soon as possible thereafter, the 133733  
 Director of Budget and Management may transfer \$25,000 cash from a 133734  
 fund used by the Development Services Agency, as specified by the 133735  
 Director of Development Services, to Fund 4C00. 133736

On July 1, 2018, or as soon as possible thereafter, the 133737  
 Director of Budget and Management may transfer \$25,000 cash from a 133738  
 fund used by the Development Services Agency, as specified by the 133739  
 Director of Development Services, to Fund 4C00. 133740

**TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND 133741**

On July 1, 2017, or as soon as possible thereafter, the 133742  
 Director of Environmental Protection shall certify to the Director 133743  
 of Budget and Management the cash balance in the Lake Erie 133744  
 Resources Fund (Fund 5D80). The Director of Budget and Management 133745  
 may transfer the certified cash amount from Fund 5D80 to the Lake 133746  
 Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 133747  
 the Director of Budget and Management shall cancel any existing 133748  
 encumbrances against appropriation item 780602, Lake Erie 133749  
 Resources, and reestablish them against appropriation item 780601, 133750  
 Lake Erie Protection. The reestablished encumbrance amounts are 133751  
 hereby appropriated and Fund 5D80 is abolished. 133752

**Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 133753**

	General Revenue Fund				133754
GRF 028321	Legislative Ethics	\$	541,750	\$ 541,750	133755
	Committee				
TOTAL GRF	General Revenue Fund	\$	541,750	\$ 541,750	133756

Dedicated Purpose Fund Group					133757
4G70 028601 Joint Legislative	\$	150,000	\$	150,000	133758
Ethics Committee					
5HN0 028602 Investigations and	\$	10,000	\$	10,000	133759
Financial Disclosure					
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	133760
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	701,750	\$	701,750	133761
LEGISLATIVE ETHICS COMMITTEE					133762
On July 1, 2017, or as soon as possible thereafter, the					133763
Legislative Inspector General of the Joint Legislative Ethics					133764
Committee may certify to the Director of Budget and Management an					133765
amount up to the unexpended, unencumbered balance of the foregoing					133766
appropriation item 028321, Legislative Ethics Committee, at the					133767
end of fiscal year 2017 to be reappropriated to fiscal year 2018.					133768
The amount certified is hereby reappropriated to the same					133769
appropriation item for fiscal year 2018.					133770
On July 1, 2018, or as soon as possible thereafter, the					133771
Legislative Inspector General of the Joint Legislative Ethics					133772
Committee may certify to the Director of Budget and Management an					133773
amount up to the unexpended, unencumbered balance of the foregoing					133774
appropriation item 028321, Legislative Ethics Committee, at the					133775
end of fiscal year 2018 to be reappropriated to fiscal year 2019.					133776
The amount certified is hereby reappropriated to the same					133777
appropriation item for fiscal year 2019.					133778
<b>Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION</b>					133779
General Revenue Fund					133780
GRF 035321 Operating Expenses	\$	17,000,000	\$	17,000,000	133781
GRF 035402 Legislative Fellows	\$	1,070,000	\$	1,070,000	133782
GRF 035405 Correctional	\$	453,932	\$	453,932	133783



		Institution Inspection Committee				
GRF	035407	Legislative Task Force on Redistricting	\$	394,000	\$	394,000 133784
GRF	035409	National Associations	\$	475,000	\$	475,000 133785
GRF	035410	Legislative Information Systems	\$	8,569,500	\$	8,569,500 133786
GRF	035501	Litigation	\$	250,000	\$	250,000 133787
TOTAL GRF		General Revenue Fund	\$	28,212,432	\$	28,212,432 133788
		Dedicated Purpose Fund Group				133789
4100	035601	Sale of Publications	\$	10,000	\$	10,000 133790
TOTAL DPF		Dedicated Purpose Fund Group	\$	10,000	\$	10,000 133791
TOTAL ALL BUDGET FUND GROUPS			\$	28,222,432	\$	28,222,432 133792

**Section 323.20. OPERATING EXPENSES** 133794

On July 1, 2017, or as soon as possible thereafter, the 133795  
 Director of the Legislative Service Commission may certify to the 133796  
 Director of Budget and Management an amount up to the unexpended, 133797  
 unencumbered balance of the foregoing appropriation item 035321, 133798  
 Operating Expenses, at the end of fiscal year 2017 to be 133799  
 reappropriated to fiscal year 2018. The amount certified is hereby 133800  
 reappropriated to the same appropriation item for fiscal year 133801  
 2018. 133802

On July 1, 2018, or as soon as possible thereafter, the 133803  
 Director of the Legislative Service Commission may certify to the 133804  
 Director of Budget and Management an amount up to the unexpended, 133805  
 unencumbered balance of the foregoing appropriation item 035321, 133806  
 Operating Expenses, at the end of fiscal year 2018 to be 133807  
 reappropriated to fiscal year 2019. The amount certified is hereby 133808  
 reappropriated to the same appropriation item for fiscal year 133809  
 2019. 133810

LEGISLATIVE TASK FORCE ON REDISTRICTING 133811

An amount equal to the unexpended, unencumbered balance of 133812  
the foregoing appropriation item 035407, Legislative Task Force on 133813  
Redistricting, at the end of fiscal year 2017 is hereby 133814  
reappropriated to the Legislative Service Commission for the same 133815  
purpose for fiscal year 2018. 133816

An amount equal to the unexpended, unencumbered balance of 133817  
the foregoing appropriation item 035407, Legislative Task Force on 133818  
Redistricting, at the end of fiscal year 2018 is hereby 133819  
reappropriated to the Legislative Service Commission for the same 133820  
purpose for fiscal year 2019. 133821

LEGISLATIVE INFORMATION SYSTEMS 133822

On July 1, 2017, or as soon as possible thereafter, the 133823  
Director of the Legislative Service Commission may certify to the 133824  
Director of Budget and Management an amount up to the unexpended, 133825  
unencumbered balance of the foregoing appropriation item 035410, 133826  
Legislative Information Systems, at the end of fiscal year 2017 to 133827  
be reappropriated to fiscal year 2018. The amount certified is 133828  
hereby reappropriated to the same appropriation item for fiscal 133829  
year 2018. 133830

On July 1, 2018, or as soon as possible thereafter, the 133831  
Director of the Legislative Service Commission may certify to the 133832  
Director of Budget and Management an amount up to the unexpended, 133833  
unencumbered balance of the foregoing appropriation item 035410, 133834  
Legislative Information Systems, at the end of fiscal year 2018 to 133835  
be reappropriated to fiscal year 2019. The amount certified is 133836  
hereby reappropriated to the same appropriation item for fiscal 133837  
year 2019. 133838

LITIGATION 133839

The foregoing appropriation item 035501, Litigation, shall be 133840  
used for any lawsuit in which the General Assembly is a party 133841

because a legal or constitutional challenge is made against the 133842  
Ohio Constitution or an act of the General Assembly. The 133843  
chairperson and vice-chairperson of the Legislative Service 133844  
Commission shall both approve the use of the appropriated moneys. 133845

An amount equal to the unexpended, unencumbered balance of 133846  
the foregoing appropriation item 035501, Litigation, at the end of 133847  
fiscal year 2017 is hereby reappropriated to the Legislative 133848  
Service Commission for the same purpose for fiscal year 2018. 133849

An amount equal to the unexpended, unencumbered balance of 133850  
the foregoing appropriation item 035501, Litigation, at the end of 133851  
fiscal year 2018 is hereby reappropriated to the Legislative 133852  
Service Commission for the same purpose for fiscal year 2019. 133853

**Section 325.10.** LIB STATE LIBRARY BOARD 133854

General Revenue Fund 133855

GRF	350321	Operating Expenses	\$	4,500,000	\$	4,500,000	133856
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GRF	350401	Ohioana Rental	\$	120,114	\$	120,114	133857
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Payments

GRF	350502	Regional Library	\$	500,000	\$	500,000	133858
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Systems

TOTAL GRF	General Revenue Fund	\$	5,120,114	\$	5,120,114	133859
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Dedicated Purpose Fund Group 133860

4590	350603	Services for	\$	4,190,834	\$	4,190,834	133861
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Libraries

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	133862
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	133863
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TOTAL DPF	Dedicated Purpose					133864
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Fund Group	\$	11,154,816	\$	11,154,816	133865
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Internal Service Activity Fund 133866

1390	350602	Services for State	\$	8,000	\$	8,000	133867
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Agencies

TOTAL ISA Internal Service Activity				133868
Fund Group	\$	8,000	\$ 8,000	133869
Federal Fund Group				133870
3130 350601 LSTA Federal	\$	5,350,000	\$ 5,350,000	133871
TOTAL FED Federal Fund Group	\$	5,350,000	\$ 5,350,000	133872
TOTAL ALL BUDGET FUND GROUPS	\$	21,632,930	\$ 21,632,930	133873

**Section 325.20.** OHIOANA RENTAL PAYMENTS 133875

The foregoing appropriation item 350401, Ohioana Rental 133876  
Payments, shall be used to pay the rental expenses of the Martha 133877  
Kinney Cooper Ohioana Library Association under section 3375.61 of 133878  
the Revised Code. 133879

REGIONAL LIBRARY SYSTEMS 133880

The foregoing appropriation item 350502, Regional Library 133881  
Systems, shall be used to support regional library systems 133882  
eligible for funding under sections 3375.83 and 3375.90 of the 133883  
Revised Code. 133884

OHIO PUBLIC LIBRARY INFORMATION NETWORK 133885

(A) The foregoing appropriation item 350604, Ohio Public 133886  
Library Information Network, shall be used for an information 133887  
telecommunications network linking public libraries in the state 133888  
and such others as may participate in the Ohio Public Library 133889  
Information Network (OPLIN). 133890

The Ohio Public Library Information Network Board of Trustees 133891  
created under section 3375.65 of the Revised Code may make 133892  
decisions regarding use of the foregoing appropriation item 133893  
350604, Ohio Public Library Information Network. 133894

(B) The OPLIN Board shall research and assist or advise local 133895  
libraries with regard to emerging technologies and methods that 133896  
may be effective means to control access to obscene and illegal 133897

materials. The OPLIN Director shall provide written reports upon 133898  
request within ten days to the Governor, the Speaker and Minority 133899  
Leader of the House of Representatives, and the President and 133900  
Minority Leader of the Senate on any steps being taken by OPLIN 133901  
and public libraries in the state to limit and control such 133902  
improper usage as well as information on technological, legal, and 133903  
law enforcement trends nationally and internationally affecting 133904  
this area of public access and service. 133905

(C) The Ohio Public Library Information Network, INFOhio, and 133906  
OhioLINK shall, to the extent feasible, coordinate and cooperate 133907  
in their purchase or other acquisition of the use of electronic 133908  
databases for their respective users and shall contribute funds in 133909  
an equitable manner to such effort. 133910

LIBRARY FOR THE BLIND 133911

The foregoing appropriation item 350605, Library for the 133912  
Blind, shall be used for the statewide Talking Book Program to 133913  
assist the blind and disabled. 133914

TRANSFER TO OPLIN TECHNOLOGY FUND 133915

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133916  
Code and any other provision of law to the contrary, in accordance 133917  
with a schedule established by the Director of Budget and 133918  
Management, the Director of Budget and Management shall transfer 133919  
\$3,689,788 cash in each fiscal year from the Public Library Fund 133920  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 133921

TRANSFER TO LIBRARY FOR THE BLIND FUND 133922

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133923  
Code and any other provision of law to the contrary, in accordance 133924  
with a schedule established by the Director of Budget and 133925  
Management, the Director of Budget and Management shall transfer 133926  
\$1,274,194 cash in each fiscal year from the Public Library Fund 133927  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 133928

<b>Section 327.10. LCO LIQUOR CONTROL COMMISSION</b>				133929
Dedicated Purpose Fund Group				133930
5LP0 970601	Commission Operating	\$	844,553 \$	851,269 133931
	Expenses			
TOTAL DPF Dedicated Purpose Fund		\$	844,553 \$	851,269 133932
Group				
TOTAL ALL BUDGET FUND GROUPS		\$	844,553 \$	851,269 133933
 <b>Section 329.10. LOT STATE LOTTERY COMMISSION</b>				133935
State Lottery Fund Group				133936
7044 950321	Operating Expenses	\$	50,000,000 \$	50,000,000 133937
7044 950402	Advertising Contracts	\$	25,800,000 \$	25,800,000 133938
7044 950403	Gaming Contracts	\$	68,258,704 \$	68,917,884 133939
7044 950601	Direct Prize Payments	\$	142,307,278 \$	142,949,268 133940
7044 950605	Problem Gambling	\$	3,300,000 \$	3,300,000 133941
8710 950602	Annuity Prizes	\$	81,000,000 \$	81,000,000 133942
TOTAL SLF State Lottery Fund				133943
Group		\$	370,665,982 \$	371,967,152 133944
TOTAL ALL BUDGET FUND GROUPS		\$	370,665,982 \$	371,967,152 133945
 OPERATING EXPENSES				133946
Notwithstanding sections 127.14 and 131.35 of the Revised				133947
Code, the Controlling Board may, at the request of the State				133948
Lottery Commission, authorize expenditures from the State Lottery				133949
Fund in excess of the amounts appropriated, up to a maximum of 10				133950
per cent of anticipated total revenue accruing from the sale of				133951
lottery products. Upon the approval of the Controlling Board, the				133952
additional amounts are hereby appropriated.				133953
 DIRECT PRIZE PAYMENTS				133954
Any amounts, in addition to the amounts appropriated in				133955
appropriation item 950601, Direct Prize Payments, that the				133956
Director of the State Lottery Commission determines to be				133957

necessary to fund prizes are hereby appropriated. 133958

ANNUITY PRIZES 133959

Upon request of the State Lottery Commission, the Director of 133960  
Budget and Management may transfer cash from the State Lottery 133961  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 133962  
an amount sufficient to fund deferred prizes. The Treasurer of 133963  
State, from time to time, shall credit the Deferred Prizes Trust 133964  
Fund (Fund 8710) the pro rata share of interest earned by the 133965  
Treasurer of State on invested balances. 133966

Any amounts, in addition to the amounts appropriated in 133967  
appropriation item 950602, Annuity Prizes, that the Director of 133968  
the State Lottery Commission determines to be necessary to fund 133969  
deferred prizes and interest earnings are hereby appropriated. 133970

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 133971

Estimated transfers from the State Lottery Fund (Fund 7044) 133972  
to the Lottery Profits Education Fund (Fund 7017) are to be 133973  
\$1,092,060,000 in fiscal year 2018 and \$1,117,660,000 in fiscal 133974  
year 2019. In fiscal year 2018, the Director of Budget and 133975  
Management shall transfer not less than twenty-six and one-half 133976  
per cent of total revenue accruing from the sale of traditional 133977  
lottery tickets from the State Lottery Fund (Fund 7044) to the 133978  
Lottery Profits Education Fund (Fund 7017). In fiscal year 2019, 133979  
the Director of Budget and Management shall transfer not less than 133980  
twenty-seven per cent of total revenue accruing from the sale of 133981  
traditional lottery tickets from the State Lottery Fund (Fund 133982  
7044) to the Lottery Profits Education Fund (Fund 7017). Transfers 133983  
by the Director of Budget and Management to the Lottery Profits 133984  
Education Fund shall be administered as the statutes direct. 133985

**Section 331.10.** MHC MANUFACTURED HOMES COMMISSION 133986

Dedicated Purpose Fund Group 133987

4K90	996609	Operating Expenses	\$	135,000	\$	135,000	133988
5MC0	996610	Manufactured Homes	\$	315,000	\$	315,000	133989
		Regulation					
TOTAL DPF		Dedicated Purpose Fund	\$	450,000	\$	450,000	133990
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	450,000	\$	450,000	133991

**Section 333.10. MCD DEPARTMENT OF MEDICAID** 133993

		General Revenue Fund					133994
GRF	651425	Medicaid Program	\$	189,312,968	\$	205,754,197	133995
		Support - State					
GRF	651525	Medicaid Health Care					133996
		Services					
		State	\$	3,810,129,706	\$	3,881,584,294	133997
		Federal	\$	9,013,875,845	\$	9,118,223,313	133998
		Medicaid Health Care	\$	2,824,005,551	\$	2,999,807,607	133999
		Services Total					
GRF	651526	Medicare Part D	\$	440,611,628	\$	479,694,803	134000
TOTAL GRF		General Revenue Fund					134001
		State	\$	4,440,054,302	\$	4,567,033,294	134002
		Federal	\$	9,013,875,845	\$	9,118,223,313	134003
		GRF Total	\$	13,453,930,147	\$	13,685,256,607	134004
		Dedicated Purpose Fund Group					134005
4E30	651605	Resident Protection	\$	4,878,000	\$	4,878,000	134006
		Fund					
5AJ0	651631	Money Follows the	\$	12,760,900	\$	12,373,500	134007
		Person					
5DL0	651639	Medicaid Services -	\$	774,381,570	\$	722,709,203	134008
		Recoveries					
5DL0	651685	Medicaid Recoveries -	\$	36,146,571	\$	41,328,516	134009
		Program Support					
5FX0	651638	Medicaid Services -	\$	12,000,000	\$	12,000,000	134010



		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	619,104,791	\$	647,635,236	134011
		Hospital Upper					
		Payment Limit					
5KC0	651682	Health Care Grants -	\$	5,000,000	\$	5,000,000	134012
		State					
5R20	651608	Medicaid Services -	\$	405,666,000	\$	405,666,000	134013
		Long Term					
5SC0	651683	Medicaid Services -	\$	15,000,000	\$	15,000,000	134014
		Physician UPL					
5TN0	651684	Medicaid Services -	\$	593,195,389	\$	660,893,005	134015
		HIC Fee					
6510	651649	Medicaid Services -	\$	238,057,429	\$	199,250,372	134016
		Hospital Care					
		Assurance Program					
TOTAL DPF		Dedicated Purpose Fund	\$	2,716,190,650	\$	2,726,733,832	134017
		Group					
		Holding Account Fund Group					134018
R055	651644	Refunds and	\$	1,000,000	\$	1,000,000	134019
		Reconciliations					
TOTAL HLD		Holding Account Fund	\$	1,000,000	\$	1,000,000	134020
		Group					
		Federal Fund Group					134021
3ER0	651603	Medicaid Health and	\$	61,896,000	\$	61,896,000	134022
		Transformation					
		Technology					
3F00	651623	Medicaid Services -	\$	2,390,806,106	\$	2,577,826,559	134023
		Federal					
3F00	651624	Medicaid Program	\$	610,000,000	\$	685,000,000	134024
		Support - Federal					
3FA0	651680	Health Care Grants -	\$	38,658,704	\$	38,664,967	134025
		Federal					

3G50 651655	Medicaid Interagency	\$ 125,651,597	\$ 125,701,597	134026
	Pass Through			
TOTAL FED	Federal Fund Group	\$ 3,227,012,407	\$ 3,489,089,123	134027
TOTAL ALL BUDGET	FUND GROUPS	\$19,398,133,204	\$19,902,079,562	134028

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 134030

(A) Until July 1, 2019, the Medicaid Director has the 134031  
authority to establish, change, and abolish positions for the 134032  
Department of Medicaid, and to assign, reassign, classify, 134033  
reclassify, transfer, reduce, promote, or demote all employees of 134034  
the Department of Medicaid who are not subject to Chapter 4117. of 134035  
the Revised Code. 134036

(B) The authority granted under division (A) of this section 134037  
includes assigning or reassigning an exempt employee, as defined 134038  
in section 124.152 of the Revised Code, to a bargaining unit 134039  
classification if the Medicaid Director determines that the 134040  
bargaining unit classification is the proper classification for 134041  
that employee. The actions of the Medicaid Director shall be 134042  
consistent with the requirements of 5 C.F.R. 900.603 for those 134043  
employees subject to such requirements. If an employee in the E-1 134044  
pay range is to be assigned, reassigned, classified, reclassified, 134045  
transferred, reduced, or demoted to a position in a lower 134046  
classification under this section, the Medicaid Director, or in 134047  
the case of a transfer outside the Department of Medicaid, the 134048  
Director of Administrative Services, shall assign the employee to 134049  
the appropriate classification and place the employee in Step X. 134050  
The employee shall not receive any increase in compensation until 134051  
the maximum rate of pay for that classification exceeds the 134052  
employee's compensation. 134053

(C) Actions taken by the Medicaid Director and Director of 134054  
Administrative Services pursuant to this section are not subject 134055  
to appeal to the State Personnel Board of Review. 134056

(D) A portion of the foregoing appropriation items 651425, 134057  
Medicaid Program Support - State, 651603, Medicaid Health and 134058  
Transformation Technology, 651624, Medicaid Program Support - 134059  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 134060  
Interagency Pass-Through, 651605, Resident Protection Fund, 134061  
651631, Money Follows the Person, 651682, Health Care Grants - 134062  
State, and 651654, Medicaid Program Support, may be used to pay 134063  
for costs associated with the administration of the Medicaid 134064  
program, including the assignment, reassignment, classification, 134065  
reclassification, transfer, reduction, promotion, or demotion of 134066  
employees authorized by this section. 134067

**Section 333.30.** For fiscal years 2018 and 2019, the Director 134068  
of Budget and Management may transfer appropriation between 134069  
appropriation item 651425, Medicaid Program Support - State, and 134070  
appropriation item 655425, Medicaid Program Support. Any 134071  
appropriation so transferred shall be used to resolve funding 134072  
issues resulting from the transfer of medical assistance programs 134073  
from the Department of Job and Family Services to the Department 134074  
of Medicaid. 134075

**Section 333.33.** CASH TRANSFERS TO THE HEALTH AND HUMAN 134076  
SERVICES FUND 134077

On July 1, 2017, or as soon as possible thereafter, the 134078  
Director of Budget and Management shall transfer \$57,885,768 cash 134079  
from the General Revenue Fund to the Health and Human Services 134080  
Fund. 134081

Upon Controlling Board authorization of expenditures under 134082  
division (B) of the section of this act titled "HEALTH AND HUMAN 134083  
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 134084  
Budget and Management may transfer up to \$26,309,868 cash from the 134085  
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 134086

cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 134087  
Health and Human Services Fund. 134088

On July 1, 2018, or as soon as possible thereafter, the 134089  
Director of Budget and Management shall transfer \$68,661,704 cash 134090  
from the General Revenue Fund to the Health and Human Services 134091  
Fund. 134092

Upon Controlling Board authorization of expenditures under 134093  
division (B) of the section of this act titled "HEALTH AND HUMAN 134094  
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 134095  
Budget and Management may transfer up to \$34,667,668 cash from the 134096  
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 134097  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 134098  
Health and Human Services Fund. 134099

**Section 333.34.** HEALTH AND HUMAN SERVICES FUND CONTINUED 134100

(A) The Health and Human Services Fund created under Section 134101  
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 134102  
continue to exist during the 2018-2019 fiscal biennium. 134103

(B) Not more than once every six months during the 2018-2019 134104  
fiscal biennium, the Medicaid Director may request the Controlling 134105  
Board to authorize expenditure from the Health and Human Services 134106  
Fund in an amount necessary to pay for the costs of the Medicaid 134107  
program. The amount per request may not exceed the amount of such 134108  
costs for six months. The Controlling Board may authorize the 134109  
expenditure if both of the following requirements are met: 134110

(1) The United States Congress has not amended on or after 134111  
the effective date of this section the federal law governing the 134112  
federal medical assistance percentage in a manner that reduces the 134113  
percentage. 134114

(2) The Controlling Board is satisfied with both of the 134115  
following: 134116

(a) Any changes, other than a change described in division	134117
(B)(1) of this section, made on or after the effective date of	134118
this section by the United States Congress to federal law	134119
governing health and human services issues;	134120
(b) The progress made by the executive branch of the	134121
government of this state in all of the following:	134122
(i) Obtaining an innovative waiver regarding health insurance	134123
coverage in this state as required by section 3901.052 of the	134124
Revised Code and subsequently implementing the waiver;	134125
(ii) Obtaining a federal Medicaid waiver for the Healthy Ohio	134126
Program established under section 5166.40 of the Revised Code and	134127
subsequently implementing the Program;	134128
(iii) Enforcing state law that requires health care providers	134129
to give cost estimates to patients before rendering health care	134130
services to the patients.	134131
<b>Section 333.40. MEDICAID HEALTH CARE SERVICES</b>	134132
The foregoing appropriation item 651525, Medicaid Health Care	134133
Services, shall not be limited by section 131.33 of the Revised	134134
Code.	134135
<b>Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM</b>	134136
At the beginning of each quarter, or as soon as possible	134137
thereafter, the Medicaid Director shall certify to the Director of	134138
Budget and Management the amount withheld in accordance with	134139
section 5167.30 of the Revised Code for purposes of the Managed	134140
Care Performance Payment Program.	134141
<b>Section 333.53. MEDICAID MANAGED CARE QUALITY PAYMENT FUND</b>	134142
There is hereby created in the state treasury the Medicaid	134143
Managed Care Quality Payment Fund. The Department of Medicaid	134144

shall use money in the fund only to make performance payments 134145  
under the Managed Care Performance Payment Program established 134146  
under section 5167.30 of the Revised Code to Medicaid managed care 134147  
organizations that meet the program's performance standards and 134148  
only if the unencumbered balance of the Managed Care Performance 134149  
Payment Fund created under section 5162.60 is zero at the time 134150  
such a performance payment is to be made. 134151

The Medicaid Managed Care Quality Payment Fund shall be 134152  
abolished July 1, 2019. When the fund is abolished, the Director 134153  
of Budget and Management may transfer the fund's unencumbered 134154  
balance to the General Revenue Fund or Budget Stabilization Fund. 134155

On July 1, 2017, or as soon as possible thereafter, the 134156  
Director of Budget and Management shall transfer \$20,000,000 cash 134157  
from the General Revenue Fund to the Medicaid Managed Care Quality 134158  
Payment Fund (Fund 5TX0). On July 1, 2018, or as soon as possible 134159  
thereafter, the Director of Budget and Management shall transfer 134160  
\$20,000,000 cash from the General Revenue Fund to Fund 5TX0. 134161

If the amount of quality payments earned by Medicaid managed 134162  
care organizations under section 5167.30 of the Revised Code 134163  
exceed \$103,500,000 in fiscal year 2018, and \$103,900,000 in 134164  
fiscal year 2019, the Medicaid Director may certify to the 134165  
Director of Budget and Management the amount of quality payments 134166  
earned that exceed this amount. Upon receipt of this 134167  
certification, the Director of Budget and Management shall 134168  
transfer the amount certified from the Medicaid Managed Care 134169  
Quality Payment Fund (Fund 5TX0) to the General Revenue Fund. The 134170  
amount certified, and its corresponding federal share, is hereby 134171  
appropriated to appropriation item 651525, Medicaid/Health Care 134172  
Services. 134173

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 134174  
CARE 134175

(A) As used in this section:	134176
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	134177 134178
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	134179 134180
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	134181 134182
(B) For fiscal year 2018 and fiscal year 2019, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	134183 134184 134185 134186
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	134187 134188 134189 134190
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	134191 134192 134193 134194
(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.	134195 134196 134197
(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.	134198 134199 134200 134201 134202 134203 134204
(2) Each Medicaid managed care organization shall agree to	134205

the withholding as a condition of receiving or maintaining its 134206  
Medicaid provider agreement with the Department. 134207

(3) When the amount is established and each time the amount 134208  
is modified thereafter, the Department shall certify the amount to 134209  
the Director of Budget and Management and begin withholding the 134210  
amount from each premium the Department pays to a Medicaid managed 134211  
care organization for an ICDS participant. 134212

(E) A Medicaid managed care organization subject to this 134213  
section is not subject to section 5167.30 of the Revised Code for 134214  
premium payments attributed to ICDS participants during fiscal 134215  
year 2018 and fiscal year 2019. 134216

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM** 134217

The Director of Budget and Management may authorize 134218  
additional expenditures from appropriation item 651623, Medicaid 134219  
Services - Federal, appropriation item 651525, Medicaid Health 134220  
Care Services, and appropriation item 651656, Medicaid Services - 134221  
Hospital/UPL, in order to implement the programs authorized by 134222  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 134223  
authorized are hereby appropriated. 134224

**Section 333.80. MEDICARE PART D** 134225

The foregoing appropriation item 651526, Medicare Part D, may 134226  
be used by the Department of Medicaid for the implementation and 134227  
operation of the Medicare Part D requirements contained in the 134228  
"Medicare Prescription Drug, Improvement, and Modernization Act of 134229  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 134230  
Department of Medicaid, the Director of Budget and Management may 134231  
transfer the state share of appropriations between appropriation 134232  
item 651525, Medicaid Health Care Services, and appropriation item 134233  
651526, Medicare Part D. If the state share of appropriation item 134234  
651525, Medicaid Health Care Services, is adjusted, the Director 134235



of Budget and Management shall adjust the federal share 134236  
accordingly. The Department of Medicaid shall provide notification 134237  
to the Controlling Board of any transfers at the next scheduled 134238  
Controlling Board meeting. 134239

**Section 333.90.** HEALTH CARE SERVICES SUPPORT AND RECOVERIES 134240  
FUND 134241

Of the amount received by the Department of Medicaid during 134242  
fiscal year 2018 and fiscal year 2019 from the first installment 134243  
of assessments paid under section 5168.06 of the Revised Code and 134244  
intergovernmental transfers made under section 5168.07 of the 134245  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 134246  
fiscal year into the state treasury to the credit of the Health 134247  
Care Services Support and Recoveries Fund (Fund 5DL0). 134248

**Section 333.100.** HOSPITAL CARE ASSURANCE MATCH 134249

If receipts credited to the Health Care Federal Fund (Fund 134250  
3F00) exceed the amounts appropriated from the fund for making the 134251  
hospital care assurance program distribution, the Medicaid 134252  
Director may request the Director of Budget and Management to 134253  
authorize expenditures from the fund in excess of the amounts 134254  
appropriated. Upon the approval of the Director of Budget and 134255  
Management, the additional amounts are hereby appropriated. 134256

The foregoing appropriation item 651649, Medicaid Services - 134257  
Health Care Assurance Program, shall be used by the Department of 134258  
Medicaid for distributing the state share of all hospital care 134259  
assurance program funds to hospitals under section 5168.09 of the 134260  
Revised Code. If receipts credited to the Hospital Care Assurance 134261  
Program Fund (Fund 6510) exceed the amounts appropriated from the 134262  
fund for making the hospital care assurance program distribution, 134263  
the Medicaid Director may request the Director of Budget and 134264  
Management to authorize expenditures from the fund in excess of 134265

the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.110. REFUNDS AND RECONCILIATION FUND**

If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH**

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION**

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation line 651525, Medicaid Health

Care Services, within the Department of Medicaid, and the Medicaid 134295  
Program Support Fund (3F01) appropriation line 655624, Medicaid 134296  
Program Support - Federal, within the Department of Job and Family 134297  
Services. The Director of Medicaid shall transmit to the Medicaid 134298  
Program Support Fund (3F01) the federal funds which the Department 134299  
of Medicaid, as the state's sole point of contact with the federal 134300  
government for Medicaid reimbursements, has drawn for this 134301  
transaction. 134302

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 134303**  
SYSTEM IMPLEMENTATION 134304

Upon the request of the Medicaid Director, the Director of 134305  
Budget and Management may transfer up to \$5,000,000 of state share 134306  
appropriations in each fiscal year between General Revenue Fund 134307  
appropriation item 651525, Medicaid Health Care Services, within 134308  
the Department of Medicaid, and 655522, Medicaid Program Support - 134309  
Local, within the Department of Job and Family Services. If such a 134310  
transfer occurs, the Director of Budget and Management shall 134311  
adjust, using the federal reimbursement rate, the federal share 134312  
appropriations of General Revenue Fund appropriation item 651525, 134313  
Medicaid Health Care Services, within the Department of Medicaid, 134314  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 134315  
item 655624, Medicaid Program Support - Federal, within the 134316  
Department of Job and Family Services. The Director of Medicaid 134317  
shall transmit to the Medicaid Program Support Fund (3F01) the 134318  
federal funds which the Department of Medicaid, as the state's 134319  
sole point of contact with the federal government for Medicaid 134320  
reimbursements, has drawn for this transaction. 134321

Any increase in funding shall be provided to county 134322  
departments of job and family services and shall only be used for 134323  
costs related to transitioning to a new public assistance 134324  
eligibility determination system. These funds shall not be used 134325

for existing and ongoing operating expenses. The Medicaid Director 134326  
shall establish criteria for distributing these funds and for 134327  
county departments of job and family services to submit allowable 134328  
expenses. 134329

County departments of job and family services shall comply 134330  
with new roles, processes, and responsibilities related to the new 134331  
eligibility determination system. County departments of job and 134332  
family services shall report to the Ohio Department of Job and 134333  
Family Services and the Ohio Department of Medicaid, on a schedule 134334  
determined by the Medicaid Director, how the funds were used. 134335

**Section 333.150. MEDICAID PROGRAM SUPPORT -LOCAL** 134336  
TRANSPORTATION 134337

If the Department of Job and Family Services continues to 134338  
administer the Medicaid transportation program in fiscal year 134339  
2019, upon request of the Director of Job and Family Services, the 134340  
Director of Budget and Management may transfer up to \$45,100,000 134341  
in appropriation from appropriation item 651525, Medicaid Health 134342  
Care Services, to appropriation item 655523, Medicaid Program 134343  
Support-Local Transportation. Any appropriation so transferred 134344  
shall be used by the Department of Job and Family Services to 134345  
continue to administer the Medicaid transportation program. 134346

**Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 134347

For the period beginning July 1, 2017, and ending on the 134348  
effective date of the enactment by this act of section 5164.10 of 134349  
the Revised Code, the Medicaid program may continue to cover state 134350  
plan home and community-based services in the same manner that it 134351  
covered the services during fiscal year 2016 and fiscal year 2017 134352  
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 134353  
Assembly. Beginning with the effective date of the enactment by 134354  
this act of section 5164.10 of the Revised Code, the Medicaid 134355

program may cover state plan home and community-based services in 134356  
accordance with that section. 134357

**Section 333.163.** PAYMENT RATES FOR PERSONAL CARE AIDE 134358  
SERVICES UNDER THE OHIO HOME CARE PROGRAM AND STATE PLAN HCBS 134359

(A) As used in this section: 134360

(1) "Ohio Home Care program" has the same meaning as in 134361  
section 5166.11 of the Revised Code. 134362

(2) "State plan home and community-based services" has the 134363  
same meaning as in section 5164.01 of the Revised Code. 134364

(B) Both of the following apply to the Medicaid payment rates 134365  
for personal care aide services provided under the Ohio Home Care 134366  
program or as part of state plan home and community-based services 134367  
during the period beginning July 1, 2017, and ending June 30, 134368  
2019: 134369

(1) The rates shall not be restructured. 134370

(2) The rates shall not exceed the Medicaid payment rates for 134371  
those services in effect on June 30, 2017. 134372

**Section 333.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON 134373  
NURSING FACILITY PAYMENTS 134374

(A) As used in this section: 134375

(1) "Consulting organizations" means all of the following 134376  
organizations: 134377

(a) LeadingAge Ohio; 134378

(b) The Academy of Senior Health Sciences; 134379

(c) The Ohio Health Care Association. 134380

(2) "Integrated care delivery system" has the same meaning as 134381  
in section 5164.01 of the Revised Code. 134382

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 134383  
134384

(4) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 134385  
134386

(B) The total amount of payments made by the Department of Medicaid under the fee-for-service component of the Medicaid program in accordance with Chapter 5165. of the Revised Code, and by Medicaid managed care organizations under the Integrated Care Delivery System, for nursing facility services provided during fiscal year 2018 and fiscal year 2019 shall not exceed the following: 134387  
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134389  
134390  
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134393

(1) For fiscal year 2018, \$2,659,167,368; 134394

(2) For fiscal year 2019, \$2,664,485,703. 134395

(C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following: 134396  
134397

(a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019; 134398  
134399  
134400  
134401

(b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018 and fiscal year 2019, project whether the total amount of payments to be made for the fiscal year will exceed the applicable amount specified in division (B) of this section; 134402  
134403  
134404  
134405  
134406

(c) If the total amount of payments to be made for fiscal year 2018 or fiscal year 2019 is projected under division (C)(1)(b) of this section to exceed the applicable amount specified in division (B) of this section, determine the percentage by which each nursing facility's rate under the fee-for-service component of the Medicaid program and the 134407  
134408  
134409  
134410  
134411  
134412

Integrated Care Delivery System needs to be reduced for the 134413  
immediately following calendar quarter to ensure that the total 134414  
amount of the payments to be made for the fiscal year will equal 134415  
the applicable amount specified in division (B) of this section. 134416

(2) For the purpose of division (C)(1)(a) of this section, 134417  
the Department shall provide to the consulting organizations data 134418  
about the payments on a monthly basis. 134419

(D) If a rate reduction is needed to ensure that the total 134420  
amount of payments made under the fee-for-service component of the 134421  
Medicaid program and the Integrated Care Delivery System for 134422  
nursing facility services provided during fiscal year 2018 or 134423  
fiscal year 2019 equals the applicable amount specified in 134424  
division (B) of this section, each nursing facility's rate shall 134425  
be reduced by the percentage determined under division (C)(1)(c) 134426  
of this section. The reduction shall take effect on the first day 134427  
of the immediately following calendar quarter. The Department 134428  
shall notify the consulting organizations of the percentage 134429  
reduction at least thirty days before it is to take effect. 134430

**Section 333.180. MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL** 134431  
**PROVIDERS** 134432

Notwithstanding section 5164.70 of the Revised Code as in 134433  
effect on June 30, 2017, the Department of Medicaid may establish 134434  
Medicaid payment rates for services provided by a Medicaid 134435  
provider, other than a hospital, nursing facility, or intermediate 134436  
care facility for individuals with intellectual disabilities, that 134437  
may exceed the authorized payment limits for the same service 134438  
under the Medicare Program. Such rates may take effect for dates 134439  
of service on or after July 1, 2017. A portion of the foregoing 134440  
appropriation items 651525, Medicaid/Health Care Services, 651603, 134441  
Medicaid Health Information Technology, 651623, Medicaid Services 134442  
- Federal, 651624, Medicaid Program Support - Federal, 651680, 134443

Health Care Grants - Federal, and 651682, Health Care Grants - 134444  
State, may be used to pay for Medicaid services and costs 134445  
associated with the administration of the Medicaid Program, 134446  
including the establishment and payment of rates in accordance 134447  
with this section. 134448

**Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT** 134449  
**ENROLLEES** 134450

(A) As used in this section: 134451

(1) "Helping Ohioans Move, Expanding Choice program" means 134452  
the component of the Medicaid program authorized by section 134453  
5164.90 of the Revised Code. 134454

(2) "Home and community-based Medicaid waiver component" has 134455  
the same meaning as in section 5166.01 of the Revised Code. 134456

(3) "Ohio Access Success Project" means the program 134457  
established under section 5166.35 of the Revised Code. 134458

(B) Before January 1, 2019, the Department of Medicaid shall 134459  
transfer all Medicaid recipients who are enrolled in the Ohio 134460  
Access Success Project to the following: 134461

(1) Except as provided in division (B)(2) of this section, 134462  
the Helping Ohioans Move, Expanding Choice program; 134463

(2) If the Helping Ohioans Move, Expanding Choice program is 134464  
integrated into a home and community-based services Medicaid 134465  
waiver component, the same or another home and community-based 134466  
services Medicaid waiver component. 134467

**Section 333.220. PATIENT-CENTERED MEDICAL HOME PROGRAM** 134468

The Department of Medicaid's patient-centered medical home 134469  
program, also known as the Comprehensive Primary Care Program, is 134470  
hereby abolished. 134471



Section 333.230. NURSING FACILITY BED CONVERSION PILOT	134472
PROGRAM	134473
(A) As used in this section:	134474
(1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	134475 134476
(2) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code.	134477 134478
(B) The Department of Medicaid shall operate a pilot program during fiscal years 2018 and 2019 under which the owners of nursing facilities located in Cuyahoga County may voluntarily cease to use one or more of the nursing facilities' beds for nursing facility services and instead begin to use those beds for substance use disorder treatment services. To so convert the use of a bed, all of the following requirements must be met:	134479 134480 134481 134482 134483 134484 134485
(1) The bed so converted cannot be occupied by an individual receiving nursing facility services or be needed for an individual seeking such services;	134486 134487 134488
(2) The Department of Health must do the following:	134489
(a) If other beds in the nursing facility will continue to be used for nursing facility services after the bed is converted, reduce the nursing facility's Medicaid certified capacity and the corresponding nursing home licensed capacity by the bed being converted;	134490 134491 134492 134493 134494
(b) If no beds in the nursing facility will continue to be used for nursing facility services after the bed is converted, terminate the nursing facility's Medicaid certification and nursing home license.	134495 134496 134497 134498
(3) The substance use disorder treatment services for which the bed is to be used must satisfy the applicable standards for certification under section 5119.36 of the Revised Code and, if	134499 134500 134501

the owner of the bed seeks state or federal funds or funds 134502  
administered by a board of alcohol, drug addiction, and mental 134503  
health services to pay for the services, be certified under that 134504  
section. 134505

(C) The Department of Health and Department of Mental Health 134506  
and Addiction Services shall assist the Department of Medicaid 134507  
with the operation of the pilot program. 134508

(D) Not later than October 1, 2019, the Department of 134509  
Medicaid shall complete a report about the pilot program. The 134510  
report shall include the Department's recommendations about making 134511  
the pilot program a permanent and statewide program. The 134512  
Department shall submit the report to the Governor, General 134513  
Assembly, and Joint Medicaid Oversight Committee. The copy to the 134514  
General Assembly shall be submitted in accordance with section 134515  
101.68 of the Revised Code. The Department also shall make the 134516  
report available to the public. 134517

**Section 333.240. PAYMENT RATES FOR HOSPITAL SERVICES** 134518

(A) The Medicaid payment rate for a hospital service provided 134519  
during the period beginning July 1, 2017, and ending June 30, 134520  
2019, shall equal the rate that was in effect for the same type of 134521  
hospital service on January 1, 2017, except as provided in 134522  
division (B) of this section and for any change in that rate that 134523  
occurs as a result of any rebasing or recalibration of hospital 134524  
payment rates by the Department of Medicaid on July 1, 2017. 134525

(B) If the Department of Medicaid determines at any time 134526  
after January 1, 2018, that the total amount projected for making 134527  
Medicaid payments for hospital services in accordance with 134528  
division (A) of this section could exceed \$6,900,000,000 in fiscal 134529  
year 2018 or \$6,900,000,000 in fiscal year 2019, the Department 134530  
shall reduce the Medicaid payment rates for hospital services as 134531  
necessary to remain within those limitations for each fiscal year. 134532

<b>Section 333.260. BEHAVIORAL HEALTH REDESIGN</b>	134533
(A) As used in this section:	134534
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	134535 134536
(2) "Community behavioral health services" means both of the following:	134537 134538
(a) Alcohol and drug addiction services provided by a community addiction services provider;	134539 134540
(b) Mental health services provided by a community mental health services provider.	134541 134542
(3) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code.	134543 134544
(B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before January 1, 2018:	134545 134546 134547
(1) Aligning billing codes for the services to national standards;	134548 134549
(2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services;	134550 134551 134552
(3) Separating and repricing the services and providing for lower acuity service coordination and support services;	134553 134554
(4) Requiring practitioners who are employed by a community addiction services provider or community mental health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid claims for the services;	134555 134556 134557 134558
(5) Requiring community addiction services providers and community mental health services providers to submit claims for the services to a third party responsible for some or all of the	134559 134560 134561

costs of the services before the providers submit Medicaid claims 134562  
for the services. 134563

**Section 333.270. STUDY COMMITTEE REGARDING MEDICAID MANAGED 134564**  
CARE 134565

(A) There is hereby established the Medicaid Managed Care 134566  
Long-Term Services and Supports Study Committee. The study 134567  
committee shall examine the merits of including in the care 134568  
management system established under section 5167.03 of the Revised 134569  
Code home and community-based services available under Medicaid 134570  
waiver components and nursing facility services. All of the 134571  
following shall serve as members of the study committee: 134572

(1) The chairperson of the Finance Subcommittee on Health and 134573  
Human Services of the House of Representatives; 134574

(2) The chairperson of the Aging and Long-Term Care Committee 134575  
of the House of Representatives; 134576

(3) The chairperson of the Finance - Health and Medicaid 134577  
Subcommittee of the Senate; 134578

(4) The chairperson of the Health, Human Services, and 134579  
Medicaid Committee of the Senate; 134580

(5) The Executive Director of the Office of Health 134581  
Transformation or the Executive Director's designee; 134582

(6) The Medicaid Director or the Director's designee; 134583

(7) The Director of Aging or the Director's designee; 134584

(8) The Director of Health or the Director's designee; 134585

(9) The State Long-Term Care Ombudsman or the Ombudsman's 134586  
designee; 134587

(10) One representative of each of the following 134588  
organizations, as appointed by the chief executive of the 134589  
organization: 134590

(a) Leadingage Ohio;	134591
(b) The Academy of Senior Health Sciences;	134592
(c) The Ohio Aging Advocacy Coalition;	134593
(d) The Ohio Assisted Living Association;	134594
(e) The Ohio Association of Health Plans;	134595
(f) The Ohio Association of Area Agencies on Aging;	134596
(g) The Ohio Council for Home Care and Hospice;	134597
(h) The Ohio Health Care Association;	134598
(i) The Ohio Olmstead Task Force;	134599
(j) The Universal Health Care Action Network Ohio;	134600
(k) AARP Ohio.	134601
(B) Appointments to the study committee shall be made not	134602
later than thirty days after the effective date of this section.	134603
Members of the study committee shall serve without compensation or	134604
reimbursement, except to the extent that serving on the study	134605
committee is part of their usual job duties.	134606
(C) The Speaker of the House of Representatives shall appoint	134607
one of the members described in divisions (A)(1) and (2) of this	134608
section as the study committee's co-chairperson and the President	134609
of the Senate shall appoint one of the members described in	134610
divisions (A)(3) and(4) of this section as the committee's	134611
co-chairperson. The Department of Medicaid shall provide the study	134612
committee any administrative assistance the study committee needs.	134613
(D) In conducting the examination required by division (A) of	134614
this section, the study committee shall do all of the following:	134615
(1) Consider available information about the home and	134616
community-based services Medicaid waiver component created as part	134617
of the Integrated Care Delivery System pursuant to section 5166.16	134618
of the Revised Code and the Medicaid program's coverage of nursing	134619

facility services, including all of the following:	134620
(a) Information contained in reports required by section 5162.134 of the Revised Code;	134621 134622
(b) Information contained in any evaluations of the Integrated Care Delivery System completed by entities under contract with the United States Department of Health and Human Services;	134623 134624 134625 134626
(c) Other available information the study committee determines to be appropriate.	134627 134628
(2) Estimate the costs that the state, Medicaid managed care organizations, providers, and Medicaid recipients would incur;	134629 134630
(3) Address any redundancies in rules governing home and community-based services available under Medicaid waiver components and nursing facility services and the terms and conditions of contracts with Medicaid managed care organizations;	134631 134632 134633 134634
(4) Estimate the projected benefits that Medicaid recipients would realize, including benefits that would result from changes to any of the following:	134635 134636 134637
(a) Health care services available to, or utilized by, the recipients;	134638 134639
(b) The recipients' health outcomes;	134640
(c) Other quality indicators.	134641
(5) Consider policies and procedures that are intended to promote efficient implementation and administration of including the services in the care management system;	134642 134643 134644
(6) Recommend systems that can be used in either Medicaid managed care long-term care services and supports or fee-for-services Medicaid to reward providers of long-term care services and supports that meet specified quality measures.	134645 134646 134647 134648

(E) The study committee shall complete a report not later than June 30, 2020. The report shall include the study committee's recommendations regarding costs, benefits, and policies. The report shall be submitted to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(F) On submission of its report, the study committee shall cease to exist.

(G) Section 809.10 of this act does not apply to this section.

**Section 333.280.** GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID

It is the intent of the General Assembly to use the Healthy Ohio Program, as defined in section 5166.40 of the Revised Code, as a model for making medical assistance available to the state's qualifying residents if the United States Congress transforms the Medicaid program into a federal block grant.

**Section 333.290.** COLUMBUS, OHIO MEDICAID PILOT PROGRAM

(A) During fiscal year 2018, the Department of Medicaid shall operate a pilot program in Columbus, Ohio, under which the Department contracts with an entity to establish a software program that a Medicaid recipient residing in Columbus, Ohio, without charge to the recipient, may install on a portable electronic device for the following purposes:

(1) To remind the recipient of an appointment with a Medicaid provider;

(2) To help the recipient, through the use of geolocation, obtain transportation to the appointment as follows:

(a) By locating available public transportation that is not more than a five-minute walk from the recipient's location; 134678  
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(b) If no available public transportation is so identified, 134680  
by arranging an available rideshare service. 134681

(B) The Department shall make the software program available 134682  
without charge to Medicaid providers that are located in Columbus, 134683  
Ohio, and request it. A Medicaid provider may explain to Medicaid 134684  
recipients residing in Columbus, Ohio, what the program does and 134685  
how it is operated and, on request, help the recipient install the 134686  
program on a portable electronic device. 134687

**Section 335.10. MED STATE MEDICAL BOARD** 134688

Dedicated Purpose Fund Group					134689
5C60 883609 Operating Expenses	\$	10,163,504	\$	11,064,757	134690
TOTAL DPF Dedicated Purpose Fund Group	\$	10,163,504	\$	11,064,757	134691
TOTAL ALL BUDGET FUND GROUPS	\$	10,163,504	\$	11,064,757	134692

**Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 134694

SERVICES					134695
General Revenue Fund					134696
GRF 336321 Central Administration	\$	14,823,353	\$	14,823,353	134697
GRF 336402 Resident Trainees	\$	450,000	\$	450,000	134698
GRF 336405 Family and Children First	\$	1,386,000	\$	1,386,000	134699
GRF 336406 Prevention and Wellness	\$	3,368,659	\$	3,368,659	134700
GRF 336412 Hospital Services	\$	219,206,280	\$	223,849,644	134701
GRF 336415 Mental Health Facilities Lease Rental Bond Payments	\$	20,323,000	\$	19,426,900	134702



GRF	336421	Continuum of Care Services	\$	99,089,846	\$	99,089,846	134703
GRF	336422	Criminal Justice Services	\$	14,116,418	\$	15,116,418	134704
GRF	336423	Addiction Services Partnership with Corrections	\$	25,500,000	\$	25,500,000	134705
GRF	336424	Recovery Housing	\$	1,000,000	\$	2,500,000	134706
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	134707
GRF	336501	Drug Addiction Prevention	\$	5,000,000	\$	5,000,000	134708
GRF	336502	Opioid Addiction Hubs	\$	2,200,000	\$	0	134709
GRF	336504	Community Innovations	\$	5,850,000	\$	9,250,000	134710
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	134711
GRF	336510	Residential State Supplement	\$	16,002,875	\$	16,002,875	134712
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	134713
GRF	652321	Medicaid Support	\$	1,250,367	\$	1,250,367	134714
TOTAL GRF		General Revenue Fund	\$	438,351,008	\$	445,798,272	134715
		Dedicated Purpose Fund Group					134716
2320	336621	Family and Children First	\$	410,113	\$	410,113	134717
4750	336623	Statewide Treatment and Prevention	\$	20,450,000	\$	15,550,000	134718
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	134719
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	134720
5JL0	336629	Problem Gambling and	\$	6,267,609	\$	6,267,609	134721

		Casino Addiction					
5T90	336641	Problem Gambling	\$	1,495,000	\$	1,495,000	134722
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	134723
		Replacement					
6890	336640	Education and	\$	150,000	\$	150,000	134724
		Conferences					
TOTAL DPF		Dedicated Purpose Fund	\$	39,584,455	\$	34,684,455	134725
		Group					
		Internal Service Activity Fund Group					134726
1490	336609	Hospital Operating	\$	22,749,000	\$	22,790,000	134727
		Expenses					
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	134728
1500	336620	Special Education	\$	150,000	\$	150,000	134729
1510	336601	Ohio Pharmacy	\$	70,302,017	\$	70,302,017	134730
		Services					
4P90	336604	Community Mental	\$	1,250,000	\$	250,000	134731
		Health Projects					
TOTAL ISA		Internal Service Activity	\$	99,951,017	\$	98,992,017	134732
		Fund Group					
		Federal Fund Group					134733
3240	336605	Medicaid/Medicare	\$	17,500,000	\$	17,500,000	134734
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	134735
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000	134736
		Grant					
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	134737
3A90	336614	Mental Health Block	\$	17,058,470	\$	17,058,470	134738
		Grant					
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756	134739
		Grant					
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	134740
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000	134741

	Reimbursement						
3B10	652635	Community Medicaid	\$	5,000,000	\$	5,000,000	134742
		Legacy Costs					
3B10	652636	Community Medicaid	\$	6,000,000	\$	6,000,000	134743
		Legacy Support					
TOTAL FED		Federal Fund Group	\$	142,384,226	\$	142,384,226	134744
TOTAL ALL BUDGET		FUND GROUPS	\$	720,270,706	\$	721,858,970	134745

**Section 337.20. RESIDENT TRAINEES** 134747

Of the foregoing appropriation item 336402, Resident 134748  
Trainees, up to \$155,172 in each fiscal year shall be used to 134749  
assist with workforce recruitment and retention by supporting 134750  
community behavioral health centers in the provision of clinical 134751  
oversight and supervision of practitioners working toward their 134752  
independent licensure. 134753

Of the foregoing appropriation item 336402, Resident 134754  
Trainees, up to \$155,172 in each fiscal year shall be used to 134755  
support residency programs for psychiatrists, advanced practice 134756  
nurses, and physician assistants who engage in the public 134757  
behavioral health system. 134758

Of the foregoing appropriation item 336402, Resident 134759  
Trainees, up to \$139,656 in each fiscal year may be used to fund 134760  
residencies and traineeship programs in psychiatry, psychology, 134761  
nursing, and social work at state universities and teaching 134762  
hospitals. 134763

**Section 337.30. PREVENTION AND WELLNESS** 134764

The foregoing appropriation item 336406, Prevention and 134765  
Wellness, shall be used as follows: 134766

(A) Up to \$500,000 in each fiscal year shall be used to 134767  
support evidence-based prevention in school settings. 134768

(B) Up to \$1,500,000 in each fiscal year shall be distributed 134769

to boards of alcohol, drug addiction, and mental health services 134770  
to purchase the provision of evidence-based prevention services 134771  
from providers certified by the Department of Mental Health and 134772  
Addiction Services. 134773

(C) Up to \$500,000 in each fiscal year shall be used to 134774  
support suicide prevention efforts. 134775

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 134776**  
PAYMENTS 134777

The foregoing appropriation item 336415, Mental Health 134778  
Facilities Lease Rental Bond Payments, shall be used to meet all 134779  
payments during the period from July 1, 2017, through June 30, 134780  
2019, by the Department of Mental Health and Addiction Services 134781  
under leases and agreements made under section 154.20 of the 134782  
Revised Code. These appropriations are the source of funds pledged 134783  
for bond service charges on obligations issued pursuant to Chapter 134784  
154. of the Revised Code. 134785

**Section 337.50. CONTINUUM OF CARE SERVICES 134786**

(A) As used in this section: 134787

(1) "State or local correctional facility" means any of the 134788  
following: 134789

(a) A "state correctional institution," as defined in section 134790  
2967.01 of the Revised Code; 134791

(b) A "local correctional facility," as defined in section 134792  
2903.13 of the Revised Code; 134793

(c) A correctional facility that is privately operated and 134794  
managed pursuant to section 9.06 of the Revised Code. 134795

(2) "State psychiatric hospital regions" means the six 134796  
districts into which the Department of Mental Health and Addiction 134797  
Services has divided the state pursuant to division (B)(2) of 134798

section 5119.14 of the Revised Code. 134799

(B) Except as otherwise provided in this section, the 134800  
foregoing appropriation item 336421, Continuum of Care Services, 134801  
shall be used as follows: 134802

(1) A portion of this appropriation shall be allocated to 134803  
boards of alcohol, drug addiction, and mental health services in 134804  
accordance with a distribution methodology determined by the 134805  
Director of Mental Health and Addiction Services for the boards to 134806  
purchase mental health and addiction services permitted under 134807  
Chapter 340. of the Revised Code. Boards may use a portion of the 134808  
funds allocated: 134809

(a) To provide subsidized support for psychotropic medication 134810  
needs of indigent citizens in the community to reduce unnecessary 134811  
hospitalization due to lack of medication; and 134812

(b) To provide subsidized support for medication-assisted 134813  
treatment costs. 134814

(2) A portion of this appropriation may be distributed to 134815  
boards of alcohol, drug addiction, and mental health services, 134816  
community addiction and/or mental health services providers, 134817  
courts, or other governmental entities to provide specific grants 134818  
in support of initiatives concerning mental health and addiction 134819  
services. 134820

(C) Of the foregoing appropriation item 336421, Continuum of 134821  
Care Services, \$12,000,000 in each fiscal year shall be allocated 134822  
by the Department of Mental Health and Addiction Services to 134823  
boards of alcohol, drug addiction, and mental health services as 134824  
follows: 134825

(1) Each board shall receive \$75,000 in each fiscal year for 134826  
each of the counties that are part of the board's service 134827  
district. 134828

(2) Each board shall receive a percentage of the remaining amount of the \$12,000,000 in each fiscal year to be determined as follows:	134829 134830 134831
(a) Determine the sum of the following:	134832
(i) The state's total population as of January 1, 2017;	134833
(ii) The average number of opioid overdose deaths that occurred in the state during the immediately preceding three fiscal years.	134834 134835 134836
(b) Determine the sum of the following:	134837
(i) The population of the board's service district as of January 1, 2017;	134838 134839
(ii) The average number of opioid overdose deaths that occurred in the board's service district during the immediately preceding three fiscal years.	134840 134841 134842
(c) Determine the percentage that the sum determined under division (C)(2)(b) of this section is of the sum determined under division (C)(2)(a) of this section.	134843 134844 134845
(D) Of the foregoing appropriation item 336421, Continuum of Care Services, \$9,000,0000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, nine acute substance use disorder stabilization centers. There shall be one center located in each of the following:	134846 134847 134848 134849 134850 134851 134852 134853 134854
(1) Cuyahoga County;	134855
(2) Franklin County;	134856
(3) Hamilton County;	134857

(4) One of the counties that is part of the Appalachian state psychiatric hospital region; 134858  
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(5) One of the counties that is part of the Heartland state psychiatric hospital region; 134860  
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(6) One of the counties, other than Cuyahoga County, that is part of the Northcoast state psychiatric hospital region; 134862  
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(7) One of the counties that is part of the Northwest state psychiatric hospital region; 134864  
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(8) One of the counties, other than Hamilton County, that is part of the Summit state psychiatric hospital region; 134866  
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(9) One of the counties, other than Franklin County, that is part of the Twin Valley state psychiatric hospital region. 134868  
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(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$6,000,0000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region. 134870  
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities. 134879  
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(G) Boards of alcohol, drug addiction, and mental health services shall ensure that each acute substance use disorder stabilization center and mental health crisis stabilization center established and administered under divisions (D) and (E) of this section complies with all of the following: 134883  
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(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

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(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.

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(3) It has a Medicaid provider agreement.

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(4) It is located in a building constructed for another purpose before the effective date of this section.

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(5) It admits individuals who have been identified as needing the stabilization services provided by the center.

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(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

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**Section 337.60. CRIMINAL JUSTICE SERVICES** 134901

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

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The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

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(A) Provide forensic monitoring and tracking of individuals on conditional release;

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(B) Provide forensic training;	134917
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	134918 134919 134920
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	134921 134922
(E) Provide specific grants in support of addiction services alternatives to incarceration;	134923 134924
(F) Support therapeutic communities; and	134925
(G) Support specialty dockets and expand or create new certified court programs.	134926 134927
<b>Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED DOCKET PROGRAMS FOR DRUGS</b>	134928 134929
(A) As used in this section:	134930
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	134931 134932
(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	134933 134934 134935 134936 134937 134938 134939
(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	134940 134941
(4) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.	134942 134943
(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, which may	134944 134945

include medication-assisted treatment and recovery supports, to 134946  
persons who are eligible to participate in a medication-assisted 134947  
treatment drug court program and are selected under this section 134948  
to be participants in a MAT drug court program because of their 134949  
dependence on opioids, alcohol, or both. 134950

(2) The Department shall conduct its program in collaboration 134951  
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 134952  
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 134953  
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 134954  
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 134955  
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 134956  
that are conducting MAT drug court programs. If in any of these 134957  
counties there is no court conducting a MAT drug court program, 134958  
the Department shall conduct its program in collaboration with a 134959  
court that is conducting a MAT drug court program in another 134960  
county. 134961

(3) In addition to conducting its program in accordance with 134962  
division (B)(2) of this section, the Department may conduct its 134963  
program in collaboration with any other court that is conducting a 134964  
MAT drug court program. 134965

(C) In conducting its program, the Department shall 134966  
collaborate with the Supreme Court, the Department of 134967  
Rehabilitation and Correction, and any agency of the state that 134968  
the Department of Mental Health and Addiction Services determines 134969  
may be of assistance in accomplishing the objectives of the 134970  
Department's program. The Department may collaborate with the 134971  
boards of alcohol, drug addiction, and mental health services and 134972  
with local law enforcement agencies that serve the counties in 134973  
which a court participating in the Department's program is 134974  
located. 134975

(D)(1) A MAT drug court program participating in the 134976  
Department's program shall select the persons who are to be its 134977

participants for purposes of the Department's program. To be 134978  
selected, a person must be a criminal offender or involved in a 134979  
family drug or dependency court. A person shall not be selected to 134980  
be a participant unless the person meets the legal and clinical 134981  
eligibility criteria for the MAT drug court program and is an 134982  
active participant in the MAT drug court program. 134983

(2) The total number of persons participating in the 134984  
Department's program at any time shall not exceed one thousand 134985  
five hundred, subject to available funding, except that the 134986  
Department may authorize the maximum number to be exceeded in 134987  
circumstances that the Department considers to be appropriate. 134988

(3) After a MAT drug court program enrolls a person as a 134989  
participant for purposes of the Department's program, the 134990  
participant shall comply with all requirements of the MAT drug 134991  
court program. 134992

(E) The addiction treatment and recovery supports provided 134993  
under the Department's program in collaboration with a MAT drug 134994  
court program shall be provided by a community addiction services 134995  
provider. The provider shall do all of the following: 134996

(1) Provide treatment based on an integrated service delivery 134997  
model that consists of the coordination of care between a 134998  
prescriber and the community addiction services provider; 134999

(2) Conduct professional, comprehensive substance abuse and 135000  
mental health diagnostic assessments of a person under 135001  
consideration for selection as a program participant to determine 135002  
whether the person would benefit from substance abuse treatment 135003  
and monitoring; 135004

(3) Determine, based on the assessment described in division 135005  
(E)(2) of this section, the treatment needs of the program 135006  
participants served by the community addiction services provider; 135007

(4) Develop, for program participants served by the community 135008

addiction services provider, individualized goals and objectives; 135009

(5) Provide access to the long-acting antagonist therapies, 135010  
partial agonist therapies, or both, that are included in the 135011  
program's medication-assisted treatment; 135012

(6) Provide other types of therapies, including psychosocial 135013  
therapies, for both substance abuse and any disorders that are 135014  
considered by the community addiction services provider to be 135015  
co-occurring disorders; 135016

(7) Monitor program compliance through the use of regular 135017  
drug testing, including urinalysis, of the program participants 135018  
served by the community addiction services provider; 135019

(8) Provide access to time-limited recovery supports that 135020  
help eliminate barriers to treatment and are specific to the 135021  
participant's needs, including assistance with housing, 135022  
transportation, child care, job training, obtaining a driver's 135023  
license or state identification card, and any other matter 135024  
considered relevant by the provider. 135025

(F) In the case of medication-assisted treatment provided 135026  
under the Department's program, all of the following conditions 135027  
apply: 135028

(1) A drug may be used only if the drug has been approved by 135029  
the United States Food and Drug Administration for use in treating 135030  
dependence on opioids, alcohol, or both, or for preventing relapse 135031  
into the use of opioids, alcohol, or both. 135032

(2) One or more drugs may be used, but each drug that is used 135033  
must constitute long-acting antagonist therapy or partial agonist 135034  
therapy. 135035

(3) If a drug constituting partial agonist therapy is used, 135036  
the program shall provide safeguards to minimize abuse and 135037  
diversion of the drug, including such safeguards as routine drug 135038

testing of program participants. 135039

(G) It is anticipated and expected that MAT drug court 135040  
programs will expand their ability to serve more drug court 135041  
participants as a result of increased access to commercial or 135042  
publicly funded health insurance. In order to ensure that funds 135043  
appropriated to support the Department's program are used in the 135044  
most efficient manner with a goal of enrolling the maximum number 135045  
of participants, the Medicaid Director, in collaboration with 135046  
major Ohio health care plans, shall develop plans consistent with 135047  
this division. There shall be no prior authorizations or step 135048  
therapy for medication-assisted treatment for program 135049  
participants. The plans developed under this division shall ensure 135050  
all of the following: 135051

(1) The development of an efficient and timely process for 135052  
review of eligibility for health benefits for all persons selected 135053  
to participate in the program; 135054

(2) A rapid conversion to reimbursement for all health care 135055  
services by the participant's health care plan following approval 135056  
for coverage of health care benefits; 135057

(3) The development of a consistent benefit package that 135058  
provides ready access to and reimbursement for essential health 135059  
care services including, but not limited to, primary health care 135060  
services, alcohol and opioid detoxification services, appropriate 135061  
psychosocial services, and medication for long-acting injectable 135062  
antagonist therapies and partial agonist therapies; 135063

(4) The development of guidelines that require the provision 135064  
of all treatment services, including medication, with minimal 135065  
administrative barriers and within a time frame that meets the 135066  
requirements of individual patient care plans. 135067

(H) Upon completion of the report required by division (J) of 135068  
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 135069

the research institution that prepared the report shall submit the 135070  
report to the Governor, Chief Justice of the Supreme Court, 135071  
President of the Senate, Speaker of the House of Representatives, 135072  
Director of Mental Health and Addiction Services, Director of 135073  
Rehabilitation and Correction, and any state agency that the 135074  
Department of Mental Health and Addiction Services collaborates 135075  
with in conducting the program. 135076

(I) Not later than ninety days after the effective date of 135077  
this section, the Department of Mental Health and Addiction 135078  
Services shall select a research institution to evaluate the 135079  
Department's program, as conducted in fiscal year 2018 and fiscal 135080  
year 2019. To be selected, a research institution must have 135081  
experience in evaluating multiple court systems across 135082  
jurisdictions, in both rural and urban regions, experience in 135083  
evaluating the use of agonist and antagonist therapies in MAT drug 135084  
court programs, a record of producing material for scientific 135085  
publications, expertise in health economics, and experience with 135086  
patient issues involving ethics and consent. In addition, the 135087  
institution must have an internal review board. 135088

The research institution selected shall prepare a report of 135089  
its findings from the evaluation of the Department's program. The 135090  
institution shall complete its report not later than December 31, 135091  
2019. On completion, the institution shall submit the report to 135092  
the Governor, Chief Justice of the Supreme Court, President of the 135093  
Senate, Speaker of the House of Representatives, Department of 135094  
Mental Health and Addiction Services, Department of Rehabilitation 135095  
and Correction, and any other state agency that the Department of 135096  
Mental Health and Addiction Services collaborates with in 135097  
conducting its program. 135098

(J) Of the foregoing appropriation item 336422, Criminal 135099  
Justice Services, up to \$8,000,000 in each fiscal year shall be 135100  
used to support medication-assisted treatment for drug court 135101

specialized docket programs. 135102

**Section 337.71.** PILOT PROGRAM FOR SUPPORT OF MENTAL HEALTH 135103  
COURTS 135104

(A) As used in this section: 135105

(1) "Certified mental health court program" means a session 135106  
of any of the following that holds initial or final certification 135107  
from the Supreme Court of Ohio as a specialized docket program for 135108  
mental health: a common pleas court, municipal court, or county 135109  
court or a division of any of those courts. 135110

(2) "Community mental health services provider," "mental 135111  
health services," and "recovery supports" have the same meanings 135112  
as in section 5119.01 of the Revised Code. 135113

(3) "Prescriber" has the same meaning as in section 4729.01 135114  
of the Revised Code. 135115

(B) During fiscal year 2018 and fiscal year 2019, the 135116  
Department of Mental Health and Addiction Services shall conduct a 135117  
pilot program to provide mental health services and recovery 135118  
supports to persons who are offenders within the criminal justice 135119  
system, eligible to participate in a certified mental health court 135120  
program, and selected to be participants in the pilot program 135121  
because of their mental health conditions. The purpose of the 135122  
program is to reduce recidivism into criminal behavior by 135123  
assisting the selected participants in addressing their mental 135124  
health service needs, including by providing access to drugs that 135125  
are used to treat mental health conditions. 135126

(C) The Department shall conduct the pilot program in the 135127  
courts of Cuyahoga, Franklin, and Warren counties that are 135128  
conducting certified mental health court programs. If in any of 135129  
these counties there is no court conducting a certified mental 135130  
health court program, the Department shall conduct the pilot 135131

program in a court that is conducting a certified mental health 135132  
court program in another county. 135133

The Department may conduct the pilot program in any court 135134  
that is conducting a certified mental health court program in any 135135  
other county. 135136

(D) In conducting the pilot program, the Department shall 135137  
collaborate with the Supreme Court of Ohio, the Department of 135138  
Rehabilitation and Correction, and any other state agency that it 135139  
determines may be of assistance in accomplishing the objectives of 135140  
the pilot program. In addition, the Department may collaborate 135141  
with the boards of alcohol, drug addiction, and mental health 135142  
services and local law enforcement agencies that serve the 135143  
counties in which the courts participating in the pilot program 135144  
are located. 135145

(E) Not later than sixty days after the effective date of 135146  
this section, the Department shall develop a plan for evaluating 135147  
the pilot program. The evaluation plan shall include performance 135148  
measures that reflect the purpose of the pilot program. 135149

(F) Services and supports may be provided under the pilot 135150  
program only by a community mental health services provider. In 135151  
providing the services and supports, a community mental health 135152  
services provider shall do all of the following: 135153

(1) Use an integrated service delivery model that consists of 135154  
the coordination of care between a prescriber and the community 135155  
mental health services provider; 135156

(2) Conduct assessments of persons under consideration for 135157  
selection as pilot program participants to determine whether they 135158  
would benefit from participation; 135159

(3) Based on the assessments, determine the mental health 135160  
service needs of the participants served by the provider; 135161



(4) Develop individualized goals and objectives for the participants served by the provider;

(5) As part of the mental health services included in the pilot program, provide access to drugs that are used to treat mental health conditions, including federally approved drugs that are known as atypical antipsychotics and are administered or dispensed in a long-acting injectable form;

(6) As part of the recovery supports included in the pilot program, provide supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider;

(7) Address any disorders that are considered by the provider to be co-occurring disorders;

(8) Monitor compliance of the pilot program participants being served by the provider.

(G) The Department shall prepare a report of the findings obtained from the pilot program. The report shall include data derived from the performance measures used in the pilot program.

Not later than six months after the conclusion of the pilot program, the Department shall complete its report. On completion, the Department shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Rehabilitation and Correction, and any other state agency the Department of Mental Health and Addiction Services collaborates with in conducting the pilot program.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$700,000 in each fiscal year shall be used for the pilot program established under this section for the

support of certified mental health court programs. 135193

**Section 337.80.** ADDICTION SERVICES PARTNERSHIP WITH 135194  
CORRECTIONS 135195

Any business commenced but not completed by July 1, 2015, by 135196  
the Department of Rehabilitation and Correction regarding recovery 135197  
services shall be completed by the Department of Mental Health and 135198  
Addiction Services. No validation, cure, right, privilege, remedy, 135199  
obligation, or liability is lost or impaired by reason of the 135200  
transfer required by this section and shall be administered by the 135201  
Department of Mental Health and Addiction Services. Any rules, 135202  
orders, and determinations pertaining to the Bureau of Recovery 135203  
Services continue in effect as rules, orders, and determinations 135204  
of the Department of Mental Health and Addiction Services until 135205  
modified or rescinded by the Department of Mental Health and 135206  
Addiction Services. If necessary to ensure the integrity of the 135207  
numbering of the Administrative Code, the Director of the 135208  
Legislative Service Commission shall renumber the numbers to 135209  
reflect their transfer to the Department of Mental Health and 135210  
Addiction Services. 135211

Subject to the lay-off provisions of sections 124.321 to 135212  
124.382 of the Revised Code, all employees of the Bureau of 135213  
Recovery Services are hereby transferred to the Department of 135214  
Mental Health and Addiction Services and retain their positions 135215  
and all of their benefits. 135216

Wherever the Bureau of Recovery Services is referred to in 135217  
any law, contract, or other document, the reference shall be 135218  
deemed to refer to the Department of Mental Health and Addiction 135219  
Services or its director, as appropriate. 135220

Any business commenced but not completed under appropriation 135221  
item 505321, Institution Medical Services, pertaining to the 135222  
Bureau of Recovery Services, shall be completed under 135223

appropriation item 336423, Addiction Services Partnership with  
Corrections, in the same manner, and with the same effect, as if  
completed with regard to appropriation item 505321, Institution  
Medical Services.

**Section 337.90. RECOVERY HOUSING** 135228

The foregoing appropriation item 336424, Recovery Housing,  
shall be used to expand and support access to recovery housing as  
defined in section 340.01 of the Revised Code and in accordance  
with section 340.034 of the Revised Code. For expenditures that  
are capital in nature, the Department of Mental Health and  
Addiction Services shall develop procedures to administer these  
funds in a manner that is consistent with current community  
capital assistance guidelines.

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 135237

(A) The foregoing appropriation item 336425, Specialized  
Docket Support, shall be used to defray a portion of the annual  
payroll costs associated with the specialized docket of a common  
pleas court, municipal court, county court, juvenile court, or  
family court that meets all of the eligibility requirements in  
division (B) of this section, including a family dependency  
treatment docket. The foregoing appropriation item 336425,  
Specialized Docket Support, may also be used to defray costs  
associated with treatment services and recovery supports for  
participants.

(B) To be eligible, the specialized docket must have received  
Supreme Court of Ohio final certification and include participants  
with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized  
Docket Support, the Department of Mental Health and Addiction  
Services shall use up to one per cent of the funds appropriated in

each fiscal year to pay the cost it incurs in administering the 135254  
duties established in this section. 135255

(D) The Department, in consultation with the Supreme Court of 135256  
Ohio, may adopt funding distribution methodology, guidelines, and 135257  
procedures as necessary to carry out the purposes of this section. 135258

**Section 337.110. COMMUNITY INNOVATIONS** 135259

The foregoing appropriation item 336504, Community 135260  
Innovations, may be used by the Department of Mental Health and 135261  
Addiction Services to make targeted investments in programs, 135262  
projects, or systems operated by or under the authority of other 135263  
state agencies, governmental entities, or private not-for-profit 135264  
agencies that impact, or are impacted by, the operations and 135265  
functions of the Department, with the goal of achieving a net 135266  
reduction in expenditure of state general revenue funds and/or 135267  
improved outcomes for Ohio citizens without a net increase in 135268  
state general revenue fund spending. 135269

The Director shall identify and evaluate programs, projects, 135270  
or systems proposed or operated, in whole or in part, outside of 135271  
the authority of the Department, where targeted investment of 135272  
these funds in the program, project, or system is expected to 135273  
decrease demand for the Department or other resources funded with 135274  
state general revenue funds, and/or to measurably improve outcomes 135275  
for Ohio citizens with mental illness or with alcohol, drug, or 135276  
gambling addictions. The Director shall have discretion to 135277  
transfer money from the appropriation item to other state 135278  
agencies, governmental entities, or private not-for-profit 135279  
agencies in amounts, and subject to conditions, that the Director 135280  
determines most likely to achieve state savings and/or improved 135281  
outcomes. Distribution of moneys from this appropriation item 135282  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 135283  
the Revised Code. 135284

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 in fiscal year 2019 shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in fiscal year 2019 shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

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Of the foregoing appropriation item 336504, Community Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in fiscal year 2019 shall be used to support projects that assist local communities in implementing a full continuum of care, including workforce development, as described in division (A)(1) of section 340.03 of the Revised Code.

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**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 135313

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health

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and Addiction Services to provide training for residential 135316  
facilities providing accommodations, supervision, and personal 135317  
care services to three to sixteen unrelated adults with mental 135318  
illness and to make payments to residential state supplement 135319  
recipients. 135320

(B) The Department of Mental Health and Addiction Services 135321  
shall adopt rules establishing eligibility criteria and payment 135322  
amounts under section 5119.41 of the Revised Code. 135323

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 135324  
CONSULTATION 135325**

The foregoing appropriation item 336511, Early Childhood 135326  
Mental Health Counselors and Consultation, shall be used to 135327  
promote identification and intervention for early childhood mental 135328  
health and to enhance healthy social emotional development in 135329  
order to reduce preschool to third grade classroom expulsions. 135330  
Funds shall be used by the Department of Mental Health and 135331  
Addiction Services to support early childhood mental health 135332  
credentialed counselors and consultation services, as well as 135333  
administration and workforce development for the program. 135334

**Section 337.133. DRUG ADDICTION PREVENTION 135335**

The foregoing appropriation item 336501, Drug Addiction 135336  
Prevention, shall be used to create public service announcements, 135337  
a 24-hour hotline that is available statewide, a web site, and 135338  
other materials to provide the public with information concerning 135339  
the dangers and impacts of drug addiction and resources available 135340  
for treatment. 135341

**Section 337.135. OPIOID ADDICTION HUBS 135342**

The foregoing appropriation item 336502, Opioid Addiction 135343  
Hubs, shall be used for the County Hub Program to Combat Opioid 135344

Addiction established in section 305.40 of the Revised Code. The 135345  
Department of Mental Health and Addiction Services shall 135346  
distribute these funds equally among all counties. 135347

**Section 337.140. MEDICAID SUPPORT** 135348

The foregoing appropriation item 652321, Medicaid Support, 135349  
shall be used to fund specified Medicaid Services as delegated by 135350  
the state's single agency responsible for the Medicaid Program. 135351

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 135352

A portion of appropriation item 336629, Problem Gambling and 135353  
Casino Addiction, shall be allocated to boards of alcohol, drug 135354  
addiction, and mental health services in accordance with a 135355  
distribution methodology determined by the Director of Mental 135356  
Health and Addiction Services. 135357

**Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 135358  
**POOL** 135359

A county family and children first council may establish and 135360  
operate a flexible funding pool in order to assure access to 135361  
needed services by families, children, and older adults in need of 135362  
protective services. The operation of the flexible funding pools 135363  
shall be subject to the following restrictions: 135364

(A) The county council shall establish and operate the 135365  
flexible funding pool in accordance with formal guidance issued by 135366  
the Family and Children First Cabinet Council; 135367

(B) The county council shall produce an annual report on its 135368  
use of the pooled funds. The annual report shall conform to a 135369  
format prescribed in the formal guidance issued by the Family and 135370  
Children First Cabinet Council; 135371

(C) Unless otherwise restricted, funds transferred to the 135372

flexible funding pool may include state general revenues allocated 135373  
to local entities to support the provision of services to families 135374  
and children; 135375

(D) The amounts transferred to the flexible funding pool 135376  
shall be limited to amounts that can be redirected without 135377  
impairing the achievement of the objectives for which the initial 135378  
allocation is designated; and 135379

(E) Each amount transferred to the flexible funding pool from 135380  
a specific allocation shall be approved for transfer by the 135381  
director of the local agency that was the original recipient of 135382  
the allocation. 135383

**Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT** 135384

The designation of administering agency for federal aid shall 135385  
be held jointly by the Department of Mental Health and Addiction 135386  
Services and the Department of Medicaid for determining 135387  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 135388  
Department of Mental Health and Addiction Services remains the 135389  
designated agency for all other purposes established by 42 U.S.C. 135390  
300x et seq. and section 5119.32 of the Revised Code. 135391

**Section 337.180. ACCESS SUCCESS II PROGRAM** 135392

To the extent cash is available, the Director of Budget and 135393  
Management may transfer cash from the Money Follows the Person 135394  
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 135395  
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 135396  
by the Department of Mental Health and Addiction Services. The 135397  
transferred cash is hereby appropriated. 135398

The Department of Mental Health and Addiction Services shall 135399  
use the transferred funds to administer the Access Success II 135400  
Program to help non-Medicaid patients in any hospital established, 135401  
controlled, or supervised by the Department under Chapter 5119. of 135402



the Revised Code to transition from inpatient status to a 135403  
community setting. 135404

**Section 337.190. CASH TRANSFER FROM THE INDIGENT DRIVERS 135405**  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 135406  
FUND 135407

On a schedule determined by the Director of Budget and 135408  
Management, the Director of Mental Health and Addiction Services 135409  
shall certify to the Director of Budget and Management the amount 135410  
of excess license reinstatement fees that are available pursuant 135411  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 135412  
be transferred from the Indigent Drivers Alcohol Treatment Fund 135413  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 135414  
4750). Upon certification, the Director of Budget and Management 135415  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 135416  
to the Statewide Treatment and Prevention Fund. 135417

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH 135418**

General Revenue Fund 135419

GRF 149321	Operating Expenses	\$	654,939	\$	654,939	135420
GRF 149501	Demonstration Grants	\$	865,790	\$	865,790	135421
GRF 149502	Lupus Program	\$	94,560	\$	94,560	135422
GRF 149503	Infant Mortality	\$	985,000	\$	985,000	135423

Health Grants

TOTAL GRF General Revenue Fund \$ 2,600,289 \$ 2,600,289 135424

Dedicated Purpose Fund Group 135425

4C20 149601	Minority Health	\$	50,000	\$	50,000	135426
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Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 135427

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,650,289 \$ 2,650,289 135428

<b>Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD</b>				135430
Dedicated Purpose Fund Group				135431
4K90 865601	Operating Expenses	\$ 587,371	\$ 604,593	135432
TOTAL DPF Dedicated Purpose Fund Group				135433
TOTAL ALL BUDGET FUND GROUPS				135434
 <b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>				135436
General Revenue Fund				135437
GRF 725401	Division of Wildlife-Operating Subsidy	\$ 1,773,000	\$ 1,773,000	135438
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$ 39,002,200	\$ 44,442,400	135439
GRF 725456	Canal Lands	\$ 132,975	\$ 132,975	135440
GRF 725505	Healthy Lake Erie Program	\$ 788,000	\$ 985,000	135441
GRF 725507	Coal and Mine Safety Programs	\$ 2,773,178	\$ 2,773,178	135442
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$ 25,450,300	\$ 19,317,800	135443
GRF 727321	Division of Forestry	\$ 2,714,253	\$ 4,684,253	135444
GRF 729321	Office of Information Technology	\$ 182,529	\$ 182,529	135445
GRF 730321	Parks and Recreation	\$ 30,579,551	\$ 30,596,130	135446
GRF 736321	Division of Engineering	\$ 2,065,632	\$ 2,049,052	135447
GRF 737321	Division of Water Resources	\$ 961,167	\$ 1,201,458	135448

GRF	738321	Office of Real Estate and Land Management	\$	731,311	\$	731,311	135449
GRF	741321	Division of Natural Areas and Preserves	\$	1,001,398	\$	1,251,748	135450
TOTAL GRF	General Revenue Fund		\$	108,155,494	\$	110,120,834	135451
Dedicated Purpose Fund Group							135452
2270	725406	Parks Projects Personnel	\$	850,000	\$	900,000	135453
4300	725671	Canal Lands	\$	924,919	\$	927,128	135454
4S90	725622	NatureWorks Personnel	\$	800,000	\$	800,000	135455
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	135456
5090	725602	State Forest	\$	9,695,418	\$	8,009,525	135457
5110	725646	Ohio Geological Mapping	\$	3,922,925	\$	3,818,039	135458
5120	725605	State Parks Operations	\$	31,000,000	\$	31,000,000	135459
5140	725606	Lake Erie Shoreline	\$	2,125,649	\$	1,681,699	135460
5160	725620	Water Management	\$	2,864,291	\$	2,878,291	135461
5180	725643	Oil and Gas Regulation and Safety	\$	19,444,876	\$	19,444,876	135462
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	135463
5210	725627	Off-Road Vehicle Trails	\$	350,000	\$	350,000	135464
5220	725656	Natural Areas and Preserves	\$	650,000	\$	546,973	135465
5290	725639	Mining Regulation and Safety	\$	4,764,897	\$	4,499,705	135466
5310	725648	Reclamation Forfeiture	\$	5,315,262	\$	217,471	135467
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	135468
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	135469

5HK0	725625	Ohio Nature Preserves	\$	55,162	\$	1,000	135470
5MF0	725635	Ohio Geology License	\$	5,000	\$	5,000	135471
		Plate					
5MW0	725604	Natural Resources	\$	2,000,000	\$	2,000,000	135472
		Special Purposes					
5P20	725634	Wildlife Boater Angler	\$	4,000,000	\$	4,000,000	135473
		Administration					
5TD0	725514	Park Maintenance	\$	1,356,000	\$	1,356,000	135474
6150	725661	Dam Safety	\$	1,155,691	\$	1,155,691	135475
6970	725670	Submerged Lands	\$	717,155	\$	717,155	135476
7015	740401	Division of Wildlife	\$	60,000,000	\$	60,000,000	135477
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	135478
7086	739401	Watercraft Operations	\$	21,228,023	\$	21,228,023	135479
8150	725636	Cooperative Management	\$	650,000	\$	650,000	135480
		Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	135481
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	135482
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	135483
		Research					
8190	725685	Ohio River Management	\$	140,000	\$	140,000	135484
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	135485
TOTAL	DPF	Dedicated Purpose Fund	\$	189,021,824	\$	181,333,132	135486
		Group					
		Internal Service Activity Fund Group					135487
1550	725601	Departmental Projects	\$	1,523,950	\$	1,629,913	135488
1550	725676	Hocking Hills State	\$	500,000	\$	500,000	135489
		Park Lodge					
1570	725651	Central Support	\$	5,632,162	\$	5,632,162	135490
		Indirect					
2040	725687	Information Services	\$	5,791,238	\$	5,791,238	135491
2050	725696	Human Resource Direct	\$	2,698,048	\$	2,735,732	135492

		Services				
2230	725665	Law Enforcement	\$	2,664,717	\$	2,827,473 135493
		Administration				
5100	725631	Maintenance -	\$	249,611	\$	249,611 135494
		State-owned				
		Residences				
6350	725664	Fountain Square	\$	3,647,224	\$	3,768,109 135495
		Facilities Management				
TOTAL ISA Internal Service Activity						135496
Fund Group			\$	22,706,950	\$	23,134,238 135497
Capital Projects Fund Group						135498
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796 135499
		Operating				
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796 135500
Group						
Fiduciary Fund Group						135501
4M80	725675	FOP Contract	\$	20,219	\$	20,219 135502
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219 135503
Holding Account Fund Group						135504
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993 135505
		Refunds				
R043	725624	Forestry	\$	2,100,000	\$	2,100,000 135506
TOTAL HLD Holding Account						135507
Fund Group			\$	2,628,993	\$	2,628,993 135508
Federal Fund Group						135509
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000 135510
		Grant				
3B30	725640	Federal Forest	\$	350,000	\$	350,000 135511
		Pass-Thru				
3B40	725641	Federal Flood	\$	350,000	\$	350,000 135512
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	12,541,621	\$	15,465,471 135513

		Mine Lands					
3B60	725653	Federal Land and	\$	950,634	\$	950,634	135514
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,986,569	\$	1,697,242	135515
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	135516
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	135517
3P30	725650	Coastal Management -	\$	1,905,150	\$	1,905,150	135518
		Federal					
3P40	725660	Federal - Soil and	\$	601,000	\$	608,000	135519
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	1,200,000	\$	1,200,000	135520
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000	135521
		and Trails					
TOTAL FED	Federal Fund Group		\$	22,056,974	\$	24,698,497	135522
TOTAL ALL	BUDGET FUND GROUPS		\$	344,892,250	\$	342,237,709	135523

**Section 343.20. PARK MAINTENANCE** 135525

The foregoing appropriation item 725514, Park Maintenance, 135526  
shall be used by the Department of Natural Resources to pay the 135527  
costs of projects supported by the State Park Maintenance Fund 135528  
(Fund 5TD0) under section 1501.08 of the Revised Code. 135529

On July 1, 2017, or as soon as possible thereafter, the 135530  
Director of Natural Resources shall certify the amount of five 135531  
percent of the average of the previous five years of deposits in 135532  
the State Park Fund (Fund 5120) to the Director of Budget and 135533  
Management. The Director of Budget and Management may transfer up 135534  
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 135535  
(Fund 5TD0). 135536

**Section 343.30.** CENTRAL SUPPORT INDIRECT FUND 135537

The Department of Natural Resources, with approval of the 135538  
Director of Budget and Management, shall use a methodology for 135539  
determining each division's payments into the Central Support 135540  
Indirect Fund (Fund 1570). The methodology used shall contain the 135541  
characteristics of administrative ease and uniform application in 135542  
compliance with federal grant requirements. It may include direct 135543  
cost charges for specific services provided. Payments to Fund 1570 135544  
shall be made using an intrastate transfer voucher. 135545

The foregoing appropriation item 725401, Division of 135546  
Wildlife-Operating Subsidy, shall be used to pay the direct and 135547  
indirect costs of the Division of Wildlife. 135548

**Section 343.40.** PARKS AND RECREATIONAL FACILITIES LEASE 135549  
RENTAL BOND PAYMENTS 135550

The foregoing appropriation item 725413, Parks and 135551  
Recreational Facilities Lease Rental Bond Payments, shall be used 135552  
to meet all payments during the period from July 1, 2017, through 135553  
June 30, 2019, by the Department of Natural Resources pursuant to 135554  
leases and agreements made under section 154.22 of the Revised 135555  
Code. These appropriations are the source of funds pledged for 135556  
bond service charges on related obligations issued under Chapter 135557  
154. of the Revised Code. 135558

HEALTHY LAKE ERIE PROGRAM 135559

The foregoing appropriation item 725505, Healthy Lake Erie 135560  
Program, shall be used by the Director of Natural Resources, in 135561  
support of (1) conservation measures in the Western Lake Erie 135562  
Basin as determined by the Director; (2) funding assistance for 135563  
soil testing, winter cover crops, edge of field testing, tributary 135564  
monitoring, animal waste abatement; and (3) any additional efforts 135565  
to reduce nutrient runoff as the Director may decide. The Director 135566

shall give priority to recommendations that encourage farmers to 135567  
adopt agricultural production guidelines commonly known as 4R 135568  
nutrient stewardship practices. 135569

COAL AND MINE SAFETY PROGRAM 135570

The foregoing appropriation item 725507, Coal and Mine Safety 135571  
Program, shall be used for the administration of the Mine Safety 135572  
Program and the Coal Regulation Program. 135573

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 135574

The foregoing appropriation item 725903, Natural Resources 135575  
General Obligation Bond Debt Service, shall be used to pay all 135576  
debt service and related financing costs during the period July 1, 135577  
2017, through June 30, 2019, on obligations issued under sections 135578  
151.01 and 151.05 of the Revised Code. 135579

**Section 343.50.** OIL AND GAS WELL PLUGGING 135580

The foregoing appropriation item 725677, Oil and Gas Well 135581  
Plugging, shall be used exclusively for the purposes of plugging 135582  
wells and to properly restore the land surface of idle and orphan 135583  
oil and gas wells pursuant to section 1509.071 of the Revised 135584  
Code. This appropriation item shall not be used for salaries, 135585  
maintenance, equipment, or other administrative purposes, except 135586  
for those costs directly attributed to the plugging of an idle or 135587  
orphan well. This appropriation item shall not be used to transfer 135588  
cash to any other fund or appropriation item. 135589

WELL LOG FILING FEES 135590

The Chief of the Division of Water Resources shall deposit 135591  
fees forwarded to the Division pursuant to section 1521.05 of the 135592  
Revised Code into the Water Management Fund (Fund 5160) for the 135593  
purposes described in that section. 135594

PARKS CAPITAL EXPENSES FUND 135595



The Director of Natural Resources shall submit to the 135596  
Director of Budget and Management the estimated design, 135597  
engineering, and planning costs of capital-related work to be done 135598  
by Department of Natural Resources staff for parks projects within 135599  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 135600  
Director of Budget and Management approves the estimated costs, 135601  
the Director may release appropriations from Fund 7035 135602  
appropriation item C725E6, Project Planning, for those purposes. 135603  
Upon release of the appropriations, the Department of Natural 135604  
Resources shall pay for these expenses from the Parks Capital 135605  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 135606  
reimbursed by Fund 7035 using an intrastate transfer voucher. 135607

NATUREWORKS CAPITAL EXPENSES FUND 135608

The Department of Natural Resources shall submit to the 135609  
Director of Budget and Management the estimated design, planning, 135610  
and engineering costs of capital-related work to be done by 135611  
Department of Natural Resources staff for each capital improvement 135612  
project within the Ohio Parks and Natural Resources Fund (Fund 135613  
7031). If the Director of Budget and Management approves the 135614  
estimated costs, the Director may release appropriations from Fund 135615  
7031 appropriation item C725E5, Project Planning, for those 135616  
purposes. Upon release of the appropriations, the Department of 135617  
Natural Resources shall pay for these expenses from the Capital 135618  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 135619  
reimbursed by Fund 7031 using an intrastate transfer voucher. 135620

**Section 343.60.** HUMAN RESOURCES DIRECT SERVICE 135621

The foregoing appropriation item 725696, Human Resources 135622  
Direct Service, shall be used to cover the cost of support, 135623  
coordination, and oversight of the Department of Natural 135624  
Resources' human resources functions. The Human Resources 135625  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 135626

it via intrastate transfer voucher from other funds as determined 135627  
by the Director of Natural Resources and the Director of Budget 135628  
and Management. 135629

LAW ENFORCEMENT ADMINISTRATION 135630

The foregoing appropriation item 725665, Law Enforcement 135631  
Administration, shall be used to cover the cost of support, 135632  
coordination, and oversight of the Department of Natural 135633  
Resources' law enforcement functions. The Law Enforcement 135634  
Administration Fund (Fund 2230) shall consist of cash transferred 135635  
to it via intrastate transfer voucher from other funds as 135636  
determined by the Director of Natural Resources and the Director 135637  
of Budget and Management. 135638

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 135639

The foregoing appropriation item 725664, Fountain Square 135640  
Facilities Management, shall be used for payment of repairs, 135641  
renovation, utilities, property management, and building 135642  
maintenance expenses for the Fountain Square complex and the 135643  
Department of Natural Resources grounds at the Ohio Expo Center. 135644  
Cash transferred by intrastate transfer vouchers from various 135645  
department funds and rental income received by the Department of 135646  
Natural Resources shall be deposited into the Fountain Square 135647  
Facilities Management Fund (Fund 6350). 135648

**Section 343.70.** CLEAN OHIO TRAIL OPERATING EXPENSES 135649

The foregoing appropriation item 725405, Clean Ohio Trail 135650  
Operating, shall be used by the Department of Natural Resources in 135651  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 135652  
to section 1519.05 of the Revised Code. 135653

**Section 345.10.** NUR STATE BOARD OF NURSING 135654

Dedicated Purpose Fund Group 135655

4K90 884609	Operating Expenses	\$	8,909,895	\$	9,317,358	135656
5AC0 884602	Nurse Education Grant	\$	1,518,500	\$	1,518,500	135657
	Program					
5P80 884601	Nursing Special	\$	2,000	\$	2,000	135658
	Issues					
TOTAL DPF Dedicated Purpose						135659
Fund Group						
		\$	10,430,395	\$	10,837,858	135660
TOTAL ALL BUDGET FUND GROUPS						135661

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 135663  
AND ATHLETIC TRAINERS BOARD 135664

Dedicated Purpose Fund Group						135665
4K90 890609	Operating Expenses	\$	996,053	\$	1,059,477	135666
TOTAL DPF Dedicated Purpose Fund						135667
Group						
TOTAL ALL BUDGET FUND GROUPS						135668

**Section 353.10.** OOD OPPORTUNITIES FOR OHIOANS WITH 135670  
DISABILITIES AGENCY 135671

General Revenue Fund						135672
GRF 415402	Independent Living	\$	248,220	\$	248,220	135673
	Council					
GRF 415406	Assistive Technology	\$	26,219	\$	26,219	135674
GRF 415431	Brain Injury	\$	124,668	\$	124,668	135675
GRF 415506	Services for	\$	15,580,444	\$	15,580,444	135676
	Individuals with					
	Disabilities					
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580	135677
TOTAL GRF General Revenue Fund						135678
Dedicated Purpose Fund Group						135679
4670 415609	Business Enterprise	\$	1,555,368	\$	1,555,368	135680
	Operating Expenses					

4680	415618	Third Party Services Funding	\$	12,300,000	\$	12,300,000	135681
4L10	415619	Services for Rehabilitation	\$	3,575,191	\$	3,575,191	135682
TOTAL DPF Dedicated Purpose							135683
Fund Group			\$	17,430,559	\$	17,430,559	135684
Internal Service Activity Fund Group							135685
4W50	415606	Program Management	\$	12,486,502	\$	12,785,665	135686
TOTAL ISA Internal Service Activity							135687
Fund Group			\$	12,486,502	\$	12,785,665	135688
Federal Fund Group							135689
3170	415620	Disability Determination	\$	82,228,048	\$	82,932,645	135690
3790	415616	Federal - Vocational Rehabilitation	\$	115,837,977	\$	117,416,322	135691
3GH0	415602	Personal Care Assistance	\$	3,139,040	\$	3,139,040	135692
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	135693
3GH0	415613	Independent Living	\$	627,128	\$	627,128	135694
3L10	415608	Social Security Special Program Assistance	\$	7,000,000	\$	8,000,000	135695
3L40	415615	Federal - Supported Employment	\$	1,000,000	\$	1,000,000	135696
3L40	415617	Vocational Rehabilitation Programs	\$	1,778,721	\$	1,778,721	135697
TOTAL FED Federal Fund Group			\$	212,632,914	\$	215,915,856	135698
TOTAL ALL BUDGET FUND GROUPS			\$	258,557,106	\$	262,139,211	135699
INDEPENDENT LIVING							135700
The foregoing appropriation item 415402, Independent Living							135701

Council, shall be used to support the state independent living 135702  
programs and centers under Title VII of the Independent Living 135703  
Services and Centers for Independent Living of the Rehabilitation 135704  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 135705

Of the foregoing appropriation item 415402, Independent 135706  
Living Council, \$67,662 in each fiscal year shall be used as state 135707  
matching funds for vocational rehabilitation innovation and 135708  
expansion activities. 135709

Of the foregoing appropriation item 415402, Independent 135710  
Living Council, \$43,800 in each fiscal year shall be provided to 135711  
the Easter Seals in Lima, Ohio, to create a loan program for 135712  
durable medical equipment. 135713

ASSISTIVE TECHNOLOGY 135714

The total amount of the foregoing appropriation item 415406, 135715  
Assistive Technology, shall be provided to Assistive Technology of 135716  
Ohio to provide grants and assistive technology services for 135717  
people with disabilities in the State of Ohio. 135718

BRAIN INJURY 135719

The foregoing appropriation item 415431, Brain Injury, shall 135720  
be provided to The Ohio State University College of Medicine to 135721  
support the Brain Injury Program established under section 3335.60 135722  
of the Revised Code. 135723

SERVICES FOR THE DEAF 135724

The foregoing appropriation item 415508, Services for the 135725  
Deaf, shall be used to provide grants to community centers for the 135726  
deaf. 135727

**Section 355.10.** ODB OHIO OPTICAL DISPENSERS BOARD 135728

Dedicated Purpose Fund Group 135729  
4K90 894609 Program Support \$ 235,768 \$ 0 135730

TOTAL DPF Dedicated Purpose Fund Group	\$	235,768	\$	0	135731
TOTAL ALL BUDGET FUND GROUPS	\$	235,768	\$	0	135732
<b>Section 357.10. OPT STATE BOARD OF OPTOMETRY</b>					135734
Dedicated Purpose Fund Group					135735
4K90 885609 Program Support	\$	227,394	\$	0	135736
TOTAL DPF Dedicated Purpose Fund Group	\$	227,394	\$	0	135737
TOTAL ALL BUDGET FUND GROUPS	\$	227,394	\$	0	135738
<b>Section 359.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS</b>					135740
Dedicated Purpose Fund Group					135741
Dedicated Purpose Fund Group					135742
4K90 973609 Operating Expenses	\$	122,574	\$	0	135743
TOTAL DPF Dedicated Purpose Fund Group	\$	122,574	\$	0	135744
TOTAL ALL BUDGET FUND GROUPS	\$	122,574	\$	0	135745
<b>Section 361.10. PEN PENSION SUBSIDIES</b>					135746
General Revenue Fund					135747
GRF 090524 Police and Fire Disability Pension Fund	\$	3,000	\$	3,000	135748
GRF 090534 Police and Fire Ad Hoc Cost of Living	\$	42,000	\$	42,000	135749
GRF 090554 Police and Fire Survivor Benefits	\$	355,000	\$	355,000	135750
GRF 090575 Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	135751
TOTAL GRF General Revenue Fund	\$	20,400,000	\$	20,400,000	135752
TOTAL ALL BUDGET FUND GROUPS	\$	20,400,000	\$	20,400,000	135753

POLICE AND FIRE DEATH BENEFIT FUND				135754
The foregoing appropriation item 090575, Police and Fire				135755
Death Benefits, shall be disbursed quarterly by the Treasurer of				135756
State at the beginning of each quarter of each fiscal year to the				135757
Board of Trustees of the Ohio Police and Fire Pension Fund. The				135758
Treasurer of State shall certify such amounts quarterly to the				135759
Director of Budget and Management. By the twentieth day of June of				135760
each fiscal year, the Board of Trustees of the Ohio Police and				135761
Fire Pension Fund shall certify to the Treasurer of State the				135762
amount disbursed in the current fiscal year to make the payments				135763
required by section 742.63 of the Revised Code and shall return to				135764
the Treasurer of State moneys received from this appropriation				135765
item but not disbursed.				135766
<b>Section 363.10.</b> UST PETROLEUM UNDERGROUND STORAGE TANK				135767
RELEASE COMPENSATION BOARD				135768
Dedicated Purpose Fund Group				135769
6910 810632 Petroleum Underground	\$	1,433,220	\$ 1,461,073	135770
Storage Tank Release				
Compensation Board -				
Operating				
TOTAL DPF Dedicated Purpose Fund	\$	1,433,220	\$ 1,461,073	135771
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,433,220	\$ 1,461,073	135772
<b>Section 367.10.</b> PRX STATE BOARD OF PHARMACY				135774
Dedicated Purpose Fund Group				135775
4A50 887605 Drug Law Enforcement	\$	150,000	\$ 150,000	135776
4K90 887609 Operating Expenses	\$	8,460,214	\$ 8,717,387	135777
5SG0 887612 Drug Database	\$	200,000	\$ 200,000	135778
5SY0 887613 Medical Marijuana	\$	1,455,700	\$ 1,335,200	135779
Control Program				

TOTAL DPF Dedicated Purpose Fund Group	\$	10,265,914	\$	10,402,587	135780
Federal Fund Group					135781
3EB0 887608 2008	\$	50,000	\$	0	135782
Developing/Enhancing PMP					
3HD0 887614 Pharmacy Federal Grants	\$	350,001	\$	350,000	135783
TOTAL FED Federal Fund Group	\$	400,001	\$	350,000	135784
TOTAL ALL BUDGET FUND GROUPS	\$	10,665,915	\$	10,752,587	135785
 <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>					135787
Dedicated Purpose Fund Group					135788
4K90 882609 Operating Expenses	\$	624,880	\$	659,900	135789
TOTAL DPF Dedicated Purpose Fund Group	\$	624,880	\$	659,900	135790
TOTAL ALL BUDGET FUND GROUPS	\$	624,880	\$	659,900	135792
 <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>					135794
General Revenue Fund					135795
GRF 019401 State Legal Defense Services	\$	3,885,087	\$	4,106,983	135796
GRF 019403 Multi-County: State Share	\$	2,058,370	\$	2,079,410	135797
GRF 019404 Trumbull County - State Share	\$	553,340	\$	548,413	135798
GRF 019405 Training Account	\$	50,000	\$	50,000	135799
GRF 019501 County Reimbursement	\$	30,066,220	\$	31,188,211	135800
TOTAL GRF General Revenue Fund	\$	36,613,017	\$	37,973,017	135801
Dedicated Purpose Fund Group					135802
1010 019607 Juvenile Legal Assistance	\$	207,351	\$	204,756	135803



4060	019603	Training and Publications	\$	25,000	\$	25,000	135804
4070	019604	County Representation	\$	407,613	\$	413,815	135805
4080	019605	Client Payments	\$	789,868	\$	807,884	135806
4C70	019601	Multi-County: County Share	\$	2,558,173	\$	2,662,641	135807
4N90	019613	Gifts and Grants	\$	10,530	\$	10,530	135808
4X70	019610	Trumbull County - County Share	\$	685,699	\$	698,234	135809
5740	019606	Civil Legal Aid	\$	17,760,000	\$	17,760,000	135810
5CX0	019617	Civil Case Filing Fee	\$	556,331	\$	533,722	135811
5DY0	019618	Indigent Defense Support - County Share	\$	32,868,000	\$	32,868,000	135812
5DY0	019619	Indigent Defense Support - State Office	\$	7,167,143	\$	7,212,874	135813
TOTAL DPF Dedicated Purpose							135814
Fund Group			\$	63,035,708	\$	63,197,456	135815
Federal Fund Group							135816
3GJ0	019622	Byrne Memorial Grant	\$	7,766	\$	0	135817
3S80	019608	Federal Representation	\$	37,845	\$	38,315	135818
TOTAL FED Federal Fund Group							135819
TOTAL ALL BUDGET FUND GROUPS			\$	99,694,336	\$	101,208,788	135820
INDIGENT DEFENSE OFFICE							135821
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							135822 135823 135824
MULTI-COUNTY OFFICE							135825
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to							135826 135827

support the Office of the Ohio Public Defender's Multi-County	135828
Branch Office Program.	135829
TRAINING ACCOUNT	135830
The foregoing appropriation item 019405, Training Account,	135831
shall be used by the Ohio Public Defender to provide legal	135832
training programs at no cost for private appointed counsel who	135833
represents at least one indigent defendant at no cost, state and	135834
county public defenders, and attorneys who contract with the Ohio	135835
Public Defender to provide indigent defense services.	135836
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	135837
FUND	135838
On July 1 of each fiscal year, or as soon as possible	135839
thereafter, the Director of Budget and Management shall transfer	135840
\$10,000 cash from the General Revenue Fund to the Legal Aid Fund	135841
(Fund 5740). The transferred cash shall be distributed by the Ohio	135842
Legal Assistance Foundation to Ohio's civil legal aid societies	135843
for the sole purpose of providing legal services for economically	135844
disadvantaged individuals.	135845
FEDERAL REPRESENTATION	135846
The foregoing appropriation item 019608, Federal	135847
Representation, shall be used to support representation provided	135848
by the Ohio Public Defender in federal court cases.	135849
<b>Section 373.10.</b> DPS DEPARTMENT OF PUBLIC SAFETY	135850
General Revenue Fund	135851
GRF 763403 EMA Operating                   \$     4,366,944 \$     4,789,493	135852
GRF 763510 Lake County Regional         \$         250,000 \$         250,000	135853
Response Facility	
GRF 767420 Investigative Unit           \$    11,794,084 \$    12,158,534	135854
Operating	
GRF 768425 Justice Program               \$         713,717 \$     1,016,677	135855

		Services				
GRF	769406	Homeland Security -	\$	2,626,618	\$	2,741,493 135856
		Operating				
TOTAL GRF	General Revenue Fund		\$	19,751,363	\$	20,956,197 135857
		Dedicated Purpose Fund Group				135858
4P60	768601	Justice Program	\$	330,000	\$	210,000 135859
		Services				
4V30	763662	EMA Service and	\$	751,000	\$	751,000 135860
		Reimbursements				
5BK0	768687	Criminal Justice	\$	550,000	\$	400,000 135861
		Services - Operating				
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000 135862
		Shelter Programs				
5ET0	768625	Drug Law Enforcement	\$	7,000,000	\$	7,000,000 135863
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 135864
		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	100,000	\$	100,000 135865
		Protection				
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 135866
5RS0	768621	Community Police	\$	1,000,000	\$	1,000,000 135867
		Relations				
5Y10	767696	Ohio Investigative	\$	20,000	\$	20,000 135868
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000 135869
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 135870
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 135871
		Planning				
8500	767628	Investigative Unit	\$	175,000	\$	175,000 135872

		Salvage		
TOTAL DPF Dedicated Purpose Fund Group		\$ 15,759,199	\$ 15,489,199	135873
Federal Fund Group				135874
3290 763645	Federal Mitigation Program	\$ 7,960,000	\$ 7,200,000	135875
3370 763609	Federal Disaster Relief	\$ 20,019,000	\$ 18,017,000	135876
3390 763647	Emergency Management Assistance and Training	\$ 49,600,000	\$ 44,700,000	135877
3FK0 768615	Justice Assistance Grants - FFY11	\$ 100,000	\$ 100,000	135878
3FP0 767620	Ohio Investigative Unit Justice Contraband	\$ 55,000	\$ 55,000	135879
3FY0 768616	Justice Assistance Grants - FFY12	\$ 100,000	\$ 100,000	135880
3FZ0 768617	Justice Assistance Grants - FFY13	\$ 400,000	\$ 400,000	135881
3GA0 768618	Justice Assistance Grants - FFY14	\$ 900,000	\$ 900,000	135882
3GL0 768619	Justice Assistance Grants - FFY15	\$ 12,500,000	\$ 12,500,000	135883
3GT0 767691	Investigative Unit Federal Equity Share	\$ 300,000	\$ 300,000	135884
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$ 1,400,000	\$ 1,400,000	135885
3GU0 769631	Homeland Security Disaster Grants	\$ 1,400,000	\$ 1,400,000	135886
3L50 768604	Justice Program	\$ 10,500,000	\$ 10,500,000	135887
3N50 763644	U.S. Department of	\$ 31,672	\$ 31,672	135888

Energy Agreement

TOTAL FED Federal Fund Group	\$	105,265,672	\$	97,603,672	135889
TOTAL ALL BUDGET FUND GROUPS	\$	140,776,234	\$	134,049,068	135890

**Section 373.20.** LAKE COUNTY REGIONAL RESPONSE FACILITY 135892

The foregoing appropriation item 763510, Lake County Regional 135893  
Response Facility, shall be distributed directly to the city of 135894  
Mentor for the purpose of constructing the Lake County Regional 135895  
Response Facility. 135896

STATE DISASTER RELIEF 135897

The State Disaster Relief Fund (Fund 5330) may accept 135898  
transfers of cash or appropriations from Controlling Board 135899  
appropriation items for the Ohio Emergency Management Agency 135900  
disaster response costs and disaster program management costs, and 135901  
may also be used for the following purposes: 135902

(A) To accept transfers of cash or appropriations from 135903  
Controlling Board appropriation items for Ohio Emergency 135904  
Management Agency public assistance and mitigation program match 135905  
costs to reimburse eligible local governments and private 135906  
nonprofit organizations for costs related to disasters; 135907

(B) To accept transfers of cash to reimburse the costs 135908  
associated with Emergency Management Assistance Compact (EMAC) 135909  
deployments; 135910

(C) To accept disaster related reimbursement from federal, 135911  
state, and local governments. The Director of Budget and 135912  
Management may transfer cash from reimbursements received by this 135913  
fund to other funds of the state from which transfers were 135914  
originally approved by the Controlling Board. 135915

(D) To accept transfers of cash or appropriations from 135916  
Controlling Board appropriation items to fund the State Disaster 135917  
Relief Program, for disasters that qualify for the program by 135918

written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

<b>Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>				135949
Dedicated Purpose Fund Group				135950
4A30	870614	Grade Crossing Protection Devices-State	\$ 750,000 \$ 1,000,000	135951
4L80	870617	Pipeline Safety-State	\$ 331,992 \$ 331,992	135952
5610	870606	Power Siting Board	\$ 581,000 \$ 581,000	135953
5F60	870622	Utility and Railroad Regulation	\$ 31,826,624 \$ 31,826,624	135954
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	135955
5LT0	870640	Intrastate Registration	\$ 195,000 \$ 195,000	135956
5LT0	870641	Unified Carrier Registration	\$ 450,000 \$ 450,000	135957
5LT0	870642	Hazardous Materials Registration	\$ 775,000 \$ 775,000	135958
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 292,000 \$ 292,000	135959
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 898,800 \$ 898,800	135960
5LT0	870645	Motor Carrier Enforcement	\$ 4,750,000 \$ 4,750,000	135961
5Q50	870626	Telecommunications Relay Service	\$ 3,500,000 \$ 3,500,000	135962
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$ 50,000	135963
5QS0	870647	Underground Facilities Administration	\$ 316,000 \$ 316,000	135964
TOTAL DPF Dedicated Purpose Fund Group			\$ 44,801,416 \$ 45,051,416	135965
Federal Fund Group				135966

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	135967
3500	870608	Motor Carrier Safety	\$	6,250,000	\$	6,250,000	135968
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	135969
		Information					
		Systems/Networks					
TOTAL FED	Federal Fund Group		\$	6,947,959	\$	6,947,959	135970
TOTAL ALL BUDGET FUND GROUPS			\$	51,749,375	\$	51,999,375	135971

**Section 377.10.** PWC PUBLIC WORKS COMMISSION 135973

		General Revenue Fund					135974
GRF	150904	Conservation General	\$	37,500,000	\$	40,500,000	135975
		Obligation Bond Debt					
		Service					
GRF	150907	Infrastructure	\$	227,005,100	\$	220,142,200	135976
		Improvement General					
		Obligation Bond Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	264,505,100	\$	260,642,200	135977
		Capital Projects Fund Group					135978
7038	150321	State Capital	\$	880,952	\$	880,952	135979
		Improvements Program					
		- Operating Expenses					
7056	150403	Clean Ohio	\$	296,051	\$	296,051	135980
		Conservation					
		Operating					
TOTAL CPF	Capital Projects Fund		\$	1,177,003	\$	1,177,003	135981
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	265,682,103	\$	261,819,203	135982

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 135984

SERVICE 135985

The foregoing appropriation item 150904, Conservation General 135986



Obligation Bond Debt Service, shall be used to pay all debt 135987  
service and related financing costs during the period from July 1, 135988  
2017, through June 30, 2019, at the times they are required to be 135989  
made for obligations issued under sections 151.01 and 151.09 of 135990  
the Revised Code. 135991

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 135992  
SERVICE 135993

The foregoing appropriation item 150907, Infrastructure 135994  
Improvement General Obligation Bond Debt Service, shall be used to 135995  
pay all debt service and related financing costs during the period 135996  
from July 1, 2017, through June 30, 2019, at the times they are 135997  
required to be made for obligations issued under sections 151.01 135998  
and 151.08 of the Revised Code. 135999

CLEAN OHIO CONSERVATION OPERATING 136000

The foregoing appropriation item 150403, Clean Ohio 136001  
Conservation Operating, shall be used by the Ohio Public Works 136002  
Commission in administering Clean Ohio Conservation Fund (Fund 136003  
7056) projects pursuant to sections 164.20 to 164.27 of the 136004  
Revised Code. 136005

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 136006

The foregoing appropriation item 150321, State Capital 136007  
Improvements Program - Operating Expenses, shall be used by the 136008  
Ohio Public Works Commission to administer the State Capital 136009  
Improvement Program under sections 164.01 to 164.16 of the Revised 136010  
Code. 136011

DISTRICT ADMINISTRATION COSTS 136012

The Director of the Public Works Commission is authorized to 136013  
create a District Administration Costs Program from proceeds of 136014  
the Capital Improvements Fund and Local Transportation Improvement 136015  
Program Fund. The program shall be used to provide for the direct 136016

costs of district administration of the nineteen public works 136017  
districts. Districts choosing to participate in the program shall 136018  
only expend State Capital Improvements Fund moneys for State 136019  
Capital Improvements Fund costs and Local Transportation 136020  
Improvement Program Fund moneys for Local Transportation 136021  
Improvement Program Fund costs. The District Administration Costs 136022  
Program account shall not exceed \$1,235,000 per fiscal year. Each 136023  
public works district may be eligible for up to \$65,000 per fiscal 136024  
year from its district allocation as provided in sections 164.08 136025  
and 164.14 of the Revised Code. 136026

The Director, by rule, shall define allowable and 136027  
nonallowable costs for the purpose of the District Administration 136028  
Costs Program. Nonallowable costs include indirect costs, elected 136029  
official salaries and benefits, and project-specific costs. No 136030  
district public works committee may participate in the District 136031  
Administration Costs Program without the approval of those costs 136032  
by the district public works committee under section 164.04 of the 136033  
Revised Code. 136034

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 136035

The Director of the Public Works Commission is authorized to 136036  
create a District Administration Costs Program for districts 136037  
represented by natural resource assistance councils. This program 136038  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 136039  
The program shall be used by natural resource assistance councils 136040  
in order to provide for administration costs of the nineteen 136041  
natural resource assistance councils for the direct costs of 136042  
council administration. Councils choosing to participate in this 136043  
program may be eligible for up to \$15,000 per fiscal year from its 136044  
district allocation as provided in section 164.27 of the Revised 136045  
Code. The director shall define allowable and nonallowable costs 136046  
for the purpose of the District Administration Costs Program. 136047  
Nonallowable costs include indirect costs, elected official 136048

salaries and benefits, and project-specific costs. 136049

**Section 379.10.** RAC STATE RACING COMMISSION 136050

Dedicated Purpose Fund Group 136051

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 136052

Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 136053

Development

5650 875604 Racing Commission \$ 3,743,995 \$ 3,770,948 136054

Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 136055

Development-Casino

5NL0 875611 Revenue \$ 8,000,000 \$ 8,000,000 136056

Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,206,090 \$ 23,233,043 136057

Group

Fiduciary Fund Group 136058

5C40 875607 Simulcast Horse \$ 9,000,000 \$ 9,000,000 136059

Racing Purse

TOTAL FID Fiduciary Fund Group \$ 9,000,000 \$ 9,000,000 136060

Holding Account Fund Group 136061

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 136062

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 136063

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,306,090 \$ 32,333,043 136064

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 136066

General Revenue Fund 136067

GRF 235321 Operating Expenses \$ 5,650,000 \$ 5,650,000 136068

GRF 235402 Sea Grants \$ 294,761 \$ 294,761 136069

GRF 235406 Articulation and \$ 1,983,979 \$ 1,983,979 136070

Transfer

GRF 235408	Midwest Higher Education Compact	\$	113,275	\$	113,275	136071
GRF 235414	Grants and Scholarship Administration	\$	831,089	\$	831,089	136072
GRF 235417	Technology Maintenance and Operations	\$	4,540,735	\$	4,540,735	136073
GRF 235428	Appalachian New Economy Partnership	\$	1,477,500	\$	1,477,500	136074
GRF 235438	Choose Ohio First Scholarship	\$	16,424,568	\$	16,424,568	136075
GRF 235443	Adult Basic and Literacy Education - State	\$	7,192,880	\$	7,192,880	136076
GRF 235444	Ohio Technical Centers	\$	16,730,936	\$	16,898,246	136077
GRF 235474	Area Health Education Centers Program Support	\$	886,500	\$	886,500	136078
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000	136079
GRF 235500	Short-Term Certificates	\$	0	\$	5,000,000	136080
GRF 235501	State Share of Instruction	\$	1,979,416,550	\$	1,979,416,550	136081
GRF 235502	Student Support Services	\$	623,479	\$	623,479	136082
GRF 235504	War Orphans Scholarships	\$	8,077,000	\$	8,372,500	136083
GRF 235507	OhioLINK	\$	6,117,847	\$	6,117,847	136084
GRF 235508	Air Force Institute of Technology	\$	1,714,691	\$	1,714,691	136085
GRF 235510	Ohio Supercomputer Center	\$	4,802,984	\$	4,802,984	136086
GRF 235511	Cooperative Extension	\$	24,110,186	\$	24,110,186	136087

	Service					
GRF 235514	Central State	\$	11,685,516	\$	11,685,516	136088
	Supplement					
GRF 235515	Case Western Reserve	\$	1,931,628	\$	0	136089
	University School of					
	Medicine					
GRF 235519	Family Practice	\$	2,849,567	\$	0	136090
GRF 235520	Shawnee State	\$	2,537,456	\$	2,537,456	136091
	Supplement					
GRF 235525	Geriatric Medicine	\$	469,936	\$	0	136092
GRF 235526	Primary Care	\$	1,350,000	\$	0	136093
	Residencies					
GRF 235528	Clinical Teaching	\$	0	\$	37,046,995	136094
GRF 235533	Higher Education	\$	6,287,500	\$	500,000	136095
	Program Support					
GRF 235535	Ohio Agricultural	\$	36,861,470	\$	36,861,470	136096
	Research and					
	Development Center					
GRF 235536	The Ohio State	\$	8,702,047	\$	0	136097
	University Clinical					
	Teaching					
GRF 235537	University of	\$	7,157,316	\$	0	136098
	Cincinnati Clinical					
	Teaching					
GRF 235538	University of Toledo	\$	5,578,740	\$	0	136099
	Clinical Teaching					
GRF 235539	Wright State	\$	2,710,260	\$	0	136100
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,620,091	\$	0	136101
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,694,760	\$	0	136102
	University Clinical					

	Teaching					
GRF 235546	Central State	\$	1,415,462	\$	1,415,462	136103
	Agricultural Research and Development					
GRF 235548	Central State	\$	1,326,771	\$	1,326,771	136104
	Cooperative Extension Services					
GRF 235552	Capital Component	\$	6,350,817	\$	1,584,491	136105
GRF 235555	Library Depositories	\$	1,296,308	\$	1,296,308	136106
GRF 235556	Ohio Academic Resources Network	\$	3,124,931	\$	3,124,931	136107
GRF 235558	Long-term Care Research	\$	292,770	\$	0	136108
GRF 235559	Central State University - Agriculture Education	\$	250,000	\$	250,000	136109
GRF 235563	Ohio College Opportunity Grant	\$	98,000,000	\$	99,000,000	136110
GRF 235572	The Ohio State University Clinic Support	\$	689,880	\$	0	136111
GRF 235591	Co-Op Internship Program	\$	700,000	\$	700,000	136112
GRF 235599	National Guard Scholarship Program	\$	19,109,000	\$	19,109,000	136113
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	269,425,600	\$	297,094,600	136114
TOTAL GRF	General Revenue Fund	\$	2,577,156,786	\$	2,600,734,770	136115
	Dedicated Purpose Fund Group					136116
2200 235614	Program Approval and Reauthorization	\$	664,562	\$	664,562	136117
4560 235603	Sales and Services	\$	199,250	\$	199,250	136118

4E80	235602	Higher Educational Facility Commission Administration	\$	50,000	\$	50,000	136119
5D40	235675	Conference/Special Purposes	\$	791,503	\$	791,503	136120
5FR0	235650	State and Non-Federal Grants and Award	\$	500,000	\$	500,000	136121
5JC0	235550	Accelerated Completion in Technical Studies	\$	2,500,000	\$	2,500,000	136122
5JC0	235654	Federal Research Network	\$	3,500,000	\$	3,500,000	136123
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	250,000	\$	250,000	136124
5P30	235663	Variable Savings Plan	\$	7,250,000	\$	7,250,000	136125
5RA0	235616	Workforce and Higher Education Programs	\$	3,000,000	\$	3,000,000	136126
5TF0	235566	Completion and Retention for Education Success	\$	425,000	\$	875,000	136127
5TF0	235600	Finish for Your Future Scholarship Program	\$	2,000,000	\$	4,000,000	136128
5TF0	235653	College Ready Transition Courses	\$	500,000	\$	1,000,000	136129
6450	235664	Guaranteed Savings Plan	\$	1,061,886	\$	1,061,886	136130
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	136131
TOTAL	DPF	Dedicated Purpose Fund Group	\$	23,583,521	\$	26,533,521	136132
		Bond Research and Development Fund Group					136133

7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	136134
		Third Frontier					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	136135
		Development Fund Group					
		Federal Fund Group					136136
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	136137
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	136138
		Grant/Plan					
		Administration					
3120	235617	Improving Teacher	\$	2,800,000	\$	2,800,000	136139
		Quality Grant					
3120	235641	Adult Basic and	\$	16,400,000	\$	16,600,000	136140
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,250,000	\$	1,250,000	136141
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	136142
		Project					
3N60	235658	John R. Justice	\$	60,000	\$	60,000	136143
		Student Loan					
		Repayment Program					
TOTAL FED		Federal Fund Group	\$	24,235,000	\$	24,435,000	136144
TOTAL ALL		BUDGET FUND GROUPS	\$	2,632,975,307	\$	2,659,703,291	136145

**Section 381.20. SEA GRANTS** 136147

The foregoing appropriation item 235402, Sea Grants, shall be 136148  
used to match federal dollars and leverage additional support by 136149  
The Ohio State University's Sea Grant program, including Stone 136150  
Laboratory, for research, education, and outreach to enhance the 136151  
economic value, public utilization, and responsible management of 136152  
Lake Erie and Ohio's coastal resources. 136153

**Section 381.30. ARTICULATION AND TRANSFER** 136154



The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 136164

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 136168

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS** 136178

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education.

The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 136184  
136185

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education. 136186  
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH. 136199  
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TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM TRANSFER 136205  
136206

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon request by the Chancellor of Higher Education, shall cancel any existing encumbrances against appropriation item 235483, Technology Integration and Professional Development, and re-establish them against appropriation item 235417, Technology Maintenance and Operations. The re-established encumbrance amounts are hereby appropriated. 136207  
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**Section 381.70.** APPALACHIAN NEW ECONOMY PARTNERSHIP 136214

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

**Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP** 136222

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

**Section 381.90. ADULT BASIC AND LITERACY EDUCATION** 136234

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

**Section 381.100. OHIO TECHNICAL CENTERS FUNDING** 136241

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to

support post-secondary adult career-technical education. The 136244  
Chancellor shall provide coordination for Ohio Technical Centers 136245  
through program approval processes, data collection of program and 136246  
student outcomes, and subsidy disbursements from the foregoing 136247  
appropriation item 235444, Ohio Technical Centers. 136248

(A)(1) As soon as possible in each fiscal year, in accordance 136249  
with instructions of the Chancellor, each Ohio Technical Center 136250  
shall report its actual data, consistent with the definitions in 136251  
the Higher Education Information (HEI) system's files, to the 136252  
Chancellor. 136253

(a) In defining the number of full-time equivalent students 136254  
for state subsidy purposes, the Chancellor shall exclude all 136255  
students who are not residents of Ohio. 136256

(b) A full-time equivalent student shall be defined as a 136257  
student who completes 450 hours. Those students that complete some 136258  
portion of 450 hours shall be counted as a partial full-time 136259  
equivalent for funding purposes, while students that complete more 136260  
than 450 hours shall be counted as proportionally greater than one 136261  
full-time equivalent. 136262

(c) In calculating each Ohio Technical Center's full-time 136263  
equivalent students, the Chancellor shall use a three-year 136264  
average. 136265

(d) After June 30, 2019, Ohio Technical Centers shall operate 136266  
with, or be an active candidate for, accreditation by an 136267  
accreditor authorized by the United States Department of Education 136268  
to be eligible to receive subsidies from the foregoing 136269  
appropriation item 235444, Ohio Technical Centers. 136270

(2) In each fiscal year, twenty-five per cent of the 136271  
allocation for Ohio Technical Centers shall be distributed based 136272  
on the proportion of each Center's full-time equivalent students 136273  
to the total full-time equivalent students who complete a 136274

post-secondary technical workforce training program approved by 136275  
the Chancellor with a grade of C or better or a grade of pass if 136276  
the program is evaluated on a pass/fail basis. 136277

(3) In each fiscal year, twenty per cent of the allocation 136278  
for Ohio Technical Centers shall be distributed based on the 136279  
proportion of each Center's full-time equivalent students to the 136280  
total full-time equivalent students who complete 50 per cent of a 136281  
program of study as a measure of student retention. 136282

(4) In each fiscal year, fifty per cent of the allocation for 136283  
Ohio Technical Centers shall be distributed based on the 136284  
proportion of each Center's full-time equivalent students to the 136285  
total full-time equivalent students who have found employment, 136286  
entered military service, or enrolled in additional post-secondary 136287  
education and training in accordance with the placement 136288  
definitions of the Carl D. Perkins Career and Technical Education 136289  
Act of 2006 (Perkins). The calculation for eligible full-time 136290  
equivalent students shall be based on the per cent of Perkins 136291  
placements for students who have completed at least 50 per cent of 136292  
a program of study. 136293

(5) In each fiscal year, five per cent of the allocation for 136294  
Ohio Technical Centers shall be distributed based on the 136295  
proportion of each Center's full-time equivalent students to the 136296  
total full-time equivalent students who have earned a credential 136297  
from an industry-recognized third party. 136298

(B) Of the foregoing appropriation item 235444, Ohio 136299  
Technical Centers, up to 2.38 per cent in each fiscal year may be 136300  
distributed by the Chancellor to the Ohio Central School System, 136301  
up to \$48,000 in each fiscal year may be utilized for assistance 136302  
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 136303  
year may be distributed by the Chancellor to Ohio Technical 136304  
Centers that provide business consultation with matching local 136305  
dollars, with preference to industries on the in-demand jobs list 136306

created under section 6301.11 of the Revised Code or in regionally 136307  
emerging fields. Centers meeting this requirement shall receive an 136308  
amount not to exceed \$25,000 per center. 136309

(C) The remainder of the foregoing appropriation item 235444, 136310  
Ohio Technical Centers, in each fiscal year shall be distributed 136311  
in accordance with division (A) of this section. 136312

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 136313  
CENTERS 136314

(1) In fiscal year 2018, no Ohio Technical Center shall 136315  
receive performance funding calculated under division (A) of this 136316  
section, excluding funding for third party credentials calculated 136317  
under division (A)(5) of this section, that is less than 95 per 136318  
cent of the average allocation the Center received, excluding 136319  
funding for third party credentials, in the three prior fiscal 136320  
years. 136321

In fiscal year 2019, no Ohio Technical Center shall receive 136322  
performance funding calculated under division (A) of this section, 136323  
excluding funding for third party credentials calculated under 136324  
division (A)(5) of this section, that is less than 94 per cent of 136325  
the average allocation the Center received, excluding funding for 136326  
third party credentials, in the three prior fiscal years. 136327

(2) In order to ensure that no Center receives less than the 136328  
amounts identified for each fiscal year in accordance with 136329  
division (D)(1) of this section, funds shall be made available to 136330  
support the phase-in allocation by proportionally reducing formula 136331  
earnings from each Center not receiving phase-in funding. 136332

**Section 381.110.** AREA HEALTH EDUCATION CENTERS PROGRAM 136333  
SUPPORT 136334

The foregoing appropriation item 235474, Area Health 136335  
Education Centers Program Support, shall be used by the Chancellor 136336

of Higher Education to support the medical school regional area 136337  
health education centers' educational programs for the continued 136338  
support of medical and other health professions education and for 136339  
support of the Area Health Education Center Program. 136340

**Section 381.120. CAMPUS SAFETY AND TRAINING** 136341

The foregoing appropriation item 235492, Campus Safety and 136342  
Training, shall be used by the Chancellor of Higher Education for 136343  
the purpose of developing model best practices for preventing and 136344  
responding to sexual violence on campus. The Chancellor, in 136345  
consultation with state institutions of higher education as 136346  
defined in section 3345.011 of the Revised Code and private 136347  
nonprofit institutions of higher education holding certificates of 136348  
authorization under Chapter 1713. of the Revised Code, shall 136349  
continue to develop model best practices in line with emerging 136350  
trends, research, and evidence-based training for preventing and 136351  
responding to sexual violence and protecting students and staff 136352  
who are victims of sexual violence on campus. The Chancellor shall 136353  
convene state institutions of higher education and private 136354  
nonprofit institutions of higher education in the training and 136355  
implementation of best practices regarding campus sexual violence. 136356

**Section 381.130. SHORT-TERM CERTIFICATES** 136357

The foregoing appropriation item 235500, Short-Term 136358  
Certificates, shall be used by the Chancellor to award need-based 136359  
financial aid to students who are enrolled in a state institution 136360  
of higher education in a program that may be completed in less 136361  
than one year and for which a certificate or industry-recognized 136362  
credential is awarded in an in-demand job pursuant to division 136363  
(D)(6) of section 3333.122 of the Revised Code. 136364

**Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS** 136365

The Chancellor of Higher Education shall establish procedures 136366  
to allocate the foregoing appropriation item 235501, State Share 136367  
of Instruction, based on the formulas detailed in this section 136368  
that utilize the enrollment, course completion, degree attainment, 136369  
and student achievement factors reported annually by each state 136370  
institution of higher education participating in the Higher 136371  
Education Information (HEI) system. 136372

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 136373  
COMPLETIONS 136374

(1) As soon as possible during each fiscal year of the 136375  
biennium ending June 30, 2019, in accordance with instructions of 136376  
the Department of Higher Education, each state institution of 136377  
higher education shall report its actual data, consistent with the 136378  
definitions in the Higher Education Information (HEI) system's 136379  
enrollment files, to the Chancellor of Higher Education. 136380

(2) In defining the number of full-time equivalent students 136381  
for state subsidy instructional cost purposes, the Chancellor 136382  
shall exclude all undergraduate students who are not residents of 136383  
Ohio or who do not meet the definition of residency for state 136384  
subsidy and tuition surcharge purposes, except those charged 136385  
in-state fees in accordance with reciprocity agreements made under 136386  
section 3333.17 of the Revised Code or employer contracts entered 136387  
into under section 3333.32 of the Revised Code. 136388

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 136389

For purposes of calculating state share of instruction 136390  
allocations, the total instructional costs per full-time 136391  
equivalent student shall be: 136392

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	\$8,678	\$8,837	136394
ARTS AND HUMANITIES 2	\$12,238	\$12,463	136395
ARTS AND HUMANITIES 3	\$15,530	\$15,814	136396



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ARTS AND HUMANITIES 4	\$24,455	\$24,903	136397
ARTS AND HUMANITIES 5	\$39,092	\$39,809	136398
ARTS AND HUMANITIES 6	\$40,081	\$40,815	136399
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,258	\$8,409	136400
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,278	\$9,448	136401
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$11,903	\$12,121	136402
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$13,855	\$14,109	136403
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,149	\$22,555	136404
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$23,377	\$23,805	136405
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,909	\$35,549	136406
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,059	\$8,206	136407
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,889	\$11,088	136408
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$12,615	\$12,846	136409
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$14,845	\$15,117	136410
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,560	\$19,918	136411
SCIENCE, TECHNOLOGY,	\$20,673	\$21,052	136412

ENGINEERING, MATHEMATICS, MEDICINE 6				
SCIENCE, TECHNOLOGY,	\$23,500		\$23,930	136413
ENGINEERING, MATHEMATICS, MEDICINE 7				
SCIENCE, TECHNOLOGY,	\$38,870		\$39,582	136414
ENGINEERING, MATHEMATICS, MEDICINE 8				
SCIENCE, TECHNOLOGY,	\$54,329		\$55,324	136415
ENGINEERING, MATHEMATICS, MEDICINE 9				
Doctoral I and Doctoral II models shall be allocated in				136416
accordance with division (D)(2) of this section.				136417
Medical I and Medical II models shall be allocated in				136418
accordance with divisions (D)(3) and (D)(4) of this section.				136419
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,				136420
AND GRADUATE WEIGHTS				136421
For the purpose of implementing the recommendations of the				136422
2006 State Share of Instruction Consultation and the Higher				136423
Education Funding Study Council that priority be given to				136424
maintaining state support for science, technology, engineering,				136425
mathematics, medicine, and graduate programs, the costs in				136426
division (B) of this section shall be weighted by the amounts				136427
provided below:				136428
Model	Fiscal Year 2018	Fiscal Year 2019		136429
ARTS AND HUMANITIES 1	1.0000	1.0000		136430
ARTS AND HUMANITIES 2	1.0000	1.0000		136431
ARTS AND HUMANITIES 3	1.0000	1.0000		136432
ARTS AND HUMANITIES 4	1.0000	1.0000		136433
ARTS AND HUMANITIES 5	1.0425	1.0425		136434
ARTS AND HUMANITIES 6	1.0425	1.0425		136435
BUSINESS, EDUCATION &	1.0000	1.0000		136436

SOCIAL SCIENCES 1			
BUSINESS, EDUCATION &	1.0000	1.0000	136437
SOCIAL SCIENCES 2			
BUSINESS, EDUCATION &	1.0000	1.0000	136438
SOCIAL SCIENCES 3			
BUSINESS, EDUCATION &	1.0000	1.0000	136439
SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	1.0425	1.0425	136440
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	136441
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	136442
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	136443
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	136444
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	136445
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	136446
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	136447
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	136448
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.4380	1.4380	136449

MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	136450
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	136451
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			136452
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			136453
(1) Of the foregoing appropriation item 235501, State Share			136454
of Instruction, 50 per cent of the appropriation for universities,			136455
as established in division (A)(2) of the section of this act			136456
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND			136457
2019," in each fiscal year shall be reserved for support of			136458
associate, baccalaureate, master's, and professional level degree			136459
attainment.			136460
The degree attainment funding shall be allocated to			136461
universities in proportion to each campus's share of the total			136462
statewide degrees granted, weighted by the cost of the degree			136463
programs. The degree cost calculations shall include the model			136464
cost weights for the science, technology, engineering,			136465
mathematics, and medicine models as established in division (C) of			136466
this section.			136467
For degrees including credits earned at multiple			136468
institutions, degree attainment funding shall be allocated to			136469
universities in proportion to each campus's share of the			136470
student-specific cost of earned credits for the degree. Each			136471
institution shall receive its prorated share of degree funding for			136472
credits earned at that institution. Cost of credits not earned at			136473
a university main or regional campus shall be credited to the			136474
degree-granting institution for the first degree earned by a			136475
student at each degree level. The cost credited to the			136476

degree-granting institution shall not be eligible for at-risk 136477  
weights and shall be limited to 12.5 per cent of the 136478  
student-specific degree costs. However, the 12.5 per cent 136479  
limitation shall not apply if the student transferred 12 or fewer 136480  
credits into the degree granting institution. 136481

In calculating the subsidy entitlements for degree attainment 136482  
for universities, the Chancellor shall use the following count of 136483  
degrees and degree costs: 136484

(a) The subsidy eligible undergraduate degrees shall be 136485  
defined as follows: 136486

(i) The subsidy eligible degrees conferred to students 136487  
identified as residents of the state of Ohio in any term of their 136488  
studies, as reported through the Higher Education Information 136489  
(HEI) system student enrollment file, shall be weighted by a 136490  
factor of 1. 136491

(ii) The subsidy eligible degrees conferred to students 136492  
identified as out-of-state residents during all terms of their 136493  
studies, as reported through the Higher Education Information 136494  
(HEI) system student enrollment file, who remain in the state of 136495  
Ohio at least one year after graduation, as calculated based on 136496  
the three-year average in-state residency rate using the 136497  
Unemployment Wage data for out-of-state graduates at each 136498  
institution, shall be weighted by a factor of 50 per cent. 136499

(iii) Subsidy eligible associate degrees are defined as those 136500  
earned by students attending any state-supported university main 136501  
or regional campus. 136502

(b) In calculating each campus's count of degrees, the 136503  
Chancellor shall use the three-year average associate, 136504  
baccalaureate, master's, and professional degrees awarded for the 136505  
three-year period ending in the prior year. 136506

(i) If a student is awarded an associate degree and, 136507

subsequently, is awarded a baccalaureate degree, the amount funded 136508  
for the baccalaureate degree shall be limited to either the 136509  
difference in cost between the cost of the baccalaureate degree 136510  
and the cost of the associate degree paid previously, or if the 136511  
associate degree has a higher cost than the baccalaureate degree, 136512  
the cost of the credits earned by the student after the associate 136513  
degree was awarded. 136514

(ii) If a student earns an associate degree then, 136515  
subsequently, earns a baccalaureate degree, the associate degree 136516  
granting institution shall only receive the prorated share of the 136517  
baccalaureate degree funding for the credits earned at that 136518  
institution after the associate degree is awarded. 136519

(iii) If a student earns more than one degree at the same 136520  
institution at the same degree level in the same fiscal year, the 136521  
funding for the highest cost degree shall be prorated among 136522  
institutions based on where the credits were earned and additional 136523  
degrees shall be funded at 25 per cent of the cost of the degrees. 136524

(c) Associate degrees and baccalaureate degrees earned by a 136525  
student defined as at-risk based on academic underpreparation, 136526  
age, minority status, financial status, or first generation 136527  
post-secondary status based on neither parent completing any 136528  
education beyond high school, shall be defined as degrees earned 136529  
by an at-risk student and shall be weighted by the following: 136530

A student-specific degree completion weight, where the weight 136531  
is calculated based on the at-risk factors of the individual 136532  
student, determined by calculating the difference between the 136533  
percentage of students with each risk factor who earned a degree 136534  
and the percentage of non-at-risk students who earned a degree. 136535

(2) Of the foregoing appropriation item 235501, State Share 136536  
of Instruction, up to 11.78 per cent of the appropriation for 136537  
universities, as established in division (A)(2) of the section of 136538

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 and 2019," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2018, NEOMED shall receive \$250,000 and in fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 32.50 per cent of the remaining doctoral set-aside in fiscal year 2018 and 25 per cent of the remaining doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 and 50 per cent of the doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 22.5 per cent of the doctoral set-aside in fiscal year 2018 and 25 per cent of the doctoral set-aside in fiscal year 2019

shall be allocated to universities in proportion to their share of 136571  
research grant activity. Funding for this component shall be 136572  
allocated to eligible universities in proportion to their share of 136573  
research grant activity published by the National Science 136574  
Foundation. Grant awards from the Department of Health and Human 136575  
Services shall be weighted at 50 per cent. 136576

(3) Of the foregoing appropriation item 235501, State Share 136577  
of Instruction, 6.41 per cent of the appropriation for 136578  
universities, as established in division (A)(2) of the section of 136579  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136580  
2018 AND 2019," in each fiscal year shall be reserved for support 136581  
of Medical II FTEs. The amount so reserved shall be referred to as 136582  
the medical II set-aside. 136583

The medical II set-aside shall be allocated to universities 136584  
in proportion to their share of the statewide total of each state 136585  
institution's three-year average Medical II FTEs as calculated in 136586  
division (A) of this section. 136587

In calculating the core subsidy entitlements for Medical II 136588  
models only, students repeating terms may be no more than five per 136589  
cent of current year enrollment. 136590

(4) Of the foregoing appropriation item 235501, State Share 136591  
of Instruction, 1.48 per cent of the appropriation for 136592  
universities, as established in division (A)(2) of the section of 136593  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136594  
2018 AND 2019," in each fiscal year shall be reserved for support 136595  
of Medical I FTEs. The amount so reserved shall be referred to as 136596  
the medical I set-aside. 136597

The medical I set-aside shall be allocated to universities in 136598  
proportion to their share of the statewide total of each state 136599  
institution's three-year average Medical I FTEs as calculated in 136600  
division (A) of this section. 136601



(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," less the degree attainment funding as calculated

in division (D)(1) of this section, less the doctoral set-aside, 136633  
less the medical I set-aside, and less the medical II set-aside, 136634  
by the sum of all campuses' instructional costs as calculated in 136635  
division (D)(5) of this section. 136636

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136637  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136638

(1) Of the foregoing appropriation item 235501, State Share 136639  
of Instruction, 50 per cent of the appropriation for 136640  
state-supported community colleges, state community colleges, and 136641  
technical colleges as established in division (A)(1) of the 136642  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136643  
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 136644  
course completion FTEs as aggregated by the subsidy models defined 136645  
in division (B) of this section. 136646

The course completion funding shall be allocated to campuses 136647  
in proportion to each campus's share of the total sector's course 136648  
completions, weighted by the instructional cost of the subsidy 136649  
models. 136650

To calculate the subsidy entitlements for course completions 136651  
at community colleges, state community colleges, and technical 136652  
colleges, the Chancellor shall use the following calculations: 136653

(a) In calculating each campus's count of FTE course 136654  
completions, the Chancellor shall use a three-year average for 136655  
course completions for the three year period ending in the prior 136656  
year. 136657

(b) The subsidy eligible enrollments by model shall equal 136658  
only those FTE students who successfully complete the course as 136659  
defined and reported through the Higher Education Information 136660  
(HEI) system course enrollment file. 136661

(c) Those students with successful course completions, that 136662  
are defined as access students based on financial status, minority 136663

status, age, or academic under-preparation shall have their 136664  
eligible course completions weighted by a statewide access weight. 136665  
The weight given to any student that meets any access factor shall 136666  
be 15 per cent for all course completions. 136667

(d) The model costs as used in the calculation shall be 136668  
augmented by the model weights for science, technology, 136669  
engineering, mathematics, and medicine models as established in 136670  
division (C) of this section. 136671

(2) Of the foregoing appropriation item 235501, State Share 136672  
of Instruction, 25 per cent of the appropriation for 136673  
state-supported community colleges, state community colleges, and 136674  
technical colleges as established in division (A)(1) of the 136675  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136676  
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 136677  
for colleges in proportion to their share of college student 136678  
success factors. 136679

Student success factors shall be awarded at the institutional 136680  
level for each student that successfully: 136681

(a) Completes a developmental math course and, within the 136682  
next year, enrolls in a college-level math course. 136683

(b) Completes a developmental English course and, within the 136684  
next year, enrolls in a college-level English course. 136685

(c) Completes 12 semester credit hours of college-level 136686  
coursework. 136687

(d) Completes 24 semester credit hours of college-level 136688  
coursework. 136689

(e) Completes 36 semester credit hours of college-level 136690  
coursework. 136691

(3) Of the foregoing appropriation item 235501, State Share 136692  
of Instruction, 25 per cent of the appropriation for 136693

state-supported community colleges, state community colleges, and 136694  
technical colleges shall be reserved for completion milestones. 136695

Completion milestones shall include associate degrees, 136696  
technical certificates over 30 credit hours as designated by the 136697  
Department of Higher Education, and students transferring to any 136698  
four-year institution with at least 12 credit hours of 136699  
college-level coursework earned at that community college, state 136700  
community college, or technical college. 136701

The completion milestone funding shall be allocated to 136702  
colleges in proportion to each institution's share of the sector's 136703  
total completion milestones, weighted by the instructional cost of 136704  
the associate degree, certificate, or transfer models. Costs for 136705  
technical certificates over 30 hours shall be weighted at one-half 136706  
of the associate degree model costs and transfers with at least 12 136707  
credit hours of college-level coursework shall be weighted at 136708  
one-fourth of the average cost for all associate degree model 136709  
costs. 136710

(4) To calculate the subsidy entitlements for completions at 136711  
community colleges, state community colleges, and technical 136712  
colleges, the Chancellor shall use the following calculations: 136713

(a) In calculating each campus's count of completions, the 136714  
Chancellor shall use a three-year average for completion metrics. 136715

(b) The subsidy eligible completions by model shall equal 136716  
only those students who successfully complete an associate degree 136717  
or technical certificate over 30 credit hours, or transfer to any 136718  
four-year institution with at least 12 credit hours of 136719  
college-level coursework as defined and reported in the Higher 136720  
Education Information (HEI) system. Student completions reported 136721  
in HEI shall have an accompanying course enrollment record in 136722  
order to be subsidy eligible. 136723

(c) Those students with successful completions for associate 136724

degrees, technical certificates over 30 credit hours, or transfer 136725  
to any four-year institution with at least 12 credit hours of 136726  
college-level coursework, identified in division (E)(3) of this 136727  
section, that are defined as access students based on financial 136728  
status, minority status, age, or academic under-preparation shall 136729  
have their eligible completions weighted by a statewide access 136730  
weight. The weight shall be 25 per cent for students with one 136731  
access factor, 66 per cent for students with two access factors, 136732  
150 per cent for students with three access factors, and 200 per 136733  
cent for students with four access factors. 136734

(d) For those students who complete more than one completion 136735  
milestone, funding for each additional associate degree or 136736  
technical certificate over 30 credit hours designated as such by 136737  
the Department of Higher Education shall be funded at 50 per cent 136738  
of the model costs as defined in division (3) of this section. 136739

(F) CAPITAL COMPONENT DEDUCTION 136740

After all other adjustments have been made, state share of 136741  
instruction earnings shall be reduced for each campus by the 136742  
amount, if any, by which debt service charged in Am. H.B. 748 of 136743  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 136744  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 136745  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 136746  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 136747  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 136748  
562 of the 127th General Assembly for that campus exceeds that 136749  
campus's capital component earnings. The sum of the amounts 136750  
deducted shall be transferred to appropriation item 235552, 136751  
Capital Component, in each fiscal year. 136752

(G) EXCEPTIONAL CIRCUMSTANCES 136753

Adjustments may be made to the state share of instruction 136754  
payments and other subsidies distributed by the Chancellor of 136755

Higher Education to state colleges and universities for 136756  
exceptional circumstances. No adjustments for exceptional 136757  
circumstances may be made without the recommendation of the 136758  
Chancellor and the approval of the Controlling Board. 136759

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136760  
INSTRUCTION 136761

The standard provisions of the state share of instruction 136762  
calculation as described in the preceding sections of temporary 136763  
law shall apply to any reductions made to appropriation item 136764  
235501, State Share of Instruction, before the Chancellor has 136765  
formally approved the final allocation of the state share of 136766  
instruction funds for any fiscal year. 136767

Any reductions made to appropriation item 235501, State Share 136768  
of Instruction, after the Chancellor has formally approved the 136769  
final allocation of the state share of instruction funds for any 136770  
fiscal year, shall be uniformly applied to each campus in 136771  
proportion to its share of the final allocation. 136772

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 136773

The state share of instruction payments to the institutions 136774  
shall be in substantially equal monthly amounts during the fiscal 136775  
year, unless otherwise determined by the Director of Budget and 136776  
Management pursuant to section 126.09 of the Revised Code. 136777  
Payments during the first six months of the fiscal year shall be 136778  
based upon the state share of instruction appropriation estimates 136779  
made for the various institutions of higher education and payments 136780  
during the last six months of the fiscal year shall be based on 136781  
the final data from the Chancellor. 136782

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 136783  
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 136784

The presidents of public institutions of higher education as 136785  
defined in section 3345.011 of the Revised Code, or their 136786

designees, in consultation with the Chancellor of Higher Education, shall study the effectiveness of the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. The study shall identify the extent to which STEMM and graduate weights re-allocate resources among institutions within the State Share of Instruction line item, the extent to which the resource re-allocation affects institutional production of STEMM and graduate completions, and the extent to which the weights are appropriate given current workforce data associated with emerging and in-demand fields. The study shall be completed by October 15, 2017. Notwithstanding any provision of law to the contrary, the presidents of public institutions of higher education as defined in section 3345.011 of the Revised Code, or their designees, in consultation with the Chancellor, shall use the results of the study to recommend changes in the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. Not later than December 1, 2017, the members shall report any changes to the Governor, the General Assembly, and the Office of Budget and Management.

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share

of Instruction, \$456,256,006 in each fiscal year shall be 136818  
distributed to state-supported community colleges, state community 136819  
colleges, and technical colleges. 136820

(2) Of the foregoing appropriation item 235501, State Share 136821  
of Instruction, \$1,523,160,544 in each fiscal year shall be 136822  
distributed to state-supported university main and regional 136823  
campuses. 136824

**Section 381.160. RESTRICTION ON FEE INCREASES** 136825

(A) In fiscal years 2018 and 2019, the boards of trustees of 136826  
state institutions of higher education shall restrain increases in 136827  
in-state undergraduate instructional, general, and all other fees. 136828

(1) For the 2017-2018 and 2018-2019 academic years, each 136829  
state university or college, as defined in section 3345.12 and 136830  
university branches established under Chapter 3355. of the Revised 136831  
Code shall not increase its in-state undergraduate instructional, 136832  
general, and all other fees over what the institution charged for 136833  
the 2016-2017 academic year. 136834

(2) For the 2017-2018 and 2018-2019 academic years, each 136835  
community college established under Chapter 3354., state community 136836  
college established under Chapter 3358., or technical college 136837  
established under Chapter 3357. of the Revised Code may increase 136838  
its in-state undergraduate instructional and general fees by not 136839  
more than \$10 per credit hour over what the institution charged 136840  
for the previous academic year to support quality academic 136841  
programming. 136842

The limitations under divisions (A)(1) and (2) of this 136843  
section do not apply to room and board, student health insurance, 136844  
fees for auxiliary goods or services provided to students at the 136845  
cost incurred to the institution, noninstructional program fees, 136846  
fees assessed to students as a pass-through for licensure and 136847



certification examinations, fees in elective courses associated 136848  
with travel experiences, elective service charges, fines, 136849  
voluntary sales transactions, and career services. 136850

(B) The limitations under this section shall not apply to 136851  
increases required to comply with institutional covenants related 136852  
to their obligations or to meet unfunded legal mandates or legally 136853  
binding obligations incurred or commitments made prior to the 136854  
effective date of this section with respect to which the 136855  
institution had identified such fee increases as the source of 136856  
funds. Any increase required by such covenants and any such 136857  
mandates, obligations, or commitments shall be reported by the 136858  
Chancellor of Higher Education to the Controlling Board. These 136859  
limitations may also be modified by the Chancellor, with the 136860  
approval of the Controlling Board, to respond to exceptional 136861  
circumstances as identified by the Chancellor. 136862

(C) These limitations shall not apply to institutions 136863  
participating in an undergraduate tuition guarantee program 136864  
pursuant to section 3345.48 of the Revised Code. 136865

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 136866

(A) Funds appropriated for instructional subsidies at 136867  
colleges and universities may be used to provide such branch or 136868  
other off-campus undergraduate courses of study and such master's 136869  
degree courses of study as may be approved by the Chancellor of 136870  
Higher Education. 136871

(B) In providing instructional and other services to 136872  
students, boards of trustees of state institutions of higher 136873  
education shall supplement state subsidies with income from 136874  
charges to students. Except as otherwise provided in this act, 136875  
each board shall establish the fees to be charged to all students, 136876  
including an instructional fee for educational and associated 136877  
operational support of the institution and a general fee for 136878

noninstructional services, including locally financed student 136879  
services facilities used for the benefit of enrolled students. The 136880  
instructional fee and the general fee shall encompass all charges 136881  
for services assessed uniformly to all enrolled students. Each 136882  
board may also establish special purpose fees, service charges, 136883  
and fines as required; such special purpose fees and service 136884  
charges shall be for services or benefits furnished individual 136885  
students or specific categories of students and shall not be 136886  
applied uniformly to all enrolled students. A tuition surcharge 136887  
shall be paid by all students who are not residents of Ohio. 136888

The board of trustees of a state institution of higher 136889  
education shall not authorize a waiver or nonpayment of 136890  
instructional fees or general fees for any particular student or 136891  
any class of students other than waivers specifically authorized 136892  
by law or approved by the Chancellor. This prohibition is not 136893  
intended to limit the authority of boards of trustees to provide 136894  
for payments to students for services rendered the institution, 136895  
nor to prohibit the budgeting of income for staff benefits or for 136896  
student assistance in the form of payment of such instructional 136897  
and general fees. 136898

Each state institution of higher education in its statement 136899  
of charges to students shall separately identify the instructional 136900  
fee, the general fee, the tuition charge, and the tuition 136901  
surcharge. Fee charges to students for instruction shall not be 136902  
considered to be a price of service but shall be considered to be 136903  
an integral part of the state government financing program in 136904  
support of higher educational opportunity for students. 136905

(C) The boards of trustees of state institutions of higher 136906  
education shall ensure that faculty members devote a proper and 136907  
judicious part of their work week to the actual instruction of 136908  
students. Total class credit hours of production per academic term 136909  
per full-time faculty member is expected to meet the standards set 136910

forth in the budget data submitted by the Chancellor of Higher 136911  
Education. 136912

(D) The authority of government vested by law in the boards 136913  
of trustees of state institutions of higher education shall in 136914  
fact be exercised by those boards. Boards of trustees may consult 136915  
extensively with appropriate student and faculty groups. 136916  
Administrative decisions about the utilization of available 136917  
resources, about organizational structure, about disciplinary 136918  
procedure, about the operation and staffing of all auxiliary 136919  
facilities, and about administrative personnel shall be the 136920  
exclusive prerogative of boards of trustees. Any delegation of 136921  
authority by a board of trustees in other areas of responsibility 136922  
shall be accompanied by appropriate standards of guidance 136923  
concerning expected objectives in the exercise of such delegated 136924  
authority and shall be accompanied by periodic review of the 136925  
exercise of this delegated authority to the end that the public 136926  
interest, in contrast to any institutional or special interest, 136927  
shall be served. 136928

**Section 381.180. STUDENT SUPPORT SERVICES** 136929

The foregoing appropriation item 235502, Student Support 136930  
Services, shall be distributed by the Chancellor of Higher 136931  
Education to Ohio's state colleges and universities that incur 136932  
disproportionate costs in the provision of support services to 136933  
disabled students. 136934

**Section 381.190. WAR ORPHANS SCHOLARSHIPS** 136935

The foregoing appropriation item 235504, War Orphans 136936  
Scholarships, shall be used to reimburse state institutions of 136937  
higher education for waivers of instructional fees and general 136938  
fees provided by them, to provide grants to institutions that have 136939  
received a certificate of authorization from the Chancellor of 136940

Higher Education under Chapter 1713. of the Revised Code, in 136941  
accordance with the provisions of section 5910.04 of the Revised 136942  
Code, and to fund additional scholarship benefits provided by 136943  
section 5910.032 of the Revised Code. 136944

During each fiscal year, the Chancellor, as soon as possible 136945  
after cancellation, may certify to the Director of Budget and 136946  
Management the amount of canceled prior-year encumbrances in 136947  
appropriation item 235504, War Orphans Scholarships. Upon receipt 136948  
of the certification, the Director of Budget and Management may 136949  
transfer cash, up to the certified amount, from the General 136950  
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 136951  
5PW0). 136952

**Section 381.200. OHIOLINK** 136953

The foregoing appropriation item 235507, OhioLINK, shall be 136954  
used by the Chancellor of Higher Education to support OhioLINK, a 136955  
consortium organized under division (T) of section 3333.04 of the 136956  
Revised Code to serve as the state's electronic library 136957  
information and retrieval system, which provides access statewide 136958  
to an extensive set of electronic databases and resources, the 136959  
library holdings of Ohio's public and participating private 136960  
nonprofit colleges and universities, and the State Library of 136961  
Ohio. 136962

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 136963

The foregoing appropriation item 235508, Air Force Institute 136964  
of Technology, shall be used to: (A) strengthen the research and 136965  
educational linkages between the Wright Patterson Air Force Base 136966  
and institutions of higher education in Ohio; and (B) support the 136967  
Dayton Area Graduate Studies Institute, an engineering graduate 136968  
consortium of Wright State University, the University of Dayton, 136969  
and the Air Force Institute of Technology, with the participation 136970

of the University of Cincinnati and The Ohio State University. 136971

**Section 381.220.** OHIO SUPERCOMPUTER CENTER 136972

The foregoing appropriation item 235510, Ohio Supercomputer 136973  
Center, shall be used by the Chancellor of Higher Education to 136974  
support the operation of the Ohio Supercomputer Center, a 136975  
consortium organized under division (T) of section 3333.04 of the 136976  
Revised Code, located at The Ohio State University. The Ohio 136977  
Supercomputer Center is a statewide resource available to Ohio 136978  
research universities both public and private. It is also intended 136979  
that the center be made accessible to private industry as 136980  
appropriate. 136981

Funds shall be used, in part, to support AweSim, the Ohio 136982  
Supercomputer Center's industrial outreach program. The Ohio 136983  
Supercomputer Center's services shall support Ohio's colleges, 136984  
universities, and businesses to make Ohio a leader in using 136985  
computational science, modeling, and simulation to promote higher 136986  
education, research, and economic competitiveness. 136987

**Section 381.230.** COOPERATIVE EXTENSION SERVICE 136988

The foregoing appropriation item 235511, Cooperative 136989  
Extension Service, shall be disbursed through the Chancellor of 136990  
Higher Education to The Ohio State University in monthly payments, 136991  
unless otherwise determined by the Director of Budget and 136992  
Management under section 126.09 of the Revised Code. 136993

Of the foregoing appropriation item 235511, Cooperative 136994  
Extension Service, \$134,244 in fiscal year 2018 and \$141,136 in 136995  
fiscal year 2019 shall be used to support salaries and benefits 136996  
for one 4-H Club at an elementary school in Cleveland and one 4-H 136997  
Club at an elementary school in Cincinnati. 136998

Of the foregoing appropriation item 235511, Cooperative 136999  
Extension Service, \$7,000 in each fiscal year shall be used to 137000

support mileage, telephone, supplies, and classroom activities 137001  
costs at 4-H Clubs in Cleveland and Cincinnati. Seventy per cent 137002  
of this amount shall be spent directly in relation to student 137003  
involvement in 4-H. 137004

Of the foregoing appropriation item 235511, Cooperative 137005  
Extension Service, \$48,831 in each fiscal year shall be used to 137006  
support the Food Policy Coordinator pilot project established in 137007  
Section 733.61 of this act. 137008

**Section 381.240.** CENTRAL STATE SUPPLEMENT 137009

The foregoing appropriation item 235514, Central State 137010  
Supplement, shall be disbursed by the Chancellor of Higher 137011  
Education to Central State University in accordance with the plan 137012  
developed by the Chancellor and submitted to the Governor and the 137013  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 137014  
General Assembly. Funds shall be used in a manner consistent with 137015  
the goals of increasing enrollment, improving course completion, 137016  
and increasing the number of degrees conferred. 137017

The Chancellor shall monitor the implementation of the plan 137018  
and the use of funds. Central State University shall provide any 137019  
information requested by the Chancellor related to the 137020  
implementation of the plan. If the Chancellor determines that 137021  
Central State University's use of supplemental funds is not in 137022  
accordance with the plan or if the plan is not having the desired 137023  
effect, the Chancellor may notify Central State University that 137024  
the plan is suspended. Upon receiving such notice, Central State 137025  
University shall avoid all unnecessary expenditures under the 137026  
plan. The Chancellor shall notify the Controlling Board of the 137027  
suspension of the plan and within sixty days prepare a new plan 137028  
for the use of any remaining funds. 137029

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 137030

MEDICINE 137031

The foregoing appropriation item 235515, Case Western Reserve 137032  
University School of Medicine, shall be disbursed to Case Western 137033  
Reserve University through the Chancellor of Higher Education in 137034  
accordance with agreements entered into under section 3333.10 of 137035  
the Revised Code, provided that the state support per full-time 137036  
medical student shall not exceed that provided to full-time 137037  
medical students at state universities. 137038

**Section 381.260. FAMILY PRACTICE** 137039

The Chancellor of Higher Education shall develop plans 137040  
consistent with existing criteria and guidelines as may be 137041  
required for the distribution of appropriation item 235519, Family 137042  
Practice. 137043

**Section 381.270. SHAWNEE STATE SUPPLEMENT** 137044

The foregoing appropriation item 235520, Shawnee State 137045  
Supplement, shall be disbursed by the Chancellor of Higher 137046  
Education to Shawnee State University in accordance with the plan 137047  
developed by the Chancellor and submitted to the Governor and the 137048  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 137049  
General Assembly. Funds shall be used in a manner consistent with 137050  
the goals of improving course completion, increasing the number of 137051  
degrees conferred, and furthering the university's mission of 137052  
service to the Appalachian region. 137053

The Chancellor shall monitor the implementation of the plan 137054  
and the use of funds. Shawnee State University shall provide any 137055  
information requested by the Chancellor related to the 137056  
implementation of the plan. If the Chancellor determines that 137057  
Shawnee State University's use of supplemental funds is not in 137058  
accordance with the plan or if the plan is not having the desired 137059

effect, the Chancellor may notify Shawnee State University that 137060  
the plan is suspended. Upon receiving such notice, Shawnee State 137061  
University shall avoid all unnecessary expenditures under the 137062  
plan. The Chancellor shall notify the Controlling Board of the 137063  
suspension of the plan and within sixty days prepare a new plan 137064  
for the use of any remaining funds. 137065

**Section 381.280. GERIATRIC MEDICINE** 137066

The Chancellor of Higher Education shall develop plans 137067  
consistent with existing criteria and guidelines as may be 137068  
required for the distribution of appropriation item 235525, 137069  
Geriatric Medicine. 137070

**Section 381.281. PRIMARY CARE RESIDENCIES** 137071

The Chancellor of Higher Education shall develop plans 137072  
consistent with existing criteria and guidelines as may be 137073  
required for the distribution of appropriation item 235526, 137074  
Primary Care Residencies. 137075

The foregoing appropriation item 235526, Primary Care 137076  
Residencies, shall be distributed in fiscal year 2018, based on 137077  
whether or not the institution has submitted and gained approval 137078  
for a plan. If the institution does not have an approved plan, it 137079  
shall receive five per cent less funding per student than it would 137080  
have received from its allocation in fiscal year 2018. The 137081  
remaining funding shall be distributed among those institutions 137082  
that meet or exceed their targets. 137083

**Section 381.282. CLINICAL TEACHING** 137084

(A) The foregoing appropriation item 235528, Clinical 137085  
Teaching, shall be distributed through the Chancellor of Higher 137086  
Education to support any of the following purposes: 137087

(1) Laboratory and clinical components of medical and other 137088



health-related education at the University of Cincinnati, the 137089  
Northeast Ohio Medical University, Ohio University, The Ohio State 137090  
University, the University of Toledo, and Wright State University; 137091

(2) Dental and veterinary medicine clinics at The Ohio State 137092  
University; 137093

(3) State support for the Case Western Reserve University 137094  
School of Medicine in accordance with agreements entered into 137095  
under section 3333.10 of the Revised Code; 137096

(4) Family practice residencies and instructional costs in 137097  
the departments of family practice within Ohio's medical colleges; 137098

(5) Offices of geriatric medicine within Ohio's public 137099  
medical colleges; 137100

(6) Primary care residency programs at Ohio's medical 137101  
colleges; 137102

(7) Long-term care research. 137103

(B) Prior to July 1, 2018, the Chancellor of Higher 137104  
Education, in consultation with the recipients of funds from the 137105  
foregoing appropriation items 235515, Case Western Reserve 137106  
University School of Medicine, 235519, Family Practice, 235525, 137107  
Geriatric Medicine, 235526, Primary Care Residencies, 235536, The 137108  
Ohio State University Clinical Teaching, 235537, University of 137109  
Cincinnati Clinical Teaching, 235538, University of Toledo 137110  
Clinical Teaching, 235539, Wright State University Clinical 137111  
Teaching, 235540, Ohio University Clinical Teaching, 235541, 137112  
Northeast Ohio Medical University Clinical Teaching, 235558, 137113  
Long-term Care Research, and 235572, The Ohio State University 137114  
Clinic Support, shall develop a plan to prioritize the 137115  
distribution of funds from the foregoing appropriation item 137116  
235528, Clinical Teaching, among the purposes identified in 137117  
division (A) of this section. 137118

**Section 381.283.** HIGHER EDUCATION PROGRAM SUPPORT 137119

Of the foregoing appropriation item 235533, Higher Education 137120  
Program Support, \$37,500 in fiscal year 2018 shall be used to 137121  
support the 2017 Maritime Risk Symposium hosted by Tiffin 137122  
University's Center for Cyber Defense and Forensics. Tiffin 137123  
University shall use the funds to plan, market, and conduct the 137124  
Symposium; to produce a summary document of the Symposium's 137125  
proceedings; and to plan a follow-up activity regarding the 137126  
Symposium. 137127

Of the foregoing appropriation item 235533, Higher Education 137128  
Program Support, \$250,000 in each fiscal year shall be distributed 137129  
to Ohio University for the Rural Revitalization Partnership. 137130

Of the foregoing appropriation item 235533, Higher Education 137131  
Program Support, \$250,000 in each fiscal year shall be used to 137132  
support the SmartOhio Financial Literacy Program at the University 137133  
of Cincinnati. 137134

Of the foregoing appropriation item 235533, Higher Education 137135  
Program Support, \$750,000 in fiscal year 2018 shall be distributed 137136  
to the University of Dayton Research Institute to purchase big 137137  
area additive manufacturing equipment to be installed in Dayton to 137138  
support research and development. 137139

Of the foregoing appropriation item 235533, Higher Education 137140  
Program Support, \$5,000,000 in fiscal year 2018 shall be 137141  
distributed to The Ohio State University's John Glenn College of 137142  
Public Affairs to establish the State of Ohio Leadership Institute 137143  
in order to provide leadership training and education for current 137144  
and future elected officials and senior staff in state and local 137145  
government. 137146

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 137147  
CENTER 137148

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2019, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING**

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT**

The foregoing appropriation item 235546, Central State  
Agricultural Research and Development, shall be used in  
conjunction with appropriation item 235548, Central State  
Cooperative Extension Services, by Central State University for  
its state match requirement as an 1890 land grant university.

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**Section 381.320. CAPITAL COMPONENT**

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The foregoing appropriation item 235552, Capital Component,  
shall be used by the Chancellor of Higher Education to provide  
funding for prior commitments made pursuant to the state's former  
capital funding policy for state colleges and universities that  
was originally established in Am. H.B. 748 of the 121st General  
Assembly. Appropriations from this item shall be distributed to  
all campuses for which the estimated campus debt service  
attributable to qualifying capital projects was less than the  
campus's formula-determined capital component allocation. Campus  
allocations shall be determined by subtracting the estimated  
campus debt service attributable to qualifying capital projects  
from the campus's formula-determined capital component allocation.  
Moneys distributed from this appropriation item shall be  
restricted to capital-related purposes.

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Any campus for which the estimated campus debt service  
attributable to qualifying capital projects is greater than the  
campus's formula-determined capital component allocation shall  
have the difference subtracted from its State Share of Instruction  
allocation in each fiscal year. Appropriation equal to the sum of  
all such amounts except that of the Ohio Agricultural Research and  
Development Center shall be transferred from appropriation item  
235501, State Share of Instruction, to appropriation item 235552,  
Capital Component. Appropriation equal to any estimated Ohio  
Agricultural Research and Development Center debt service  
attributable to qualifying capital projects that is greater than

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the Center's formula-determined capital component allocation shall 137210  
be transferred from appropriation item 235535, Ohio Agricultural 137211  
Research and Development Center, to appropriation item 235552, 137212  
Capital Component. 137213

**Section 381.330. LIBRARY DEPOSITORIES** 137214

The foregoing appropriation item 235555, Library 137215  
Depositories, shall be distributed to the state's five regional 137216  
depository libraries for the cost-effective storage of and access 137217  
to lesser-used materials in university library collections. The 137218  
depositories shall be administrated by the Chancellor of Higher 137219  
Education, or by OhioLINK at the discretion of the Chancellor. 137220

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 137221

The foregoing appropriation item 235556, Ohio Academic 137222  
Resources Network, shall be used by the Chancellor of Higher 137223  
Education to support the operations of the Ohio Academic Resources 137224  
Network, a consortium organized under division (T) of section 137225  
3333.04 of the Revised Code, which shall include support for 137226  
Ohio's colleges and universities in maintaining and enhancing 137227  
network connections, using new network technologies to improve 137228  
research, education, and economic development programs, and 137229  
sharing information technology services. To the extent network 137230  
capacity is available, OARnet shall support allocating bandwidth 137231  
to eligible programs directly supporting Ohio's economic 137232  
development. 137233

**Section 381.350. LONG-TERM CARE RESEARCH** 137234

The foregoing appropriation item 235558, Long-term Care 137235  
Research, shall be disbursed to Miami University for long-term 137236  
care research. 137237

**Section 381.353.** CENTRAL STATE UNIVERSITY - AGRICULTURE 137238  
EDUCATION 137239

The foregoing appropriation item 235559, Central State 137240  
University - Agriculture Education, shall be distributed to 137241  
Central State University to establish the School of Agriculture 137242  
Education and Food Science within the College of Education. The 137243  
School shall use these funds to establish programs to prepare 137244  
extension educators with a focus on childhood development and 137245  
agri-science educators for grades 7 through 12; to work with other 137246  
higher education institutions in Ohio that have agriculture or 137247  
agriculture education programs in order to establish partnerships 137248  
that shall result in students enrolled in the School having access 137249  
to learning labs, pertinent facilities, and collaboration with 137250  
faculty; to provide, by the fall semester of 2018, a program for 137251  
students that shall result in a Bachelor of Science in Education 137252  
with students eligible for an Ohio teaching license in agriculture 137253  
education for grades 7 through 12 upon passing the appropriate 137254  
assessments; and to provide a program for students that shall 137255  
result in a bachelor's degree, including the minimum requirements 137256  
for employment as an extension educator with a focus in childhood 137257  
development. 137258

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT 137259

(A) Except as provided in division (C) of this section: 137260

Of the foregoing appropriation item 235563, Ohio College 137261  
Opportunity Grant, at least \$92,663,037 in fiscal year 2018 and at 137262  
least \$93,578,797 in fiscal year 2019 shall be used by the 137263  
Chancellor of Higher Education to award need-based financial aid 137264  
to students enrolled in eligible public and private nonprofit 137265  
institutions of higher education, excluding early college high 137266  
school and post-secondary enrollment option participants. 137267

The remainder of the foregoing appropriation item 235563, 137268  
Ohio College Opportunity Grant, shall be used by the Chancellor to 137269  
award needs-based financial aid to students enrolled in eligible 137270  
private for-profit career colleges and schools. 137271

(B)(1) As used in this section: 137272

(a) "Eligible institution" means any institution described in 137273  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 137274  
Code. 137275

(b) The three "sectors" of institutions of higher education 137276  
consist of the following: 137277

(i) State colleges and universities, community colleges, 137278  
state community colleges, university branches, and technical 137279  
colleges; 137280

(ii) Eligible private nonprofit institutions of higher 137281  
education; 137282

(iii) Eligible private for-profit career colleges and 137283  
schools. 137284

(2) Awards for students attending eligible private nonprofit 137285  
institutions of higher education shall be determined at twice the 137286  
rate of the awards for students attending eligible public 137287  
institutions of higher education. 137288

(3) For students attending an eligible institution 137289  
year-round, awards may be distributed on an annual basis, once 137290  
Pell grants have been exhausted. 137291

(4) If the Chancellor determines that the amounts 137292  
appropriated for support of the Ohio College Opportunity Grant 137293  
program are inadequate to provide grants to all eligible students 137294  
as calculated under division (D) of section 3333.122 of the 137295  
Revised Code, the Chancellor may create a distribution formula for 137296  
fiscal year 2018 and fiscal year 2019 based on the formula used in 137297

fiscal year 2017, or may follow methods established in division 137298  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 137299  
Chancellor shall notify the Controlling Board of the distribution 137300  
method. Any formula calculated under this division shall be 137301  
complete and established to coincide with the start of the 137302  
2017-2018 academic year. 137303

(C) Prior to determining the amount of funds available to 137304  
award under this section and section 3333.122 of the Revised Code, 137305  
the Chancellor shall use the foregoing appropriation item 235563, 137306  
Ohio College Opportunity Grant, to pay for renewals or partial 137307  
renewals of scholarships students receive under the Ohio Academic 137308  
Scholarship Program under sections 3333.21 and 3333.22 of the 137309  
Revised Code. In paying for scholarships under this division, the 137310  
Chancellor shall deduct funds from the allocations made under 137311  
division (A) of this section. Deductions shall be proportionate to 137312  
the amounts allocated to each sector from the total amounts 137313  
appropriated for each sector under the foregoing appropriation 137314  
item 235563, Ohio College Opportunity Grant. 137315

In each fiscal year, with the exception of sections 3333.121 137316  
and 3333.124 of the Revised Code and the section of this act 137317  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 137318  
shall not distribute or obligate or commit to be distributed an 137319  
amount greater than what is appropriated under the foregoing 137320  
appropriation item 235563, Ohio College Opportunity Grant. 137321

(D) The Chancellor shall establish, and post on the 137322  
Department of Higher Education's web site, award tables based on 137323  
any formulas created under division (B) of this section. The 137324  
Chancellor shall notify students and institutions of any 137325  
reductions in awards under this section. 137326

(E) Notwithstanding section 3333.122 of the Revised Code, no 137327  
student shall be eligible to receive an Ohio College Opportunity 137328  
Grant for more than ten semesters, fifteen quarters, or the 137329



equivalent of five academic years, less the number of semesters or 137330  
quarters in which the student received an Ohio Instructional 137331  
Grant. 137332

(F) During each fiscal year, the Chancellor, as soon as 137333  
possible after cancellation, may certify to the Director of Budget 137334  
and Management the amount of canceled prior-year encumbrances in 137335  
appropriation item 235563, Ohio College Opportunity Grant. Upon 137336  
receipt of the certification, the Director of Budget and 137337  
Management may transfer cash, up to the certified amount, from the 137338  
General Revenue Fund to the Ohio College Opportunity Grant Program 137339  
Reserve Fund (Fund 5PU0). 137340

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 137341

The foregoing appropriation item 235572, The Ohio State 137342  
University Clinic Support, shall be distributed through the 137343  
Chancellor of Higher Education to The Ohio State University for 137344  
support of dental and veterinary medicine clinics. 137345

**Section 381.371.** CO-OP INTERNSHIP PROGRAM 137346

Of the foregoing appropriation item 235591, Co-op Internship 137347  
Program, \$50,000 in each fiscal year shall be used to support the 137348  
operations of Ohio University's Voinovich School. 137349

Of the foregoing appropriation item 235591, Co-op Internship 137350  
Program, \$50,000 in each fiscal year shall be used to support the 137351  
operations of The Ohio State University's John Glenn College of 137352  
Public Affairs. 137353

Of the foregoing appropriation item 235591, Co-op Internship 137354  
Program, \$50,000 in each fiscal year shall be used to support the 137355  
Bliss Institute of Applied Politics at the University of Akron. 137356

Of the foregoing appropriation item 235591, Co-op Internship 137357  
Program, \$50,000 in each fiscal year shall be used to support the 137358

Center for Public Management and Regional Affairs at Miami University. 137359  
137360

Of the foregoing appropriation item 235591, Co-op Internship Program, \$150,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program. 137361  
137362  
137363  
137364

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 137365  
137366  
137367  
137368  
137369

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 137370  
137371  
137372

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 137373  
137374  
137375  
137376

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 137377  
137378  
137379  
137380

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 137381  
137382  
137383

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 137384  
137385  
137386

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the 137387  
137388

Center for Urban and Regional Studies at Youngstown State University. 137389  
137390

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM** 137391

The Chancellor of Higher Education shall disburse funds from 137392  
appropriation item 235599, National Guard Scholarship Program. 137393  
During each fiscal year, the Chancellor, as soon as possible after 137394  
cancellation, may certify to the Director of Budget and Management 137395  
the amount of canceled prior-year encumbrances in appropriation 137396  
item 235599, National Guard Scholarship Program. Upon receipt of 137397  
the certification, the Director of Budget and Management may 137398  
transfer cash, up to the certified amount, from the General 137399  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 137400  
5BM0). 137401

**Section 381.390. PLEDGE OF FEES** 137402

Any new pledge of fees, or new agreement for adjustment of 137403  
fees, made in the biennium ending June 30, 2019, to secure bonds 137404  
or notes of a state institution of higher education for a project 137405  
for which bonds or notes were not outstanding on the effective 137406  
date of this section shall be effective only after approval by the 137407  
Chancellor of Higher Education, unless approved in a previous 137408  
biennium. 137409

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 137410  
**DEBT SERVICE** 137411

The foregoing appropriation item 235909, Higher Education 137412  
General Obligation Bond Debt Service, shall be used to pay all 137413  
debt service and related financing costs during the period from 137414  
July 1, 2017, through June 30, 2019, for obligations issued under 137415  
sections 151.01 and 151.04 of the Revised Code. 137416

**Section 381.410. SALES AND SERVICES** 137417

The Chancellor of Higher Education is authorized to charge 137418  
and accept payment for the provision of goods and services. Such 137419  
charges shall be reasonably related to the cost of producing the 137420  
goods and services. Except as otherwise provided by law, no 137421  
charges may be levied for goods or services that are produced as 137422  
part of the routine responsibilities or duties of the Chancellor. 137423  
All revenues received by the Chancellor shall be deposited into 137424  
Fund 4560, and may be used by the Chancellor to pay for the costs 137425  
of producing the goods and services. 137426

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION** 137427  
ADMINISTRATION 137428

The foregoing appropriation item 235602, Higher Educational 137429  
Facility Commission Administration, shall be used by the 137430  
Chancellor of Higher Education for operating expenses related to 137431  
the Chancellor's support of the activities of the Ohio Higher 137432  
Educational Facility Commission. Upon the request of the 137433  
Chancellor, the Director of Budget and Management may transfer up 137434  
to \$50,000 cash in each fiscal year from the HEFC Operating 137435  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 137436  
4E80). 137437

**Section 381.430. ACCELERATED COMPLETION OF TECHNICAL STUDIES** 137438

(A) The foregoing appropriation item, 235550, Accelerated 137439  
Completion of Technical Studies, shall be used by the Chancellor 137440  
of Higher Education to work with community colleges, as defined in 137441  
section 3354.01 of the Revised Code, state community colleges, as 137442  
defined in section 3358.01 of the Revised Code, and technical 137443  
colleges, as defined in section 3357.01 of the Revised Code, to 137444  
develop a highly structured program to accelerate associate degree 137445  
completion in fields that are either emerging or have in-demand 137446

jobs. For the purposes of this section, the identification of 137447  
fields and jobs as emerging or in-demand shall be supported by 137448  
data from sources that may include the Governor's Office of 137449  
Workforce Transformation, OhioMeansJobs, labor market information 137450  
from the Department of Job and Family Services, and lists of 137451  
in-demand occupations. These funds shall be used to support the 137452  
technical assistance for and the start-up costs of up to seven 137453  
institutions to develop a structured, intensive program for 137454  
student success. 137455

(B) The Chancellor shall select the initial Accelerated 137456  
Completion of Technical Studies (ACTS) cohort of up to seven 137457  
institutions through a competitive request for proposals process. 137458  
The request for proposals shall require institutions to 137459  
demonstrate conditions of readiness that would enable them to 137460  
implement such a program. Special attention may be given to 137461  
institutions that develop a regional proposal that builds on the 137462  
efficiency of multiple institutions and comprehensively addresses 137463  
the needs of their region through collaboration. 137464

(C) Participating institutions shall do all of the following: 137465

(1) Serve at least two hundred fifty students annually in 137466  
majors that fill in-demand or emerging jobs for their region; 137467

(2) Collect program data at the request of the Chancellor; 137468

(3) Develop plans for the sustainability of the program 137469  
through revenue growth from improved student retention and 137470  
completion metrics; and 137471

(4) Attest that students participating in the program will 137472  
receive all of the support to be provided under division (D) of 137473  
this section. 137474

(D) Students participating in the program shall receive all 137475  
of the following: 137476

(1) Tuition waivers that cover any gap between grant aid and tuition and fees;	137477 137478
(2) Textbooks at no cost for all classes;	137479
(3) Incentive cards that cover modest recurring costs such as gas or other transportation;	137480 137481
(4) Specialized courses and scheduling that enable participating students to better manage college and work while building learning communities; and	137482 137483 137484
(5) Comprehensive support services, including advising from advisors with caseloads no larger than one hundred fifty to one, tutoring, and career services that help students manage the transition to employment.	137485 137486 137487 137488
(E) Students participating in the program shall maintain all of the following requirements to receive the program support provided under division (D) of this section:	137489 137490 137491
(1) Select and continue in a major that fills a pre-identified in-demand job in their region;	137492 137493
(2) Enroll full-time at the participating institution and attempt thirty credit hours within a calendar year;	137494 137495
(3) Enroll in no more than two developmental courses, which, if necessary, shall be taken early in the academic progression; and	137496 137497 137498
(4) Participate in student support services, including comprehensive advising, tutoring, and career services.	137499 137500
(F) The Chancellor may collaborate with the Director of Job and Family Services to expand the scope of program services and the number of institutions served through the ACTS program.	137501 137502 137503
<b>Section 381.440. FEDERAL RESEARCH NETWORK</b>	137504
The foregoing appropriation item 235654, Federal Research	137505

Network, shall be allocated to The Ohio State University to 137506  
collaborate with federal installations in Ohio, state institutions 137507  
of higher education as defined in section 3345.011 of the Revised 137508  
Code, private nonprofit institutions of higher education holding 137509  
certificates of authorization under Chapter 1713. of the Revised 137510  
Code, and the private sector to align the state's research assets 137511  
with emerging missions and job growth opportunities emanating from 137512  
federal installations, strengthen related workforce development 137513  
and technology commercialization programs, and better position the 137514  
state's university system to directly impact new job creation in 137515  
Ohio. A portion of the foregoing appropriation item 235654, 137516  
Federal Research Network, shall be used to support the growth of 137517  
small business federal contractors in the state and to expand the 137518  
participation of Ohio businesses in the federal Small Business 137519  
Innovation Research Program and related federal programs. 137520

**Section 381.450.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT 137521  
REVOLVING LOAN PROGRAM 137522

The foregoing appropriation item 235684, OhioMeansJobs 137523  
Workforce Development Revolving Loan Program, shall be used by the 137524  
Chancellor of Higher Education to provide administrative support 137525  
for the OhioMeansJobs Workforce Development Revolving Loan 137526  
Program. 137527

**Section 381.460.** WORKFORCE AND HIGHER EDUCATION PROGRAMS 137528

Of the foregoing appropriation item 235616, Workforce and 137529  
Higher Education Programs, up to \$500,000 in each fiscal year 137530  
shall be used by the Chancellor of Higher Education to coordinate 137531  
a statewide effort to promote workforce grant programs. The 137532  
remainder of the foregoing appropriation item 235616, Workforce 137533  
and Higher Education Programs, shall be used by the Chancellor to 137534  
distribute the grant awards under section 3333.93 of the Revised 137535

Code. 137536

**Section 381.470.** COMPLETION AND RETENTION FOR EDUCATIONAL 137537  
SUCCESS 137538

(A) The foregoing appropriation item 235566, Completion and 137539  
Retention for Educational Success, shall be used for the 137540  
Completion and Retention for Educational Success (Ohio CARES) 137541  
Program, which is hereby created to provide financial support to 137542  
in-state undergraduate students who have been admitted to a state 137543  
institution of higher education, as defined in section 3345.011 of 137544  
the Revised Code, or a private nonprofit institution but are 137545  
determined by the institution to be in jeopardy of disenrolling 137546  
due to a short-term lack of financial resources. 137547

(B) An institution wishing to participate in the program 137548  
shall apply to the Chancellor, who shall administer the program. 137549  
In reviewing applications and allocating funds under this section, 137550  
the Chancellor may give priority to applications from institutions 137551  
that will focus awards on the following: 137552

(1) Students pursuing their first degree; 137553

(2) Students within thirty semester credit hours of 137554  
completing the minimum requirements for a degree; 137555

(3) Students with a grade point average in excess of 2.0; 137556

(4) Students taking more than 10 credit hours per semester; 137557  
and 137558

(5) Students pursuing a degree for an in-demand field 137559  
according to data, which may include sources such as the 137560  
Governor's Office of Workforce Transformation, OhioMeansJobs, 137561  
labor market information from the Department of Job and Family 137562  
Services, and lists of in-demand occupations. 137563

An allocation to a participating institution under this 137564  
section shall not exceed \$15,000 in any single fiscal year. 137565



(C) Under the program, the Chancellor shall disburse these funds to a participating public or private institution, in which eligible students are enrolled, to make awards to those eligible students. A student determined to be eligible to participate in the program shall be eligible for a maximum award of \$250 per term. A student may not receive more than two awards in any academic year.

(D) Each participating institution shall do all of the following:

(1) Use the funds allocated under this section to augment existing aid programs that are already administered by the institution;

(2) Provide a matching contribution with direct institutional aid at a ratio of one to one;

(3) Limit awards of the funds to allowable student costs, as determined by the institution, within existing aid programs that are already administered by the institution;

(4) Monitor students who receive awards under this section; and

(5) Provide a report, upon the Chancellor's request, summarizing the following metrics for students at the institution who receive awards as compared to students who do not:

(a) Course completion rate;

(b) Retention rate in subsequent semesters;

(c) Cumulative GPA;

(d) Number of credit hours attempted;

(e) Number of credit hours completed;

(f) Other metrics as determined to be appropriate by the Chancellor.

(E) An amount equal to the unexpended, unencumbered portion 137595  
of the foregoing appropriation item 235566, Completion and 137596  
Retention for Educational Success, at the end of fiscal year 2018 137597  
is hereby reappropriated to the Department of Higher Education for 137598  
the same purpose in fiscal year 2019. 137599

**Section 381.480. FINISH FOR YOUR FUTURE SCHOLARSHIP PROGRAM** 137600

(A) The foregoing appropriation item 235600, Finish for Your 137601  
Future Scholarship Program, shall be used to provide scholarship 137602  
benefits under the Ohio Finish for Your Future Scholarship 137603  
Program, which is hereby created to encourage eligible individuals 137604  
that have disenrolled from an eligible institution to re-enroll at 137605  
an eligible institution in pursuit of the individual's first 137606  
post-secondary credential. The Chancellor of Higher Education 137607  
shall administer the program and adopt rules regarding its 137608  
implementation and operation. 137609

(B) As used in this section: 137610

(1) "Post-secondary credential" means a degree that is 137611  
approved by or a certificate that has been designated as a 137612  
technical certificate by the Chancellor of Higher Education. 137613

(2) "Student debt" means money owed by an eligible individual 137614  
on a loan, note, or other lending instrument for the primary 137615  
purpose of paying for educational expenses. 137616

(3) "Eligible institution" means a state institution of 137617  
higher education, as defined in section 3345.011 of the Revised 137618  
Code, a private nonprofit institution in Ohio holding a 137619  
certificate of authorization pursuant to Chapter 1713. of the 137620  
Revised Code, or an Ohio Technical Center recognized by the 137621  
Chancellor that provides post-secondary workforce education. 137622

(4) "Eligible individual" means an Ohio resident that: 137623

(a) Possesses student debt acquired while in pursuit of the 137624

individual's first post-secondary credential; 137625

(b) Disenrolled from an eligible institution prior to meeting 137626  
the minimum requirements necessary to obtain the individual's 137627  
first post-secondary credential and desires to re-enroll at an 137628  
eligible institution in pursuit of the individual's first 137629  
post-secondary credential; 137630

(c) Disenrolled from an eligible institution at least twelve 137631  
months prior to receiving scholarship benefits under this section; 137632  
and 137633

(d) Has the following attested to by an eligible institution 137634  
in accordance with that institution's minimum requirements: 137635

(i) If pursuing a bachelor or associate degree, needs to 137636  
complete thirty semester hours or less to obtain the individual's 137637  
first post-secondary credential at that institution; 137638

(ii) If pursuing a technical certificate, needs to complete 137639  
fifty per cent or less of the minimum requirements necessary to 137640  
obtain the individual's first post-secondary credential at that 137641  
institution. 137642

(C) Under the program, the Chancellor shall disburse these 137643  
funds to an eligible institution to make awards to eligible 137644  
individuals. An eligible individual may receive a maximum state 137645  
scholarship benefit of up to \$3,500 annually, which shall be 137646  
calculated on an academic year basis, to pay for instructional and 137647  
general fees or tuition at an eligible institution, provided that 137648  
the scholarship benefit does not exceed the individual's 137649  
instructional and general fees or tuition that otherwise would be 137650  
charged to the student for any given term. An eligible institution 137651  
allocated funds under this section shall reflect an eligible 137652  
individual's scholarship benefit as a credit on the individual's 137653  
tuition bill. 137654

(D) Eligible institutions shall provide a matching 137655

contribution at a ratio of one to one in the form of direct 137656  
institutional aid provided to eligible individuals. Eligible 137657  
individuals receiving an award under this section shall also match 137658  
the state scholarship benefit at a ratio of one to one. Matching 137659  
funds contributed by an eligible individual shall be in a form 137660  
determined appropriate by the eligible institution, provided that 137661  
the funds are reflected as a valid form of payment on the 137662  
individual's tuition bill. 137663

(E) Each eligible institution shall do all of the following: 137664

(1) Monitor students who receive awards under this section; 137665  
and 137666

(2) Provide a report, upon the Chancellor's request, 137667  
summarizing the following metrics for students at the institution 137668  
who receive awards as compared to students who do not: 137669

(a) Course completion rate; 137670

(b) Retention rate in subsequent semesters; 137671

(c) Number of credit hours attempted; 137672

(d) Number of credit hours completed; 137673

(e) Post-secondary credentials received; 137674

(f) Other metrics as determined to be appropriate by the 137675  
Chancellor. 137676

(F) An amount equal to the unexpended, unencumbered portion 137677  
of the foregoing appropriation item 235600, Finish for Your Future 137678  
Scholarship Program, at the end of fiscal year 2018 is hereby 137679  
reappropriated to the Department of Higher Education for the same 137680  
purpose in fiscal year 2019. 137681

**Section 381.490. COLLEGE READY TRANSITION COURSES** 137682

The foregoing appropriation item 235653, College Ready 137683  
Transition Courses, shall be used by the Chancellor of Higher 137684

Education, in consultation with the Superintendent of Public 137685  
Instruction, to develop college ready transition courses for high 137686  
school students who have not met the state's remediation free 137687  
thresholds in mathematics, English, or other instructional models. 137688

**Section 381.510. STATE FINANCIAL AID RECONCILIATION** 137689

By the first day of September in each fiscal year, or as soon 137690  
as possible thereafter, the Chancellor of Higher Education shall 137691  
certify to the Director of Budget and Management the amount 137692  
necessary to pay any outstanding prior year obligations to higher 137693  
education institutions for the state's financial aid programs. The 137694  
amounts certified are hereby appropriated to appropriation item 137695  
235618, State Financial Aid Reconciliation, from revenues received 137696  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 137697

**Section 381.513. NURSING LOAN PROGRAM** 137698

The foregoing appropriation item 235606, Nursing Loan 137699  
Program, shall be used to administer the nurse education 137700  
assistance program. 137701

**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER** 137702

The foregoing appropriation item 235634, Research Incentive 137703  
Third Frontier, shall be used by the Chancellor of Higher 137704  
Education to advance collaborative research at institutions of 137705  
higher education. Of the foregoing appropriation item 235634, 137706  
Research Incentive Third Frontier, up to \$2,000,000 in each fiscal 137707  
year may be allocated toward research regarding the improvement of 137708  
water quality, up to \$1,000,000 in each fiscal year may be 137709  
allocated toward research regarding the reduction of infant 137710  
mortality, up to \$1,000,000 in each fiscal year may be allocated 137711  
toward research regarding opiate addiction issues in Ohio, up to 137712  
\$750,000 in each fiscal year may be allocated toward research 137713

regarding cyber security initiatives, and up to \$500,000 in each 137714  
fiscal year may be allocated toward the I-Corps@Ohio program. 137715

**Section 381.530. VETERANS PREFERENCES** 137716

The Chancellor of Higher Education shall work with the 137717  
Department of Veterans Services to develop specific veterans 137718  
preference guidelines for higher education institutions. These 137719  
guidelines shall ensure that the institutions' hiring practices 137720  
are in accordance with the intent of Ohio's veterans preference 137721  
laws. 137722

**Section 381.540. (A) As used in this section:** 137723

(1) "Board of trustees" includes the managing authority of a 137724  
university branch district. 137725

(2) "State institution of higher education" has the same 137726  
meaning as in section 3345.011 of the Revised Code. 137727

(B) The board of trustees of any state institution of higher 137728  
education, notwithstanding any rule of the institution to the 137729  
contrary, may adopt a policy providing for mandatory furloughs of 137730  
employees, including faculty, to achieve spending reductions 137731  
necessitated by institutional budget deficits. 137732

**Section 381.550. EFFICIENCY REPORTS** 137733

In each fiscal year, the board of trustees of each public 137734  
institution of higher education shall approve the institution's 137735  
efficiency report submitted to the Chancellor of Higher Education 137736  
under section 3333.95 of the Revised Code. Each institution's 137737  
report shall be based on the recommendations of the Ohio Task 137738  
Force on Affordability and Efficiency in Higher Education, as 137739  
established by the Governor's executive order, and shall benchmark 137740  
and document institutional progress towards implementing the 137741  
recommendations of the Task Force as compared to the institution's 137742

prior fiscal year efficiency report. 137743

**Section 381.560.** The Chancellor of Higher Education, in 137744  
consultation with institutions of higher education and other 137745  
parties as determined appropriate by the Chancellor, shall conduct 137746  
an analysis of income share agreements used to pay for student 137747  
tuition and higher education-related expenses. Not later than June 137748  
30, 2018, the Chancellor shall submit the findings of the analysis 137749  
to the Governor and the General Assembly in accordance with 137750  
section 101.68 of the Revised Code. 137751

**Section 381.570.** Not later than June 30, 2018, the Chancellor 137752  
of Higher Education, in consultation with representatives from the 137753  
Inter-University Council of Ohio and the Ohio Association of 137754  
Community Colleges, shall develop a model for "3+1" baccalaureate 137755  
degree programs for state universities and state community 137756  
colleges, community colleges, and technical colleges. The model 137757  
shall outline how a student may complete the equivalent of three 137758  
academic years, or ninety semester credit hours, at a state 137759  
community college, community college, or technical college and 137760  
then transfer to a state university to complete the final academic 137761  
year, or thirty semester credit hours, or the remainder of the 137762  
student's baccalaureate degree program. 137763

In developing the model, the Chancellor shall seek input from 137764  
administrators of state institutions of higher education currently 137765  
participating in such a program, as well as faculty leaders in the 137766  
academic fields or disciplines under consideration for the 137767  
program. 137768

Further, the Chancellor shall evaluate existing "3+1" 137769  
baccalaureate degree programs for their cost effectiveness for 137770  
students. 137771

As used in this section, "state institution of higher 137772

education" and "state university" have the same meanings as in 137773  
section 3345.011 of the Revised Code. 137774

**Section 381.580.** The Chancellor of Higher Education shall 137775  
support the continued development of the Ohio Innovation Exchange 137776  
for the purpose of showcasing the research expertise of Ohio's 137777  
university and college faculty in a variety of fields, including, 137778  
but not limited to, engineering, biomedicine, and information 137779  
technology, and to identify institutional research equipment 137780  
available in the state. 137781

**Section 381.590.** The Chancellor of Higher Education shall 137782  
work with state institutions of higher education, as defined by 137783  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 137784  
recognized by the Chancellor, and industry partners to develop 137785  
program models that include project-based learning to increase 137786  
continuing education and non-credit program offerings that lead to 137787  
a credential in order to meet the state's in-demand job needs. 137788

**Section 381.601.** TRANSFERS FROM THE GRF TO THE ECONOMIC 137789  
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 137790

On July 1 of each fiscal year, or as soon as possible 137791  
thereafter, the Director of Budget and Management shall transfer 137792  
\$3,500,000 cash from the General Revenue Fund to the Economic 137793  
Development Programs Fund (Fund 5JC0) to fully support the 137794  
appropriations made for the Federal Research Network. 137795

**Section 381.610.** TRANSFERS TO THE COMPLETION, RETENTION, AND 137796  
COLLEGE READINESS FUND (FUND 5TF0) 137797

On July 1, 2017, or as soon as possible thereafter, the 137798  
Director of Budget and Management may transfer \$10,000,000 cash 137799  
from the Casino Operator Settlement Fund (Fund 5KT0) to the 137800  
Completion, Retention, and College Readiness Fund (Fund 5TF0) to 137801



fully support the appropriations made to the Ohio Finish for Your 137802  
Future Scholarship Program and the College Ready Transition 137803  
Courses Program. 137804

On July 1, 2017, or as soon as possible thereafter, the 137805  
Chancellor of Higher Education shall certify to the Director of 137806  
Budget and Management the unencumbered balance of the General 137807  
Revenue Fund appropriations made in the immediately preceding 137808  
fiscal year for purposes of the Ohio College Opportunity Grant 137809  
Program created in section 3333.122 of the Revised Code. Upon 137810  
receipt of the certification, the Director of Budget and 137811  
Management may transfer cash in an amount not exceeding \$2,500,000 137812  
from the General Revenue Fund to the Completion, Retention, and 137813  
College Readiness Fund (Fund 5TF0). 137814

**Section 381.620.** FUND NAME CHANGES 137815

On July 1, 2017, or as soon as possible thereafter, the 137816  
Director of Budget and Management shall rename the Star Schools 137817  
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 137818

On July 1, 2017, or as soon as possible thereafter, the 137819  
Director of Budget and Management shall rename the Joyce 137820  
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 137821  
and Awards Fund (Fund 5FR0). 137822

On July 1, 2017, or as soon as possible thereafter, the 137823  
Director of Budget and Management shall rename the Federal Grants 137824  
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 137825  
(Fund 3N60). 137826

**Section 383.10.** DRC DEPARTMENT OF REHABILITATION AND 137827  
CORRECTION 137828

General Revenue Fund 137829  
GRF 501321 Institutional \$ 1,046,997,529 \$ 1,048,320,794 137830

		Operations				
GRF	501405	Halfway House	\$	66,770,618	\$	66,770,618 137831
GRF	501406	Adult Correctional	\$	78,505,000	\$	78,540,400 137832
		Facilities Lease				
		Rental Bond Payments				
GRF	501407	Community	\$	61,293,426	\$	81,056,884 137833
		Nonresidential				
		Programs				
GRF	501408	Community Misdemeanor	\$	14,356,800	\$	14,356,800 137834
		Programs				
GRF	501501	Community Residential	\$	78,531,698	\$	78,531,698 137835
		Programs - Community				
		Based Correctional				
		Facilities				
GRF	503321	Parole and Community	\$	80,883,748	\$	82,807,332 137836
		Operations				
GRF	504321	Administrative	\$	24,034,553	\$	24,611,945 137837
		Operations				
GRF	505321	Institution Medical	\$	267,275,288	\$	273,206,517 137838
		Services				
GRF	506321	Institution Education	\$	32,581,211	\$	33,372,312 137839
		Services				
TOTAL GRF		General Revenue Fund	\$	1,751,229,871	\$	1,781,575,300 137840
		Dedicated Purpose Fund Group				137841
4B00	501601	Sewer Treatment	\$	2,230,000	\$	2,230,000 137842
		Services				
4D40	501603	Prisoner Programs	\$	1,300,000	\$	1,300,000 137843
4L40	501604	Transitional Control	\$	1,950,000	\$	1,950,000 137844
4S50	501608	Education Services	\$	4,725,000	\$	4,725,000 137845
5AF0	501609	State and Non-Federal	\$	875,000	\$	875,000 137846
		Awards				
5H80	501617	Offender Financial	\$	2,500,000	\$	3,110,000 137847
		Responsibility				

TOTAL DPF Dedicated Purpose Fund Group	\$	13,580,000	\$	14,190,000	137848
Internal Service Activity Fund Group					137849
1480 501602 Institutional Services	\$	2,925,000	\$	2,925,000	137850
2000 501607 Ohio Penal Industries	\$	52,900,000	\$	52,900,000	137851
4830 501605 Leased Property Maintenance & Operating	\$	2,000,000	\$	2,000,000	137852
5710 501606 Corrections Training Maintenance & Operating	\$	480,000	\$	480,000	137853
5L60 501611 Information Technology Services	\$	1,300,000	\$	1,300,000	137854
TOTAL ISA Internal Activity Fund Group	\$	59,605,000	\$	59,605,000	137855
Federal Fund Group					137857
3230 501619 Federal Grants	\$	1,985,000	\$	1,985,000	137858
3CW0 501622 Federal Equitable Sharing	\$	455,000	\$	455,000	137859
TOTAL FED Federal Fund Group	\$	2,440,000	\$	2,440,000	137860
TOTAL ALL BUDGET FUND GROUPS	\$	1,826,854,871	\$	1,857,810,300	137862
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					137863
The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the					137864 137865 137866 137867 137868 137869 137870 137871

Revised Code.				137872
OSU MEDICAL CHARGES				137873
Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.				137874 137875 137876 137877 137878 137879 137880 137881 137882 137883
<b>Section 385.10.</b> RCB RESPIRATORY CARE BOARD				137884
Dedicated Purpose Fund Group				137885
4K90 872609 Operating Expenses	\$	363,106	\$	0 137886
TOTAL DPF Dedicated Purpose Fund Group				137887
	\$	363,106	\$	0 137888
TOTAL ALL BUDGET FUND GROUPS	\$	363,106	\$	0 137889
<b>Section 387.10.</b> RDF STATE REVENUE DISTRIBUTIONS				137891
General Revenue Fund Group				137892
GRF 110908 Property Tax	\$	641,015,200	\$ 645,785,000	137893
Reimbursement - Local Government				
GRF 200903 Property Tax	\$	1,180,084,800	\$ 1,199,315,000	137894
Reimbursement - Education				
TOTAL GRF General Revenue Fund Group	\$	1,821,100,000	\$ 1,845,100,000	137895
Revenue Distribution Fund Group				137896

5JG0	110633	Gross Casino Revenue Payments-County	\$	128,400,000	\$	126,500,000	137897
5JH0	110634	Gross Casino Revenue Payments- School Districts	\$	85,600,000	\$	84,300,000	137898
5JJ0	110636	Gross Casino Revenue - Host City	\$	12,500,000	\$	12,400,000	137899
5TC0	110647	Nuclear Safety and Protection Fund	\$	36,000	\$	72,000	137900
7047	200902	Property Tax Replacement Phase Out-Education	\$	201,811,667	\$	162,729,141	137901
7049	336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	2,250,000	137902
7050	762900	International Registration Plan Distribution	\$	22,000,000	\$	22,000,000	137903
7051	762901	Auto Registration Distribution	\$	325,000,000	\$	325,000,000	137904
7060	110960	Gasoline Excise Tax Fund	\$	375,000,000	\$	375,000,000	137905
7065	110965	Public Library Fund	\$	381,800,000	\$	393,500,000	137906
7066	800966	Undivided Liquor Permits	\$	14,600,000	\$	14,600,000	137907
7068	110968	State and Local Government Highway Distributions	\$	196,000,000	\$	196,000,000	137908
7069	110969	Local Government Fund	\$	381,800,000	\$	393,500,000	137909
7081	110907	Property Tax Replacement Phase Out-Local Government	\$	30,844,526	\$	16,700,147	137910
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000	137911
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	137912

7104	110997	Medicaid Local Sales	\$	207,000,000	\$	0	137913
		Tax Transition Fund					
TOTAL RDF Revenue Distribution							137914
Fund Group			\$	2,365,702,193	\$	2,125,611,288	137915
Fiduciary Fund Group							137916
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	137917
		Improvement Fund					
6080	001699	Investment Earnings	\$	120,000,000	\$	125,000,000	137918
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	137919
		Local Government					
		Payments					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	137920
		Tax Distribution					
7063	110963	Permissive Sales Tax	\$	2,577,800,000	\$	2,653,900,000	137921
		Distribution					
7067	110967	School District	\$	435,200,000	\$	451,200,000	137922
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	137923
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	137924
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	137925
		Government Assistance					
7095	110995	Municipal Income Tax	\$	8,000,000	\$	8,000,000	137926
7099	762902	Permissive Tax	\$	180,000,000	\$	180,000,000	137927
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group			\$	3,352,540,000	\$	3,449,640,000	137928
Holding Account Fund Group							137929
R045	110617	International Fuel	\$	36,100,000	\$	36,100,000	137930
		Tax Distribution					
TOTAL HLD Holding Account Fund			\$	36,100,000	\$	36,100,000	137931

Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,575,442,193 \$ 7,456,451,288 137932

**Section 387.20.** ADDITIONAL APPROPRIATIONS 137934

Appropriation items in this section shall be used for the 137935  
purpose of administering and distributing the designated revenue 137936  
distribution funds according to the Revised Code. If it is 137937  
determined that additional appropriations are necessary for this 137938  
purpose, such amounts are hereby appropriated. 137939

GENERAL REVENUE FUND TRANSFERS 137940

Notwithstanding any provision of law to the contrary, in 137941  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137942  
Management may transfer from the General Revenue Fund to the Local 137943  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 137944  
the School District Tangible Property Tax Replacement Fund (Fund 137945  
7047) in the Revenue Distribution Fund Group, those amounts 137946  
necessary to reimburse local taxing units and school districts 137947  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 137948  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137949  
Management may make temporary transfers from the General Revenue 137950  
Fund to ensure sufficient balances in the Local Government 137951  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 137952  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 137953  
replenish the General Revenue Fund for such transfers. 137954

MUNICIPAL INCOME NET PROFITS TAX 137955

The foregoing appropriation item 110995, Municipal Income Net 137956  
Profits Tax, shall be used to make payments to municipal 137957  
corporations under section 5745.05 of the Revised Code. If it is 137958  
determined that additional appropriations are necessary to make 137959  
such payments, such amounts are hereby appropriated. 137960

PROPERTY TAX REIMBURSEMENT - EDUCATION 137961

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections



321.24 and 323.156 of the Revised Code, which provide for payment 137994  
of the Homestead Exemption, the Manufactured Home Property Tax 137995  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 137996  
appropriate county treasurer and the subsequent redistribution of 137997  
these funds to the appropriate local taxing districts by the 137998  
county auditor. 137999

Upon receipt of these amounts, each local taxing district 138000  
shall distribute the amount among the proper funds as if it had 138001  
been paid as real property taxes. Payments for the costs of 138002  
administration shall continue to be paid to the county treasurer 138003  
and county auditor as provided for in sections 319.54, 321.26, and 138004  
323.156 of the Revised Code. 138005

Any sums, in addition to the amounts specifically 138006  
appropriated in appropriation item 110908, Property Tax Allocation 138007  
- Local Government, for the Homestead Exemption, the Manufactured 138008  
Home Property Tax Rollback, and the Property Tax Rollback 138009  
payments, which are determined to be necessary for these purposes, 138010  
are hereby appropriated. 138011

NUCLEAR SAFETY AND PROTECTION FUND 138012

The foregoing appropriation item 110647, Nuclear Safety and 138013  
Protection Fund, shall be used to make the payments to qualifying 138014  
joint fire districts required under section 5751.021 of the 138015  
Revised Code. 138016

MEDICAID LOCAL SALES TAX TRANSITION FUND 138017

(A) There is hereby created in the state treasury the 138018  
Medicaid Local Sales Tax Transition Fund. The fund shall consist 138019  
of money transferred to it. The fund shall be used to mitigate the 138020  
effects of, and assist in the adjustment to, the reduced sales tax 138021  
revenues of counties and affected transit authorities caused by 138022  
the repeal of sales tax collected by Medicaid health insuring 138023  
corporations on health care service transactions. 138024

Amounts provided to counties and transit authorities under 138025  
this section from the Medicaid Local Sales Tax Transition Fund use 138026  
the jurisdictions' annualized Medicaid sales tax revenues during 138027  
the calendar year 2015 and 2016 periods. Based on these figures, 138028  
the payments provided in this section provide full replacement of 138029  
the calculated forgone Medicaid sales tax revenues in calendar 138030  
year 2017, which will occur during the October 2017 through 138031  
December 2017 period. The payments under this section also reflect 138032  
a computation of the ability of the counties and transit 138033  
authorities to reasonably adjust to the effects of forgone 138034  
Medicaid sales tax revenues. Over time, each jurisdiction will be 138035  
able to absorb an increasing portion of its forgone Medicaid sales 138036  
tax revenue until it has adjusted to the full forgone revenue. 138037  
Before such full adjustment to the Medicaid sales tax change 138038  
finally occurs, for each year in which the jurisdiction's 138039  
annualized Medicaid sales tax revenue exceeds the amount it is 138040  
computed as being able to reasonably absorb in that year, such 138041  
difference becomes part of the overall distribution provided under 138042  
this section. The amount the jurisdiction is able to absorb in a 138043  
given year is the product derived from multiplying the 138044  
jurisdiction's annualized total sales tax revenues for calendar 138045  
years 2015 and 2016 by the total absorption rate assigned to the 138046  
jurisdiction. The absorption rate, which grows by the same 138047  
increment each year, is initially established at a level that 138048  
takes into account the relative sales tax capacity of a 138049  
jurisdiction; the assigned initial absorption rate is four percent 138050  
but is a smaller amount to the extent the jurisdiction's sales tax 138051  
capacity is below statewide average sales tax capacity. 138052

(B) If the Tax Commissioner orders the cessation of 138053  
collection of sales and use taxes pursuant to division (B)(11)(b) 138054  
of section 5739.01 of the Revised Code, the Commissioner shall 138055  
certify such result to the Director of Budget and Management. 138056  
After receipt of this certification by the Director, the 138057

requirements in divisions (C), (D), and (E) of this section shall 138058  
take effect. 138059

(C) On or before October 15, 2017, each county and transit 138060  
authority that as of January 1, 2017, levies any tax under 138061  
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 138062  
5741.023 of the Revised Code shall establish a County and Transit 138063  
Authority Medicaid Sales Tax Transition Fund. The fund shall 138064  
consist of money distributed to it under this section. Money 138065  
provided to such fund shall be transferred to the general fund or 138066  
other fund that receives a lawful portion of the county's or 138067  
transit authority's sales tax revenue in accordance with a 138068  
resolution adopted by the board of county commissioners, the 138069  
county transit board, or trustees of a regional transit authority, 138070  
as appropriate. Money may be transferred from the County and 138071  
Transit Authority Medicaid Sales Tax Transition Fund at any time 138072  
and in any quantity as indicated by the resolution. 138073

(D) On or before November 1, 2017, the Tax Commissioner shall 138074  
provide for payment to each county and transit authority in the 138075  
amounts provided in division (E) of this section. The county 138076  
treasurer or transit authority fiscal officer shall deposit such 138077  
amount into the County and Transit Authority Medicaid Sales Tax 138078  
Transition Fund within five business days of its receipt. 138079

(E) Distributions made to counties and transit authorities 138080  
under this section shall equal the following amounts: 138081

Counties: 138082

Adams \$2,338,462 138083

Allen \$499,518 138084

Ashland \$247,665 138085

Ashtabula \$1,953,705 138086

Athens \$1,361,470 138087

Auglaize \$164,879 138088

Belmont \$513,695 138089

Brown	\$2,608,692	138090
Butler	\$2,131,220	138091
Carroll	\$222,196	138092
Champaign	\$696,332	138093
Clark	\$6,072,014	138094
Clermont	\$1,385,155	138095
Clinton	\$648,501	138096
Columbiana	\$4,912,012	138097
Coshocton	\$1,095,382	138098
Crawford	\$1,747,652	138099
Cuyahoga	\$25,041,192	138100
Darke	\$394,752	138101
Defiance	\$142,872	138102
Delaware	\$223,143	138103
Erie	\$152,337	138104
Fairfield	\$868,591	138105
Fayette	\$392,342	138106
Franklin	\$14,101,763	138107
Fulton	\$368,374	138108
Gallia	\$950,776	138109
Geauga	\$104,067	138110
Greene	\$681,774	138111
Guernsey	\$550,466	138112
Hamilton	\$9,611,825	138113
Hancock	\$116,906	138114
Hardin	\$662,553	138115
Harrison	\$122,629	138116
Henry	\$216,876	138117
Highland	\$1,802,649	138118
Hocking	\$982,451	138119
Holmes	\$35,327	138120
Huron	\$781,761	138121
Jackson	\$1,628,743	138122

Jefferson	\$1,717,858	138123
Knox	\$472,792	138124
Lake	\$640,963	138125
Lawrence	\$4,457,248	138126
Licking	\$1,325,897	138127
Logan	\$404,753	138128
Lorain	\$2,425,083	138129
Lucas	\$12,058,600	138130
Madison	\$534,899	138131
Mahoning	\$5,235,592	138132
Marion	\$1,688,310	138133
Medina	\$240,830	138134
Meigs	\$3,504,185	138135
Mercer	\$70,711	138136
Miami	\$426,061	138137
Monroe	\$162,021	138138
Montgomery	\$9,198,720	138139
Morgan	\$1,165,475	138140
Morrow	\$1,497,739	138141
Muskingum	\$1,580,290	138142
Noble	\$268,375	138143
Ottawa	\$226,182	138144
Paulding	\$651,361	138145
Perry	\$3,014,204	138146
Pickaway	\$2,027,117	138147
Pike	\$2,030,999	138148
Portage	\$1,168,359	138149
Preble	\$1,050,742	138150
Putnam	\$126,494	138151
Richland	\$955,179	138152
Ross	\$1,903,651	138153
Sandusky	\$558,488	138154
Scioto	\$6,331,880	138155

Seneca	\$904,551	138156
Shelby	\$201,342	138157
Stark	\$1,471,853	138158
Summit	\$2,309,202	138159
Trumbull	\$3,958,878	138160
Tuscarawas	\$353,741	138161
Union	\$111,287	138162
Van Wert	\$300,928	138163
Vinton	\$2,803,310	138164
Warren	\$317,939	138165
Washington	\$521,996	138166
Wayne	\$585,869	138167
Williams	\$496,855	138168
Wood	\$237,910	138169
Wyandot	\$121,144	138170
Transit Authorities:		138171
Greater Cleveland Regional Transit Authority	\$20,068,166	138172
Central Ohio Regional Transit Authority	\$5,273,867	138173
Laketran Transit Authority	\$160,420	138174
Western Reserve Transit Authority	\$1,055,799	138175
Greater Dayton Regional Transit Authority	\$4,605,453	138176
Portage Area Regional Transit Authority	\$234,905	138177
Stark Area Regional Transit Authority	\$735,589	138178
Metro Regional Transit Authority	\$2,315,641	138179
<b>Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION</b>		138180
Dedicated Purpose Fund Group		138181

4K90 893609	Operating Expenses	\$	43,633	\$	0	138182
TOTAL DPF Dedicated Purpose						138183
Fund Group		\$	43,633	\$	0	138184
TOTAL ALL BUDGET FUND GROUPS						0 138185

**Section 391.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 138187

General Revenue Fund						138188
GRF 226321	Operations	\$	10,147,767	\$	10,385,938	138189
TOTAL GRF General Revenue Fund						\$ 10,147,767 \$ 10,385,938 138190
Dedicated Purpose Fund Group						138191
4H80 226602	Education Reform	\$	354,000	\$	354,000	138192
Grants						
4M50 226601	Work Study and	\$	461,521	\$	461,521	138193
Technology Investment						
5NJ0 226622	Food Service Program	\$	9,500	\$	9,500	138194
TOTAL DPF Dedicated Purpose						138195
Fund Group		\$	825,021	\$	825,021	138196
Federal Fund Group						138197
3100 226626	Federal Grants	\$	183,000	\$	183,000	138198
3DT0 226621	Ohio Transition	\$	650,000	\$	650,000	138199
Collaborative						
3P50 226643	Medicaid Professional	\$	100,000	\$	100,000	138200
Services						
Reimbursement						
TOTAL FED Federal Fund Group						\$ 933,000 \$ 933,000 138201
TOTAL ALL BUDGET FUND GROUPS						\$ 11,905,788 \$ 12,143,959 138202

**Section 393.10.** OSD OHIO SCHOOL FOR THE DEAF 138204

General Revenue Fund						138205
GRF 221321	Operations	\$	10,856,987	\$	11,079,816	138206
TOTAL GRF General Revenue Fund						\$ 10,856,987 \$ 11,079,816 138207
Dedicated Purpose Fund Group						138208

4M00	221601	Educational Program Expenses	\$	105,000	\$	105,000	138209
4M10	221602	Education Reform Grants	\$	370,000	\$	370,000	138210
5H60	221609	Even Start Fees and Gifts	\$	62,999	\$	63,000	138211
5NK0	221610	Food Service Program	\$	9,500	\$	9,500	138212
TOTAL DPF Dedicated Purpose Fund Group							138213
			\$	547,499	\$	547,500	138214
Federal Fund Group							138215
3110	221625	Federal Grants	\$	385,000	\$	385,000	138216
3R00	221684	Medicaid Professional Services Reimbursement	\$	206,000	\$	206,000	138217
TOTAL FED Federal Fund Group							138218
TOTAL ALL BUDGET FUND GROUPS			\$	11,995,486	\$	12,218,316	138219
 <b>Section 395.10. SOS SECRETARY OF STATE</b>							138221
Dedicated Purpose Fund Group							138222
4120	050609	Notary Commission	\$	475,000	\$	475,000	138223
4S80	050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	138224
5990	050603	Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	138225
5990	050629	Statewide Voter Registration Database	\$	700,000	\$	700,000	138226
5990	050630	Elections Support Supplement	\$	2,144,030	\$	2,144,030	138227
5990	050631	Precinct Election Officials Training	\$	234,196	\$	234,196	138228
5FG0	050620	BOE Reimbursement and Education	\$	80,000	\$	80,000	138229



5SN0 050626	Address	\$	100,000	\$	100,000	138230
	Confidentiality					
TOTAL DPF	Dedicated Purpose Fund	\$	18,125,826	\$	18,125,826	138231
Group						
Holding Account Fund Group						138232
R001 050605	Uniform Commercial	\$	30,000	\$	30,000	138233
	Code Refunds					
R002 050606	Corporate/Business	\$	85,000	\$	85,000	138234
	Filing Refunds					
TOTAL HLD	Holding Account Fund	\$	115,000	\$	115,000	138235
Group						
Federal Fund Group						138236
3AS0 050616	Help America Vote Act	\$	16,000	\$	0	138237
	(HAVA)					
3FM0 050624	Miscellaneous Federal	\$	8,600	\$	4,400	138238
	Grants					
TOTAL FED	Federal Fund Group	\$	24,600	\$	4,400	138239
TOTAL ALL BUDGET FUND GROUPS		\$	18,265,426	\$	18,245,226	138240

**Section 395.20. CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL** 138242  
**TRAINING** 138243

At the end of FY 2017, an amount equal to the unexpended, 138244  
unencumbered portion of appropriation item 050602, Citizen 138245  
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 138246  
for the same purpose. 138247

The foregoing appropriation item 050631, Precinct Election 138248  
Official Training, shall be used to reimburse county boards of 138249  
elections for precinct election official (PEO) training pursuant 138250  
to section 3501.27 of the Revised Code. At the end of fiscal year 138251  
2018, an amount equal to the unexpended, unencumbered portion of 138252  
the foregoing appropriation item 050631, Precinct Election 138253  
Official Training, is hereby reappropriated in fiscal year 2019 138254

for the same purpose.	138255
BOARD OF VOTING MACHINE EXAMINERS	138256
The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	138257 138258 138259 138260 138261 138262 138263 138264 138265 138266 138267
HOLDING ACCOUNT FUND GROUP	138268
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	138269 138270 138271 138272 138273 138274 138275 138276
MISCELLANEOUS FEDERAL GRANTS	138277
Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.	138278 138279 138280 138281
ADDRESS CONFIDENTIALITY PROGRAM	138282
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year	138283 138284

in cash from the Business Services Operating Expenses Fund (Fund	138285
5990) to the Address Confidentiality Program Fund (Fund 5SN0).	138286
LITIGATION RELATED EXPENSES	138287
Upon the request of the Secretary of State, the Director of	138288
Budget and Management may transfer cash and appropriation from any	138289
fund and appropriation item used by the Secretary of State to	138290
Litigation Related Expenses Fund (Fund 5QE0) appropriation item	138291
050625, Litigation Related Expenses, or Business Services	138292
Operating Expenses Fund (Fund 5990) appropriation item 050628,	138293
Litigation Related Expenses. The amounts transferred shall be used	138294
to pay for any expenses related to lawsuits or legal proceedings	138295
against the Secretary of State.	138296
ABSENT VOTER'S BALLOT APPLICATION MAILING	138297
Notwithstanding Division (B) of Section 111.31 of the Revised	138298
Code, upon the request of the Secretary of State, the Controlling	138299
Board shall approve cash transfers from the Controlling Board	138300
Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent	138301
Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by	138302
the Secretary of State to pay the costs of printing and mailing	138303
unsolicited applications for absent voters' ballots for the	138304
general election to be held in November 2018. Such amounts are	138305
hereby appropriated.	138306
BALLOT ADVERTISING COSTS	138307
Notwithstanding Division (G) of Section 3501.17 of the	138308
Revised Code, upon requests submitted by the Secretary of State,	138309
the Controlling Board may approve transfers from the Controlling	138310
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the	138311
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for	138312
the cost of public notices associated with statewide ballot	138313
initiatives.	138314

<b>Section 397.10. SEN THE OHIO SENATE</b>				138315
General Revenue Fund				138316
GRF 020321	Operating Expenses	\$ 15,982,305	\$ 15,982,305	138317
TOTAL GRF General Revenue Fund				138318
Internal Service Activity Fund Group				138319
1020 020602	Senate Reimbursement	\$ 425,800	\$ 425,800	138320
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	138321
TOTAL ISA Internal Service Activity				138322
Fund Group				138323
TOTAL ALL BUDGET FUND GROUPS				138324
OPERATING EXPENSES				138325
On July 1, 2017, or as soon as possible thereafter, the Clerk				138326
of the Senate may certify to the Director of Budget and Management				138327
an amount up to the unexpended, unencumbered balance of the				138328
foregoing appropriation item 020321, Operating Expenses, at the				138329
end of fiscal year 2017 to be reappropriated to fiscal year 2018.				138330
The amount certified is hereby reappropriated to the same				138331
appropriation item for fiscal year 2018.				138332
On July 1, 2018, or as soon as possible thereafter, the Clerk				138333
of the Senate may certify to the Director of Budget and Management				138334
an amount up to the unexpended, unencumbered balance of the				138335
foregoing appropriation item 020321, Operating Expenses, at the				138336
end of fiscal year 2018 to be reappropriated to fiscal year 2019.				138337
The amount certified is hereby reappropriated to the same				138338
appropriation item for fiscal year 2019.				138339
<b>Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM</b>				138340
General Revenue Fund				138341
GRF 866321	CSV Operations	\$ 300,000	\$ 300,000	138342
TOTAL GRF General Revenue Fund				138343

Dedicated Purpose Fund Group					138344
5GN0 866605	Serve Ohio Support	\$	7,594	\$	0 138345
TOTAL DPF	Dedicated Purpose Fund	\$	7,594	\$	0 138346
Group					
Federal Fund Group					138347
3R70 866617	AmeriCorps Programs	\$	8,000,000	\$	8,000,000 138348
TOTAL FED	Federal Fund Group	\$	8,000,000	\$	8,000,000 138349
TOTAL ALL BUDGET FUND GROUPS		\$	8,307,594	\$	8,300,000 138350
<b>Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND</b>					138352
Debt Service Fund Group					138353
7070 155905	Third Frontier	\$	86,015,000	\$	93,539,900 138354
	Research and				
	Development Bond				
	Retirement Fund				
7072 155902	Highway Capital	\$	117,606,700	\$	135,589,800 138355
	Improvement Bond				
	Retirement Fund				
7073 155903	Natural Resources Bond	\$	25,450,300	\$	19,317,800 138356
	Retirement Fund				
7074 155904	Conservation Projects	\$	39,367,200	\$	44,001,700 138357
	Bond Retirement Fund				
7076 155906	Coal Research and	\$	6,319,500	\$	7,820,600 138358
	Development Bond				
	Retirement Fund				
7077 155907	State Capital	\$	230,880,100	\$	228,392,200 138359
	Improvement Bond				
	Retirement Fund				
7078 155908	Common Schools Bond	\$	375,134,900	\$	404,025,700 138360
	Retirement Fund				
7079 155909	Higher Education Bond	\$	267,425,600	\$	295,094,600 138361
	Retirement Fund				

7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	7,118,300	\$	5,090,700	138362
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	15,657,175	\$	15,591,200	138363
TOTAL DSF Debt Service Fund Group			\$	1,170,974,775	\$	1,248,464,200	138364
TOTAL ALL BUDGET FUND GROUPS			\$	1,170,974,775	\$	1,248,464,200	138365
ADDITIONAL APPROPRIATIONS							138366
Appropriation items in this section are for the purpose of							138367
paying debt service and financing costs during the period from							138368
July 1, 2017 through June 30, 2019 on bonds or notes of the state							138369
issued under the Ohio Constitution and acts of the General							138370
Assembly. If it is determined that additional amounts are							138371
necessary for this purpose, such amounts are hereby appropriated.							138372
<b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY							138373
DEVELOPMENT FOUNDATION							138374
Dedicated Purpose Fund Group							138375
5M90	945601	Operating Expenses	\$	352,930	\$	352,930	138376
TOTAL DPF Dedicated Purpose Fund			\$	352,930	\$	352,930	138377
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	352,930	\$	352,930	138378
<b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS							138380
BOARD							138381
Dedicated Purpose Fund Group							138382
4K90	123609	Operating Expenses	\$	279,708	\$	615,704	138383
TOTAL DPF Dedicated Purpose Fund			\$	279,708	\$	615,704	138384
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	279,708	\$	615,704	138385

<b>Section 405.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &amp;</b>				138387
AUDIOLOGY				138388
Dedicated Purpose Fund Group				138389
4K90 886609	Operating Expenses	\$ 333,269	\$ 0	138390
TOTAL DPF Dedicated Purpose Fund				0 138391
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 333,269 \$ 0 138392
 <b>Section 407.10. BTA BOARD OF TAX APPEALS</b>				138394
General Revenue Fund				138395
GRF 116321	Operating Expenses	\$ 1,822,552	\$ 1,857,751	138396
TOTAL GRF General Revenue Fund				\$ 1,822,552 \$ 1,857,751 138397
TOTAL ALL BUDGET FUND GROUPS				\$ 1,822,552 \$ 1,857,751 138398
 <b>Section 409.10. TAX DEPARTMENT OF TAXATION</b>				138400
General Revenue Fund				138401
GRF 110321	Operating Expenses	\$ 67,940,382	\$ 69,940,382	138402
GRF 110404	Tobacco Settlement	\$ 0	\$ 167,567	138403
Enforcement				
TOTAL GRF General Revenue Fund				\$ 67,940,382 \$ 70,107,949 138404
Dedicated Purpose Fund Group				138405
2280 110628	CAT Administration	\$ 17,496,584	\$ 14,996,584	138406
4330 110602	Municipal Data	\$ 178,156	\$ 178,156	138407
Exchange				
Administration				
4350 110607	Local Tax	\$ 21,000,000	\$ 21,000,000	138408
Administration				
4360 110608	Motor Vehicle Audit	\$ 1,523,113	\$ 1,523,113	138409
Administration				
4370 110606	Income Tax Refund	\$ 38,800	\$ 38,800	138410
Contribution				

		Administration					
4380	110609	School District	\$	6,427,960	\$	6,427,960	138411
		Income Tax					
		Administration					
4C60	110616	International	\$	705,869	\$	705,869	138412
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	255,836	\$	255,836	138413
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	138414
		Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	138415
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	138416
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	138417
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	138418
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	138419
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,175,897	\$	5,175,897	138420
		Administration					
5V80	110623	Property Tax	\$	6,000,000	\$	6,000,000	138421
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	138422
		Administration					
6390	110614	Cigarette Tax	\$	1,965,511	\$	1,797,944	138423
		Enforcement					
6880	110615	Local Excise Tax	\$	500,000	\$	500,000	138424
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	65,941,020	\$	63,273,453	138425
		Group					



Fiduciary Fund Group					138426
4250 110635	Tax Refunds	\$ 1,911,472,500	\$ 1,876,628,500		138427
5CZ0 110631	Vendor's License Application	\$ 380,000	\$ 380,000		138428
6420 110613	Ohio Political Party Distributions	\$ 180,000	\$ 180,000		138429
TOTAL FID	Fiduciary Fund Group	\$ 1,912,032,500	\$ 1,877,188,500		138430
Holding Account Fund Group					138431
R010 110611	Tax Distributions	\$ 25,000	\$ 25,000		138432
R011 110612	Miscellaneous Income Tax Receipts	\$ 500	\$ 500		138433
TOTAL HLD	Holding Account Fund Group	\$ 25,500	\$ 25,500		138434
TOTAL ALL BUDGET FUND GROUPS		\$ 2,045,939,402	\$ 2,010,595,402		138435

**Section 409.20. TAX REFUNDS** 138437

The foregoing appropriation item 110635, Tax Refunds, shall 138438  
be used to pay refunds under section 5703.052 of the Revised Code. 138439  
If it is determined that additional appropriations are necessary 138440  
for this purpose, such amounts are hereby appropriated. 138441

**VENDOR'S LICENSE PAYMENTS** 138442

The foregoing appropriation item 110631, Vendor's License 138443  
Application, shall be used to make payments to county auditors 138444  
under section 5739.17 of the Revised Code. If it is determined 138445  
that additional appropriations are necessary to make such 138446  
payments, such amounts are hereby appropriated. 138447

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 138448

The foregoing appropriation item 110616, International 138449  
Registration Plan Administration, shall be used under section 138450  
5703.12 of the Revised Code for audits of persons with vehicles 138451  
registered under the International Registration Plan. 138452

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	138453
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	138454 138455 138456 138457 138458 138459 138460
TOBACCO SETTLEMENT ENFORCEMENT	138461
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code. In fiscal year 2018, expenses associated with these enforcement activities will be covered by appropriation item 110614, Cigarette Tax Enforcement.	138462 138463 138464 138465 138466 138467
STARS DEVELOPMENT AND IMPLEMENTATION FUND	138468
The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.	138469 138470 138471 138472 138473 138474 138475 138476 138477 138478 138479 138480 138481
APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND	138482 138483

(A) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by section 718.051 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by section 718.051 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by section 718.051 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations due to the new tax administration obligations imposed by section 718.051 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional appropriations necessary to carry out the duties imposed by section 718.051 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in Fund 5N50, the Director shall approve the certified appropriation increase. Any approved appropriation increase is hereby appropriated.

<b>Section 411.10. DOT DEPARTMENT OF TRANSPORTATION</b>				138515
General Revenue Fund				138516
GRF	772502	Local Transportation	\$ 250,000 \$	0 138517
Projects				
GRF	775451	Public Transportation	\$ 6,500,000 \$ 6,500,000	138518
- State				
GRF	776465	Rail Development	\$ 985,000 \$ 1,000,000	138519
GRF	777471	Airport Improvements	\$ 6,455,000 \$ 5,910,000	138520
- State				
TOTAL GRF General Revenue Fund		\$ 14,190,000 \$	13,410,000	138521
TOTAL ALL BUDGET FUND GROUPS		\$ 14,190,000 \$	13,410,000	138522

**Section 411.13. LOCAL TRANSPORTATION PROJECTS** 138524

The foregoing appropriation item 772502, Local Transportation 138525  
Projects, shall be allocated to support the regional 138526  
transportation improvement project in Carroll, Columbiana, and 138527  
Stark counties. 138528

**Section 411.20. AIRPORT IMPROVEMENTS - STATE** 138529

The foregoing appropriation item 777471, Airport Improvements 138530  
- State, shall be used by the Department of Transportation to 138531  
continue the Ohio Airport Grant Program in supporting capital 138532  
improvements, maintaining infrastructure, and ensuring safety at 138533  
publicly owned, public use airports in the state, provided that 138534  
the airports receive neither Federal Aviation Administration Air 138535  
Carrier Enplanement Funds nor Air Cargo Entitlements. 138536

Of the foregoing appropriation item 777471, Airport 138537  
Improvements - State, \$455,000 in fiscal year 2018 shall be 138538  
allocated to the Columbus Regional Airport Authority to support 138539  
expenses related to the renaming of the Port Columbus 138540  
International Airport, as enacted in Am. Sub. S.B. 159 of the 138541

131st General Assembly. Use of the allocated funds may include the 138542  
cost of replacing signage or other related expenses that have been 138543  
incurred subsequent to the enactment of Am. Sub. S.B. 159 of the 138544  
131st General Assembly, or future expenses associated with the 138545  
name change from Port Columbus International Airport to the John 138546  
Glenn International Airport. 138547

Of the foregoing appropriation item 777471, Airport 138548  
Improvements - State, \$100,000 in fiscal year 2018 shall be 138549  
allocated to support the installation of four new airline gates at 138550  
the Akron-Canton Airport. 138551

**Section 413.10.** TOS TREASURER OF STATE 138552

General Revenue Fund 138553

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 138554

GRF 090401 Office of the Sinking Fund \$ 502,304 \$ 502,304 138555

GRF 090402 Continuing Education \$ 325,000 \$ 325,000 138556

GRF 090406 Treasury Management System Lease Rental \$ 1,113,900 \$ 1,114,700 138557

GRF 090407 ABLE Promotion Payments \$ 100,000 \$ 100,000 138558

GRF 090613 ABLE Account Administration \$ 1,750,000 \$ 1,750,000 138559

TOTAL GRF General Revenue Fund \$ 11,910,983 \$ 11,911,033 138560

Dedicated Purpose Fund Group 138561

4E90 090603 Securities Lending Income \$ 5,200,000 \$ 5,200,000 138562

5770 090605 Investment Pool Reimbursement \$ 1,050,000 \$ 1,050,000 138563

5C50 090602 County Treasurer Education \$ 170,057 \$ 170,057 138564

5NH0 090610 OhioMeansJobs \$ 23,250,000 \$ 0 138565

		Workforce Development				
6050	090609	Treasurer of State	\$	700,000	\$	700,000 138566
		Administrative Fund				
		TOTAL DPF Dedicated Purpose				138567
		Fund Group	\$	30,370,057	\$	7,120,057 138568
		Fiduciary Fund Group				138569
4250	090635	Tax Refunds	\$	12,000,000	\$	12,000,000 138570
		TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000 138571
		TOTAL ALL BUDGET FUND GROUPS	\$	54,281,040	\$	31,031,090 138572

**Section 413.20. OFFICE OF THE SINKING FUND** 138574

The foregoing appropriation item 090401, Office of the 138575  
Sinking Fund, shall be used for costs incurred by or on behalf of 138576  
the Commissioners of the Sinking Fund and the Ohio Public 138577  
Facilities Commission with respect to State of Ohio general 138578  
obligation bonds or notes, and the Treasurer of State with respect 138579  
to State of Ohio general obligation and special obligation bonds 138580  
or notes, including, but not limited to, printing, advertising, 138581  
delivery, rating fees and the procurement of ratings, professional 138582  
publications, membership in professional organizations, and other 138583  
services referred to in division (D) of section 151.01 of the 138584  
Revised Code. The General Revenue Fund shall be reimbursed for 138585  
such costs relating to the issuance and administration of Highway 138586  
Capital Improvement bonds or notes authorized under Ohio 138587  
Constitution, Article VIII, Section 2m and Chapter 151. of the 138588  
Revised Code. That reimbursement shall be made from appropriation 138589  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 138590  
intrastate transfer voucher pursuant to a certification by the 138591  
Office of the Sinking Fund of the actual amounts used. The amounts 138592  
necessary to make such a reimbursement are hereby appropriated 138593  
from the Highway Capital Improvement Bond Retirement Fund created 138594  
in section 151.06 of the Revised Code. 138595

ABLE ACCOUNT ADMINISTRATION	138596
The foregoing appropriation item 090613, ABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.	138597 138598 138599
TAX REFUNDS	138600
The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.	138601 138602 138603 138604 138605
<b>Section 413.30.</b> TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS	138606 138607
The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Section 701.20 of Am. Sub. H.B. 497 of the 130th General Assembly with respect to financing the costs associated with the acquisition and implementation of the Treasury Management System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.	138608 138609 138610 138611 138612 138613 138614 138615 138616
<b>Section 413.40.</b> OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM	138617 138618
The foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.	138619 138620 138621 138622
Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in	138623 138624

fiscal year 2018 may be used by the Treasurer of State to 138625  
administer the program. 138626

Any unexpended and unencumbered portion of the foregoing 138627  
appropriation item 090610, OhioMeansJobs Workforce Development 138628  
Revolving Loan Program, at the end of fiscal year 2018 is hereby 138629  
reappropriated for the same purpose in fiscal year 2019. To the 138630  
extent that reappropriated funds are available, of the foregoing 138631  
appropriation item 090610, OhioMeansJobs Workforce Development 138632  
Revolving Loan Program, up to \$250,000 in fiscal year 2019 may be 138633  
used by the Treasurer of State to administer the program. 138634

**Section 413.50.** VTO VETERANS' ORGANIZATIONS 138635

General Revenue Fund 138636

VAP AMERICAN EX-PRISONERS OF WAR 138637

GRF 743501 State Support \$ 28,910 \$ 28,910 138638

VAN ARMY AND NAVY UNION, USA, INC. 138639

GRF 746501 State Support \$ 63,539 \$ 63,539 138640

VKW KOREAN WAR VETERANS 138641

GRF 747501 State Support \$ 57,118 \$ 57,118 138642

VJW JEWISH WAR VETERANS 138643

GRF 748501 State Support \$ 34,321 \$ 34,321 138644

VCW CATHOLIC WAR VETERANS 138645

GRF 749501 State Support \$ 66,978 \$ 66,978 138646

VPH MILITARY ORDER OF THE PURPLE HEART 138647

GRF 750501 State Support \$ 65,116 \$ 65,116 138648

VVV VIETNAM VETERANS OF AMERICA 138649

GRF 751501 State Support \$ 214,776 \$ 214,776 138650

VAL AMERICAN LEGION OF OHIO 138651

GRF 752501 State Support \$ 349,189 \$ 349,189 138652

VII AMVETS 138653

GRF 753501 State Support \$ 332,547 \$ 332,547 138654

VAV DISABLED AMERICAN VETERANS 138655



GRF	754501	State Support	\$	249,836	\$	249,836	138656
		VMC MARINE CORPS LEAGUE					138657
GRF	756501	State Support	\$	133,947	\$	133,947	138658
		V37 37TH DIVISION VETERANS' ASSOCIATION					138659
GRF	757501	State Support	\$	6,868	\$	6,868	138660
		VFW VETERANS OF FOREIGN WARS					138661
GRF	758501	State Support	\$	284,841	\$	284,841	138662
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986	138663
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	138664
		RELEASE OF FUNDS					138665
		The Director of Budget and Management may release the					138666
		foregoing appropriation items 743501, 746501, 747501, 748501,					138667
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					138668
		and 758501, State Support.					138669
		<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>					138670
		General Revenue Fund					138671
GRF	900321	Veterans' Homes	\$	27,435,790	\$	27,435,790	138672
GRF	900402	Hall of Fame	\$	113,255	\$	113,255	138673
GRF	900408	Department of	\$	2,799,907	\$	2,799,907	138674
		Veterans Services					
GRF	900901	Veterans Compensation	\$	7,118,300	\$	5,090,700	138675
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	37,467,252	\$	35,439,652	138676
		Dedicated Purpose Fund Group					138677
4840	900603	Veterans' Homes	\$	990,000	\$	995,000	138678
		Services					
4E20	900602	Veterans' Homes	\$	13,389,605	\$	13,400,000	138679
		Operating					
5DB0	900643	Military Injury	\$	1,000,000	\$	1,000,000	138680
		Relief Program					

5PH0 900642	Veterans Initiatives	\$	70,000	\$	70,000	138681
6040 900604	Veterans' Homes	\$	500,000	\$	500,000	138682
	Improvement					
TOTAL DPF Dedicated Purpose Fund		\$	15,949,605	\$	15,965,000	138683
Group						
Debt Service Fund Group						138684
7041 900615	Veteran Bonus Program	\$	330,163	\$	272,687	138685
	- Administration					
7041 900641	Persian Gulf,	\$	1,132,362	\$	1,132,706	138686
	Afghanistan, and Iraq					
	Compensation					
TOTAL DSF Debt Service						138687
Fund Group		\$	1,462,525	\$	1,405,393	138688
Federal Fund Group						138689
3680 900614	Veterans Training	\$	782,898	\$	805,851	138690
3740 900606	Troops to Teachers	\$	125,002	\$	130,001	138691
3BX0 900609	Medicare Services	\$	3,352,135	\$	3,578,278	138692
3L20 900601	Veterans' Homes	\$	32,021,561	\$	33,378,119	138693
	Operations - Federal					
TOTAL FED Federal Fund Group		\$	36,281,596	\$	37,892,249	138694
TOTAL ALL BUDGET FUND GROUPS		\$	91,160,978	\$	90,702,294	138695
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE						138696
The foregoing appropriation item 900901, Veterans						138697
Compensation General Obligation Bond Debt Service, shall be used						138698
to pay all debt service and related financing costs during the						138699
period from July 1, 2017, through June 30, 2019, on obligations						138700
issued under sections 151.01 and 151.12 of the Revised Code.						138701
<b>Section 417.10.</b> DVM STATE VETERINARY MEDICAL LICENSING BOARD						138702
Dedicated Purpose Fund Group						138703
4K90 888609	Operating Expenses	\$	396,369	\$	439,369	138704

TOTAL DPF Dedicated Purpose				138705
Fund Group	\$	396,369	\$ 439,369	138706
Internal Service Activity Fund Group				138707
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	138708
Loan Program				
TOTAL ISA Internal Service Activity				138709
Fund Group	\$	30,000	\$ 30,000	138710
TOTAL ALL BUDGET FUND GROUPS	\$	426,369	\$ 469,369	138711
<b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>				138713
Dedicated Purpose Fund Group				138714
4K90 129609 Operating Expenses	\$	400,809	\$ 650,607	138715
TOTAL DPF Dedicated Purpose Fund	\$	400,809	\$ 650,607	138716
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	400,809	\$ 650,607	138717
<b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				138719
General Revenue Fund				138720
GRF 470401 RECLAIM Ohio	\$	155,590,859	\$ 159,227,635	138721
GRF 470412 Juvenile Correctional	\$	17,515,369	\$ 17,086,697	138722
Facilities Lease				
Rental Bond Payments				
GRF 470510 Youth Services	\$	16,452,187	\$ 16,452,187	138723
GRF 472321 Parole Operations	\$	10,436,834	\$ 10,589,287	138724
GRF 477321 Administrative	\$	11,401,139	\$ 11,574,760	138725
Operations				
TOTAL GRF General Revenue Fund	\$	211,396,388	\$ 214,930,566	138726
Dedicated Purpose Fund Group				138727
1470 470612 Vocational Education	\$	1,690,000	\$ 1,463,162	138728
1750 470613 Education Services	\$	3,385,248	\$ 3,492,983	138729
4790 470609 Employee Food Service	\$	60,273	\$ 44,107	138730
4A20 470602 Child Support	\$	187,998	\$ 153,968	138731

4G60	470605	Juvenile Special	\$	115,000	\$	115,000	138732
		Revenue - Non-Federal					
5BN0	470629	E-Rate Program	\$	75,000	\$	75,000	138733
TOTAL DPF Dedicated Purpose							138734
Fund Group			\$	5,513,519	\$	5,344,220	138735
Federal Fund Group							138736
3210	470601	Education	\$	947,275	\$	961,519	138737
3210	470603	Juvenile Justice	\$	2,144,540	\$	2,232,533	138738
		Prevention					
3210	470606	Nutrition	\$	930,000	\$	930,000	138739
3210	470614	Title IV-E	\$	5,766,624	\$	5,766,624	138740
		Reimbursements					
3FC0	470642	Federal Juvenile	\$	1,000	\$	0	138741
		Programs FFY 12					
3GB0	470643	Federal Juvenile	\$	16,352	\$	200	138742
		Programs FFY 13					
3V50	470604	Juvenile	\$	1,720,000	\$	1,720,000	138743
		Justice/Delinquency					
		Prevention					
TOTAL FED Federal							138744
Fund Group			\$	11,525,791	\$	11,610,876	138745
TOTAL ALL BUDGET FUND GROUPS							138746
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							138747
The foregoing appropriation item 470412, Juvenile							138748
Correctional Facilities Lease Rental Bond Payments, shall be used							138749
to meet all payments during the period from July 1, 2017, through							138750
June 30, 2019, by the Department of Youth Services under the							138751
leases and agreements for facilities made under Chapters 152. and							138752
154. of the Revised Code. This appropriation is the source of							138753
funds pledged for bond service charges on related obligations							138754
issued under Chapters 152. and 154. of the Revised Code.							138755
EDUCATION SERVICES							138756

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 503.05.** All items set forth in this section are hereby appropriated for the biennium beginning on July 1, 2017, and ending on June 30, 2019, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated. The appropriation made in this section is in addition to any other appropriations made for the FY 2018-FY 2019 biennium

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 138778

C230W4 Community School Classroom Facilities \$ 7,989,174 138779

Grants

TOTAL Public School Building Fund \$ 7,989,174 138780

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 138781

The foregoing appropriation item C230W4, Community School Classroom Facilities Grants, may be used by the Ohio Facilities Construction Commission to provide grant funding to an eligible high-performing community school established under Chapter 3314.

of the Revised Code. 138786

For purposes of this section, an "eligible high-performing 138787  
community school" means a community school that has available and 138788  
has certified it will supply, at least fifty per cent of the cost 138789  
of the project funded under this section and that meets the 138790  
following other conditions: 138791

(A) Except as provided in division (B) or (C) of this 138792  
section, the school both: 138793

(1) Has received a grade of "A," "B," or "C" for the 138794  
performance index score under division (C)(1)(b) of section 138795  
3302.03 of the Revised Code or has increased its performance index 138796  
score under division (C)(1)(b) of section 3302.03 of the Revised 138797  
Code in each of the previous three years of operation; and 138798

(2) Has received a grade of "A" or "B" for the value-added 138799  
progress dimension under division (C)(1)(e) of section 3302.03 of 138800  
the Revised Code on its most recent report card issued under that 138801  
section. 138802

(B) If the school serves only grades kindergarten through 138803  
three, the school received a grade of "A" or "B" for making 138804  
progress in improving literacy in grades kindergarten through 138805  
three under division (C)(1)(g) of section 3302.03 of the Revised 138806  
Code on its most recent report card issued under that section. 138807

(C) If the school primarily serves students enrolled in a 138808  
dropout prevention and recovery program as described in division 138809  
(A)(4)(a) of section 3314.35 of the Revised Code, the school 138810  
received a rating of "exceeds standards" on its most recent report 138811  
card issued under section 3314.017 of the Revised Code. 138812

Notwithstanding the definition of an eligible high-performing 138813  
community school under divisions (A) to (C) of this section, a 138814  
newly established community school may be eligible for assistance 138815  
under this section if it is implementing a community school model 138816

that has a track record of high-quality academic performance, as 138817  
determined by the Department of Education. 138818

The foregoing appropriation may be used for the purchase, 138819  
construction, reconstruction, renovation, remodeling, or addition 138820  
to classroom facilities. A grant may be awarded to an eligible 138821  
high-performing community school that demonstrates that the funds 138822  
will be used to purchase or support classroom facilities 138823  
construction or modifications that increase the supply of seats in 138824  
effective schools, service specific unmet student needs through 138825  
community school education, and show innovation in design and 138826  
potential as a successful, replicable school model. The Ohio 138827  
Facilities Construction Commission may award a grant to an 138828  
eligible high-performing community school upon the approval of a 138829  
grant application by the Executive Director of the Commission and 138830  
the Superintendent of Public Instruction. A facility that is 138831  
purchased, constructed, or modified by the grant funds shall be 138832  
used for educational purposes for a minimum of ten years after 138833  
receiving the grant funds. The Ohio Facilities Construction 138834  
Commission, in consultation with the Superintendent of Public 138835  
Instruction, shall develop guidelines and may adopt rules under 138836  
Chapter 111. of the Revised Code for the administration of the 138837  
grants, including provisions for the ownership and disposal of the 138838  
facilities funded under this section in the event the community 138839  
school closes at any time. Notwithstanding any provision of law to 138840  
the contrary, all Revised Code exemptions applicable to grants 138841  
awarded and projects administered by the Ohio Facilities 138842  
Construction Commission shall apply to the grants pursuant to this 138843  
section. 138844

**Section 503.10. PERSONAL SERVICE EXPENSES** 138845

Unless otherwise prohibited by law, any appropriation from 138846  
which personal service expenses are paid shall bear the employer's 138847

share of public employees' retirement, workers' compensation, 138848  
disabled workers' relief, and insurance programs; and the costs of 138849  
centralized financial services, centralized payroll processing, 138850  
and related reports and services; centralized human resources 138851  
services, including affirmative action and equal employment 138852  
opportunity programs; the Office of Collective Bargaining; 138853  
centralized information technology management services; 138854  
administering the enterprise resource planning system; and 138855  
administering the state employee merit system as required by 138856  
section 124.07 of the Revised Code. These costs shall be 138857  
determined in conformity with the appropriate sections of law and 138858  
paid in accordance with procedures specified by the Office of 138859  
Budget and Management. Expenditures from appropriation item 138860  
070601, Public Audit Expense - Intra-State, may be exempted from 138861  
the requirements of this section. 138862

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 138863  
AGAINST THE STATE 138864

Except as otherwise provided in this section, an 138865  
appropriation in this act or any other act may be used for the 138866  
purpose of satisfying judgments, settlements, or administrative 138867  
awards ordered or approved by the Court of Claims or by any other 138868  
court of competent jurisdiction in connection with civil actions 138869  
against the state. This authorization does not apply to 138870  
appropriations to be applied to or used for payment of guarantees 138871  
by or on behalf of the state, or for payments under lease 138872  
agreements relating to, or debt service on, bonds, notes, or other 138873  
obligations of the state. Notwithstanding any other statute to the 138874  
contrary, this authorization includes appropriations from funds 138875  
into which proceeds of direct obligations of the state are 138876  
deposited only to the extent that the judgment, settlement, or 138877  
administrative award is for, or represents, capital costs for 138878  
which the appropriation may otherwise be used and is consistent 138879



with the purpose for which any related obligations were issued or 138880  
entered into. Nothing contained in this section is intended to 138881  
subject the state to suit in any forum in which it is not 138882  
otherwise subject to suit, and is not intended to waive or 138883  
compromise any defense or right available to the state in any suit 138884  
against it. 138885

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 138886

This section specifies an additional and supplemental 138887  
procedure to provide for payments of judgments and settlements if 138888  
the Director of Budget and Management determines, pursuant to 138889  
division (C)(4) of section 2743.19 of the Revised Code, that 138890  
sufficient unencumbered moneys do not exist in the fund to support 138891  
a particular appropriation to pay the amount of a final judgment 138892  
rendered against the state or a state agency, including the 138893  
settlement of a claim approved by a court, in an action upon and 138894  
arising out of a contractual obligation for the construction or 138895  
improvement of a capital facility if the costs under the contract 138896  
were payable in whole or in part from a state capital projects 138897  
appropriation. In such a case, the Director may either proceed 138898  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 138899  
or apply to the Controlling Board to increase an appropriation or 138900  
create an appropriation out of any unencumbered moneys in the 138901  
state treasury to the credit of the capital projects fund from 138902  
which the initial state appropriation was made. The amount of an 138903  
increase in appropriation or new appropriation approved by the 138904  
Controlling Board is hereby appropriated from the applicable 138905  
capital projects fund and made available for the payment of the 138906  
judgment or settlement. 138907

If the Director does not make the application authorized by 138908  
this section or the Controlling Board disapproves the application, 138909  
and the Director does not make application under division (C)(4) 138910

of section 2743.19 of the Revised Code, the Director shall for the 138911  
purpose of making that payment make a request to the General 138912  
Assembly as provided for in division (C)(5) of that section. 138913

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 138914

In order to provide funds for the reissuance of voided 138915  
warrants under section 126.37 of the Revised Code, there is hereby 138916  
appropriated, out of moneys in the state treasury from the fund 138917  
credited as provided in section 126.37 of the Revised Code, that 138918  
amount sufficient to pay such warrants when approved by the Office 138919  
of Budget and Management. 138920

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 138921  
**BALANCES OF OPERATING APPROPRIATIONS** 138922

(A) Notwithstanding the original year of appropriation or 138923  
encumbrance the unexpended balance of an operating appropriation 138924  
or reappropriation that a state agency lawfully encumbered prior 138925  
to the close of fiscal year 2017 or fiscal year 2018 is hereby 138926  
reappropriated on the first day of July of the following fiscal 138927  
year from the fund from which it was originally appropriated or 138928  
reappropriated for the period of time listed in this section and 138929  
shall remain available only for the purpose of discharging the 138930  
encumbrance: 138931

(1) For an encumbrance for personal services, maintenance, 138932  
equipment, or items for resale not otherwise identified in this 138933  
section for a period of not more than five months from the end of 138934  
the fiscal year; 138935

(2) For an encumbrance for an item of special order 138936  
manufacture not available on state contract or in the open market, 138937  
for a period of not more than five months from the end of the 138938  
fiscal year or, with the written approval of the Director of 138939  
Budget and Management, for a period of not more than twelve months 138940

from the end of the fiscal year; 138941

(3) For an encumbrance for reclamation of land or oil and gas 138942  
wells, for a period ending when the encumbered appropriation is 138943  
expended provided such period does not extend beyond the FY 2018 - 138944  
FY 2019 biennium; 138945

(4) For an encumbrance for any other expense not otherwise 138946  
identified in this section, for such period as the Director 138947  
approves, provided such period does not extend beyond the FY 2018 138948  
- FY 2019 biennium. 138949

(B) Any operating appropriations for which unexpended 138950  
balances are reappropriated in fiscal year 2018 or fiscal year 138951  
2019 pursuant to division (A)(2) of this section shall be reported 138952  
to the Controlling Board by the Director of Budget and Management 138953  
by the thirty-first day of December of each year. The report shall 138954  
include the item, the cost of the item, and the name of the 138955  
vendor. The report shall be updated on a quarterly basis for 138956  
encumbrances remaining open. 138957

(C) Upon the expiration of the reappropriation period set out 138958  
in division (A) of this section, a reappropriation made by this 138959  
section lapses, and the Director of Budget and Management shall 138960  
cancel the encumbrance of the unexpended reappropriation not later 138961  
than the end of the weekend following the expiration of the 138962  
reappropriation period. 138963

(D) If the Controlling Board approved a purchase, that 138964  
approval remains in effect so long as the appropriation used to 138965  
make that purchase remains encumbered. 138966

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 138967

(A) The Director of Budget and Management may correct 138968  
accounting errors committed by the staff of the Office of Budget 138969  
and Management, such as reestablishing encumbrances or 138970

appropriations canceled in error, during the cancellation of 138971  
operating encumbrances in November and of non-operating 138972  
encumbrances in December. 138973

(B) The Director of Budget and Management may at any time 138974  
correct accounting errors committed by staff or a state agency or 138975  
state institution of higher education, as defined in section 138976  
3345.011 of the Revised Code, such as reestablishing prior year 138977  
non-operating encumbrances canceled or modified in error. The 138978  
reestablished encumbrance amounts are hereby appropriated. 138979

**Section 503.70. TEMPORARY REVENUE HOLDING** 138980

The Director of Budget and Management may create funds in the 138981  
state treasury solely for the purpose of temporarily holding 138982  
revenue required to be credited to a fund in the state treasury, 138983  
whose disposition is not immediately known at the time of receipt. 138984  
Once identified, the Director shall credit the revenue to the 138985  
appropriate fund in the state treasury. 138986

**Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND** 138987  
**RE-ESTABLISHMENT OF ENCUMBRANCES** 138988

Any cash transferred by the Director of Budget and Management 138989  
under section 126.15 of the Revised Code is hereby appropriated. 138990  
Any amounts necessary to re-establish appropriations or 138991  
encumbrances under section 126.15 of the Revised Code are hereby 138992  
appropriated. 138993

**Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS** 138994

The Director of Budget and Management may transfer 138995  
appropriations between the Third Frontier Research and Development 138996  
Fund (Fund 7011) and the Third Frontier Research and Development 138997  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 138998  
exclusion from the calculation of gross income for federal income 138999

taxation purposes under the "Internal Revenue Code of 1986," 100 139000  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 139001  
issued to fund projects appropriated from the Third Frontier 139002  
Research and Development Fund (Fund 7011). 139003

The Director may also create new appropriation items within 139004  
the Third Frontier Research and Development Taxable Bond Fund 139005  
(Fund 7014) and make transfers of appropriations to them for 139006  
projects originally funded from appropriations made from the Third 139007  
Frontier Research and Development Fund (Fund 7011). 139008

**Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES** 139009

There are hereby appropriated out of any moneys in the state 139010  
treasury to the credit of the General Revenue Fund, which are not 139011  
otherwise appropriated, funds sufficient to make any payment 139012  
required by division (B)(2) of section 5747.03 of the Revised 139013  
Code. 139014

**Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES** 139015  
APPROVED BY THE CONTROLLING BOARD 139016

Any money that the Controlling Board approves for expenditure 139017  
or any increase in appropriation that the Controlling Board 139018  
approves under sections 127.14, 131.35, and 131.39 of the Revised 139019  
Code or any other provision of law is hereby appropriated for the 139020  
period ending June 30, 2019. 139021

**Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S** 139022  
RESIDENCE 139023

If the Governor's Residence Fund (Fund 4H20) receives payment 139024  
for use of the residence pursuant to section 107.40 of the Revised 139025  
Code, the amounts so received are hereby appropriated to 139026  
appropriation item 100604, Governor's Residence Gift. 139027

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 139028

Unless the agency and nuclear electric utility mutually agree 139029  
to a higher amount by contract, the maximum amounts that may be 139030  
assessed against nuclear electric utilities under division (B)(2) 139031  
of section 4937.05 of the Revised Code and deposited into the 139032  
specified funds are as follows: 139033

<u>Fund</u>	<u>User</u>	<u>FY 2018</u>	<u>FY 2019</u>	
Utility	Department of	\$ 125,000	\$ 125,000	139034
Radiological	Agriculture			139035
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	139036
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	139037
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,200,000	\$ 1,200,000	139038
Response Plan	Public Safety			
Fund (Fund 6570)				

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 139039

INTEREST EARNED 139040

Notwithstanding any provision of law to the contrary, the 139041  
Director of Budget and Management, through June 30, 2019, may 139042  
transfer interest earned by any state fund to the General Revenue 139043  
Fund. This section does not apply to funds whose source of revenue 139044  
is restricted or protected by the Ohio Constitution, federal tax 139045  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 139046  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 139047

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 139048  
FROM NON-GRF FUNDS 139049

Notwithstanding any provision of law to the contrary, the 139050  
Director of Budget and Management may transfer up to \$200,000,000 139051  
in cash, during the biennium ending June 30, 2019, from 139052  
non-General Revenue Funds that are not constitutionally restricted 139053  
to the General Revenue Fund. 139054

**Section 512.30.** RACETRACK RELOCATION FUND 139055

On July 1, 2017, or as soon as possible thereafter, the 139056  
Director of Budget and Management shall transfer the cash balance 139057  
of the Racetrack Relocation Fund (Fund 5MG0) to the General 139058  
Revenue Fund. Upon completion of the transfer, the Racetrack 139059  
Relocation Fund is hereby abolished. On and after July 1, 2017, 139060  
any payment that is otherwise required to be credited to the 139061  
Racetrack Relocation Fund shall be credited to the General Revenue 139062  
Fund. 139063

**Section 512.40.** UNCLAIMED FUND REMITTANCE 139064

Notwithstanding division (A) of section 169.05 of the Revised 139065  
Code, during the biennium ending June 30, 2019, the Director of 139066  
Budget and Management may request the Director of Commerce to 139067  
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 139068  
funds that have been reported by holders of unclaimed funds under 139069  
section 169.05 of the Revised Code, irrespective of the allocation 139070  
of the unclaimed funds under that section. The Director of 139071  
Commerce shall remit the funds at the time requested by the 139072  
Director of Budget and Management. 139073

**Section 512.50.** FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 139074  
BALANCE 139075

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2017, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and allocate that amount, to the extent of the amount so determined, as follows:

(A) First, the Director of Budget and Management shall transfer a cash amount of up to \$207,000,000 to the Medicaid Local Sales Tax Transition Fund;

(B) Second, the Director shall transfer a cash amount of up to \$273,415 to the Lake Erie Protection Fund.

**Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND**

Not later than October 20, 2018, the Tax Commissioner shall calculate the growth in fiscal year 2017 revenue relative to the prior fiscal year from the sales tax imposed under section 5739.02 of the Revised Code on categories that have been determined to be related to tourism and certify that amount to the Director of Budget and Management. On or before the last day of October 2018, the Director of Budget and Management may transfer from the General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount certified by the Commissioner under this division, except that the transfer shall not exceed the amount transferred from the General Revenue Fund to the Tourism Fund in fiscal year 2018.

**Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS**

On October 1, 2017, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2019, to fully repay the fiscal year 2017 transfer on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund



5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 139106  
Payments made by the Department of Commerce and the Board of 139107  
Pharmacy in accordance with this repayment schedule shall be 139108  
credited to the General Revenue Fund. 139109

**Section 512.80.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 139110

There is hereby established in the Highway Operating Fund 139111  
(Fund 7002), used by the Department of Transportation, a Diesel 139112  
Emissions Reduction Grant Program. The Director of Environmental 139113  
Protection shall administer the program and shall solicit, 139114  
evaluate, score, and select projects submitted by public and 139115  
private entities that are eligible for the federal Congestion 139116  
Mitigation and Air Quality (CMAQ) Program. The Director of 139117  
Transportation shall process Federal Highway 139118  
Administration-approved projects as recommended by the Director of 139119  
Environmental Protection. 139120

In addition to the allowable expenditures set forth in 139121  
section 122.861 of the Revised Code, Diesel Emissions Reduction 139122  
Grant Program funds also may be used to fund projects involving 139123  
the purchase or use of hybrid and alternative fuel vehicles that 139124  
are allowed under guidance developed by the Federal Highway 139125  
Administration for the CMAQ Program. 139126

Public entities eligible to receive funds under section 139127  
122.861 of the Revised Code and CMAQ shall be reimbursed from 139128  
moneys in Fund 7002 designated for the Department of 139129  
Transportation's Diesel Emissions Reduction Grant Program. 139130

Private entities eligible to receive funds under section 139131  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 139132  
direction of the local public agency sponsor and upon approval of 139133  
the Department of Transportation, through direct payments. These 139134  
reimbursements shall be made from moneys in Fund 7002 designated 139135  
for the Department of Transportation's Diesel Emissions Reduction 139136

Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2018 and fiscal year 2019.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

**Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS**

(A) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

User	Transfer from:	Transfer to:
Agency	Fund	Fund
Code	Code Fund Name	Code Fund Name
AGE	4J40 Passport/Preferred Choices	GRF General Revenue Fund
AGE	5AA0 Ohio's Best Rx Administration	GRF General Revenue Fund
AGE	5R50 Ohio Reads/Stars	GRF General Revenue Fund
AGR	5880 Brand Registration	6520 Animal and Consumer

				Protection Laboratory Fund	
AGR	5CP0	Ohio Agriculture License Scholarship	4900	AGRO Ohio Fund	139166
BOR	3BE0	AEFLA Incentive Grant	GRF	General Revenue Fund	139167
BOR	3T00	Ohio Loan Repayment	GRF	General Revenue Fund	139168
BOR	5FN0	College Access Challenge Grant	GRF	General Revenue Fund	139169
BOR	5HZ0	Distance Learning Clearinghouse	GRF	General Revenue Fund	139170
BOR	HJT0	Health Care Assessment Fee	GRF	General Revenue Fund	139171
BOR	5JV0	Ohio Articulation and Transfer Network	GRF	General Revenue Fund	139172
BOR	5QF0	Student Debt Reduction	GRF	General Revenue Fund	139173
BOR	5SF0	STEM Degree Loan Repayment	GRF	General Revenue Fund	139174
BOR	5X20	STEM and Foreign Language Academy	GRF	General Revenue Fund	139175
COM	7043	Liquor Control	GRF	General Revenue Fund	139176
COM	5450	Savings Institution	5440	Banks	139177
DAS	5RT0	Electronic Pollbook	GRF	General Revenue Fund	139178
DAS	5C30	Minor Construction Project Management	1320	Building Management	139179
DDD	5CT0	Intensive Behavioral Needs	5GE0	Operating and Services	139180
DDD	3M70	Community Alternative Funding Source	3A40	Medicaid-Medicare	139181
DDD	3G60	Medicaid Waiver	3A40	Medicaid-Medicare	139182
DEV	5Y60	Economic Development Contingency	GRF	General Revenue Fund	139183
DNR	5EN0	Watercraft Law Enforcement	5EM0	Natural Resources Law Enforcement	139184



Code	Appropriation Item	Code	Appropriation Item	139208
5CT0	653607 - Intensive Behavioral Needs	5GE0	653606 - ICF/IID and Waiver Match	139209
3M70	653650 - CAFS Medicaid	3A40	653605 - DC and Residential Facilities Services and Support	139210
3G60	653639 - Medicaid Waiver Program Support	3A40	653605 - DC and Residential Facilities Services and Support	139211
2070	725690 - Real Estate Services	1550	725601 - Departmental Projects	139212
5EN0	725614 - Watercraft Law Enforcement	5EM0	725613 - Natural Resources Law Enforcement	139213
4J20	725628 - Injection Well Review	5110	725646 - Ohio Geological Mapping	139214
5260	725610 - Strip Mining Administration Fee	5290	725639 - Mining Regulation and Safety	139215
5270	725637 - Surface Mining Administration	5290	725639 - Mining Regulation and Safety	139216
5B30	725674 - Mining Reclamation	5290	725639 - Mining Regulation and Safety	139217
4M70	725686 - Wildfire Suppression	5090	725602 - State Forest	139218
3F50	715641 - Nonpoint Source Pollution Management	3F30	715632 - Federally Supported Cleanup and Response	139219
3540	715614 - Hazardous Waste Management - Federal	3F30	715632 - Federally Supported Cleanup and Response	139220
5D80	780602 - Lake Erie Resources	4C00	780601 - Lake Erie Protection	139221
5KW0	651612 - Managed Care Performance Payments	GRF	651525 - Medicaid/Health Care Services	139222

5U30 651654 - Medicaid Program Support	5DL0 651685 - Medicaid Recoveries - Program Support	139223
(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).		139224 139225 139226 139227
(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).		139228 139229 139230 139231
(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).		139232 139233 139234
(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).		139235 139236 139237
<b>Section 512.100.</b> CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND		139238 139239
On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.		139240 139241 139242 139243 139244
<b>Section 512.120.</b> CASH TRANSFER FROM SAVINGS INSTITUTION FUND		139245
On the effective date of section 1121.30 of the Revised Code, as amended by this act, or as soon as possible thereafter, the Director of Budget and Management, upon the written request of the Director of the Department of Commerce, may transfer the cash balance in the Savings Institution Fund (Fund 5450) to the Banks		139246 139247 139248 139249 139250

Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is hereby abolished.

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**Section 512.130.** CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY PURPOSES/CONTINGENCIES FUND

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On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$7,500,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the GRF.

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**Section 515.10.** (A) On the effective date of this section, the Ohio School Facilities Commission is hereby abolished and all of its functions, assets, and liabilities are transferred to the Ohio Facilities Construction Commission. The Ohio Facilities Construction Commission is successor to, assumes the power and obligations and authority of, and otherwise constitutes the continuation of the Ohio School Facilities Commission as if completed by the Ohio School Facilities Commission. Whenever the Ohio School Facilities Commission is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Ohio Facilities Construction Commission.

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(B) Any business commenced but not completed by the Ohio School Facilities Commission shall be completed by the Ohio Facilities Construction Commission in the same manner and with the same effect as if completed by the Ohio School Facilities Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer and shall be recognized, administered, performed, or enforced by the Ohio Facilities Construction Commission. All rules, orders, resolutions, and determinations of the Ohio School Facilities Commission continue in effect as rules, orders, resolutions, and determinations of the Ohio Facilities

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Construction Commission until modified or rescinded by the Ohio 139281  
Facilities Construction Commission. If necessary to ensure the 139282  
integrity of the numbering system of the Ohio Administrative Code, 139283  
the Director of the Legislative Service Commission shall renumber 139284  
the Ohio School Facilities Commission's rules to reflect their 139285  
transfer to the Ohio Facilities Construction Commission. 139286

(C) No judicial or administrative action or proceeding to 139287  
which the Ohio School Facilities Commission or an authorized 139288  
officer of the Ohio School Facilities Commission is a party that 139289  
is pending on the effective date of this section, or on such later 139290  
date as may be established by an authorized officer of the Ohio 139291  
Facilities Construction Commission, is affected by the 139292  
abolishment. Any such action or proceeding shall be prosecuted or 139293  
defended in the name of the Ohio Facilities Construction 139294  
Commission. On application to the court or agency, the Ohio 139295  
Facilities Construction Commission or an authorized officer of the 139296  
Ohio Facilities Construction Commission may be substituted for the 139297  
Ohio School Facilities Commission or an authorized officer of the 139298  
Ohio School Facilities Commission as a party to the action or 139299  
proceeding. 139300

(D) Notwithstanding any provision of the law to the contrary, 139301  
on or after the effective date of this section, the Director of 139302  
Budget and Management shall make budget and accounting changes 139303  
made necessary by the abolishment, if any, including 139304  
administrative organization, program transfers, the renaming of 139305  
funds, the creation of new funds, the transfer of state funds, and 139306  
the consolidation of funds as authorized by this section. The 139307  
Director may, if necessary, cancel or establish encumbrances or 139308  
parts of encumbrances in fiscal years 2018 and 2019 in the 139309  
appropriate fund and appropriation items for the same purpose and 139310  
for payment to the same vendor. The established encumbrances are 139311  
hereby appropriated. 139312



(E) All records, documents, files, equipment, assets, and 139313  
other materials of the Ohio School Facilities Commission are 139314  
transferred to the Ohio Facilities Construction Commission. 139315

**Section 515.13.** (A) The State Board of Sanitarian 139316  
Registration is abolished beginning on the effective date of this 139317  
section. 139318

(B) Any business commenced but not completed by the effective 139319  
date of this section by the State Board of Sanitarian Registration 139320  
shall be completed by the Department of Health or by the Director 139321  
of Health in the same manner, and with the same effect, as if 139322  
completed by the State Board of Sanitarian Registration. 139323

(C)(1) All rules, orders, and determinations of the State 139324  
Board of Sanitarian Registration shall continue in effect as 139325  
rules, orders, and determinations of the Director of Health, until 139326  
modified or rescinded by the Director. 139327

(2) Any certificates, registrations, or continuing education 139328  
credit issued before the effective date of this section by the 139329  
State Board of Sanitarian Registration shall continue in effect as 139330  
if issued by the Director. 139331

(D) Beginning on the effective date of this section, whenever 139332  
the term "State Board of Sanitarian Registration" is used in any 139333  
statute, rule, contract, or other document, the use shall be 139334  
construed to mean the "Department of Health" or the "Director of 139335  
Health," as appropriate. 139336

Whenever the Chairperson or Vice-chairperson of the State 139337  
Board of Sanitarian Registration is used in any statute, rule, 139338  
contract, or other document, the use shall be construed to mean 139339  
the Director of Health. 139340

(E) No validation, cure, right, privilege, remedy, 139341  
obligation, or liability is lost or impaired by reason of the 139342

transfer required by this section and shall be administered by the 139343  
Director of Health. No action or proceeding pending on the 139344  
effective date of this section is affected by the transfer, and 139345  
shall be prosecuted or defended in the name of the Department of 139346  
Health or the Director of Health, as appropriate. In all such 139347  
actions and proceedings, the Department of Health or the Director 139348  
shall be substituted as a party. 139349

(F) On the effective date of this section, all records, 139350  
documents, files, equipment, assets, and other materials of the 139351  
State Board of Sanitarian Registration are transferred to the 139352  
Department of Health. 139353

**Section 515.15.** BOARD OF SANITARIAN REGISTRATION TRANSFER TO 139354  
THE DEPARTMENT OF HEALTH 139355

On or before October 30, 2017, the Director of Health shall 139356  
certify to the Director of Budget and Management the amount of 139357  
cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) 139358  
representing the amount of remaining receipts deposited into the 139359  
fund by the Board of Sanitarian Registration. The Director of 139360  
Budget and Management may transfer up to this amount to the 139361  
General Operations Fund (Fund 4700). The Director of Budget and 139362  
Management shall cancel any existing encumbrances against 139363  
appropriation item 893609, Operating Expenses, and re-establish 139364  
them against appropriation item 440647, Fee Supported Programs. 139365  
The re-established amounts are hereby appropriated. Any business 139366  
commenced but not completed under appropriation item 893609, 139367  
Operating Expenses, shall be completed under appropriation item 139368  
440647, Fee Supported Programs. 139369

Notwithstanding any provision of law to the contrary, on and 139370  
after the effective date of this section, the Director of Budget 139371  
and Management may make any budget changes necessary as a result 139372  
of the transfer to the Department of Health. 139373

**Section 515.30.** (A) Effective January 21, 2018, the State Board of Optometry and the Ohio Optical Dispensers Board are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the State Board of Optometry and the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable, shall be completed by the State Vision Professionals Board or the Executive Director of the State Vision Professionals Board in the same manner, and with the same effect, as if completed by the State Board of Optometry or the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable.

(C) All rules, orders, and determinations of the State Board of Optometry and the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable, shall continue in effect as rules, orders, and determinations of the State Vision Professionals Board until modified or rescinded by the State Vision Professionals Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Vision Professionals Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the State Board of Optometry or the Ohio Optical Dispensers Board shall continue in effect as if issued by the State Vision Professionals Board.

(D) Effective January 21, 2018, whenever the term "State Board of Optometry" or "Ohio Optical Dispensers Board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Vision Professionals Board."

Whenever the term "Executive Director of the State Board of Optometry" or "Executive Secretary-Treasurer of the Ohio Optical Dispensers Board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Vision Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Vision Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to

division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the State Board of Optometry and the Ohio Optical Dispensers Board may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Vision Professionals Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Vision Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Vision Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board.

**Section 515.31.** (A) Effective January 21, 2018, the Ohio Board of Dietetics is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Board of Dietetics, or by the Executive Secretary of the Board, shall be completed by the State Medical Board or the Executive Director of the State Medical Board in the same manner, and with the same effect, as if completed by the Ohio

Board of Dietetics, or by the Executive Secretary of the Board. 139468

(C) All rules, orders, and determinations of the Ohio Board 139469  
of Dietetics, or by the Executive Secretary of the Board shall 139470  
continue in effect as rules, orders, and determinations of the 139471  
State Medical Board until modified or rescinded by the State 139472  
Medical Board. If necessary to ensure the integrity of the 139473  
numbering of the Administrative Code, the Director of the 139474  
Legislative Service Commission shall renumber any rule to reflect 139475  
its transfer to the State Medical Board. 139476

Any licenses, certificates, permits, registrations, or 139477  
endorsements issued before January 21, 2018, by the Ohio Board of 139478  
Dietetics shall continue in effect as if issued by the State 139479  
Medical Board. 139480

(D) Effective January 21, 2018, whenever the term "Ohio Board 139481  
of Dietetics" is used in any statute, rule, contract, or other 139482  
document, the use shall be construed to mean the "State Medical 139483  
Board." 139484

Whenever the Executive Secretary of the Ohio Board of 139485  
Dietetics is used in any statute, rule, contract, or other 139486  
document, the use shall be construed to mean the Executive 139487  
Director of the State Medical Board. 139488

(E)(1) Subject to the lay-off provisions of sections 124.321 139489  
to 124.328 of the Revised Code, all employees of the Ohio Board of 139490  
Dietetics are transferred to the State Medical Board. The 139491  
employees shall retain their positions and benefits. 139492

(2) During the period beginning January 21, 2018, and ending 139493  
June 30, 2019, the Executive Director of the State Medical Board 139494  
may establish, change, and abolish positions on the Board and 139495  
assign, reassign, classify, reclassify, transfer, reduce, promote, 139496  
or demote all employees transferred to the Board under this 139497  
section who are not subject to Chapter 4117. of the Revised Code. 139498

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Board of Dietetics may, at that Board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Medical Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Medical Board or the Board's Executive Director, as appropriate. In all such

actions and proceedings, the State Medical Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Ohio Board of Dietetics are transferred to the State Medical Board.

**Section 515.32.** (A) Effective January 21, 2018, the State Board of Orthotics, Prosthetics, and Pedorthics is abolished. Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Board are void as of that date.

(B) All employees of the Board cease to hold their positions of employment on January 21, 2018, or as soon as possible thereafter.

(C) Any business commenced but not completed by January 21, 2018, by the State Board of Orthotics, Prosthetics, and Pedorthics or by the Executive Director of the Board shall be completed by the Department of Administrative Services or the Director of Administrative Services in the same manner, and with the same effect, as if completed by the State Board of Orthotics, Prosthetics, and Pedorthics or the Executive Director of the Board.

(D) No action or proceeding pending on the effective date of this amendment is affected by the abolishment of the State Board of Orthotics, Prosthetics, and Pedorthics, and shall be prosecuted or defended in the name of the Department of Administrative Services. In all such actions and proceedings, the Department of Administrative Services shall be substituted as a party.

(E) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the



Department of Administrative Services. 139561

**Section 515.33.** (A) Effective January 21, 2018, the Hearing 139562  
Aid Dealers and Fitters Licensing Board and the Board of 139563  
Speech-Language Pathology and Audiology are abolished. 139564

(B) Any business commenced but not completed by January 21, 139565  
2018, by the Hearing Aid Dealers and Fitters Licensing Board and 139566  
the Board of Speech-Language Pathology and Audiology or by the 139567  
executive director or secretary of those boards, as applicable, 139568  
shall be completed by the State Speech and Hearing Professionals 139569  
Board or the Executive Director of the State Speech and Hearing 139570  
Professionals Board in the same manner, and with the same effect, 139571  
as if completed by the Hearing Aid Dealers and Fitters Licensing 139572  
Board or the Board of Speech-Language Pathology and Audiology or 139573  
by the executive director or secretary of those boards, as 139574  
applicable. 139575

(C) All rules, orders, and determinations of the Hearing Aid 139576  
Dealers and Fitters Licensing Board and the Board of 139577  
Speech-Language Pathology and Audiology or by the executive 139578  
director or secretary of those boards, as applicable, shall 139579  
continue in effect as rules, orders, and determinations of the 139580  
State Speech and Hearing Professionals Board until modified or 139581  
rescinded by the State Speech and Hearing Professionals Board. If 139582  
necessary to ensure the integrity of the numbering of the 139583  
Administrative Code, the Director of the Legislative Service 139584  
Commission shall renumber any rule to reflect its transfer to the 139585  
State Speech and Hearing Professionals Board. 139586

Any licenses, certificates, permits, registrations, or 139587  
endorsements issued before January 21, 2018, by the Hearing Aid 139588  
Dealers and Fitters Licensing Board, or the Board of 139589  
Speech-Language Pathology and Audiology shall continue in effect 139590  
as if issued by the State Speech and Hearing Professionals Board. 139591

(D) Effective January 21, 2018, whenever the term "Hearing  
Aid Dealers and Fitters Licensing Board" or "Board of  
Speech-Language Pathology and Audiology" is used in any statute,  
rule, contract, or other document, the use shall be construed to  
mean the "State Speech and Hearing Professionals Board."

Whenever the term "Secretary of the Hearing Aid Dealers and  
Fitters Licensing Board" or "Executive Director of the Board of  
Speech-Language Pathology and Audiology" is used in a statute,  
rule, contract, or other document, the use shall be construed to  
mean the Executive Director of the State Speech and Hearing  
Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321  
to 124.328 of the Revised Code, all employees of the Hearing Aid  
Dealers and Fitters Licensing Board and the Board of  
Speech-Language Pathology and Audiology are transferred to the  
State Speech and Hearing Professionals Board. The employees shall  
retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending  
June 30, 2019, the Executive Director of the State Speech and  
Hearing Professionals Board may establish, change, and abolish  
positions on the Board and assign, reassign, classify, reclassify,  
transfer, reduce, promote, or demote all employees of the Board  
who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the  
Board under division (E)(2) of this section includes assigning or  
reassigning an exempt employee, as defined in section 124.152 of  
the Revised Code, to a bargaining unit classification that the  
Executive Director determines is the proper classification for  
that employee. If an employee in the E-1 pay range is to be  
assigned, reassigned, classified, reclassified, transferred,  
reduced, or demoted to a position in a lower classification during  
the period specified in this section, the Executive Director, or

in the case of a transfer to a position outside the Board, the 139624  
Director of Administrative Services, shall assign the employee to 139625  
the appropriate classification and place the employee in Step X. 139626  
The employee shall not receive any increase in compensation until 139627  
the maximum rate of pay for that classification exceeds the 139628  
employee's compensation. 139629

(4) Actions taken by the Executive Director pursuant to 139630  
division (E) of this section are not subject to appeal to the 139631  
State Personnel Board of Review. 139632

(F) Notwithstanding section 145.297 of the Revised Code, the 139633  
Hearing Aid Dealers and Fitters Licensing Board and the Board of 139634  
Speech-Language Pathology and Audiology may, at that board's 139635  
discretion and with approval from the Office of Budget and 139636  
Management, establish a retirement incentive plan for eligible 139637  
employees of those boards who are members of the Public Employees 139638  
Retirement System. Any retirement incentive plan established 139639  
pursuant to this section shall remain in effect until January 20, 139640  
2018. 139641

(G) No validation, cure, right, privilege, remedy, 139642  
obligation, or liability is lost or impaired by reason of the 139643  
transfer required by this section and shall be administered by the 139644  
State Speech and Hearing Professionals Board. No action or 139645  
proceeding pending on the effective date of this act is affected 139646  
by the transfer, and shall be prosecuted or defended in the name 139647  
of the State Speech and Hearing Professionals Board or the Board's 139648  
Executive Director, as appropriate. In all such actions and 139649  
proceedings, the State Speech and Hearing Professionals Board or 139650  
the Board's Executive Director shall be substituted as a party. 139651

(H) Effective January 21, 2018, all records, documents, 139652  
files, equipment, assets, and other materials of the Hearing Aid 139653  
Dealers and Fitters Licensing Board and the Board of 139654  
Speech-Language Pathology and Audiology are transferred to the 139655

State Speech and Hearing Professionals Board. 139656

**Section 515.34.** (A) Effective January 21, 2018, the Ohio 139657  
Respiratory Care Board is abolished. 139658

(B) Any business commenced but not completed by January 21, 139659  
2018, by the Ohio Respiratory Care Board, or by the Executive 139660  
Director of the Board, shall be completed by the State Board of 139661  
Pharmacy, with respect to implementing Chapter 4752. of the 139662  
Revised Code, and the State Medical Board, with respect to 139663  
implementing Chapter 4761. of the Revised Code, or by the 139664  
executive directors of those boards in the same manner, and with 139665  
the same effect, as if completed by the Ohio Respiratory Care 139666  
Board, or by the Executive Director of the Board. 139667

(C) All rules, orders, and determinations of the Ohio 139668  
Respiratory Care Board, or by the Executive Director of the Board 139669  
shall continue in effect as rules, orders, and determinations of 139670  
the State Board of Pharmacy, with respect to implementing Chapter 139671  
4752. of the Revised Code, and the State Medical Board, with 139672  
respect to implementing Chapter 4761. of the Revised Code, until 139673  
modified or rescinded by the State Board of Pharmacy or the State 139674  
Medical Board. If necessary to ensure the integrity of the 139675  
numbering of the Administrative Code, the Director of the 139676  
Legislative Service Commission shall renumber any rule to reflect 139677  
its transfer to the State Board of Pharmacy or the State Medical 139678  
Board. 139679

Any licenses, certificates, permits, registrations, or 139680  
endorsements issued before January 21, 2018, by the Ohio 139681  
Respiratory Care Board shall continue in effect as if issued by 139682  
the State Board of Pharmacy, with respect to implementing Chapter 139683  
4752. of the Revised Code, and the State Medical Board, with 139684  
respect to implementing Chapter 4761. of the Revised Code. 139685

(D) Effective January 21, 2018, whenever the term "Ohio 139686

Respiratory Care Board" is used in any statute, rule, contract, or 139687  
other document, the use shall be construed to mean the "State 139688  
Board of Pharmacy," with respect to implementing Chapter 4752. of 139689  
the Revised Code, or the "State Medical Board," with respect to 139690  
implementing Chapter 4761. of the Revised Code. 139691

Whenever the Executive Director of the Ohio Respiratory Care 139692  
Board is used in any statute, rule, contract, or other document, 139693  
the use shall be construed to mean the Executive Director of the 139694  
State Board of Pharmacy, with respect to implementing Chapter 139695  
4752. of the Revised Code, or the Executive Director of the State 139696  
Medical Board, with respect to implementing Chapter 4761. of the 139697  
Revised Code. 139698

(E)(1) Subject to the lay-off provisions of sections 124.321 139699  
to 124.328 of the Revised Code, all employees of the Ohio 139700  
Respiratory Care Board are transferred to the State Board of 139701  
Pharmacy, with respect to implementing Chapter 4752. of the 139702  
Revised Code, or the State Medical Board, with respect to 139703  
implementing Chapter 4761. of the Revised Code. The employees 139704  
shall retain their positions and benefits. 139705

(2) During the period beginning January 21, 2018, and ending 139706  
June 30, 2019, the executive directors of the State Board of 139707  
Pharmacy and the State Medical Board may establish, change, and 139708  
abolish positions on those boards and assign, reassign, classify, 139709  
reclassify, transfer, reduce, promote, or demote all employees 139710  
transferred to those boards under this section who are not subject 139711  
to Chapter 4117. of the Revised Code. 139712

(3) The authority granted to the executive directors of the 139713  
State Board of Pharmacy and the State Medical Board under division 139714  
(E)(2) of this section includes assigning or reassigning an exempt 139715  
employee, as defined in section 124.152 of the Revised Code, to a 139716  
bargaining unit classification that the executive directors 139717  
determine is the proper classification for that employee. If an 139718

employee in the E-1 pay range is to be assigned, reassigned, 139719  
classified, reclassified, transferred, reduced, or demoted to a 139720  
position in a lower classification during the period specified in 139721  
this section, the executive directors, or in the case of a 139722  
transfer to a position outside those boards, the Director of 139723  
Administrative Services, shall assign the employee to the 139724  
appropriate classification and place the employee in Step X. The 139725  
employee shall not receive any increase in compensation until the 139726  
maximum rate of pay for that classification exceeds the employee's 139727  
compensation. 139728

(4) Actions taken by the executive directors pursuant to 139729  
division (E) of this section are not subject to appeal to the 139730  
State Personnel Board of Review. 139731

(F) Notwithstanding section 145.297 of the Revised Code, the 139732  
Ohio Respiratory Care Board may, at the Board's discretion and 139733  
with approval from the Office of Budget and Management, establish 139734  
a retirement incentive plan for eligible employees of the Board 139735  
who are members of the Public Employees Retirement System. Any 139736  
retirement incentive plan established pursuant to this section 139737  
shall remain in effect until January 20, 2018. 139738

(G) No validation, cure, right, privilege, remedy, 139739  
obligation, or liability is lost or impaired by reason of the 139740  
transfer required by this section and shall be administered by the 139741  
State Board of Pharmacy, with respect to implementing Chapter 139742  
4752. of the Revised Code, and the State Medical Board, with 139743  
respect to implementing Chapter 4761. of the Revised Code. No 139744  
action or proceeding pending on the effective date of this act is 139745  
affected by the transfer, and shall be prosecuted or defended in 139746  
the name of the State Board of Pharmacy or the State Medical 139747  
Board, as applicable, or that board's executive director, as 139748  
appropriate. In all such actions and proceedings, the State Board 139749  
of Pharmacy or the State Medical Board, as applicable, or that 139750

board's executive director shall be substituted as a party. 139751

(H) Effective January 21, 2018, all records, documents, 139752  
files, equipment, assets, and other materials of the Ohio 139753  
Respiratory Care Board are transferred to the State Board of 139754  
Pharmacy, with respect to implementing Chapter 4752. of the 139755  
Revised Code and the State Medical Board, with respect to 139756  
implementing Chapter 4761. of the Revised Code. 139757

**Section 515.35.** Notwithstanding any provision of the law to 139758  
the contrary, on or after the effective date of this section, the 139759  
Director of Budget and Management shall make any accounting 139760  
changes made necessary by the transfers and consolidations 139761  
contained in Sections 515.30 to 515.34 of this act. 139762

On or after January 21, 2018, the Director of Budget and 139763  
Management may cancel any existing encumbrances of any agency 139764  
abolished in Sections 515.30 to 515.34 of this act and reestablish 139765  
those encumbrances to the State Vision Professionals Board, the 139766  
State Hearing and Speech Professionals Board, the State Pharmacy 139767  
Board, or the State Medical Board as necessary. The reestablished 139768  
encumbrance amounts are hereby appropriated. 139769

**Section 515.40.** (A) On January 21, 2018, the Barber Board is 139770  
abolished. The State Cosmetology and Barber Board is successor to, 139771  
assumes the obligations, and authority of the Barber Board. Any 139772  
business commenced but not completed by the Barber Board shall be 139773  
completed by the State Cosmetology and Barber Board. Any 139774  
validation, right, cure, privilege, remedy, obligation, or 139775  
liability is not lost or impaired solely by this abolishment and 139776  
shall be administered by the State Cosmetology and Barber Board. 139777  
Any action or proceeding pending on January 21, 2018, that is not 139778  
affected by the abolishment of the Barber Board and shall be 139779  
prosecuted or defended in the name of the State Cosmetology and 139780

Barber Board. In all such actions and proceedings, the State 139781  
Cosmetology and Barber Board may be substituted as a party upon 139782  
application to the court or other tribunal. 139783

(B)(1) Subject to the layoff provisions of sections 124.321 139784  
to 124.328 of the Revised Code, on January 21, 2018, all employees 139785  
of the Barber Board are transferred to the State Cosmetology and 139786  
Barber Board. The employees shall retain their positions and 139787  
benefits. 139788

(2) During the period beginning January 21, 2018, and ending 139789  
June 30, 2019, the Executive Director of the State Cosmetology and 139790  
Barber Board may establish, change, and abolish positions of the 139791  
State Cosmetology and Barber Board and assign, reassign, classify, 139792  
reclassify, transfer, reduce, promote, or demote all employees of 139793  
the Board who are not subject to Chapter 4117. of the Revised 139794  
Code. 139795

(3) The authority granted under division (B)(2) of this 139796  
section includes assigning or reassigning an exempt employee, as 139797  
defined in section 124.152 of the Revised Code, to a bargaining 139798  
unit classification if the Executive Director determines that the 139799  
bargaining unit classification is the proper classification for 139800  
that employee. If an employee in the E-1 pay range is to be 139801  
assigned, reassigned, classified, reclassified, transferred, 139802  
reduced, or demoted to a position in a lower classification during 139803  
the period specified in division (B)(2) of this section, the 139804  
Executive Director, or in the case of a transfer outside the Board 139805  
the Director of Administrative Services, shall assign the employee 139806  
to the appropriate classification and place the employee in Step 139807  
X. The employee shall not receive any increase in compensation 139808  
until the maximum rate of pay for that classification exceeds the 139809  
employee's compensation. 139810

(4) Actions taken by the Executive Director pursuant to 139811



division (B) of this section are not subject to appeal to the 139812  
State Personnel Board of Review. 139813

(C) Notwithstanding section 145.297 of the Revised Code, the 139814  
Barber Board may at the Board's discretion and with approval from 139815  
the Office of Budget and Management, establish a retirement 139816  
incentive plan for eligible employees of the Barber Board who are 139817  
members of the Public Employees Retirement System. Any retirement 139818  
incentive plan established pursuant to this section shall remain 139819  
in effect until January 20, 2018. 139820

(D) On January 21, 2018, all equipment, assets, supplies, 139821  
records, and other property of the Barber Board is transferred to 139822  
the State Cosmetology and Barber Board. 139823

(E) All rules, orders, and determinations made or undertaken 139824  
by the Barber Board shall continue in effect as the rules, orders, 139825  
and determinations of the State Cosmetology and Barber Board until 139826  
modified, rescinded, or replaced. If necessary to ensure the 139827  
integrity of the Administrative Code, the Director of the 139828  
Legislative Service Commission shall renumber the rules relating 139829  
to the Barber Board to reflect its abolishment pursuant to this 139830  
provision and transfer of duties to the State Cosmetology and 139831  
Barber Board pursuant to the provisions contained within this act. 139832  
Within one hundred eighty days after the effective date of this 139833  
section, the State Cosmetology and Barber Board shall submit 139834  
proposed rules to the Joint Committee on Agency Rule Review 139835  
addressing fees and fines previously assessed by the Barber Board 139836  
pursuant to Chapter 4709. of the Revised Code, and where 139837  
reasonably possible, shall reduce the amount and frequency of 139838  
collection and assessment. 139839

(F) Any licenses, certificates, permits, registrations, or 139840  
endorsements issued before January 21, 2018, by the Barber Board 139841  
shall continue in effect as if issued by the State Cosmetology and 139842  
Barber Board. 139843

(G) On or after January 21, 2018, notwithstanding any 139844  
provision of law to the contrary, the Director of Budget and 139845  
Management may make budget changes made necessary by this section, 139846  
including cancelling encumbrances of the Barber Board and 139847  
reestablishing them as encumbrances of the State Cosmetology and 139848  
Barber Board. Any reestablished encumbrances are hereby 139849  
appropriated. 139850

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 139851

Certain appropriations are in this act for the purpose of 139852  
paying debt service and financing costs on general obligation 139853  
bonds or notes of the state issued pursuant to the Ohio 139854  
Constitution and acts of the General Assembly. If it is determined 139855  
that additional appropriations are necessary for this purpose, 139856  
such amounts are hereby appropriated. 139857

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 139858

Certain appropriations are in this act for the purpose of 139859  
making lease rental payments pursuant to leases and agreements 139860  
relating to bonds or notes issued by the Treasurer of State, or 139861  
previously by the Ohio Building Authority, pursuant to the Ohio 139862  
Constitution and acts of the General Assembly. If it is determined 139863  
that additional appropriations are necessary for this purpose, 139864  
such amounts are hereby appropriated. 139865

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 139866  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 139867

The Office of Budget and Management shall process payments 139868  
from general obligation and lease rental payment appropriation 139869  
items during the period from July 1, 2017, through June 30, 2019, 139870  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 139871  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 139872

and Chapters 151., 152., and 154. of the Revised Code. Payments 139873  
shall be made upon certification by the Treasurer of State of the 139874  
dates and the amounts due on those dates. 139875

**Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION** 139876

If it is determined that a payment is necessary in the amount 139877  
computed at the time to represent the portion of investment income 139878  
to be rebated or amounts in lieu of or in addition to any rebate 139879  
amount to be paid to the federal government in order to maintain 139880  
the exclusion from gross income for federal income tax purposes of 139881  
interest on those state obligations under section 148(f) of the 139882  
Internal Revenue Code, such an amount is hereby appropriated from 139883  
those funds designated by or pursuant to the applicable 139884  
proceedings authorizing the issuance of state obligations. 139885

Payments for this purpose shall be approved and vouchered by 139886  
the Office of Budget and Management. 139887

**Section 521.20. STATEWIDE INDIRECT COST RECOVERY** 139888

Whenever the Director of Budget and Management determines 139889  
that an appropriation made to a state agency from a fund of the 139890  
state is insufficient to provide for the recovery of statewide 139891  
indirect costs under section 126.12 of the Revised Code, the 139892  
amount required for such purpose is hereby appropriated from the 139893  
available receipts of such fund. 139894

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 139895  
**COST ALLOCATION PLAN** 139896

The total transfers made from the General Revenue Fund by the 139897  
Director of Budget and Management under this section shall not 139898  
exceed the amounts transferred into the General Revenue Fund under 139899  
section 126.12 of the Revised Code. 139900

The director of an agency may certify to the Director of 139901

Budget and Management the amount of expenses not allowed to be 139902  
included in the Statewide Indirect Cost Allocation Plan under 139903  
federal regulations, from any fund included in the Statewide 139904  
Indirect Cost Allocation Plan, prepared as required by section 139905  
126.12 of the Revised Code. 139906

Upon determining that no alternative source of funding is 139907  
available to pay for such expenses, the Director of Budget and 139908  
Management may transfer cash from the General Revenue Fund into 139909  
the fund for which the certification is made, up to the amount of 139910  
the certification. The director of the agency receiving such funds 139911  
shall include, as part of the next budget submission prepared 139912  
under section 126.02 of the Revised Code, a request for funding 139913  
for such activities from an alternative source such that further 139914  
federal disallowances would not be required. 139915

The director of an agency may certify to the Director of 139916  
Budget and Management the amount of expenses paid in error from a 139917  
fund included in the Statewide Indirect Cost Allocation Plan. The 139918  
Director of Budget and Management may transfer cash from the fund 139919  
from which the expenditure should have been made into the fund 139920  
from which the expenses were erroneously paid, up to the amount of 139921  
the certification. 139922

The director of an agency may certify to the Director of 139923  
Budget and Management the amount of expenses or revenues not 139924  
allowed to be included in the Statewide Indirect Cost Allocation 139925  
Plan under federal regulations, for any fund included in the 139926  
Statewide Indirect Cost Allocation Plan, for which the federal 139927  
government requires payment. If the Director of Budget and 139928  
Management determines that an appropriation made to a state agency 139929  
from a fund of the state is insufficient to pay the amount 139930  
required by the federal government, the amount required for such 139931  
purpose is hereby appropriated from the available receipts of such 139932  
fund, up to the amount of the certification. 139933

**Section 521.40.** FEDERAL GOVERNMENT INTEREST REQUIREMENTS 139934

Notwithstanding any provision of law to the contrary, on or 139935  
before the first day of September of each fiscal year, the 139936  
Director of Budget and Management, in order to reduce the payment 139937  
of adjustments to the federal government, as determined by the 139938  
plan prepared under division (A) of section 126.12 of the Revised 139939  
Code, may designate such funds as the Director considers necessary 139940  
to retain their own interest earnings. 139941

**Section 521.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 139942

Pursuant to the plan for compliance with the Federal Cash 139943  
Management Improvement Act required by section 131.36 of the 139944  
Revised Code, the Director of Budget and Management may cancel and 139945  
re-establish all or part of encumbrances in like amounts within 139946  
the funds identified by the plan. The amounts necessary to 139947  
re-establish all or part of encumbrances are hereby appropriated. 139948

**Section 610.10.** That Section 369.540 of Am. Sub. H.B. 64 of 139949  
the 131st General Assembly be amended and that Section 369.540 of 139950  
Am. Sub. H.B. 64 of the 131st General Assembly be amended to 139951  
codify it as section 3333.95 of the Revised Code to read as 139952  
follows: 139953

**Sec. ~~369.540~~ 3333.95.** ~~EFFICIENCY ADVISORY COMMITTEE~~ 139954

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 139955  
education shall maintain an efficiency advisory committee for the 139956  
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 139957  
reports for campuses, identifying shared services opportunities, 139958  
streamlining administrative operations, and sharing best practices 139959  
in efficiencies among public institutions of higher education. The 139960  
committee shall meet at the call of the ~~Chancellor~~ chancellor or 139961  
the ~~Chancellor's~~ chancellor's designee. Each state institution of 139962

higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By ~~the thirty-first day of~~ December ~~31~~ of each year, the ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall provide a report to the ~~Office~~ office of ~~Budget~~ budget and ~~Management~~ management, the ~~Governor~~ governor, and the ~~General Assembly~~ president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public institutions of higher education and ~~benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating savings or cost avoidance to students. The report shall also be made available to the public on the~~ ~~Department~~ department of ~~Higher Education's~~ higher education's web site.

**Section 610.11.** That existing Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st General Assembly be amended and that Section 529.10 of S.B. 310 of the 131st General Assembly be amended to codify it as section 123.211 of the Revised Code to read as follows:

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS~~

(A) Notwithstanding any contrary provision of section 123.21 139993  
of the Revised Code, the ~~Executive Director~~ executive director of 139994  
the Ohio ~~Facilities Construction Commission~~ facilities 139995  
construction commission may authorize any of the Departments of 139996  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 139997  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 139998  
~~Correction, Youth Services, Public Safety, Transportation,~~ 139999  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 140000  
following agencies to administer any capital facilities ~~projects~~ 140001  
project, the estimated cost of which, including design fees, 140002  
construction, equipment, and contingency amounts, is less than 140003  
~~\$1,500,000~~ one million five hundred thousand dollars: 140004

(1) The department of mental health and addiction services; 140005

(2) The department of developmental disabilities; 140006

(3) The department of agriculture; 140007

(4) The department of job and family services; 140008

(5) The department of rehabilitation and correction; 140009

(6) The department of youth services; 140010

(7) The department of public safety; 140011

(8) The department of transportation; 140012

(9) The department of veterans services; 140013

(10) The bureau of workers' compensation; 140014

(11) The department of administrative services, except as 140015  
otherwise provided in division (D)(2) of section 123.21 and 140016  
division (D)(3) of section 153.01 of the Revised Code; 140017

(12) The state school for the deaf; 140018

(13) The state school for the blind. Requests 140019

(B) A state agency that wishes to administer a project under 140020  
division (A) of this section shall submit a request for 140021

authorization to administer capital facilities projects shall be 140022  
made through the ~~OAKS-CI~~ Ohio administrative knowledge system 140023  
capital improvements application by the applicable state agency. 140024  
Upon the release of funds for the projects by the ~~Controlling~~ 140025  
~~Board~~ controlling board or the ~~Director~~ director of ~~Budget~~ budget 140026  
and ~~Management~~ management, the agency may administer the capital 140027  
project or projects for which agency administration has been 140028  
authorized without the supervision, control, or approval of the 140029  
~~Executive Director~~ executive director of the Ohio ~~Facilities~~ 140030  
~~Construction Commission~~ facilities construction commission. 140031

(C) A state agency authorized by the ~~Executive Director~~ 140032  
executive director of the Ohio ~~Facilities Construction Commission~~ 140033  
facilities construction commission to administer capital 140034  
facilities projects pursuant to this section shall comply with the 140035  
applicable procedures and guidelines established in Chapter 153. 140036  
of the Revised Code and shall track all project information in 140037  
~~OAKS-CI~~ the Ohio administrative knowledge system capital 140038  
improvements application pursuant to Ohio ~~Facilities Construction~~ 140039  
~~Commission~~ facilities construction commission guidelines. 140040

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 140041  
the 131st General Assembly is hereby repealed. 140042

**Section 610.23.** That Sections 213.10, 213.20, and 217.10 of 140043  
S.B. 310 of the 131st General Assembly be amended to read as 140044  
follows: 140045

**Sec. 213.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 140046  
Building Improvement Fund (Fund 5KZ0) 140047  
C10035 Building Improvement \$ 10,693,000 140048  
TOTAL Building Improvement Fund \$ 10,693,000 140049  
Administrative Building Fund (Fund 7026) 140050



C10011	Statewide Communications System	\$	3,900,000	140051
C10015	SOCC Facility Renovations	\$	15,884,371	140052
C10020	North High Street Complex Renovation	\$	18,075,000	140053
C10034	Aronoff Center - Systems/Capital Replacement	\$	750,000	140054
C10036	Rhodes Tower Renovations	\$	19,250,000	140055
<u>C10037</u>	<u>Voting Machine Reimbursement</u>	\$	<u>1,000,000</u>	140056
TOTAL Administrative Building Fund		\$	<del>57,859,371</del> <u>58,859,371</u>	140057
TOTAL ALL FUNDS		\$	<del>68,552,371</del> <u>69,552,371</u>	140058

VOTING MACHINE REIMBURSEMENT 140059

The foregoing appropriation item C10037, Voting Machine 140060  
Reimbursement, shall be used to reimburse counties that have 140061  
entered into agreements for new voting machines and associated 140062  
services and equipment on or after January 1, 2014, for up to 50% 140063  
of their acquisition costs. Counties shall notify the Office of 140064  
Procurement Services of the agreement to be reimbursed, and 140065  
provide all necessary information to the Office before 140066  
reimbursement can be issued. All reimbursements are not to exceed 140067  
\$250,000, and shall be paid to the county's general fund. 140068

The Director of Administrative Services, in consultation with 140069  
the Secretary of State, on the effective date of this section, 140070  
shall issue a request for proposal (RFP) and select not more than 140071  
three vendors certified under section 3506.05 of the Revised Code, 140072  
for the purpose of creating a unified statewide purchasing or 140073  
leasing plan for voting and tabulation equipment. 140074

It is the intent of the General Assembly to provide 140075  
additional funding to counties for voting machine and associated 140076  
services and equipment purchases, leases, or reimbursements by FY 140077  
2019 in the manner provided under this section. 140078

**Sec. 213.20.** The Treasurer of State is hereby authorized to 140079  
 issue and sell, in accordance with Section 2i of Article VIII, 140080  
 Ohio Constitution, and Chapter 154. and other applicable sections 140081  
 of the Revised Code, original obligations in an aggregate 140082  
 principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in 140083  
 addition to the original issuance of obligations heretofore 140084  
 authorized by prior acts of the General Assembly. These authorized 140085  
 obligations shall be issued, subject to applicable constitutional 140086  
 and statutory limitations, as needed to provide sufficient moneys 140087  
 to the credit of the Administrative Building Fund (Fund 7026) to 140088  
 pay costs associated with previously authorized capital facilities 140089  
 and the appropriations in this act made from Fund 7026. 140090

**Sec. 217.10.** COM DEPARTMENT OF COMMERCE 140091

State Fire Marshal Fund (Fund 5460) 140092

C80009	Forensic Laboratory Equipment	\$	110,000	140093
C80023	SFM Renovations and Improvements	\$	1,900,000	140094
C80026	Forensic Evidence Storage/Maintenance	\$	2,187,500	140095
	Structure			
TOTAL State Fire Marshal Fund		\$	4,197,500	140096

Administrative Building Fund (Fund 7026) 140097

C80032	Wellston Burn Building	\$	300,000	140098
<u>C80033</u>	<u>Wayne County Regional Training Facility</u>	<u>\$</u>	<u>500,000</u>	140099
TOTAL Administrative Building Fund		\$	<del>300,000</del>	140100
			<u>800,000</u>	
TOTAL ALL FUNDS		\$	<del>4,497,500</del>	140101
			<u>4,997,500</u>	

**Section 610.24.** That existing Sections 213.10, 213.20, and 140103  
 217.10 of S.B. 310 of the 131st General Assembly are hereby 140104  
 repealed. 140105

Section 610.30. That Sections 203.10 and 207.290 of S.B. 310 140106  
of the 131st General Assembly, as amended by Sub. H.B. 390 of the 140107  
131st General Assembly, be amended to read as follows: 140108

Sec. 203.10. ADJ ADJUTANT GENERAL 140109

Army National Guard Service Contract Fund (Fund 3420) 140110

C74537	Renovation Projects - Federal Share	\$	7,100,000	140111
C74539	Renovations and Improvements - Federal	\$	15,000,000	140112
TOTAL Army National Guard Service Contract Fund		\$	22,100,000	140113

Administrative Building Fund (Fund 7026) 140114

C74528	Camp Perry Improvements	\$	2,250,000	140115
C74535	Renovations and Improvements	\$	5,100,000	140116
C74540	Aerial Port of Embarkation/Debarkation	\$	250,000	140117
TOTAL Administrative Building Fund		\$	7,600,000	140118
TOTAL ALL FUNDS		\$	29,700,000	140119

RENOVATIONS AND IMPROVEMENTS - FEDERAL 140120

The foregoing appropriation item C74539, Renovations and 140121  
Improvements - Federal, shall be used to fund capital projects 140122  
that are coded as receiving one hundred per cent federal support 140123  
pursuant to the agreement support code identified in the 140124  
Facilities Inventory and Support Plan between the Office of the 140125  
Adjutant General and the Army National Guard. Notwithstanding 140126  
section 131.35 of the Revised Code, if after the effective date of 140127  
this section, additional federal funds are made available to the 140128  
Adjutant General to carry out the Facilities Inventory Support 140129  
Plan, the Adjutant General may request that the Director of Budget 140130  
and Management authorize expenditures in excess of the amounts 140131  
appropriated to appropriation item C74539, Renovations and 140132  
Improvements - Federal. Upon approval of the Director of Budget 140133  
and Management the additional amounts are hereby appropriated. 140134  
Notwithstanding section 126.14 of the Revised Code, if the 140135

Adjutant General is approved by the federal government to complete 140136  
additional, unanticipated one hundred per cent federally funded 140137  
projects after July 1, 2017, and before October 1, 2017, the 140138  
appropriations for these additional projects may be released upon 140139  
written approval of the Director of Budget and Management. 140140

AERIAL PORT OF EMBARKATION/DEBARKATION 140141

The foregoing appropriation item C74540, Aerial Port of 140142  
Embarkation/Debarkation, shall be used to acquire a cargo 140143  
facility, tarmac, and the surrounding property from the Western 140144  
Reserve Port Authority. 140145

**Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE** 140146

Higher Education Improvement Fund (Fund 7034) 140147

C32206	Adams County Satellite Campus	\$	<del>2,000,000</del>	140148
			<u>3,000,000</u>	

C32208	Southern Gateway Economic Innovation Development Center	\$	1,000,000	140149
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C32212	Clarksville Fire Training Center	\$	850,000	140150
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C32213	Wilmington College Center for the Sciences and Agriculture	\$	1,500,000	140151
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C32214	Hillsboro Hi-Tech Center	\$	25,000	140152
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C32215	Hobart/Southern State Project	\$	35,000	140153
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C32216	Wilmington Air Park Aviation Infrastructure Improvements	\$	3,000,000	140154
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TOTAL Higher Education Improvement Fund	\$	<del>8,410,000</del>	140155
		<u>9,410,000</u>	

TOTAL ALL FUNDS	\$	<del>8,410,000</del>	140156
		<u>9,410,000</u>	

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~ 140157

~~Of the foregoing appropriation item C32216, Wilmington Air~~ 140158  
~~Park Aviation Infrastructure Improvements, \$450,000 shall be used~~ 140159

~~to replace antenna equipment, \$1,274,800 shall be used for crack~~ 140160  
~~sealing, and \$1,275,200 shall be used for concrete repairs.~~ 140161

**Section 610.31.** That existing Sections 203.10 and 207.290 of 140162  
S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 140163  
390 of the 131st General Assembly, are hereby repealed. 140164

**Section 610.32.** That Section 221.10 of S.B. 310 of the 131st 140165  
General Assembly, as most recently amended by Am. Sub. H.B. 384 of 140166  
the 131st General Assembly, be amended to read as follows: 140167

**Sec. 221.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 140168  
SERVICES 140169

Mental Health Facilities Improvement Fund (Fund 7033) 140170

C58001 Community Assistance Projects \$ ~~12,000,000~~ 140171  
32,000,000

C58007 Infrastructure Renovations \$ 21,310,000 140172

C58021 Providence House \$ 100,000 140173

C58024 Bellefaire Jewish Children's Home \$ 550,000 140174

C58026 Cocoon Emergency Shelter \$ 800,000 140175

C58028 Child Focus, Inc. \$ 415,000 140176

C58029 CHOICES for Victims of Domestic Violence \$ 500,000 140177  
Campaign

C58030 Family Services of Northwest Ohio Adult \$ 100,000 140178  
Crisis Stabilization Unit

C58031 Glenbeigh Hospital Multipurpose Building \$ 400,000 140179

C58032 OhioGuidestone Residential Treatment \$ 350,000 140180  
Building Renovation

C58033 Salvation Army of Greater Cleveland \$ 350,000 140181  
Harbor Light Complex

C58034 Greenville East Main Street Recovery \$ 25,000 140182  
Center

C58035 Columbus Briggsdale Apartments - Phase II \$ 250,000 140183

C58036	The Buckeye Ranch, Inc.	\$	100,000	140184
C58037	Expansion of Lettuce Work	\$	250,000	140185
C58038	Ravenwood Mental Health Facility Expansion	\$	500,000	140186
C58039	Cincinnati Center for Addiction Treatment Expansion	\$	2,000,000	140187
C58040	Painesville Mental Health Services Agency	\$	200,000	140188
C58041	Tri-County Board of Recovery and Mental Health Services	\$	500,000	140189
C58042	McKinley Hall Renovation	\$	75,000	140190
C58043	Glenway Outpatient Opiate Facility	\$	200,000	140191
C58044	Alvis Women Community Reentry Project	\$	50,000	140192
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000	140193
C58046	Summer Entrepreneurial Experience and Knowledge	\$	100,000	140194
TOTAL	Mental Health Facilities Improvement Fund	\$	<del>41,375,000</del> <u>61,375,000</u>	140195
TOTAL ALL FUNDS		\$	<del>41,375,000</del> <u>61,375,000</u>	140196
	COMMUNITY ASSISTANCE PROJECTS			140197
	The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.			140198 140199 140200 140201 140202 140203 140204 140205 140206
	<u>Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery</u>			140207 140208

<u>housing as defined in section 340.01 of the Revised Code.</u>			140209
<b>Section 610.33.</b> That existing Section 221.10 of S.B. 310 of			140210
the 131st General Assembly, as most recently amended by Am. Sub.			140211
H.B. 384 of the 131st General Assembly, is hereby repealed.			140212
<b>Section 610.34.</b> That Section 223.10 of S.B. 310 of the 131st			140213
General Assembly, as amended by Am. Sub. H.B. 384 of the 131st			140214
General Assembly, be amended to read as follows:			140215
<b>Sec. 223.10.</b> DNR DEPARTMENT OF NATURAL RESOURCES			140216
Wildlife Fund (Fund 7015)			140217
C725B0 Access Development	\$	13,600,000	140218
C725K9 Wildlife Area Building	\$	8,150,000	140219
Development/Renovations			
C725W0 MARCS Equipment	\$	1,866,087	140220
TOTAL Wildlife Fund	\$	23,616,087	140221
Administrative Building Fund (Fund 7026)			140222
C725D7 MARCS Equipment	\$	5,996,598	140223
C725N7 District Office Renovations	\$	3,000,000	140224
TOTAL Administrative Building Fund	\$	8,996,598	140225
Ohio Parks and Natural Resources Fund (Fund 7031)			140226
C72512 Land Acquisition	\$	475,000	140227
C72549 DNR Facilities Development	\$	1,500,000	140228
C725E1 Local Parks Projects Statewide	\$	5,108,985	140229
C725E5 Project Planning	\$	1,100,938	140230
C725K0 State Park Renovations/Upgrading	\$	11,060,000	140231
C725M0 Dam Rehabilitation	\$	2,550,000	140232
C725N5 Wastewater/Water Systems Upgrades	\$	2,750,000	140233
C725N8 Operations Facilities Development	\$	1,000,000	140234
TOTAL Ohio Parks and Natural Resources Fund	\$	25,544,923	140235
Parks and Recreation Improvement Fund (Fund 7035)			140236

C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	23,910,514	140237
C725B5	Buckeye Lake Dam Rehabilitation	\$	61,546,960	140238
C725C4	Muskingum River Lock and Dam	\$	3,750,000	140239
C725E2	Local Parks Projects	\$	<del>46,383,500</del>	140240
		\$	<u>46,733,500</u>	140241
C725E6	Project Planning	\$	6,070,285	140242
C725R4	Dam Rehabilitation - Parks	\$	55,425,000	140243
C725R5	Lake White State Park - Dam Rehabilitation	\$	27,376,761	140244
C725U4	Water Quality Equipment and Projects	\$	7,400,000	140245
TOTAL Parks and Recreation Improvement Fund		\$	<del>231,863,020</del>	140246
		\$	<u>232,213,020</u>	140247
Clean Ohio Trail Fund (Fund 7061)				140248
C72514	Clean Ohio Trail Fund	\$	12,500,000	140249
TOTAL Clean Ohio Trail Fund		\$	12,500,000	140250
Waterways Safety Fund (Fund 7086)				140251
C725A7	Cooperative Funding for Boating Facilities	\$	16,750,000	140252
C725N9	Operations Facilities Development	\$	2,300,000	140253
C725Z0	MARCS Equipment	\$	1,511,165	140254
TOTAL Waterways Safety Fund		\$	20,561,165	140255
TOTAL ALL FUNDS		\$	<del>323,081,793</del>	140256
		\$	<u>323,431,793</u>	140257
FEDERAL REIMBURSEMENT				140258
All reimbursements received from the federal government for				140259
any expenditures made pursuant to this section shall be deposited				140260
in the state treasury to the credit of the fund from which the				140261
expenditure originated.				140262
LOCAL PARKS PROJECTS				140263
Of the foregoing appropriation item C725E2, Local Parks				140264
Projects, an amount equal to two per cent of the projects listed				140265



may be used by the Department of Natural Resources for the 140266  
administration of local projects, \$4,025,000 shall be used for the 140267  
Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used 140268  
for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for 140269  
the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall 140270  
be used for the Flats East Development, \$1,200,000 shall be used 140271  
for the Harley Jones Rotary Memorial Amphitheater in Bryson Park, 140272  
\$1,000,000 shall be used for the South Point Community Pool, 140273  
\$1,000,000 shall be used for the Champion Mill Sports Complex 140274  
Improvements, \$1,000,000 shall be used for the Bridge to Wendy 140275  
Park, \$1,000,000 shall be used for the Franklin Park Conservatory, 140276  
\$1,000,000 shall be used for the Worthington Pools Renovation, 140277  
\$1,000,000 shall be used for the Lorain County Mill Creek 140278  
Conservation and Flood Control, \$1,000,000 shall be used for the 140279  
Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be 140280  
used for the City of Canton Market Square Enhancement Project, 140281  
\$1,000,000 shall be used for The Magnolia Flowering Mills/Stark 140282  
County Park district, \$750,000 shall be used for the Gorge Dam 140283  
Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000 140284  
shall be used for the St. Henry Swimming Pool, \$500,000 shall be 140285  
used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall 140286  
be used for the West Chester Soccer Complex, \$500,000 shall be 140287  
used for the Van Aken District Bicycle and Pedestrian Connections, 140288  
\$500,000 shall be used for the Galloway Sports Complex, \$500,000 140289  
shall be used for the Scioto Audubon Metro Park Pedestrian Bridge, 140290  
\$500,000 shall be used for the Scioto River Park Development, 140291  
\$500,000 shall be used for the Dream Field at Windsor Park 140292  
Playground, \$500,000 shall be used for the Columbus Crew Practice 140293  
Facility, \$500,000 shall be used for the Holmes County 140294  
Agricultural Facility Improvements, \$500,000 shall be used for the 140295  
City of Sylvania SOMO Project, \$500,000 shall be used for The 140296  
White Rhinoceros Barn, \$500,000 shall be used for the Thornport 140297  
Buckeye Lake Public Access and Park, \$500,000 shall be used for 140298

the Redskin Memorial Park Development, \$500,000 shall be used for 140299  
the Warren County Sports Complex, \$406,000 shall be used for the 140300  
Bryson Pool Improvements Splash Park, \$400,000 shall be used for 140301  
the Cadiz Bike Trail/Public Infrastructure Connectivity Project, 140302  
\$400,000 shall be used for the Cave Lake Dam Safety Modifications, 140303  
\$400,000 shall be used for the Preble County Agricultural Facility 140304  
Improvements, \$400,000 shall be used for the Nimisila Spillway and 140305  
Bridge Demolition and Replacement, \$400,000 shall be used for the 140306  
Green Central Park, \$350,000 shall be used for the Rocky River 140307  
Bradstreets Landing Park, \$350,000 shall be used for the Little 140308  
Miami Scenic Trail, \$350,000 shall be used for the East View Park 140309  
Ball Diamonds and Field Improvements, \$300,000 shall be used for 140310  
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 140311  
the Columbiana County Agricultural Facility Improvements, \$300,000 140312  
shall be used for the Bill Stanton Community Park Shoreline 140313  
Enhancement, \$300,000 shall be used for the Chesapeake Community 140314  
Building, \$300,000 shall be used for the Glenford Earthworks Phase 140315  
III, \$300,000 shall be used for the Wilderness Center's Facility 140316  
Enhancement Project, \$250,000 shall be used for the Carroll County 140317  
Ohio FFA Camp Muskingum, \$250,000 shall be used for the Clinton 140318  
County Agricultural Facility Improvements, \$250,000 shall be used 140319  
for the Greenville Downtown Park, \$250,000 shall be used for the 140320  
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 140321  
Road Park, \$250,000 shall be used for the Heritage Rail Trail 140322  
Extension, \$250,000 shall be used for the Upper Arlington 140323  
Shared-Use Path Expansion Projects, \$250,000 shall be used for the 140324  
Tremont Road-Zollinger Road Shared-Use Path Connector, \$250,000 140325  
shall be used for the Hobson Freedom Park: Phase II, \$250,000 140326  
shall be used for the Blue Ash Summit Park, \$250,000 shall be used 140327  
for the Pro Football Hall of Fame Comprehensive Master Study, 140328  
\$250,000 shall be used for the Cascade Plaza Phase II, \$250,000 140329  
shall be used for the Richwood Lake Trail, \$250,000 shall be used 140330  
for the Wren Community Building Shelter and Pavilion, \$250,000 140331

<u>shall be used for the Massillon Reservoir Dam Project in Stark</u>	140332
<u>County</u> , \$200,000 shall be used for the J.W. Denver Memorial Park,	140333
\$200,000 shall be used for the Chippewa Creek Headwater Park,	140334
\$200,000 shall be used for the City of Strongsville Recreation	140335
Center, \$200,000 shall be used for the Brewing Heritage Trail	140336
Segment 1, \$200,000 shall be used for the Cincinnati Mill Creek	140337
Flood Mitigation/Mill Creek Barrier Dam, \$200,000 shall be used	140338
for the Southern State Community College Pathway, \$200,000 shall	140339
be used for the Ernsthausen Recreation Center Splash Pad, \$200,000	140340
shall be used for the Ohio University Proctorville Walking Path,	140341
\$200,000 shall be used for the Coldwater Recreation Space and	140342
Amphitheatre, \$200,000 shall be used for the Perry County Home	140343
Farm, \$200,000 shall be used for the Coppel Soccer Complex	140344
Improvements, \$200,000 shall be used for the Jungle Junction	140345
Indoor Playground, \$200,000 shall be used for the Shelby County	140346
Agricultural Facility Improvements, \$200,000 shall be used for the	140347
Middle Point Ballpark Improvements, \$175,000 shall be used for the	140348
Fairfield Township Metro Parks, \$170,000 shall be used for the	140349
Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000	140350
shall be used for the Columbus Topiary Park Improvements, \$150,000	140351
shall be used for the Gallipolis City Park, \$150,000 shall be used	140352
for the Cincinnati Ault Park, \$150,000 shall be used for the Green	140353
Township Hike/Bike Trail, \$150,000 shall be used for the Kenton	140354
Baseball Park Lighting Improvements, \$150,000 shall be used for	140355
the Kamp Dovetail, \$150,000 shall be used for the Avon Lake	140356
Veterans Park, \$150,000 shall be used for the Marion Tallgrass	140357
Trail, \$149,000 shall be used for the Ohio City Recreation	140358
Facility, \$125,000 shall be used for the Cleveland Cultural	140359
Gardens, \$125,000 shall be used for the Village of Fort Recovery	140360
Community Park, \$125,000 shall be used for the Delphos Community	140361
Pool and Splash Park, \$100,000 shall be used for the Auglaize	140362
County Agricultural Facility Improvements, \$100,000 shall be used	140363
for the Clarksville Upground Reservoir Safety Upgrades, <u>\$100,000</u>	140364

shall be used to support the Grand River Park construction project 140365  
in the Village of Grand River, \$100,000 shall be used for the 140366  
Little Hearts Big Smiles All Children's Playground, \$100,000 shall 140367  
be used for The Wilds Educational Animal Display, \$80,000 shall be 140368  
used for the Rockford Shane's Park Playground Equipment, \$75,000 140369  
shall be used for the City of Parma Park Improvements, \$75,000 140370  
shall be used for the Deerasic Park Whitetail Deer Museum and 140371  
Educational Center, \$75,000 shall be used for the Stoll Lane Park 140372  
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn 140373  
Roof Replacement, \$67,500 shall be used for the Waddell Park 140374  
Public Swimming Pool Renovation, \$60,000 shall be used for the 140375  
Loveland McCoy Park Improvements, \$55,000 shall be used for the 140376  
Columbia Township Community Natural Park, \$50,000 shall be used 140377  
for the Columbiana County Beaver Creek Wildlife Education Center, 140378  
\$50,000 shall be used for the Hicksville Splash Pad, \$50,000 shall 140379  
be used for the City of Marion Ball Field Complex, \$50,000 shall 140380  
be used for the City of Fremont Basketball Court Upgrades (Roger 140381  
Young Park), \$50,000 shall be used for the Upper Sandusky 140382  
Bicentennial Park Project, \$45,000 shall be used for the Noble 140383  
County Happy Time Pool, \$45,000 shall be used for the Lebanon Bike 140384  
Park, \$40,000 shall be used for the Blanchester Playground, 140385  
\$40,000 shall be used for the Beaver Park Sports Field, \$40,000 140386  
shall be used for the City of Tiffin City Park Upgrades, \$30,000 140387  
shall be used for the London Municipal Pool, \$20,000 shall be used 140388  
for the Waverly Canal Park, and \$11,000 shall be used for the 140389  
Washington Township Lake Stabilization Project. 140390

**Section 610.35.** That existing Section 223.10 of S.B. 310 of 140391  
the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 140392  
131st General Assembly, is hereby repealed. 140393

**Section 610.36.** That Section 239.10 of S.B. 310 of the 131st 140394  
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 140395

Assembly, be amended to read as follows:			140396
<b>Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION</b>			140397
Lottery Profits Education Fund (Fund 7017)			140398
C23014 Classroom Facilities Assistance Program	\$	50,000,000	140399
- Lottery Profits			
TOTAL Lottery Profits Education Fund	\$	50,000,000	140400
Public School Building Fund (Fund 7021)			140401
C23001 Public School Buildings	\$	100,000,000	140402
TOTAL Public School Building Fund	\$	100,000,000	140403
Administrative Building Fund (Fund 7026)			140404
C23016 Energy Conservation Projects	\$	2,000,000	140405
C230E5 State Agency Planning/Assessment	\$	1,500,000	140406
TOTAL Administrative Building Fund	\$	3,500,000	140407
Cultural and Sports Facilities Building Fund (Fund 7030)			140408
C23023 OHS - Ohio History Center Exhibit	\$	1,000,000	140409
Replacement			
C23024 OHS - Statewide Site Exhibit	\$	750,000	140410
Renovation			
C23025 OHS - Statewide Site Repairs	\$	1,050,410	140411
C23028 OHS - Basic Renovations and	\$	1,000,000	140412
Emergency Repairs			
C23030 OHS - Rankin House State Memorial	\$	393,250	140413
C23031 OHS - Harding Home State Memorial	\$	1,354,559	140414
C23032 OHS - Ohio Historical Center	\$	1,007,370	140415
Rehabilitation			
C23033 OHS - Stowe House State Memorial	\$	1,028,500	140416
C23045 OHS - Lockington Locks	\$	513,521	140417
Stabilization			
C23051 Tecumseh Theater Opera House	\$	50,000	140418
Restoration			

C23057	OHS - Online Portal to Ohio's Heritage	\$	850,000	140419
C23083	Stan Hywet Hall and Gardens Manor House	\$	250,000	140420
C23098	Twin City Opera House	\$	100,000	140421
C230AA	Cleveland Grays Armory Museum	\$	350,000	140422
C230AB	Cleveland Music Hall	\$	400,000	140423
C230AC	Cleveland Zoological Society	\$	200,000	140424
C230AD	Saint Luke's Pointe	\$	200,000	140425
C230AE	Variety Theatre	\$	250,000	140426
C230AF	Fairview Park Bain Park Cabin	\$	70,000	140427
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$	150,000	140428
C230AH	Longtown Clemens Farmstead Museum	\$	90,000	140429
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$	125,000	140430
C230AK	Sandusky State Theatre	\$	750,000	140431
C230AL	Fairfield Decorative Arts Center	\$	60,000	140432
C230AM	General Sherman House Museum	\$	100,000	140433
C230AN	Villages of Millersport and Buckeye Lake	\$	250,000	140434
C230AP	Fayette County Museum	\$	25,000	140435
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000	140436
C230AR	COSI Building Exhibit Expansion	\$	5,000,000	140437
C230AS	Renovations of the Lincoln Theatre	\$	300,000	140438
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000	140439
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000	140440
C230AV	Veterans Memorial for Senecaville	\$	15,000	140441
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000	140442

C230AX	Cincinnati Shakespeare Company	\$	750,000	140443
C230AY	Ensemble Theatre Cincinnati	\$	100,000	140444
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000	140445
C230B1	Karamu House 2.0	\$	800,000	140446
C230BA	Riverbend and Taft Theater	\$	85,000	140447
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000	140448
C230BC	Native American Museum of Mariemont	\$	400,000	140449
C230BD	Hancock County Sports Hall of Fame	\$	15,000	140450
C230BE	Four Corners Heritage Center Historic Structure	\$	100,000	140451
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000	140452
C230BG	William Scott House	\$	110,000	140453
C230BH	Loudonville Opera House Renovations	\$	250,000	140454
C230BJ	Oak Hill Liberty Theatre	\$	100,000	140455
C230BK	Knox County Memorial Theatre	\$	150,000	140456
C230BL	Fairport Harbor Lighthouse Project	\$	200,000	140457
C230BM	Lake County History Center Rehab Project	\$	250,000	140458
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000	140459
C230BP	Weathervane Playhouse Renovations	\$	50,000	140460
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000	140461
C230BR	Amherst Historical Water Tower Project	\$	40,000	140462
C230BS	Elyria Pioneer Plaza	\$	75,000	140463
C230BT	LaGrange Township Historic Fire Station	\$	32,000	140464
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000	140465

C230BV	Downtown Toledo Music Hall	\$	400,000	140466
C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000	140467
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000	140468
C230BY	Homerville Community Center Expansion	\$	100,000	140469
C230BZ	Medina County Historical Society	\$	100,000	140470
C230CA	Fort Recovery Historical Society	\$	75,000	140471
C230CB	Boonshoft Museum of Discovery	\$	1,000,000	140472
C230CC	Dayton History Heritage Center of Regional Leadership	\$	1,500,000	140473
C230CD	Dayton Project M & M	\$	550,000	140474
C230CE	Trotwood Community Center	\$	250,000	140475
C230CF	Zanesville Community Theater	\$	75,000	140476
C230CG	John Paulding Historical Museum Expansion	\$	30,000	140477
C230CH	Mt. Perry Scenic Railroad Structure Renovations	\$	125,000	140478
C230CJ	Perry County Opera House / Community Center	\$	50,000	140479
C230CK	Circleville Memorial Hall	\$	150,000	140480
C230CL	Everts Community & Arts Center	\$	200,000	140481
C230CM	Waverly Old Children's Home Renovation	\$	20,000	140482
C230CN	Garrettsville Buckeye Block Community Theatre	\$	700,000	140483
C230CP	Historic Hiram Hayden Auditorium	\$	375,000	140484
C230CR	Kent Stage Theater Restoration Project	\$	450,000	140485
C230CS	Mantua Township Historic Bell Tower	\$	140,000	140486
C230CT	Windham Veterans Memorial Plaque	\$	12,000	140487
C230CV	Majestic Theatre Renovation Project	\$	750,000	140488



Phase II				
C230CW	Seneca County Museum	\$	50,000	140489
C230CX	Arts In Stark	\$	355,000	140490
C230CY	City of Canton Central Plaza Memorial Statues	\$	100,000	140491
C230CZ	McKinley Presidential Museum	\$	135,000	140492
C230DA	Jackson North Park Amphitheater	\$	1,000,000	140493
C230DB	Five Oaks Historic Home	\$	350,000	140494
C230DC	Massillon Museum	\$	1,500,000	140495
C230DD	1893 Genoa Schoolhouse Restoration	\$	57,000	140496
C230DE	Melscheimer Schoolhouse Restoration	\$	15,000	140497
C230DF	Bud and Susie Rogers Garden	\$	400,000	140498
C230DG	The Courtyard at East Woods	\$	90,000	140499
C230DH	W.D. Packard Music Hall Elevator	\$	200,000	140500
C230DJ	Tuscarawas County Cultural Arts Center	\$	500,000	140501
C230DK	Zoar Bicentennial Village	\$	12,000	140502
C230DL	Marysville Avalon Theatre Renovations	\$	300,000	140503
C230DM	Convoy Opera House	\$	60,000	140504
C230DN	Van Wert Historical Society Museum	\$	112,000	140505
C230DP	Wassenberg Art Center	\$	175,000	140506
C230DR	Warren County Historical Society Handicap Entrance Project	\$	190,000	140507
C230DS	Smithville Community Historical Society	\$	50,000	140508
C230DT	Wayne County Buckeye Agricultural Museum & Education Center	\$	400,000	140509
C230DU	Kister Water Mill and Education Center	\$	200,000	140510
C230DV	Wayne Center for the Arts	\$	150,000	140511
C230DW	West Liberty Town Hall Opera House	\$	150,000	140512
C230DX	Medina City Parking Deck	\$	1,000,000	140513

C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$	250,000	140514
C230DZ	Columbus Zoo - Asia Quest	\$	250,000	140515
C230EA	Cleveland Museum of Art	\$	1,100,000	140516
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$	160,000	140517
C230EC	Triumph of Flight	\$	250,000	140518
C230ED	OHS - Historical Center/Ohio Village Buildings	\$	300,000	140519
C230EG	Parma Heights Cassidy Theatre Cultural Center	\$	50,000	140520
C230EH	Warren County Historical Society	\$	116,000	140521
<u>C230EJ</u>	<u>James A. Garfield Monument</u> <u>Maintenance</u>	<u>\$</u>	<u>500,000</u>	140522
<u>C230EK</u>	<u>Ohio Soldiers and Sailors Orphans</u> <u>Home/Ohio Veterans Children's Home</u> <u>Chapel Restoration</u>	<u>\$</u>	<u>150,000</u>	140523
C230H2	Cozad Bates House	\$	70,000	140524
C230J4	Cleveland Museum of Natural History	\$	3,300,000	140525
C230K1	Historic Strand Theatre Renovation	\$	175,000	140526
C230K9	Washington Court House Auditorium	\$	100,000	140527
C230L5	CAPA's Renovations of the Palace Theatre	\$	250,000	140528
C230L7	Sauder Village Experience	\$	500,000	140529
C230L9	Ariel Theatre	\$	200,000	140530
C230M3	Geauga Lyric Theater Guild	\$	200,000	140531
C230M6	Cincinnati Art Museum	\$	750,000	140532
C230M8	Cincinnati Zoo	\$	1,750,000	140533
C230N1	Cincinnati Music Hall	\$	500,000	140534
C230N8	Steubenville Grand Theatre Restoration Project	\$	75,000	140535
C230N9	South Leroy Meeting House Restoration	\$	50,000	140536

C230P1	Fine Arts Association Facility Expansion/Renovation	\$	650,000	140537
C230Q1	Imagination Station	\$	200,000	140538
C230Q3	Columbus Zoo - Entry Village Guest Services Improvements	\$	500,000	140539
C230Q7	Butler Institute of American Art	\$	500,000	140540
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000	140541
C230Q9	Marion Palace Theatre	\$	100,000	140542
C230R1	Bradford Railway Museum	\$	75,000	140543
C230R7	Dayton Art Institute's Centennial - Preservation & Accessibility	\$	1,000,000	140544
C230T2	John Brown House and Grounds Restoration	\$	250,000	140545
C230T3	Hale Farm & Village Capital Improvement Project	\$	100,000	140546
C230U2	Folger Home of Avon Lake	\$	75,000	140547
C230U3	DeYor Performing Arts Center Heating and Cooling	\$	1,250,000	140548
C230W7	OHS - Lundy House Restoration	\$	409,370	140549
C230W8	OHS - Cedar Bog Improvements	\$	193,600	140550
C230W9	OHS - Hayes Center Improvements	\$	290,400	140551
C230X1	OHS - Site Energy Conservation	\$	239,580	140552
C230X2	OHS - Collections Storage Facility Object Evaluation	\$	400,000	140553
C230X5	OHS - State Archives Shelving	\$	3,000,000	140554
C230X6	OHS - Fort Ancient Earthworks	\$	219,440	140555
C230Y1	Meigs Township Veterans Monument	\$	5,000	140556
C230Y2	Serpent Mound	\$	50,000	140557
C230Y3	Allen County Museum	\$	100,000	140558
C230Y4	Schine's Theater Restoration	\$	300,000	140559
C230Y5	Hayesville Opera House	\$	20,000	140560
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$	100,000	140561

C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$	100,000	140562
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$	900,000	140563
C230Y9	Gaslight Theatre Building Renovation Project	\$	300,000	140564
C230Z1	Caroline Scott Harrison Statue	\$	75,000	140565
C230Z2	City of Trenton Amphitheatre Cover	\$	50,000	140566
C230Z3	Historic Batavia Armory	\$	300,000	140567
C230Z4	Columbiana County Bowstring Arch Bridge Rehabilitation	\$	200,000	140568
C230Z5	Coshocton Planetarium	\$	75,000	140569
C230Z6	Bedford Historical Society	\$	100,000	140570
C230Z7	Historical Society of Broadview Heights	\$	150,000	140571
C230Z8	Brooklyn John Frey Park	\$	90,000	140572
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	140573
TOTAL Cultural and Sports Facilities Building Fund		\$	<del>63,431,000</del> <u>64,081,000</u>	140574
School Building Program Assistance Fund (Fund 7032)				140575
C23002	School Building Program Assistance	\$	500,000,000	140576
TOTAL School Building Program Assistance Fund		\$	500,000,000	140577
TOTAL ALL FUNDS		\$	<del>716,931,000</del> <u>717,581,000</u>	140578
STATE AGENCY PLANNING/ASSESSMENT				140579
The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.				140580 140581 140582 140583
SCHOOL BUILDING PROGRAM ASSISTANCE				140584
The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities				140585 140586

Commission to provide funding to school districts that receive 140587  
conditional approval from the Commission pursuant to Chapter 3318. 140588  
of the Revised Code. 140589

**Section 610.37.** That existing Section 239.10 of S.B. 310 of 140590  
the 131st General Assembly, as amended by Sub. H.B. 26 of the 140591  
132nd General Assembly, is hereby repealed. 140592

**Section 610.38.** That Sections 125.13 and 327.270 of Am. Sub. 140593  
H.B. 64 of the 131st General Assembly be amended to read as 140594  
follows: 140595

**Sec. 125.13.** Sections 125.10, 125.11, and 125.12 of ~~this act~~ 140596  
Am. Sub. H.B. 64 of the 131st General Assembly take effect ~~January~~ 140597  
~~1, 2018~~ July 1, 2017. 140598

**Sec. 327.270.** NURSING FACILITY DEMONSTRATION PROJECT 140599

(A) As used in this section: 140600

(1) "Freestanding long-term care hospital" means a hospital 140601  
to which all of the following apply: 140602

(a) It is a freestanding long-term care hospital as defined 140603  
in 42 C.F.R. 412.23(e)(5). 140604

(b) It has a Medicaid provider agreement to provide inpatient 140605  
hospital services. 140606

(c) Pursuant to rules adopted under section 5164.02 of the 140607  
Revised Code, it is exempt from the all patient refined diagnosis 140608  
related groups (APR-DRG) and prospective payment methodology the 140609  
Department of Medicaid uses to determine Medicaid payment rates 140610  
for inpatient services provided by other types of hospitals not 140611  
also excluded from the methodology. 140612

(2) "Nursing facility," "nursing facility services," "nursing 140613

home," and "provider" have the same meanings as in section 5165.01 140614  
of the Revised Code. 140615

~~(B) Not later than thirty days after the effective date of~~ 140616  
~~this section, the~~ The Department of Medicaid shall submit to the 140617  
United States Secretary of Health and Human Services a request ~~for~~ 140618  
~~a Medicaid Waiver to operate, beginning January 1, 2016, a~~ 140619  
~~two-year~~ to extend until June 30, 2019, and modify the operation 140620  
of the demonstration project authorized by this section under 140621  
which Medicaid recipients receive nursing facility services in 140622  
participating nursing facilities in lieu of hospital inpatient 140623  
services in freestanding long-term care hospitals. 140624

(1) The Department shall select ~~four~~ six nursing facilities 140625  
to participate in the demonstration project. To be selected for 140626  
participation, a nursing facility must meet all of the following 140627  
requirements: 140628

(a) The nursing facility's provider must hold the nursing 140629  
facility out to the public as providing short-term rehabilitation 140630  
services. 140631

(b) The nursing facility must have a hydrotherapy pool. 140632

(c) The nursing facility's Medicaid-certified capacity must 140633  
include at least ten single-occupancy sleeping rooms that will be 140634  
used for Medicaid recipients admitted to the nursing facility 140635  
under the demonstration project. 140636

~~(d) The nursing facility must have been initially~~ 140637  
~~constructed, licensed as a nursing home, and certified as a~~ 140638  
~~nursing facility on or after January 1, 2010.~~ 140639

(2) In selecting ~~four~~ six nursing facilities to participate 140640  
in the demonstration project, the Department shall select one 140641  
nursing facility located in Brown county, one located in Cuyahoga 140642  
county, one located in Franklin county, one located in Hamilton 140643  
county, ~~and~~ one located in Lucas county, and one located in Seneca 140644

county. However, the Department may select a nursing facility 140645  
located in another county if necessary to find ~~four~~ six nursing 140646  
facilities that meet the requirements specified in division (B)(1) 140647  
of this section. 140648

(C)(1) The provider of each participating nursing facility 140649  
shall develop admission criteria that Medicaid recipients must 140650  
meet to be admitted to the nursing facility under the 140651  
demonstration project. The provider shall give the criteria to 140652  
each hospital that is located within fifty miles of the nursing 140653  
facility and routinely refers Medicaid patients to freestanding 140654  
long-term care hospitals. A hospital that receives the criteria 140655  
shall consider the criteria when determining where to refer a 140656  
Medicaid recipient who needs the types of services freestanding 140657  
long-term care hospitals provide. 140658

(2) A Medicaid recipient may refuse a referral to a 140659  
participating nursing facility and instead seek admission to a 140660  
freestanding long-term care hospital. If a Medicaid recipient 140661  
seeks admission to a participating nursing facility under the 140662  
demonstration project, the nursing facility's staff shall ensure 140663  
that the recipient meets the nursing facility's criteria before 140664  
admitting the recipient. 140665

(3) A participating nursing facility shall notify the 140666  
Department each time it admits a Medicaid recipient under the 140667  
demonstration project. A Medicaid recipient's admission to a 140668  
participating nursing facility under the demonstration project is 140669  
not subject to prior authorization from the Department or a 140670  
designee of the Department. 140671

(D) Notwithstanding Chapter 5165. of the Revised Code, the 140672  
Medicaid payment rate for nursing facility services that a 140673  
Medicaid recipient receives from a participating nursing facility 140674  
under the demonstration project shall not exceed the Medicaid 140675  
payment rate for comparable hospital inpatient services provided 140676

by freestanding long-term care hospitals in effect at the time the nursing facility services are provided.

(E) Not later than thirty days after the end of each quarter of the demonstration project, the provider of each participating nursing facility shall report to the Department all of the following information about each Medicaid recipient residing in the nursing facility under the demonstration project during the quarter:

(1) The cost of the nursing facility services that the nursing facility provided to the recipient that quarter;

(2) The number of days the recipient resided in the nursing facility that quarter;

(3) The recipient's health outcomes;

(4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;

(5) All other information that the Department requires the providers to include in the reports.

(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following:

(1) The Governor;

(2) In accordance with section 101.68 of the Revised Code, the General Assembly;

(3) The Joint Medicaid Oversight Committee.



**Section 610.39.** That existing Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.

**Section 610.40.** That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

**Sec. 125.10.** ~~(A)~~ Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2017~~ 2019.

~~(B) Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget Services Fund on the effective date of the repeal of that section shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed, the fund shall cease to exist.~~

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2017~~ 2019.

**Section 610.41.** That existing Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, are hereby repealed.

**Section 610.50.** That Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

Sec. 2. (A) As used in this section:	140733
(1) "Institution" means any of the following:	140734
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	140735 140736
(b) A private career school, as defined in section 3332.01 of the Revised Code;	140737 140738
(c) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	140739 140740 140741
(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	140742 140743 140744 140745
(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.	140746 140747 140748
(2) "Workforce training program" includes any of the following:	140749 140750
(a) Courses, programs, or a degree from an institution;	140751
(b) Vocational education classes offered to adult learners;	140752
(c) <u>Non-Credit certificate programs that align with the state's in-demand jobs, as determined by the list of in-demand jobs posted to the web site of OhioMeansJobs.</u>	140753 140754 140755
(d) Any other training program designed to meet the special requirements of a particular employer.	140756 140757
(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of Higher Education shall award funds to an institution	140758 140759 140760 140761

that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution.

(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a partnership. The Chancellor shall consider a program that has employment opportunities in areas that are in demand, including, but not limited to, energy exploration.

(3) The Chancellor also shall consider all of the following factors when determining whether to award funds under this section to an institution for a workforce training program, to the extent that these factors apply to the program:

(a) The success rate of the workforce training program offered by the institution;

(b) The cost of the workforce training program based upon a comparison of similar workforce training programs offered in this state;

(c) The rate that the workforce training program participants obtain employment in the field in which they receive training under the program;

(d) The willingness of the institution to assist a participant in paying for the costs of participating in the workforce training program;

(e) The extent to which the program has demonstrated support from business partners.

(4) After the initial funds are awarded to institutions under

this section, the Chancellor, in awarding subsequent funds under 140792  
this section, shall give greater weight to the factors listed in 140793  
division (B)(3)(a) of this section in comparison to the other 140794  
factors listed in division (B)(3) of this section, but shall not 140795  
give that factor greater weight than the preference given in 140796  
division (B)(2) of this section. 140797

(C) Funds shall be disbursed to successful applicants using 140798  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 140799  
Fund established in section 6301.14 of the Revised Code. The 140800  
Chancellor shall not award to an institution more than ~~one~~ two 140801  
hundred fifty thousand dollars per workforce training program per 140802  
year under this section. An institution receiving funds under this 140803  
section shall establish, in consultation with the Department of 140804  
Higher Education, eligibility requirements that a participant in 140805  
the workforce training program for which the institution received 140806  
the funds shall satisfy to receive a loan under this section, and 140807  
the institution shall apply the loan proceeds to program costs for 140808  
those participants who satisfy those requirements. A loan applied 140809  
by an institution to program costs for a participant under this 140810  
section shall not exceed ten thousand dollars per program in which 140811  
the participant participates. 140812

(D) Except as provided in the rules adopted by the Treasurer 140813  
of State pursuant to division (G) of this section, a loan to a 140814  
program participant shall remain interest-free until six months 140815  
after the date the participant successfully completes the 140816  
workforce training program, if the participant also continues to 140817  
reside in this state. Beginning on the earlier of the date that is 140818  
six months after the individual completes the workforce training 140819  
program for which the participant received a loan under this 140820  
section, the date the individual terminates enrollment in the 140821  
workforce training program without completion, or the date the 140822  
participant ceases to reside in this state, the Treasurer of State 140823

shall assess a rate of interest of not more than four per cent per 140824  
annum on any outstanding principal balance of that loan. The 140825  
Treasurer of State shall not assess a zero per cent interest rate. 140826  
The Treasurer of State shall establish a payment schedule not to 140827  
exceed seven years after the date a participant successfully 140828  
completes the workforce training program. 140829

(E) The Chancellor shall prescribe, by rule adopted in 140830  
accordance with Chapter 119. of the Revised Code, procedures 140831  
necessary to carry out this section, including all of the 140832  
following: 140833

(1) Application procedures for funds under this section, 140834  
which shall require an applicant to include a description of the 140835  
workforce training program for which the institution intends to 140836  
award loans and the number of individuals who will be 140837  
participating in that program; 140838

(2) A method to determine the amount of funds awarded to an 140839  
institution based on the costs of the workforce training program 140840  
for which a program participant receives a loan and the number of 140841  
individuals the institution estimates will participate in the 140842  
program; 140843

(3) The process by which the Chancellor approves workforce 140844  
training programs for which loans are granted under this section. 140845

(F) The Treasurer of State shall be responsible for making 140846  
deposits and withdrawals and maintaining records pertaining to the 140847  
OhioMeansJobs Workforce Development Revolving Loan Fund. 140848

(G) The Treasurer of State shall service the loans described 140849  
in this section and may designate a third party to serve as an 140850  
agent of the Treasurer of State in servicing the loans. A third 140851  
party designated by the Treasurer of State is authorized to take 140852  
such actions, to enter into such contracts, and to execute all 140853  
instruments necessary or appropriate to service those loans. The 140854

Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

(4) Disburse funds to an institution.

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this section.

(I) The loan servicing fee established pursuant to division (G)(1) of this section shall not exceed the actual cost of servicing the loan.

(J)(1) The Chancellor shall prepare a report outlining the amount each institution received under this section during the previous year, including the amount awarded to each individual workforce training program.

(2) Beginning on July 1, 2014, and continuing every year thereafter for so long as the Chancellor awards funds under the Program, the Chancellor shall submit the report prepared in division (J)(1) of this section to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

**Section 610.51.** That existing Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the

131st General Assembly, is hereby repealed. 140885

**Section 610.53.** That Section 3 of Sub. S.B. 9 of the 130th 140886  
General Assembly be amended to read as follows: 140887

**Sec. 3.** (A) During the period beginning on January 1, 2014, 140888  
and expiring January 1, ~~2018~~ 2022, the operation of sections 140889  
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 140890  
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 140891  
3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 140892  
The suspension shall take effect in accordance with the following: 140893

(1) Carriers shall not be required to offer open enrollment 140894  
coverage under the Ohio Open Enrollment Program on or after 140895  
January 1, 2014. In addition, carriers shall not reinsure any 140896  
insurance policies with the Ohio Health Reinsurance Program during 140897  
the suspension of the Program on or after January 1, 2014. 140898

(2) Notwithstanding this section, the Board of Directors of 140899  
the Ohio Health Reinsurance Program shall continue to have all of 140900  
the authority and protection provided by sections 3924.07 to 140901  
3924.14 of the Revised Code during the period beginning January 1, 140902  
2014, and ending December 31, 2014, in order to wind up the 140903  
affairs of the Ohio Health Reinsurance Program. This shall 140904  
include, but is not limited to, the receipt, processing, and 140905  
payment of all claims incurred on or before January 1, 2014, 140906  
assessments needed to fund the wind up of the Program, the refund 140907  
of any excess assessments, and the preparation of final audited 140908  
financial statements and tax returns. 140909

(3) With respect to an open enrollment or conversion policy 140910  
or contract issued prior to January 1, 2014, a carrier may 140911  
terminate such policy or contract on or after January 1, 2014, if 140912  
the carrier does both of the following: 140913

(a) Provides notice of termination to the policy or contract holder at the time the policy is issued or at least ninety days prior to the termination;

(b) Offers the policy or contract holder the option to purchase other coverage offered by the insurer to be effective at the time of the termination.

(4) Carriers shall not be required to include any option to convert coverage as required by sections 1751.16, 1751.17, and 3923.122 of the Revised Code in any policy or contract issued on or after January 1, 2014.

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, regarding the requirements related to health insurance coverage, ~~do not take effect January 1, 2014, or~~ become ineffective prior to the expiration of the suspension on January 1, ~~2018~~ 2022, then sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in either their present form or as they are later amended, again become operational.

**Section 610.54.** That existing Section 3 of Sub. S.B. 9 of the 130th General Assembly is hereby repealed.

**Section 610.60.** That Section 7 of Sub. H.B. 532 of the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

**Sec. 7.** (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which



this section applies may offer for sale an athletic field that it 140943  
owns in its corporate capacity to the chartered nonpublic school 140944  
that is the current leaseholder of that property prior to offering 140945  
that property for sale under the provisions of sections 3313.41 140946  
and 3313.413 of the Revised Code. 140947

(C) This section shall expire on December 31, ~~2017~~ 2019. 140948

**Section 610.61.** That existing Section 7 of Sub. H.B. 532 of 140949  
the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 140950  
131st General Assembly, is hereby repealed. 140951

**Section 610.70.** That Section 227.10 of S.B. 310 of the 131st 140952  
General Assembly be amended to read as follows: 140953

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 140954

Administrative Building Fund (Fund 7026) 140955

C76034 EMA Building System and Equipment \$ 300,000 140956

C76049 EMA Building Renovations and \$ 250,000 140957  
Improvements

C76051 Fayette County MARCS Tower Project \$ 1,385,941 140958

C76052 Reading Flood Plain Study/Remediation \$ 200,000 140959

C76053 Summit Law Enforcement Training Center \$ 200,000 140960  
and Indoor Firing Range

C76054 Wayne County MARCS EMS Phase II \$ 600,000 140961

C76055 Highland County MARCS Tower Project \$ 300,000 140962

TOTAL Administrative Building Fund \$ ~~2,935,941~~ 140963  
3,235,941

Highway Safety Fund (Fund 7036) 140964

C76035 Alum Creek Facility Renovations and \$ 1,200,000 140965  
Upgrades

C76036 Shipley Building Renovations and \$ 1,500,000 140966  
Improvements

C76043	Minor Capital Projects	\$	2,500,000	140967
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	2,250,000	140968
C76045	OSHP Academy Renovations and Improvements	\$	1,250,000	140969
C76046	OSHP - K-9 Training Facility	\$	1,250,000	140970
TOTAL Highway Safety Fund		\$	9,950,000	140971
TOTAL ALL FUNDS		\$	<del>12,885,941</del>	140972
			<u>13,185,941</u>	

HIGHLAND COUNTY MARCS TOWER PROJECT 140973

The foregoing appropriation item C76055, Highland County 140974  
MARCS Tower Project, shall be used for the purpose of providing 140975  
end user radios for the Highland County MARCS Tower Project. 140976

**Section 610.71.** That existing Section 227.10 of S.B. 310 of 140977  
the 131st General Assembly is hereby repealed. 140978

**Section 610.80.** That Sections 229.10 and 229.30 of S.B. 310 140979  
of the 131st General Assembly be amended to read as follows: 140980

**Sec. 229.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 140981

Adult Correctional Building Fund (Fund 7027)				140982
C50101	Community-Based Correctional Facilities	\$	20,287,590	140983
C50105	Water System/Plant Improvements	\$	7,500,000	140984
C50106	Industrial Equipment - Statewide	\$	4,602,109	140985
C50114	Community Residential Program	\$	2,000,000	140986
C50136	General Building Renovations	\$	116,461,868	140987
<u>C501HE</u>	<u>Ohio River Valley Jail Facility</u>	\$	<u>1,250,000</u>	140988
TOTAL Adult Correctional Building Fund		\$	<del>150,851,567</del>	140989
			<u>152,101,567</u>	
TOTAL ALL FUNDS		\$	<del>150,851,567</del>	140990
			<u>152,101,567</u>	

**Sec. 229.30.** COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 140992

The foregoing appropriation item C50114, Community 140993  
Residential Program, may be used by the Department of 140994  
Rehabilitation and Correction, pursuant to sections 5120.103 to 140995  
5120.105 of the Revised Code, to provide for the construction or 140996  
renovation of halfway house facilities for offenders eligible for 140997  
community supervision by the Department of Rehabilitation and 140998  
Correction. 140999

OHIO RIVER VALLEY JAIL FACILITY 141000

The foregoing appropriation item C501HE, Ohio River Valley 141001  
Jail Facility, shall be used for the development of the Ohio River 141002  
Valley Jail Facility to be located in Scioto county, including, 141003  
but not limited to, the costs of construction, renovations, site 141004  
development, capital equipment, and planning. 141005

**Section 610.81.** That existing Sections 229.10 and 229.30 of 141006  
S.B. 310 of the 131st General Assembly are hereby repealed. 141007

**Section 610.90.** That Section 221.20 of S.B. 310 of the 131st 141008  
General Assembly be amended to read as follows: 141009

**Sec. 221.20.** The Treasurer of State is hereby authorized to 141010  
issue and sell in accordance with Section 2i of Article VIII, Ohio 141011  
Constitution, and Chapter 154. of the Revised Code, particularly 141012  
section 154.20 of the Revised Code, original obligations in an 141013  
aggregate principal amount not to exceed ~~\$54,000,000~~ 74,000,000 in 141014  
addition to the original issuance of obligations heretofore 141015  
authorized by prior acts of the General Assembly. These authorized 141016  
obligations shall be issued, subject to applicable constitutional 141017  
and statutory limitations, as needed to provide sufficient moneys 141018  
to the credit of the Mental Health Facilities Improvement Fund 141019  
(Fund 7033) to pay costs of capital facilities as defined in 141020

section 154.01 of the Revised Code for mental hygiene and 141021  
retardation. 141022

**Section 610.91.** That existing Section 221.20 of S.B. 310 of 141023  
the 131st General Assembly is hereby repealed. 141024

**Section 610.100.** That Section 207.440 of S.B. 310 of the 141025  
131st General Assembly be amended to read as follows: 141026

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 141027  
authorized to issue and sell, in accordance with Section 2n of 141028  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 141029  
sections 151.01 and 151.04 of the Revised Code, original 141030  
obligations in an aggregate principal amount not to exceed 141031  
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 141032  
obligations heretofore authorized by prior acts of the General 141033  
Assembly. These authorized obligations shall be issued, subject to 141034  
applicable constitutional and statutory limitations, as needed to 141035  
provide sufficient moneys to the credit of the Higher Education 141036  
Improvement Fund (Fund 7034) and the Higher Education Improvement 141037  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 141038  
defined in sections 151.01 and 151.04 of the Revised Code for 141039  
state-supported and state-assisted institutions of higher 141040  
education. 141041

**Section 610.101.** That existing Section 207.440 of S.B. 310 of 141042  
the 131st General Assembly is hereby repealed. 141043

**Section 610.110.** That Sections 205.10 and 205.20 of Sub. H.B. 141044  
26 of the 132nd General Assembly be amended to read as follows: 141045  
141046

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 141047

	Highway Safety Fund Group					141048	
5TM0	761401	Public Safety	\$	2,437,200	\$	2,441,300	141049
		Facilities Lease					
		Rental Bond Payments					
5TM0	762321	Operating Expense -	\$	102,654,677	\$	101,709,677	141050
		BMV					
5TM0	762636	Financial	\$	4,914,824	\$	4,914,824	141051
		Responsibility					
		Compliance					
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000	141052
		Reimbursement					
5TM0	764321	Operating Expense -	\$	<del>303,297,721</del>	\$	311,395,776	141053
		Highway Patrol		<u>303,797,721</u>			
5TM0	764605	Motor Carrier	\$	2,981,040	\$	2,981,040	141054
		Enforcement Expenses					
5TM0	769636	Administrative	\$	43,133,359	\$	44,546,921	141055
		Expenses - Highway					
		Purposes					
8370	764602	Turnpike Policing	\$	11,905,872	\$	11,905,872	141056
83C0	764630	Contraband,	\$	1,122,894	\$	1,122,894	141057
		Forfeiture, and Other					
83F0	764657	Law Enforcement	\$	8,665,152	\$	8,665,152	141058
		Automated Data System					
83G0	764633	OMVI	\$	641,927	\$	641,927	141059
		Enforcement/Education					
83M0	765624	Operating - EMS	\$	4,035,127	\$	4,135,074	141060
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	141061
8400	764607	State Fair Security	\$	1,356,354	\$	1,356,354	141062
8400	764617	Security and	\$	12,155,202	\$	12,505,202	141063
		Investigations					
8400	764626	State Fairgrounds	\$	1,109,770	\$	1,109,770	141064
		Police Force					
8460	761625	Motorcycle Safety	\$	3,504,741	\$	3,544,104	141065

		Education				
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027 141066
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000 141067
TOTAL HSF	Highway Safety Fund Group		\$	<del>526,361,887</del>	\$	535,421,914 141068
				<u>526,861,887</u>		
		Dedicated Purpose Fund Group				141069
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000 141070
5B90	766632	Private Investigator and Security Guard Provider	\$	1,722,610	\$	1,794,295 141071
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 141072
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000 141073
TOTAL DPF	Dedicated Purpose Fund Group		\$	3,996,610	\$	4,068,295 141074
		Fiduciary Fund Group				141075
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 141076
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000 141077
TOTAL FID	Fiduciary Fund Group		\$	4,200,000	\$	4,200,000 141078
		Holding Account Fund Group				141079
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000 141080
R052	762623	Security Deposits	\$	350,000	\$	350,000 141081
TOTAL HLD	Holding Account Fund Group		\$	2,235,000	\$	2,235,000 141082

Federal Fund Group					141083
3DU0 762628	BMV Grants	\$	250,000	\$	0 141084
3GR0 764693	Highway Patrol	\$	2,223,000	\$	2,232,000 141085
	Justice Contraband				
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000 141086
	Treasury Contraband				
3GU0 761610	Information and	\$	300,000	\$	300,000 141087
	Education Grant				
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000 141088
	Report System Grant				
3GU0 764610	Highway Safety	\$	3,776,000	\$	3,850,000 141089
	Programs Grant				
3GU0 764659	Motor Carrier Safety	\$	5,571,000	\$	5,710,000 141090
	Assistance Program				
	Grant				
3GU0 765610	EMS Grants	\$	225,000	\$	225,000 141091
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000 141092
	Plan Grants				
TOTAL FED	Federal Fund Group	\$	42,741,000	\$	42,713,000 141093
TOTAL ALL BUDGET FUND GROUPS		\$	<del>579,534,497</del>	\$	588,638,209 141094
			<u>580,034,497</u>		

**Sec. 205.20. MOTOR VEHICLE REGISTRATION** 141096

The Director of Public Safety may deposit revenues to meet 141097  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 141098  
5TM0) established in section 4501.06 of the Revised Code, obtained 141099  
under section 4503.02 of the Revised Code, less all other 141100  
available cash. Revenue deposited pursuant to this paragraph shall 141101  
support in part appropriations for the administration and 141102  
enforcement of laws relative to the operation and registration of 141103  
motor vehicles, for payment of highway obligations and other 141104  
statutory highway purposes. Notwithstanding section 4501.03 of the 141105  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 141106

revenues obtained pursuant to section 4503.02 of the Revised Code 141107  
are paid into any other fund. The deposit of revenues to meet the 141108  
aforementioned cash needs shall be in approximately equal amounts 141109  
on a monthly basis or as otherwise approved by the Director of 141110  
Budget and Management. Prior to July 1 of each fiscal year, the 141111  
Director of Public Safety shall submit a plan to the Director of 141112  
Budget and Management requesting approval of the anticipated 141113  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 141114  
paragraph. If during the fiscal year changes to the plan as 141115  
approved by the Director of Budget and Management are necessary, 141116  
the Director of Public Safety shall submit a revised plan to the 141117  
Director of Budget and Management for approval prior to any change 141118  
in the deposit of revenues. 141119

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 141120

The foregoing appropriation item 761401, Public Safety 141121  
Facilities Lease Rental Bond Payments, shall be used to meet all 141122  
payments during the period July 1, 2017, through June 30, 2019, by 141123  
the Department of Public Safety under the leases and agreements 141124  
for facilities under Chapters 152. and 154. of the Revised Code. 141125  
The appropriations are the source of funds pledged for bond 141126  
service charges on related obligations issued under Chapters 152. 141127  
and 154. of the Revised Code. 141128

CASH TRANSFERS - HIGHWAY PATROL 141129

Upon written request of the Director of Public Safety, the 141130  
Director of Budget and Management may transfer cash from the State 141131  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 141132  
to the Security, Investigations and Policing Fund (Fund 8400). 141133

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 141134  
SHIPLEY UPGRADES 141135

Pursuant to a plan submitted by the Director of Public 141136  
Safety, or as otherwise determined by the Director of Budget and 141137



Management, the Director of Budget and Management may make 141138  
appropriate cash transfers on a pro-rata basis as approved by the 141139  
Director of Budget and Management from other funds used by the 141140  
Department of Public Safety, excluding the Public Safety Building 141141  
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 141142  
(Fund 5TM0) in order to reimburse expenditures for capital 141143  
upgrades to the Shipley Building. 141144

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 141145  
PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY 141146  
PURPOSES FUND 141147

On July 1, 2017, or as soon as possible thereafter, the 141148  
Director of Budget and Management shall transfer \$500,000 cash 141149  
from the Controlling Board Emergency Purposes/Contingencies Fund 141150  
(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund 141151  
5TM0). 141152

OPERATING EXPENSE - HIGHWAY PATROL 141153

Of the foregoing appropriation item 764321, Operating Expense 141154  
- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by 141155  
the Department of Public Safety to fund criminal laboratory case 141156  
work primarily related to opioid or other criminal cases submitted 141157  
to the Department of Public Safety. 141158

COLLECTIVE BARGAINING INCREASES 141159

Notwithstanding division (D) of section 127.14 and division 141160  
(B) of section 131.35 of the Revised Code, except for the General 141161  
Revenue Fund, the Controlling Board may, upon the request of 141162  
either the Director of Budget and Management, or the Department of 141163  
Public Safety with the approval of the Director of Budget and 141164  
Management, authorize expenditures in excess of appropriations and 141165  
transfer appropriations, as necessary, for any fund used by the 141166  
Department of Public Safety, to assist in paying the costs of 141167  
increases in employee compensation that have occurred pursuant to 141168

collective bargaining agreements under Chapter 4117. of the 141169  
Revised Code and, for exempt employees, under section 124.152 of 141170  
the Revised Code. Any money approved for expenditure under this 141171  
paragraph is hereby appropriated. 141172

CASH BALANCE FUND REVIEW 141173

The Director of Public Safety shall review the cash balances 141174  
for each fund in the State Highway Safety Fund Group, and may 141175  
submit a request in writing to the Director of Budget and 141176  
Management to transfer amounts from any fund in the State Highway 141177  
Safety Fund Group to the credit of the Public Safety - Highway 141178  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 141179  
request, the Director of Budget and Management may make 141180  
appropriate transfers as requested by the Director of Public 141181  
Safety or as otherwise determined by the Director of Budget and 141182  
Management. 141183

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS 141184

Upon written request of the Director of Public Safety, the 141185  
Director of Budget and Management may transfer up to \$2,000,000 141186  
cash in each fiscal year from the Trauma and Emergency Medical 141187  
Services Fund (Fund 83M0) to the Security, Investigations, and 141188  
Policing Fund (Fund 8400). 141189

CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT 141190  
FUND 141191

On July 1, 2017, or as soon as possible thereafter, the 141192  
Director of Budget and Management shall transfer the cash balance 141193  
in the Trauma and Emergency Medical Services Grants Fund (Fund 141194  
83P0) to the Trauma and Emergency Medical Services Fund (Fund 141195  
83M0). Upon completion of the transfer, Fund 83P0 is abolished. 141196

**Section 610.111.** That existing Sections 205.10 and 205.20 of 141197  
Sub. H.B. 26 of the 132nd General Assembly are hereby repealed. 141198

**Section 620.10.** That Section 7 of Am. Sub. H.B. 52 of the 141199  
131st General Assembly is hereby repealed. 141200

**Section 620.20.** That section 745.20 of Sub. H.B. 26 of the 141201  
132nd General Assembly is hereby repealed. 141202

**Section 701.10.** The following agencies are retained under 141203  
division (D) of section 101.83 of the Revised Code and expire at 141204  
the end of December 31, 2020: 141205

ABLE Account Program Advisory Board R.C. 113.56 141206

Ohio Healthier Buckeye Advisory Council R.C. 5101.91 141207

Underground Technical Committee R.C. 3781.34 141208

**Section 701.20.** The Ohio Constitutional Modernization 141209  
Commission shall cease operations on or before July 1, 2017. 141210  
Notwithstanding section 126.29 of the Revised Code, the Director 141211  
of the Legislative Service Commission shall attend to any matters 141212  
associated with winding up the affairs of the Ohio Constitutional 141213  
Modernization Commission. 141214

**Section 701.30.** The Director of the Legislative Service 141215  
Commission shall prepare a report regarding state programs that 141216  
address individually identifiable risk factors for poor physical 141217  
or behavioral health, or risk factors that may contribute to 141218  
undesirable social outcomes. The report shall include an inventory 141219  
of applicable state programs and shall assess whether or not a 141220  
program on the inventory has the means to identify the specific 141221  
needs of an individual, to refer the individual to appropriate 141222  
services to address those needs, and to coordinate service and 141223  
treatment for individuals, so as to determine whether or not 141224  
identified risk factors are being addressed, on an individual 141225  
level, by the program. 141226

Each state agency shall support and assist the Director of 141227  
the Legislative Service Commission in the preparation of the 141228  
report. The report shall be completed not later than June 30, 141229  
2018. A copy of the report shall be submitted to the General 141230  
Assembly in accordance with section 101.68 of the Revised Code and 141231  
posted to the internet web site of the Legislative Service 141232  
Commission. 141233

**Section 709.10.** (A) The Director of Administrative Services, 141234  
in consultation with the Director of Agriculture, shall review the 141235  
costs associated with conducting an annual inspection and 141236  
reinspection of an inflatable ride under section 1711.53 of the 141237  
Revised Code, as amended by this act. The Director of 141238  
Administrative Services may enter into an agreement with a private 141239  
entity to perform the review. 141240

Based on the review, the Director of Administrative Services 141241  
shall make recommendations to the Director of Agriculture on the 141242  
appropriate amount of the fee for an annual inspection and 141243  
reinspection of an inflatable ride. The Director of Administrative 141244  
Services shall complete the review and submit the Director's 141245  
recommendations to the Director of Agriculture not later than 141246  
October 15, 2017. 141247

(B) The Director of Agriculture shall not adopt rules under 141248  
division (E)(1) of section 1711.53 of the Revised Code, as amended 141249  
by this act, establishing an annual inspection and reinspection 141250  
fee for an inflatable ride until the Director of Administrative 141251  
Services submits the recommendations under division (A) of this 141252  
section to the Director of Agriculture. Not later than January 31, 141253  
2018, the Director of Agriculture shall adopt rules under division 141254  
(E)(1) of section 1711.53 of the Revised Code, as amended by this 141255  
act, establishing an annual inspection and reinspection fee for an 141256  
inflatable ride that is consistent with the recommendations of the 141257

Director of Administrative Services. The adoption of such rules is 141258  
not subject to business review under sections 121.82 and 121.83 of 141259  
the Revised Code. 141260

(C) The fee for the annual inspection and reinspection of an 141261  
inflatable ride established under division (E) of section 1711.53 141262  
of the Revised Code, as that section existed prior to its 141263  
amendment by this act, shall remain in effect until the Director 141264  
of Agriculture adopts rules establishing a new fee under division 141265  
(E)(1) of that section, as amended by this act. 141266

**Section 715.10.** For all applications for which a hearing has 141267  
been held under section 1509.28 of the Revised Code prior to 141268  
January 1, 2018, and for which the chief of the division of oil 141269  
and gas resources management issues an order providing for the 141270  
unit operation of a pool or part thereof, the applicant shall not 141271  
be required to commence any unit operations sooner than 141272  
twenty-four months from the effective date of such order. 141273

**Section 733.10.** Notwithstanding division (O)(6)(a) of section 141274  
3301.0711 of the Revised Code, as amended by this act, in 2017, 141275  
the Department of Education shall not release as public records 141276  
any questions and corresponding preferred answers from the English 141277  
language arts and mathematics assessments prescribed under 141278  
division (A) of section 3301.0710 of the Revised Code that were 141279  
administered in the 2015-2016 school year. 141280

**Section 733.20.** The revisions by this act to section 3365.03 141281  
of the Revised Code shall first apply to students seeking to 141282  
participate in the College Credit Plus program during the 141283  
2018-2019 school year. For participation during the 2017-2018 141284  
school year, students shall meet the eligibility requirements 141285  
prescribed by section 3365.03 of the Revised Code, as it existed 141286  
prior to the effective date of this section. 141287

**Section 733.30.** The revisions by this act to section 3365.07 141288  
of the Revised Code regarding textbooks, and the provisions of 141289  
section 3365.072 of the Revised Code, shall first apply to 141290  
textbook arrangements under the College Credit Plus program for 141291  
the 2018-2019 school year. For the 2017-2018 school year, textbook 141292  
arrangements under the program shall be governed by section 141293  
3365.07 of the Revised Code, as it existed prior to the effective 141294  
date of this section. 141295

**Section 733.40.** Not later than July 1, 2018, the Department 141296  
of Education, in consultation with the Department of Higher 141297  
Education and the Governor's Office of Workforce Transformation, 141298  
shall develop both of the following: 141299

(A) A plan that permits and encourages school districts and 141300  
chartered nonpublic schools to integrate academic content in 141301  
subject areas for which the State Board of Education adopts 141302  
standards under section 3301.079 of the Revised Code into other 141303  
coursework so that students may earn simultaneous credit in 141304  
accordance with division (I) of section 3313.603 of the Revised 141305  
Code; 141306

(B) Guidance to assist school districts and schools that 141307  
choose to implement integrated coursework under division (I) of 141308  
section 3313.603 of the Revised Code that includes guidance on 141309  
appropriate licensure teachers must have to teach integrated 141310  
coursework and guidance on appropriately integrating subject area 141311  
content into course curriculum to ensure that students receive 141312  
instruction in the academic content necessary to meet graduation 141313  
requirements. 141314

**Section 733.50.** The Chancellor of Higher Education, in 141315  
consultation with the Director of the Governor's Office of 141316  
Workforce Transformation and the Superintendent of Public 141317

Instruction, shall work with the business community and higher 141318  
education institutions to develop a program targeted at increasing 141319  
the number of high school students in Ohio who pursue certificates 141320  
or degrees in the field of advanced technology and cyber security. 141321

**Section 733.60.** Beginning with the 2017-2018 school year, the 141322  
Ohio Teacher Residency Program established under section 3319.223 141323  
of the Revised Code, as it existed prior to the effective date of 141324  
this section, shall cease to exist. Any individual who is 141325  
currently participating in the program shall not be required to 141326  
complete the program or any component of the program. 141327  
Additionally, the State Board of Education shall not require any 141328  
applicant for a new educator license, or for renewal of any 141329  
educator license, under section 3319.22 or 3319.26 of the Revised 141330  
Code to complete the program or any component of the program as a 141331  
condition for issuance of an educator license. 141332

**Section 733.61.** The county OSU Extension office serving 141333  
Ashtabula County shall establish a pilot program through which it 141334  
employs a food policy coordinator. The food policy coordinator 141335  
shall be responsible for connecting local food producers with 141336  
local consumers such as the Lake Erie Correctional Institution, 141337  
hospitals, nursing homes, schools, and supermarkets. 141338

**Section 733.63.** The General Assembly finds that the Ohio FFA 141339  
Association is an integral part of the organized instructional 141340  
programs in career-technical agricultural education that prepare 141341  
students for a wide range of careers in agriculture, agribusiness, 141342  
and other agriculture-related occupations. 141343

**Section 733.65.** (A) The Superintendent of Public Instruction 141344  
shall establish a workgroup on related services personnel. The 141345  
purpose of the workgroup shall be to improve the coordination of 141346

state, school, and provider efforts to address the related 141347  
services needs of students with disabilities. 141348

(B) The workgroup shall include the following members: 141349

(1) Employees of the Department of Education, the Department 141350  
of Higher Education, and other state agencies that have a role in 141351  
addressing the related services needs of students with 141352  
disabilities; 141353

(2) Representatives of interested parties, which shall 141354  
include at least the following: 141355

(a) The Ohio Speech-Language-Hearing Association; 141356

(b) The Ohio School Psychologists Association; 141357

(c) The Ohio Educational Service Center Association. 141358

(3) Representatives of school district superintendents, 141359  
treasurers or business managers, and other school business 141360  
officials. 141361

(C) The workgroup shall do all of the following: 141362

(1) Identify and evaluate causes and solutions for the 141363  
shortage of related services personnel in the school setting, 141364  
including evaluating the long-term sustainability of potential 141365  
solutions; 141366

(2) Establish short-term, medium-term, and long-term goals to 141367  
address the shortage of related services personnel in the state 141368  
and monitor progress on those goals; 141369

(3) Report, as needed, on the work and findings of the 141370  
workgroup. 141371

(D) The Department of Education shall provide administrative 141372  
support to the workgroup. 141373

(E) The workgroup shall cease to exist on June 30, 2019, 141374



unless the General Assembly authorizes its continuation. 141375

(F) As used in this section, "related services" has the same 141376  
meaning as in section 3323.01 of the Revised Code. 141377

**Section 737.10.** All money received by the Director of 141378  
Environmental Protection under section 3751.05 of the Revised Code 141379  
as that section existed prior to its amendment by this act shall 141380  
remain in the Toxic Chemical Release Reporting Fund, to be used 141381  
exclusively for purposes of implementing, administering, and 141382  
enforcing Chapter 3751. of the Revised Code and rules adopted and 141383  
orders issued under it. In addition, any money received by the 141384  
Director after the act's effective date under section 3751.05 of 141385  
the Revised Code for filing fees or late fees required to be paid 141386  
under that section prior to the act's effective date shall be 141387  
deposited in the Fund and used for those purposes. 141388

**Section 737.20.** (A) The Director of Environmental Protection, 141389  
in consultation with the Director of Transportation, shall 141390  
distribute \$15,000,000 in each of fiscal year 2018 and fiscal year 141391  
2019 from funding received from the Volkswagen Mitigation Trust 141392  
Agreement or the Volkswagen Zero Emission Vehicle Fund arising 141393  
from the Volkswagen Clean Air Act Settlement in accordance with 141394  
all of the following: 141395

(1) First preference shall be given to qualifying projects 141396  
that provide the greatest quantifiable reduction, in dollars per 141397  
ton reduction, of carbon dioxide and nitrogen oxide; 141398

(2) Second preference shall be given to qualifying projects 141399  
that provide the greatest quantifiable reduction, in dollars per 141400  
ton reduction, of carbon monoxide, fine particulate matter (pm 141401  
2.5), sulfur dioxide, and mercury; 141402

(3) Methodology for calculating the quantifiable reductions 141403  
specified in divisions (A)(1) and (2) of this section shall be 141404

based on the United States Environmental Protection Agency's 141405  
methodology and incorporate the Greenhouse Gases, Regulated 141406  
Emissions, and Energy Use in Transportation Model. 141407

(B) Subject to division (A) of this section, \$15,000,000 in 141408  
each of fiscal year 2018 and fiscal year 2019 shall be awarded to 141409  
transit authorities for the purpose of providing capital funding 141410  
for rolling stock projects. Awards under this section shall 141411  
supplement and not supplant money awarded by the Director of 141412  
Transportation under the Ohio Transit Preservation Partnership 141413  
Program. The Director of Transportation shall collaborate with the 141414  
Director of Environmental Protection to ensure distribution of 141415  
funding to transit authorities under this division complies with 141416  
this section and with the terms of the Volkswagen Clean Air Act 141417  
Settlement. After the Directors receive applications for 141418  
qualifying projects, the Directors shall submit a report of their 141419  
findings and recommendations regarding those applications to the 141420  
General Assembly before submitting the applications to the 141421  
Settlement Trustee to request funding. There is hereby 141422  
appropriated \$15,000,000 in each fiscal year for this purpose from 141423  
the state fund under the Ohio Environmental Protection Agency 141424  
budget that receives money related to the Volkswagen Clean Air Act 141425  
Settlement. 141426

**Section 737.40.** Any person who, on the effective date of this 141427  
section, operates or maintains an aquatic amusement ride, as 141428  
defined under section 3749.01 of the Revised Code as amended by 141429  
this act, may continue to operate or maintain the ride without 141430  
obtaining a license under section 3749.04 of the Revised Code 141431  
until the person obtains an initial license during the month of 141432  
April of 2018, in accordance with section 3749.04 of the Revised 141433  
Code. 141434

**Section 749.10.** (A) The Public Utilities Commission shall 141435

explore, in whatever format it considers appropriate, the latest	141436
technological and regulatory innovations for the electric	141437
distribution system, which may include researching the following:	141438
(1) Distributed energy resources, including battery storage;	141439
(2) Advanced metering infrastructure;	141440
(3) Electric distribution automation, sensors, controls, and	141441
data exchange and use;	141442
(4) Associated electric rate design;	141443
(5) Any other available technological and regulatory	141444
innovations, including those that may be developed in the future.	141445
(B) Upon completion of the research under division (A) of	141446
this section, and if the Commission finds it necessary, the	141447
Commission may examine any resulting work product and issue a	141448
report that summarizes the major findings and recommends a course	141449
of action to implement cost-effective distribution system	141450
innovations.	141451
<b>Section 749.20.</b> (A) As used in this section:	141452
(1) "Communications services" means any of the following:	141453
(a) Telecommunications service, as defined in 47 U.S.C.	141454
153(53);	141455
(b) Cable service, as defined in 47 U.S.C. 522(6);	141456
(c) Information service, as defined in 47 U.S.C. 153(24);	141457
(d) Wireless service;	141458
(e) Any other one-way or two-way communication service,	141459
including internet access service."	141460
(2) "University" means the Ohio State University.	141461
(3) "Utility agreement" means the agreement between the	141462

university and a special purpose vehicle selected pursuant to this 141463  
section to operate, develop, equip, maintain, improve, control and 141464  
increase the energy efficiency of the utility system. 141465

(4) "Utility system" means the university-owned system for 141466  
producing, transforming, or distributing any one or more of the 141467  
following in order to serve the university's Columbus, Ohio campus 141468  
and intended solely for consumption by that campus or the 141469  
university's lessees: power, electricity, light, heat, gas, oil, 141470  
crude products, water, steam, waste, storm water not connected 141471  
with highway drainage, or any other similar commodity. "Utility 141472  
system" includes any building, structure, facility, in whole or in 141473  
part, owned or leased by the university on real property; 141474

(a) Owned or leased by the university; and 141475

(b) Behind the meter of the public utility service provider 141476  
serving the Columbus, Ohio campus of the university. 141477

(B) Beginning in calendar year 2017, the university, 141478  
notwithstanding any law to the contrary, may enter into a utility 141479  
agreement with a special purpose vehicle to operate, develop, 141480  
equip, maintain, improve, control and increase the energy 141481  
efficiency of the university's utility system. The utility 141482  
agreement shall not permit the special purpose vehicle to take 141483  
ownership of electricity or natural gas delivered by a public 141484  
utility. The utility system shall not be used to provide or offer 141485  
communications services. 141486

(C) The university shall issue a request for proposals for 141487  
the management, maintenance, and improvement of the utility system 141488  
and meeting certain energy use and sustainability requirements for 141489  
the utility system. The request shall include any and all relevant 141490  
information, including a general description of the project, the 141491  
date by which proposals shall be submitted, information that shall 141492  
be included in the proposal, selection criteria, and a timeline 141493

for selection. 141494

(D) In evaluating proposals, the university may consider any 141495  
criteria that it considers appropriate, including, but not limited 141496  
to, the following: 141497

(1) The technical ability of the special purpose vehicle 141498  
based on its key personnel, corporate structure, organization, and 141499  
staffing plan; 141500

(2) The financial ability of the special purpose vehicle 141501  
based on its approach to financing, sources and uses of funds, and 141502  
debt structuring; 141503

(3) The energy conservation measures proposed by the special 141504  
purpose vehicle. 141505

(E) The university may evaluate and select a proposal, with 141506  
or without negotiations, based on qualifications, best value, or 141507  
both. 141508

(F) After selection of the proposal, the university may enter 141509  
into a utility agreement with the selected special purpose vehicle 141510  
for a duration determined by the university, in exchange for fees 141511  
or other consideration as determined by the university, and on 141512  
other terms and conditions that the university determines are 141513  
necessary or appropriate. 141514

(G) Nothing in this section affects the university's right to 141515  
accept or reject any or all proposals in whole or in part. 141516

(H) Property owned by the university that is leased to the 141517  
special purpose vehicle shall continue to be exempt from taxation 141518  
so long as such property is used for the purpose of operating the 141519  
utility system for the benefit of the Columbus, Ohio campus of the 141520  
university and the university's lessees pursuant to the utility 141521  
agreement. For purposes of any sales or use tax permitted to be 141522  
levied under the Revised Code, the following shall be deemed sold 141523

to the university if, pursuant to the utility agreement, they are: 141524

(1) Building and construction materials to be incorporated 141525  
into the utility system; 141526

(2) Materials related to energy conservation measures to be 141527  
developed by the special purpose vehicle. 141528

(I) To the extent the utility system serves only buildings, 141529  
structures, and facilities located on property owned or leased by 141530  
the university, the special purpose vehicle shall not be 141531  
considered any of the following: 141532

(1) A "public utility" for purposes of Chapter 4905. of the 141533  
Revised Code; 141534

(2) An "electric services company" for purposes of Chapter 141535  
4928. of the Revised Code; 141536

(3) A "retail natural gas supplier" for purposes of Chapter 141537  
4929. of the Revised Code; 141538

(4) An "electric supplier" for purposes of Chapter 4933. of 141539  
the Revised Code. 141540

(J) To the extent the utility system serves only the 141541  
Columbus, Ohio campus of the university or the university's 141542  
lessees, section 4928.08 of the Revised Code shall not apply to 141543  
the university or the special purpose vehicle. 141544

(K) The university shall not be considered a "public utility 141545  
property lessor" for purposes of Chapter 5727. of the Revised 141546  
Code. 141547

(L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153. 141548  
of the Revised Code, and sections 3345.61 to 3345.66 of the 141549  
Revised Code shall not apply to the following: 141550

(1) The university's evaluation or selection of, or 141551  
contracting with, a special purpose vehicle; 141552

(2) Performance of any of the following activities pursuant 141553  
to the utility agreement, provided that the special purpose 141554  
vehicle uses a best value or competitive selection process to 141555  
identify the provider: design, demolition, project management, 141556  
construction, repair, replacement, remodeling, renovation, 141557  
reconstruction, enlargement, addition, alteration, painting, or 141558  
structural or other improvements; 141559

(3) Heating, cooling, or ventilating plants and other 141560  
equipment installed or materials supplied for any of the 141561  
activities specified in division (L)(2) of this section. 141562

Notwithstanding the foregoing, the special purpose vehicle is 141563  
not required to engage in a best value or competitive selection of 141564  
the energy conservation measure provider named in the utility 141565  
agreement. 141566

(M) Notwithstanding division (Q) of section 3345.12 of the 141567  
Revised Code, the university shall not be required to hold, 141568  
invest, or use the proceeds of the utility agreement for the same 141569  
purposes for which proceeds may be used under sections 3345.07, 141570  
3345.11, and 3345.36 of the Revised Code. 141571

(N) For the sole purpose of determining the applicability of 141572  
section 125.13 of the Revised Code, personal property related to 141573  
the utility system that is sold or leased to a special purpose 141574  
vehicle pursuant to a utility agreement shall not be considered 141575  
excess or surplus supplies. Personal property to be sold to the 141576  
special purpose vehicle does not include any installed components, 141577  
in whole or in part, of the utility system. 141578

(O) The authority provided under this section shall terminate 141579  
on the date that all obligations under a utility agreement between 141580  
a special purpose vehicle and the university have been completed. 141581

(P) Nothing in this section shall be construed to permit the 141582  
special purpose vehicle to take ownership of any utility services 141583

delivered to the Columbus, Ohio campus of the university by a public utility.

(Q) Nothing in this section shall exempt the university from complying with all of the following:

(1) Any applicable tariffs of the public utilities from which the Columbus, Ohio campus of the university receives utility services;

(2) Any applicable rules of the Public Utilities Commission of Ohio;

(3) Any other applicable state or federal laws.

(R) At all times during the utility agreement, the university shall be the customer of record for any public utility providing utility service to the Columbus, Ohio campus of the university.

**Section 751.10.** (A) There is hereby created in the Department of Job and Family Services the Foster Care Advisory Group to advise and assist the Department in identifying and implementing best practices to recruit, retain, and support foster caregivers.

(B) The Group shall consist of at least twelve members. The members shall include, at a minimum:

(1) The Director of Job and Family Services, or the Director's designee;

(2) All of the following, to be appointed by the Director:

(a) Four foster caregivers who each hold a valid foster home certificate issued under section 5103.03 of the Revised Code;

(b) Two representatives of two different public children services agencies;

(c) Two representatives of two different private child placing agencies or private noncustodial agencies;



(d) A representative of the Ohio Family Care Association;	141612
(e) A representative of the Ohio Association of Child Caring Agencies;	141613 141614
(f) A representative of the Public Children Services Association of Ohio.	141615 141616
(C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.	141617 141618
(D) There shall be two co-chairpersons of the Group. One co-chairperson shall be the Director, or the Director's designee, and one co-chairperson shall be appointed by members of the group.	141619 141620 141621
(E) The Group shall determine the frequency of meetings and any other administrative matters needed to perform its duties.	141622 141623
(F) Members shall serve without compensation, but shall be reimbursed for necessary expenses.	141624 141625
(G) The Group shall advise the Director on matters affecting foster caregivers. These matters include:	141626 141627
(1) Current certification requirements;	141628
(2) Options to streamline the certification requirements and process while maintaining quality, safety, and accountability;	141629 141630
(3) Additional supports foster caregivers need in order to best respond to children affected by parental drug use and how to deliver and sustain those supports;	141631 141632 141633
(4) Best practices for identifying and recruiting foster caregivers.	141634 141635
(H) Not later than May 1, 2018, the Group shall issue a report that addresses and makes recommendations regarding the matters in division (G) of this section. Copies of the report shall be provided to all of the following:	141636 141637 141638 141639
(1) The Director;	141640

(2) The Governor;	141641
(3) The Speaker and Minority Leader of the House of Representatives;	141642 141643
(4) The President and Minority Leader of the Senate.	141644
(I) Upon submission of the report, the group shall cease to exist.	141645 141646
<b>Section 753.10.</b> (A) The Governor may execute one or more deeds in the name of the state conveying to a purchaser or purchasers, their heirs, successors, and assigns, to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:	141647 141648 141649 141650 141651 141652
Allen County, Lima	141653
All of Allen County Parcel Number 37-0700-03-002.000	141654
All of Allen County Parcel Number 37-0700-04-004.000	141655
A split of approximately 4.5 Acres out of the northeast corner of Allen County Parcel Number 37-1800-02-001.000 and being described as follows:	141656 141657 141658
Begin at the intersection of Bluelick Road and Berryhill Road, thence eastward, along the centerline of Bluelick Road and the north line of said Parcel No. 37-1800-02-001.000, 300 feet +/- to the northeast corner of said parcel, thence southerly, along the east line of said parcel, 520 feet +/- to a point, thence northwesterly, crossing said parcel, 270 feet +/- to a point, thence continue crossing said parcel, eastward, 210 feet +/- to a point, thence continue crossing said parcel, northward, 360 feet +/- to the centerline of Bluelick Road and the north line of said parcel, thence along the said centerline and north line 240 feet +/- to the beginning.	141659 141660 141661 141662 141663 141664 141665 141666 141667 141668 141669

Fairfield County, Lancaster 141670

Being that portion of Fairfield County Parcel number 141671  
0180812000 NORTH of U.S. Route 33. 141672

Being all of Fairfield County Parcel number 0180812010 and 141673  
that portion of Fairfield County Parcel number 0180812000 SOUTH of 141674  
U.S. Route 33. 141675

Lorain County, Grafton 141676

Begin at the intersection of Capel Road and Island Road, 141677  
thence, westerly, along the center of Capel Road, 5055 feet +/-, 141678  
to the east line of the railroad, thence northeasterly, along the 141679  
railroad, 4625 feet +/- to the southeast corner of Lorain County 141680  
Parcel # 1100037000004, thence, easterly, along the south line 141681  
said Lorain County Parcel # 1100037000004, 1295 feet +/-, to the 141682  
center of Island Road, thence southerly along the center of Island 141683  
Road, 2430 feet +/- to the beginning containing approximately 188 141684  
acres. Being Lorain County Parcels: All of 1100043000004, All of 141685  
1100043000003, All of 1100043000005, All of 1100044000003, All of 141686  
1100037000002, All of 1100037000003, Part of 1100038000004 and 141687  
Part of 1100038000000. 141688

Begin at the intersection of Avon-Belden Road (SR 83) and 141689  
Capel Road, thence, northeasterly, along the center of Capel Road, 141690  
385 feet +/- to an angle point in said road, thence, westerly, 141691  
along said center of Capel Road, 3210 feet +/- to a point 20 feet 141692  
west of a gravel drive, thence, southerly, and remaining 20 feet 141693  
west of the gravel drive, 2635 feet +/- to a point, thence, 141694  
westerly, and parallel to the centerline of Capel Road, 3545 feet 141695  
+/- to the center of Avon-Belden Road (SR83), thence, northerly, 141696  
along the center of Avon-Belden Road (SR83), 2325 feet +/- to the 141697  
beginning containing approximately 198 acres. Being Lorain County 141698  
Parcels: Part of 1100038000001, Part of 1100039000001, Part of 141699  
1100039000002, Part of 1100042000001, All of 1100043000007 and All 141700

of 1100043000006. 141701

Begin at the intersection of Capel Road and Island Road, 141702  
thence, southerly, along the center of Island Road, 4340 feet +/- 141703  
to the northeast corner of Lorain County Parcel # 1100039000005, 141704  
thence, westerly, along the north line of said Lorain County 141705  
Parcel # 1100039000005, 264 feet +/- to the north west corner of 141706  
said parcel, thence, southerly along the west line of said parcel, 141707  
82.5 feet +/- to the southwest corner of said parcel and on the 141708  
north line of Lorain County Parcel # 1100040000003, thence along 141709  
the north line of said Lorain County Parcel # 1100040000003 and 141710  
extending into State of Ohio lands, 1540 feet +/- to a point, 141711  
thence, northerly and running 20 feet west of a gravel drive, 4425 141712  
feet +/- to the center of Capel Road, thence, easterly, along the 141713  
center of Capel Road, 350 feet +/- to the northwest corner of 141714  
Lorain County Parcel # 1100038000003, thence southerly along the 141715  
west line of said Parcel # 1100038000003, 522 feet +/-, to its 141716  
southwest corner, thence westerly along the south line of said 141717  
Parcel # 1100038000003, 245 feet +/- to its southeast corner, 141718  
thence northerly, along the east line of said Parcel # 141719  
1100038000003, 522 feet to the center of Capel Road, thence, 141720  
easterly, along the center of Capel Road, 1210 feet +/- to the 141721  
beginning containing approximately 180 acres. Being Lorain County 141722  
Parcels: Part of 1100038000004, Part of 1100039000001, Part of 141723  
1100039000002, Part of 1100039000003 and Part of 1100039000004. 141724

Begin at the northwest corner of Lorain County Parcel # 141725  
1100041000003, said corner being in the centerline of Avon-Belden 141726  
Road (SR 83), thence, northerly, along the center of said 141727  
Avon-Belden Road (SR 83), 235 feet +/- to a point, said point also 141728  
being on the extension of a fence line projected from the east, 141729  
thence, easterly, on the extension of said fence line projected 141730  
from the east, 4110 feet +/- to a point on the east line of Lorain 141731  
County Parcel # 1100040000001, thence, southerly, along the said 141732

east line of Lorain County Parcel # 1100040000001 and the east 141733  
line of Lorain County Parcel # 1100040000002 to the southeast 141734  
corner of said Lorain County Parcel # 1100040000002, thence, 141735  
westerly, along the south line of said Lorain County Parcel # 141736  
1100040000002, Lorain County Parcel # 1100041000003 and Lorain 141737  
County Parcel # 1100060000003, 4245 feet +/- to the center of 141738  
Avon-Belden Road (SR 83), thence, northerly, along the center of 141739  
said Avon-Belden Road (SR 83), 280 feet +/- to an angle point, 141740  
thence continuing along the centerline said Avon-Belden Road (SR 141741  
83), 1005 feet +/- to the beginning containing approximately 142 141742  
acres. Being Lorain County Parcels: All of 1100060000003, All of 141743  
1100041000003, All of 1100040000002, Part of 1100040000001 and 141744  
Part of 1100041000002. 141745

Madison County, London 141746

Begin at the westerly intersection of Roberts Mill Road and 141747  
Old Springfield Road, thence northerly along the centerline of 141748  
Robert Mill Road to the south line of lands now or formerly owned 141749  
by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000), 141750  
thence, easterly, with the south line(s) of said Nibert parcel to 141751  
the southeast corner of said Nibert parcel, thence, northerly, 141752  
with the east line of said Nibert parcel and the west line of 141753  
lands now or formerly owned by the State of Ohio (Madison County 141754  
Parcel Number 29-00789.000) to the south line of lands now or 141755  
formerly owned by Bruce A. Roberts, Trustee (Madison County Parcel 141756  
Number 29-00363.000), thence, easterly along the south line of 141757  
said Roberts parcel to an angle point in said south line, thence, 141758  
northerly, continuing along the said south line of said Roberts 141759  
parcel to an angle point in said south line, thence northeasterly, 141760  
continuing along the said south line of said Roberts parcel 1090 141761  
+/- feet to a fence corner, thence, southeasterly, through the 141762  
said State of Ohio lands and along a fence line, 1730 +/- feet to 141763  
the west side of a farm drive that runs along a drainage ditch, 141764

thence southwesterly along said farm drive 2370 +/- feet to a 141765  
point, thence southerly on a line that is parallel to the east 141766  
line of the above referenced Nibert parcel and 2920 feet distant 141767  
from the westerly intersection of Roberts Mill Road and Old 141768  
Springfield Road 2935 +/- feet to the center of Old Springfield 141769  
Road, thence westerly, along the centerline of Old Springfield 141770  
Road 2920 feet to the beginning containing approximately 368 acres 141771  
out of Madison County Parcel Number 29-00363.000. 141772

Begin at the easterly intersection of Roberts Mill Road and 141773  
Old Springfield Road, thence easterly along the center of Old 141774  
Springfield Road 8320 +/- feet to the east line of lands now or 141775  
formerly owned by the State of Ohio (Madison County Parcel Number 141776  
29-00789.000) and the west line of lands now or formerly owned by 141777  
Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 141778  
thence southerly along the said east line of said State of Ohio 141779  
parcel 2465 +/- feet to the north line of the Pennsylvania Lines 141780  
LLC, railroad right of way, thence westerly, along the north line 141781  
of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 141782  
to the center of Roberts Mill Road, thence with the center of 141783  
Roberts Mill Road to the beginning containing approximately 455 141784  
acres. 141785

Begin at the intersection of the Pennsylvania Lines LLC, 141786  
south right of way line and the centerline of Roberts Mill Road, 141787  
thence easterly with the Pennsylvania Lines LLC south right of way 141788  
line, 7285 +/- feet to the northwest corner of land now or 141789  
formerly owned by John R. Dunkle (Madison County Parcel Number 141790  
31-03570.000), thence southerly along said Dunkle parcel 430 +/- 141791  
feet to a corner, thence westerly along other parcels now or 141792  
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 141793  
southerly along the west line of said Dunkle parcel 1500 +/- feet 141794  
to an angle point in said line, thence easterly along said Dunkle 141795  
lands 210 +/- feet to an angle point, thence southerly along said 141796

Dunkle lands 1150 +/- feet to the northeast corner of State of 141797  
Ohio Highway Garage lands (Madison County Parcel Number 141798  
29-00777.000), thence westerly along said Highway Garage lands and 141799  
lands now or formerly owned by Tyrone J. Leach (Madison County 141800  
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 141801  
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 141802  
point on the east line of the State of Ohio Firearms Range 141803  
(Madison County Parcel Number 29-000816.000), thence northerly 141804  
along the said east line of the State of Ohio Firearms Range 1390 141805  
+/- feet to a fence line projected from the east, thence easterly 141806  
along said fence line 690 +/- feet to the west side of a farm 141807  
drive, thence northwesterly following along the west side of the 141808  
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 141809  
line projected from the west, said fence line being the north line 141810  
of the State of Ohio Firearms Range, thence westerly along the 141811  
said fence line and the north line of the State of Ohio Firearms 141812  
Range 2115 +/- feet to the northwest corner of said State of Ohio 141813  
Firearms Range thence, southerly along the west line of the State 141814  
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 141815  
westerly along the fence line 955 +/- feet to the centerline of 141816  
Roberts Mill Road, thence with the center of Roberts Mill Road to 141817  
the beginning containing approximately 330 acres. 141818

Begin at the southeast corner of lands now or formerly owned 141819  
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 141820  
said corner also being the northwest corner of State of Ohio lands 141821  
(Madison County Parcel Number 05-00542.000) and also being in the 141822  
center of Marysville-London Road (SR 38), thence southerly along 141823  
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 141824  
angle point in said road thence continuing with said road 141825  
southerly 290 +/- feet to the southeast corner of State of Ohio 141826  
lands (Madison County Parcel Number 05-00199.000) and the 141827  
northeast corner of lands now or formerly owned by the City of 141828  
London (Madison County Parcel Number 31-03614.000), thence 141829

southwesterly along the south line of said State of Ohio lands, 141830  
the north line of said City of London and the lands now or 141831  
formerly owned by the London City School District (Madison County 141832  
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 141833  
of said London City School district parcel and the northeast 141834  
corner of lands now or formerly owned by GCSquared LLC (Madison 141835  
County Parcel Number 31-01156.000), thence westerly along the 141836  
north line of said GCSquared parcel 145 +/- feet to a fence 141837  
corner, thence northwesterly, crossing said State of Ohio parcels 141838  
and following said fence line 2000 +/- feet to a point where the 141839  
east edge of a farm drive projected intersects, thence continuing 141840  
northwesterly and along the east edge of the farmdrive 338 +/- 141841  
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 141842  
to a point where a projected south line of a parcel now or 141843  
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 141844  
30-00030.000) and the north line of State of Ohio lands (Madison 141845  
County Parcel Number 30-00199.000) intersect, thence westerly 141846  
along lands now or formerly owned by Tom Farms, Inc. (Madison 141847  
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 141848  
05-00066.000) and the north line of State of Ohio lands (Madison 141849  
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 141850  
2850 +/- feet to the beginning containing approximately 150 acres. 141851

Marion County, Marion 141852

Begin at the intersection of Likens Road (CR 167-B) and the 141853  
easterly right of way of the Norfolk & Western Railroad, thence 141854  
northwesterly along the said east right of way of the Norfolk & 141855  
Western Railroad 6760 +/- feet to the south line of lands now or 141856  
formerly owned by National Lime & Stone Company (Marion County 141857  
parcel Number 0903300023000), thence easterly with the south line 141858  
of said National Lime & Stone Company parcel 1380 +/- feet to the 141859  
west limited access right-of-way of U.S. 33, thence southerly 141860  
along the said limited access right-of-way to the centerline of 141861



Likens Road (CR 167-B), thence westerly with the centerline of 141862  
said Likens Road 5960 +/- feet to the beginning containing 141863  
approximately 480 acres. 141864

Begin at the intersection of Likens Road (CR 167-B) and the 141865  
easterly right of way of the Norfolk & Western Railroad, thence 141866  
easterly with the centerline of Likens Road (CR 167-B) 3220 +/- 141867  
feet to the center of Scioto Drive, thence southerly along the 141868  
center of Scioto Drive 1350 +/- feet to a cultivation line, thence 141869  
westerly along a cultivation line and the north line of a stand of 141870  
trees 3890 +/- feet to a fence line, thence northerly along a 141871  
fence line 385 +/- feet to the easterly right of way of the 141872  
Norfolk & Western Railroad, thence northwesterly along the said 141873  
east right of way of the Norfolk & Western Railroad 1160 +/- feet 141874  
to the beginning containing approximately 110 acres. 141875

Pickaway County, Orient 141876

All of Pickaway County Parcel Number B0600010051700 excepting 141877  
that portion known as "Snake Island" and containing approximately 141878  
381 acres. 141879

Richland County, Mansfield 141880

All of Richland County Parcel: 0289003702006 (90.601 acres 141881  
per Richland County Auditor) 141882

All of Richland County Parcel: 0512050002000 (53.767 acres 141883  
per Richland County Auditor) 141884

All of Richland County Parcel: 0289050012000 (114.504 acres 141885  
per Richland County Auditor) 141886

A portion (approximately 40 acres) split out of Richland 141887  
County Parcel: 0289050013000 141888

Begin at the southwest corner of Richland County Parcel 141889  
Number 0250901904000, said corner also being on the right of way 141890  
of the CIC of Ashland Railroad, thence southeasterly along the 141891

south line of said Richland County Parcel Number 0250901904000, 141892  
Richland County Parcel Numbers 0250900410000, 0250900708000, 141893  
0250901009000 and 0250901013000, 1880 feet +/-, to a corner, 141894  
thence southerly along the west line of said parcel number 141895  
0250901013000, Richland County Parcel Numbers 0250901012000, 141896  
0250931861000 and 0250903512000, 840 feet +/-, to the center of 141897  
Mansfield-Savannah Road (SR 545), thence southwesterly along the 141898  
centerline of Mansfield-Savannah Road (SR 545), 160 +/- feet to a 141899  
point 25 feet northeast of the centerline of a gravel drive to the 141900  
west, thence, northwesterly, crossing through Richland County 141901  
Parcel number 0289050013000, to a point being on the right of way 141902  
of the CIC of Ashland Railroad and 960 linear feet southerly from 141903  
the beginning, thence northerly, along the right of way of the CIC 141904  
of Ashland Railroad 960 feet to the beginning containing 141905  
approximately 40 acres. 141906

A portion (approximately 24 acres) split out of Richland 141907  
County Parcel: 0289050013000 141908

Begin at the northeast corner of Richland County Parcel 141909  
Number 0289001703009, said corner also being in the centerline of 141910  
Piper Road, thence, easterly, along the centerline of Piper Road, 141911  
990 feet +/- to the westerly right of way of the CIC of Ashland 141912  
Railroad, thence, southerly, along the westerly right of way of 141913  
the CIC of Ashland Railroad, 985 feet +/- to the top of bank of a 141914  
stream, thence, southwesterly, along the top of bank of said 141915  
stream, and the meanderings thereof, to the southeast corner of 141916  
Richland County Parcel Number 0289001703000, thence, northerly, 141917  
along the east line of Richland County Parcel Number 0289001703000 141918  
and Richland County Parcel Number 0289001703009, 680 +/- feet, to 141919  
the beginning containing approximately 24 acres. Together with all 141920  
of Richland County Parcel Number 0289001703009 (2.037 Acres) and 141921  
Richland County Parcel Number 0289001703000 (1.865 Acres) totaling 141922  
approximately 28 acres. 141923

Ross County, Chillicothe	141924
All of Ross County Parcel Number 370914026000 (136.867 acres	141925
per County Auditor)	141926
Scioto County, Lucasville	141927
Begin at the southeast corner of lands now or formerly owned	141928
by Breeze Scioto, LLC (Scioto County parcel number 24-0069.000)	141929
said corner also being on the westerly right-of-way of U. S. Route	141930
23, thence, southerly along the said westerly right-of-way 3440	141931
+/- feet to the northwest corner of lands owned by the State of	141932
Ohio - Department of Transportation (Scioto County parcel number	141933
24-1646.001), thence westerly with the north line of said	141934
Department of Transportation lands 685 +/- feet to the northwest	141935
corner of said Department of Transportation lands, thence	141936
southerly along said Department of Transportation lands 945 +/-	141937
feet to the southwest corner of said Department of Transportation	141938
lands, thence easterly along said Department of Transportation	141939
lands and lands now or formerly owned by PGA Holdings, LLC (Scioto	141940
County parcel number 24-0395.000) to a point on the westerly	141941
right-of-way of U. S. 23, thence, southerly along the said	141942
westerly right-of-way to the northeast corner of lands now or	141943
formerly owned by Jeannine Shelpman (L\E) Amanda Eileen Kovernman	141944
(Scioto County parcel numbers 24-0507.000 & 24-0506.000), thence	141945
westerly along the northerly line of said Shelpman parcel 185 +/-	141946
feet to an angle point in said parcel line thence southwesterly	141947
along said Shelpman parcel 850 +/- feet to the east bank of the	141948
Scioto River, thence northerly along the east bank of the Scioto	141949
River, and the meanderings thereof, to the southwest corner of	141950
lands now or formerly owned by Jack & Faye Turner (Scioto County	141951
parcel number 34-0047.000), thence westerly along the south line	141952
of said Turner parcel 1870 +/- feet to the southeast corner of	141953
said Turner parcel, thence northerly 505 +/- feet to the southwest	141954
corner of Landsdown Subdivision, thence easterly along the south	141955

line of said Subdivision 1415 +/- feet to the northwest corner of 141956  
the above referenced Breeze Scioto LLC lands, thence southerly 141957  
along the west line of said Breeze Scioto lands 500 +/- feet to 141958  
the southwest corner of said Breeze Scioto lands, thence easterly 141959  
along the south line of said Breeze Scioto lands 670 +/- feet to 141960  
the beginning containing approximately 720 acres. 141961

Begin at the southwest corner of Moulton Addition said corner 141962  
also being on the east right-of-way of the railroad and also being 141963  
on the north line of State of Ohio lands (Scioto County parcel 141964  
number 24-1657.000), thence easterly with the said south line of 141965  
Moulton Addition and the north line of said State of Ohio lands 141966  
310 +/- feet to the southwest corner of an unimproved alley in 141967  
said addition thence northerly along the west side of said 141968  
unimproved alley 120 +/- feet to the south line of Broad Street, 141969  
thence easterly along the south line of Broad Street 15 +/- feet 141970  
to the east line of the unimproved alley, thence southerly along 141971  
the east side of said unimproved alley 120 +/- feet to a point on 141972  
the south line of said Moulton Addition and the north line of said 141973  
State of Ohio lands, thence easterly 2075 +/- feet to a corner 141974  
common with the said State of Ohio parcel and a parcel now or 141975  
formerly owned by Patty Kline Shuster, etal. (Scioto County parcel 141976  
number 24-0273.000), thence northerly with the common line of the 141977  
State of Ohio parcel and the Shuster parcel 250 +/- feet to 141978  
another common corner of Shuster and the State of Ohio, thence 141979  
easterly along the north line of said State of Ohio parcel and the 141980  
south line of said Shuster parcel 965 +/- feet to an angle point 141981  
in said north line and the southwest corner of another parcel now 141982  
or formerly owned by Patty Kline Shuster, etal. (Scioto County 141983  
parcel number 24-0274.000), thence continuing easterly along the 141984  
north line of said State of Ohio parcel and the south line of said 141985  
Shuster 1680 +/- feet to the southeast corner of said Shuster 141986  
parcel and the northeast corner of said State of Ohio parcel, 141987  
thence southerly along the east line of said State of Ohio parcel 141988

and another State of Ohio parcel (Scioto County parcel number 141989  
24-1660.000) 1240 +/- feet to the southeast corner of the said 141990  
State of Ohio parcel and the northeast corner of a parcel now or 141991  
formerly owned by Michael L. & Mary M. Kidd (Scioto County parcel 141992  
number 24-0260.000), thence with the north line of said Kidd 141993  
parcel and the north line of a parcels now or formerly owned by 141994  
Judy A. Newman (24-0368.000), Ronald E. & Melinda J. Arrick 141995  
(24-1809.000) and Lake Mary Margaret, Inc. (24-0277.000) 2230 +/- 141996  
feet to the northwest corner of the said Lake Mary Margaret, Inc. 141997  
parcel, thence southerly along the west line of the said Lake Mary 141998  
Margaret, Inc. parcel 875 +/- feet to the northeast corner of 141999  
another Lake Mary Margaret, Inc. parcel, thence westerly along the 142000  
north line of said Lake Mary Margaret, Inc. parcel 430 +/- feet to 142001  
the northwest corner of said Lake Mary Margaret, Inc. parcel, 142002  
thence southeasterly along said Lake Mary Margaret, Inc. parcel 142003  
400 +/- feet to its southwest corner thence continuing 142004  
southeasterly along said Lake Mary Margaret, Inc. parcel 295 +/- 142005  
feet to its southeast corner, thence southerly along the west line 142006  
of Lake Mary Margaret, Inc. parcel 680 +/- feet to a point in the 142007  
center of Cook Road (CR 30), thence southwesterly with the center 142008  
of said Cook Road, and the meanderings thereof, to its 142009  
intersection of the easterly right-of-way of the railroad, thence 142010  
northwesterly along the easterly right-of-way of the railroad 4360 142011  
+/- feet to the beginning, excepting therefrom a 4.029 acre parcel 142012  
now or formerly owned by Ohio Power (Scioto County parcel number 142013  
24-1846.000) and containing approximately 240 acres. 142014

Begin at the intersection of the centerline of Cook Road (CR 142015  
30) and the easterly right-of-way of the railroad, thence 142016  
northeasterly along the center of said Cook Road, and the 142017  
meanderings thereof, to the southwest corner of lands now or 142018  
formerly owned by Anthony T. Arthurs (Scioto County parcel number 142019  
24-0317.000), thence southeasterly with said Arthurs land 255 +/- 142020  
feet to a corner of said Arthurs land, thence northeasterly with 142021

said Arthurs land 165 +/- feet to another corner of said Arthurs 142022  
land, thence north westerly with said Arthurs land 195 +/- feet to 142023  
a point on the south line of lands now or formerly owned by 142024  
Christopher D. & Brittany E. Spencer (Scioto County parcel number 142025  
24-0428.000), thence northeasterly with said Spencer lands 95 +/- 142026  
feet to a corner of said Spencer lands, thence northerly with said 142027  
Spencer lands 145 +/- feet to another corner of said Spencer 142028  
lands, thence northwesterly with said Spencer lands 50 +/- feet to 142029  
another corner of said spencer lands, thence northerly along said 142030  
Spencer lands 240 +/- feet to a point in the center of Cook Road 142031  
(CR 30), thence northeasterly along the center of said Cook Road, 142032  
and the meanderings thereof to the northwest corner of lands now 142033  
or formerly owned by David A. & Lanette E. Wagner (Scioto County 142034  
parcel number 24-0237.000), thence southerly with the west line of 142035  
said Wagner lands 360 +/- feet to the southwest corner of said 142036  
Wagner lands, thence westerly along the south line of said Wagner 142037  
lands and a south line of lands now or formerly owned by Garlen D. 142038  
& Patricia A. Shoemaker (Scioto County parcel number 24-0322.000) 142039  
140 +/- feet to a corner of said Shoemaker lands, thence with the 142040  
boundaries of said Shoemaker lands the following six (6) courses 142041  
and distances: (1) southeasterly 245 +/- feet, (2) southeasterly 142042  
190 +/- feet, (3) southeasterly 145 +/- feet, (4) southeasterly 142043  
145 +/- feet, (5) northeasterly 145 +/- feet, (6) northeasterly 142044  
345 +/- feet to the southeast corner of another parcel of land now 142045  
or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto 142046  
County parcel number 24-0321.000), thence easterly along the south 142047  
line of said Shoemaker lands and the south line of lands now or 142048  
formerly owned by John R & Patricia A. Foit (Scioto County parcel 142049  
number 24-0145.000) 685 +/- feet to the southeast corner of lands 142050  
now or formerly owned by James A. & Sandra S. Riggs (Scioto County 142051  
parcel number 24-0024.000), thence northeasterly along the south 142052  
line of said Riggs land and the south line of lands now or 142053  
formerly owned by Sheila Stevenson (Scioto County parcel numbers 142054

24-0023.000 & 24-0022.000) 1080 +/- feet to the southeast corner 142055  
of said Stevenson lands, thence northerly along the east line of 142056  
said Stevenson lands 360 +/- feet to a point on the south line of 142057  
lands now or formerly owned Melinda J. Arrick (Scioto County 142058  
parcel number 24-0522.000), thence easterly along the south line 142059  
of said Arrick lands and the south line of Violet Homesites 142060  
Subdivision 1060 +/- feet to the northwest corner of lands now or 142061  
formerly owned by Mark A. & Deborah D. Barnett (Scioto County 142062  
parcel number 24-0157.000), thence with the boundaries of said 142063  
Barnett lands (Scioto County parcel numbers 24-0157.000, 142064  
24-0156.000, 08-0319.000 & 08-0320.000) the following five (5) 142065  
courses and distances: (1) southerly 465 +/- feet, (2) easterly 142066  
700 +/- feet, (3) northeasterly 430 +/- feet, (4) northeasterly 142067  
265 +/- feet, (5) easterly 220 +/- feet to the centerline of Lintz 142068  
Hollow Road (TR 179), thence southerly with the center of said 142069  
Lintz Hollow Road 145 +/- feet to the northeast corner of lands 142070  
now or formerly owned by Ronald & Leslie Buckle (Scioto County 142071  
parcel number 08-0878.000), thence with the boundaries of said 142072  
Buckle lands (Scioto County parcel numbers 08-0878.000 & 142073  
24-0877.000) the following ten (10) courses and distances: (1) 142074  
southwesterly 350 +/- feet, (2) southwesterly 120 +/- feet, (3) 142075  
southwesterly 370 +/- feet, (4) northerly 95 +/- feet, (5) 142076  
northwesterly 210 +/- feet, (6) southwesterly 120 +/- feet, (7) 142077  
southeasterly 255 +/- feet, (8) northeasterly 220 +/- feet, (9) 142078  
southeasterly 150 +/- feet, (10) northeasterly 415 +/- feet to the 142079  
northwest corner of lands now or formerly owned by Bonnie G. Davis 142080  
(Scioto County parcel number 08-0393.000), thence southerly along 142081  
the west line of said Davis lands and lands now or formerly owned 142082  
by Lane & Debby Raiser (Scioto County parcel number 08-1539.001) 142083  
and now or formerly owned by Leona Mullins (Scioto County parcel 142084  
number 08-1539.000) 555 +/- feet to a point on the north line of 142085  
lands now or formerly owned by Charles M. Lute (Scioto County 142086  
parcel number 08-0541.000), thence westerly along the north line 142087

of said Lute lands 640 +/- feet to the northwest corner of said 142088  
Lute lands, thence southerly along the west line of said Lute 142089  
lands 1545+/- feet to the southwest corner of said Lute lands, 142090  
thence easterly along the south line of said Lute lands 1135 +/- 142091  
feet to the northwest corner of lands now or formerly owned by 142092  
Joseph Q. Johnson (Scioto County parcel number 08-0668.000), 142093  
thence southerly along the west line of said Johnson lands (Scioto 142094  
County parcel numbers 08-0668.000, 08-0463.000 & 08-0464.000) 2595 142095  
+/- feet to the northwest corner of lands now or formerly owned by 142096  
Roger & Peggy King (Scioto County parcel number 08-0624.000), 142097  
thence southwesterly along the west line of said King parcel and 142098  
the west line of lands now or formerly owned by Bruce & Anita 142099  
Mannien (Scioto County parcel number 08-0624.001) 1370 +/- feet to 142100  
the northeast corner of lands now or formerly owned by Christopher 142101  
D. & Tammay L. Bailey (Scioto County parcel number 08-0530.000), 142102  
thence with the north line of said Bailey lands and the north line 142103  
of now or formerly owned by Patrick J. Phillips (Scioto County 142104  
parcel number 08-530.003), Christopher A. Eldridge (Scioto County 142105  
parcel number 08-530.001) and Andy R. & Carey L. Johnson (Scioto 142106  
County parcel number 08-530.004), 1035 +/- feet to the northeast 142107  
corner of lands now or formerly owned by Ronald L. Sheets (Scioto 142108  
County parcel number 24-0053.000), thence easterly along the north 142109  
line of said Sheets lands 1225 +/- feet to the easterly 142110  
right-of-way of Vern Riffe Drive (CR 505), thence northwesterly 142111  
along the said easterly right-of-way, and the meanderings 142112  
thereof, to the south line of lands now or formerly owned by Scioto 142113  
County Joint Vocational School (Scioto County parcel numbers 142114  
24-1671.000 and 24-1672.000), thence with the boundaries of said 142115  
school lands the following five (5) courses and distances: (1) 142116  
easterly 440 +/- feet, (2) northerly 2100 +/- feet, (3) westerly 142117  
2100 +/- feet, (4) southerly 2100 +/- feet, (5) 1565 +/- feet to 142118  
the westerly right-of-way of said Vern Riffe Drive, thence 142119  
southeasterly along the said westerly right-of-way, and the 142120



meanderings thereof, to the north line of the above referenced 142121  
Sheets lands (Scioto County parcel number 24-0053.000), thence 142122  
westerly along the north line of said Sheets lands 1380 +/- feet 142123  
to the east line of lands now or formerly owned by George L. Davis 142124  
(Scioto County parcel number 24-0123.000), thence northerly along 142125  
the east line of said Davis lands 1325 +/- feet to the northeast 142126  
corner of said Davis lands, thence westerly along the north line 142127  
of said Davis lands 2195 +/- feet to the easterly right-of-way of 142128  
the railroad, thence northerly along the said easterly 142129  
right-of-way, 1425 +/- feet to the southwest corner of lands now 142130  
or formerly owned by Marietta & Darrell E. York (Scioto County 142131  
parcel number 24-0255.000), thence with the boundaries of the said 142132  
York lands the following three (3) courses and distances: (1) 142133  
easterly 85 +/- feet, northerly 205 +/- feet, westerly 125 +/- 142134  
feet to the easterly right-of-way of the railroad, thence 142135  
northerly along the said easterly right-of-way to lands known as 142136  
Lucasville Sewer Plant (Scioto County parcel number 24-1643.000), 142137  
thence with the boundaries of the Sewer Plant lands the following 142138  
three (3) courses and distances: (1) northeasterly 500 +/- feet, 142139  
(2) northwesterly 360 +/- feet, (3) southwesterly 500 +/- feet to 142140  
the easterly right-of-way of the railroad, thence along the said 142141  
easterly right-of-way of the railroad 890 +/- feet to the 142142  
beginning and containing approximately 667 acres. 142143

Warren County, Lebanon 142144

Begin at the northwest corner of Warren County parcel number 142145  
11052000120, said corner also being on the south right-of-way line 142146  
of State Route 63 (SR63) and the east line of Norfolk Southern 142147  
Railroad lands (Warren County parcel number 11055020030), thence 142148  
westerly along the south right-of-way line of State Route 63 142149  
(SR63) 465 +/- feet to a fence line projected from the south, 142150  
thence southerly along the fence line 650 +/- feet to the east 142151  
line of the said Norfolk Southern Railroad lands, thence 142152

northwesterly along the said east line of the said Norfolk  
Southern Railroad lands 320 +/- feet to an angle point in the east  
line of the said Norfolk Southern Railroad lands, thence westerly  
along the said east line of the said Norfolk Southern Railroad  
lands 140 +/- feet to an angle point in the east line of the said  
Norfolk Southern Railroad lands, thence northwesterly along the  
said east line of the said Norfolk Southern Railroad lands 570 +/-  
feet to the beginning and containing approximately 3.2 acres.

Begin at the southeast corner of lands now or formerly owned  
by Warren General Property (Warren County parcel number  
11064000201) said corner also being on the north right-of-way line  
of State Route 63 (SR 63), thence northerly along the east line of  
said Warren General Property lands 2035 +/- feet to the northeast  
corner of said Warren General Property lands, thence westerly  
along the north line of said Warren General Property lands 2635  
+/- feet to the easterly right-of-way of North Union Road, thence  
along the easterly right-of-way of North Union Road 3475 +/- feet  
to the southwest corner of lands now or formerly owned by Warren  
County Commissioners (Warren County parcel number 08313000040),  
thence easterly along the south line of said Commissioners lands  
and lands now or formerly owned by FRL Real Estate LLC (Warren  
County parcel number 08313000082) 2420 +/- feet to a point on the  
south line of said FRL Real Estate lands and the northwest corner  
of lands now or formerly owned by Grand Communities LTD. (Warren  
County parcel number 12362000190), thence southerly along the west  
line of said Grand Communities LTD. lands 1400 +/- feet to a  
corner of Grand Communities LTD. lands, thence westerly along said  
Grand Communities LTD. lands 585 +/- feet to a corner of said  
Grand Communities LTD. lands, thence southerly along said Grand  
Communities LTD. lands extended 3685 +/- feet extended to a fence  
line that surrounds a wastewater treatment facility, thence  
westerly along the fence line 195 +/- feet to the southerly top of  
bank of Shaker Creek, thence southwesterly along the top of bank

270 +/- feet to a point, thence southerly 125 +/- feet to the 142186  
north right-of-way line of State Route 63 (SR 63), thence westerly 142187  
along the north right-of-way line of State Route 63 (SR 63) 750 142188  
+/- feet to the beginning and containing 292 acres. 142189

Begin at the southwest corner of lands now or formerly owned 142190  
by Warren County Commissioners (Warren County parcel number 142191  
12364000010), said corner also being in the centerline of State 142192  
Route 63 (SR 63), thence westerly with the center of State Route 142193  
63 (SR 63) 1255 +/- feet to the extension of a fence line from the 142194  
north that surrounds a wastewater treatment facility, thence 142195  
northerly along the fence line 280 +/- feet to a fence corner, 142196  
thence westerly along the fence line 205 +/- feet to a point where 142197  
the extension of the west line of lands now or formerly owned by 142198  
Grand Communities LTD. (Warren County parcel number 12362000190), 142199  
thence northerly along said extended line 1870 +/- feet to a 142200  
southwest corner of said Grand Communities LTD. lands, thence 142201  
easterly along the south line of said Grand Communities, LTD. 142202  
lands and the south line of lands now or formerly owned by Shaker 142203  
Run Capital Funding (Warren County parcel number 12301000040), 142204  
6030 feet to a point on the west line of lands now or formerly 142205  
owned by Otterbein Lebanon LLC (Warren County parcel number 142206  
12302000031), thence southerly along the west line of said 142207  
Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a 142208  
fence line from the west that surrounds a Department of 142209  
Transportation Outpost facility, thence westerly along the fence 142210  
line 310 +/- feet to a fence corner, thence southerly along the 142211  
fence line 435 +/- feet to the centerline of State Route 63 (SR 142212  
63), thence westerly along the centerline of State route 63 (SR 142213  
63) 455 +/- feet to the southeast corner of lands now or formerly 142214  
owned by Cincinnati Gas & Electric (Warren County parcel number 142215  
12303000020), thence with the boundaries of the said Cincinnati 142216  
Gas & Electric lands the following three (3) courses and 142217  
distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- 142218

feet, (3) southerly 560 +/- feet to the centerline of State Route 142219  
63 (SR 63), thence westerly along the centerline of State Route 63 142220  
(SR 63) 2155 +/- feet to the extension of a fence line projected 142221  
from the northeast, thence northeasterly along the fence line 675 142222  
+/- feet to an angle point in the fence, thence northerly along 142223  
the fence line 200 +/- feet to a fence corner, thence 142224  
southwesterly along the fence line 320 +/- feet to a point on the 142225  
north line of the above referenced Warren County Commissioners 142226  
lands (Warren County parcel number 12364000010), thence with the 142227  
boundaries of said County Commissioners lands the following two 142228  
(2) courses and distances: (1) westerly 550 +/- feet, (2) 142229  
southerly 435 +/- feet to the place of beginning containing 142230  
approximately 273 acres. 142231

Begin at the northeast corner of lands now or formerly owned 142232  
by Leah Margaret White (Warren County parcel number 12294000010), 142233  
said corner also being in the centerline of State Route 741 (SR 142234  
741), thence westerly along the north line of said White lands 142235  
2655 +/- feet to the northeast corner of said White lands, thence 142236  
northerly along the projected west line of said White lands 3850 142237  
+/- feet to the southerly right-of-way line of State Route 63 (SR 142238  
63), thence with the said southerly right-of-way the following 142239  
eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) 142240  
southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) 142241  
southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) 142242  
southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) 142243  
easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 142244  
250.20 feet, (11) southeasterly 32.74 feet to the westerly 142245  
right-of-way of State Route 741 (SR 741), thence along the 142246  
westerly right-of-way of State Route 741 (SR 741) the following 142247  
eight (8) courses and distances: (1) southwesterly 388.87 feet, 142248  
(2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) 142249  
southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) 142250  
southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) 142251

southwesterly 240 +/- feet to the northeast corner of lands owned 142252  
by The State of Ohio - Department of Transportation (Warren County 142253  
parcel number 12294000020), thence with the boundaries of said 142254  
Department of Transportation lands the following three (3) courses 142255  
and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- 142256  
feet, (3) easterly 1600 +/- feet to the centerline of State Route 142257  
741 (SR 741), thence southerly along the centerline of State Route 142258  
741 (SR 741) 880 +/- feet to the beginning and containing 142259  
approximately 216 acres. 142260

All of Warren County parcel number 12281000030 142261

The foregoing legal descriptions may be corrected or modified 142262  
by the Department of Administrative Services as necessary in order 142263  
to facilitate the recording of the deed or deeds to define the 142264  
description of the real estate identified as no longer obligatory 142265  
by the state. 142266

(B)(1) The conveyance or conveyances include improvements and 142267  
chattels situated on the real estate, and is or are subject to all 142268  
easements, covenants, conditions, and restrictions of record; all 142269  
legal highways and public rights-of-way; zoning, building, and 142270  
other laws, ordinances, restrictions, and regulations; and real 142271  
estate taxes and assessments not yet due and payable. The real 142272  
estate shall be conveyed in "as-is, where-is, with all faults" 142273  
condition. 142274

(2) The deed or deeds for the conveyance of the real estate 142275  
may contain restrictions, covenants, exceptions, reservations, 142276  
reversionary interests, and other terms and conditions the 142277  
Director of Administrative Services determines to be in the best 142278  
interest of the state. 142279

(3) Subsequent to the conveyance or conveyances, any 142280  
restrictions, exceptions, reservations, reversionary interests, or 142281  
other terms and conditions contained in the deed or deeds may be 142282

released by the state or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed or deeds shall contain restrictions prohibiting the purchaser or purchasers from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance or conveyances are in the best interest of the state.

(C) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in the county in which the real estate to be conveyed is located, once a week for three consecutive weeks before the date on which the sealed bids are to be opened or the public auction is to be held. The Director of Administrative Services shall notify the successful bidder in writing. The Director of Administrative Services may reject any or all bids.

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not later than five business days after receiving the notice the bid has been accepted, and shall enter into a real estate purchase agreement, in the form prescribed by the Department of Administrative Services. Payment may be made by bank draft or

certified check made payable to the Treasurer of State. The 142315  
purchaser or purchasers shall submit the balance of the purchase 142316  
price to the Director of Administrative Services not later than 142317  
sixty days after receiving notice the bid has been accepted. A 142318  
purchaser who does not complete the conditions of the sale as 142319  
prescribed in this division shall forfeit as liquidated damages 142320  
the ten percent of the purchase price paid to the state. If a 142321  
purchaser fails to complete the purchase of the real estate, the 142322  
Director of Administrative Services may accept the next highest 142323  
bid, subject to the foregoing conditions. If the Director of 142324  
Administrative Services rejects all bids, the Director may repeat 142325  
the sealed bid auction or public auction. 142326

The Department of Rehabilitation and Correction shall pay 142327  
advertising costs incident to the sale of the real estate. 142328

(D) The real estate described in division (A) of this section 142329  
may be conveyed as an entire tract or as multiple parcels as 142330  
determined by the Director of Administrative Services and the 142331  
Director of Rehabilitation and Correction. The real estate 142332  
described in division (A) of this section may be conveyed to a 142333  
single purchaser or multiple purchasers as determined by the 142334  
Director of Administrative Services and the Director of 142335  
Rehabilitation and Correction. 142336

(E) Except as otherwise specified in this section, the 142337  
purchaser or purchasers shall pay all costs associated with the 142338  
purchase, closing, and conveyance of the real estate, including 142339  
surveys, appraisals, title evidence, title insurance, transfer 142340  
costs and fees, recording costs and fees, taxes, and any other 142341  
fees, assessments, and costs that may be imposed. 142342

(F) The proceeds of the conveyance of facilities and interest 142343  
in real estate sale or sales shall be deposited into the state 142344  
treasury to the credit of the Adult and Juvenile Correctional 142345  
Facilities Bond Retirement Fund in accordance with section 142346

5120.092 of the Revised Code. 142347

(G) Upon payment of the purchase price, the Auditor of State, 142348  
with the assistance of the Attorney General, shall prepare a deed 142349  
or deeds to the real estate described in division (A) of this 142350  
section. The deed or deeds shall state the consideration and shall 142351  
be executed by the Governor in the name of the state, 142352  
countersigned by the Secretary of State, sealed with the Great 142353  
Seal of the State, presented in the Office of the Auditor of State 142354  
for recording, and delivered to the purchaser or purchasers. The 142355  
purchaser or purchasers shall present the deed or deeds for 142356  
recording in the office of the county recorder of the county in 142357  
which the real estate is located. 142358

(H) This section expires three years after its effective 142359  
date. 142360

**Section 753.20.** (A) The Governor may execute a deed in the 142361  
name of the state conveying to one or more purchasers, and to the 142362  
purchaser or purchaser's heirs and assigns or successors and 142363  
assigns, all of the state's and University's right, title, and 142364  
interest in any or all parcels of real estate, held for the use 142365  
and benefit of the University of Akron, described as follows: 142366

Situated in the City of Akron, County of Summit and State of 142367  
Ohio and being all of Lot Number 36 and Lot Number 37 of the 142368  
FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated 142369  
upon the recorded plat thereof, of record in Plat Book 48, Pages 6 142370  
through 9, Summit County Records. 142371

Also known as 465 Burning Tree Drive. 142372

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and 142373  
Loft 37: 6751600 (01-01669-04-004.000) 142374

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and 142375  
Inst. # 24252036 (Lot 37) 142376



The foregoing legal description may be corrected or modified 142377  
by the Department of Administrative Services as necessary in order 142378  
to facilitate the recording of the deed or deeds. 142379

(B) The real estate described in division (A) of this section 142380  
shall be sold as an entire tract and not in parcels. The 142381  
conveyance shall include the improvements and chattels situated on 142382  
the real estate, and shall be subject to all easements, covenants, 142383  
conditions, and restrictions of record; all legal highways and 142384  
public rights-of-way; zoning, building, and other laws, 142385  
ordinances, restrictions, and regulations; and real estate taxes 142386  
and assessments not yet due and payable. The real estate shall be 142387  
conveyed in an "as-is, where-is, with all faults" condition. 142388

(C) The University of Akron may use a sale process acceptable 142389  
to the Board of Trustees of the University of Akron, including, 142390  
but not limited to, a sale by sealed bid auction or public 142391  
auction, or through contracting for the services of a real estate 142392  
broker selected by the University using the University's normal 142393  
competitive selection process for vendors. 142394

(D) Consideration for conveyance of the real estate shall be 142395  
a purchase price and any terms and conditions acceptable to the 142396  
Board of Trustees of the University of Akron. 142397

(E) The purchaser or purchasers shall pay the costs of the 142398  
conveyance, including recordation costs of the deed or deeds, 142399  
closing and conveyance fees, including any surveys, title 142400  
evidence, title insurance, transfer costs and fees, recording 142401  
costs and fees, any taxes and other fees, assessments, and costs 142402  
that may be imposed. 142403

(F) Upon adoption of a resolution by the Board of Trustees of 142404  
the University of Akron specifically describing the parcel or 142405  
parcels of real estate to be conveyed, the purchaser or purchasers 142406  
of the real estate, the consideration paid or to be paid, and any 142407

terms and conditions, the Auditor of State, with the assistance of 142408  
the Attorney General, shall prepare a deed or deeds to the real 142409  
estate described in the resolution. The deed or deeds also shall 142410  
contain any exceptions, reservations, or conditions and any right 142411  
of reentry or reverter specified in the resolution. The deed or 142412  
deeds shall be executed by the Governor in the name of the state, 142413  
countersigned by the Secretary of State, sealed with the Great 142414  
Seal of the State, presented in Office of the Auditor of State for 142415  
recording, and delivered to the purchaser or purchasers. The 142416  
purchaser or purchasers shall present the deed or deeds for 142417  
recording in the Office of the Summit County Recorder. 142418

(G) The net proceeds of the sale of the real estate shall be 142419  
paid to the University of Akron and deposited in the University of 142420  
Akron's endowment account for purposes to be determined by the 142421  
Board of Trustees of the University of Akron. 142422

(H) The Board of Trustees of the University of Akron may 142423  
release any exceptions, reservations, or conditions or any right 142424  
of reentry or reverter contained in any deed authorized under 142425  
division (A) of this section without further need for legislation. 142426

(I) This section expires three years after its effective 142427  
date. 142428

**Section 757.20.** (A) Notwithstanding the requirements of 142429  
division (C) of section 5747.50 of the Revised Code, the Tax 142430  
Commissioner shall reduce the total amount available for 142431  
distribution to municipal corporations during the current month, 142432  
as defined in that division, by one million dollars in each month 142433  
of the period beginning with July 2017, and ending with December 142434  
2017, before calculating the amount to be distributed to each 142435  
county. 142436

(B) On or before the tenth day of each month in the period 142437  
beginning with July 2017 and ending with December 2017, the tax 142438

commissioner shall provide for payment to each county undivided 142439  
local government fund of a supplement for townships. The 142440  
commissioner shall determine the amounts paid to each fund as 142441  
follows: 142442

(1) Four hundred sixteen thousand six hundred sixty-six 142443  
dollars and sixty-seven cents shall be divided among every county 142444  
fund so that each township in the state receives an equal amount. 142445

(2) Four hundred sixteen thousand six hundred sixty-six 142446  
dollars and sixty-six cents shall be divided among every county 142447  
fund so that each township receives a proportionate share based on 142448  
the proportion that the total township road miles in the township 142449  
is of the total township road miles in all townships in the state. 142450

(C)(1) As used in this division, "qualifying village" means a 142451  
village with a population of less than one thousand according to 142452  
the most recent federal decennial census. 142453

(2) On or before the tenth day of each month in the period 142454  
beginning with July 2017, and ending with December 2017, the tax 142455  
commissioner shall provide for payment to each county undivided 142456  
local government fund of a supplement for qualifying villages. The 142457  
commissioner shall determine the amounts paid to each fund as 142458  
follows: 142459

(a) Eighty-three thousand three hundred thirty-three dollars 142460  
and thirty-four cents shall be divided among every county fund so 142461  
that each qualifying village in the state receives an equal 142462  
amount. 142463

(b) Eighty-three thousand three hundred thirty-three dollars 142464  
and thirty-three cents shall be divided among every county fund so 142465  
that each qualifying village receives a proportionate share based 142466  
on the proportion that the total village road miles in the 142467  
qualifying village is of the total village road miles in all 142468  
qualifying villages in the state. 142469

(D) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (B)(1) and (2) of this section and to each qualifying village under divisions (C)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund.

**Section 757.40.** In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2018-2019 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2018-2019 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

	Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits		
				(All figures in thousands of dollars)	
Tax Credit	FY 2018	FY 2019	FY 2018	FY 2019	End of Biennium
Job Creation Tax Credit*	\$100,000	\$100,000	\$105,000	\$100,000	\$885,000

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Job	\$ 0	\$ 0	\$55,000	\$55,000	\$290,000	142495
Retention						
Tax						
Credit						142496
Historic	\$60,000	\$60,000	\$120,000	\$90,000	\$190,000	142497
Preservation						
Tax						
Credit						142498
Motion	\$40,000	\$40,000	\$50,000	\$50,000	\$35,000	142499
Picture						
Tax						
Credit						142500
New	\$10,000	\$10,000	\$9,795	\$10,000	\$38,205	142501
Markets						
Tax						
Credit						142502
R&D Loan	\$4,500	\$4,500	\$4,500	\$4,000	\$30,000	142503
Tax						
Credit						142504
InvestOhio	\$12,500	\$12,500	\$18,000	\$15,000	\$42,000	142505
Tax						
Credit						142506
Estimate	\$227,000	\$227,000	\$362,295	\$324,000	\$1,510,205	142507
Total						
*The Job Creation Tax Credit (JCTC) estimate of credits						142508
outstanding is not just for tax credit certificates already						142509
issued, but also for the estimated potential value of certificates						142510

to be issued under the program through 2035 when looking at the 142511  
existing portfolio of approved and active incentives. The estimate 142512  
assumes that the companies receiving credits will continue to meet 142513  
the performance objectives required to continue receiving the 142514  
credit. 142515

**Section 757.50.** (A) The amendment by this act of section 142516  
5713.051 of the Revised Code clarifies the intent of the General 142517  
Assembly that the method described in section 5713.051 of the 142518  
Revised Code for determining the true value in money of oil and 142519  
gas reserves for property tax purposes continues to represent the 142520  
only method for valuing oil and gas reserves for property tax 142521  
purposes. 142522

(B) The amendment by this act of section 5713.051 of the 142523  
Revised Code applies to any addition of oil and gas reserves to 142524  
the tax list and duplicate on or after the effective date of that 142525  
amendment, including oil and gas reserves added to the tax list 142526  
pursuant to section 319.35, 319.36, or 5713.20 of the Revised 142527  
Code. The amendment by this act of section 5713.051 of the Revised 142528  
Code applies to any taxes for oil and gas reserves charged by a 142529  
county auditor or county treasurer, including taxes for oil and 142530  
gas reserves charged under section 319.40 or 5713.20 of the 142531  
Revised Code on or after the effective date of that amendment. 142532

(C) Division (B) of this section applies without regard to 142533  
the tax year or tax years to which the addition or charged taxes 142534  
relate. 142535

**Section 757.60.** The Department of Taxation shall study the 142536  
feasibility of allowing taxpayers to file municipal income tax 142537  
returns through the joint federal and state Modernized e-File 142538  
(MeF) program. In conducting the study, the Department shall do 142539  
both of the following: 142540

(A) Estimate the cost to the state and to municipal corporations of accepting municipal income tax returns through the MeF program;

(B) Establish a timeline for the incorporation of municipal income tax filing into the MeF program.

Upon completion of the study, and not later than December 31, 2017, the Department shall submit copies of the study to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the House and Senate Ways and Means committees.

**Section 757.70.** (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code.

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

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2019, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code.

The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the

certificate and after the credits authorized in divisions (A)(1) 142571  
to (4) of section 5751.98 of the Revised Code, but before the 142572  
credits authorized in divisions (A)(5) to (7) of that section. 142573

If the credit allowed for any calendar year exceeds the tax 142574  
otherwise due under section 5751.02 of the Revised Code, after 142575  
allowing for any other credits preceding the credit in the order 142576  
prescribed by this section, the excess shall be refunded to the 142577  
taxpayer. However, if any amount of the credit is refunded, the 142578  
sum of the amount refunded and the amount applied to reduce the 142579  
tax otherwise due for that year shall not exceed three million 142580  
dollars. The taxpayer may carry forward any balance of the credit 142581  
in excess of the amount claimed for that year for not more than 142582  
five calendar years after the calendar year specified in the 142583  
certificate, and shall deduct any amount claimed in any such year 142584  
from the amount claimed in an ensuing year. 142585

A person that is an excluded person may file a return under 142586  
section 5751.051 of the Revised Code for the purpose of claiming 142587  
the credit authorized in this section. 142588

If the certificate owner is a pass-through entity, the credit 142589  
may not be allocated among the entity's owners in proportions or 142590  
amounts as the owners mutually agree unless either the owners are 142591  
part of the same combined or consolidated elected taxpayer as the 142592  
pass-through entity or the director of development services issued 142593  
the certificate in the name of the pass-through entity's owners in 142594  
the agreed-upon proportions or amounts. If the credit is allocated 142595  
among those owners, an owner may claim the credit authorized in 142596  
this section only if that owner is a corporation or an association 142597  
taxed as a corporation for federal income tax purposes and is not 142598  
a corporation that has made an election under Subchapter S of 142599  
Chapter 1 of Subtitle A of the Internal Revenue Code. 142600

The credit authorized in this section may be claimed only on 142601  
the basis of a rehabilitation tax credit certificate with an 142602



effective date after December 31, 2013, but before June 30, 2019. 142603

A person claiming a credit under this section shall retain 142604  
the rehabilitation tax credit certificate for four years following 142605  
the end of the latest calendar year in which the credit was 142606  
applied, and shall make the certificate available for inspection 142607  
by the tax commissioner upon request. 142608

**Section 761.10.** It is the intent of the General Assembly that 142609  
the amendment of section 6111.03 and enactment of section 6111.561 142610  
of the Revised Code by this act do all of the following: 142611

(A) Supersede the effect of the holding of the Ohio Supreme 142612  
Court in *Fairfield County Board of Commissioners v. Nally*, 143 142613  
Ohio St.3d 93, 2015-Ohio-991, 34 N.E.3d 873; 142614

(B) Exclude from rulemaking under Chapter 119. of the Revised 142615  
Code total maximum daily load (TMDL) drafts, established TMDLs, 142616  
and the submission of a TMDL to the United States Environmental 142617  
Protection Agency; 142618

(C) Make the establishment of a final TMDL appealable to the 142619  
Environmental Review Appeals Commission; 142620

(D) Retain, in full force and effect, TMDLs submitted and 142621  
approved by the United States Environmental Protection Agency 142622  
prior to March 24, 2015. 142623

**Section 763.10.** Not later than June 30, 2019, the governor's 142624  
office of workforce transformation, in conjunction with the Ohio 142625  
library council or its successor organization, may develop a brand 142626  
for public libraries as "continuous learning centers" that serve 142627  
as hubs for information about local in-demand jobs and relevant 142628  
education and job training resources. 142629

Not later than June 30, 2019, the state library of Ohio shall 142630  
strengthen the online education resources of the Ohio digital 142631

library to provide more accessible job training materials to adult learners. 142632  
142633

**Section 803.10.** (A) The member of the Ohio Facilities Construction Commission appointed by the Governor under division (B) of section 123.20 of the Revised Code as it existed prior to the amendments to that section made by this act shall serve the remainder of the member's term. Upon the expiration of the term, the Governor shall appoint a member to the Commission in the manner provided by section 123.20 of the Revised Code as amended by this act. 142634  
142635  
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142641

(B) If the member serving the unexpired term under division (A) of this section is unable to fulfill the term, the Governor shall appoint a member to fill the vacancy in the manner provided by section 123.20 of the Revised Code as amended by this act. 142642  
142643  
142644  
142645

**Section 803.20.** EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 142646  
142647

Until the amendments to sections 191.04 and 191.06 of the Revised Code made by this act take effect in accordance with section 101.01 of this act, and notwithstanding any provision of the Revised Code to the contrary, the provisions in sections 191.04 and 191.06 of the Revised Code apply for fiscal years 2013 through 2019. 142648  
142649  
142650  
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A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651656, Medicaid Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 142654  
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142657  
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142660  
142661

Medicaid Services-Long Term Care, 651654, Medicaid Program 142662  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 142663  
for services and costs associated with operating protocols adopted 142664  
under sections 191.04 and 191.06 of the Revised Code. 142665

**Section 803.30.** Notwithstanding section 1123.01 of the 142666  
Revised Code, as amended by this act, both of the following apply: 142667

(A) The appointed members who are serving on the Banking 142668  
Commission as of the effective date of this section shall serve 142669  
until the end of the term for which the member was appointed. The 142670  
terms of office set forth in division (B) of that section and the 142671  
qualifications for membership set forth in division (D) of that 142672  
section shall first apply to the members appointed on or after the 142673  
effective date of this section. 142674

(B) The Banking Commission shall, on the effective date of 142675  
this section, additionally consist of the six members appointed to 142676  
the Savings and Loan Associations and Savings Banks Board under 142677  
section 1181.16 of the Revised Code. Each such member shall serve 142678  
until the end of the term for which the member was appointed. 142679

**Section 803.40.** A certificate to practice medicine and 142680  
surgery, osteopathic medicine and surgery, or podiatric medicine 142681  
and surgery issued under Chapter 4731. of the Revised Code, as 142682  
that chapter existed immediately prior to the effective date of 142683  
this section, satisfies the requirements for licensure created by 142684  
this act until the certificate is required to be renewed. Any 142685  
renewal shall be in the form of a license issued under Chapter 142686  
4731. of the Revised Code. 142687

**Section 803.50.** The amendment by this act of section 3517.17 142688  
of the Revised Code applies to the first distribution to be made 142689  
under that section after designations under section 5747.081 of 142690  
the Revised Code for taxable years beginning in 2017 are available 142691

to the Tax Commissioner, and to every distribution thereafter. 142692

**Section 803.70.** The amendment by this act of section 4303.333 142693  
of the Revised Code applies on and after January 1, 2018. 142694

**Section 803.100.** (A) The amendment by this act of sections 142695  
718.02 and 718.051 of the Revised Code applies to taxable years 142696  
beginning on or after January 1, 2019. 142697

(B) The amendment by this act of section 718.27 of the 142698  
Revised Code applies on and after the effective date of this 142699  
section. 142700

**Section 803.110.** The amendment by this act of sections 142701  
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies 142702  
to all settlements required under section 5731.46 of the Revised 142703  
Code on and after the effective date of this section. 142704

**Section 803.120.** The amendment by this act of sections 142705  
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code 142706  
applies on and after January 1, 2018. 142707

**Section 803.140.** The amendment by this act of sections 142708  
5739.01, 5739.02, 5739.033, 5739.10, and 5741.02 of the Revised 142709  
Code, except for division (C) of section 5739.01 and division 142710  
(B)(55) of section 5739.02 of the Revised Code, applies on and 142711  
after October 1, 2017. 142712

**Section 803.150.** The amendment by this act of sections 142713  
5739.30, 5741.01, and 5741.17 of the Revised Code applies on and 142714  
after January 1, 2018. 142715

**Section 803.180.** The amendment by this act of sections 142716  
5743.03 and 5743.081 of the Revised Code applies on and after July 142717

1, 2017. 142718

**Section 803.210.** The amendment or enactment by this act of 142719  
sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 142720  
5747.51, and 5747.53 of the Revised Code applies to distributions 142721  
made from the Local Government Fund on or after January 1, 2018. 142722

**Section 803.220.** The amendment by this act of sections 142723  
5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 shall apply on and 142724  
after October 1, 2017. 142725

**Section 803.240.** The amendment by this act of section 5715.19 142726  
of the Revised Code applies to complaints filed under that section 142727  
on or after the effective date of this section. 142728

**Section 803.250.** The enactment by this act of section 142729  
5709.101 of the Revised Code applies to tax year 2016 and every 142730  
tax year thereafter. An exemption application for property 142731  
described in that section for any tax year for which the time 142732  
period described in division (F) of section 5715.27 of the Revised 142733  
Code has expired before July 1, 2017, shall be filed with the Tax 142734  
Commissioner on or before August 1, 2017, notwithstanding that 142735  
division. Any taxes paid for a tax year for which such an 142736  
exemption application is approved under this section shall be 142737  
regarded as an overpayment of taxes for the tax year and shall be 142738  
refunded in the manner prescribed by section 5715.22 of the 142739  
Revised Code upon application by the property owner as prescribed 142740  
in that section. The county auditor and county treasurer shall 142741  
proceed as provided in that section in the same manner as for 142742  
other overpayments of taxes. 142743

**Section 803.260.** The amendment by this act of divisions 142744  
(B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code 142745

is intended to be remedial in nature and to clarify existing law. 142746  
Such amendments shall apply retrospectively to all cases pending 142747  
on or transactions occurring on or after the effective date of the 142748  
amendment of that section by Sub. H.B. 157 of the 127th General 142749  
Assembly. 142750

**Section 803.270.** The amendment by this act of divisions (A), 142751  
(C), (D), and (I) of section 122.17 of the Revised Code concerning 142752  
qualifying work-from-home employees applies to applications 142753  
submitted under division (C)(1) of that section on or after the 142754  
effective date of this section. 142755

**Section 803.280.** The amendment by this act of sections 142756  
307.283 and 5739.026 of the Revised Code applies to all grant 142757  
revenue derived from tax levies approved on and after the 142758  
effective date of this section and to grant revenue derived from 142759  
tax levies approved before that date if the act's amendments 142760  
concerning the use of such revenue are not inconsistent with the 142761  
board of county commissioners' resolution levying the tax or the 142762  
ballot language approved by the electors of the county. For the 142763  
purposes of this section: 142764

(A) A tax levied under section 5739.026 of the Revised Code 142765  
is "approved" on the date of the election at which the resolution 142766  
is submitted to and approved by the electors of the county 142767  
pursuant to division (D) of that section. 142768

(B) A tax levied under section 5741.023 of the Revised Code 142769  
is "approved" on the same date as the corresponding tax levied 142770  
under section 5739.026 of the Revised Code. 142771

(C) "Grant revenue" has the same meaning as in section 142772  
307.283 of the Revised Code. 142773

**Section 803.290.** The amendment by this act of section 307.678 142774

and division (J) and the third paragraph of division (A)(1) of 142775  
section 5739.09 of the Revised Code is intended to promote 142776  
development of sites and facilities for and in support of 142777  
industry, commerce, distribution, and research and development 142778  
within tourism development districts established in this state, in 142779  
furtherance of the public purposes established under section 2p of 142780  
Article VIII, Ohio Constitution, and thereby to create and 142781  
preserve jobs, enhance employment and educational opportunities, 142782  
and improve the quality of life and the general and economic 142783  
well-being of the people and businesses of this state, all to 142784  
better ensure the public health, safety, and welfare of the people 142785  
of this state, through cooperative efforts and activities by 142786  
political subdivisions, port authorities, and other persons in 142787  
furtherance of these purposes, including funding, financing, and 142788  
construction activities consistent with the procedures authorized 142789  
and established in that amendment pursuant to division (F) of 142790  
section 2p of Article VIII, Ohio Constitution. Therefore, the 142791  
amendment applies to projects and related work, including funding, 142792  
financing, and construction activities or proceedings with respect 142793  
to projects, commenced or to be commenced, as well as all work, 142794  
activities, and proceedings with respect to projects occurring or 142795  
to occur, after the effective date of that amendment. The 142796  
amendment shall also apply, insofar as those amendments are 142797  
applicable, to support or facilitate any project or related work, 142798  
including funding, financing, and construction activities, or 142799  
proceedings with respect to any project that is pending, in 142800  
progress, or completed on such effective date, also to all such 142801  
projects, work, activities, and proceedings, to any contracts or 142802  
agreements made or performed, and to any securities or other 142803  
obligations, to any credit enhancement facilities or related 142804  
reimbursement obligations authorized or issued pursuant to those 142805  
proceedings, and any such projects, work, activities, or 142806

proceedings pending, in progress or completed, any contracts or 142807  
agreements made or performed, any credit enhancement facilities or 142808  
related reimbursement obligations authorized, issued, or agreed, 142809  
and any securities or other obligations authorized, sold, issued, 142810  
delivered, or validated pursuant to those proceedings, all of 142811  
which projects, work, activities, or proceedings shall be 142812  
considered to have been taken, made or performed, authorized, 142813  
issued and agreed, or authorized, sold, issued, delivered, and 142814  
validated, in conformity with that amendment pursuant to section 142815  
2p of Article VIII, Ohio Constitution, and other applicable 142816  
provisions of the Ohio Constitution and the Revised Code. 142817

**Section 803.300.** (A) The amendment by this act of sections 142818  
5595.03, 5595.06, and 5595.13 applies to regional transportation 142819  
improvement projects to which any of the following applies: 142820

(1) The effective date of the cooperative agreement for the 142821  
project is on or after the effective date of this section. 142822

(2) The cooperative agreement for the project is amended by 142823  
the participating counties on or after the effective date of this 142824  
section. 142825

(3) The governing board of the project receives revenue from 142826  
the state, a political subdivision, or a taxing district under 142827  
section 5595.06 of the Revised Code on or after the effective date 142828  
of this section. 142829

(B) If the act's amendment of sections 5595.03, 5595.06, and 142830  
5595.13 of the Revised Code conflicts with the cooperative 142831  
agreement of a regional transportation improvement project 142832  
described by division (A) of this section, the participating 142833  
counties shall amend the cooperative agreement in the manner 142834  
prescribed by division (D) of section 5595.03 of the Revised Code 142835  
to comply with the act's amendment of those sections. 142836



**Section 803.310.** Sections 3311.771, 3314.104, 3319.0812, and 142837  
3326.082 of the Revised Code, as enacted by this act, apply to 142838  
contracts entered into, extended, or renewed on or after the 142839  
effective date of this section. 142840

**Section 803.320.** The amendment by this act of division (L) of 142841  
section 5709.73 of the Revised Code applies to amendments adopted 142842  
under that division on or after the effective date of the 142843  
amendment to that division. 142844

**Section 803.330.** The amendment by this act of section 323.153 142845  
of the Revised Code shall apply to applications and forms due to 142846  
the county auditor in tax year 2017 and thereafter. 142847

**Section 806.10.** The items of law contained in this act, and 142848  
their applications, are severable. If any item of law contained in 142849  
this act, or if any application of any item of law contained in 142850  
this act, is held invalid, the invalidity does not affect other 142851  
items of law contained in this act and their applications that can 142852  
be given effect without the invalid item of law or application. 142853

**Section 809.10.** An item of law, other than an amending, 142854  
enacting, or repealing clause, that composes the whole or part of 142855  
an uncodified section contained in this act has no effect after 142856  
June 30, 2019, unless its context clearly indicates otherwise. 142857

**Section 812.10.** Except as otherwise provided in this act, the 142858  
amendment, enactment, or repeal by this act of a section is 142859  
subject to the referendum under Ohio Constitution, Article II, 142860  
section 1c and therefore takes effect on the ninety-first day 142861  
after this act is filed with the Secretary of State or, if a later 142862  
effective date is specified below, on that date. 142863

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 142864  
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 142865  
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 142866  
3710.99 of the Revised Code take effect January 1, 2018. 142867

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 142868  
4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 142869  
4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 142870  
4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 142871  
4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 142872  
4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 142873  
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 142874  
4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 142875  
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 142876  
4713.68, 4713.69, and 4723.05 of the Revised Code and Sections 142877  
515.30, 515.31, 515.32, 515.33, 515.34, 515.35, and 515.40 of this 142878  
act take effect on January 21, 2018. 142879

**Section 812.20.** The amendment, enactment, or repeal by this 142880  
act of the sections listed below is exempt from the referendum 142881  
under Ohio Constitution, Article II, section 1d and therefore 142882  
takes effect immediately when this act becomes law or, if a later 142883  
effective date is specified below, on that date. 142884

Sections 4301.43, 5168.75, 5168.76, 5168.77, 5168.78, 142885  
5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 142886  
5168.86, 5743.03, 5743.05, 5743.081, and 5743.52 of the Revised 142887  
Code. 142888

The amendment by this act of section 5164.753 of the Revised 142889  
Code takes effect on July 1, 2017. 142890

The amendment by this act of sections 5751.02 and 5751.021 of 142891  
the Revised Code takes effect July 1, 2017. 142892

Sections of this act prefixed with section numbers in the 142893

200s, 300s, and 400s.	142894
Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39,	142895
610.50, and 610.51 of this act.	142896
Section 701.20 of this act.	142897
Section 757.20 of this act.	142898
Section 803.210 of this act.	142899
Sections or parts of sections that state that referenced	142900
sections in whole or in part are exempt from the referendum.	142901
<b>Section 812.40.</b> (A) The repeal of sections 5115.01, 5115.02,	142902
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and	142903
5115.23 and the amendment of sections 126.35, 131.23, 323.01,	142904
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06,	142905
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184,	142906
5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10,	142907
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and	142908
5747.122 of the Revised Code take effect on December 31, 2017.	142909
(B) Notwithstanding the provisions of Chapter 5115. of the	142910
Revised Code, on and after the effective date of this section and	142911
until December 31, 2017, all of the following apply to the	142912
Disability Financial Assistance Program:	142913
(1) Beginning July 1, 2017, the Department of Job and Family	142914
Services shall not accept any new application for disability	142915
financial assistance.	142916
(2) Before July 31, 2017, the Department shall notify the	142917
following individuals that benefits shall terminate on July 31,	142918
2017:	142919
(a) Recipients who have applications for Supplemental	142920
Security Income or Social Security Disability Insurance benefits	142921
pending before the federal Social Security Administration and who	142922

have received a denial of reconsideration from the Administration 142923  
on or before July 1, 2017; 142924

(b) Recipients who do not have applications for Supplemental 142925  
Security Income or Social Security Disability Insurance benefits 142926  
pending before the Social Security Administration and who have 142927  
received from the Administration on or before July 1, 2017, an 142928  
initial denial of benefits or denial of reconsideration. 142929

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 142930  
the Department shall provide disability financial assistance 142931  
benefits only to recipients who have not received a denial of 142932  
reconsideration from the Social Security Administration. 142933

(4) After October 1, 2017, the Department shall provide 142934  
disability financial assistance benefits only to recipients who 142935  
have applications for Supplemental Security Income or Social 142936  
Security Disability Insurance benefits pending before the Social 142937  
Security Administration and have not received a denial of 142938  
reconsideration from the Administration. 142939

(C) Until July 1, 2019, the Department, or the county 142940  
department of job and family services at the request of the 142941  
Department, may take any action described in former section 142942  
5115.23 of the Revised Code to recover erroneous payments, 142943  
including instituting a civil action. 142944

(D) Beginning December 31, 2017, the Executive Director of 142945  
the Governor's Office of Health Transformation, in cooperation 142946  
with the Directors of the Departments of Job and Family Services 142947  
and Mental Health and Addiction Services, the Medicaid Director, 142948  
and the Executive Director of the Opportunities for Ohioans with 142949  
Disabilities Agency, shall ensure the establishment of a program 142950  
to do both of the following: 142951

(1) Refer adult Medicaid recipients who have been assessed to 142952  
have health conditions to employment readiness or vocational 142953

rehabilitation services;	142954
(2) Assist adult Medicaid recipients who have been assessed to have disabling health conditions to expedite applications for Supplemental Security Income or Social Security Disability Insurance benefits.	142955 142956 142957 142958
<b>Section 815.10.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	142959 142960 142961 142962 142963 142964 142965 142966
Section 105.41 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	142967 142968
Section 109.572 of the Revised Code as amended by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.	142969 142970
Section 121.22 of the Revised Code as amended by both Sub. H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.	142971 142972
Section 135.143 of the Revised Code as amended by both Sub. H.B. 471 and Sub. H.B. 476 of the 131st General Assembly.	142973 142974
Section 135.63 of the Revised Code as amended by both Sub. H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly.	142975 142976
Section 2151.34 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142977 142978
Section 2151.353 of the Revised Code as amended by both Sub. H.B. 50 and Sub. H.B. 158 of the 131st General Assembly.	142979 142980
Section 2151.417 of the Revised Code as amended by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	142981 142982

Section 2329.66 of the Revised Code as amended by both H.B. 155 and Sub. S.B. 11 of the 131st General Assembly.	142983 142984
Section 2903.213 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142985 142986
Section 2903.214 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142987 142988
Section 2919.26 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142989 142990
Section 2929.20 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly.	142991 142992
Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	142993 142994
Section 3313.372 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	142995 142996
Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	142997 142998 142999
Section 3318.37 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	143000 143001
Section 3326.11 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	143002 143003 143004
Section 3742.01 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	143005 143006
Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	143007 143008
Section 4729.01 of the Revised Code as amended by Sub. H.B. 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the 131st General Assembly.	143009 143010 143011

Section 4729.51 of the Revised Code as amended by both Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.	143012 143013
Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	143014 143015
Section 4731.22 of the Revised Code as amended by Sub. H.B. 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.	143016 143017 143018
Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.	143019 143020 143021
Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	143022 143023
Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	143024 143025
Section 5165.01 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	143026 143027
Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.	143028 143029
Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.	143030 143031
<b>Section 815.20.</b> Several sections of law in this act are amended more than once by this act. If the amendments are without reference to one another, they are to be harmonized and effect given to each amendment under division (B) of section 1.52 of the Revised Code. If, however, the amendments are irreconcilable and cannot be harmonized, they are to be construed under section 1.51 of the Revised Code.	143032 143033 143034 143035 143036 143037 143038